

# **TOWN OF LITTLETON, MASSACHUSETTS**

## **SELECT BOARD'S REGULATIONS AND POLICIES**

### **OFFICIALS OF THE TOWN OF LITTLETON Town Offices**

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**July 2022**

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# **PART I - REGULATIONS**

## **Chapter 1, ALCOHOLIC BEVERAGES**

[Liquor license fees are set from time to time by the Select Board. The current fee amounts are on file in the office of the Select Board.]

## **Chapter 2, AMUSEMENT DEVICES**

[HISTORY: Adopted by the Select Board of the Town of Littleton 4-12-1982. Amendments noted where applicable.]

### **§ 2-1. License application forms.**

Application for a license for any automatic amusement device(s) shall be made, in writing, on forms approved by the Board.

### **§ 2-2. Applicant to be owner of premises.**

No application shall be considered unless the applicant is the owner of the premises where such device(s) is sought to be located.

### **§ 2-3. Applicant to be owner of device.**

No application shall be considered unless the owner of the premises where the device(s) is to be located is also the owner of said device(s).

### **§ 2-4. License fee.**

Upon approval of licensure by the Select Board, the applicant shall remit a fee of twenty dollars (\$20.) per device licensed.

## **§ 2-5. Review of application by Chief of Police.**

All applications shall be forwarded to the Chief of Police for his review and findings, which shall be forwarded to the Board in writing.

## **§ 2-6. Legal notice.**

When application is received by the Board on the required form, the Board shall cause a legal notice to be published in a newspaper of general circulation in the town at least one (1) time, and not more than two (2) times, and at least seven (7) days prior to the date set by the Board for a public hearing on said application.

## **§ 2-7. Costs of advertising.**

The applicant shall remit to the town the actual cost of advertising the legal notice set forth in § 173-6 above. No license shall be issued until payment of such costs has been received and acknowledged by the Board.

## **§ 2-8. Floor plans required.**

A floor plan shall be submitted indicating the proposed location of the device(s) as well as the location of exits and all permanent furnishings and obstructions. Floor plans shall be reviewed by the Firesafety Inspector and the Building Inspector.

## **§ 2-9. Hours of play restrictions for minors.**

No owner, operator, employee thereof or any person in charge shall allow any minor under eighteen (18) years of age to play or use any such mechanical, electronic game or other game(s) during the academic school year for the Littleton public schools between the hours of 7:00 a.m. and 3:00 p.m., except during school holidays and on Saturday and Sunday, nor between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and all days preceding school days nor between 12:00 midnight and 7:00 a.m. on all other days.

## **§ 2-10. Reasons for not issuing permit.**

No such device(s) shall be licensed if the Board determines, in its sole discretion, that such licensure is not in the best interest of the town or is likely to constitute a public nuisance or is likely to result in a detriment to the abutting neighborhood or to the general vicinity in which such device(s) is to be located.

## **§ 2-11. Violations and penalties.**

Any entity as set forth in § 173-10 found to be in violation of any provisions of these regulations shall be liable for a fine of two hundred dollars (\$200.) per day, payable to the town. Each day that such violation continues constitutes a new violation of these regulations.

## **§ 2-12. Compliance required.**

Each and every section of these regulations shall be complied with to the satisfaction of the Board, whose determination of compliance shall be final. The Board reserves its right to reject or deny any application.

## **Chapter 3, VEHICLES AND TRAFFIC**

[HISTORY: Adopted by the Select Board of the Town of Littleton 7-7-1941. Amendments noted where applicable.]

### **ARTICLE I, Definitions**

#### **§ 3-1. Terms defined.**

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning;

**BUS STOP** -- An area in the roadway set aside for the boarding of or alighting from and the parking of buses.

**CROSSWALK** -- That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

**EMERGENCY VEHICLE** -- Vehicles of the Fire Department (Fire Patrol), police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency in relation to the Police or Fire Departments.

**FUNERAL** -- Any procession of mourners properly identified as such accompanying the remains of a human body.

**LANE** -- A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

**OFFICER** -- Any officer, investigator, examiner or inspector of the Registry of Motor Vehicles, any Constable or any special officer, provided that he has his badge of office displayed over his left breast and upon his outer garment.

**OFFICIAL CURB MARKING** -- That portion of a curbing, the painting of which has been authorized by the Select Board and which complies with the standards of the Department of Public Works of the Commonwealth of Massachusetts and has the written approval of said Department.

**OFFICIAL STREET MARKING** -- Any painted line, marking or marker placed in or upon any way by authority of the Select Board and which complies with the standards of the Department of Public Works and has the written approval of said Department.

**OFFICIAL TRAFFIC SIGNS** -- All signs, markings and devices, other than signals, not inconsistent with these rules and orders and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and which are placed or

erected by authority of a public body or official having jurisdiction for the guiding, directing, warning or regulating of traffic.

**PARKING** -- The standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic signs or signals or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

**PEDESTRIAN** -- That person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

**RAILROAD CROSSING** -- Any intersection of ways with a railroad right-of-way.

**ROADWAY** -- That portion of a street or highway between the regularly established curblines or that part exclusive of shoulders, improved and intended to be used for vehicular traffic.

**ROTARY TRAFFIC** -- The counterclockwise operation of a vehicle around an object or structure.

**SIDEWALK** -- That portion of a street or highway set aside for pedestrian travel.

**STREET or HIGHWAY** -- The entire width between property lines of every way open to the use of the public for purposes of travel.

**TRAFFIC** -- Pedestrians, ridden or herded animals, vehicles, streetcars or other conveyances, either single or together, while using any street or highway for the purpose of travel.

**TRAFFIC ISLAND** -- Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

**VEHICLE** -- Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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## **ARTICLE II, Authority and Duties of Police**

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### **§ 3-2. Enforcement authority; direction of traffic.**

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules and orders. Such officers are hereby authorized to direct all traffic, either in person or by means of visible or audible signals, in conformance with the provisions of these rules and orders, provided that, in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the Police or Fire Departments may direct traffic as conditions may require, notwithstanding the provisions of these rules and orders.

### **§ 3-3. Authority for temporary street closings.**

The Chief of Police is hereby authorized to close, temporarily, any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.

#### **§ 3-4. Authority for temporary parking prohibitions.**

The Chief of Police is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage, demonstration or procession, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

#### **§ 3-5. Exemptions.**

The provisions of these rules and orders shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair nor to officers when engaged in the performance of public duties nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

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### **ARTICLE III, Traffic Signs, Signals, Markings and Zones**

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#### **§ 3-6. Placement and maintenance of signs and signals.**

- A. The Superintendent of Streets is hereby authorized and, as to those signs and signals required hereunder, it shall be his duty to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts.
- B. Sections 205-3, 205-4 and 205-15 through 205-17, relating the parking, shall be effective only during such time as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.
- C. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for each one-way street, so that at least one (1) sign will be clearly visible for a distance of at least seventy five (75) feet to drivers approaching such an exit.

#### **§ 3-7. Unauthorized signs prohibited.**

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice.

### **§ 3-8. Tampering with signs, signals or markings prohibited.**

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding twenty dollars (\$20.) for each and every offense.

### **§ 3-9. Locations of bus stops, taxicab stands and service zones.**

The location of all bus stops, taxicab stands and service zones shall be specified by the Select Board, and, in the case of taxicab stands, the Select Board shall designate who may use them as such.

### **§ 3-10. Obedience to signs and signals.**

No driver of any vehicle, or of any streetcar shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend, unless otherwise directed by a police officer.

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## **ARTICLE IV, Zones of Quiet**

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### **§ 3-11. Establishment near hospitals.**

All of the territory within two hundred (200) feet of the premises of each hospital in this town is hereby created and established as a zone of quiet. The Chief of Police is hereby authorized to erect and maintain in a conspicuous manner within this area such signs and markings as are necessary to designate it as a zone of quiet.

### **§ 3-12. Temporary zones.**

The Chief of Police may temporarily establish a zone of quiet upon any street where a person is seriously ill if requested to do so by the written statement of at least one (1) registered physician certifying to its necessity. Said temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the person named in the request of said physician. Said temporary zones of quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "zone of quiet"

### **§ 3-13. Prohibited activities.**

No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of said vehicle, except in an emergency.

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## **ARTICLE V, Parking**

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### **§ 3-14. General prohibitions.**

No person shall park a vehicle in any of the following places; and vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is permitted:

- A. Within an intersection.

- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon the roadway in a rural or sparsely settled district.
- E. Upon a roadway where parking is permitted, unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which said vehicle is moving and with both wheels within twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- F. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- G. Upon any street or highway within ten (10) feet of a fire hydrant.
- H. Upon or in front of any private road or driveway.
- I. Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.
- J. Within fifteen (15) feet of the wall of a fire station or directly across the street from such station, provided that signs are erected acquainting the driver of such restriction.
- K. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

#### **§ 3-15. No parking on certain streets.**

Upon the following streets or highways or parts thereof, parking is hereby prohibited:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Foster Street [Added 11-21-1988]	Both	From Bulkelly Road to 242 Foster Street (tow-away zone)
King Street	North	From Foster Street to Rogers Street

#### **§ 3-16. Parking in bus stops.**

- A. No person shall park a vehicle other than a bus in a bus stop.
- B. No person shall park a bus upon any street within a business district at any place other than a bus stop when a nearby bus stop is available for use.

#### **§ 3-17. Angle parking.**

- A. The Select Board shall determine upon what streets angle parking shall be permitted and shall sign such streets or cause the same to be signed.

B. Upon the following streets or parts of streets which have been signed for angle parking, vehicles shall be parked with one (1) wheel within twelve (12) inches of the curb and at the angle to the curb indicated by such official signs. The vehicle shall be parked so that all four (4) wheels of the vehicle shall be placed wholly within any painted lines provided.

Name of Street	Side	Angle (degrees)	Time Limit	Location Street
King Street	North	30	1 hour	From a point 34 feet west of Route 119 westerly for a distance of 310 feet
Stevens Street	South	30	1 hour	From Adams Street westerly for a distance of 156 feet

### **§ 3-18. All-night parking prohibited. [Amended 5-7-1990 ATM, Art. 18]**

It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park said vehicle on any street or in any town-owned parking area for a period of time longer than one (1) hour between the hours of 1:00 a.m. and 6:00 a.m. of any day between November 15 and April 15.

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## **ARTICLE VI, Signs and Materials in Streets**

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### **§ 3-19. Advertising signs on streets or sidewalks.**

No person shall erect or cause to be erected upon or above any town sidewalk, street or highway any advertising sign or device which projects into or over the sidewalk, street or highway more than six (6) inches unless a permit authorizing the erection of such sign or device has been issued by the Select Board and is in effect. After five (5) days' notice, illegal advertising signs or devices may be removed by or under the direction of a police officer and at the expense of the owner. Any person violating the provisions of this section shall be subject to a fine not exceeding five dollars (\$5.) for each day such sign or device has remained after the expiration of the five (5) days of notice.

### **§ 3-20. Placing of structures or property in streets.**

A. No person shall place, erect or cause to be placed or erected within any sidewalk, street or highway any fixture or structure, unless a permit, issued by the Select Board in the case of town ways or by the Department of Public Works, Commonwealth of Massachusetts, in the case of state highways, authorizing such placing or erection has been granted and is in effect.

B. No person, other than one employed directly or indirectly by this town or by the Commonwealth of Massachusetts and while in the performance of necessary public duties,

shall, at any time, place or leave in any sidewalk, street or highway any article, material or merchandise or park a vehicle or cart in any sidewalk, street or highway for the purpose of displaying merchandise, unless a permit, issued by the Select Board in the case of town ways or by the Department of Public Works in the case of state highways, authorizing the use of the sidewalk, street or highway has been granted and is in effect, except as may be necessary for the reasonable and expeditious loading or unloading of any such article, material, merchandise, cart or vehicle; provided, however, that such property shall never be left so as to obstruct the free passage of pedestrians or vehicular travel.

C. Any such fixture, structure or property as referred to in this section which has been erected, placed or left illegally in any street, highway or sidewalk may be moved by or under the direction of an officer and at the owner's expense.

### **§ 3-21. Bond or insurance required.**

The board or officer issuing permits for such use of sidewalks, streets or highways as are described in the two previous sections may, in its or his discretion, when occasion justifies, demand a suitable cash deposit, surety bond or insurance indemnity policy to save the town or the Commonwealth of Massachusetts harmless from all liability of any nature whatsoever caused directly or indirectly by such use of the sidewalk, street or highway.

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## **ARTICLE VII, One-Way Streets**

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### **§ 3-22. Streets designated.**

Upon the following streets or parts of streets, vehicular traffic shall move only in the direction indicated below:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Limits</b>
Foster Street [Added 1-1985]	Northeast	From Rogers Street to King Street
Meetinghouse Road [Added 1-1985]	North	From Great Road to King Street/110
Shattuck Street [Added 12-15-1941]	Southwest	From King Street to King Street
Stevens Street [Added 1-1985]	East	From King Street to Great Road

### **§ 3-23. Rotary traffic.**

Within the area bounded by the following, vehicular traffic shall move only in a rotary counterclockwise direction:

(Reserved)

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## **ARTICLE VIII, Operation of Vehicles**

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### **§ 3-24. Proper use of marked lanes.**

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

### **§ 3-25. Driving to the right.**

Upon all roadways, the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

### **§ 3-26. Overtaking of other vehicles.**

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

### **§ 3-27. Giving way to overtaking vehicles.**

The driver of a vehicle, when about to be overtaken and passed by another vehicle approaching from the rear, shall give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

### **§ 3-28. Obstruction of traffic.**

- A. No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
- B. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

### **§ 3-29. Following too closely.**

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

### **§ 3-30. Distance between slow-moving vehicles.**

Upon roadways less than twenty-seven (27) feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving vehicle, when traveling outside of a business or residential district, shall not follow another slow-moving vehicle within two hundred (200) feet, but this shall not be construed to prevent such slow-moving vehicle from overtaking and passing another slow-moving vehicle. This section shall not apply to funerals or other lawful processions.

### **§ 3-31. Obedience to isolated stop signs.**

- A. Every driver of a vehicle, railway car or other conveyance approaching an intersection of ways where exists facing him an official sign bearing the word "stop" and authorized by this section, said sign having, apart from this regulation, the written approval of the Department of Public Works, Commonwealth of Massachusetts, and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at such point as may be clearly marked by a sign or line or, if a point is not so marked, then at a place between said stop sign and the nearer line of the street intersection. In the case of a line of two (2) or more vehicles approaching such stop sign, the drivers of the second and third vehicles in line in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device, except as provided in § 203-34C.
- B. In accordance with the foregoing, the erection and maintenance of an official stop sign or signs is authorized as follows: [Amended 3-28-2011.]

**LIST 1 OF 3**  
**STATE APPROVED STOP SIGNS**  
**(BEFORE MUNICIPAL APPROVAL REQUIREMENT)**

<i>Street</i>	<i>Direction of Travel</i>	<i>Intersection Of</i>	<i>Date of Approval</i>
Andrea Street	East	Goldsmith Street	
Baldwin Hill Road	Northwest	King Street	
Birch Road	North	Emerson Drive	
Birch Road	South	Emerson Drive	
Bruce Street	Southeast	Harvard Road	
Bulkley Road	North	Foster Street	
Conant Street	West	Goldsmith Street	
Crane Road	West	Taylor Street	
Edsel Road	Northeast	Baldwin Hill Road	
Fort Pond Road	Northeast	Nagog Hill Road	
Foster Street	Northeast	Tahattawan Road	
Foster Street	Southwest	Taylor Street	
George Street	East	Goldsmith Street	
Gilson Road	South	Great Road	
Goldsmith Street	Northwest	King Street	
Grove Road	North	Dahlia Drive	
Grove Road	South	Dahlia Drive	

<i>Street</i>	<i>Direction of Travel</i>	<i>Intersection Of</i>	<i>Date of Approval</i>
Hartwell Avenue	North	Great Road	
Hill Road	North	Taylor Street	
Jennifer Street	North	King Street	
Jennifer Street	South	Lochslea Street	
Kimball Street	Southwest	Harwood Avenue	
Lake Warren Drive	South	Harwood Avenue	
Lawrence Street	East	Great Road	
Lochslea Street	West	Edsel Road	
Lochslea Street	East	Goldsmith Street	
Nagog Hill Road	North	Newtown Road	
Nashoba Road	East	Nagog Hill Road	
Nashoba Road	West	Nagog Hill Road	
Nashoba Road	West	Newtown Road	
New Estate Road	West	Ayer Road	
Orchid Drive	East	Goldsmith Street	
Porter Road	Southeast	Taylor Street	
Roxbury Drive	East	Goldsmith Street	
Sanderson Road	Northeast	Taylor Street	
Shaker Lane	Southwest	Goldsmith Street	
Shaker Lane	Northeast	Great Road	
Shattuck Street	Badger's	King Street	
Shattuck Street	Gruskowski's	King Street	
Spectacle Pond Road	Southwest	Ayer Road	
Tahattawan Road	South	Newtown Road	
Trot Road	North	Harwood Avenue	
Whitcomb Avenue	North	Taylor Street	

**LIST 2 OF 3**  
**SELECT BOARD STOP SIGN APPROVAL BUT**  
**NOT YET IN TOWN CODE**

<i>Street</i>	<i>Direction of Travel</i>	<i>Intersection Of</i>	<i>Date Approved By Select Board</i>
Lochslea	East	Goldsmith	8/5/1996
Murray Park	South	King Street	11/21/1988
Oak Hill Road	Northeast	Sanderson Road	9/21/1992
Porter Road	Northwest	Whitcomb Avenue	11/21/1988

**LIST 3 OF 3**  
**NO DOCUMENTATION OF STATE OR SELECT BOARD**  
**APPROVAL**

<i>Street</i>	<i>Direction of Travel</i>	<i>Intersection of</i>	<i>Date of Approval</i>
Adams Street	North	Great Road	
Baldwin Hill Road	Southeast	Lochslea Street	
Beaverbrook Road	Southwest	Great Road	
Bruce Street	Northwest	Ayer Road	

<i>Street</i>	<i>Direction of Travel</i>	<i>Intersection of</i>	<i>Date of Approval</i>
Bumble Bee Lane	Northeast	Harwood Avenue	
Colburn Lane	East	Great Road	
Colburn Lane	West	Hartwell Avenue	
Concord Drive	North	Worcester Drive	
Crane Road	East	Bulkley Road	
Crestview Road	Southeast	Newtown Road	
David Way	East	Hartwell Avenue	
Delaney Drive	East	Russell Street	
East Roxbury Drive	West	Goldsmith Street	
Farmstead Way	Northwest	King Street	
Fort Pond Hill Road	Northwest	Coughlin Road	
Fort Pond Hill Road	North	Newtown Road	
Foster Street	Northeast	King Street	
Fox Lane	West	Bruce Street	
Harvard Road	Southeast	Taylor Street	
Harwood Avenue	East	Foster Street	
Harwood Avenue	West	Foster Street	
Harwood Avenue	South	Concord Drive	
Janes Drive	West	Great Road	
Jillian Way	East	Foster Street	
Kimball Street	Northeast	King Street	
King Street	Northeast	Ayer Road	
Laury Lane	West	Bruce Street	
Matawanakee Trail	Southwest	Gilson Road	
Matawanakee Trail	Southwest	Nashoba Trail	
Meadowbrook Road	East	Goldsmith Street	
Meetinghouse Lane	North	King Street	
Mill Road	Southeast	Foster Street	
Nagog Hill Road	North	Nashoba Road	
Nagog Hill Road	South	Nashoba Road	
New Estate Road	East	King Street	
Partridge Lane	Northwest	King Street	
Pinebrook Lane	West	Hartwell Street	
Rogers Street	North	King Street	
Russell Street	Northeast	Great Road	
Russell Street	South	King Street	
Sanderson Road	South	Whitcomb Avenue	
Spectacle Pond Road	Northeast	Hartwell Avenue	
Stoney Stream Lane	North	Harwood Avenue	
Tahattawan Road	South	Harwood Avenue (Concord Drive)	
Tahattawan Road	South	Harwood Avenue (Glavey's)	
Taylor Street	North	Harvard Road	
Village Lane	South	King Street	

<i>Street</i>	<i>Direction of Travel</i>	<i>Intersection of</i>	<i>Date of Approval</i>
White Street	North	Great Road	
Willow Road	South	Ayer Road	
Wychwood Drive	South	Murray Park	

**§ 3-32. Keeping to the right of roadway divisions.**

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or any structure or area, drivers shall keep to the right of such division, except when otherwise directed by an officer, signs, signals or markings.

**§ 3-33. Operation on roads under construction or repair.**

No operator shall enter upon the road surface of any street or highway or section thereof when, by reasons of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such road surface is closed to travel and one (1) or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used or when so advised by an officer, watchman, member of a street or highway crew or employee of the town, either audibly or by signals.

**§ 3-34. Duties of drivers in funerals and other processions.**

- A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe.
- B. At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication.
- C. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

**§ 3-35. Vehicles dropping or leaking materials.**

No vehicle shall be driven or moved on any street or highway nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping therefrom. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways.

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## **ARTICLE IX, Operation of Heavy Commercial Vehicles**

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### **§ 3-36. Bruce Road** (amended 2-7-1975)

1. No driver of a commercial vehicle of 2 ½ tons capacity or over shall operate such vehicle on Bruce Road between Ayer Road and Harvard Road during the 24-hour period of each day.
2. This section shall be effective only during such time as sufficient official traffic signs are installed and maintained.

### **§ 3-37. Foster Street** (amended 11-4-1985)

1. The use and operation of heavy commercial vehicles, having a carrying capacity of more than 2 ½ tons, are hereby restricted on Foster Street from King Street (Route 2A/110) to Harwood Avenue, during the hours from 7:00 a.m. to 6:00 p.m. of each day.
2. Exemptions- Part 1 of this section shall not apply to heavy commercial vehicles going to and from places upon said streets for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways used in connection with the construction, maintenance and repair of said streets or public utilities therein; or to Federal, State, Municipal or public service corporation owned vehicles.

### **§ 3-38. Hartwell Avenue** (amended 12-1-1986)

1. The use and operation of heavy commercial vehicles, having a carrying capacity of more than 2 ½ tons, are hereby restricted on Hartwell Avenue from Great Road (Route 119) to King Street (Route 2A/110), 24 hours per day, seven days per week.
2. Exemptions- Part 1 of this section shall not apply to heavy commercial vehicles going to and from places upon said streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways used in connection with the construction, maintenance and repair of said streets or public utilities therein; or to Federal, State, Municipal or public service corporation owned vehicles.

### **§ 3-39. Taylor Street** (amended 12-1-1986)

1. The use and operation of heavy commercial vehicles, having a carrying capacity of more than two and one-half (2 ½) tons, are hereby restricted on Taylor Street between the intersection of King Street and Porter Road, twenty-four (24) hours per day, seven (7) days a week.
2. In conjunction with the exclusion set forth in part 1 of this section, the alternate route for traffic will be King Street, Route 2A, the distance being one (1) mile from the intersection of King Street and Taylor Street to the ramps of I-495. The distance from the King Street on ramp of I-495 south to Route 2 east or west is an additional one mile. The alternate route is approximately one (1) mile longer and is entirely within the Town of Littleton.

3. Exemption- Part 1 of this section shall not apply to heavy commercial vehicles going to and from places upon said streets for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways used in connection with the construction, maintenance and repair of said streets or public utilities therein; or to Federal, State, Municipal or public service corporation owned vehicles.

#### **§ 3-40. Sanderson Road (amended 5-9-1994)**

1. The use and operation of heavy commercial vehicles, having a carrying capacity of more than two and one-half (2 1/2) tons, are hereby restricted on Sanderson Road between the intersections of King Street and Whitcomb Avenue, twenty-four (24) hours per day, seven (7) days per week.

2. In conjunction with the exclusion set forth in part1 of this section, the alternate route for traffic will be King Street (Route 2A), the distance being one (1) mile from the intersection of King Street and Sanderson Road to the ramps of I-495. The distance from King Street on ramp I-495 south to Route 2, East or West is an additional one (1) mile. The alternate route is approximately one (1) mile longer and is entirely within the Town of Littleton.

3. Exemption- Part 1 of this section shall not apply to heavy commercial vehicles going to and from places upon said streets for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways used in connection with the onstruction, maintenance and repair of said streets or public utilities therein; or to Federal, State, Municipal or Public Service corporation owned vehicles.

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### **ARTICLE X, Accident Reports; Responsibilities; Penalties**

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#### **§ 3-41. Reports of accidents.**

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent of twenty-five (\$25.) or more shall, within twenty-four (24) hours, make a full and complete report, in writing, of such accident to the police headquarters in this town. A driver who has been incapacitated as a result of such accident and to such extent as to make reporting impossible or unfavorable to his recovery shall not be required to report such accident until he has recovered sufficiently to be able to do so. The report shall be made on a form furnished by the Police Department, copies of which shall be available at the police station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles any accident in which a person is killed or injured.

#### **§ 3-42. Prima facie responsibility for violations.**

If any vehicle is found upon any street or highway in violation of any provisions of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

#### **§ 3-43. Violations and penalties.**

A. Any person violating any provision of any rule, regulation or order regulating the parking of motor vehicles, made by anybody authorized to make the same shall be dealt with as

provided in Ch. 176 of the Legislative Acts of 1935, amending MGL C. 90, § 20A, and any person violating any of the rules and regulations applicable to state highways made by the Department of Public Works, Commonwealth of Massachusetts, under authority of MGL C. 85, § 2, shall be subject to the penalty provided in said rules and regulations.

B. Any person convicted of a violation of any rule, regulation or order made hereunder, except as otherwise provided, shall be punished by a fine not exceeding twenty dollars (\$20.) for each offense.

#### **§ 3-44. Severability; repealer.**

A. These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other, except insofar as, by express reference or necessary implication, any rule or any part of a rule is made dependent upon another rule or part thereof.

B. The provisions of these rules, so far as they are the same in effect as those of any existing valid rules, orders or regulations heretofore made by the Select Board of Littleton relative to or in connection with official signs, lights, markings, signal systems or devices, shall be construed as a continuation thereof, but all other existing rules, orders and regulations so made for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for an offense committed under any of said valid rules, orders or regulations hereby repealed.

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## **Chapter 4, VEHICLES, MUNICIPAL**

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[HISTORY: Adopted by the Select Board of the Town of Littleton: Art. I, 1-27-1986; Art. II, 4-9-1986. Amendments noted where applicable.]

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### **ARTICLE I, Personal Use [Adopted 1-27-1986]**

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#### **§ 4-1. Use restricted.**

It is the policy of the Town of Littleton that all municipally owned vehicles are to be used exclusively for town purposes. Employees are not to use the vehicles for personal purposes other than de minimus personal use.

#### **§ 4-2. Exceptions.**

When it is in the interest of the Town of Littleton, such as when an employee is on call or the security of the vehicle is deemed at risk, employees will be allowed to take the vehicle home at the end of the workday. Such personal use is expressly limited to commuting, and other personal use is prohibited.

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### **ARTICLE II, Seat Belt Policy [Adopted 4-9-1986]**

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#### **§ 4-3. When use required.**

It is the policy of the Town of Littleton to require that all employees wear seat belts while operating or riding in municipally owned or leased vehicles or in other vehicles while on municipal business.

#### **§ 4-4. Findings; purpose.**

- A. A large percentage of municipal employees operate cars, trucks and other municipal mobile equipment in the course of their work. Driving places heavy demands upon an employee's alertness, judgment and skill. Driving errors that an employee may make can be costly to the municipality, but of greater importance is the potential which exists for serious injuries to the employee and members of the general public.
- B. Municipal vehicles are easily identified as such and constitute a traveling advertisement seen by many citizens. They have what advertising men call "high exposure." This exposure exerts an important influence upon good or bad public relations for the municipality since safe, courteous driving habits build a positive public image. In addition, naturally, the application of the principles of defensive driving helps avoid accidents.

#### **§ 4-5. Compliance required.**

This policy insists that all town employees comply with this policy, including Police and Fire Departments.

#### **§ 4-6. Existence of state standards.**

Massachusetts adopted a seat belt law, effective January 1, 1986. Everyone will wear seat belts while driving or riding in vehicles which had seat belts as original equipment.

### **Chapter 5, LITTLETON TRANSFER STATION**

[HISTORY: Adopted by the Select Board of the Town of Littleton 9-25-2000. Amendments noted where applicable.]

#### **§ 5-1. Authority.**

- A. These Regulations were adopted pursuant to §181-1 and §181-2 of the Code of the Town of Littleton.

#### **§ 5-2. Purpose. [Amended 10-1-2010.]**

- A. These regulations are intended to protect the public health and general welfare by ensuring proper disposal of acceptable waste and recyclable materials in a manner consistent with best management practices. The Town Transfer Station is operated and maintained by the Town of Littleton for disposal of acceptable waste and recyclable materials that are generated within the boundaries of the Town of Littleton. All refuse and other wastes originating outside the Town boundaries are prohibited. The Transfer Station is a "Pay As You Throw" facility.

### **§ 5-3. Definitions.**

A. As used in this chapter, the following terms shall have the meanings indicated:

**HAZARDOUS WASTE:** Waste which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency; or Massachusetts State Agency by or pursuant to federal or state law. For purposes of these regulations, the term "hazardous waste" also includes gasoline, other automotive fluids, oil-based paint, and related solvents/thinners/pesticides. These items should be saved for paint collection days or hazardous waste day.

**INELIGIBLE WASTE:** Ineligible waste is defined as all hazardous and medical waste (except waste motor oil and lead/acid automotive batteries). Ineligible waste shall also include commercial garbage, construction debris from contracted or commercial work, stones, rocks, pesticides, and sewage wastes.

**RECYCLABLE MATERIAL:** Material that has the potential to be recycled and which is not commingled with solid waste or contaminated by significant amounts of toxic substances as per 310 CMR 19.0006.

**SOLID WASTE:** Solid waste consists of all rubbish, garbage or refuse normally generated, but excluding explosives, and ordnance materials, sludge, highly flammable substances, cesspool or other human waste, human or animal remains, and hazardous refuse of any kind, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used for filter cleaning fluid and refuse of similar nature. Any recyclable materials, hazardous waste and ineligible waste are specifically excluded from solid waste.

### **§ 5-4. Permitted Use of Transfer Station.**

- A. Use of the Town Transfer Station is limited to the acceptable solid waste generated from "typical household use" only.
- B. Only Town residents, property owners or the Town of Littleton may deposit Solid Waste in the Town Transfer Station.
- C. No person shall deposit in the Town Transfer Station solid waste that is collected outside the boundaries of the Town.
- D. No person shall pick over or remove any item from the Town Transfer Station except for the designated swap shop area.
- E. No person shall deposit material in the Town Transfer Station except during the hours of operation.
- F. Any legally disposed of item or material becomes the property of the Town Transfer Station.

### **§ 5-5. Transfer Station Access and Hours of Operation.**

- A. The hours of operation of the Town Transfer Station shall be posted at the entrance of the Town Transfer Station and made available at the Select Board's office.
- B. All persons (vehicles) using the Town Transfer Station must have a valid Transfer Station sticker.
  - 1. Transfer Station stickers shall be displayed in a convenient visible location solidly affixed to the vehicle transporting solid waste, typically the front-lower-left (driver's side) portion of the windshield.
  - 2. A valid vehicle registration must be presented at the time transfer station stickers are purchased. In cases where a Town resident use a vehicle owned by a third party, documentation verifying Town residency shall be presented in addition to a valid vehicle registration.
  - 3. Transfer stickers are available at the Transfer Station and can be purchased up to thirty minutes before closing.
  - 4. The Select Board shall consult with, and consider any recommendations of, the Town Highway Department prior to setting any Transfer Station sticker rate.
  - 5. Transfer Station stickers shall be made available for senior citizens of the age of 60 or over at a discounted rate.
  - 6. Transfer Station stickers are valid for one year, the first day of October until the last day of September of the succeeding year.
  - 7. Transfer Station stickers are nontransferable and nonrefundable.
  - 8. There shall be a limit of two stickers per household.
  - 9. Any request for using the Transfer Station for purposes of solicitations must notify the attendants at least one week prior to the requested date. Under no circumstances shall solicitations by minors take place without proper adult supervision.

#### **§ 5-6. Operations. [Amended 10-1-2010.]**

- A. The Town Transfer Station employees shall take all necessary steps to ensure an effective level of facility operation and service.
- B. The Supervisor or his/her designee may, at his/her discretion, close the Town Transfer Station when there is an equipment problem, or any other problem that makes transfer of refuse not feasible, or that may result in a health/safety hazard.
- C. All vehicles must stop at the office prior to unloading fee-able materials.
- D. All materials accepted at the Town Transfer Station shall be placed in only those areas designated by the Supervisor or his/her designee.
- E. In order to determine the acceptability and origin of the same, all materials being disposed of at the Town Transfer Station are subject to inspection by the Town Transfer Station employees.

- F. All owners, operators, or persons in charge of a vehicle shall, upon request, submit evidence or answer questions concerning the origin or nature of the materials being disposed of.
- G. Any unacceptable material found in any load intended for the Town Transfer Station shall result in rejection of the entire load.
- H. The following items are prohibited from disposal into any refuse container:
  - 1. Any acceptable recyclable materials.
  - 2. Yard waste.
  - 3. Construction debris, other than wood products.
  - 4. Hazardous waste.
- I. Solid waste shall be placed in “fee based” special colored trash bags only. Other trash bags may be placed inside a fee based bag for disposal. [Added 10.1.2010.]
- J. Fee based trash bags are one time use only. Emptying of bags and reusing them is not allowed. [Added 10.1.2010.]
- K. Fee based trash bags can be purchased at local stores. (see attached list of stores) (We have not contracted with any stores at this time, if the PAYT changes are voted a list of stores will be added at that time). [Added 10.1.2010.]
- L. Fee based trash bags cannot be purchased at the Town Transfer Station. [Added 10.1.2010.]

#### **§ 5-7. Recycling.**

- A. Any Town resident or property owner who wishes to utilize the Transfer Station for recycling purposes only shall obtain a recycling permit first.
- B. All users are responsible for separating their own recyclable materials.

#### **§ 5-8. Enforcement, Violations and Penalties. [Amended 10-1-2010.]**

- A. The Select Board or its designee shall enforce these regulations and may take such action as the Select Board or such designee deems necessary to enforce these regulations.
- B. If any investigation reveals a violation of these regulations, the Select Board or its designee, shall order the person(s) in violation to cure such violation and to comply with the violated provisions.
- C. These orders shall be in writing and may be delivered in hand or by mail to the last-known address of the person in violation.
- D. Violation of any portion of these regulations may result in loss of privileges for use of the Transfer Station.

- E. The Select Board or its authorized representative may suspend or revoke permits or privileges issued hereunder for cause. The suspension or revocation of privileges shall not entitle the sticker holder to a refund of any portion of the fee collected for the issuance of such sticker.
- F. Notwithstanding the foregoing, any person who violates any provision of these regulations, or who fails to comply with any order issued hereunder by the Select Board for which a penalty is not otherwise provided in any of the General Laws shall be subject to a penalty of up to \$300. Each day that a violation exists and each day's failure to comply with an order shall constitute a separate offense.
- G. Any returned checks will be subject to an additional processing fee.
- H. Disposing of solid waste in any trash bag other than inside of a fee based trash bag will result in an illegal disposal fine of \$10.00 for each bag/barrel or other receptacle disposed of. [Added 10.1.2010.]
- I. If the illegal disposal fine is not paid on the date of occurrence , the users, Town Transfer Station sticker will become void. Until such time as the fine is paid in full. [Added 10.1.2010.]
- J. No person shall be allowed to dispose of any solid waste unless they have a valid Town Transfer Station sticker. [Added 10.1.2010.]

#### **§ 5-9. Hearing.**

- A. Any person(s) to whom any order has been served may request a hearing before the Select Board by filing with the Select Board, within seven days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Select Board shall set a time and place for such hearing and shall inform the person in writing. The hearing shall be commenced not later than 30 days after the day on which the order was served. The Select Board upon application of the person requesting a hearing, may postpone the date of the hearing for a reasonable time beyond such thirty-day period if, in the judgment of the Select Board the person has submitted a good and sufficient reason for such postponement. At the hearing, the petitioner shall be given an opportunity to be heard and show why the order should be modified or withdrawn. After the hearing, the Select Board shall sustain, modify, or withdraw the order and shall inform the person in writing of its decision. If the Select Board sustains or modifies the original order, it shall be carried out within the time period allotted in the original order or in the modification.
- B. Every notice, order, or other record prepared by the Select Board in connection with the hearing shall be entered as a matter of public record in the office of the Town Clerk or in the office of the Select Board.

#### **§ 5-10. Appeals.**

- A. Any person aggrieved by the final decision of the Select Board may seek relief therefrom within 30 days in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

#### **§ 5-11. Fee Schedule. [Added 8-24-2009; amended 10-1-2010.]**

- A. **Fee schedule calendar is from October 1<sup>st</sup> thru September 30<sup>th</sup> of each year**
- B. Annual (non senior) sticker \$100.00
- C. Annual (non senior) second sticker \$50.00
- D. Annual (senior minimum age 60) \$30.00
- E. Annual (senior minimum age 60) second sticker \$30.00
- F. Six month sticker Discontinued
- G. Annual Recycling only sticker \$30.00
- H. One day dump permit (restrictions apply) discontinued
- I. Replacement sticker \$15.00
- J. 33 Gallon trash bag \$2.00 each
- K. 15 Gallon trash bag \$1.00 each
- L. 8.5 Gallon trash bag \$0.75 each
- M. Appliances without Freon; dishwashers, stoves, water heaters and etc.; \$12.00 each
- N. Appliances with Freon; refrigerators, freezers, air conditioners, dehumidifiers and etc.; \$22.00 each
- O. Microwave ovens \$12.00 each
- P. CRT's, TV's \$18.00 each
- Q. Propane tanks (empty) \$14.00 each
- R. Tires (up to pick up truck size only) \$5.00 each
- S. Bulky furniture; couches, stuffed chairs, mattresses and etc. \$15.00 each
- T. Large metal items \$22.00 each
- U. Wood/building debris (excludes asphalt shingles, drywall and insulation) Full size pick up truck load \$55.00
- V. Brush/logs (full size pick up truck load) \$35.00

## **Chapter 6, EXPEDITED PERMITTING PROCEDURES**

[HISTORY: Adopted by the Select Board of the Town of Littleton 10-8-2008. Amendments noted where applicable.]

#### **§ 6-1. Chapter 43D Implementation.**

- A. Pursuant to the Town of Littleton's adoption of Massachusetts General Laws Chapter 43D, "Expedited Permitting" under Article 5 of the November 5, 2007 Special Town Meeting, the Select Board hereby adopts the following procedures for Priority Development Site project permitting pursuant to [400 CMR 2.07](#)

#### **§ 6-2. Project Permitting.**

- A. Project permitting shall include, but is not limited to, plan approval, zoning relief, license, certification, authorization, registration, formal determination, order of conditions or other approvals with respect to the use, development or redevelopment of land, buildings, or structures required by issuing authorities including, but not limited to: the Board of

Health, Conservation Commission, Fire Department, Highway Department, Historical Commission, Planning Board, and Zoning Board of Appeals.

B. In these Procedures, the issuing authorities may be referred to as “relevant boards/commissions/departments” or “representatives of boards/commissions/departments”.

**§ 6-3. Single Point of Contact (SPC).**

A. The Town designates the Planning Administrator/Permit Coordinator, as the Single Point of Contact to coordinate Priority Development Site applications and review, per 400 CMR 2.00 Expedited Permitting, the Chapter 43D Regulations.

**§ 6-4. Pre-Application Technical Review.**

A. The designated Single Point of Contact shall conduct a Pre-Application Technical Review Meeting with the applicant and representatives of boards/commissions/departments involved in land use permitting to determine which permits, approvals, determinations, etc. must be obtained. Also, the representatives will discuss and determine the coordination and sequence of required approvals by the boards/commissions/departments.

**§ 6-5. Single Application Packet and Certification as a Complete Application.**

A. A single application packet, which will include all of the relevant board/commission/department applications, will be filed by the applicant with the Single Point of Contact after the Pre-Application Technical Review.

B. The Town of Littleton has 20 business days to certify the application packet as complete. Each permit application will be reviewed. The application package will be certified as complete by the Select Board if it includes:

- All of the materials required as listed on the application form(s) and in the written and/or electronic instructions and any additional written or electronically transmitted clarifications,
- All appropriate fees,
- Valid wetlands Determination from Conservation Commission,
- Concept Plan Approval from Town Meeting, if applicable to the proposed project, and
- Zoning Determination outlining specific zoning relief requested, if applicable.

C. The Board, through the SPC may seek guidance from representatives of the boards/commissions/departments involved in the application and permitting processes.

**§ 6-6. Approval Sequence.**

A. Generally, the approval sequence is: Planning Board review and recommendation; Zoning Board of Appeals Decision; Conservation Commission Orders of Conditions; Board of Health review and decision.

B. The various board/commission/department applications for 43D sites will be reviewed concurrently.

### **§ 6-7. 180 Day Review Completion.**

- A. Boards/Commissions/Departments shall complete all reviews and make a decision on the application within 180 days of the Certification by the Select Board that the submission is complete.
- B. The decision may include: approval, approval with conditions, or denial of the application.
- C. Boards/Commissions/Departments that are required to hold public hearings as part of the review process are encouraged to hold an initial joint public hearing to facilitate coordination and ensure timely review. Each participating issuing authority may then continue the hearing, if necessary, to complete its reviews.
- D. The SPC will monitor and update the boards/commissions/departments on review progress/application decision so that sufficient time will be available to those reviews which occur later in the process (such as Conservation Commission).
- E. Decisions, Minutes, Project Notes, etc. shall be shared promptly between and among the reviewing boards/commissions/departments to facilitate communication and coordination on 43D projects.

### **§ 6-8. Littleton Commercial and Industrial Guide.**

- A. Detailed information on the Littleton permitting processes for commercial and industrial projects, including 43D Expedited Permitting Projects, is available in the Guide, and is incorporated by reference into these Regulations.

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## **Chapter 7, TOWN OF LITTLETON HIGHWAY DEPARTMENT**

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[HISTORY: Added by vote of the Littleton Select Board 1-10-2011. Amendments noted where applicable.]

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### **ARTICLE I, Application for Permit to Open, Occupy or Obstruct a Street or Sidewalk**

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#### **§ 7-1. Purpose and Intent.**

- A. The purpose of the Street Opening Permit (SOP) is to convey the Policy of the Town of Littleton for said purposes.
- B. The Town public right of ways have been established and are maintained primarily for the purposes of transportation movement of vehicles and pedestrians. It is also desirable to grant individuals and utility company's access to utilize Town right of ways for purposes other than transportation.
- C. This policy has been created and approved by the Select Board to help regulate the use of the Town right of ways in the interest of public safety, convenience and the operation and protection of public works infrastructure. Excavation and restoration

permits (SOP) are required to preserve the integrity, operational safety, and functions of the public right of ways.

D. Therefore, to prevent recurring and dangerous interruptions to traffic and pedestrians, and to avoid conflicts with future road construction and construction methods, it is necessary that uniform standards of construction for work within public right of ways be followed.

## **§ 7-2. Street opening permit policy instructions and requirements**

A. Anytime an excavation, occupancy or obstruction in the Town right of way (ROW) (Street, sidewalk or shoulder grass/tree line) is planned an APPROVED Street opening permit (SOP) is required before any such work can be performed.

**§ 7-3. Application submittal instructions and checklist.** In preparing the SOP form, the applicant should carefully review and use the following guidelines to ensure timely processing of the application request. Applications following these guidelines are normally processed within two (2) business days after receipt.

### **A. Completed Application**

1. Valid Dig Safe number
2. Excavating Contractor information, to include 24 hour emergency contact information
3. Type of work
4. Location of work
5. Size of opening; square footage and or length
6. Notes indicating street restoration schedule

### **B. Detail Drawing**

1. Driveway work limits, size and note to identify either like for like replacement or modification of existing
2. Utility infrastructure layout and size; pipes, conduits, utility poles and cables
3. Plans for dealing with drainage from property

### **C. Permit work coverage**

1. The standard work period coverage of SOP is 30 days from the date of issuance. For large projects (installations spanning hundreds of feet or requiring special schedule sequencing) provisions can be made to accommodate these cases based on work period coverage granted in increments of 45, 60, 75, etc. days. For these special provisions Type 6 fee category will be applied and determined on a case specific basis.

### **D. Emergency repair work for existing Street Opening Permit**

1. If emergency repairs are needed to on an existing SOP, the contact person will be notified of the problem.
2. The contact person shall give an estimated time it will take to resolve the emergency repair.

3. In no instance shall length of time be more than 1 ½ hours before arriving at the SOP.
4. If the length of time to arrive onsite is unacceptable the town. The Town will dispatch a work crew to the site to make emergency repairs at the expense of the permittee.

**E. Fee Table.** Street opening fees are non-refundable.

1. Type 1; New residential driveway installation; \$30.00 (No berm, curbing or sidewalk involved)
2. Type 2 New residential driveway installation; \$40.00 (Which involves existing berm, granite curbing, sidewalk and etc.)
3. Type 3; New Commercial driveway installation; \$40.00 (No berm, curbing or sidewalk involved)
4. Type 4; New Commercial driveway installation; \$40.00 (Which involves existing berm, granite curbing or sidewalk)
5. Type 5; Surface cuts up to 50 square feet; \$50.00
6. Type 6; Surface cuts over 50 square feet; \$50.00 + \$0.05 per square foot
7. Type 7; Permit renewals \$20.00

**F. Required bonds**

1. Bonds required will depend on the type of SOP; 1, 2, 3 and etc. and the total time required to perform the work. Performance/Surety bonds, if used, shall be issued in such a manner as to be in force for a minimum of eighteen (18) months. The insurance bond company shall notify the Town at least sixty (60) days prior to the expiration or cancellation of said bond.
  - a. Type 1; \$500.00 minimum to \$1,500.00 maximum; depending on the amount of infrastructure that will be disturbed.
  - b. Type 2; \$1000.00 minimum to \$5,000.00 maximum; depending on the amount of infrastructure that will be disturbed; sidewalk, granite curb or berm.
  - c. Type 3; \$1,000.00 minimum to \$5,000.00 maximum; depending on the age and condition of the existing pavement and the amount of infrastructure that will be disturbed.
  - d. Type 4; \$1,000.00 minimum to \$5,000.00 maximum; depending on the age and condition of the existing pavement and the amount of infrastructure that will be disturbed; sidewalk, granite curb or berm.
  - e. Type 5 & 6; \$1,000.00 minimum for the first 50 square feet and then increasing by a minimum of \$3.50 per each square foot of excavation; depending on the age and condition of the existing pavement and the amount of infrastructure that will be disturbed; sidewalk, granite curb or berm.

**G. Insurance requirements**

1. The applicant with the SOP application submittal and the acceptance of the SOP permit assumes and accepts the full insurance terms and responsibilities specified under the Town of Littleton SOP policy. To that end the, the applicant has agreed to indemnify and hold harmless the Town of Littleton and all its offices and

employees from any and all liabilities arising for work performed or related to an obtained SOP.

2. The permit holder assumes full responsibility and an obligation with acceptance of the SOP **to be properly insured** by a major insurance carrier licensed to operate in the Commonwealth of Massachusetts and have active insurance coverage in place, at a minimum to include:
  - a. General/Public liability
  - b. Umbrella
  - c. The insurance shall list the Town of Littleton as the certificate holder
  - d. All policies shall be written so that the Town will be notified of cancellation or restrictive amendment at least thirty (30) days prior to the effective date of such cancellation or change.
3. Failure to provide and continue in force such insurance as aforesaid shall be deemed a material breach of the SOP and shall result in immediate termination thereof.

#### **§ 7-4. Street Opening Permit**

##### **A. Commencing Work and Restoration Guidelines**

1. Cutting of road surfaces five (5) years old or newer will not be allowed. (exception: emergency repairs to utilities)
2. No road surface shall be cut between November 15 and April 15 (exception: emergency repairs to utilities with an imminent threat to health and public safety)
3. The contractor is responsible to notify the Town when work is to commence.
4. All excavations within the public way must be filled, level, to the surface daily.
5. All excavated material unsuitable for backfill shall be removed from the site and disposed at no cost to the Town.
6. All materials used on construction within the public way shall be subject to approval by Highway Management. This will include but not be limited to; the size, type, and quality of pipe; the type of gravel backfill, the quality of the patching materials.
7. Backfilling will consist of excavated materials if declared suitable by Highway Management. Backfill will be placed in successive layers of not more than six (6) inches of mechanically compacted soils. The final twelve (12) inches of backfill will, in all cases, consist of crushed gravel thoroughly compacted
8. No more than one hundred (100) feet of trench will be allowed to open at any given time.
9. Emergency road excavations done after November 15<sup>th</sup> and before April 15<sup>th</sup> of any year are required to hot asphalt patch the street opening before the end of that business day.
10. Road plates can not be used after November 15<sup>th</sup> and before April 15<sup>th</sup> of any given year.
11. Any road bounds disturbed by the excavation shall be reset by a registered land surveyor.
12. After the backfill has been completed, the applicant shall apply a one and one half (1-½) inch temporary hot mix asphalt patch. This patch shall be left in place for a

minimum of one (1) month and a maximum of three (3) months until no more settling can be reasonably assured.

13. When the permanent patch is to be installed the applicant will remove the temporary patch, excavate the gravel to a minimum depth of three (3) inches or to the depth of the existing pavement depth (whichever is greater).
14. The applicant will saw cut the edges six (6) inches wider than the excavation.
15. The applicant will apply asphalt emulsion tack coat to all vertical surfaces.
16. The applicant will install hot mix asphalt in no more than two (2) inch lifts and thoroughly compact each lift.
17. When the hot mix asphalt patch has been completed the applicant shall paint the joints with an RC-2 emulsion and sealed with sand.
18. After one winters freeze thaw cycle, should any settlement of greater than one half (1/2) inch or visible perimeter/patch cracks wider than one half (1/2) inch and three (3) inches in length occur the applicant will be responsible to restore the full depth of the existing patch repair.
19. All trench excavations must go through one (1) full winter freeze thaw cycle prior to permanent repair acceptance and the return of any bonds being held by the Town.
20. The applicant understands that these restoration standards are binding and are part of the SOP terms and conditions and that the applicant accepts and is responsible to comply with these terms upon issuance of the SOP and upon commencement of the permitted work.
21. Street openings from the same utility within a distance of 10 feet or less from a previous opening shall be determined to be permanently restored as one contiguous surface covering the limits of all the openings. (see example illustrations and final contiguous paving sheet).

## **B. Driveway installations**

- A. Any driveway installed will have a paved surface, to at the very least, the property line.
- B. Only two (2) types of driveway surface materials are allowed; cement concrete or bituminous asphalt pavement.
- C. If a driveway apron crosses a sidewalk the surface material must match the existing case, otherwise, for areas having no sidewalk the material must be bituminous asphalt pavement.
- D. A detailed sketch plan showing the location of the driveway in relation to the property lines shall be provided. The plan shall include the distance to utility poles, mailboxes, other driveways and other immovable objects.
- E. If severe topographic conditions exist, an engineered plan showing the driveway layout, profile and storm water management plan may be necessary to show that the edge of the roadway is protected during and after construction to prevent sediment and debris from entering upon the public way.
- F. You will only be allowed to access your property through the driveway access opening. You will not be allowed to access the property through your full linear frontage. Fencing or other suitable barriers may be required to be erected to minimize damage to the public roadside edge and keep access limited to the one location.

- G. A stone vehicle tracking pad is required to be installed on the driveway entrance to minimize dirt tracking onto the public way. The applicant is required to keep the public way clean at all times.
- H. If any public shade trees are requested to be removed, a public shade tree removal hearing must be held according to MGL *Chapter 87 section 3-C*.
- I. If any public shade trees are requested to be removed and the road is designated as a scenic roadway under the Town of Littleton bylaw *Chapter 143* a combined public hearing with the tree warden and Planning Board must be held according to MGL *Chapter 40 section 15-C*.

## Chapter 8, EARTH REMOVAL REGULATIONS

[HISTORY: Adopted 3/1983]

- I. Authority:** These regulations are adopted by the Select Board of the Town under the power granted to them by the Soil Removal Bylaw (Article 11 of the bylaws of the Town).
- II. Purpose:** These regulations are adopted for the purpose of:
  - A. Establishing the form of the written application which must be submitted to the Select Board by persons seeking Soil Removal Permits or the extension of permits.
  - B. Describing the conditions, limitations and safeguards relating to soil removal activities which have been established by the Select Board as a matter of policy together with such further conditions, limitations and safeguards which said Board may impose from time to time when granting Soil Removal permits.
  - C. Establishing procedures which will be followed by the Select Board in giving notice of proceedings relating to applications for Soil Removal Permits; on holding hearings on such applications; and for enforcing the terms of said permit and of the Soil Removal Bylaw.
- III. Definitions:** The following terms are defined as they are used in the Soil Removal Bylaw and in these regulations.

Earth Materials: Soil, loam, sand, gravel, or other earth material.

Earth Materials Removal Activity: The process by which Earth Materials are removed from their natural location, stored or stockpiled, loaded upon means of transportation, and conveyed from the Earth Materials site, including, without limitation, any one or more of the following: stripping, digging, excavating, washing, stockpiling, loading, or unloading.

Lot: Any parcel of land referred to on the most recent tax list of the Town prior to the filing of the earth removal application shall be deemed to be a "lot" as that term is used

with reference to such application. The bounds of such lot shall be as shown on the Assessors' Plans upon which such tax list is based.

Lots Abutting: This term shall include:

- A. In the case of a lot having frontage on a public or private way, the lot or lots directly opposite on any such public or private way and those lots abutting said lot or lots within three hundred (300) feet of the property line of the site shown on the application as they appear on the most recent applicable tax list, notwithstanding that said lot or lots is located in another city or town.
- B. In the case of a lot having frontage on a body of water such as a lake or pond, any other lot or lots having frontage on said body of water which are not owned directly or indirectly by the applicant and which are within 2000 feet of said lot.
- C. In the case of a lot having frontage on a water course such as a stream or river, the lot or lots directly opposite on any such stream or river and those lots abutting said lot or lots within three hundred (300) feet of the property line of the site shown on the application as they appear on the most recent applicable tax list, notwithstanding that said lot or lots is located in another city or town.

Earth Materials Site: The location which is described in an Earth Removal Permit or Soil Removal permit Application at which Earth Materials occur in their natural state.

Street Line: The limits of any public way as shown on the lay-out thereof as adopted by the Select Board, by the County Commissioners, or other public agency responsible for determining the location of such way, or in the case of a way shown on Subdivision Plan approved under the Subdivision Control Law, the limits of such way as shown on said Plan.

Soil Removal permit: Any permit issued under the Soil Removal Bylaw by the Select Board at any time before or after the adoption of these regulations.

Soil Removal permit application: The information required of or submitted by any person seeking a Soil Removal permit. An application under the Bylaws submitted after the adoption of these Regulations shall not be considered to be an application or as having been filed unless it is submitted on the form specified in Article IV of these Regulations and is accompanied by all of the supplementary data and documents required by these Regulations and by the form of application.

#### **IV. Earth Removal Permit Applications:**

- A. Applications for Soil Removal Permits shall be submitted on the form attached to these Regulations As Exhibit A.
- B. Each application shall be accompanied by separate plans as follows:

1. Existing topography based on a current survey showing five-foot contour intervals. Elevations should be related to USGS data.
2. A log of soil borings taken to the depth of the proposed excavation. The number of borings taken will vary with the size and geological make-up of the site.
3. A topographical map showing final grades, drainage facilities, etc., after excavation.
4. The location of wells, fences, test pits, test borings, observation wells with logs, structures and buildings, streams, ponds, and vegetated wetlands, property bounds, access roads and adjacent public and private ways, if any.
5. Routes of vehicular traffic, location of service roads, entrances and exits to highways.

C. Restoration Standards:

1. No slope shall be left with a slope steeper than 2:1 (50%).
2. All debris, stumps, boulders, etc., shall be removed from the site and disposed of in an approved location, burned at the site, or in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil.
3. Following excavation and as soon as possible thereafter, ground levels and grades shall be established as shown on the completed topographical plan.
4. Retained subsoil and topsoil shall be re-spread over the disturbed area to a minimum depth of four (4) inches. This soil shall be treated with three (3) tons of lime per acre and 1,000 pounds of 10-10-10 fertilizer per acre and seeded with a grass or legume mixture prescribed by the Middlesex Conservation District. Trees or shrubs may be planted in order to provide screening, natural beauty, and to reduce erosion. The planted area shall be protected from erosion during the establishment period using good conservation practices.
5. Upon completion of the operation, the land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the area of drainage to any one point is not increased.
5. Within six months after termination of gravel operations, all equipment, buildings, structures, etc., shall be removed from the premises.

**V. Procedure on Applications:**

- A. An Earth Removal Application will be considered to have been filed with the Select Board only when the following have been received:
  1. Application form fully completed.
  2. List, including names and addresses, of all owners of all lots abutting (as that term is defined in these Regulations) the parcel as to which the Earth Removal permit is sought.
  3. A check in the amount of \$25 as the Application Fee, which is not refundable.
  4. Applicant will be required to pay the cost of publication of the notices of the hearing plus the cost of mailing notices of the hearing by certified mail, return receipt requested, to each abutter shown on such list before a permit may be issued.
  5. A consent in writing by the owner of the Earth Materials Site shown on the Earth Removal Permit Application for members of the Select Board, or any other persons authorized by the Select Board, to act for it to enter the site and to make or have made at the Applicant's expense, such tests and observations and record such data as they may deem necessary and which are clearly pertinent to the Soil Removal Activity at any time during the duration of the permit.
- B. The Select Board will at their next meeting after they have received an Earth Removal Permit Application set a date for a public hearing on the application which shall be not less than 30 nor more than 45 days after the Earth Removal Permit application was filed with the Select Board and they shall cause notice of the hearing to be given as provided in the Soil Removal Bylaw.
- C. At the hearing on the Soil Removal permit Application, the Applicant shall be prepared to answer questions concerning the application and the proposed Soil Removal Activity. The Select Board will hear from the Applicant and will make available the recommendations which it has received from the Soil Conservation Service of Middlesex County and the Middlesex Conservation District. The Board will hear from any persons to whom notice was required to be given by mail under the Soil Removal Bylaw and may hear from any other persons likely to be affected by the proposed Soil Removal.
- D. The Select Board may require persons speaking at the hearing to make their statements under oath and may require the Applicant to submit a written response to any recommendations, comments, or questions presented at the hearing.

- E. Within 30 days after the hearing, the Select Board will act on the Application. If the Board denies the permit, it shall provide a statement of its reasons for denial. If the Board grants the permit, it shall do so in writing. This approval will include such conditions, terms, and restrictions as the Select Board deems necessary.
- F. The holder of a Permit who:
  - 1. Wishes to have the terms, conditions or restrictions of an Earth Removal Permit modified, or
  - 2. Wishes to alter the Removal site Plan or Restoration Site Plan, or
  - 3. Seeks an extension of the duration of the Permit, shall file a Modification Application which, unless the Select Board otherwise votes, will be treated as an Application for a new permit and subject to the procedures set out in Article V. in any event, a public hearing in accordance with the Soil Removal Bylaw will be held on every request for an extension of the duration of the Permit.

## **VI. Procedure for Enforcement of Terms and Conditions of Earth Removal Permits and Soil Removal Bylaw:**

- A. Any owner or successor owner of a lot of which any part was owned by a person shown on the list filed under Section V.A.2., and any person who can demonstrate that a lot owned by him is adversely affected by the Earth Removal Activity, may petition the Select Board to consider a claim of violation of an Earth Removal permit or of the Soil Removal Bylaw.
- B. A claim of violation shall be filed in writing with the Select Board and shall state the particulars of the alleged violation.
- C. Notice of the claim of violation will be given by the Select Board to the holder of the permit (if a Permit has been issued), to the Town Counsel, to other persons entitled to notice of hearings under these Regulations, or other officer designated as responsible for investigation of complaints and for enforcing the Soil Removal Bylaw.
- D. Within 10 days, the Select Board will assign a date for public hearing on a written complaint at which hearing the holder of the Permit, the person named in the claim of violation, or the owner (according to the most recent tax list) of the lot on which such violation is claimed to have occurred shall attend and respond to the complaint. The Board will, after the hearing, take such action with respect to the activity or to the permit (if the Permit has been issued) as may be necessary to carry out the purposes of the Bylaw including, but not limited to, revocation or modification of the Permit and commencement of proceedings to enforce the Soil Removal Bylaw.

## **VII. Terms, Conditions, and Restrictions on Earth Removal Permits:**

- A. The Select Board, at the time of issuing a Soil Removal Permit, will impose such special terms, conditions, and restrictions as they may deem necessary to accomplish the purposes of the Soil Removal bylaw in the particular circumstances. In addition to the special terms, conditions, and restrictions, the Permit will be considered to be issued subject to the terms, conditions, and restrictions set out in Section VII.C. of these Regulations, unless specifically waived by the Board with the Reasons for the waiver action clearly stated in writing. In the event of changes in these Regulations after the date of a soil Removal Permit, the terms of the Regulations as changed will apply to any renewal of such Permit.
- B. The Select Board, with the issuance of these Regulations, hereby establishes a schedule of fees payable by the Applicant as a condition of the issuance of a Soil Removal permit and at the time of the issuance of the Permit. The schedule, which is to be applied to a Registered land Surveyor or Registered Professional Engineer's estimate of the volume of material to be removed, is designed to contribute to the Town's costs arising out of a Soil Removal Activity. The schedule is as follows:

Up to 25,000 cu. yds.	\$100.00
26,000 to 50,000 cu. yds.	\$200.00
51,000 to 75,000 cu. yds.	\$300.00
76,000 to 100,000 cu. yds.	\$400.00
101,000 to 125,000 cu. yds.	\$500.00
126,000 to 150,000 cu. yds.	\$600.00
Over 150,000 cu. yds.	\$700.00

- C. The following terms and restrictions will apply to all Soil Removal permits issued hereafter by the Select Board unless otherwise stated in the Permit:
  - 1. Earth Removal operations shall be conducted only between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday and loaded trucks will be permitted to depart from the site only within such hours as the Select Board may from time to time prescribe in the interests of public safety.
  - 2. All trucks and trailers will be suitably covered to prevent their contents from falling upon streets or highways. All stones, sand, gravel, or other material resulting from the removal operation shall be removed from the traveled part of the highway at the close of each day's operation, or sooner if a dangerous condition arises during the day's operation.
  - 3. All equipment and all temporary structures to be erected or brought upon the premises for the shelter of working personnel or equipment shall be removed from the site when no longer required for earth removal activities.

4. No excavation proceedings under the provisions of these Regulations shall deviate from the provisions of the Removal Site Plan or shall be closer than three hundred (300) feet to an existing dwelling or well or closer than two hundred (200) feet to an existing public way or closer than two hundred (200) feet to an existing side or rear lot line. Notwithstanding the foregoing, however, in special circumstances when, in the opinion of the Select Board, natural or topographical features provide adequate screening of the Removal Site, the Board may reduce the distance of the excavation from a side or rear lot line, but in no event to a distance of less than one hundred (100) feet. In no event shall the excavation go below a point four feet above the level of the established water table. Exceptions to this requirement may be made by the Board when the creation of a pond is contemplated in conjunction with the Earth Removal Activity and when necessary permits have been secured from the Conservation Commission of the Town of Littleton and from such county and state and Federal agencies as have jurisdiction.
5. All excavation will be conducted, maintained and secured so as not to endanger the stability or utility of contiguous property.
6. All boundaries are to be marked in accordance with the Removal Site Plan, indicating the permitted areas of operation. Lot lines within 500 feet of the excavation site are to be marked at appropriate intervals with blue tapes or ribbon or painted stakes. The area to be excavated is to be marked at appropriate intervals with red tapes, ribbon, or painted stakes. Set-back markers, which will not be disturbed and which will be visible during the Removal Activity, shall be installed at specific locations. As promptly as Earth Removal Activities are completed on any portion of the site, and in any event no later than the termination date of the Permit, grades and elevations shall be established in accordance with the Restoration Site Plan.
7. Temporary drainage shall be provided to avoid the creation of any standing water on the site and shall be in the manner and in the locations shown on the Removal Site Plan.
8. Permanent drainage shall be provided in accordance with good engineering practices prior to the expiration date of the Permit and shall conform to the provisions of the Restoration Site Plan. in no event shall the lowest final grade of excavation be below four feet above the high ground water level.
9. No permanent slope will be established greater than 30 degrees.
10. Any work face or bank which slopes more than 30 degrees downward will be adequately fenced at the top as may be required from time to time.

11. All machinery and equipment while not in operation shall be properly secured so as not be represent a danger to the public.
12. During removal operations, every reasonable effort shall be made to keep dust, noise, fumes smoke, vibration, or other noxious conditions from affecting abutting land, including the wetting down of any gravel access road to control dust.
13. Temporary off-street parking for motor vehicles shall be provided during the life of the Permit.
14. Any access to excavated areas or areas in the process of excavation shall be blocked off with adequate barriers and posted with "No Trespassing" signs during all periods when removal operations are shut down.
15. Under no circumstances are explosives to be used in connection with the Permit. Any use of explosives must be in strict compliance with state statutes and by separate permit from appropriate authority.
16. The within Permit shall be personal to the Applicant and may not be sold, assigned, or otherwise transferred, mortgaged, pledged, or encumbered without the approval of the Select Board upon such terms and conditions as they may deem necessary to assure compliance with the terms of the Permit, the Bylaw and these Regulations.
17. Trees, stumps, boulders, and other debris resulting from the earth removal operation will be removed, buried or otherwise destroyed as required by the Select Board. No open burning will be permitted except by permission of the Fire Chief.
18. Any backfill material utilized in connection with the Restoration Site Plan will be clean and free of rubbish, refuse, or other similar matter. No dumping or disposal of refuse will be allowed on the site at any time.
19. The site work and specifications noted on the Restoration Site Plan shall be performed in accordance with said Plan. Topsoil cover shall be retained, replaced, or introduced suitable for plant growth over all areas disturbed by the removal operation to a depth of not less than four inches and the area shall be replanted with trees, grass, or other suitable ground cover as specified in said Plan. Upon completion of the operation, the Applicant shall have taken such steps as are necessary to insure that the planted area is protected from erosion until its growth is established.

### **VIII. Compliance with Earth Removal Permits:**

- A. At the time of issuing a Soil Removal permit, the Select Board will require that compliance by the Applicant with the conditions, terms and restrictions of the Permit be secured by the following method, and shall be selected initially by the

Select Board and which may during the term of the Permit upon the request of the holder of the Permit, be varied by the Select Board:

1. By a proper bond or deposit of money or negotiable securities, sufficient in the opinion of the Select Board to pay the cost of doing the work necessary to make the site conform to the Restoration Site Plan. The penal sum of any such bond or the amount of any deposit required may be decreased by the Board from time to time as the progress of Soil Removal or the restoration work warrants in order that the said penal sum or the amount of the deposit shall be and remain reasonably approximate to the cost of doing such necessary work. Any such bond may be enforced and any such deposit may be applied by the Select Board for the benefit of the Town upon failure of the performance for which said bond or deposit is given, including the cost of work done or on behalf of the town under the terms of Section V, a.5. to the extent of the actual cost to the Town for completing such performance.
- B. Upon restoration of the site to the condition shown in the Restoration Site Plan and full compliance by the holder of the permit with all conditions, terms and restrictions contained therein, the Select Board, upon being satisfied by such investigation as it shall deem necessary that the required restoration has been completed, will issue a Certificate of Compliance which will conclusively establish such compliance and shall release the interest of the Town in any bond and return the bond or deposit to the person entitled to receive the same.

**IX. Amendments:** These Earth Removal Regulations may be amended by the Select Board at any scheduled regular or special meeting of the Select Board upon seven days notice posted in the Town Hall and in such manner and other place as they deem appropriate.

## Chapter 9, REGULATIONS FOR USE OF FAY PARK

[HISTORY: Adopted 4-6-1998]

1. The use of Fay Park for events shall be by permit only, issued by the Littleton Select Board. A \$25.00 fee will be charged for Use of Fay Park. Said fee may be waived for organizations of the Town of Littleton.
2. Fay Park shall be closed to the public at 9:00 p.m. daily, except by permission of the Littleton Select Board.
3. The use of alcoholic beverages on the grounds of Fay Park is not permitted at any time.
4. Permit applications must be endorsed by the Chief of Police, Fire Department and Highway Department prior to approval of the Select Board.
5. The requirement for Police Detail Officers and parking at an event shall be determined by the Chief of Police and noted on the application form.

6. Users of Fay Park agree not to obstruct fire lanes, egress of emergency equipment, or Fire Department parking areas.
7. Applicants for the use of Fay Park may be required to submit proof of liability insurance and, in any event, agree to save and hold harmless the town from all damages on account of such use.
8. Vehicles will not be permitted on the grounds of Fay Park for any reason.
9. Comply with the Town's rules and regulations with respect to noise levels in Town.
10. Users of Fay Park must clean and restore the entire area and dispose of trash off the premises.

## **Chapter 10, REGULATIONS FOR USE OF SHATTUCK BUILDING**

[HISTORY: Adopted 4-6-1998]

Individuals and organizations desiring to use portions of the Shattuck Street Municipal building for various functions will be required to fill out the form attached to this policy.

Forms may be obtained at the office of the Select Board, located on the third floor of the Shattuck Street Municipal Building, 37 Shattuck Street. Forms must be filled out and approved at least seven (7) days in advance of the date requested for use of the space. Forms must be returned to the Office of the Select Board, 37 Shattuck Street, Littleton, MA 01460. Applications must be accompanied by a check for the full amount of the rental fee. Checks should be made payable to the Town of Littleton.

The following rooms may be rented at the rates shown.

- A. Multi-purpose Room and Large Hearing Room:  
\$100.00 per night or event (up to 4 hours duration)  
\$200.00 (over 4 hours duration)**
- B. Kitchen: \$100.00 per night or event (up to 4 hours duration)  
\$200.00 (over 4 hours duration)**
- C. Upstairs Meeting Rooms: \$75.00 per night or event (4 hours or less)**

Individuals or organizations using the Shattuck Street Municipal Building will be responsible for leaving the space in the condition they find it. Keys for entrance to the building will be kept at the Littleton Select Board's Office and must be returned the next business day after the event. Users will be responsible for securing the building upon leaving. Groups requiring keys for entrance to the building must leave a copy of their driver's license or other ID when requesting keys to the building.

## **Chapter 11, VALUABLE SECOND HAND ITEMS**

[HISTORY: Adopted by the Select Board of the Town of Littleton 3-24-2013. Amendments noted where applicable.]

### **§ 11-1. Application of Bylaw**

The provisions of Chapter 163 of the Littleton Town Code shall not apply to any person engaging in solicitation for charitable, benevolent, fraternal, religious or political activities, or to any person exempted by Chapter 101 of the Massachusetts General Laws or by Sections 54 and 76 of Chapter 140 of the Massachusetts General Laws.

### **§ 11-2. License application forms.**

Application for a Valuable Second Hand Items license, as required by Section 163 of the Littleton Town Code, shall be made, in writing, on forms approved by the Board.

### **§ 11-3. Applicant to be primary operator of business.**

No application shall be considered unless the applicant is the primary operator of the entity and makes a business of purchasing or purchasing and selling valuable second hand items pursuant to Section 163 of the Littleton Town Code.

### **§ 11-4. License fee.**

Upon approval of licensure by the Select Board, the applicant shall remit a fee of one hundred dollars (\$100.00).

### **§ 11-5. Review of application by Chief of Police.**

All applications shall be forwarded to the Chief of Police for his review and findings, which shall be forwarded to the Board in writing.

### **§ 11-6. Legal notice.**

When an application is received by the Board on the required form, the Board shall cause a legal notice to be published in a newspaper of general circulation in the town at least once and not more than twice, and at least seven (7) days prior to the date set by the Board for a public hearing on said application.

### **§ 11-7. Costs of advertising.**

The applicant shall remit to the Town the actual cost of advertising the legal notice set forth in § 2-6 above. No license shall be issued until payment of such costs has been received and acknowledged by the Board.

### **§ 11-8. Reasons for not issuing permit.**

No Applicant shall receive a license if the Board determines, in its sole discretion, that such licensure is not in the best interest of the Town.

### **§ 11-9. Violations and penalties.**

Any entity, as set forth in Section 163 of the Littleton Town Code and these regulations, found to be in violation of any provision of these regulations, Section 163 of the Littleton Town Code, MGL c. 140, §55 or MGL c. 140, §74 shall be liable for a fine of up to three hundred dollars (\$300.) per day, or as set forth in the applicable statute, payable to the Town or appropriate entity as set for in the applicable statute. Each day that such violation continues constitutes a new violation of these regulations.

### **§ 11-10. Compliance required.**

Each and every section of these regulations and Section 163 of the Littleton Town Code shall be complied with to the satisfaction of the Board, whose determination of compliance shall be final. The Board reserves its right to reject or deny any application and to revoke any license, as it deems to be in the best interests of the Town.

### **§ 11-11. Application of other laws.**

Section 163 of the Littleton Town Code is supplementary to existing statutes governing the purchasing or purchasing and selling of gold or silver, coins, stamps, other precious metals, jewelry, and electronics, including, but not limited to, the following: MGL c. 140, §§54-56, 70-85 and 202-205, MGL c.266, §142A. In the event of a conflict between Section 163 of the Littleton Town Code or these regulations and any such existing statute(s), the provision or language of the existing statute(s) shall control.

### **§ 11-12. Violations and suspension or revocation of license.**

The Select Board may subject any license holder that violates his license, these regulations or Section 163 of the Littleton Town Code to suspension or revocation of the license holder's Valuable Second Hand Items License. The Board shall initiate such suspension or revocation by written notification sent to the license holder. The Board shall hold a Public Hearing upon such suspension or revocation. The hearing shall be commenced within two (2) weeks of the notice of intent to suspend or revoke said license.

## **PART II - POLICIES**

[HISTORY: The following is a list of policies adopted by the Littleton Select Board since November 2008. Amendments are noted where applicable.]

### **SECTION 1. PROCEDURAL**

#### **Policy 1, Administrative Policies and Procedures of the Board**

[HISTORY: Amended 12-02-2013]

##### **Purpose:**

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

##### **Procedure for establishing Policies and Procedures:**

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

The Board will not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary. Four out of five votes of the Board are necessary for adoption of a policy or procedure. The Board will annually review their policies and procedures and make any changes, corrections, additions, or

deletions they deem necessary. The annual review of the Policies and Procedures should occur at the first meeting in June.

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

### **Authority:**

The Select Board is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts and the By-laws of the Town of Littleton.

### **Election and Qualification:**

The Board will consist of five duly elected members. Before assuming official duties, each newly elected member will swear or affirm faithful performance of his or her official responsibilities with the Town Clerk. New Select Board will be issued a copy of the Select Board's Handbook, the Town Code, M.G.L. 268A (the Conflict of Interest statute), the Open Space and Recreation and Master Plans and the Finance Committee Handbook.

### **Vacancies on the Board:**

When a vacancy occurs in the membership of the Select Board, the Board's remaining members shall call a special town election to fill the unexpired term or terms and file notice of the special election with the Town Clerk in accordance with the Massachusetts General Laws. If less than a year it shall be at the Board's discretion.

### **Role of the Select Board:**

The Board is responsible for the overall development of Town policy. The Board works with the Town Administrator in policy formulation. The Board is responsible for supervising the departments of the general government that are not supervised by other elected offices. This responsibility may be delegated to the Town Administrator, and the Board will limit their involvement in day-to-day departmental operations. Questions and concerns regarding the operation of departments, and suggestions for improvements are addressed to the Town Administrator and/or to the appropriate department head. Select Board may be called upon to mediate issues that cannot be resolved on the staff level. Select Board may follow up on concerns or issues addressing these approved policies.

### **Role of the Town Administrator:**

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator will be the day-to-day administration of the general government as delegated by the Select Board and as outlined in the position's job description. The Town Administrator will work under the direction of the Select Board in the implementation of policy. The Town Administrator must maintain a close working relationship with all members of the Board. He/She will regularly brief the Board on all important issues.

### **Organization of the Board:**

The Chair will be elected annually at the first regular board meeting following the Annual Town Meeting. The Board may at any time remove the Chair. A majority vote will constitute an election. Nominations require no second.

The immediate past Chair will preside as Chair *pro tem* until the Chair is elected. If there is no immediate past Chair, then the immediate past Vice Chairman will serve as Chair *pro tem*. If there is no immediate Chairman or Vice Chairman, the immediate past Clerk will serve as Chairman *pro tem*.

If a vacancy occurs in the office of Chairman, the Board will elect a successor. The Board will further elect a Vice-Chairman and Clerk under the same provisions stated for Chairman.

### **Responsibilities of the Chair:**

The Chair of the Board will:

1. Preside at all meetings of the Board. He/She will maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
2. Sign official documents that require a Chair's signature.
3. Call special meetings in accordance with the Open Meeting Law.
4. Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chair.
5. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair.
6. Make liaison assignments and assign overview responsibilities for projects and tasks to Board members unless otherwise determined by the Board.

The Chair will have the same rights as other members to discuss questions and to vote thereon.

### **Responsibilities of the Vice-Chair:**

The Vice-Chair of the Board will act in the place of the Chair during his or her absence at meetings. Should the Chair leave office, the Vice-Chair will assume the duties of Chair until the Board elects a new Chair.

### **Responsibilities of the Clerk:**

The primary functions of the Clerk are to lead the Pledge of Allegiance, read public hearing notices, present the minutes of previous Board meetings for approval, and to assume other administrative duties in the absence of Chair and Vice Chair.

### **Regular Board Meetings:**

Regular Board meetings are held on Monday evenings as scheduled by the Board. The Board will not meet on days designated as legal holidays

### **Special Meetings:**

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

## **Meeting Procedures:**

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that applications of such procedure are on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. The Standard Code of Parliamentary Procedure is used as a guide in procedural matters requiring clarification or definition.

A quorum will consist of three members of the Board. Actions and decisions will be by motion, second, an opportunity for discussion on the motion, and – thereafter – vote. Split votes will be identified by name.

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

## **Executive Session:**

If practicable, Executive Sessions will be scheduled at either the beginning or the end of the meeting agenda. Only items clearly allowed under the Open Meeting Law will be included in Executive Sessions. The mover must specify in the motion to enter Executive Session the reason the session is sought.

A majority of the members present must vote to enter Executive Session by roll call vote. The Chair must state whether or not the Board will reconvene in open session.

## **Agenda Procedures:**

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

All items requested for the agenda must be submitted to the Town Administrator by 4:00 p.m. on the Wednesday preceding the meeting. Items of an emergency or strictly routine nature that develop after the closing of the agenda may be considered under "Miscellaneous."

Agenda items normally include:

1. Call to Order
2. Pledge of Allegiance
3. Read Mail
4. Public Input
5. Members' Updates
6. Appointments
7. Joint Meetings
8. Public Hearings
9. Information Presentations
10. Department Requests
11. Town Administrator / Ass't TA for Finance & Budget Update

12. Select Board Discussions
13. Consent Agenda
14. Minutes Approval
15. Meeting Adjourn

Members of the Board, the Town Administrator, the Staff, or others who prepare background material for the meeting should make an effort to have such material available for 4:00 p.m. Thursday afternoon. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda will be available to the public and the press at the Select Board's office the Friday preceding the meeting date and will be posted at the Town Office bulletin board that same afternoon. Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials will be forwarded with the agenda to Board members.

### **Minutes**

The Town Administrator and the Select Board's Executive Administrative Assistant will draft minutes from their own notes taken at Board Meetings. Draft minutes circulated to members of the Board in their meeting packets will be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes will contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Approved minutes will be recorded in a Minutes Book which will be bound when filled to capacity. Minutes of Executive Sessions will be separately kept and recorded in accordance with the above procedures. Approved minutes (other than those of Executive Sessions) are available for public inspection in the Select Board's Office.

### **Polling the Board:**

Occasionally it is necessary for the Town Administrator to poll the Select Board on issues of an informal or strictly administrative nature in compliance with the Open Meeting Law. E-Mail communications may be used for the purpose of polling the Board on these types of issues.

### **Advisory Committees of the Select Board:**

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides for greater expertise and more widespread experience than if the Board were to independently investigate such matters.

### **Use of Town Counsel**

The Select Board serves as the "gatekeeper" of access to and use of legal counsel. As use of legal counsel is expensive and the legal budget limited, access is generally granted only for serious legal matters and questions. A board or committee that requests use of Town Counsel should be prepared to demonstrate that they have researched the issue to the limit

of their board's expertise and that legal advice is the most prudent and reasonable alternative available.

The Town Administrator may poll the board on a request for counsel if the request falls outside of a scheduled meeting. The Select Board may also grant limited access to Town Counsel for a certain time period or a specific aspect of an issue if they deem it necessary.

### **Collective Bargaining**

Currently, the Town has collective bargaining agreements in place with four groups of unionized employees: the Police Officers, Firefighters, Control Center Dispatchers, and the Highway Department.

Traditionally, the Board has appointed a subcommittee of two Select Board to negotiate a new contract directly with labor representatives. The Town Administrator also works with the subcommittee in the collective bargaining process. The subcommittee bargains with the union representatives and makes periodic progress reports to the full Board. Only the full Select Board can accept a proposed new collective bargaining agreement. The subcommittee members represent the Board but do not have the authority to commit to a binding agreement.

In the interest of promoting positive labor relations, the Board will make every effort to begin negotiations toward a new contract as early as possible in the final year of the agreement. Additionally, the board will remain open to bargaining during interim periods of the contract on issues that are of concern to both labor and management.

## **Policy 2, Other Policies & Procedures**

### **ANNUAL TOWN REPORT**

In late December a memo is sent to all Town boards, departments and committees requesting that they provide a report to be included in the Annual Town Report. A deadline of March 1st is set for submission of reports to the Select Board's Office. This memo also informs committees, boards and departments that the warrant for the Annual and Special Town meeting is open and articles should also be submitted.

As reports are received they are typed into the format required for the Town Report. The appointment lists are updated, etc. The report is turned over to the printer as set forth in the contract and is returned to the Town in time for delivery at least two weeks prior to Annual Town Meeting. The Fire Explorers deliver the Town Report to each home.

### **DOG HEARINGS**

The Select Board are authorized under MGL Chapter 140, Section 157 to conduct a dog hearing. Upon receipt of a request for a dog hearing from a town resident the investigation is conducted by the Dog Officer through the Town Administrator. Based on the results of that investigation a dog hearing is scheduled before the Select Board. The owner of the dog in question is notified of the hearing and requested to be present. The residents who filed the initial complaint are also notified of the hearing. At the hearing the Select Board take information from all parties involved. After considering the facts the Board can vote to have the

dog destroyed, banished from town, permanently restrained, take no action at this time or take other action as deemed appropriate by the Board. These are not advertised public hearings.

The Select Board are also authorized under the Town Bylaw, Chapter 84, Dogs and Other Animals. This chapter sets out fees, fines, destruction rights and leash law information.

#### DEPARTMENT HEAD REVIEW PROCEDURE

The Select Board, at the beginning of the budget process, will delegate two different members to meet with each department head to conduct their annual review. If possible one reviewer will have conducted the previous year's review with that department head. The Select Board will make a written record of their review and share it with the department head in a follow-up session before sharing it with the full Board. The Board will use a consistent written format for all department head reviews.

#### SEAT BELT POLICY [HISTORY: Adopted 6/9/1986]

It is the policy of the Town of Littleton to require that all employees wear seat belts while operating or riding in municipally owned or leased vehicles, or in other vehicles while on municipal business.

A large percentage of municipal employees operate cars, trucks, and other municipal mobile equipment in the course of their work. Driving places heavy demands upon an employee's alertness, judgment and skill. Driving errors by an employee can be costly to the municipality, but of greater importance is the potential which exists for serious injuries to the employee and members of the general public.

Municipal vehicles are easily identified as such and constitute a traveling advertisement seen by many citizens. They have what advertising men call "high exposure". This exposure exerts an important influence upon good or bad public relations for the municipality, since safe, courteous driving habits build a positive public image. In addition, naturally, the application of the principles of defensive driving helps avoid accidents.

This policy insists that all town employees comply with this policy, including police and fire departments.

Massachusetts adopted a seat belt law, effective January 1, 1986. Everyone will wear seat belts while driving or riding in vehicles that had seat belts as original equipment.

#### **Policy 3, Policy on Solicitation and Acceptance of Monetary and Non-monetary Gifts for Public Purposes**

[HISTORY: Revised 3-22-2010]

The Littleton Select Board greatly appreciates offers of gifts, donations, and bequests, and further recognizes the importance of charitable giving to the well-being and future of the Town. In accepting or declining any such gift, the Board as a public entity, must at all times make decisions that are in the best interest of both the Department and the community that it serves.

The acceptance of gifts does not constitute or imply endorsement or recommendation by the

Board of any service, product or business of the donor.

This policy shall not apply to gifts for educational purposes or to trust funds governed by Massachusetts General Laws, Chapter 41, Sections 45 and 47.

### **Gift Acceptance Authority**

Chapter 44, Section 53A of the General Laws provides:

- For the acceptance of gifts or grants of funds by a town offer or department (committee or board also) with the approval of the Select Board.
- For the deposit of the funds with the Town Treasurer.
- For the expenditure of funds for the specific purpose of the gift without further Town Meeting appropriation, subject to the approval of the Select Board.

The only exception to the above provision is gifts to the Cemetery Perpetual Care fund which are Special Acts/Town Bylaws governing the Trustees of Town Donations.

The Town Administrator will represent the Select Board to review questions about specific interpretation of Select Board gift policies and to review gifts of \$500.00 or more for formal approval. In addition, the following authorizations will be observed:

- Gift records will be kept confidential to the extent permitted by law. Donor information is released only with the authorization of the Select Board or his/her designated representation.
- No solicitation of funds or donations may be undertaken by any party on behalf of the Town without the prior approval of the Select Board.

### **Gift Acceptance Terms**

Gifts accepted by the Select Board come under the full control of the Board, and will be accepted only if they:

- are appropriate to the mission and needs of the Town
- are unrestricted to the Department named as recipient or, if restricted, given in reasonable broad and flexible terms to maximize the usefulness to the Town
- are irrevocable
- impose no undue financial burdens on the Town
- permit the BOS to apply the gift to a related purpose in the event that the designated purpose is no longer practical, necessary, or able to be performed.
- Gifts to the Town of Littleton are to be completely voluntary, and are not to be given in lieu of payments, rental fees or services otherwise due to the Town by any part

### **Solicitation of Gifts**

No departments shall solicit gifts or donations without the prior approval of the Select Board. All proposals for solicitation of monetary or non-monetary gifts or donations shall be submitted in writing on the attached Proposal for Gift Solicitation Form to the Town Administrator and contain the following:

1. statement of purpose for the solicitation

2. funding goal, and the target audience for solicitations
3. if for a capital project donation, the plan for funding of maintenance of that capital project

### **Gift Acceptance Process**

Gifts to the Town require written documentation and applicable supporting documentation (such as letters of donation, excerpts from completed wills, bequest intention forms, irrevocable trust agreements, etc.) in order to be acted upon by the Select Board.

1. All gifts, or offers of gifts, shall be accompanied by a letter from the person organization stating the offer of the gift, the monetary amount of the gift being offered, and a statement of the purpose for which the gift is intended.
2. Upon receipt of a gift or offer of a gift by a town officer or department, the officer or department shall immediately forward the letter from the person or organization as required under this policy together with a completed **Gift Receipt Form** (sample attached) to the Town Accountant, with a copy to the Town Administrator.
3. Upon receipt of a completed Gift Receipt Form and letter, the Town Accountant shall establish a separate account for each gift on the town's general ledger.
4. Prior to any expenditure, the **Gift Receipt Form** must be approved by the Select Board. By vote of the Select Board, the Town Administrator is authorized to approve gifts of funds/tangible property up to \$500.00.
5. All expenditures from the funds will be made through the Town's standard purchasing and payroll processing procedures.

### **Gift Valuation and Vehicles**

The following represent common vehicles for giving. Additional vehicles will be considered by the Board on an as needed basis.

- **Cash**
- **Tangible Property**\*: Acceptance of specific materials donated to the Town will be considered for addition to the Town's assets if appropriate. The Select Board reserve the right to retain or dispose of any accepted materials as they deem appropriate.

*\*It is the responsibility of the donor to secure independent expert appraisals to establish tax deductible values for non-monetary gifts. The Town, as recipient, is not regarded as "independent" by the IRS, and therefore maintains a policy of not paying for appraisals.*

## **TOWN OF LITTLETON GIFT ACCEPTANCE FORM**

TO: Town Accountant

FROM: \_\_\_\_\_  
Name of Officer or Department

The above officer or department has requested acceptance of the following gift pursuant to Massachusetts General Laws, Chapter 44, Section 53A and further requests that the Select Board authorize the expenditure of funds for the stated purpose.

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Name of Party Offering Gift	Amount of the Gift
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## Amount of the Gift

### Purpose for Which Gift Has Been Offered

**Purpose for which Gift will be Expended**

[ ] Letter Accompanying Gift Attached

## **APPROVAL OF RECEIPT AND EXPENDITURE OF GIFT BY THE SELECT BOARD**

At a meeting of the Select Board on \_\_\_\_\_, the Select Board voted to authorize the expenditure of gift funds for the purpose described above.

**TOWN OF LITTLETON  
PROPOSAL FOR GIFT SOLICITATION FORM**

TO: Town Administrator

FROM: \_\_\_\_\_  
Name of Officer or Department

We (the above officer or department) are requesting approval of the Select Board to solicit gifts or donations. We acknowledge that no department shall solicit gifts or donations without the prior approval of the Select Board, and hereby submit this request prior to initiating any campaign to do so. As required documentation, please find attached the following:

1. The statement of purpose for the solicitation
2. The funding goal, and the target audience for solicitations
3. The plan for funding of maintenance of the project (if applicable)

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Amount/Item of Gift to be Solicited

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Purpose for Gift

**APPROVAL TO SOLICIT GIFT(s)/DONATION(s) BY THE SELECT BOARD**

At a meeting of the Select Board on \_\_\_\_\_, the Select Board voted to authorize the solicitation of gift(s)/donation(s) for the purpose described above.

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Town Administrator

Date

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## Policy 4, Policy on Road Acceptances

### PreSubmission Requirements

No road will be accepted by the Select Board until the Planning Board has approved an ‘As-Built’ plan that has been reviewed by the Highway Superintendent and the Water Department.

1. Petition requesting acceptance of a road by a vote of Town Meeting is received from property owners or developer (“Owner/Developer”) of subdivision by the Select Board’s Office. (Five copies of the approved as-built plan or information from Registry of Deeds regarding road, if not a new subdivision road, must accompany the request prior to proceeding with acceptance procedure.)
2. The Owner/Developer must deposit a cash bond in the amount of five hundred dollars for each private way to be deposited in a revolving fund to reimburse the town for any legal costs associated with the road layout and road taking.
3. Notice of the request for acceptance is sent to the Planning Board, Highway Superintendent, and Water Department for their recommendations. Pursuant to M.G.L. C. 41, §81I no public way shall be laid out, altered, relocated or discontinued, unless the proposed layout has been referred to them and they have reported thereon, or have allowed forty-five days to elapse after such reference without submitting a report.
4. Select Board’s office sets public hearing date to consider accepting layout.
5. Notice of hearing, copy of the plan, and draft of warrant article is forwarded to Town Counsel for review.
6. Request for abutters list is forwarded to Assessors Office.
7. Notice of hearing and a copy of the plan is forwarded to the Town Clerk.
8. Notice of the hearing is sent to the Conservation Commission requesting their comments and recommendation on acceptance.
9. Legal Notice published one time two weeks prior to the hearing date.
10. Notice of public hearing sent to abutter two weeks prior to the hearing date.

11. Comments received from Planning Board, Conservation and Highway Dept.
12. Public hearing held and vote is made to accept the layout of the road.
13. Town meeting votes to accept the road layout. If takings are involved Select Board must adopt an Order to Taking within 120 days of the Town Meeting vote to accept the layout. This is filed with the Registry of Deeds.
14. Close revolving fund account.

## **Policy 5, Policy on Road Betterment Process**

### **ROAD BETTERMENT PROCESS**

Attached is a copy of the Town of Littleton's Bylaw that governs the process whereby a private road is accepted as a public way and betterments are assessed to improve the road. In simple step-by-step language the process is as follows.

1. A petition by the majority of the abutting lot owners must be filed with the Select Board by October 31st of the year preceding the annual town meeting to act on the acceptance. (See sample petition attached and note below.)
2. The Select Board refers the petition to the Highway Superintendent to develop cost estimates for road improvements and sketch plans as necessary to show these improvements. If improvements for town water are also included in the petition, the Board will refer this request to the Water Department for them to develop cost estimates.
3. The Select Board must forward the proposed road acceptance with proposed improvements and costs to the Planning Board and request the Planning Board respond with their recommendations. Under MGL C. 41, S. 81I no public way shall be laid out, altered, relocated or discontinued, unless the proposed layout has been referred to them and they have reported thereon, or have allowed forty-five days to elapse after such reference without submitting a report
4. The Select Board must determine individual betterments for all the abutting property owners.
5. The Select Board holds a public hearing to inform abutters of the proposed improvements, associated costs and individual betterments; and to obtain comments and concerns from the abutters.

6. The majority of the abutters must approve cost estimates and improvements and request in writing the inclusion of an Article to accept the road and fund the improvements on the Annual Town Meeting Warrant. (This is usually done by means of a written form provided by the Town.)
7. The Select Board must place an Article of Road Acceptance in the Warrant.
8. Town Meeting must approve the Article.
9. Upon Town Meeting acceptance the Select Board sign an Order of Taking and this with the list of betterment assessments are recorded in the Registry of Deeds. At this point the private way has become a public way.
10. Construction of improvements is undertaken and completed.
11. Betterment assessments are levied within six months after construction is completed and collected by the Tax Collector.

NOTE: Many people have a problem with the phrase "relinquish all claims for damage to our respective property which shall be caused by such layout and acceptance." which is in the attached petition. There is a presumption that the abutting property owners own portions of the right of way that the Town will be taking. If the Town takes property from someone that person is entitled to compensation ("damages") for the loss. This statement specifically says the abutters will waive their right to seek "damages" for any takings of property ownership rights in the road's right of way and any perceived loss of value of their property by having a public way in front of their property. ("caused by the layout and acceptance"). It does not address the issue if the Town physically damaged an abutter's property due to construction or other possible types of damage. Those rights to seek compensation for other kinds of damages still exist.

## PETITION

## TO THE SELECT BOARD:

The undersigned, owners of property abutting on \_\_\_\_\_ in the Town of Littleton, respectfully petition the Select Board to layout and recommend that the Town accept said road as a public way from \_\_\_\_\_ to \_\_\_\_\_ ; \_\_\_\_\_ feet in width and to improve said road as, in your judgment, the public convenience and necessity shall require and we do hereby severally agree to relinquish all claim for damage to our respective property which shall be caused by such layout and acceptance or the improvement thereof:

We also petition the Select Board to assess betterments caused by the improvements of said road as in your judgment are necessary and appropriate under the provisions of the Betterment Bylaw of the Town of Littleton and Ch. 82 of the Massachusetts General Laws.

## PROPERTY OWNERS:

(Printed Names)

(Signature)

## Assessors Map & Lot

DATE SUBMITTED:

## **Policy 6, Equal Employment Opportunity, Discrimination, and Sexual Harassment Policy**

[HISTORY: Adopted 1/6/1997; amended in its entirety 9-13-2010]

### **I. Introduction**

It is the policy of the Town of Littleton (“the Town”) to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination (including harassment), whether based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes, will not be tolerated. To achieve our goal of providing a workplace free from discrimination, we will implement the procedure described below to address any potential inappropriate conduct.

This policy applies to all employment practices and employment programs sponsored by the Town. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

This policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct). When the conduct complained of occurs outside of the workplace, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Town takes allegations of unlawful discrimination and harassment seriously, we will respond promptly to complaints 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.

Please note that while this policy sets forth our goals of promoting a workplace that is free of discrimination and 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 legal definitions of discrimination or harassment.**

## **II. Examples of Prohibited Discriminatory Behaviors**

It is not possible to list all the circumstances that may constitute discrimination in violation of this policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

## **III. Definition of Sexual Harassment**

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:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;  
or,
- (b) 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.

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, promotions, increased benefits, or continued employment constitutes sexual harassment.

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 work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. The victim or complainant as well as the harasser may be male or female. The victim or complainant does not have to be of the opposite sex. The complainant does not have to be a person directly harassed, but may be someone affected by the offensive conduct.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and;
- Discussion of one's sexual activities.

All employees should take special note that, as stated below, 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.

#### **IV. Complaints of Sexual Harassment**

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Town Administrator. If you prefer, you may file your complaint with the Assistant Town Administrator for Finance and Budget. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

#### **V. Sexual Harassment Investigation**

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action.

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as Department Heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. All employees are reminded of the provisions of G.L. c. 268A, §23(c)(2), which prohibit a municipal employee or official from

improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/official's personal interest. Violations of the prohibitions of Section 23 may lead to disciplinary action, up to and including termination.

## **VI. Complaints Concerning Other Forms of Discrimination and/or Harassment**

Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Sections IV and V, above.

## **VII. Retaliation**

Any retaliation against an individual who has formally or informally complained about discrimination (including harassment), or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

## **VIII. Disciplinary Action**

If it is determined that discrimination, harassment, retaliation, or other inappropriate conduct has been committed by one of our employees, the Town 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, **up to and including termination of employment**.

## **IX. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to unlawful discrimination and/or harassment, you may file a formal complaint with either or both of the government agencies set forth below. 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).

### **1. The United States Equal Employment Opportunity Commission**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
TTY: (800) 669-6820

### **2. The Massachusetts Commission Against Discrimination**

<p><b>Boston Office</b></p> <p>One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 Phone: 617-994-6000 TTY: 617-994-6196</p>	<p><b>Springfield Office</b></p> <p>436 Dwight Street Second Floor, Room 220 Springfield, MA 01103 (413) 739-2145</p>
<p><b>Worcester Office</b></p> <p>Worcester City Hall 455 Main Street, Room 100 Worcester, MA 01608 (508) 799-8010 (508) 799-8490 – FAX</p>	<p><b>New Bedford Office</b></p> <p>800 Purchase St., Rm 501 New Bedford, MA 02740 (508) 990-2390 (508) 990-4260 - FAX</p>

## **X. Reasonable Accommodation**

Employees seeking reasonable accommodations may submit their request in writing to the Town Administrator, Town of Littleton, 37 Shattuck Street, Littleton, MA 01460.

## **XI. Equal Employment Opportunity Statement**

The Town of Littleton will not discriminate in its employment practices, on the basis of race, color, gender, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetics (results of genetic testing), active military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.

## **Policy 7, Code of Conduct and Ethics**

[HISTORY: Adopted 11/17/2008]

### **1. ENABLING AUTHORITY – MGL Chapter 268A, Section 23 (e)**

A municipality may have a Code of Conduct, provided it is consistent with State law and that the Select Board, as the chief appointing officials for the Town, vote to adopt such policy.

MGL Chapter 268A, §23 (e): Nothing in this section shall preclude any ... head of such agency from establishing and enforcing additional standards of conduct.

### **2. PURPOSE STATEMENT**

The intent of this policy is to establish a clear statement and guidelines to serve as the standard

for achieving and maintaining a high level of public confidence, trust and professional respect with regard to how the Town and its officials conduct business. This policy will define and create a centralized policy with regard to conduct and ethical standards.

The Select Board recognizes the importance of professional standards at all levels of the government including those who volunteer their time and services on behalf of the Town. The Board encourages other boards and committees of the Town who are not appointed by the Select Board to adopt this standard by reference thereby creating a **Unified Code of Conduct and Ethics for Town Officials** as a standard for expectations of public officials.

### **3. APPLICABILITY**

This policy in all its sections shall apply to the boards, presiding officers, public officials, commissions and committees and other representatives appointed by the Select Board and those representatives appointed by the Town Administrator, more particularly defined below:

- The term “the Board” and “the Select Board” shall apply to the Select Board
- The term “member” shall apply to those appointed by the Select Board or the Town Administrator
- The term “official” shall apply to a Board of Selectman member or a member appointed by the Select Board or Town Administrator
- The term “chair or presiding officer” shall apply to the chairperson of a committee/board/commission or the officer serving in the absence of the chair
- The term “appointing authority” shall apply to the Select Board or the Town Administrator
- All of the terms used herein including commission members, committee members, board members, representatives appointed by the Board or Town Administrator and other officials mentioned in this guideline are subject to this policy

### **4. CODE OF CONDUCT**

These obligations and commitments shall be assumed by all members of the Board and other officials defined in the Applicability section:

- Be well informed concerning the local and state duties of a board/committee member whenever applicable
- Remember that he/she represents the Town of Littleton at all times
- Accept their position as a means of unselfish public service, not to benefit personally, professionally or financially from his/her board/committee position
- Treat all members of the board/committee with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people
- Honor confidential information, seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest
- Conduct themselves so as to maintain public confidence in their local government and in

their performance of the public trust

- Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law (MGL Chapter 39, Section 23B)

## **5. CODE OF ETHICS**

### **5.1 Purpose**

This policy is issued for the purpose of ensuring that the Board and all other officials defined in the Applicability section comply with the provisions of MGL Chapter 268A, the Conflict of Interest Law, including disclosures made under Sections 19 and 23 and **more stringent policies adopted by the Board herein**.

### **5.2 Actual Conflict of Interest (MGL Chapter 268A)**

The Board and all other officials defined in the Applicability section must understand that there may be times when actions they take could be inconsistent with Conflict of Interest laws of the Commonwealth. There may also be times when an appearance of conflict exists.

The official should be proactive in recognizing, disclosing and acting professionally; with the public trust and compliance of the laws at the forefront of their actions. It is the responsibility of each official to determine for themselves whether or not to make disclosures prior to acting on a particular matter where a conflict exists or might exist.

### **5.3 Procedure**

- The official in question shall not participate in his/her official capacity in matters in which such participation is prohibited by the Conflict of Interest Law and the official in question shall disclose in writing the conflict of interest to their appointing authority and this disclosure shall be recorded into the minutes of the meeting
- The member shall leave the room for the duration of the discussion unless advised otherwise by Town Counsel or the State Ethics Commission
- When a conflict or appearance of conflict exists, the chair or presiding officer shall state the reason (s) for the conflict of potential conflict and will ensure that the member does not participate in the matter as a point of order
- The chair or presiding officer of the meeting shall ensure that the reasons for the conflict are clearly stated (as stated by the member in person) and this shall be recorded into the minutes of the meeting and made available for public view; if the member chooses to recuse himself from the meeting and is not present to state the reasons for recusal, then the presiding officer shall verbally enter the member's statement which will be recorded into the minutes
- The member shall re-enter the room only after the discussion has concluded and the chair or presiding officer of the meeting will state, upon re-entering the meeting by the member in question, that member has re-entered the meeting.
- This shall be repeated each time the subject in question is discussed at subsequent

meetings

- All officials defined in the Applicability section should seek and adhere to advice from the Ethics Commission, their appointing authority and Town Counsel if necessary (Note: the State Ethics Commission offers free advice via phone or in writing)

#### **5.4 Appearance of Conflict of Interest (MGL Chapter 268A, Section 23)**

The Conflict of Interest Law provides that public officials and employees must avoid conduct that creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of kinship, rank, position or undue influence by any party or person.

MGL Chapter 268A, Section 23 allows public officials to act on certain matters, even if it creates the appearance of a conflict, if they openly admit all of the facts surrounding the appearance of bias prior to any official action.

#### **MGL Chapter 268A, Section 23(b)(3):**

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Under MGL Chapter 268A, Section 1 (definitions), an official may be classified as a “Special Municipal Employee” when such status is authorized by the Select Board. Such a status provides greater latitude for officials serving in multiple roles. However the Board’s designation of an employee as a Special Municipal Employee will not preclude the expectation that the official must and will avoid conduct which creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of financial interests, kinship, rank, position or undue influence by any party or person.

Irrespective of governing statute, the Board urges all members and officials to exercise due diligence with respect to preserving the public trust. At times, this may mean an official or member must not act or participate until the matter has been determined by Town Counsel, the State Ethics Commission or any other governing entity if applicable. That determination will also be made in writing and be made available for public view.

#### **5.5 Procedure**

- The member in question must fill out the appropriate disclosure form, available from the

State Ethics Commission ([www.mass.gov.ethics](http://www.mass.gov.ethics)) or from the Town Clerk

- This form must be submitted to the appointing authority for review
- The member in question shall submit, in writing, all of the facts surrounding the potential conflict to their appointing authority
- The member in question shall not participate in the particular matter until and unless the approving authority has granted written permission specific to the disclosure and has filed a copy of such written permission with the Town Clerk
- The reason for the existence of the potential conflict, the granted permission and the compliance of these guidelines shall be stated by the member before participation and shall be verbally disclosed at the meeting and recorded into the minutes of the meeting
- This shall be repeated each time the subject in question is discussed in subsequent meetings
- It is the responsibility of the chair or presiding officer to oversee the procedure after initiation by the member in question; the chair or presiding officer shall also be responsible for ensuring that these disclosures are entered into the minutes and are appropriately filed with the Town Clerk for public view
- The Town Clerk shall maintain a separate file of disclosure statements which shall be kept available for public view

## **6. DISTRIBUTION AND EDUCATION**

- The Town Clerk shall provide a copy of this policy to all members as defined in the Applicability section upon its issuance and upon the subsequent appointment of re-appointment of any member
- The Town Clerk shall also maintain and distribute educational materials from the State Ethics Commission to members
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict of Interest Law and this policy
- The Town Clerk shall have each member sign a statement that they have read these policies and will comply with all requirements set forth in this policy; this form shall be available for public view.

## **Policy 8, Staffing Vacancy Review**

[HISTORY: Adopted as “Hiring Freeze” 12/15/2008, amended 10/19/2008, 11/1/2010; amended in its entirety (and renamed) 10/3/2001, amended 9/24/2012, 6/9/2014, 12/7/15]

The Town of Littleton has instituted a number of cost reduction measures in light of financial forecasts indicating that the Town may be unable to sustain current levels of services within available resources. One of those measures is to review all staffing vacancies to determine if there are alternative methods of providing the service deliveries associated with the position. The objective of this review is to coordinate and optimize existing staffing resources in order to reduce operating expenses, proactively manage budget deficits and to begin to make long-term structural changes and improved efficiencies in the Town’s work force. This review should include evaluating whether responsibilities can be shared within or between all departments, whether offices or positions can be consolidated, and whether shared inter-municipal options can

be explored with neighboring communities.

The review process applies to all general fund departments and departments that receive a subsidy from the general fund. Any position that becomes vacant in one of these departments may not automatically be filled. Each department will submit a Vacancy Review Consideration form to request the filling of any vacant position to the Assistant Town Administrator, who will coordinate a formal review with the requesting Department Head and the Town Administrator. In addition to determining all fiscal impacts, the review will address the following specifically:

1. What is the current Department staffing level – FTE equivalent?
2. When did the position become vacant?
3. What are the key duties of the position?
4. Could we eliminate the position and either eliminate or reassign any of the needed duties?
5. Do we need to keep the position but realign duties and/or job title to meet emerging needs/directions?
6. Could we collaborate with other departments or municipalities to combine forces using a shared position?
7. Are the duties such that they could be completed by temporary or seasonal staff instead?
8. If the position needs to be refilled, why? What is the impact of not filling the position?
9. How have the duties been covered since the vacancy occurred? Why can't coverage continue in this manner?
10. Is the position required to meet public health and/or safety? If so, briefly describe why the position is needed.

Staffing Vacancy Review requests which are certified by the AAFB to be a) budget neutral and b) do not increase the Department Full Time Equivalent (FTE) staffing level, can thereby be approved by the Town Administrator. Staffing requests that do not meet these two thresholds will be submitted with the Town Administrator's recommendation to the Select Board for consideration. Vacancy requests will be considered only when it is clear to the Select Board that:

- The Town Administration and Department Head have examined current work and staffing to identify and then implement changes that improve service, reduce costs and reduce the number of staff required to get the department's work done;
- Alternatives to getting the work done have been seriously explored including redesigning work, reassigning current staff, exploring inter-municipal arrangements, using additional technology or rethinking how work is performed, streamlining and any other staff-suggested means;
- Lower priority work has been eliminated, deferred, or handled some other way. For example, with approval, can some of the department's current duties be discontinued?;
- There is no reasonable alternative to hiring.

Additionally, the any staffing proposed must be supported within the Appropriated Budget for the current fiscal year.

Positions fully funded through program fees (to include fringe benefits) are exempt from this

requirement, as well as on-call and administrative services positions within the predetermined staffing level approved by the Select Board, within appropriated amounts.

The Select Board will review this policy on an annual basis at the time budget guidelines are adopted for the ensuing fiscal year, and at such other times as changes to the Town's fiscal circumstances may require, for which the AAFB will prepare appropriate recommendations.

### **Town of Littleton – Staffing Review – page 1**

Department:	Date of Vacancy:
Vacant Position:	Grade Classification:
Minimum Rate:	Maximum Rate:
Incumbent:	Reports to:
<b><u>Job Description:</u></b>	<input type="checkbox"/> Attached <input type="checkbox"/> Not attached

Attached Has the current Job Description been reviewed for possible changes by the Department?  
 Yes  No

If yes (above), has the position formally been re-classified by the Personnel Board?  Yes  
 No

### **Weekly Funding:**

Account #	Hours:	\$:
Account #	Hours:	\$:
Account #	Hours:	\$:
<b>TOTAL HOURS:</b>		<b>\$:</b>

### **Review Questions:**

1. What is the current Department staffing level – FTE equivalent?
2. Could we eliminate the position and either eliminate or reassign any of the needed duties?
3. Do we need to keep the position but realign duties and/or job title to meet emerging needs/directions?
4. Could we collaborate with other departments to combine forces using a shared position?
5. Could we collaborate with other municipalities to combine forces using a shared position?
6. Are the duties such that they could be completed by temporary or seasonal staff instead?
7. If the position needs to be refilled, why? What number of hours is needed? What is the impact of not filling the position?
8. How have the duties been covered since the vacancy occurred? Why can't coverage continue in this manner?
9. Is the position required to meet public health and/or safety? If so, briefly describe why.
10. Can the position be supported in a level funded budget? If not, what is the proposed funding source?

---

Requesting Department Head Signature

---

Date

**Town of Littleton - Staffing Vacancy Review – page 2**

**To be completed by Assistant Town Administrator (fiscal analysis attached)**

Budget Neutral (Y/N)  FTE Neutral (Y/N)

\_\_\_\_\_  
Assistant Town Administrator Signature

\_\_\_\_\_  
Date

**To be completed by Town Administrator**

Meets fiscal requirements  Does not meet fiscal requirements

\_\_\_\_\_  
Town Administrator Signature

\_\_\_\_\_  
Date

**Select Board- required for all requests not meeting fiscal requirements:**

Approve  Disapprove

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Policy 9, Information Technology Acceptable Use Policy**

[HISTORY: Adopted 11-19-2001, revised 2-23-2009]

### **1 DEFINITION**

The acceptable use of information technology is an important concern for all employees and elected and appointed officials of the Town of Littleton. Information Technology is defined as:

- Computers (including servers, workstations, laptops and handheld devices)
- Computer-related hardware (including printers, scanners, special devices)
- Software (including networks and the Internet)
- Telephones, Modems & Handheld devices (including blackberry)
- Town of Littleton Information Technology infrastructure includes all networks, computers, modems, hubs, software and data.

### **2 SCOPE**

This policy is an overall guideline for all technology use. Additional policies that address specific issues such as E-mail Use, Software Standards, Hardware Standards, Equipment Use, Disaster Recovery Plans and Technical Support shall be adopted.

### **3 PURPOSE**

Information Technology should be used primarily for official Town of Littleton purposes related to the conduct of Town government, to accomplish job responsibilities more effectively. Other uses, such as commercial or political use are expressly prohibited.

### **4 RESPONSIBILITY**

#### **4.1 PERSONAL USE**

##### **4.1.1 INCIDENTAL USE**

Incidental personal use of technology such as e-mail is permitted but subject to monitoring. Costs incurred in the personal use of technology (such as long distance charges for telephone calls) may be periodically assessed and billed to the user. All data existing within the Town of Littleton Information Technology infrastructure is considered property of the Town of Littleton and no assumption of privacy may be made.

##### **4.1.2 PERSONAL TIME**

Employees who use the Internet/intranet on personal time can enhance their knowledge of electronic information resources and sharpen information technology skills. By allowing use on personal time, the Town of Littleton builds a pool of computer literate employees who can guide and encourage other employees.

Personal time includes breaks, lunchtime and the time before and after scheduled work hours. Employees performing job-related use will always have priority over those desiring access to resources for personal use.

## **4.2 APPROPRIATE USE**

Examples of job-related use of the Internet/intranet include: accessing external databases and files to obtain reference information or conduct research; corresponding with the Town's customers and other town employees; disseminating documents to individuals or groups; and participating in discussion groups on job-related topics.

## **4.3 INAPPROPRIATE USE**

Inappropriate use of technology includes any activity that is illegal, such as the creation or distribution of pornography, and activities such as political lobbying, or personal or business use to benefit those other than the Town of Littleton government.

Examples of inappropriate use include but are not limited to:

E-mail does not have the same privacy safeguards afforded regular mail or telephone communications. A good standard to apply is: Do not send an e-mail you would not want printed on the front page of the local newspaper.

Town of Littleton Information Technology shall not be used to infringe on the privacy of others.

# **6 INFORMATION TECHNOLOGY SECURITY**

## **6.1 SYSTEM ACCESS**

Users are required to maintain the privacy of passwords and are prohibited from publishing or discussing passwords. Should a user suspect that their password or access has been observed or compromised, the user shall immediately notify the IS department to request a new password.

## **6.2 SOFTWARE INSTALLATION**

In order to maintain compliance to licensing and copyright law, and to increase security and reliability of systems, software installation is allowed only within the following parameters:

- The software is licensed to the Town of Littleton
- The software is included on the Software Standards list (to be supplied)
- The person installing the software is expressly authorized to do so by the Systems Manager

## **6.3 HARDWARE & PERIPHERAL INSTALLATION**

In order to maintain a secure, stable and operational network, hardware and peripheral installation is allowed only within the following parameters:

- The equipment is owned by the Town of Littleton and has been inventoried and accepted for use by the Systems Manager
- The equipment falls within the Equipment Standards list (to be supplied)
- The person installing the equipment is expressly authorized to do so by the Information Systems Manager
- Since all data within the Town of Littleton Information Technology infrastructure is

subject to monitoring and is considered public information, attaching personal equipment (such as laptop or mobile computers) to the Town of Littleton IT Infrastructure is not permitted.

## **6.4 SUSTAINABILITY**

Computer users are expected to use hardware and software in a manner that enables its ongoing usage. If a piece of equipment malfunctions, the user is to notify the Systems Manager in a timely manner so that the equipment may be assessed for damage and replaced or repaired.

## **6.5 DATA SECURITY**

### **6.5.1 DATA FROM OUTSIDE SOURCES**

All data received from sources outside the Town of Littleton including the Internet, floppy disk, zip disks, USB drives and tape are to be scanned for viruses. If any source is questionable, the IS Manager should be consulted prior to downloading or uploading data to Town of Littleton computers.

### **6.5.2 MISSION CRITICAL DATA**

Any data considered to be mission critical shall be backed up on a regular basis. Backup media shall be stored on a rotating basis either in the safe in the Town Clerk's office or off-site, with prior approval by the IS Manager. Backup schedules, guidelines and media will be supplied by the IS Department.

## **7 RULES GOVERNING THE PURCHASE OF INFORMATION TECHNOLOGY**

All procurement of Information Technology (as defined in Section 1 of this document) shall be made through the office of the Systems Manager. The Chief Procurement Officer for the Town of Littleton will authorize major purchases.

To achieve some economies of scale, users are asked to notify the IS department of the type and frequency of smaller purchases for such items as floppy disks, zip disks, USB drives, tapes, toner and ink cartridges. If bulk purchases may be made that represent a worthwhile cost saving to the Town of Littleton, the IS department will coordinate the purchase and distribution of such materials.

## **8 ACCEPTABLE USE POLICY AGREEMENT/SIGNATURE PAGE**

I have read the Town of Littleton Acceptable Use Policy and understand its terms and conditions. I have been given a copy of this policy and I agree to abide by this policy. I understand that my failure to abide by the policy may result in disciplinary action, up to and including termination of my employment and or fines to recoup losses incurred by my abuse of this policy.

Employee: \_\_\_\_\_ Date: \_\_\_\_\_  
Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

## **Policy 10, Information Technology Use of E-Mail Policy (Version 2.0)**

[HISTORY: Adopted 11-19-2001, revised 2-23-2009]

### **1 DEFINITION**

E-Mail (electronic mail) is correspondence transmitted electronically to other computer users in a local, wide area or other network. E-Mail communications often improve relationships between different departments, facilitating the smooth operation of services.

### **2 PURPOSE**

It has become common for persons, both at work and at home, to communicate through E-mail. This electronic method of communication has given rise to several issues regarding its proper use by town employees on the job and by town officials who are subject to the state's Open Meeting Law.

The Littleton Select Board has instituted this policy in order to direct town employees and elected and appointed officials on the proper and allowed uses of e-mail on the job and to assist town officials with compliance with the Open Meeting Law.

### **3 SCOPE**

The following regulations apply to Town of Littleton employees and elected and appointed officials and may be updated from time to time and amended at the discretion of the Select Board.

#### **3.1 USE OF E-MAIL BY TOWN EMPLOYEES**

E-mail is a Town of Littleton resource and is provided as a business communications tool. In order to direct employees on the proper use of E-mail the Select Board have adopted the following policy:

- a) E-mail shall be used primarily for matters directly related to the business activities of the Town of Littleton and as a means to further the Town's mission by providing services that are efficient, complete, accurate and timely.
- b) Employees should have no expectation of privacy in their use of E-mail.
- c) No employee shall send E-mail under another employee's name without authorization and no employee shall change any portion of a previously sent E-mail message.
- d) E-mail shall not be used for outside business activities, political activity, fundraising activity, or charitable activity not sponsored by the Town of Littleton.
- e) E-mail shall not be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; promote sexual harassment; or to promote personal, political or religious business or beliefs.
- f) Occasional, incidental personal use of E-mail is permitted but subject to monitoring.

This policy is based on "Guidelines for the use of E-mail by members of governmental bodies." issued by the Middlesex County District Attorney's Office, and on Electronic Mail Personnel Policies issues by the Oregon Secretary of State's Office.

### **3.2 USE OF E-MAIL BY TOWN BOARDS AND COMMITTEES**

The Open Meeting Law states that "All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting" and that "no quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided in this section."<sup>1</sup> Meetings, as defined by the law, include discussion or consideration by a quorum of "any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power."<sup>2</sup>

Like private conversations held in person or over the telephone, E-mail conversations among a quorum of members of a governmental body that relate to public business violate the Open Meeting Law, as the public is deprived of the opportunity to attend and monitor the E-mail meeting. Private conversations should also be avoided as serial conversations may reach a quorum of members without the knowledge of all participants.

Certain "housekeeping" matters may be communicated outside of a meeting. Examples include meeting scheduling and cancellations, announcements and directions, requests to put items on an agenda and communications by members of governmental body to department heads or staff. Care must be taken not to use such communications to conduct deliberations.

Despite the speed and convenience of E-mail its use by members of a governmental body carries a high risk of violating the Open Meeting Law. For this reason it is the Select Board's policy that E-mail messages among members of a governmental body are best used carefully for matters of a purely housekeeping, reporting or administrative nature.

## **4 RESPONSIBILITY**

### **4.1 SYSTEMS MANAGER**

It is the responsibility of the Systems Manager or designee to provide this policy to users of e-mail when providing a Town of Littleton E-Mail account.

The Systems Manager or designee will provide licenses and updates to the e-mail client programs as needed. The Systems Manager or designee will assure that e-mail accounts are properly set up to archive e-mail. E-mail to be archived includes only that material which, if in paper format, would be subject to record retention policies. E-mail of a housekeeping nature, such as scheduling a meeting or inquiring about office hours need not be retained.

The Information Systems Manager or designee will provide access to training on the standard E-

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<sup>1</sup> MGL Chap. 39 Sec 23B.

<sup>2</sup> MGL Chap. 39 Sec 32A

Mail software client. The Information Systems Manager or designee will also provide advice on the use of folders within the standard E-Mail client to facilitate archival and retrieval of E-Mail.

## **4.2 DEPARTMENT HEADS**

The Department Head is responsible for ensuring that any employee who will be given access to computers and Internet services has read this policy, has understood this policy's applicability to their activities, and has signed an agreement to abide by this policy. The Information Systems Department will not give access to an employee unless it receives a copy of the agreement signed by the employee and the department head.

A signed copy will be placed in the employee's personnel file.

The Department Head will accommodate members of the public who request access to e-mail by providing a copy of the e-mail to the requestor. Acceptable formats for providing a copy include:

The method used will be at the discretion of the department head.

## **5 SUPPORTING POLICIES**

This policy is to be used in conjunction with the Acceptable Use Policy.

## **6 ACKNOWLEDGMENT/RECEIPT FORM**

I hereby acknowledge that I have received a copy of the Town of Littleton's E-mail Policy. I understand that all e-mail communications systems and all information transmitted by, received from, or stored in these systems are the property of the Town, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt or storage of information in this equipment.

I agree not to access a file or retrieve any stored communication unless authorized. I acknowledge and consent to Town monitoring my use of e-mail at any time as provided by the E-mail Policy. Such monitoring may include printing and reading all electronic mail entering, leaving or stored on Town of Littleton equipment.

I have read and understand all the provisions specified in this policy.

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Employee Signature

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Date

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Department Head Signature

## **Policy 11, Use of Legal Counsel**

[HISTORY: Amended 3-22-2010]

### **Use of Legal Counsel.**

As provided by §8-6 of the Town Code, the Select Board is “authorized to employ or appoint legal counsel to advise with respect to and to prosecute, defend and compromise any and all lawsuits, claims, actions and proceedings on behalf of or against the town or any matters in which the interests of the town are or may be involved and to represent the town at any hearing in which it is or may become interested before a committee or committees of the General Court, and to pay compensation for such services.”

The Select Board serves as the “gatekeeper” of access to and use of legal counsel. As use of legal counsel is expensive and the legal budget limited, access is generally granted only for serious legal matters and questions.

A department, board or committee that requests use of legal counsel should be prepared to demonstrate that they have researched the issue to the limit of their expertise and that legal advice is the most prudent and reasonable alternative available.

All requests for use of legal counsel services shall be submitted, either by electronic means or in writing, to the Town Administrator,<sup>3</sup> who shall provide the Select Board with regular updates on such requests.

Upon review of the request, the Town Administrator shall either (a) forward the request onto Town Counsel or Labor Counsel, as appropriate, for an answer; (b) return the request to the requester for any clarification or additional information required to complete the TA’s review of the request; or (c) deny the request with an explanation of the reasons for denial provided to the requester and to the members of the Select Board.

A board or committee may appeal any such denial to the Select Board for action at a duly posted meeting.

This approval procedure shall not apply to requests of Town Counsel made in confidence by a municipal employee in accordance with MGL Chapter 268A, section 22, the Conflict of Interest Law.

A vote of the Select Board shall be required to initiate any lawsuit on behalf of the Town of Littleton. The Select Board may also vote to grant limited access to counsel for a certain time period or a specific aspect of an issue if they deem it necessary.

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<sup>3</sup> During the temporary absence of the Town Administrator or Assistant Town Administrator, requests may be submitted to the Chairman of the Select Board.

Counsel shall provide the Town Administrator's office with a copy of all opinions, correspondence, and other work products.

## **Policy 12, Policy on Group Health and Life Insurance Coverage for Active Employees and Retirees**

[HISTORY: Adopted 3-22-2010; Amended 7-13-2015]

### **Purpose**

This policy details the terms under which the Town provides life and health insurance coverage to its employees and retirees in accordance with adopted provisions of Massachusetts General Law (MGL) Chapter 32B.

### **Scope**

The Town provides health and life insurance benefits to all benefit eligible active employees and certain retirees as defined in MGL Chapter 32B Section 2. This policy will detail the terms of the Town's contributions for health and life insurance premiums for eligible employees and retirees.

### **Authorization**

The Town has adopted certain provisions of MGL Chapter 32B which governs the benefit programs available to Town employees and retirees. Sections of the law adopted by the Select Board and/or Town Meeting are detailed in appendix A.

### **Health Insurance**

#### Active Employees

The Town will provide all benefit eligible employees health insurance. The current plan type and plan design of the insurance may either be decided by the Select Board, having adopted MGL Ch32B ss. 21-23 on February 27, 2012 or through traditional collective bargaining.

The Town currently offers an HMO type plan to all eligible active employees and contributes 70% of the total premium. The employee's share of the premium will be deducted on a tax-deferred basis from the employee's paycheck.

Selection of the health insurance benefit is available to eligible employees at the start of their employment at the Town; during the annual open enrollment period; or may be triggered by a qualifying event with proper documentation of the event supplied by the employee within 30 days of the event. Any eligible employee not accepting health insurance from the Town must sign a waiver form; at the time of employment and/or annually during the open enrollment period.

Upon termination of employment, employees may be entitled to continue coverage in the health plan under COBRA laws. The employee will be responsible for 102% of the total premium. Premiums will be deducted automatically from the employee's bank account through an ACH debit transaction.

Active employees who reach age 65 may remain on the Town's insurance plan until retirement. If the employee is eligible for Federal Medicare coverage, the employee must apply for Medicare through the Social Security Administration and defer Part B coverage until retirement. The employee is entitled to Medicare coverage even if Social Security benefits are being deferred.

### Retired Employees

At age 65, all retirees who are eligible must carry Medicare as their primary insurance. The Town provides a Medicare supplemental insurance plan for all eligible retired employees at age 65. Retirees not eligible for Medicare will be able to remain on the Town's HMO plan or PPO if applicable (see below) by providing a copy of an official letter of Medicare ineligibility from Social Security.

Employees are eligible for post-employment health insurance benefits in retirement if they have met the following eligibility criteria:

- The employee must be a current member of the Town's group health insurance plan at the time of separation/retirement from the Town ;
- An employee must remain in the Town's group health coverage. Any break in coverage during retirement will make the employee ineligible for coverage in succeeding years; and
- Employees must meet all eligibility criteria of their retirement system. Eligibility criteria for retirement includes appropriate age and service or a bona fide "early retirement" due to a State sanctioned credit for additional years of service to reach minimum retirement qualifications.

An employee who chooses not to retire immediately may apply for Deferred Retirement through the Town Treasurer's Office. All of the employees plan assets must remain on deposit at the retirement system. The employee electing deferred retirement status must remain on the Town's health insurance plan.. The employee will be responsible for 100% of the total premium.

An employee is considered not eligible when they have withdrawn all of their plan assets from the retirement system even if they meet the above requirements for post-employment health benefits.

Employees eligible for post-employment health insurance benefits will be responsible for 30% of the total premium with a Town contribution of 70%.

Surviving spouses of eligible retired employees may continue health coverage after the death of the former employee. The surviving spouse will be responsible for 50% of the total premium with a Town contribution of 50%.

All premium payments for retirees and/or surviving spouses will be collected either through a monthly check from the retirement system taken from the retiree's monthly pension benefit or through an automatic withdrawal from the retiree's bank account through ACH debit. Payments for deferred retirees must be made by an automatic withdrawal from their bank account through ACH debit.

Employees retiring prior to age 65 (early retirees) and having met all other eligibility requirements outlined above will be eligible for Town provided health insurance at the retiree

premium contribution rates described above until age 65. Early retirees will be offered the Town's HMO health insurance if their primary residence qualifies them for coverage. If an employee's primary residence is ineligible for coverage through the HMO plan, a PPO plan will be offered at the same contribution rates described above.

### **Billing of Costs to Other Units**

The Town has the ability to offset premium costs for certain retirees by billing other governmental units for the reimbursement of costs associated with eligible retirees in accordance with MGL Chapter 32B Section 9A ½. Premium costs incurred by the Town will be distributed between governmental units based on creditable service time as determined by the appropriate retirement system. See the *Retiree Health Insurance Reimbursement Policy* for details on the reimbursement process.

### **Reimbursement of Costs from Other Units**

Invoices may be received from other governmental units for the reimbursement of retiree health costs for former employees receiving health insurance benefits from that governmental unit. Reimbursement will be made on valid claims in accordance with the *Retiree Health Insurance Reimbursement Policy*.

## **Life Insurance**

### Active Employees

The Town provides a term insurance policy referred to as Basic Life for benefit eligible employees who elect this benefit. The Basic Life policy carries a face value of \$10,000 and may be converted to a private term insurance policy upon termination of employment. The Town currently contributes 70% of the total premium for this benefit. The employee's share of the premium will be deducted on a tax-deferred basis from the employee's paycheck.

The Town also offers additional life insurance plans for both employees and their dependents. Rates are based on the amount of insurance and age of the insured. Premiums are the sole responsibility of the employee and are deducted on a post-tax basis from the employee's paycheck. The employee must carry the Basic Life policy in order to obtain optional insurance coverage.

Selection of the life insurance benefit is available to eligible employees at the start of their employment with the Town or during the annual open enrollment period. Any eligible employee not accepting life insurance from the Town must sign a waiver form at the time of employment. Guaranteed amounts are subject to medical investigation if insurance is taken at the open enrollment period. This medical investigation is waived if insurance is selected at the time of employment.

### Retired Employees

Basic Life Insurance may continue into retirement provided the employee selected this benefit while an active employee. The face value of the policy drops to \$5,000. All premium payments for retirees will be collected either through a monthly check from the retirement system taken from the retiree's monthly pension benefit or through an automatic withdrawal from the retiree's bank account through ACH debit.

Optional life insurance products are not offered to retirees.

## Other Post Employment Benefits

The Town must recognize the future liability created in providing health benefits to retirees in its current financial statements according to the Governmental Accounting Standards Board (GASB 45). The Town has committed to fund this liability as stated in the Town's *Financial Management Policy* in order to provide these health benefits to its current and future retirees.

## Policy Review

This policy will be reviewed annually by the Treasurer. Any changes to this policy must be approved by vote of the Select Board and may be triggered through collective bargaining obligations.

*Massachusetts General Law Ch 32B – Public Employees Group Health Benefits* – is a local option statute. No provision of Chapter 32b may be revoked after being properly accepted, with the exception of Section 19.

The following table details the Town's acceptance of provisions of Ch32B as they relate to health and life insurance benefits:

Section	Description	Method of Acceptance	Town Adoption	Comments/Notes
10	Acceptance of Chapter 32B Allows Town to contribute more than 50% of premium cost for active employees	Election (specific ballot question)	1961	Vote accepted most provisions of 32B – health related items will be listed separately
7A	Reimbursement of health premiums to/from other governmental units	Town Meeting Vote	1974	Negated section 7 (adopted 1961) which capped the contribution at 50%.
9A 1/2	Payment of more than 50% of premium costs for retirees	automatic adoption	2010	Negated section 9A (adopted 1961) which capped the contribution at 50%.
9E	Payment of 50% of premium cost for surviving spouse	Town Meeting vote	1979	Caps contribution at 50%
9D	Allows retirees life insurance greater than \$1,000	Town Meeting Vote	1971	
9F	Continuation of coverage for spouse and dependents of police officer killed in line of duty and allowing payment of 50% or more of premium costs	BOS vote	unknown date	Town provides face value of \$5,000 for life policies
9G	Eligibility of divorced or	Election (specific ballot question)	1961	
9H		w/ adoption of	1961	Coverage remains until

Section	Description	Method of Acceptance	Town Adoption	Comments/Notes
	separated spouses for continued coverage	32B		spouse remarries
9I	Payment of premiums for employees on active duty military leave of absence	Town Meeting Vote	1961	
11A	Additional optional group life insurance for active employees	Election (specific ballot question)	1979	
18A	Employees must move to MEDEX if Medicare eligible	automatic adoption under MA Health Reform	2011 FY10 STM Art 9	
20	Establishment of OBEB Fund	Town Meeting Vote	– May 2010	
21 – 23	Provisions to allow changes to plan design by BOS without the need for union negotiations. Cost savings are to be shared with effected employees through negotiations with PEC.	BOS vote	Feb 27, 2012	
24	Health Care Flexible Spending Accounts			
26	Enrollment Audit	automatic adoption		Audit of enrolled employees receiving health benefits must be performed every 2 years.

## **Policy 13, Policy on Cash Receipts, Cash Disbursements, Petty Cash, Tailings, and Reconciliation of Cash**

[HISTORY: Adopted 7-12-2010]

### **PURPOSE:**

To establish sound financial controls and practices to assure all cash receipts are deposited on a timely basis, are recorded on a timely basis, that disbursements are made only after proper authorizations and safeguards; and to assure that cash is reconciled on a timely basis.

### **AUTHORITY:**

MGL Chapter 41 §§35, 41 and 57

### **CASH RECEIPTS POLICY:**

It is the town's policy that the town treasurer's office is responsible for the entry and/or approval of department entered cash receipts, to the SOFTRIGHT system. The Treasurer's office enters receipts daily into the cashbook. The Treasurer's office is responsible for all bank deposits with the exception of student activity account reimbursement checks, cafeteria receipts, and light and water department revenues. In all other instances the town and school departments must turn over receipts to the Treasurer's office not less than once a week. At a minimum, revenue shall be turned over immediately to the Treasurer's office when the department has collected \$250 in cash or \$1,000 in checks. It is each department's responsibility to establish procedures to safeguard the collection and remittance of receipts until turned over to the treasurer. As part of this policy, the department head should review the turnover for accuracy and sign off on the turnover. The department head may designate other appropriate personnel to perform this task. The Treasurer must give bond annually consistent with the provisions of MGL Ch. 41 §35. The Town Accountant shall verify that the Treasurer has given bond as required. In addition, the Town Accountant shall periodically, but not less than once per year, perform site visits to the departments to audit their receipt process.

### **PROCEDURES:**

- Departments that collect receipts will complete a *Schedule of Departmental Payments to the Treasurer – Exhibit A (turnover sheet)* to report respective receipts by appropriate General Ledger revenue account.
- Departmental staff shall deliver the turnover sheet with the cash and checks to the treasurer's office.
- Departmental cash receipts are recorded on a *detail Sheet* and *calculator tape* that balances to the turnover sheet and retain in the department. When all cash, checks and the tape reconcile, the turnover is submitted to the Treasurer's office.
- The Treasurer's office signs the Form as a verification that the total amount indicated on the turnover sheet reconciles with the total cash and checks presented.

- One copy of the turnover sheet is forwarded directly by the department to the Town Accountant as an independent source document for the Town Accountant. The Town Accountant uses the turnover sheet to verify that the receipts have been properly entered in Softright by the Treasurer's office. This copy is sent to the Town Accountant at the same time the receipts are submitted to the Treasurer. This form should not be left in the Town Accountant's mail slot, rather delivered directly to the office of the Town Accountant to ensure proper receipt.
- The department retains one copy of the turnover sheet, signed by the Treasurer or designee as part of their departmental documentation.
- Cafeteria receipts are deposited by the school department daily at a designated account established by the Treasurer.
- The Treasurer's office enters all receipts reported on the schedule in the Receipts module of SOFTRIGHT. All turnovers received during a day are itemized on a Daily Deposit Sheet detailing the department name, with individual totals for cash, coin and checks. Cash is also itemized by denomination and department to ensure total cash to be deposited agrees with the departmental detail. Each Deposit Sheet is assigned a trace number signifying a Bank ID and date of turnover as a reference.
- All cash receipts for a specific date will be entered in the cashbook as of the date of the deposit. The reference from the Deposit Sheet and the packet id# from Softright are also entered in the cashbook as a further reference.
- Each town and school department that receives cash receipts should review the SOFTRIGHT *Revenue Report* for their department each month to verify that all cash receipts that were turned over to the Treasurer are recorded accurately to the respective General Ledger account. Any discrepancies shall be reported to the town accountant.
- All bank accounts are balanced to the cashbook on a monthly basis. *See Reconciliation of Cash section.*
- Total cash is balanced from the cashbook to the General Ledger on a monthly basis. *See Reconciliation of Cash section.*

#### **School Student Activity Receipts and Disbursements POLICY:**

The town policy is that school officials responsible for these programs have authority to maintain a checking account for expenditure purposes only. All monies received by a school in connection with a particular student activity must be turned over to the Treasurer via the school business office. These receipts will be posted in the general ledger as deposits to a Student Activity Agency Account which will be maintained for each school in the system. The turnovers by the school business manager shall be made using the guidelines in the Cash Receipts section of this policy.

## **PROCEDURES:**

- As documentation of the deposit, the school department is responsible to retain all detail documentation to support the deposits.
- A Student Activity checking account shall be initially funded from the balance of the associated GL agency account.
- The School Committee should set balance limits on the funds that may be held in the Student Activity Accounts by school. The Treasurer and Town Accountant shall monitor the account balances in relation to these limits and report any balance overages to the Superintendent and/or School Business Manager as they occur.
- The Treasurer as well as the school principal shall be authorized signers on the accounts.
- The school shall maintain a ‘sub-ledger’ which breaks down the funds held in the agency account by purpose; such as: Alumni, Student Council, Yearbook, general etc. The total of these sub-ledger accounts should agree to the total dollars in the combination of the General Ledger Agency Account and the associated checking account.
- Each school should forward a copy of a monthly sub-account reconciliation to the Treasurer within 7 days of the end of each month as of the previous month-end. The reconciliation should summarize by sub-ledger account, beginning balance, total receipts for the month, disbursements for the month and an ending balance. See Exhibit B.
- Disbursements from the Agency Accounts may be made either by the accounts payable process or by a check written by the principal on the school’s checking account.
- All disbursements from the student activity checking accounts shall be made by written check only and recorded by the school. The following items should be detailed by the school:
  1. Date of check
  2. Check number
  3. Payee name
  4. Purpose of check
  5. Sub-account associated with disbursement.
- Disbursements made through the accounts payable process must also be detailed on the sub-account reconciliation to the proper account.
- This disbursement detail, as well as copies of the written checks, must be sent to the Town Accountant with each request to replenish the school’s checking account. In addition, copies of all receipts or bills must accompany all check requests. The Town Accountant shall review all invoices for appropriate expenditures. Any disbursements found to be inappropriate shall be reported by the Town Accountant to the School Business Manager and the Treasurer.

- The reimbursement check issued by the Town shall be the only deposits allowed to be made in the school's checking account.
- All checks must be accounted for in the disbursement detail sent to the Accountant. Originals of any voided checks must be sent to the Accountant with the disbursement detail.
- Any invoice not paid by the Accountant will result in a shortage to the Student Activity Agency Account and should be carried forward as a reconciling item until resolved by either a submission of detailed disbursement information relating to student activities or an adjustment to the school operating budget for such expense.
- The School Department will be responsible for any shortages to the Student Activity Accounts and should have the proper procedures in place to ensure accurate maintenance of the accounts. The School Department shall provide copies of these procedures to the Town Accountant and Treasurer.
- The Town Treasurer and/or the Town Accountant may, at any time, withhold reimbursements to the checking accounts or close the checking accounts if the above procedures are not met.

#### **CASH DISBURSEMENTS POLICY:**

The town policy is that weekly accounts payable and payroll payments shall be made only from warrants duly signed and approved – either by hand or through an approved electronic process - by the Select Board and by the Town Accountant. The Treasurer or the Treasurer's designee shall be responsible for the disbursement and mailing of all accounts payable checks and to assure that all town checks are delivered only to the designated vendor.

#### **PROCEDURES:**

- After the town accountant and the Select Board have signed the warrant(s), the signed warrant will be delivered to the treasurer (or designee).
- The town accountant's office shall verify consistent with MGL Chapter 41 §41 that all payroll vouchers have been sworn (signed) by the head of department or lawful designee.
- The treasurer (or designee) runs the accounts payable checks in SOFTRIGHT and prints them. The outside payroll vendor is responsible to print the payroll checks. The payroll checks are delivered to the town accountant's office to allow for verification of the check register. Payroll checks and a copy of the check register are delivered to the treasurer's office for verification and distribution to departments.
- The town accountant's office provides all of the invoices that are included on the warrant to the treasurer. The treasurer's office then adds the checks to verify the total and match each invoice with the respective check and verifies the amount paid.
- When the treasurer's staff has printed the checks, one copy of the SOFTRIGHT *Cash*

*Disbursements (Check Register)* is produced and retained by the treasurer.

- At the point the treasurer's designee has audited all invoices and checks, the checks can then be mailed to the vendors at the invoice addresses to assure sound control of disbursements.
- Release of checks (other than via mail) will be done only in extenuating circumstances. The treasurer will hold the check for pickup by the vendor. Only the treasurer can approve the release of a check to an individual instead of mailing the check to the authorized address of the vendor.

#### **EMERGENCY DISBURSEMENTS (MANUAL CHECKS) POLICY:**

The town policy is that only in extenuating circumstances will the town accountant and treasurer allow the issuance of a manual check outside of the normal warrant process.

#### **PROCEDURES:**

- In a bona fide emergency where payment must be made to a vendor outside of the normal accounts payable process, the town accountant and town administrator must sign a form authorizing payment to the same standards as for a normal warrant. All documentation to substantiate the reason and receipt of services shall be submitted within five days.
- The treasurer shall produce the manually produced check upon receipt of the authorization of the town administrator and town accountant.
- The treasurer must provide the town accountant with a copy of the manual produced check.
- The town accountant must include this payment on the next week's SOFTRIGHT produced warrant as a "no check" item to assure that the payment is posted to the General Ledger and charged to the respective department's appropriation.

#### **PETTY CASH ADMINISTRATION POLICY:**

The policy of the Town is that Petty Cash accounts may be established for departments that need a small amount of cash to meet payments required at the time of service. Petty cash can only be replenished by submittal of all documentation and receipts through the warrant process for review of the town accountant. Petty cash transactions will never be used to finance payroll.

#### **PROCEDURES:**

- Requests for petty cash accounts or changes to the limit authorization should be submitted in writing to the town accountant.
- All requests for establishment of petty cash accounts or changes to limits should be subject to approval of the town accountant.
- If approved by the town accountant, the specific petty cash account should be under the custody of one authorized official in the respective department. The petty cash must be

kept in a locked, secure location.

- The town accountant will create the petty cash account by reducing unrestricted cash and increasing petty cash. The town accountant will reclassify fund balance simultaneously by reducing *Undesignated Fund Balance* and increasing *Fund Balance Reserved for Petty Cash*.
- All petty cash transactions shall be documented with a receipt from the vendor/service provider to the authorized departmental petty cash cashier. The total receipts and/or cash in the petty cash box must equal the total “approved petty cash” amount.
- Periodically the petty cash custodian in the department should submit all documentation on a voucher to the town accountant as part of the accounts payable warrant process in order to replenish the petty cash account. This replenishment must be completed prior to the final warrant of the fiscal year.
- The petty cash account will only be replenished by the town accountant based on review of the documentation submitted through the warrant process. If there have been any inappropriate uses the petty cash account will be terminated.

#### **TAILINGS (Uncashed Checks) POLICY:**

The town’s policy is to identify and research all *Uncashed Checks (Tailings)* as a part of the timely reconciliation of all bank accounts.

Current law requires that municipal treasurers wait three years before an uncashed check may be deemed abandoned and start the process of reclaiming the funds.

#### **MASS GENERAL LAW CHAPTER 200A SECTION 5:**

Subject to the provision of section one A, all intangible personal property not otherwise presumed to have been abandoned under any other section of this chapter, including but not limited to all certificates of ownership, dividends, stocks, bonds, money, drafts and claims for money and credit....shall be presumed abandoned unless claimed by the beneficiary or person entitled thereto within three years after the date prescribed for payment or delivery.

#### **CHAPTER 200A SECTION 9A:**

On or before November first of each year the treasurer of any city or town holding checks issued by said city or town which have not been cashed and which are deemed abandoned under section five may issue a written determination that it is in the best interest of said city or town to follow the procedures set out in this section.

A listing of all uncashed checks shall be published once a year consistent with Massachusetts General Law. Checks not claimed must be reported by the treasurer to the town accountant so that revenue can be increased and the liability can be eliminated.

#### **PROCEDURES:**

- All town bank accounts shall be reconciled each month; uncashed checks (tailings) will be identified and investigated as part of this process.

- The treasurer shall identify all checks that have not cleared the bank account. If the check has not cleared for more than twelve months, the treasurer (or designee) shall prepare a list of all uncashed checks.
- The treasurer shall investigate the uncashed check by reviewing the check register run on the date of disbursement of checks on the weekly accounts payable warrant. The uncashed payroll checks shall be checked by reviewing the payroll vendor's check disbursement report.
- The treasurer shall identify and record on a spreadsheet a listing of uncashed checks, the date of issuance, and amount of check, name and address of check recipient.
- The treasurer's clerk shall send a notice of the uncashed check and the amount to the recipient at their last known address and retain evidence of this mailing.
- If the check has not been cashed 3 years after the date of issuance, the treasurer, consistent with Massachusetts General Law, shall submit a *List of Uncashed Checks* to the town accountant so that cash can be adjusted and the liability of the tailings/abandoned property can be recorded on the General Ledger.
- The treasurer shall publish the *List of Uncashed Checks* consistent with state law.
- The Treasurer shall prepare a *List of Abandoned Property/Uncashed Checks* for all checks that are not claimed after the public advertisement.

## **Policy 14, Policy on Recognitions and Proclamations**

[HISTORY: Adopted 8-2-2010]

WHEREAS, the Select Board is grateful for the service its employees and volunteer board members provide to the Town of Littleton; and

WHEREAS, the Board desires to establish a regular procedure for recognizing and thanking all employees and volunteer board members for their service to the Town;

THEREFORE, the Select Board hereby directs the Town Administrator to prepare, for signature by all members of the Select Board, certificates of thanks and congratulations for each of its employees and volunteer board members upon the occasion of their retirement from the Town's service.

FURTHER, the Town Administrator is directed to prepare, for signature by all members of the Select Board, certificates of thanks and congratulations recognizing employees who have served in the Town's employee in five-year increments.

This policy shall take effect as of July 1, 2010.

## **Policy 15, Policy on Other Post Employment Benefits (OPEB) Trust Investments**

[HISTORY: Adopted 8-23-2010, amended 10/20/2014]

### **Purpose**

This investment policy is intended to provide guidelines for the management and investment of all Town funds deposited into the Other Post Employment Benefits Trust (OPEB) under the control of the Town Treasurer and Assistant Treasurer.

### **Scope**

This policy statement applies to all funds that are separately designated as long-term OPEB funds. The account will be established as a separate investment portfolio, unless otherwise stated, due to the differences in investment objectives between this portfolio and those covered in the Town's Investment Policy or the Trust Investment Policy. Any additional contributions to the account will be maintained in the same manner.

### **Background**

Funds deposited to the OPEB portfolio (the Trust) are held and invested for the purpose of meeting the Town's obligations under its OPEB defined benefit program, currently consisting of postemployment health and life insurance benefits. The obligation is calculated by an actuarial study performed in accordance with GASB Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions (GASB 45).

Investments held in this Trust should approximate the rate of return, or discount rate, targeted by the actuarial study over the long-term. Under GASB 45, the discount rate should be the long term expected yield on the investments set aside in the Trust to be used to pay future benefits as they come due. Given the long term nature of the OPEB, investments in the Trust will closely approximate pension fund-type investment securities, defined later in this policy.

### **Authorization**

Massachusetts General Law Chapter 32B, section 20 allows the Town and the Municipal Light Department to set up a special trust fund, the OPEB Liability Trust Fund. The Treasurer is the custodian of the fund for the Town and in the case of the Municipal Light Department has been designated as the custodian by the Board of Light Commissioners.

Investment of fund monies by the Treasurer must be consistent with the prudent person standard set forth in Massachusetts General Law Chapter 203C for private trust funds. Interest earned on the investment of fund monies belongs to the fund.

As custodian, all funds deposited into the OPEB shall be maintained in the name of the "Town of Littleton" and shall list the Town Treasurer as the primary signatory and the Assistant Treasurer as a secondary signatory. These two signatories shall be the only officers authorized to withdraw funds from any such account.

The Town Treasurer may appoint an Investment Advisor who will manage the portfolio according to the provisions of this policy.

## **Objectives**

Massachusetts General Laws, Chapter 203C, section 3 describes the circumstances that the custodian shall consider when investing funds under the prudent investment rule. The applicable items are as follows:

- (a) ) A trustee shall invest and manage trust assets as a prudent investor would, considering the purposes, terms, and other circumstances of the trust, including those set forth in subsection (c). In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution.
- (b) A trustee's investment and management decisions respecting individual assets shall be considered in the context of the trust portfolio as a part of an overall investment strategy reasonably suited to the trust.
- (c) Among circumstances that a trustee shall consider in investing and managing trust assets are such of the following as are relevant to the trust or its beneficiaries:
  - (1) general economic conditions;
  - (2) the possible effect of inflation or deflation;
  - (3) the role that each investment or course of action plays within the overall trust portfolio;
  - (4) the expected total return from income and the appreciation of capital;
  - (5) needs for liquidity, regularity of income, and preservation or appreciation of capital; and
  - (6) an asset's special relationship or special value, if any, to the purposes of the trust or to one of the beneficiaries.
- (d) A trustee shall make a reasonable effort to verify facts relevant to the investment and management of trust assets.
- (e) ) A trustee may invest in any kind of property or type of investment consistent with the standards of this policy statement.
- (f) ) A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has such special skills or expertise, shall have a duty to use such special skills or expertise.

## **Strategy**

Funds held in the OPEB Trust will be invested using the asset allocation guidelines outlined in Addendum #1. The asset allocation addendum is subject to review and amendment at any time by the Treasurer who may approve short-term variations to the stated portfolio allocations. Permanent changes to these percentages must be ratified by the Select Board and Board of Light Commissioners.

## **Diversification**

The following asset classes can be included in the Trust in order to construct a diversified investment portfolio that is both prudent and appropriate given the Town's actuarial assumed discount rate, target rate of return, investment objective and risk tolerance. The investment parameters and asset allocation definitions are included in the addendums of this policy.

## **Equities**

The primary objective of the Trust's equity allocation is to provide long-term total returns that are, at a minimum, consistent with appropriate broad market indexes through full market cycles.

The Trust can purchase and manage the equity allocation using individual equities, such as domestic common stocks, preferred stocks, and/or American-Depository Receipts (ADRs). The Trust may also utilize other investments such as, mutual funds, exchange traded funds and closed-end funds or similar investment vehicles.

Total equity exposure may include, both domestic and international equities, both developed and emerging countries and geographic regions, as well as large, mid, and small-market capitalization weighted companies. Direct holdings of common stock, preferred stock, and/or ADRs in any one company should not exceed 5% of the market value of the invested portfolio.

Investing directly in real estate, private placements, letter stock, or initial public offerings is strictly prohibited. The Trust shall not engage directly in margin transactions, short sales, or any other leveraged or inverse investment vehicles. Mutual funds, exchange-traded funds, and closed-end funds, however, may engage in margin, leverage, and/or short sales. Investing directly in unit-investment trusts (UITs) and business development companies (BDCs) are strictly prohibited.

## **Fixed Income**

The primary objectives of the Trust's fixed income allocation are to preserve capital and generate income. The fixed income portfolio also provides price returns that exhibit a lower correlation to the broad equity markets in order to reduce the overall risk of the portfolio.

The Trust can purchase the fixed income allocation using individual bonds that are United States Dollar denominated only. Issuer selection can include domestic corporate bonds and any obligations of the United States Government and/or its agencies.

The Trust can also utilize other investment vehicles such as, mutual funds, exchange traded funds, closed-end funds or similar investment vehicles. Total fixed income exposure is able to include, both domestic and international bonds, both developed and emerging countries and geographic regions. Direct holdings of individual corporate bonds in any one company should not exceed 5% of the market value of the invested portfolio; however, this is not applicable to the United States Government and/or its agencies. Lower-quality investments may only be held through diversified vehicles, such as mutual funds or exchange-traded funds.

Investing directly in real estate, mortgages, collateral or non-collateral loans, private placements, fixed income or interest rate futures, or any other specialized fixed income ventures is strictly prohibited, as are direct investments in unit-investment trusts (UITs) and business development companies (BDCs).

## **Alternative Investments**

The primary objective of the Trust's alternative allocation is to provide long-term capital appreciation that is less correlated to broad global equity and fixed income indexes.

The Trust can only purchase those strategies that are deemed to be alternative through daily-liquid diversified investment vehicles such as, mutual funds, exchange-traded funds, closed-end

funds or similar investment vehicles.

Investing directly in unit-investment trusts (UITs) and business development companies (BDCs) are strictly prohibited.

### **Cash and Cash Equivalents**

Cash will be maintained to provide periodic cash distributions, if and when necessary. Cash will not normally be held as a strategic investment asset, although the Trust may seek to allow cash to build to the maximum level in times of market uncertainty.

### **Risk**

The Treasurer will adhere to the following risk guidelines for all investments of Town funds:

***Custodial Credit Risk -*** The custodial credit risk for deposits is the risk that, in the event of a failure of a depository institution, the Town would not be able to recover deposits or the securities used to collateralize the deposits from the institution or a third party. For investments, the risk occurs if the Town is unable to recover the value of an investment or collateral in possession of a third party.

The Treasurer will review each financial institution conducting business with the Town. The intent of this qualification is to limit the Town's exposure to only those institutions with a proven financial strength, capital adequacy and overall affirmative reputation in the municipal industry.

All securities not held directly by the Town will be held in the Town's name and tax identification number by a third-party custodian approved by the Treasurer. The Treasurer will receive monthly safekeeping reports from the custodian as well as safekeeping receipts detailing each transaction from the account.

***Interest Rate Risk -*** Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. OPEB funds are long-term investments. Given a stated discount rate target, this long-term approach enables the Town to purchase long-term assets which tend to have high returns over many years but whose price volatility precludes their use by those with shorter time horizons. This price volatility and resulting market value fluctuations are of secondary importance unless individual assets have permanently impaired values and must be liquidated to preserve remaining value. Varying the duration of investments within the portfolio will help manage the effects of interest rate risk; however, the Town understands the longer-term nature of these funds and will design a portfolio consistent with the long term health of the Trust.

***Credit Risk -*** Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations.

The Town will minimize credit risk by diversifying the investment portfolio so that the impact of potential losses from any one issuer will be minimized. There will be no limit to the amount of United States Treasury and United States Government Agency obligations that may be held in the portfolio. The Town will only purchase investment grade fixed income securities. Lower-quality investments may only be held through diversified vehicles, such as mutual funds or exchange-traded funds. Investments in fixed income securities will be made primarily for income and capital preservation.

**Concentration of Credit Risk -** Concentration of credit risk is the risk of loss attributed to the magnitude of the Town's investment in a single issuer.

The Town will minimize any concentration of credit risk by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized. As stated above, securities of a single corporate issuer (with the exception of the United States Government and its Agencies) will not exceed 5% of the portfolio value.

**Foreign Currency Risk -** Foreign currency risk is the risk that changes in foreign exchange rates will adversely affect the fair value of an investment or deposit.

The Town will not directly invest in any instrument exposed to foreign currency risk. This risk, however, may be inherent in some securities contained within the portfolio such as mutual funds or ETFs.

## **Ethics**

The Treasurer and Assistant Treasurer shall refrain from any personal activity that may conflict with the proper execution of the investment program or which could impair or appear to impair their ability to make impartial investment decisions. The Treasurer and Assistant Treasurer shall disclose, at least annually, to the Town Clerk any material personal depository relationship in financial institutions that do business with the Town as well as any material personal financial investment positions or loans with these same institutions.

## **Relationship with Financial Institutions**

Financial institutions should be selected first and foremost with regard to their financial soundness and stability. Brokers should be recognized, reputable dealers. All cash and securities shall be held in either a bank that is allowable for the deposit of public funds, provided funds on deposit are insured by the Federal Deposit Insurance Corporation (FDIC), or in an Investment Brokerage Account that is insured by the Securities Investor Protection Corporation (SIPC). If a banking institution is selected as manager, the Town will subscribe to Veribanc®, a recognized bank rating service.

The Treasurer shall require any brokerage houses and broker/dealers, wishing to do business with the Town, to supply the following information to the Treasurer:

- Audited financial statements
- If acting as a Registered Investment Adviser, Form ADV Part II report
- Proof of FINRA membership
- Errors & Omissions insurance amounting to, at a minimum, the total fair market value of the Trust Funds Portfolio.
- A statement that the Advisor has read the municipality's IPS and will comply with it on an annual basis
- Review of all advisors through broker check ([www.finra.org](http://www.finra.org)) as applicable

## **Standards of Care**

The standard of prudence to be used by the Treasurer shall be the "Prudent Person" standard and

shall be applied in the context of managing an overall portfolio. The Treasurer, acting in

accordance with written procedures and this investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided the purchases and sale of securities is carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived.

In addition this section would also apply to Massachusetts General Laws Chapter 44 Section 55A which refers to the liability of the Treasurer for losses due to bankruptcy.

### **Performance Measurement and Evaluation**

- To monitor the intermediate term performance of the Funds, the Treasurer will compare the Trust's results to a blended benchmark detailed in Addendum #3.
- Rebalancing of the portfolios should occur as necessary based on allocation guidelines in Addendum #1.
- It is expected that the performance figures of the Trust Fund, and any sub-strategy, will outperform their respective benchmarks, net of fees, on a long term (business cycle) basis.

### **Supervision**

- The Treasurer will meet with the investment manager(s) as frequently as semi-annually to monitor the performance of the funds and the investment manager(s) compliance with these guidelines.
- The Treasurer will receive and review portfolio management reports monthly.
- The Treasurer will provide a memo to the Select Board, Board of Light Commissioners, Finance Committee and Finance Director of any policy exceptions, as they occur, noting the reason for the exception and the actions to be taken to correct the exception, if any.
- The Treasurer will provide a report to the Finance Director and Finance Committee semi-annually detailing any exceptions to this policy which may exist within the portfolio noting the reason for the exception and the actions to be taken to correct the exception, if any.
- The Treasurer has the option to put the management of funds out for bid periodically, and shall consider such option not less frequently than every five years, through a request for information, request for proposal, or similar process as required by law or town policy.

### **Policy Review**

This policy will be reviewed annually by the Treasurer to ensure that it remains appropriate and complete. Any changes to this policy must be approved by vote of the Select Board and Board of Light Commissioners.

***Addendum - #1***

***OPEB Portfolio Allocation Targets***

The information contained herein shall dictate the long-term asset allocation targets as well as minimum and maximum parameters, when applicable, that will govern the management of the investable portion of the Trust. The methodology for determining specific security and investment strategy definitions is detailed in Addendum #2.

<b><u>Category</u></b>	<b><u>Minimum %</u></b>	<b><u>Target %</u></b>	<b><u>Maximum %</u></b>
Equities	45%	55%	65%
Domestic Equities	25%	35%	45%
International Equities	10%	20%	30%
Preferred Equities	0%	0%	10%
 Balanced	 0%	 0%	 10%

Fixed Income	15%	25%	35%
Domestic Bonds	10%	20%	30%
International Bonds	0%	5%	15%
 Alternatives	 10%	 20%	 30%
Cash	0%	0%	10%
Total	-	100%	-

**Addendum- #2**  
**OPEB Portfolio Allocation Definitions**

Asset Class	Asset Category	Morningstar Category	
International Equity	Large Cap	Large Cap Blend	Energy Financial
			Healthcare Industrials Technology Utilities Miscellaneous Sector
	Mid Cap	Mid Cap Blend Mid Cap Growth	Mid Cap Value
	Small Cap	Small Cap Blend Small Cap Growth	Small Cap Value
	Preferred Equity	Preferred Stock	
	Developed	Foreign Large Cap Blend Foreign Large Cap Growth Foreign Large Cap Value	Foreign Small/Mid Blend Foreign Small/Mid Growth Foreign/Mid Value Japan
		World Stock Europe	
Balanced	Emerging Markets	Emerging Markets	Pacific/Asia
		India	Pacific/Asia ex-Japan
		Latin America	Miscellaneous Region
		China	
	Balanced	Aggressive Allocation	World Allocation
		Moderate Allocation	Target Date
		Conservative Allocation	Retirement Income
Domestic Bond	Investment Grade	Corporate Bond	Muni National Intermediate
		Inflation Protection Bond	Muni National Long Term
		Intermediate Gov't Bond	Muni National Short term
		Intermediate Term Bond	Muni Single State
		Long term Bond	Short-Term Bond
	Multisector	Long Term Gov't	Short Term Gov't Bond
		Stable Value	Ultrashort Bond
International Bond	High Yield	Multisector bond	
		High Yield Bond	Bank loans
	World Bond	High Yield mini	
	Emerging Markets Bond	World Bond	
Alternatives	Equity Alternatives	Emerging Markets Bond	
		Long/Short Equity Private Equity	Market Neutral
	Bond Alternatives	Nontraditional Bond	
	Real Estate	Real Estate	Global Real Estate
		Direct Property	
	Managed Futures	Managed Futures	
	Other Alternatives	Arbitrage Hedge Funds Multi-Alternative Trading/Tactical	Precious Metals Commodities Natural Resources Bear Market

***Addendum - #3***  
***OPEB Portfolio Performance Reporting***

The information contained herein shall dictate the individual and blended benchmark(s), when applicable, to be utilized in monitoring the performance of the investable assets of the Trust.

<b>Category</b>	<b>Index</b>	<b>Percentage</b>
Equity	MSCI AC World Index	55%
Balanced	_____	0%
Fixed Income	Barclays Capital Global Aggregate Bond	25%
Alternatives	HFRI Fund of Funds Composite	20%
Cash	_____	0%
Total		100%

## Policy 16, Town Board Appointment Policy & Procedures

[HISTORY: Amended 1/28/2008, 2/11/2008, 12/14/2009, 8-23-2010]

This policy is adopted to provide uniform procedures for inviting applications to serve on appointed town boards, for making appointments, and for tracking the terms of those appointments.

The Select Board makes several appointments each year. Appointments are generally made for one or three years in length. In no case shall appointments be made for more than three years unless specifically allowed by State Law. Appointments are generally made effective July 1st of each year for terms expiring on June 30th, and the Board's vote shall specify the beginning and ending date of the term for which the appointment is being made, and said dates shall be recorded in the meeting minutes. In the case of appointments, no second to the nomination or motion will be required prior to Board action.

In the event of a vacancy on an elected Board, the Select Board and the remaining members of that Board shall jointly appoint someone to fill that vacancy pursuant to [MGL C.41,§11](#) or other applicable state statute. The person appointed shall serve until the next annual election at which time they must run for election to fill the remainder of the term of the office to which they have been appointed. or other applicable state statute. The person appointed shall serve until the next annual election at which time they must run for election to fill the remainder of the term of the office to which they have been appointed.

In the event of a vacancy on a board appointed by the Select Board, including the Zoning Board of Appeals pursuant to [MGL C.40A,§12](#), the Select Board shall fill said vacancy for the remainder of its unexpired term, unless a different term expiration date is required to ensure overlapping terms so arranged that the term of at least one regular member shall expire each year.

In order to attract qualified and interested persons, notice of vacancies on town boards appointed by the Select Board shall be posted on the Town website and the bulletin board in the Town Office Building for at least four weeks prior to appointments being made by the Select Board. Information about town board vacancies will also be provided to the local newspaper and local access cable TV on a regular basis.

Appointments should be based on experience, merit and qualifications.

The Town Administrator shall:

- A. Provide to the Select Board by May 15 a list of the annual appointment vacancies to be filled by the Board; and notify the Select Board throughout the year as town board vacancies occur.
- B. Notify the Chairman of the appropriate board or committee and request recommendations regarding reappointment or the filling of vacancies.

- C. Notify incumbents and request their statements of availability regarding reappointment.
- D. Cause notices of all vacancies on town boards appointed by the Select Board to be posted on the Town website and the bulletin board in the Town Office Building for a period of at least four weeks, and shall regularly provide information about town board vacancies to the local newspaper and local cable access TV.
- E. After four weeks has elapsed following the posting of a notice of vacancy on a town board, present the Select Board with all applications received for said vacancy at its next regularly scheduled meeting thereafter.

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

### **Appointment Procedure**

Persons seeking appointment to a board appointed by the Select Board shall complete an application form [attached] and file it with the Office of the Select Board/Town Administrator. The requirement for a completed application shall not apply to appointees who are representing town boards and departments as their designees.

Once the decision is made to appoint a member to a Town board, the Appointing Authority shall be responsible to:

1. File a completed "Notice of Appointment" form [attached] with the Town Clerk for each appointment made to a Town board.
2. Notify the appointee of his/her appointment, either in writing, in person, by telephone, or by e-mail; and to inform him/her of the need first to be sworn to the faithful performance of their duties within thirty (30) days of appointment, before he/she may sit as a member or alternate member of a Town board.

If an Appointee accepts the offer to participate on a Town board, the appointee must:

2. Appear at the office of the Town Clerk as soon as practicable after receiving notification of appointment to a Town board; sign the "Notice of Appointment" accepting such appointment; and be sworn to the faithful performance of his/her duties.
3. Accept the appointment within thirty (30) days of the date the appointment was made or forfeit the appointment and have the appointing authority consider the appointment to be vacant as of that time.
4. Continue to serve until his/her successor is chosen and qualified by the Appointing Authority.
5. Notify the Town board's chairman and the Town Administrator, and file a written letter

of resignation to the Town Clerk pursuant to MGL C.41,§109 in the event the Appointee is no longer able to serve during any appoint during their term of office.

The Town Clerk shall:

1. Maintain a file of all notices of appointment as a public record available for inspection.
2. Maintain, publish, and periodically update a roster of the membership of all Town boards, including the following information for each board member: (a) name; (b) voting address; (c) mailing address, if different; (d) home telephone number; and (e) date of term expiration.
3. Notify the appointing authority in writing if the appointee has not been sworn to his/her official duties by thirty (30) days following the filing of the Notice of Appointment.
4. Notify the appointing authority in writing in the event the employee submits a written resignation.
5. Notify the appointing authority in writing of the scheduled expiration of any term of office for a Town board position to be filled by such appointing authority, such notice to be given at least thirty (30) days prior to the scheduled date of such term's expiration.

## **Policy 17, Procedure for Procurement of Supplies and Services, Disposal of Surplus Town Owned Property/Supplies and Execution of Contracts**

[HISTORY: Adopted 8/25/2008: Amended 7/13/2015, 11/7/2016]

### **Purpose**

This directive is issued for the purpose of ensuring that all contracts entered into by the Town of Littleton are in compliance with all applicable local, state, and federal law, including Massachusetts General Laws, Chapter 30B, the Uniform Procurement Act. In accordance with the provisions of this Act, the Chief Procurement Officer for the Town shall oversee the procurement function in conformity with the Statute.

### **Definitions**

“Chief Procurement Officer”— The Assistant Town Administrator for Finance and Budget, pursuant to Paragraph 4, Section 4 of the Department of Finance and Budget by-law passed by 6/12/07 STM Article 2.

“Town Administrator”— appointed pursuant to MGL C.41, §23A, which provides that he “shall act by and for the Select Board in any matter which they may assign to him relating to the administration of the affairs of the town or of any town office or department under their supervision and control.”

## **Procurement Requirements**

1. Subject to the approval of the Chief Procurement Officer, department heads and budget managers shall have the discretion to make purchases under \$10,000 using sound business practices. Department heads/budget managers should solicit price lists and quotations from competing vendors on a regular basis to make sure the Town is getting favorable prices for all purchases.
2. The Chief Procurement Officer shall oversee procurements in the amount of \$10,000 to \$49,999. For each such procurement, it shall be the responsibility of the requesting department head/budget manager to
  - a. prepare a written description which includes all purchase requirements,
  - b. obtain written or verbal price quotations on said written description from no less than three competing vendors, which quotations shall be summarized on a form prescribed by the Chief Procurement Officer, and
  - c. obtain the written approval of the Chief Procurement Officer thereon to award the contract to the lowest responsible bidder. The term "lowest responsible and eligible bidder" means the bidder whose bid is of the lowest of those bidders possessing the skill, ability and integrity necessary for the faithful performance of the work.
3. All procurements over \$50,000 shall be made by the Chief Procurement Officer with the requesting department head/board on the basis of an Invitation For Bids (IFB) or Request For Proposals (RFP), as set forth in MGL Chapter 30B. For each such procurement, it shall be the responsibility of the requesting department head or Board to: (a) prepare a written specification that details all purchasing requirements; (b) if an RFP process is being used, define evaluation criteria, including quality requirements and lowest price; and (c) define plan for providing the supplies or services, if required.

## **Execution of Contracts**

1. All contracts of \$10,000 or more shall be in writing, and shall be executed by the Chief Procurement Officer.
2. The Select Board or other authorized awarding authority approved by the Town meeting shall enter into:
  - (a) all grant agreements of any amount, and
  - (b) all contracts for procurements of \$50,000 or more.
3. The Town Administrator is hereby authorized, pursuant to MGL C.41, §23 to enter into contracts for procurements of under \$50,000.
4. Unless authorized by a majority vote by Town Meeting, the Town may not solicit or award a contract for a term greater than five years, including renewals, extensions or options.

5. The Town Accountant shall be provided with and shall maintain a copy of every contract executed by the Select Board, Town Administrator or authorized awarding authority in accordance with the Secretary of State's record retention requirements.

### **Disposal of Surplus Town Owned Property/Supplies**

Any Board or Officer in charge of a department of the Town may, with the approval of the Town Administrator for property having an aggregate value of **less than \$10,000**, transfer to another Town Department or transfer by sale any personal property within the possession or control of the department which has become obsolete or is not required for further use by the department or any other department.

For supplies with a resale or salvage value of **\$10,000 or more**, the Town will use one of the alternate methods of sale: (1) sealed bids, or (2) public auction

For supplies with a resale or salvage value of **\$10,000 or more**, the Town will also post notice indicating the supply offered for sale, the location and method for inspection of the supply, the terms and conditions of the sale including the place, date, and time for the bid opening or auction, and a statement that the Town retains the right to reject any and all bids. The Town will post this notice in a conspicuous place for at least two weeks until the bid opening or auction, and will publish the notice in the local newspaper at least once not less than two weeks prior to the bid opening or auction.

## **Policy 18, Sale of Town Owned Property Policy & Procedure**

[HISTORY: Adopted 11/1/2010]

### **Scope:**

This policy establishes a set of procedures for responding to requests for the lease, sale or other disposition of Town-owned land. This policy applies to:

1. land disposition requests made by private individuals or organizations;
2. land disposition recommendations initiated by the Town;
3. the sale of tax foreclosed property; and
4. the sale land of low value according to applicable MA General Laws (MGL).

### **Purpose:**

This policy is intended to establish those procedures under which the Town will act in considering the disposition of any parcel of Town-owned land. This policy establishes procedures to:

1. Provide a clear understanding and uniform method for reviewing land disposition requests;
2. To ensure that decisions involving land disposition are well considered and address the concerns and needs of all relevant Town Departments and Boards;

3. To provide a mechanism for public input in the decision process.

**Procedures:**

This policy shall apply to all departments of the Town of Littleton.

The Town shall establish a Land Sale Committee consisting of the Town Administrator and/or Assistant Town Administrator, the Building Commissioner, Planning Board representative, Town Assessor, Town Treasurer and a representative of the Conservation Commission, the Park & Recreation Commission, the Highway Department, and the Light & Water Department. The Town Administrator or the Assistant Town Administrator shall chair the committee. The committee shall meet as necessary to review applications for purchase and/or review parcels owned by the Town for possible sale to the public and to recommend its findings to the Select Board.

*Sale of Town-Owned Land (non-tax foreclosures)*

- 1) All requests for the purchase of Town-owned real property shall be directed to the Town Administrator.
- 2) The requestor must complete a Real property Request Form (attachment A), which provides information relative to the property in question, including its intended use.
- 3) The completed form shall be forwarded to members of the Land Sale Committee and a public meeting shall be scheduled to review the application and parcel in question.
- 4) Committee members shall consult with their respective Boards, as appropriate, as part of the review process.
- 5) If recommending a parcel be made available for sale to the public, the Committee shall complete the Real Property Request Form for each parcel under review.
- 6) The Town Administrator shall notify abutting property owners and any other individuals and/or organizations with interest in said property (see attachment B). The letter shall invite public comment in response to the disposition request and shall establish a reasonable time period for the receipt of any comments.
- 7) The Committee's recommendation to the Select Board shall include:
  - a. A description of the property including its current use and any structures;
  - b. The assessed (or appraised) value of the property and recommended sales price (if any);
  - c. All current and foreseeable public uses of the property;
  - d. Whether the property is appropriate for park and recreation or conservation purposes, in accordance with Section 35-3 of the Littleton Town Code;
  - e. Other identified advantages and disadvantages of disposition;
  - f. A recommended action. If a sale is to be recommended, an in-lieu of tax payment should be calculated to satisfy any property tax implications.

- 8) In making a recommendation, the Committee shall consider the following:
  - a. Current and foreseeable Town or other public use of the property;
  - b. Financial impact to the Town upon disposition or retention of property;
  - c. Impact of sale and proposed use of the property on the abutting land owners and surrounding neighborhood;
  - d. Alternatives to title transfer such as easements or lease;
  - e. Environmental impact of proposed or current use;
  - f. Restrictions that may be placed upon the property prior to sale, such as conservation restrictions, public access easements etc.
- 9) The Town Administrator shall present the Committee's recommendation to the Select Board.
- 10) The Select Board shall hold a public hearing before acting on the Committee's recommendation. Notice of the meeting should be given to the requestor (if any), abutting property owners and any other individuals or organizations with interest in the property.
- 11) The sale of property shall be governed under the property disposition process established by the Uniform Procurement Act, MGL Ch 30B (see below).

*Sale of Town-Owned Land – Tax Foreclosures*

The Town may from time to time consider the sale of property foreclosed upon by the Town for unpaid property taxes. This process is intended to:

- A. Derive revenue to the Town from the sale of property;
- B. Place the foreclosed property back onto the tax rolls;
- C. Bring the foreclosure process to final closure.

- 1) On an annual basis the Town Treasurer shall compile a listing of Town owned foreclosed property to the Land Sale Committee.
- 2) The Committee shall consider each parcel according to the guidelines specified above.
- 3) A listing of tax foreclosed property that will be recommended for sale should be sent to the Select Board.
- 4) Tax foreclosed property made available for sale by the Select Board may be disposed of by either MGL Ch 30B (Uniform Procurement Act) or by Ch 60 section 77B; Public Auction.

*Procedures for Public Auction*

Note – What follows is a summary of the applicable provisions of MGL Ch 60, § 77B. Prior to

selling the property, the Committee and the Select Board shall review the statute and relevant provisions of the Littleton Town Code to ensure compliance with all relevant provisions, including those not specifically referenced herein and those that may be amended from time to time.

- 1) The Select Board may appoint a custodian who shall have care, custody, management and control of all property acquired by the Town by tax foreclosure. The custodian may sell such property at a public auction provided that the custodian complies with the requirements of MGL Ch 60 § 77B.
- 2) Proper notice must be given to the owner of record immediately prior to the acquisition of the property by the Town by registered mail at least 14 days prior to the auction. Similar notice must be posted in two or more convenient and public places in the Town. The notice of sale must include several legal requirements in addition to the requirements of Ch 60.
  - a. Title 5 Notice of Inspection
  - b. Auction procedures or specific terms, conditions or restrictions with respect to the sale of the property or properties.
- 3) After the sale of the property at auction the Treasurer shall execute and deliver a Treasurer's Deed, which transfers title from the Town to the purchaser. The Treasurer shall record the Deed within 15 days of the auction. The recording expense shall be paid by the purchaser.
- 4) A pro forma tax must be included in the Treasurer's Deed, in accordance with the provisions of MGL Ch 44 § 63A.
- 5) The purchaser must supply an Arson/Tax delinquency statement, in accordance with MGL Ch 60 § 77B and a Disclosure Statement required by MGL Ch 7 § 40.

#### Procedures for Sale under Uniform Procurement Act

Note – What follows is a summary of the applicable provisions of the Uniform Procurement Act, MGL Ch 30B, § 16. Prior to selling the property, the Committee shall review the statute to ensure compliance with all relevant provisions, including those not specifically referenced herein and those that may be amended from time to time.

- 1) Any applicable Town Meeting votes have been taken to authorize a sale of property. The Town shall not sell land acquired by Town Meeting vote unless authorized by Town Meeting.
- 2) Value of Property has been determined;
  - a. By appraisal
  - b. By the assessed value of the property as long as the assessment
    - i. Is current

- ii. The property is assessed at 100% of value
- iii. The assessment was determined through valid procedures.

- 3) If the property is in excess of \$25,000, the Town must solicit proposals by advertising at least once per week for 2 consecutive weeks in a local newspaper. The last publication must occur at least 8 days prior to the day the proposals are to be opened. The parcels description, terms and requirements of the sale and the time and place for the submission of proposals must be included.
- 4) If the property contains more than 2,500 square feet the advertisement must also be published in the Central Register published by the Secretary of State.
- 5) The advertising requirement may be waived in a declared emergency as long as the reason for the emergency is published in the Central Register at the earliest opportunity.
- 6) Proposals are opened publicly at the designated time and place. The selected buyer and the amount of the transaction must be published in the Central Register.
- 7) The purchaser should also supply the Town with the pro-forma tax obligation, an Arson/Tax delinquency statement and disclosure Statement described above.

*Sale of property taken by Land-of Low Value*

Once a property deemed to be Land of Low Value has been issued an Affidavit to Foreclose by the Commissioner of Revenue, the Town has four years to hold a public auction to dispose of the property. The Affidavit to Foreclose must be filed at the Registry of Deeds. Sale of Land of Low Value parcels are governed under MGL Ch 60 §§ 79, 80, 80A, 80B, and 80C. The Committee shall review parcels taken by the Land of Low Value process to establish any Town need or uses. If the Town decides to retain the property, a Treasurer's Deed must be issued and filed. The disposition of Land of Low Value must be by public auction, following the procedures outlined above.

## **Town of Littleton Real Property Request Form**

**Requestor Information:**

Name of Requestor \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Home Phone \_\_\_\_\_

Work Phone \_\_\_\_\_

E Mail \_\_\_\_\_

Land Address \_\_\_\_\_ Assessor's Map and Lot Number \_\_\_\_\_

Acres/Sq. Feet \_\_\_\_\_

Assessed Value of Property \$ \_\_\_\_\_

Any Structures on the Property      Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, Describe the type and condition of each structure

---

Tax Status of Property (please indicate any back taxes owed)

---

Description of Parcel (topography, natural features, water resources etc.)

---

Current Use

---

Intended Use

---

Nature of Requested Disposition (do you want an easement or do you wish to purchase the property?)

---

Please attach any additional information you may have regarding the property and your intended use of the property.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## **Sample Abutter Letter – Attachment B**

Dear Abutter:

The Town of Littleton has received a request for the purchase of property at [property address, assessor map and lot number] which is owned by the Town. (see enclosed request form). The request is currently under review by Town staff.

If you have any comments, questions, or concerns regarding this request, please let us know. We value your input and will take it into consideration when reviewing the land disposition request.

Please be assured that no final action on this matter will be taken without a public hearing held by the Select Board.

Thank you for your attention to this letter. If you have any questions regarding it, please call me at 978-540-2460.

Sincerely,

Keith Bergman Town Administrator

## **Policy 19, Streamlined Procedure for Adoption of Confidential Policies & Procedures for Littleton Police Department**

[HISTORY: Adopted 2/14/2011]

WHEREAS, MGL C.41,§97A gives the Select Board thirty days to act on the Chief of Police's "suitable regulations governing the police department" or else such regulations take effect without further board action; and

WHEREAS, Town Counsel has ruled that confidential policies and procedures dealing with the internal operations of the Police Department qualify for the public safety exemption to the Public Records law (MGL C.4,§7(26) clause n), provided that any action thereon by the Select Board be taken in executive session; and

WHEREAS, the Select Board desires to adopt a streamlined procedure to require that a board vote be scheduled for executive session only when requested by one or more members of the Select Board.

THEREFORE, the Select Board hereby adopts the following procedure:

1. The Chief of Police shall submit any proposed confidential policies and procedures to the Select Board in care of the Town Administrator.
2. The Town Administrator shall promptly forward those documents onto the members of the Select Board in confidence, reminding them of the policy that a board vote is only scheduled thereon if requested by one or more members. Such request shall be made by any Selectman to the Town Administrator.
3. Prior to requesting a vote of the full Select Board, interested members are encouraged to meet individually with the Chief of Police to discuss any concerns they have about the proposed policies.
4. If no Selectman requests a vote, then those policies and procedures shall take effect upon the expiration of thirty days; and the Town Administrator shall so notify the Chief of Police.
5. If one or more Select Board request a vote, then the matter shall be scheduled for executive session for the next Select Board's meeting that is held prior to the expiration of the thirty days.
6. One copy of the adopted policies and procedures shall be retained by the Select Board's office as a confidential record with the executive session minutes. All other copies shall be returned to the Chief of Police.

## **Policy 20, Municipal Wireless Telephone Usage Policy**

[HISTORY: Adopted 3/14/2011]

*\*This policy is applicable to all employees of the Town of Littleton. For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation prevail over the language in this policy (i.e. discipline). Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.*

### **1.0 Purpose**

The Municipal Wireless Telephone Usage Policy is created to provide efficient and consistent standards and procedures for the use and maintenance of cellular telephone technology by employees of the Town of Littleton to whom a wireless telephone has been issued, and to provide effective organizational communication and cost management associated with acquiring and operating cellular telephones.

### **2.0 Organization(s) Affected**

All Municipal Departments.

### **3.0 Administration Policy**

The Town Administrator or designee shall be responsible for establishing and maintaining, in accordance with established organizational policies, acquire and recommend the placement of cellular telephones into service in those instances where such technology will ensure and/or substantially support the ability of Town employees to carry out the basic duties and responsibilities of their jobs when other methods of expedient communication are not available or appropriate. The Town Administrator or designee will evaluate the service plan and determine the most appropriate and cost effective plan. The Town Administrator or designee will administer and oversee the cell phones on the municipal side of town government and shall identify issues and concerns regarding cell phone usage to be addressed by employee supervisors, or the Town Administrator or designee.

### **4.1 Procedure**

#### **4.2 Minimum Standards and Criteria for Issuance – To be assigned a Town issued cell phone, an employee must meet at least one of the following criteria:**

4.2.1 Department Heads may request the placement of cellular phones in Town-owned vehicles of Town employees whose duties and responsibilities require they maintain in constant, though intermittent, contact with private citizens, customers and colleagues and who spend a significant portion of their workday in or in immediate proximity to a motor vehicle. In general, Department Heads should be available via cellular device.

4.2.2 Town employees who by title and responsibility routinely serve or are subject to serve in command or field coordinator roles for actual incidents or events, or rehearsals for such, where individual or public safety and well being may be threatened.

4.2.3 Town employees with whom immediate and direct telephonic communication is necessary in the performance of their professional responsibilities and organizational duties.

4.2.4 Town employees for whom assigned duties and responsibilities require mobile communication access, and a cellular telephone provides economic or functional benefits over and above other means of communication, such as:

- a) Employees with whom, in the performance of their job, it is necessary to be in 24 hour per day contact;
- b) Employees for whom for the purposes of confidentiality, use of other communication tools is deemed inappropriate;
- c) Employees for whom in the performance of their professional responsibilities the employee's personal safety or the safety of others is at risk;
- d) Employees who, in the performance of their professional responsibilities, are frequently required to supervise activities outside of the normal work place at facilities and sites normally inaccessible;
- e) Employees who need to be in ready contact with Police and/or Fire personnel.

4.2.5 Departmental 'pool' phones allocated for shared usage within a department are the responsibility of the department manager. Managers shall ensure phones are allocated as responsibilities warrant and are maintained for proper operation.

#### **4.3 Justifying and Requesting a Cellular Telephone**

Department Heads who request that an employee be allocated a cellular phone shall make a written request to the Town Administrator or designee for review and recommendation. The request shall include justification of need, function, and funding source.

#### **4.4 Review and approval of Cellular Telephone Requests**

The Town Administrator or designee shall have final authority for determining that cellular technology is the most appropriate communication technology for the situation then at hand.

#### **4.5 Acquisition and Replacement**

4.5.1 Acquisition method will be in accordance with established procedures set forth by the Accounting Department. Some departments may have specific needs, such as so called smart phones that send and receive data, files and email. Rules pertaining to email remain in effect on phones.

4.5.2 The Accounting Department shall request sufficient funding in the consolidated line item for Central Communications, when preparing annual budget request, to cover the cost of approved and in-service cellular phones. Department Heads with control over Enterprise Fund operations shall request sufficient funding in their appropriate line items for cellular phone service within those funds.

4.4.3. The Town Administrator or designee shall make a recommendation on the most appropriate cell phone and plan based on an employee's job responsibilities.

4.4.4. The Department Head shall contact The Town Administrator or designee to have any phone repaired and replaced if necessary. Replacement of allocated phones and accessories shall be authorized by the Town Administrator or designee and must be purchased according to identified procedures.

## **5.1 Use of Cellular Telephones**

- 5.2** All employees assigned a cell phone must adhere to and the Acknowledgement of Receipt of Municipal Wireless Telephone Usage Policy before being allocated a phone.
- 5.3** Cellular telephones are acquired with public funds and are so acquired to enable Town employees to transact the public's business in the most efficient and cost effective method possible. Telephone numbers are the property of the Town of Littleton and are not transferable, and shall be used in the same manner and with the same care and stewardship as all public resources.
- 5.4** The use of a Town issued cellular telephone is to conduct official business. The use of cellular telephones should never interfere with an employee's attention to duty, and should never be used when engaged in safety-sensitive functions requiring the employee's full attention. Sending photo or text messaging is prohibited unless it can be clearly linked to the conduct of official Town business. Additionally, employees should limit the use of personally owned cellular telephones and telephone calls, in frequency and duration, to the greatest extent possible during hours of employment. This includes incoming as well as outgoing telephone calls. Personal calls should not interfere with an employee's duties and should not impact an employee's productivity.
- 5.5** Regardless of whether a Town-owned cellular telephone is being used for public or incidental personal purposes, non-public safety employees shall not initiate a cellular phone call while they are driving a motor vehicle or operating equipment. Non-public safety employees who receive a cell phone call while driving a motor vehicle or operating equipment are required to stop the vehicle/equipment in a safe location so that communication is held while the vehicle is stopped. The use of "hands free" technology is acceptable as long as it does not interfere with the safe operation of the vehicle. This section shall not apply to employees who are passengers in a motor vehicle. Public Safety (police, fire) employee use of Town-owned cellular telephones while driving a motor vehicle will be governed by departmental policy. Employees will follow the laws of the Commonwealth as it relates to the use of cellular devices while driving.
- 5.3** FLSA exempt employees assigned cellular telephones shall power-on telephones at all times during their workday, while on-call, and while not accessible by other means of telecommunication.

## **6.1 Monitoring**

- 6.2** The contractor will send a master invoice statement to the Accounting Department. Copies will be distributed to each Department Head for review. By reviewing monthly statement of cellular phone activity, immediate supervisors and

Department Heads are responsible for monitoring the use of cellular phones to ensure they are being used appropriately in accordance with this policy.

- 6.3** The Department Head shall be responsible to address inappropriate use, abuse, or failure to adhere to established policies. Inappropriate use of cellular phones shall be reported to the respective Department Head with a copy to the Town Administrator or designee.
- 6.4** Employees found to be in violation of this policy will be subject to disciplinary procedures\* as may be deemed appropriate by the Department Head, Town Administrator or designee.
- 6.5** The Town of Littleton shall make provisions for providing cellular telephone communication capabilities to employees who, on an intermittent basis, meet the criteria for cellular telephone issuance.
- 6.6** The Town Administrator or designee and/or Department Heads have the right to revoke or deny use, issuance or assignment of cell phones at any time.
- 6.7** The Town Administrator or designee may reevaluate cellular phone policies and procedures at any time in the best interest of the organization.

Town of Littleton  
Acknowledgement of Receipt of Municipal Wireless Telephone Usage Policy

**Name:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_

**Cell phone / Pager #** \_\_\_\_\_

**Serial #:** \_\_\_\_\_

**Make:** \_\_\_\_\_

**Model:** \_\_\_\_\_

I acknowledge receipt of \_\_\_\_\_ cell phone(s) \_\_\_\_\_ pager(s) belonging to the Town of Littleton, to be used in the course of my job.

This form acknowledges that I have received and reviewed a copy of the Town of Littleton's Municipal Wireless Telephone Usage Policy and that this signature sheet will be placed in my personnel file in the Human Resource Office. I understand that I will be held responsible for complying with the provisions of this policy and understand that any actions which are found to violate the terms of this policy may result in disciplinary action\*. I understand that the use of such device is a matter of public record and may be reviewed on a monthly basis by others outside of my department.

I have received, read, and agree to the Municipal Wireless Telephone Usage Policy provided to me with the device. I fully understand the terms of the procedures and agree to abide by them.

**Phone/pager received by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Phone/pager issued/signed out by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\* This policy is applicable to all employees of the Town of Littleton. For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation prevail over the language in this policy (i.e. discipline). Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.

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**Phone/pager returned by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Phone/pager received by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Policy 21, Policy on Zoning Amendment Warrant Articles**

[HISTORY: Adopted 12-08-2008]

WHEREAS, [MGL Chapter 40A, section 5](#) affords the Select Board up to fourteen (14) days to refer voter-petitioned zoning amendment warrant articles to the Planning Board; and WHEREAS, said section 5 further affords the Planning Board up to sixty-five (65) days thereafter to convene its public hearing on said zoning amendment proposals; and WHEREAS, both the Select Board and the Planning Board desire that an adequate amount of time be afforded to the Planning Board to formulate its recommendation to Town Meeting on all proposed zoning amendments; THEREFORE, it shall be the policy of the Select Board to require that voter-petitioned zoning amendment warrant articles shall be received by the Select Board no later than ninety (90) days prior to the date of a town meeting.

## **Policy 22, Criminal Offender Record Information (CORI) Policy**

[HISTORY: Adopted 10/15/2012]

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed.

The Town currently has four departments authorized to access CORI: Police, Park and Recreation, School and Human Resources. Each department is responsible to comply with CORI regulations as defined in Chapter 256 of the Acts of 2010 and MGL c. 6 §. 172. Human Resources will conduct CORI checks for all departments without CORI access.

### **I. Conducting CORI Screening**

CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §.172, and only after a CORI Acknowledgement Form has been completed. With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours notice that a new CORI check will be conducted. If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

### **II. Access to CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. Human Resources will maintain and keep a current list of each individual authorized to have access

to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

### **III. CORI Training**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Town of Littleton review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. Additionally, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### **IV. Use of Criminal History in Background Screening**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

### **V. Verifying a Subject's Identity**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

### **VI. Inquiring about Criminal History**

In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

### **VII. Determining Suitability**

If a determination is made, based on the information as provided in section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- a) Relevance of the record to the position sought;
- b) The nature of the work to be performed;
- c) Time since the conviction;
- d) Age of the candidate at the time of the offense;

- e) Seriousness and specific circumstances of the offense;
- f) The number of offenses;
- g) Whether the applicant has pending charges;
- h) Any relevant evidence of rehabilitation or lack thereof; and
- i) Any other relevant information, including information submitted by the candidate or requested by the organization. The applicant is to be notified of the decision and the basis for it in a timely manner.

### **VIII. Adverse Decisions based on CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

### **IX. Secondary Dissemination Logs**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject.

**CRIMINAL OFFENDER RECORD INFORMATION (CORI)  
ACKNOWLEDGEMENT FORM**

The Town of Littleton is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to the Town of Littleton to submit a CORI check for my information to the DJCIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing written notice of my intent to withdraw consent to a CORI check.

**FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY:**

The Town of Littleton may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that the Town of Littleton must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement form is true and accurate.

---

SIGNATURE

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Date

---

Printed Name

**SUBJECT INFORMATION:**

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*Last Name	*First Name	Middle	Suffix
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Maiden Name (or other name(s) by which you have been known)

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Date of Birth	Place of Birth
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Last Six Digits of Your Social Security Number: \_\_\_\_\_ - \_\_\_\_\_

Sex: \_\_\_\_\_ Height: \_\_\_\_\_ ft. \_\_\_\_\_ in. Eye Color: \_\_\_\_\_ Race: \_\_\_\_\_

Driver's License or ID Number: \_\_\_\_\_ State of Issue: \_\_\_\_\_

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Mother's Full Maiden Name	Father's Full Name
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Current and Former Addresses:

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Street Number & Name	City/Town	State	Zip
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Street Number & Name	City/Town	State	Zip
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The above information was verified by reviewing the following form(s) of government-issued identification:

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VERIFIED BY: \_\_\_\_\_  
Name of Verifying Employee (Please Print)

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Signature of Verifying Employee

## **Policy 23, Vehicle Use Policy**

[HISTORY: Adopted 10-15-2012]

### **I. Purpose**

The purpose of this policy is to establish guidelines and standards for:

- Vehicle Uses – Municipal, Personal, and Stipends
- Personal Vehicle Use for Work Related Travel
- Municipal Vehicle Assignments
- Commuting and Imputed Tax
- Vehicle Accident Reporting
- Responsibilities When Driving a Municipal or a Personal Vehicle
- Policy Exemptions

### **II. Applicability**

The policy applies to all employees of the Town of Littleton unless specifically mentioned in a similar policy by a governing board. For the purposes of this policy, vehicles purchased by the Light & Water Departments are governed by the Light & Water Commissioners. Vehicles purchased by the School Department are governed by the School Committee. All other Town vehicles will be governed by the Select Board regardless of department and/or appointing authority.

Employee's whose employment is regulated by individual agreement or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by law or agreement.

If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes effective after the effective date of this policy, then this policy shall be deemed changed to be in compliance with such governing law or regulation.

### **III. Definitions**

**1. *Vehicle Stipend*** – the amount approved by the governing Board to compensate an employee for regular and routine use of a Personal Vehicle for work related travel. Vehicle Stipends are considered a salary item and as such, are subject to taxation.

**2. *Expense Reimbursement*** – payment for approved expenses relating to Personal Vehicle use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

**3. *Municipal Vehicle*** – those automobiles, truck, vans, or other self-propelled equipment owned, rented, or leased by the Town and licensed for travel on a public way.

**4. *Personal Vehicle*** – that vehicle owned or available for private use by the employee.

**5. Commuting** – the use of Municipal Vehicle for travel between the employee’s residence and his or her principal work location. Under Internal Revenue Service (IRS) regulations, the benefit of using a Municipal Vehicle for commuting is considered taxable income to an employee and the value of the personal use of the Municipal Vehicle will be included in his or her compensation.

#### **IV. Vehicle Uses**

1. **Municipal Vehicles**- It is the policy of the Town that certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the Town and are assigned solely for purposes consistent with providing services to the Town and its citizens and visitors.
  - a. **Registering and Insuring a Municipal Vehicle**- Whenever a new municipal vehicle is purchased and registered, the Town Accountant’s office must be notified and appropriate paperwork completed immediately to add the vehicle to the Town’s insurance policy.
2. **Personal Vehicles**- It is the policy of the Town to reimburse employees for reasonable expenses which they incur as a result of Personal Vehicle use on behalf of the Town. Receipts and expense reports must be submitted in a timely manner in order for employee to be reimbursed for such expenses.
3. **Vehicle Stipend**- It is the policy of the Town that in the event an employee is required to use his or her Personal Vehicle on a year round basis, and that employee has not been assigned a Municipal Vehicle, the governing Board may authorize the payment of a Vehicle Stipend. Such stipend may be rescinded with 90-day written notice and will not be paid in combination with personal automobile expense reimbursement.

#### **V. Administrative Requirements**

1. **Reimbursement of Work-Related Travel Expenses**- When an employee is authorized to use a Personal Vehicle for work-related travel, he or she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend. Employees will be notified by the Accounting Department of any changes to the IRS rate. In addition to the mileage rate, the Town will reimburse employees authorized to travel outside of the Town, driving a Personal or Municipal Vehicle, within the scope of employment, for tolls and reasonable parking expenses, when receipts are provided.

Employees receiving a Vehicle Stipend may be reimbursed for reasonable parking expenses. Those employees will not be reimbursed for tolls that are paid by the employee during his or her normal commute to work.

In order to be reimbursed for Personal Vehicle use, employees must complete a Reimbursement Expense Form provided by the Accounting Department and submit the same with appropriate supporting documentation and/or receipts in a timely manner. Employees will not be reimbursed for commuting between their homes and offices or other regular work locations or any other personal use.

2. **Insurance**- Employees who are authorized to use Personal Vehicles for work related travel are required to show proof to their Department Head, on an annual basis, of the following minimum levels of insurance coverage:

- Bodily Injury: \$100,000/\$300,000
- Property Damage: \$50,000

## VI. Municipal Vehicles

- 1. Requirements-** Employees are required to have a valid motor vehicle license for the class of vehicle to be operated issued by the Commonwealth of Massachusetts or their state of current residence and must show proof of such valid license to his/her Supervisor or Department Head prior to being assigned a Municipal Vehicle. Prior to the assignment of a municipal vehicle, a copy of the operator's Massachusetts driving record will be reviewed as described in this policy.
- 2. Employee Driving Records-** Employees authorized to use municipal vehicles may be subject to periodic driving record checks, through the Registry of Motor Vehicles. This is necessary for the Town to appropriately identify potential risk of liability.

Driving records may be reviewed by the HR Department, Department Head and/or governing board. Employees may be disqualified from driving municipal vehicles if driving records are determined to be a safety concern.

### 3. Assignment of Municipal Vehicles

- The assignment of Municipal Vehicles with commuting privileges (24 hour access) will be made by the appropriate governing Board and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved position description provided by the Department Manager and Human Resources Department. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:
  - Bona-fide non-compensatory reason that requires commuting in the municipal vehicle.
  - Officially designated 24 hour on-call status;
  - Requirement for frequent emergency availability during non-working hours;
  - Issuance of a pager or other communication device; and/or,
  - Emergency or other equipment contained in the vehicle.

The vehicles classified as 24 hour emergency use for the Town of Littleton are:

- Police and Fire Chiefs
- Police Deputy Chief
- Police Lieutenants and Detectives (unmarked)
- Highway Manager
- Highway General Foreman
- On-Call Water Employee Vehicle
- On-Call Light Employee Vehicle

All other vehicles should be secured on Town premises at the close of business:

- All other Police and Fire Vehicles
- Park and Recreation Vehicles
- Cemetery Vehicles
- Driver's Ed Vehicles
- Building Commissioner Vehicle
- Light Department Vehicles
- Water Department Vehicles
- Mart Vehicles
- School Department Vehicles

**b.** Municipal Vehicle assignments may be rescinded in writing at the discretion of the appropriate governing board. Allowance of commuting privileges to non-emergency municipal vehicles may be made by the governing board (*see Attachment A*).

**c.** The reimbursement of fuel costs associated with personal use of vehicles shall be determined by the appropriate governing board as either a direct reimbursement to the Town or additional imputed income to the employee. This policy treats Town provided fuel as a reimbursable expense by the employee. The governing board must vote to exempt this provision (*Attachment A*) in order for fuel to be treated as imputed income.

**d.** The Town may install GPS monitoring systems in any municipal vehicle.

**4. Imputed Income Taxation-** Employees authorized to commute in a Municipal Vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of taxation. The Town Treasurer shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Municipal Vehicles for commuting purposes. In the first year of service, the employee will provide an estimate of both total miles and personal miles he/she anticipates driving during the following reporting period. The normal commuting distance of the employee will be used as a minimum estimate of personal miles driven during the reporting period. Each subsequent December 1<sup>st</sup>, the employee will be required to submit a *Mileage Reporting Form* (*see Attachment E*) as well as a copy of their mileage log. Any true-up between the estimated personal miles and the actual personal miles driven will occur in December of each year.

Employees who are assigned marked and unmarked police vehicles, and/or Municipal Vehicles that meet eligibility criteria as defined under 26 CFR 1.274-5T will not be subject to imputed income taxation as a result of the vehicle assignment. This includes Police and Fire Chiefs, Police Deputy Chief, Lieutenants and Detectives.

## **VII. Rules and Responsibilities**

Employees who drive a Municipal or Personal Vehicle are responsible for, but not limited to, the following:

- Municipal Vehicles may only be used for legitimate municipal business.
- Individuals assigned a Municipal Vehicle with commuting privileges may take “incidental personal uses” such as stopping at a grocery store or going to the bank, on his/her way home, but only if the stop does not add mileage to the trip.
- Operators should exercise sound judgment at all times when using assigned Municipal Vehicles and should avoid the appearance of misuse.
- The Massachusetts Ethics Code discusses unwarranted privileges. Using public equipment or resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned Municipal Vehicle is an ethics violation.
- Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in Municipal Vehicles. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision.
- The use of Personal Vehicles for transporting individual’s unrelated to municipal business shall not occur on town work time.
- Municipal Vehicles shall contain only those items for which the vehicle is assigned.
- The Town shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work related travel.
- Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisors immediately.
- Employees assigned Municipal Vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
- Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times, if the Municipal Vehicles is so equipped.
- All operators assigned a municipal use vehicle will be tested for drugs and alcohol as provided by US DOT regulations and the Town’s drug/alcohol policy.
- Employees may not operate Municipal Vehicles or Personal Vehicles being used for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.

- Employees are prohibited from possessing alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a Personal Vehicle being used for work related travel.
- Police Officers who are required to carry prohibited items in performing their normal job duties are exempt from applicable provisions.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, must maintain a valid motor vehicle license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a Supervisor during a specific or periodic license check.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.
- Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work related travel, will be personally responsible for payment of such fines/citations.
- Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation.
- An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a Municipal Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.
- No employee may use a Municipal Vehicle for out of state use without advance approval of the appropriate governing board.
- When utilizing a Municipal Vehicle, employees are required to obtain fuel from designated Municipal fueling facilities, unless fueling is required in the course of out of town travel.
- Smoking is not permitted in a Municipal Vehicle in accordance with M.G.L. c270 s22. Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle that do not smoke.
- Drivers misusing Town vehicles may be held personally liable for damages to persons or property, as well as their own legal expenses and defense, since the driver is acting outside the course and scope of permitted Town business. Drivers who misuse Town vehicles are also subject to disciplinary action by the Town.

## **IX. Cellular Phones and Handheld Electronic Devices**

1. The use of cellular phones and handheld electronic devices is governed by the Town's *Municipal Wireless Telephone Usage Policy*.

## **X. Vehicle Accidents**

**1.** When an employee using a Municipal Vehicle or Personal Vehicle on work related travel is involved in a motor vehicle accident, the operator must:

- Stop the vehicle
- Obtain the following information:
  - Name(s) and address(es) of the other driver(s);
  - Drivers license number(s) of the other driver(s);
  - Name(s) and address(es) of the owner(s);
  - Registration number(s) of the other vehicle(s) involved;
  - Name(s) and address(es) of other driver(s) insurance company(ies); and,
  - Name(s) and address(es) of any witness(es) to the accident.
- Do not admit liability for the accident, even if the employee believes it was their fault.
- Immediately report details to the employee's immediate supervisor.
- When any person has been injured and/or when vehicles have suffered significant damage, the local or state police must be called to the scene.
- Do not move the vehicle in these circumstances until authorized by the police.
- Unless an injury prevents the operator from doing so, he/she must fill out a Vehicle Accident Report within 48 hours of the accident. A blank copy of the form may be obtained from the Accounting office. The completed VAR shall be filed with their direct Supervisor.
- The Supervisor shall ensure all information is in the report and file a copy with the Town Administrator's office.
- The Supervisor shall also file a copy with the Human Resources Department for placement in the employee's personnel file.

## **XI. Special Circumstances**

**1.** This policy is intended to provide a basic framework governing the use of Personal and Municipal Vehicles in the Town and such cannot contain procedures governing every situation that might arise. Employees seeking clarification of this policy should contact their supervisor or the HR Department. Exemptions from certain provisions of this policy may be authorized by the appropriate governing body (i.e. Select Board, School Committee, Light and Water Commissioners), under mitigating circumstances, at the request of the Department Head. Such exemptions must be documented and signed off by the employee (see Attachment B), approved by the appropriate governing board, and noted by the Human Resources Department, so as to be placed in the employee's personnel file.

## **XII. Exemptions**

**1.** Exemptions to the Vehicle Use Policy are strictly limited. Exemptions that will increase the liability to the Town are not allowed. Issues related to insurance coverage, transportation of individuals unrelated to Municipal business, operating a vehicle without a valid motor vehicle license, are examples of what may not be exempted.

## **XIII. Discipline**

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or removal of Town vehicle privileges, suspension and/or termination of employment.

## **Vehicle Use Policy**

### **Attachment A- Exemption Limitations**

The following is a guide for the appropriate governing board in determining what sections of the Town's *Vehicle Use Policy* may be exempted.

Keep in mind that **Attachment B** of the *Vehicle Use Policy* must be filled out and appropriately signed, approved, and placed in the employee's personnel file for an exemption to be fully authorized.

Only the following sections of the *Vehicle Use Policy* may be exempted, if the employee provides an adequate mitigating circumstance(s) that is/are approved by the board.

- If the governing board believes that there are extenuating circumstances that require an individual to be assigned a Municipal Vehicle for 24-hour usage, but does not meet the eligibility requirements in this section.
- If the governing board wishes to treat fuel usage as additional compensation and not require reimbursement by the employee for fuel used for personal travel. As additional compensation, the employee will be taxed appropriately for this additional compensation.

Only the above 2 sections of the *Vehicle Use Policy* may be exempted. All other sections of the policy may not be exempted. Exemptions for individuals with contract agreements with the Town are subject to contract amendments initiated by the governing board to ensure consistency with application and intent, and subsequently approved by the appropriate appointing authority.

By allowing exemptions from the *Vehicle Use Policy*, the governing board has determined that any of the above exemptions listed on approved **Attachment B** are needed for the employee to perform his/her job responsibilities more effectively or that the indicated exemptions will not inhibit the employee from further meeting his/her job responsibilities.

# Vehicle Use Policy

## Attachment B-Exemption Form

Employees seeking an exemption from provisions of the Town's *Vehicle Use Policy* must submit this form to their Department Head for review, and then to the appropriate governing board who may authorize limited exemptions to this policy under documented mitigating circumstances and in accordance with allowed policy exemptions (see **Attachment A**). This form also gets noted by the Human Resources Department and placed in the employee's personnel file.

Employee Name: \_\_\_\_\_  
First \_\_\_\_\_ Last \_\_\_\_\_ MI \_\_\_\_\_

Department Title

List specific policy sections for exemption consideration and indicate why needed (attach additional paper if required):

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed: \_\_\_\_\_ Date: \_\_\_\_\_  
Department Head Signature

Board Approval: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman Signature

## Vehicle Use Policy

### **Attachment C- Guideline for Acceptable Drivers**

*An acceptable rating to drive a Town vehicle or for employees to use personal vehicles for municipal business shall be 1 or 2.*

**Ratings** (based on last 3 years of driving experience)

- (1) Superior** – no traffic citation or motor vehicle accidents
- (2) Good** – no more than 1 moving traffic citation, or 1 motor vehicle accident (not at fault)
- (3) Marginal** – no more than 2 moving traffic citations, or 2 motor vehicle accidents (not at fault), or 1 at fault motor vehicle accident
- (4) Probationary status** – anything in excess of marginal rating. A six months watch is indicated and MVR's checked at six months intervals.
- (5) Unacceptable** – any driver whose MVR shows any one of the following records is not acceptable:
  - Three or more accidents (at fault) in the last three years.
  - One or more Type A violations in the last three years.
  - Any combination of accidents and Type B violations equaling four or more in the last 2 years.
  - An operator's license that has been suspended or revoked within the past three years.

#### **Type A Violations**

1. Driving while intoxicated
2. Driving under the influence of drugs
3. Negligent homicide arising out of the use of a motor vehicle
4. Operating a motor vehicle during a period of suspension or revocation of an operator's license.
5. Using a motor vehicle for the commission of a felony.
6. Aggravated assault with a motor vehicle.
7. Operating a motor vehicle without the owner's authorization.
8. Permitting an unlicensed person to drive.
9. Reckless driving.
10. Speeding contest.
11. Hit and run (bodily injury and physical damage) driving.

#### **Type B Violations**

All moving violations not listed as Type A violations.

## Vehicle Use Policy

### **Attachment D- Withholding and Reporting of Personal Use of Municipal Vehicles**

#### **INTRODUCTION**

Per Internal Revenue Service (IRS) code section 61, personal use of an employer provided vehicle is a taxable fringe benefit. The taxable value of the personal use must be included in an employee's gross income and is subject to income and Medicare tax withholding. Consistent with IRS guidelines, the Town uses the annual lease valuation rule.

#### **ANNUAL LEASE VALUATION RULE**

Under the annual lease valuation rule the taxable value of a vehicle consists of two amounts: the annual lease value (ALV) of the vehicle and the value of employer provided fuel. The ALV is obtained by referencing the vehicle's fair market value on the date the vehicle is first used to the corresponding amount in the IRS ALV table. The ALV is then multiplied by the percentage of personal use to determine the taxable value. The ALV table does not take into account fuel provided by an employer. Employees will be required to reimburse the Town for fuel used for personal miles at the current retail rate or, if approved by the governing board, all personal miles driven with the Town provided fuel will be multiplied by an IRS determined rate (currently 5.5 cents per mile) and added to the taxable portion of the ALV.

#### **REPORTING PERIOD**

Consistent with IRS regulations, the Town uses the reporting period of December 1<sup>st</sup> to November 30<sup>th</sup> for determining the taxable value to be included in an employee's gross income. Based on prior year usage, an estimated amount will be added monthly to taxable income throughout the year. The amount reported as taxable income for December will include the difference between the estimated monthly amounts and the actual usage as reported for the period of December 1<sup>st</sup> to November 30<sup>th</sup>.

#### **REPORTING**

Attachment E must be completed annually by all employees who have a Town provided vehicle. This form will be sent to employees by the HR Department on or near November 1<sup>st</sup> of each year. The form must be completed and returned to the HR Department by December 5<sup>th</sup> of each year. Attachment F is provided as an example of how the annual lease value rule is applied and is for illustration purposes only.

**It is the responsibility of Town departments to notify the HR Department when an employee is provided with a Town vehicle or if an employee changes vehicles. If mileage logs are not submitted by December 5<sup>th</sup> of each year, then all miles driven in that year will be considered to be personal miles and the employee will be taxed accordingly.**

## Vehicle Use Policy

### **Attachment E-Employee Form for Reporting Mileage for Town Vehicles**

#### Annual Lease Valuation

To be returned to the HR Department by December 5<sup>th</sup>

Reporting Period: December 1<sup>st</sup> \_\_\_\_\_ to November 30<sup>th</sup> \_\_\_\_\_

Current Odometer Reading: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Vehicle: \_\_\_\_\_

Year / Make / Model

A: Total Miles Driven during above period: \_\_\_\_\_

B: Total Miles Driven for Personal Use: \_\_\_\_\_

C: Personal Miles as a % of Total Miles (B/A) \_\_\_\_\_ %

D: Number of Miles in B for which the Town provided fuel: \_\_\_\_\_

The above information represents an accurate reflection of business and personal use for the reporting year based on adequate record keeping.

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Employee Signature

Date

Please attach a copy of your mileage log. You should retain your original mileage log and a copy of this form for your records. *If personal miles are not submitted, all miles driven will be considered personal miles and will be taxed accordingly.*

## Vehicle Use Policy

### **Attachment F- Annual Lease Value Sample Calculation**

A: Fair Market Value of Vehicle \$29,000.00

B: Annual Lease Value from IRS Table \$7,750.00

C: Miles Driven for Year:

1) Business	6,000	40%
2) Personal	<u>9,000</u>	<u>60%</u>
3) Total	15,000	100%

D: Fair Market Value of Fuel provided by Town @

5.5 cents x total miles<sup>4</sup> \$825.00

E: Total Value of Vehicle & Fuel \$8,575.00

F: Personal Use of Vehicle (E \* C3%) \$5,145.00

Monthly Value of Personal Use (F/12) \$428.75

These wages are subject to Medicare tax (if applicable) as well as State and Federal income tax.

Fair Market value is the vehicle purchase price. If leased, the suggested retail price less 8% will be used. This value will be used for the first four years of use and will be re-determined at the beginning of the fifth year and every four years thereafter.

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<sup>4</sup> 5.5 cents per mile is the current IRS approved rate and is subject to change by the IRS. This method of imputing income for fuel usage must be approved by the governing board when adopting this policy. Employees under the jurisdiction of the Select Board will reimburse the Town directly for fuel costs at the appropriate retail cost per gallon.

**Vehicle Use Policy**  
**Attachment G- Acknowledgement**

I, \_\_\_\_\_ (print name), as an employee of the Town of Littleton, hereby acknowledge that I have received, read, understand, and agree to abide by the Town's *Vehicle Use Policy*.

If assigned a Municipal Vehicle and/or receive a Vehicle Stipend and/or use a Personal Vehicle for work related travel, I shall comply with the respective provisions of the policy or those portions of the policy not specifically regulated by law or collective bargaining agreement or individual agreement/contract.

In addition, for Municipal Vehicle usage, I understand that the HR Director may obtain, on an annual basis, a copy of my driving record, which shall only be used in determining my safety record, enabling me to be assigned and/or operate a Municipal Vehicle or to use my Personal Vehicle for work related travel, should the need be required in accordance with this policy.

Once signed, this form will be placed in the employee's personnel file by the HR Director for records purposes.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

# **Policy 24, Alcohol and Drugs/Controlled Substances Use and Testing Policy**

[HISTORY: Adopted 1-1-1996]

## **I. POLICY**

### **A. SCOPE**

1. Any applicant or employee who is required to hold a Commercial Driver's License or who performs safety-sensitive functions will be subject to the provisions of this Policy.
2. The use or possession of alcoholic beverages or drugs/controlled substances while on town property, or in any town vehicle, or on town time, including breaks or lunch, paid or unpaid, on any shift, is prohibited.

### **B. PURPOSE**

1. The Town has a long standing commitment to maintain the highest standards for employee and public safety and health and the misuse of alcohol or the use of drugs/controlled substances is contrary to these high standards.
2. The policy is intended to bring the Town into compliance with federal law. The purpose of the Policy is to reduce accidents that result from the misuse of alcohol or the use of drugs/controlled substances, thereby reducing fatalities, injuries, and property damage.

### **C. IMPLEMENTATION**

1. The Town has implemented the Federal Highway Administration, Alcohol and Drug Testing Regulations as set forth in 49 CFR Parts 382, 391, and 392, and the Department of Transportation, Procedures for Transportation Workplace Drug and Alcohol Testing Programs as set forth in 49 CFR Part 40, and as they may be amended.
2. The effective date of the Policy is January 1, 1996.

## **II. APPLICABILITY**

The Policy applies to applicants for and employees in positions requiring a Commercial Driver's License or employees performing safety-sensitive functions.

## **III. DEFINITIONS**

A. Unless the context indicates otherwise, the terms shall have the following meanings:

1. ACCIDENT
  - a. Except as provided in paragraph (b) of this definition, an occurrence involving a commercial motor vehicle operating on a public road which results in:
    - i. A fatality;
    - ii. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

iii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by tow truck or other vehicle.

b. The term *accident* does not include:

i. An occurrence involving only boarding and alighting from a stationary motor vehicle; or

ii. An occurrence involving only the loading or unloading cargo; or

iii. An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR §571.3) by a motor carrier and is not transporting passengers for hire or hazardous materials of type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR §177.823.

2. **ALCOHOL**- the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
3. **ALCOHOL CONCENTRATION (OR CONTENT)**- the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
4. **ALCOHOL TEST**- An Alcohol test is a test conducted by a Breath Alcohol Technician or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device to measure the amount of alcohol concentration in a volume of breath, or any other test used to detect the presence of alcohol that is approved by the Federal Highway Administration (FHWA).
5. **ALCOHOL USE**- the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
6. **BAT**- See “breath alcohol technician.”
7. **BREATH ALCOHOL TECHNICIAN**- an individual who instructs and assists individuals in the alcohol testing process and operations an EBT.
8. **COMMERCIAL MOTOR VEHICLE**- means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle-
  - a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - b. Has a gross vehicle weight rating to 26,001 or more pounds; or
  - c. Is designed to transport 16 or more passengers, including the driver; or
  - d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

9. **CONFIRMATION TEST**

- a. For alcohol testing, a confirmation test means a second test following a screening test with a result greater than 0.00 that provides quantitative data of alcohol concentration. Confirmation of the screening test must be by an Evidential Breath Testing (EBT) device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL), and must be capable of printing out each test result and air blank, and must sequentially number each test.
- b. For drugs/controlled substances testing, a confirmation test means a second analytical procedure to identify the presence of a specific drug or drug metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. (Gas Chromatography/Mass Spectrometry (GC/MS) is the authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine).

10. **COVERED EMPLOYEE**- includes drivers as defined herein, mechanics, and individual who loads or unloads the vehicle, or any other individual who performs a safety-sensitive function.
11. **DRIVER**- Any person who operates a commercial motor vehicle, including, but not limited to, full-time, part-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the Town or who operate a commercial motor vehicle at the direction of or with the consent of the town. For the purposes of pre-employment/pre-duty testing only, the term *driver* includes an individual applying to the Town for a position which involves the operation of a commercial motor vehicle.
12. **DRUG/CONTROLLED SUBSTANCE**- Controlled substances include cocaine, marijuana, opiates, amphetamines, and phencyclidine and any other substance determined by the U.S. or the Commonwealth of Massachusetts to be a drug/controlled substance.
13. **EBT**- See "Evidential Breath Testing Device."
14. **EVIDENTIAL BREATH TESTING DEVICE (EBT)**- An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Safety Administration, Office of Alcohol and State Programs.
15. **FOLLOW-UP TEST**- A follow-up test is an alcohol and/or drugs/controlled substances test administered to a covered employee who has violated the prohibitions of this policy and who has been permitted to return to duty after passing a return-to-duty alcohol and/or drugs/controlled substances test.
16. **MEDICAL REVIEW OFFICER (MRO)**- A Medical Review Officer is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the Town's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to

interpret and evaluate an individual's confirmed positive result together with his or her medical history and any other relevant biomedical information.

17. **PRE-EMPLOYMENT TEST**- A pre-employment test is an alcohol and/or drugs/controlled substances test administered to an individual prior to the first time the individual performs a safety-sensitive function upon appointment to a position requiring the individual to hold a CDL or prior to the first time the individual performs a safety-sensitive function after having been laid off from a position requiring the individual to hold a CDL. In addition, alcohol and/or drugs/controlled substances tests may be administered to a person applying for a Town position.
18. **RANDOM TEST**- A random test is an alcohol and/or drugs/controlled substances test administered to a driver who has been randomly selected by a scientifically valid method from among the pool of Town drivers subject to such tests.
19. **REASONABLE SUSPICION TEST**- A reasonable suspicion test is an alcohol and/or drugs/controlled substances test administered to a covered employee as a result of a trained Town official's belief that the covered employee has violated the drug, alcohol, or controlled substances prohibitions of this policy. A reasonable suspicion determination must be based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. The observations may include indications of the chronic and/or withdrawal effects of drugs/controlled substances or alcohol and any of the following:
  - a. Documentation of unsatisfactory work performance or on-the-job behavior.
  - b. Evidence of the manufacture, distribution, dispensing, possession, or use of drugs/controlled substances, alcohol, or other prohibited substances.
  - c. Occurrence of a serious or potentially serious accident that may have been caused by human error.
  - d. Fights (physical contact), assaults, and flagrant disregard or violations of established safety, security or other work rules.
20. **REFUSAL TO SUBMIT (TO AN ALCOHOL OR CONTROLLED SUBSTANCES TEST)**
  - a. A covered employee who fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;
  - b. A covered employee who fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part;
  - c. A covered employee who engages in conduct that clearly obstructs the testing process;
  - d. A covered employee who fails to be readily available for post-accident testing; and

e. A covered employee who fails to report to, and undergo alcohol and drugs/controlled substances testing, a collection site as required.

21. **SAFETY-SENSITIVE FUNCTION**- A covered employee shall be considered to be performing safety-sensitive functions whenever:

- a. inspecting or servicing the vehicle, or
- b. driving or at the controls of the vehicle, or
- c. resting in the vehicle, or
- d. loading or unloading the vehicle including the performance of any related paperwork, or
- e. performing those duties required of a driver involved in a vehicle accident, or
- f. repairing or attending to a disabled vehicle, or
- g. during all time while providing a breath sample or urine specimen including travel time to and from the collection site in order to comply with testing being directed by the Town.

22. **SCREENING TEST (ALSO KNOWN AS AN INITIAL TEST)**

- a. In alcohol testing, a screening test means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his or her system.
- b. In drugs/controlled substances testing, a screening test means an immunoassay screen (or other DHHS-approved test) to eliminate “negative” urine specimens from further consideration.

23. **SUBSTANCE ABUSE PROFESSIONAL (SAP)**- A substance abuse professional is a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of an clinical experience in the diagnosis and treatment of alcohol and drugs/controlled substances-related disorders.

24. **VEHICLE**- A commercial motor vehicle as defined in III.A.8.

B. Any term which is not defined shall be given its ordinary common sense meaning.

#### **IV. PROHIBITED CONDUCT**

##### **A. GENERAL**

1. If a municipal employee or official has actual knowledge that any of the following prohibitions have been violated, they shall not permit that employee in violation from performing any covered functions.
2. No covered employee shall report for duty or remain on duty while using any drug/controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee’s ability to perform the covered function.

## **B. ALCOHOL**

- 1.Covered employees are prohibited from reporting for duty or remaining affected by alcohol or when their blood alcohol concentration is 0.02 or greater.
- 2.Covered employees are prohibited from possessing or using alcohol while on duty. Covered employees are prohibited from having used alcohol within four (4) hours of reporting for duty. Employees are cautioned that refraining from alcohol for four (4) hours before reporting for duty may not result in a negative test. Alcohol levels are affected by the amount of alcohol consumed, physical characteristics of the employee, and the employee's rate of metabolizing alcohol which has been consumed.
- 3.Covered employees are prohibited from using alcohol during the hours that they are on call. **NOTE:** Covered employees are cautioned that prescription drugs and over the counter medications which contain alcohol may result in the employee having a positive test.
- 4.Drivers are prohibited from performing safety-sensitive functions for 24 hours following an alcohol test result indicating an alcohol concentration of greater than 0.02. Such drivers shall be in a non-paid status for the period of time they are prohibited from performing safety-sensitive functions.
- 5.A covered employee is prohibited from being on duty or operating a municipal motor vehicle while the employee possesses alcohol unless the alcohol is being transported on municipal business.
- 6.A covered employee required to take a post-accident alcohol test is prohibited from using alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- 7.A covered employee is prohibited from refusing to submit to a post-accident, reasonable suspicion, return-to-duty or follow-up alcohol test. A driver is prohibited from refusing to submit to a pre-employment, post accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol test.

## **C. DRUGS/CONTROLLED SUBSTANCES**

- 1.A covered employee is prohibited from reporting for duty or remaining on duty when the covered employee uses any drugs/controlled substances, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect their ability to safely perform their duties.
- 2.A driver is prohibited from reporting for duty, remaining on duty, or performing a safety-sensitive function if the driver tests positive for drugs/controlled substances. A covered employee is prohibited from reporting for duty and remaining on duty if the covered employee tests positive for drugs/controlled substances. A covered employee who tests positive for drugs/controlled substances shall be required to be evaluated by a SAP. Any removal from duty shall be without pay. Subject to the supervisor's approval, employees will be allowed to substitute accrued paid leave for time lost under this provision. However, such substitution will be granted on a one time basis.

3.A driver is prohibited from refusing to submit to a pre-employment, post-accident, random, reasonable suspicion, return to duty, or follow-up test for drugs/controlled substances. A covered employee is prohibited from refusing to submit to a pre-employment, post-accident, reasonable suspicion, return-to-duty, or follow-up drugs/controlled substances test.

## **V. TRAINING AND EDUCATION**

### **A. EMPLOYEE TRAINING**

1. Employees who fall under the scope of this policy shall receive training consisting of the following:
  - a. The identity of employer representatives available to answer questions about these materials.
  - b. The categories of individuals who are subject to the alcohol and drug testing.
  - c. Specific information about individual conduct prohibited by DOT alcohol/drug regulations.
  - d. Circumstances for testing for alcohol and/or drugs, protect the individual and the integrity of the testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct individual.
  - e. The requirement that an individual submit to DOT alcohol and drug tests.
  - f. Explanation of the consequences of refusing to submit to DOT alcohol and drug tests, including the requirement that the individual be removed immediately from safety-sensitive functions, and the requirements for evaluation and/or treatment by a SAP and return to duty and/or follow-up testing.
  - g. The consequences for individuals found to have an alcohol concentration of 0.02 or greater.
  - h. Information concerning the effects of alcohol and drug use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problems (the individual's or coworker's); and available methods of intervening when an alcohol or drug problems is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

### **B. SUPERVISOR TRAINING**

1. Supervisory personnel responsible for covered employees will receive training under this Policy.
2. The training shall include at least one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use, and at least one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable alcohol misuse.
3. Training shall be for supervisors who may determine whether an employee must be alcohol and/or drug tested for reasonable suspicion.

## **VI. NOTICE**

- A. Before performing a drug, alcohol, or controlled substances test under the requirements of the Department of Transportation rules and regulations, drivers being tested shall be notified that the alcohol and/or drugs/controlled substances test is required by 49 CFR Part 382.
- B. Before performing a drug, alcohol, or controlled substances test under this policy, covered employees other than drivers being tested shall be notified that the alcohol and/or drugs/controlled substances test is required by this policy.

## **VII. TESTING PROCEDURE**

Any drug, alcohol, or controlled substances testing will comply with the procedure of Title 49 CFR Part 40.

### **A. GENERAL**

1. Title 49 Code of Federal Regulations (CFR) Part 382 requires that employers of Commercial Motor Vehicle (CMV) operators test their employees for alcohol and prohibited drugs under the following work-related conditions:
  - a. Pre-Employment/ Pre-Assignment
  - b. Random
  - c. Reasonable Suspicion
  - d. Post-Accident
  - e. Return-to-Duty
  - f. Follow-Up
2. Title 49 CFR Part 40 specifies procedures which must be followed by the Town, and its service providers (e.g. MROs) when conducting alcohol and drug testing pursuant to regulations issued by agencies of the Department of Transportation.
3. All information related to testing will be treated as confidential except as required to comply with DOT requirements, safeguard the safety of personnel and the public, or as otherwise legally required or allowed.
4. The Town shall test each employee who performs a function listed in Appendix B for evidence of the following substances:

Marijuana, Cocaine, Opiates, Phencyclidine (PCP), and Amphetamines

### **B. PRE-EMPLOYMENT TESTING**

Employees currently in a “covered” position are not required to submit to a pre-assignment test upon entering another “covered” position.

1. A pre-employment alcohol test with a result indicating an alcohol concentration less than 0.02, and drug test indicating a verified negative result, must be conducted before an individual is hired and when an individual is transferred/promoted from a non-covered to a covered position. This also applies to employees returning from a leave of absence who have not been participating

in the AMPADP and subject to the random selection process. Employees with an alcohol test result concentration of 0.02 or greater or who fail the drug test will not be assigned into the safety sensitive position and will remain in their current position.

2. New employees shall sign a Consent For Release of Alcohol and Drug Misuse and Testing Information form. This form authorizes the Town to obtain information on the individual's DOT alcohol tests with a concentration of 0.04 or greater, positive DOT drug test results, and refusals to be tested, within the preceding two years, which are maintained by the individual's previous employers. The individual shall not be allowed to perform safety-sensitive functions after 14 days without obtaining this information.

Exception: The only exception to this requirement is if the information has been requested but a previous employer, in violation of DOT regulation, refuses to provide the information. In this case, a notation of such circumstances must be placed in the individual's file. If the individual stops performing safety-sensitive functions before expiration of the 14-day period or before the company has obtained the required information, the company must still obtain the information.

### C. RANDOM TESTING

1. The primary purposes of random testing are to deter alcohol and/or prohibited drug use and to ensure an alcohol and drug free work force. DOT regulations require that covered employees shall be subject to alcohol and drug testing on an unannounced and random basis.

#### Alcohol Testing:

The minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of driver positions.

#### Drug Testing:

The minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of driver positions.

2. The following is a discussion of some of the key aspects of the random testing process.
  - a. Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for random or other required testing. Each driver shall have an equal chance of being selected for testing each time selections are made.
  - b. Employees shall be selected for testing by using a computer- based random number generator or equivalent random selection method that is matched with an employee's social security number or employee ID number.
  - c. Random alcohol and drugs/controlled substance test shall be unannounced and shall be spread reasonably throughout the year.
  - d. Employees will be selected for random testing based on the number of covered employees at the time and the necessary testing rate.

e. Testing will be conducted on different days of the week throughout the annual cycle.

3. Steps for random testing:

- a. The ADPM (or designee) shall use the random selection procedures to compile a list of covered employees selected for random testing during that testing cycle.
- b. The ADPM (or designee) shall ensure that the list of social security numbers or employee identification numbers will identify the correct employees who are to be randomly tested during the testing cycle.
- c. The appropriate manager/supervisor will notify the employee to be tested to report to the specific collection site as instructed.
- d. Employees will be notified that they have been selected for testing at any time during their shift on the day of collection.
- e. Employees shall report immediately to the collection site within 30 minutes, plus travel time, once notified by the appropriate official.

4. Employees who are directed to submit to an alcohol and drug test and who refuse to cooperate will be considered to have failed the test, be removed from the job, considered insubordinate and will be disciplined up to and including discharge.

**D. REASONABLE SUSPICION TESTING**

1. A covered employee shall promptly submit to an alcohol and/or drugs/controlled substances test whenever a trained supervisor or trained Town official has a reasonable suspicion to believe that the covered employee has violated the drug, alcohol or controlled substances prohibitions of this policy.
2. The observations required by the paragraph above must be made during, just preceding, or just after the period of the work day that the covered employee is required to be in compliance with this policy.
3. After determination of reasonable suspicion, the alcohol test shall be administered within two hours unless the supervisor or Town official prepares and maintains on file a record stating the reasons the test was not administered within that time. The test may be conducted up to eight hours after the reasonable suspicion is made. If the test is not administered within eight hours after the determination, attempts to administer the test shall stop and the supervisor or Town official shall record and maintain on file the reasons why the test was not conducted.
4. No covered employee shall be subject to reasonable suspicion drug testing later than 24 hours following the determination that reasonable suspicion exists to require the covered employee to undergo such test. If the test is not administered within 24 hours after the reasonable suspicion determination, attempt to administer the test shall stop and the supervisor or Town official shall record and maintain on file the reasons why the test was not conducted.
5. A trained supervisor or trained Town official who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the covered employee.

6. A written record shall be made of the observation leading to a drugs/controlled substances reasonable suspicion test and shall be signed by the trained supervisor or trained Town official who made the observations within 32 hours of the observed behavior or before the results of the drugs/controlled substances test are released, whichever is earlier.
7. A written record shall be made of the observations leading to an alcohol reasonable suspicion test and shall be signed by the trained supervisor or trained Town official who made the observations within 24 hours of the observed behavior.
8. Nothing herein shall prohibit a supervisor or a Town official from determining that a covered employee is unfit for duty. Nothing in this paragraph shall be used to circumvent the requirements stated in this Section D.

#### **E. POST-ACCIDENT TESTING**

1. A surviving covered employee shall be subject to post-accident alcohol and drugs/controlled substances testing as soon as practicable following the accident.
2. A covered employee subject to post-accident testing shall be subject to a breath alcohol test not later than eight hours following the accident and to a drugs/controlled substances test no later than 32 hours following the accident.
3. If an alcohol test is not administered within two hours following the accident, the trained supervisor or trained Town official shall prepare and maintain on file a record stating the reasons the test was not administered. If an alcohol test is not administered within eight hours following the accident, the trained supervisor or trained Town official shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. If a drugs/controlled substances test is not administered within 32 hours following the accident, the trained supervisor or Town official shall cease attempts to administer a drugs/controlled substances test, and prepare and maintain on file a record stating the test was not promptly administered.
4. A covered employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention or to prohibit the covered employee from leaving the scene of the accident for the period of time necessary to obtain assistance in responding to the accident, obtain necessary medical treatment for injured people, or to obtain materials necessary to secure the accident test.

#### **F. RETURN-TO-DUTY TESTING**

Employees who fail or refuse to take the alcohol and/or drug test under Reasonable Suspicion, Post-accident, or Random, and where the action taken is short of discharge will be allowed to return to their safety sensitive position only after receiving an alcohol test result of less than 0.02 and/or passing a drug test in accordance with DOT procedures as directed by the MRO, and after a rehabilitation plan, if applicable, and a schedule for the employee's return to work has been developed and determined by the SAP.

#### **G. FOLLOW-UP TESTING**

1. A covered employee who has undergone an alcohol test with a result of 0.02 or greater or who has tested confirmed positive for drugs/controlled substances, and who is subject to, and has complied with the return-to-duty testing provisions above, shall, at the Town's discretion, be permitted to return to work subject to the following:
  - a. The covered employee has been evaluated by a substance abuse professional who shall determine what assistance, if any, the covered employee needs in resolving problems associated with alcohol misuse and/or drugs/controlled substances use; and
  - b. The covered employee shall be subject to unannounced follow-up testing as directed by an SAP.
    - i. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months following the individual's return to duty.
    - ii. Any such testing shall be performed in accordance with the requirements of 49 CFR Part 40. Follow-up testing shall not exceed 36 months from the date of the individual's return to duty.
    - iii. The SAP may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.

#### **H. DISPUTES OVER DRUG TEST RESULTS**

If an employee disputes the validity of the drug test results, the reserve sample at the laboratory will be made available for a second test.

For more information, see Section XI: RETESTING A SAMPLE.

### **VIII. TESTING PROCEDURES & REQUIREMENTS**

#### **A. ALCOHOL**

1. Alcohol tests shall be administered by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT) except that if the Department of Transportation Federal Highway Administration approves administration of tests by persons other than BATs or approves the use of other methods or technologies for detecting the presence of alcohol then the administration of tests by such other persons and/or the use of such other methods or technologies shall be permitted under this policy.
2. Alcohol testing shall be conducted in accordance with procedures set out as follows:
  - a. A covered employee directed to undergo alcohol testing shall proceed to the designated test site as instructed.
  - b. A covered employee shall follow all procedures and instructions given by the Breath Alcohol Technician (BAT) including completing, signing, initialing, and/or dating any required forms or log books. If the covered employee takes the test but fails to sign the certification in Step 4 of the Breath Alcohol Testing

Form, or fails to initial the log book entry and the test shows a concentration of less than 0.02, it should not be considered a refusal to test.

- c. The testing site shall provide visual and aural privacy to the covered employee, sufficient to prevent unauthorized persons from seeing or hearing test results. All necessary equipment, personnel and materials for breath testing shall be provided at the location where the testing is conducted.
- d. No unauthorized persons shall be permitted access to the testing location when the Evidential Breath Testing Device remains unsecured or, in order to prevent such persons from seeing or hearing test results, at any time when testing is being conducted.
- e. In unusual circumstances (for example, when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements of paragraph c, above. In such cases, the covered employee shall be provided visual and aural privacy to the greatest extent practicable.
- f. The BAT shall supervise only one covered employee's use of the EBT at a time and shall not leave the alcohol testing location while the testing procedure for a given covered employee is in progress.
- g. Upon entering the test site, the covered employee shall be required to provide the BAT with positive identification. Positive identification may take the form of a photo ID card or identification by a supervisor or Town official. On request of the covered employee, the BAT shall provide positive identification to the covered employee.
- h. If a screening test of a covered employee indicates a breath alcohol concentration of less than 0.02, no further alcohol testing of the covered employee shall be conducted during this testing event, the BAT shall transmit the result to the Town in a confidential manner.
- i. If the result of a screening test of a driver indicates a breath alcohol concentration of 0.02 or greater, the driver shall be required to undergo a confirmation test.
- j. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the Breath Alcohol Testing Form and log book entry. The BAT shall provide the covered employee with Copy 2 of the form.
- k. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the covered employee shall be required to provide positive identification in accordance with paragraph g. above, to the new BAT and the covered employee may request positive identification of the new BAT.
- l. The covered employee shall not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This waiting period begins with the completion of the screening test, and shall not be less than 15 minutes.

- m. The confirmation test shall be conducted within 20 minutes of the completion of the screening test.
- n. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The covered employee shall then complete Step 2 on the form, signing the certification. Refusal of the covered employee to sign the certification shall be deemed a refusal to test.
- o. Refusal by the covered employee to complete and sign the Breath Alcohol Testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated and the BAT shall immediately notify the Town Designated Representative (TDR).
- p. Refusal by the covered employee to complete and sign the Breath Alcohol Testing Form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be deemed a refusal to test.
- q. If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable, using a new Breath Alcohol Testing form with a new sequential test number.
- r. If the covered employee is unable, or alleges that he or she is unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the BAT shall again instruct the covered employee to attempt to provide an adequate amount of breath.
  - 1. If the covered employee refuses to make the attempt, the BAT shall immediately inform the TDR.
  - 2. If the covered employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the breath alcohol form and immediately inform the TDR.
  - 3. If the covered employee attempts and fails to provide an adequate amount of breath, the TDR shall direct the covered employee to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the Town concerning the covered employee's medical ability to provide an adequate amount of breath.
  - 4. If the licensed physician determines, in his or her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the covered employee from providing an adequate amount of breath, the covered employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The physician shall provide to the Town a written statement of the basis for his or her conclusion.

5. If the licensed physician, in his or her reasonable medical judgment, is unable to determine that a medical condition has, or with a high degree of probability, could have, precluded the covered employee from providing an adequate amount of breath, the covered employee's failure to provide an adequate amount of breath shall be deemed a refusal to take a test. The physician shall provide to the Town a written statement of the basis for his or her conclusion.

## **B. DRUGS/CONTROLLED SUBSTANCES**

Drugs/controlled substances testing shall be conducted by a certified laboratory and in accordance with procedures set out as follows:

1. Covered employees directed to undergo a drugs/controlled substances test shall proceed to the designated collection site as instructed.
2. Covered employees shall follow all procedures and instructions given by the collection site persons. Failure to do so shall be considered a refusal to test.
3. The collection site person shall collect a urine sample from the covered employee in accordance with Federal Highway Administration procedures.
4. Covered employees shall provide at least 45 ml of urine for testing. Covered employees who fail to provide at least 45 ml of urine shall be subject to the provisions of Paragraph 18 below.
5. The collection site person shall divide the specimen into two containers. One container shall contain at least 30 ml of urine and shall be the primary specimen. The other container shall contain at least 15 ml of urine and shall be a split specimen.
6. Both containers shall be shipped in a single shipping container, together with copies 1 and 2, and the split specimen copy of the chain of custody form, to the laboratory.
7. The laboratory shall log in the split specimen with the split specimen seal remaining intact. The laboratory shall store the split specimen securely in accordance with approved procedures.
8. The primary specimen shall undergo a screening test for the presence of drugs/controlled substances. If a screening test detects the presence of drugs/controlled substances, the primary specimen shall undergo a confirmation test.
9. If the result of the test of the primary specimen is negative, the laboratory may discard the split specimen.
10. The MRO shall review all primary specimen results. If the result of the test of the primary specimen is confirmed positive for the presence of drugs/controlled substances, the MRO shall notify the covered employee that the covered employee has 72 hours in which to request a test of the split specimen if the conformed positive test is verified as positive. If the result of the test of the primary specimen is negative, the MRO shall have the authority to direct an employee to undergo a retest for the presence of drugs/controlled substances if,

upon review of those results, the MRO has reason to believe the primary specimen has been adulterated.

11. If the primary specimen tests confirmed positive for the presence of drugs/controlled substances, the covered employee may request, in writing that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for the presence of the drug(s) or drug metabolite(s) for which a positive test result was obtained in the test of the primary specimen. The MRO shall honor such request if it is made within 72 hours of the covered employee having been notified of a verified positive test result. The covered employee shall be responsible for any and all costs associated with having the split specimen tested.
12. If the covered employee has not contacted the MRO within 72 hours the covered employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the covered employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the covered employee's failure to contact the MRO within 72 hours, the MRO shall direct that the re-analysis of the primary specimen or analysis of the split specimen, as applicable, be performed. The covered employee may not request re-analysis of the primary specimen.
13. If the result of the test of the primary specimen is positive, the laboratory shall retain the split specimen in frozen storage for 60 days from the date on which the laboratory acquires it. Following the end of the 60-day period, if not informed by the MRO that the covered employee has requested a test of the split specimen, the laboratory may discard the split specimen.
14. If the MRO directs the first laboratory in writing to forward the split specimen to a second DHHS-certified laboratory, the second laboratory shall analyze the split specimen by GC/MS to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen. Such GC/MS confirmation shall be conducted without regard to the cutoff levels established by DHHS. The split sample shall be retained in long-term storage for one year by the laboratory conducting the analysis of the split specimen (or longer if litigation concerning the test is pending).
15. The result of the test of the split specimen shall be transmitted by the second laboratory to the MRO.
16. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the TDR, the covered employee, and to DOT for CDL holders.
17. A covered employee whose primary specimen tests confirmed positive for the presence of drugs/controlled substances and who requests, in accordance with paragraph 11 above, that the split specimen be tested, shall not be permitted to return to work pending the outcome of such test but, shall be suspended without

pay and subject to further disciplinary action. However, if the test of the split specimen does not reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the covered employee shall be paid his/her straight time salary for all regularly-scheduled shifts he or she would have worked had the suspension not occurred, and shall be reimbursed for the costs associated with having the split specimen tested.

18. a. If the covered employee is unable to provide the required 45 ml of urine, the covered employee shall be instructed to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded.
- b. If the covered employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the laboratory shall notify the Town of the covered employee's inability to provide an adequate sample.
- c. The MRO will refer the covered employee for a medical evaluation to develop pertinent information concerning whether the covered employee's inability to provide an adequate specimen is genuine or constitutes a refusal to test. (In pre-employment testing situations, the Town will determine whether or not to hire the employee, and the MRO is not required to make such a referral). Upon completion of the examination, the MRO shall report his or her conclusions to the Town in writing.
- d. If the MRO determines that the covered employee's inability to provide an adequate sample is not genuine, the covered employee shall be deemed to have refused to test.

## **IX. CONSEQUENCES FOR COVERED EMPLOYEES**

- A. A covered employee shall not be permitted to perform a safety-sensitive function if the employee has engaged in conduct prohibited by this policy.
- B. A covered employee who violates any of the requirements of 49 CFR Part 382 shall be subject to the penalty provisions of 49 U.S. C.521(b).
- C. A covered employee who refuses to submit to a required test shall be deemed to have tested positive for drugs/controlled substances and at a level 0.02 or greater for alcohol.
- D. Refusal to submit to a required drug or alcohol test shall be deemed cause for discipline up to and including discharge.
- E. Violation of the prohibitions contained in this policy shall establish cause for discipline up to and including discharge.

## **X. EMPLOYEE NOTIFICATION**

- A. The Town shall notify an applicant/covered employee of the results of a pre-employment test conducted under this Policy, if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

B. The Town shall notify a covered employee of the results of reasonable suspicion and post-accident tests, and notify covered employees of random tests if the test results are verified positive. The Town shall also inform the covered employee which drug/controlled substances were verified as positive.

## **XI. REFERRAL, EVALUATION, AND TREATMENT**

Each covered employee who has a positive drugs/controlled substances test or blood alcohol concentration test of 0.04 or greater shall be referred to a Substance Abuse Professional (SAP). The SAP shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drugs/controlled substances use. An employee's SAP would ordinarily be available through their health care provider. A listing of SAPs will be provided in training and/or posted in work sites. Employees who do not know what substance abuse services are provided under their health care plan or who do not have a health care plan, are encouraged to contact the Employee Assistance Program for this information.

## **XII. EMPLOYEE ASSISTANCE PROGRAM**

- A. The Employee Assistance Program (EAP), is available to provide information, referral, and support to all employees seeking alcohol and drug abuse services, including treatment, pursuant to 49 CFR 391.119 and 391.121.
- B. A written statement outlining the Town's EAP program shall be placed on file and available for inspection at the Town Clerk's office.
- C. During the period which the employee is completing the EAP's prescribed treatment plan, the employee will continue to be subject to all of the provisions of the alcohol and drug/controlled substance testing requirements.

## **XIII. RECORDS/CONFIDENTIALITY**

### **A. RECORD KEEPING**

1. All records required to be maintained under the FHWA Rules and Regulations shall be maintained in a secure location with controlled access.
2. Alcohol and drugs/controlled substances test results shall not be included in personnel files.

### **B. DISCLOSURE**

1. Except as required or permitted by law or expressly authorized or required by Title 49, CFR, subtitle B, Chapter III, Section 382.404, or any subsequent amendment or revision, the Town shall not release information that is contained in records required to be maintained under the FHWA Rules and Regulations.
2. Records shall be made available to a subsequent employer upon receipt of a written request from a covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the covered employee's request.
3. Upon written request, a covered employee is entitled to copies of any records pertaining to the covered employee's use of drugs/controlled substances or alcohol, including any records pertaining to his or her alcohol or drugs/controlled substances tests.

4. All results of alcohol and/or drugs/controlled substances testing conducted pursuant to this Policy shall be made available, upon request, to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Town or any of its drivers.
5. Information related to post-accident test results administered following an accident which is under investigation by the National Transportation Safety Board shall be released to the Board upon request.
6. The Town may disclose information pertaining to a covered employee that is required to be maintained under the FHWA Rules and Regulations to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the covered employee, and including, but not limited to, a workers compensation, unemployment compensation, or other proceeding relating to a benefit sought by the covered employee and arising from the results of an alcohol and/or drugs/controlled substances test administered in accordance with the FHWA.

## **Policy 25, Policy on Naming Town Facilities**

[HISTORY: Adopted 2-9-2009]

Only the Select Board will name or dedicate Town-owned buildings, facilities, grounds, rooms within buildings, and any other real property under its care, custody and control. Choosing a name is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a name. The Board may receive requests or nominations and discuss them at an open meeting.

Upon discussion, the Board shall then schedule the matter for a vote at a subsequent meeting in order to provide opportunity for public comment. Expenses to be incurred for a permanent dedication marker and any dedication ceremony must be clearly identified, and any town costs associated therewith shall be subject to approval by town meeting.

## **Policy 26, Complete Streets Policy**

[HISTORY: Adopted 12-16-2013]

### Vision and Purpose:

Complete Streets are designed and operated to provide safety and accessibility for all the users of our roadways, trails and transit systems, including pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles and for people of all ages and of all abilities. Furthermore, Complete Streets principles contribute toward the safety, health, economic viability, and quality of life in a community by providing accessible and efficient connections between home, school, work, recreation and retail destinations by improving the pedestrian and vehicular environments throughout communities. The purpose of Littleton's Complete Streets policy, therefore, is to accommodate all road users by creating a road network that meets the needs of individuals utilizing a variety of transportation modes. It is the intent of the Town of Littleton to formalize the plan, design, operation and maintenance of streets so that they are safe for all users of all ages and abilities as a matter of routine. This policy directs decision-makers to consistently plan, design, and construct streets to accommodate all anticipated users including, but not

limited to pedestrians, bicyclists, motorists, emergency vehicles, and freight and commercial vehicles.

**Core Commitment:**

The Town of Littleton recognizes that users of various modes of transportation, including, but not limited to, pedestrians, cyclists, transit and school bus riders, motorists, delivery and service personnel, freight haulers, and emergency responders, are legitimate users of streets and deserve safe facilities. “All Users” includes users of all ages and abilities.

The Town of Littleton recognizes that all projects, new, maintenance, or reconstruction, are potential opportunities to apply Complete Streets design principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network of facilities for people of all ages and abilities.

Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects, as appropriate. All transportation infrastructure and street design projects requiring funding or approval by the Town of Littleton, as well as projects funded by the state and federal government, such as the Chapter 90 funds, City improvement grants, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Capital Funding and other state and federal funds for street and infrastructure design shall adhere to (comply with) the Town of Littleton Complete Streets Policy. Private developments and related street design components or corresponding street-related components shall adhere to (comply with) the Complete Streets principles. In addition, to the extent practical, state-owned roadways will comply with the Complete Streets resolution, including the design, construction, and maintenance of such roadways within Town boundaries.

Transportation infrastructure may be excluded, upon approval by the Select Board, where documentation and data indicate that:

1. Facilities where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases for accommodations elsewhere.
2. Where cost or impacts of accommodation is excessively disproportionate to the need or probable use or probable future use.

**Best Practices:**

The Town of Littleton Complete Streets policy will focus on developing a connected, integrated network that serves all road users. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects.

Implementation of the Town of Littleton Complete Streets Policy will be carried out cooperatively within all departments in the Town of Littleton with multi-jurisdictional cooperation, to the greatest extent possible, among private developers, and state, regional, and federal agencies.

Complete Streets principles include the development and implementation of projects in a context sensitive manner in which project implementation is sensitive to the community's physical, economic, and social setting. The context-sensitive approach to process and design includes a range of goals by considering stakeholder and community values on a level plane with the project need. It includes goals related to livability with greater participation of those affected in order to gain project consensus. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

The Town of Littleton recognizes that "Complete Streets" may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

The latest design guidance, standards, and recommendations available will be used in the implementation of Complete Streets including:

- The Massachusetts Department of Transportation [Project Design and Development Guidebook](#)
- The latest edition of American Association of State Highway Transportation Officials (AASHTO) [A Policy on Geometric Design of Highway and Streets](#)
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls (2009).
- The Architectural Access Board (AAB) 521CMR Rules and Regulations
- Documents and plans created for the Town of Littleton, such as bicycle and pedestrian network plans.

Complete Streets implementation and effectiveness should be constantly evaluated for success and opportunities for improvement. The town will develop performance measures to gauge implementation and effectiveness of the policies.

#### Implementation:

The Town shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.

Town shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all Street Projects on streets. A committee of relevant stakeholders designated by the Town Administrator will be created to implement this initiative.

The Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will prioritize projects to eliminate gaps in the sidewalk and bikeway network.

The Town will reevaluate Capital Improvement Projects prioritization to encourage implementation of Complete Streets implementation.

The Town will train pertinent town staff and decision-makers on the content of Complete Streets principles and best practices for implementing policy through workshops and other appropriate means.

The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

## **Policy 27, Performance Reviews: Employees of Multiple-Member Town Boards**

[HISTORY: Adopted 12-1-2014]

### **Executive Summary**

The Town of Littleton's performance review system has been developed to provide a workable and uniform practice of performance management for employees throughout the Town's departments and organizations. The Personnel Board sees performance review as an important opportunity to foster productive two-way communication and planning between the employee and supervisor in establishing and monitoring objectives for the individual employee which advance adopted goals established by their respective boards.

The Personnel Board, in consultation with the Town's human resources counsel, offers this policy guidance document to codify options and identify best practices regarding performance reviews conducted by designated supervisors of employees who are appointed by multiple-member Town boards.

***Performance review process.*** The Personnel Bylaw provides for annual performance evaluations [§33-32], basing step raises on satisfactory performance [§33-13]. In order to ensure consistent reviews across all departments, the Town's performance review process is administered by the Town Administrator [Town Code §3-4]. The performance evaluation process is set forth in a User Guide, Form 1, and Form 2, developed by Human Resources, Inc.

***Multiple-member boards.*** In Littleton, Town boards with statutory authority to appoint employees include the elected Board of Health, Select Board, Cemetery Commissioners, Library Trustees, Park & Recreation Commission, and Planning Board; and the appointed Conservation Commission and Zoning Board of Appeals.

**Designation of supervisor.** The annual performance review is to be performed by the employee's designated supervisor. Where the appointing authority is a multiple-member Town board, it should formally designate the employee's supervisor.

**Best practice.** While a board can designate as supervisor all of its members or its chairman alone, a best practice identified here is to formally delegate the supervisory function to the Town Administrator or his designee, where practicable. This can be accomplished by agreement with the Select Board, and/or made permanent by Town Bylaw amendment or by special act of the legislature. Even where the board delegates the supervisory function for performance review, it still retains whatever policy prerogatives it has under statute, bylaw or otherwise in their respective areas of authority along with the responsibility to establish policy goals and provide policy direction for their respective employees.

## **Legal References**

Annual performance reviews are required by the Town's Personnel Bylaw, which provides, in Town Code §33-32, that 'All employees covered by this bylaw shall have a performance evaluation annually,' and in §33-13, that "Step increases will be awarded on an annual basis on July 1<sup>st</sup> provided the employee has completed at least one (1) year of satisfactory performance."

The Town Administrator is responsible for administrating the performance review process. The Town's General Bylaws provide in Town Code §3-4 that "The Town Administrator shall administer the Town's performance review process in order to ensure consistent reviews across all departments. The Town Administrator shall have the following responsibility to ensure that the reviews are conducted in a fair and timely manner: a) Responsibility of performance reviews for direct reports of the Town Administrator; b) Oversee the review process for employees who report to a department head; and c) Provide input for employees who report to Town Boards."

By state statute, the Town Administrator can perform any duties the Select Board assigns to him, including those requested by any other Town board. MGL C.41,§23A provides that the Town Administrator "shall act by and for the Select Board in any matter which they may assign to him relating to the administration of the affairs of the town or of any town office or department under their supervision and control, or, with the approval of the Select Board, may perform such other duties as may be requested of him by any other town officer, board, committee or commission."

## **Adoption of Policy Goals**

Each board should, from time to time, adopt policy goals for itself which reflect its prerogatives under statute, bylaw or otherwise in their respective areas of authority. These goals would be adopted at a posted public meeting of the entire board. Those goals then become the basis for the performance objectives established between the employee and the board, chair, or designated supervisor, depending upon the option chosen below.

## **Options and Best Practices**

The Personnel Board, in consultation with the Town's human resources counsel [Attorney John F. Dolan, whose comments are noted below in *italics*], has identified the following four options<sup>5</sup> for multiple-member Town boards to consider in formally designating an employee's supervisor, who would in turn conduct the employee's performance review:

1. All board members as supervisor; all participate in employee's performance review at public meeting with employee;
2. Board chairman as supervisor; performance review held at private meeting with employee [and Town Administrator];
3. Board delegates supervisor role to Town Administrator/designee by written agreement with Select Board; Select Board delegate to Town Administrator.
4. Board permanently transfers employee appointment to Town Administrator by Town Bylaw or special act of the legislature.

Options 3 and 4 are identified here as best practices, for the reasons discussed below.

#### **Option 1 - All board members as supervisor; all review at public meeting with employee.**

Under a first option, the board designates all of its members together as the supervisor for its appointee, with each member completing their own written performance review of the employee, which is reviewed with the employee during a posted public meeting. The review by the full board cannot take place in executive session. The individual members' written reviews could also be compiled into a composite document by either the board chair or the Town Administrator prior to the public meeting. The performance review documents would become public records.

*Under this scenario, all members of the public body review the employee. Each member completes a written evaluation and those evaluations are reviewed with the employee during a public meeting. Assuming that the meeting is properly posted and the evaluation is adequately noticed in the posting, this method clearly comports with the Open Meeting Law. As noted on the first page of the Attorney General's Open Meeting Law Guide, . . . , the Open Meeting Law seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently. See also OML 2013-5, . . . . Option 1 involves an evaluation process that is conducted almost completely in the context of a public meeting. While the individual evaluations of members presumably are completed outside a public meeting,*

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<sup>5</sup> The Personnel Board had reviewed another option, which on the advice of human resources counsel, it does not include here. *"This option involves the creation by each public body member of individual evaluations. Those evaluations, in turn, are compiled into a composite review by the Chair of the body. This composite review is then shared with the employee in a private meeting with the Town Administrator. In my opinion, this option likely would not meet with the approval of the Division of Open Government of the Attorney General's Office. As a general rule, the sharing of opinions of a quorum of public body members via e-mail or other writing would constitute "deliberation" and violate the Open Meeting Law if not done at a properly posted public meeting. However, the Attorney General's Office has advised that individual evaluations of an employee may be aggregated into a composite evaluation. . . . the Attorney General's approval of the composite evaluation process is predicated on the assumption that the master evaluation document will be discussed at an open meeting."*

*those evaluations are discussed at a public meeting. As such, those evaluations would become part of the public record of the meeting and likely subject to disclosure. Open Meeting Law Guide, p. 13.*

*While consistent with the Open Meeting Law, this option, as a practical matter, has some drawbacks. As the Town has experienced, the performance evaluation process often is an uncomfortable experience for employees. This may be exacerbated when the evaluation is conducted in full view of the public. From the Town's perspective, Option 1 may have a chilling effect on the willingness of public body members to be candid in their assessments of the strengths and weaknesses of an employee's performance. This, in turn, can reduce the effectiveness of evaluations and, in the case of "problem" employees, come back to haunt the Town if the Town later wishes to discipline or terminate such an employee. That employee's personnel file may be filled with watered-down or "satisfactory" evaluations that don't support subsequent discipline or dismissal*

## **Options 2, 3 and 4**

*The remaining three options all involve some form of delegation or transfer of the public body's evaluation function to an individual: the Chair/designee in the case of Option [2], the Town Administrator/designee under Option [3], and the Town Administrator via the more formal route of bylaw amendment under Option [4]. In each instance, there is an evaluation meeting conducted in private with the employee and the reviewer (and Town Administrator in the case of Option [2]).*

### **Option 2 - Board chairman as supervisor; review at private meeting with employee [and Town Administrator].**

Under a second option, the board/appointing authority could establish its chairman in the role of supervisor of the board's employee. The chairman would conduct the employee's performance review in a private—not public—meeting. The Town Administrator could also participate in that private meeting, to provide input and to ensure the review is conducted fairly and timely. The performance review document would not be a public record.

### **Option 3 – Board delegates supervisor role to Town Administrator/designee by written agreement with Select Board (includes Select Board delegating to Town Administrator).**

Under a third option—which is identified here as a best practice—the board/appointing authority would formally delegate supervision of its appointee to the Town Administrator (or his designee) by a written memorandum of agreement (MOA) between the appointing board and the Select Board. The supervisor would conduct the employee's performance review in a private—not public—meeting. The performance review document would not be a public record.

The MOA constitutes the Select Board's approval under MGL C.41,§23A of assignment of duties to the Town Administrator requested by the appointing authority board.

Examples of this option include MOAs between the Select Board and the Board of Health (for its administrative assistant), Conservation Commission (for its conservation coordinator), and Zoning Board of Appeals (for its administrative assistant). In all three of those, the Town

Administrator designated the Building Commissioner as the employee's supervisor. A fourth example was the MOA between the Select Board and the Council on Aging (for its director), with the Town Administrator as supervisor.

This option could also include the Select Board delegating supervision of its appointees to the Town Administrator under MGL C.41,§23A. In the case of the Police Chief or Fire Chief, any formal designation of the supervisor should be negotiated in the chief's employment agreement.

#### **Option 4 – Board transfers employee appointment to Town Administrator by Town Bylaw or special act.**

Under this fourth option – also identified as a best practice-- appointment of the board's employee would be formally transferred to the Town Administrator, where that option is practicable. The Town Administrator would then conduct the employee's review in private, as is currently done for those department heads and employees for which the Town Administrator is already the appointing authority.

This option could be pursued by Town Bylaw amendment or by a home rule petition special act of the legislature. Further legal review would be required to determine which method was required. In either case, a vote of town meeting would be required to initiate the transfer.

One example of this option is the vote under Article 25 of the May 6, 2013 Annual Town Meeting which added the position of Director of Elder Human Services to the list of department heads appointed by the Town Administrator under Town Code §3-3.

*With certain caveats, it is my opinion that Options [2] through [4], inclusive, would not violate the Open Meeting Law, as none appears to involve deliberation or action by a public body. The main caveat to this opinion is that the delegation should be complete, i.e., there should be no sharing of opinions by a quorum of the public body through the individual to whom the evaluation function is delegated. Further, if that individual is to report back to the public body on the evaluation, that should be done at a public meeting.*

*The risk of an Open Meeting Law violation, or at the least the perception of an Open Meeting Law violation, is greatest with Option [2], since the Chairperson of the body is the individual tasked with the evaluation. Under this option, the perception, and perhaps the reality, likely will be that the Chair essentially is following the composite evaluation process without the public meeting component, relying on input from other members. For this reason, Option [2], in my opinion, is not the best model.*

*As noted, the Town Administrator is the individual to whom the evaluation function is delegated under both Options [3] and [4]. The same caveat applies to both these scenarios. The Town Administrator can discharge this function without violating the Open Meeting Law so long as the Town Administrator does not end up functioning as a "straw" for the sharing of members' opinions outside a public meeting. Once again, the delegation should be complete. Under either option, the Town Administrator should be given the power to assess individually the employee's performance. While the opinions of others may be solicited, those opinions, if of a quorum of public body members, should not then be shared with other members except at a public meeting.*

*One of the stated purposes in the Town Code of having the Town Administrator administer the performance review process is “to ensure consistent reviews across all departments.” Options [3] and [4] best serve this laudable goal. As between the two options, Option [4] would remove any question in the public’s mind as to whether boards may delegate evaluation responsibilities and authority to the Town Administrator (in my opinion, they may) and also eliminate the possibility that one or more boards may decline to delegate that authority. For that reason, it is my opinion that Option [4] is the preferred option among the final three approaches outlined in the memorandum.*

### **Performance Review System Documents.**

The performance evaluation process adopted by the Personnel Board and Town Administrator is that developed by Human Resources, Inc., in consultation with affected departments and employees, and as set forth in a [User Guide](#),<sup>62</sup> [Form 1](#), and [Form 2](#).

### **List of Town boards with employee appointing authority**

#### *Elected town boards*

Select Board: Town Administrator\* (Grade 15), Police Chief\* (14), Fire Chief (13)\*; and all members of the Littleton Police Department

Library Trustees: Library Director (12)\*

Park & Recreation Commission: PRCE Director (12)

Planning Board: Planning Administrator/Permit Coordinator (11)

Cemetery Commission: Cemetery Superintendent (9)

Board of Health: part-time administrative assistant (6)

#### *Appointed town boards*

Conservation Commission: Conservation Coordinator (9)

Zoning Board of Appeals: part-time administrative assistant (6)

*(\*) Management contract positions not subject to the Personnel Bylaw*

### **Public Meeting Check List – for Boards selecting Option 1**

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<sup>2</sup> The *User Guide* describes in the purpose of the system in Section 1.1, as follows:

“This performance evaluation system has been developed to accomplish several points:

- To continuously improve the effectiveness and efficiency of town services;
- To provide an opportunity for two-way communication and planning between supervisors and employees;
- To provide for the establishment of individual and departmental goals and objectives;
- To serve as the basis for acknowledging employee accomplishments and recognizing potential need for guidance, training, and/or support; and
- To provide documentation of performance to serve as a basis for salary adjustments and other personnel related actions.”

- Select a date and time for the performance review meeting that is mutually convenient for the participants—i.e., all board members, the employee, and the Town Administrator;
- Have the employee first complete the self assessment portions of Form 1 or Form 2 (as appropriate) and submit that to the Chairman and/or Town Administrator, who will forward to each board member prior to their completion of the rating portions of that form
- Have the board members provide their completed forms to the board chair and/or the Town Administrator for preparation of the consolidated rating prior to the review meeting.<sup>3</sup>
- Post a public meeting notice with includes the employee’s performance review as an agenda item for the board’s public agenda. The board’s review cannot be conducted in executive session
- During the performance review, the Chair leads a discussion of the consolidated rating with the employee, who will have the opportunity to respond
- After discussion, the board can vote to adopt the form of the consolidated rating, with whatever modifications arise during the board discussion and employee response.
- While the consolidated rating is a public record, it is also placed in the employee’s confidential personnel file.
- The employee has the right to respond in writing and to have that response be placed in the personnel file as a confidential record. If the employee’s response is discussed at a public meeting, by either the employee or the board, then the letter becomes a public record.

## **Policy 28, Policy on Short Notice Items Requiring a Town Position**

[HISTORY: Adopted 8-10-2015]

*Applicability:* Select Board; Town Administrator

*Purpose:* Address situations where a Select Board position/decision on a subject of importance to the Town is required prior to a regularly scheduled Select Board meeting

*Background:* From time to time a situation arises whereby an official position of the Select Board be presented in the interest of the Town. Given the frequency the Select Board meets (generally twice a month at a minimum), such situations are not anticipated to occur frequently. Nevertheless, it is appropriate for the Select Board to have contemplated the possibility of such situations and to have a policy addressing Select Board actions as a whole, actions of the Select Board Chairman, individual Select Board members and the Town Administrator.

When a situation requiring a Select Board response prior to a regularly scheduled meeting the Select Board Chairman will call a meeting specific to the purpose in

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<sup>3</sup> Attorney Dolan advises that “*Board members should not bring the individual forms to the review meeting nor refer to them during the meeting. Otherwise, the individual forms will become part of the record of the meeting.*”

accordance with Massachusetts' Open Meeting Law guidance. If such a meeting cannot be scheduled the Select Board Chairman will use his/her discretion in directing the Town Administrator to respond on behalf of the Town.

The Town Administrator shall use his/her discretion on responding in similar situations where in his/her judgment, the Select Board has already established a known preference/policy specific to the situation. In all situations, the Town Administrator shall immediately inform the Select Board Chairman, info the rest of the Select Board members and department head(s) as applicable.

Individual Select Board members are not authorized to present and/or forward a Town position on such matters as are addressed in this/her policy unless such position has already been formalized and publicized, and the communication is but a reiteration of that position.

## **Policy 29, Domestic Violence Leave Policy**

[HISTORY: Adopted 5-22-2017]

### **INTRODUCTION**

The Town of Littleton is committed to the health and safety of our employees and their families. The Town recognizes that victims of domestic violence, sexual assault, and stalking may suffer from physical, mental, emotional, and sexual abuse. In an effort to afford victims of these abuses the ability to protect themselves and their families, to ensure the safety of all employees and pursuant to G.L. c. 149, § 52E, the Town establishes this Domestic Violence Leave Policy. This policy, along with the efforts of our Employee Assistance Program, can be utilized if the need arises for employees to take needed time off to deal with a domestic violence issue.

### **PURPOSE AND SCOPE**

The purpose of this document is to outline the Town's unpaid Domestic Violence Leave Policy (DVLP) with respect to eligibility, benefits, and use, and to ensure that leave benefits are implemented equitably and consistently.

The Town is committed to the safety of those eligible employees of the Town from domestic violence by giving them the necessary tools to deal with domestic violence issues.

### **APPLICABILITY**

This policy applies to all full and part-time compensated employees. Employees whose positions are covered by a collective bargaining agreement (CBA) or individual contract are subject only to those portions of the policy which are not separately regulated by the CBA agreement or contract.

This policy is intended to be consistent with any and all applicable laws, including specifically M.G.L. c. 149, §52E. If any part of this policy is inconsistent with the law, the requirements of law shall apply.

Alleged perpetrators of domestic violence are not entitled to leave under this statute or this policy.

Nothing in this policy limits or prevents the Town from providing time-off to employees to address situations of violence not specifically defined in this policy.

## **DEFINITION OF DOMESTIC VIOLENCE**

**Domestic violence** is abuse against the employee or the employee's family member by:

- a current or former spouse of the employee or the employee's family member;
- a person with whom the employee or the employee's family member shares a child in common;
- a person who is cohabitating with or has cohabitated with the employee or the employee's family member;
- a person who is related by blood or marriage to the employee; or
- a person with whom the employee or employee's family member has or had a dating or engagement relationship.

**Abuse** is defined as the occurrence of one or more of the following acts:

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm;
- causing another to engage involuntarily in sexual relations by force, threat or duress;
- engaging in or threatening to engage in sexual activity with a dependent child;
- engaging in mental abuse, including threats, intimidation or acts designed to induce terror;
- depriving another of medical care, housing, food or other necessities of life; or
- restraining the liberty of another.

**Family members are persons who:**

- are married to one another;
- are in a substantive dating or engagement relationship and who reside together;
- have a child in common regardless of whether they have ever married or lived together ;
- a parent, step-parent, child, step-child, sibling, grandparent, grandchild; or
- in a guardianship relationship.

## **NOTIFICATION**

A victim of domestic violence, sexual assault, or stalking is strongly encouraged to notify

the Town of the existence of a restraining order protecting the employee. Notification should be made to the Human Resources Department. Upon such notification, the Town shall make all reasonable efforts to enforce the restraining order in the workplace. Such efforts may include:

- Notifying police of the identity of the person against whom the order is issued (defendant);
- Providing security personnel with a photograph or other identifying information, such as motor vehicle information;
- After obtaining the employee's permission, having the employee's calls screened;
- Moving the employee's workstation away from an unsecured entrance;
- If possible, offer that employee a reassignment to a different work location. Where the victim has requested reassignment, the Town shall respond in a timely manner.

## **LEAVE**

An employee may take up to a maximum of 15 days of time off in a 12 month period, if either the employee or their family member is a victim of abuse and the employee is using leave from work for him or herself or for the family member to:

- Seek or obtain medical attention, counseling, victim services or legal services;
- Secure housing;
- Obtain a protective order from a court;
- Appear in court or before a grand jury;
- Meet with a district attorney or other law enforcement official;
- Attend child custody proceedings;
- Address other issues related to the abusive behavior against the employee or family member of the employee.

The employee must first exhaust all vacation, personal, and sick leave already available to the employee prior to requesting or taking leave under the Domestic Violence Leave Law and use of such leave will run concurrently with Family Medical Leave Act benefits, if applicable. If no accrued time is available, leave under this policy will be unpaid. Leave accruals and employee benefits shall be handled in the same way as is done for any other type of leave without pay. Upon the employee's return from leave, the Town shall restore the employee to the same position or to an equivalent position, with equivalent employment benefits, pay, and other terms and conditions of employment, provided that the employee has not been displaced from his/her position in the interim due to a reduction in force.

## **DOCUMENTATION**

The Town requests that the employee provide appropriate advance notice of this leave utilizing appendix A, unless there is an imminent danger to your immediate health and safety or that of your family member (in which case - we must receive notification within 3 workdays that the leave was taken or is being taken for reasons covered by this policy). Notification may be communicated to the Town by the employee, a family member of the employee, or the employee's counselor, social worker, health care worker, member of the

clergy, shelter worker, legal advocate, or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

In the event that you take this leave, please provide documentation evidencing that you or your family member has been a victim of domestic violence or abusive behavior within 30 days of the leave request. Such forms of documentation may include any one of the following:

- A court issued protective order or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or the employee's family member;
- An official document from a court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member;
- A police report or statement of a victim or witness provided to the police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member;
- Official legal documentation that the perpetrator of the abusive behavior against the employee or the employee's family member has: admitted to sufficient facts to support a finding of guilt of abusive behavior, or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this policy;
- Medical documentation of treatment for the abusive behavior;
- A statement signed under the penalties of perjury from the employee attesting that the employee has been a victim of abusive behavior or is the family member of a victim of abusive behavior.
- A statement signed under the penalties of perjury from a counselor, a social worker, health care worker, a member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.

All documentation provided to the Town under this policy may be maintained in the employee's personnel file but only for as long as required for the Town to make a determination as to whether the employee is eligible for leave.

The Town will not take negative action against an employee for an unscheduled absence, if, within thirty (30) days from the unauthorized absence or last unauthorized absence in cases of consecutive absences, the employee provides any of the indicated forms of documentation of the need for domestic violence leave.

All information related to the employee's leave shall be kept confidential by the Town and shall not be disclosed, except to the extent that disclosure is:

- Requested or consented to, in writing, by the employee;
- Ordered to be released by a court of competent jurisdiction;
- Otherwise required by applicable federal or state law;

- Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or,
- Necessary to protect the safety of the employee or others employed at the workplace.

A form will be completed to document and keep track of the use of this leave. If you have questions at any time as to how this policy applies to you, please do not hesitate to contact the Office of Human Resources.

**APPENDIX A**  
**DOMESTIC VIOLENCE LEAVE POLICY**  
**NOTICE OF NEED FOR LEAVE**

**This form shall be filled out and filed with the Human Resources Department.**

**SECTION I:**

Employee Name: \_\_\_\_\_ (Print) Date: \_\_\_\_\_

Title: \_\_\_\_\_ Department: \_\_\_\_\_

Requested start of Leave: \_\_\_\_\_

Have you used all Vacation, Personal, and Sick Leave available to you?  Yes  No

If No, please note that this policy requires you to have used all available paid leave before you may request an unpaid domestic violence leave. If you have used all available paid time off available to you, please continue.

I am the victim of domestic violence resulting in this request

Family Member \_\_\_\_\_ [list type not name] was the victim of domestic violence

Requesting Employee Signature: \_\_\_\_\_

*(send signed form to Human Resources)*

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**SECTION II: To Be Reviewed and Acted Upon by the Human Resources Department**

As the Human Resources Director, I have reviewed the above employee's unpaid Domestic Violence Leave request and make the following decision:

Approved as submitted  Disapproved — please explain: \_\_\_\_\_

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HR Signature

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Print Name

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Date

*The originally signed form shall be placed within the employee's personnel file and kept confidential, per section \_\_\_\_\_ this Domestic Violence Leave policy.*

**TOWN OF LITTLETON**  
**DOMESTIC LEAVE POLICY**

**Employee Acknowledgement of Receipt of Policy**

This policy, outlining the Town's domestic violence leave benefits for eligible Full-time and Part-time employees, has been written to provide information and guidance for our employees regarding eligibility, benefits, and use. The Town reserves the right to change, add to or delete any part of this policy, at any time, as it deems appropriate. The Town reserves the right to waive or vary any term of this policy, as it deems appropriate at any time in order to achieve its desired goals.

If changes are made to this policy, the Town will notify employees as soon as possible after the appropriate public hearing is held. Changes which are required by law will be effective with or without notice to employees. This Policy does not, and may not be construed to create a contract with any employee.

With your signature below, you represent that you have read this acknowledgement, that you have received a copy of the Town's Domestic Violence Leave Policy, and that you have read and understand this policy.

I acknowledge that I have received and read the Town's ***DOMESTIC VIOLENCE  
LEAVE POLICY***.

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Employee Name (Print)

Department

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Employee Signature

Date

## **Policy 30, Separation of Employment Policy and Procedures**

[HISTORY: Adopted 5-22-2017]

The Human Resource Office (HRO), in conjunction with the Personnel Board and the Town Administrator, presents this Separation of Employment Policy & Procedures document detailing the various types of separation of employment and the process and documentation that each one entails. This Separation of Employment Policy and Procedures document is being made available to departments in an effort to standardize those steps and documents as much as possible, make the separation process fair and consistent throughout the Town, and help avoid termination missteps.

The Town adheres to the policy of employment-at-will, which permits the Town or the employee to terminate the employment relationship at any time, with or without cause, for any lawful reason or for no reason at all.

Nothing contained in this Separation of Employment Policy & Procedures document is to be construed to create an employment agreement or promise of employment between the employee and the Town.

The Town reserves the right to change, modify, or amend all or part of this Separation of Employment Policy & Procedures document at any time, without prior notice.

This document contains the following sections:

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#### **INTRODUCTION**

#### **PROCEDURES AND GUIDELINES – VOLUNTARY SEPARATION**

Notice Requirements 2

Separation Procedures and Paperwork

#### **WORKING AFTER RETIREMENT**

Earnings and Hours

#### **PROCEDURES AND GUIDELINES – INVOLUNTARY SEPARATION**

Legitimate reasons for terminating an employee

Illegitimate reasons for terminating an employee

Involuntary Termination Procedures

The Final Step

Paperwork

#### **DEFINITIONS**

## INTRODUCTION

This policy will identify the considerations and processes that are suggested to be followed at the time an employee separates from employment from the Town of Littleton through either voluntary or involuntary means.

This policy applies to all employees except those in the School, Light and Water Departments, including full time, part time, seasonal and/or temporary employees but may need adaptation for specific requirements enumerated in collective bargaining agreements (CBA) or individual contracts.

Documenting all separation of employment is important for both the employee as well as the Town, creating a paper trail which will document the process and compliance with federal and state regulations as well as local policies. These records are often subsequently referred to for confirmation of employment for unemployment benefits, retirement creditable service inquiries, and wrongful discharge claims.

For ease of reading, abbreviations have been used where possible. A list of definitions and abbreviations can be found at the end of this document.

## PROCEDURES AND GUIDELINES – VOLUNTARY SEPARATION

When an employee is separated from employment, the supervisor has the responsibility to communicate the separation to Human Resources as soon as possible to ensure the employee is notified of important rights such as COBRA.

### Notice Requirements

In general:

1. Employees who voluntarily terminate their employment should give at least a two-week notice.
2. Every resignation should be submitted in writing to the employee's supervisor. Some resignations, such as from the positions of Treasurer, Collector, Town Clerk, must be filed with the Town Clerk. Once the resignation has been submitted, supervisors are not required to allow an employee to rescind a resignation, whether it was given verbally or in writing.
3. With notification to HRO, supervisors may choose to have the employee leave immediately rather than continue working through the two-week notice period. Typical reasons for immediate separation may be concern for safety of others, quality of work concerns, departmental morale, or the need to start the replacement process sooner rather than later. Sometimes the employee will be paid for that two- week period; however it is not legally required and there may be circumstances that it is unpaid such as violation of Town policy once notice has been given. HRO needs to be consulted as unemployment benefits may be applicable for any

discharges prior to the resignation date and this will change HRO notification paperwork.

### **Separation Procedures and Paperwork**

1. Supervisor Acknowledgment: When an employee gives notice of termination of employment with the Town, the Supervisor is responsible for the following steps:
  - a. Immediately confirm the resignation in writing – The supervisor should write a short letter of acknowledgment of the resignation. If the resignation was verbal, the written confirmation should state the date the verbal resignation was received and the understood effective date. In addition, the letter should confirm any Town property that must be returned prior to departure.
  - b. Forward to HRO the employee's resignation (if in writing) and the confirming acknowledgement letter sent by the supervisor.
2. HRO Acknowledgment: Upon notification from the Supervisor, HRO will:
  1. Prepare a separation of employment letter for the employee reviewing the following items:
    - a. Health and Dental termination and COBRA forms
    - b. Pension or OBRA termination
    - c. Life Insurance Termination
    - d. FSA Termination guidelines
    - e. Last Wages Pay Day
    - f. Vacation Accrual or other Final Payouts
    - g. Miscellaneous payroll deductions
    - h. Pre-tax savings termination (457, 403B)
    - i. Exit Interview Questionnaire
  2. Prepare a Report of Employee Separation (Appendix A) and discuss exit interview scheduling with the supervisor. This form will be signed at the Exit Interview.
  3. Exit Interview: An exit interview with the employee will be scheduled by either the supervisor or HRO. The interview should be conducted by a neutral party, either HRO or another member of the management team. Exit interviews offer a final opportunity to gather objective insights into what our employees think is right and wrong about employment with the Town. Handled correctly, these interviews will help the Town identify and resolve workplace problems, minimize resentment and misunderstanding when employees leave, and boost employee retention in the future. To assist in these discussions, the employee may have completed the Exit Interview Questionnaire.

## **WORKING AFTER RETIREMENT**

Some managers consider re-hiring retirees to work part time, either directly for the Town or for a contractor that serves the Town. The Public Employment Retirement Commission (PERAC) limits the amount of income a retiree can earn or receive when re-employed in the service of the Commonwealth or any of its counties, cities, towns, districts or authorities. So long as it is consistent with the State Conflict of Interest Law (G.L. c. 268A), a retiree may work in any capacity and earn any amount for a private employer who is not serving the Commonwealth or any of its counties, cities, towns or districts.

In accordance with Section 91 of Chapter 32 of the Massachusetts General Laws, there are two strict limitations on further public employment in the Commonwealth following retirement from a public service position.

### **Earnings and Hours**

Earnings for the period of post-retirement employment in any calendar year, when added to the retirement allowance, cannot be greater than the salary currently being paid for the position from which an employee retired plus \$15,000. The additional \$15,000 is not utilized in the calculation in the first year following retirement. The post-retirement employment is also limited to a period of up to 960 hours, in the aggregate, in any calendar year. Employment must cease when either limitation is reached. A retiree can waive his or her retirement allowance and these limitations would not apply.

Retirees should refer to current PERAC documentation on working after retirement for details and examples.

If G.L. c. 32, § 91 is amended to change the maximum earnings or hours in any calendar year, the limitations in the statute shall apply.

## **PROCEDURES AND GUIDELINES – INVOLUNTARY SEPARATION**

Dismissal of an employee is a difficult process regardless of the reasons for the dismissal. It can elicit anger, grief and even a law suit, so care must be taken at each step. In general, if termination is being considered, absent an egregious action by the employee, the Town should be following a process that puts the employee on notice that termination is a possible action. A termination of employment should not come as a surprise to the employee.

**Contract or Represented Employees:** Whenever dismissal of a contract or union employee is contemplated, labor counsel, the Town Administrator and Human Resources should be involved early in the process, as any discharge or termination must be conducted according to the contract. Often a termination agreement and general release will be prepared, covering most of what is outlined below.

### **Legitimate reasons for terminating an employee**

For those employees not covered by a contract, they are deemed to be employees-at-will. People hired as at-will employees can be terminated for a good reason, a bad reason, or no reason at all, so long as the termination was not the product of discrimination, retaliation, or another violation of law. Nonetheless, supervisors must be prepared to articulate clearly and document convincingly that the reason for termination was not in violation of law should the employee file a discriminatory termination complaint. Supervisors should ensure that any established discipline policies that are in place for that individual have been followed. For this reason, if the termination is for cause, a quick review with HR should be completed to ensure the termination is on legal grounds, such as:

- poor job performance
- low productivity
- refusal to follow instructions
- habitual tardiness
- excessive absences from work
- possession of a weapon at work
- threats of violence
- violating company rules
- stealing or other criminal activity
- dishonesty
- endangering health and safety
- revealing company trade secrets
- harassing co-workers
- disrupting the work environment
- preventing co-workers from doing their jobs
- insubordination

### **Illegitimate reasons for terminating an employee**

Both state and federal law forbid the Town from terminating an employee based on certain factors. These prohibitions apply regardless of whether the employee has a contract for employment with the Town or not. Please note that these laws are evolving all the time.

Discrimination: Federal law makes it illegal to fire an employee because of the employee's race, color, gender, national origin, disability, veteran's status, religion, genetic information (including family medical history) or age (if the person is 40 or older). Federal law also prohibits firing someone because that person is pregnant, may become pregnant, because that person has recently given birth, or because of any related medical conditions.

Massachusetts law also prohibits discrimination on the basis of sexual orientation or marital/civil union status, gender identification, and ancestry.

Retaliation: It is illegal for employers to fire or otherwise retaliate against employees for asserting their rights under the state and federal anti-discrimination laws described above.

Refusal to Submit to a Lie Detector Test: The Federal Employee Polygraph Protection Act prohibits employers from terminating employees for refusing to take a lie detector test. The use of lie detector tests in the employment context in Massachusetts is generally prohibited by G.L. c. 149, § 19B.

Alien Status: The Federal Immigration Reform and Control Act (IRCA) prohibits employers from using an employee's alien status as a reason for terminating that employee so long as that employee is legally eligible to work in the United States.

Complaining about OSHA Violations: The Federal Occupational Safety and Health Act (OSHA) makes it illegal for employers to fire employees for complaining that work conditions fall short of complying with state or federal health and safety rules.

All involuntary terminations carry some risk that the employee feels “wronged” and may consider filing a wrongful dismissal claim. Careful consideration of all the possible issues can help avoid missteps. The following should be reviewed with counsel, HRO and/or a seasoned manager to perform a “self-audit”:

1. Is the employee covered by a collective bargaining agreement? If so, make sure that whatever you do is consistent with the CBA.
2. Is there a relevant employment policy? If the termination will be for attendance, have you reviewed your attendance policy? If for poor performance, have you reviewed your policies dealing with progressive discipline and performance improvement plans? If for misconduct, does your policy say that the alleged misconduct should result in termination?
3. Is there a “past practice” for handling the issue that you are encountering with this employee? Are the options you are considering consistent with that practice?
4. Do your CBA, your policies, or your past practices contain any exceptions? If so, might any of them apply in this situation?
5. Has your employee been told about the attendance, performance, and behavior standards that apply, either through CBAs, policies, training, or otherwise? Has the employee received written progressive warnings, documented in their personnel file and sufficient to defend your decision should you be faced with a lawsuit?
6. If the termination is for severe misconduct, is it specifically addressed in a CBA, policy, or training (for example, a list of violations for which employees are normally

fired on first offense, or harassment training)? If not, is the behavior such that the Town simply cannot continue to employ the misbehaving employee?

7. Will the employee be blindsided by this termination, or will she have seen it coming? If the employee will be blindsided, are you satisfied that (a) there was a very good reason for keeping it secret (for example, you suspected her of embezzlement and didn't want to give her a chance to cover her tracks), or (b) her surprise is not reasonable for someone in her position because you, e.g., put her on a final warning a month ago for doing exactly the same thing?

8. Have you or another qualified individual conducted a thorough, impartial, and prompt investigation of the incident or conduct giving rise to the termination? Have you given the employee a chance to tell his side of the story? If he denies or disputes it, have you considered that with an open mind before concluding that he was "guilty"? Is a government agency or a jury likely to agree with you that his defense is not valid?

9. Have you considered the possibility that race, sex, national origin, religion, age, or disability, or any other legally protected status, may have played a role in the decision? (And remember that "reverse discrimination" is against the law, too.) If the employee can't meet the requirements of the job because of a disability, a pregnancy- related condition, or her religious beliefs, have you attempted reasonable accommodation in good faith? Can you satisfy a government agency or a court that the employee's "protected status" had nothing to do with the decision?

10. Has the employee engaged in any "legally protected activity" in the past year? For example, filing a workers' compensation claim, asking to take time off under the Family and Medical Leave Act or for military or reserve duty, asking for a reasonable accommodation, making a safety complaint, filing an EEOC charge, making an internal complaint of discrimination or harassment, recruiting co-workers to support a union campaign or grousing about working conditions with other employees, complaining about allegedly dishonest business practices in the Town (and much more)? Will you be able to convince a government agency or a court that protected activity played no role in your decision?

11. Do you, the managers, or the supervisors involved in the termination have an axe to grind with this employee? Is there anything that would affect your ability to make a decision that is just? Is "the heat of passion" involved? If the employee did something to infuriate the supervisor, was there a chance to cool down before decisions were made?

12. If you suspect that the employee is the litigious type, have you alerted your bosses about what may be coming? Can you prove that you warned them in advance?

13. Have you considered offering a severance package that includes a release of claims?

14. In most instances, public employees are entitled to due process before termination or an extended suspension. Have you afforded the employee notice and an opportunity to be heard on the allegations against the employee?

### **Involuntary Termination Procedures**

1. Supervisor Review: All points above should be reviewed and vetted to identify any potential concerns with the termination. If possible liability is identified, this should be discussed with HRO and the Town Administrator as a release of claims agreement may be prudent.

a. All employees should be afforded a hearing, even if they are at-will. Supervisors should give written notice of a hearing up to one (1) week prior, allowing the employee to prepare, address the reasons for the hearing if the termination is for cause, and invite counsel if desired.

**IMPORTANT:** If you are considering a discharge at a hearing, you must contact HRO in advance. The legal requirement is that the Town must pay the employee all wages due on the day of discharge (hand the employee their final check). Therefore payroll must be processed in advance. In addition, the employee must be given Unemployment Benefit information at the time of discharge.

2. HRO Review: Upon notification from the supervisor, HRO will:

a. Prepare a separation of employment letter for the employee reviewing the following items:

- i. Health and Dental termination and COBRA forms
- ii. Pension or OBRA termination
- iii. Life Insurance Termination
- iv. FSA Termination guidelines
- v. Last Wages Pay Day
- vi. Vacation Accrual or other Final Payouts
- vii. Miscellaneous payroll deductions
- viii. Pre-tax savings termination (457, 403B)

3. Prepare a Report of Employee Separation (Appendix A)

4. Prepare the final payroll check

## **The Final Step**

When the decision is made to terminate, you should handle it with respect, honesty, fairness, discretion and full documentation. If you decide that you would like to have a meeting with the employee to deliver the written notice of the pre-termination hearing, the meeting should not be any more than 10 minutes and always involve a manager and/or HRO personnel. Here are a few general guidelines that can help to smooth a potentially difficult situation:

1. Time the decision to allow for privacy. Schedule the face-to-face meeting as soon as possible. The actual termination should occur at a time when there will be few interruptions, possibly before or after the normal work day. Choose an office out of the view of office traffic.
2. Do not mislead the employee about the reason for the meeting. If the employee asks, you may say "We will discuss some issues that involve our department." Do not describe the reasons for the meeting, but rather outline the reasons in the written notice of the pre-termination hearing so that the employee has sufficient notice to prepare a response to present at the hearing.
3. Prepare for and rehearse your delivery at the pre-termination hearing. The message to the employee should be well prepared and, if possible, the delivery of the message should be rehearsed prior to the actual hearing with the employee. Be specific with details as to why the employee is being considered for termination or being terminated immediately. A script or a written outline or checklist can help assure that all important points are covered.
4. Have a witness. Always invite an additional management person (a human resource colleague is a practical choice) to assist in note-taking and to act as a witness to any comments or questions that occur at the hearing.
5. Don't beat around the bush. Get to the point without making excuses or minimizing the basis of the decision. Don't engage in personal attacks or derogatory generalizations. Most importantly, make sure that the employee understands that his or her employment actually has been terminated.
6. Avoid arguments. Be open to concerns and questions, but do not enter into any argument regarding the decision. Do not lose control. Avoid condescension or evasion, and answer questions honestly and as completely as practicable. If additional information is necessary to answer a question fully, provide such information as soon as possible.
7. Don't agree with any arguments. Be sensitive to the employee's anger without agreeing that the company has made any mistake or has acted inappropriately. Statements in the nature of "Yes, I think so, too," or "I didn't want to do this, but it's not my decision," can only come back to haunt us later. Do not pass the buck.

8. Outline the status of employee benefits. Briefly explain at the pre-termination hearing any benefits to which the individual is entitled. HRO can handle this portion if present.

9. Discuss references. Explain fully at the pre-termination hearing what type of employment reference, if any, the Town will provide.

10. Personal Belongings - Explain when and how the employee can collect their personal belongings. Allow them to clean out their desk/locker after hours or when other employees are not in the area but be present when they do.

11. Town Property - Get keys, computers, phones, security cards, credit cards, and all passwords from the employee prior to their departure. Complete the appropriate section of the Separation Report.

12. Be sensitive. Clearly, this is a difficult situation. In a future lawsuit, the fairness and professionalism that is exhibited at a termination session can support the company's position that it acted for business reasons and was at all times fair and reasonable in its decision-making process.

13. Prepare for the worst. Today, workplace violence is all too common, so be prepared for a negative response. Notify security in advance if needed and request advice from the company's legal department regarding appropriate responses to extreme reactions.

14. Keep quiet. Don't discuss your reasons for the termination with other employees. You could end up getting sued for defamation of character.

### **Paperwork**

At the end of the meeting, the employee and supervisor must sign the Report of Employee Separation. If the employee refuses to sign, the supervisor should note that in writing on the Report. A copy should be given the employee with the HRO letter, attachments and paycheck. The supervisor may add any relevant comments on the bottom of the original Report of Employee Separation and forward to HRO if they are not present at the meeting.

If the Town is willing to offer the employee consideration beyond legally required compensation upon separation in exchange for a release of claims, a draft Separation Agreement and Release of Claims should be given to the employee for consideration and an opportunity to review and accept or reject upon advice of the employee's independent counsel. The Agreement and Release of Claims can only be drafted by legal counsel in consultation with HRO. If the employee accepts the terms and signs the Agreement, a copy should be forwarded to HRO for review for unemployment purposes or other agreed upon separation terms, and filed in the employee's personnel file.

**DEFINITIONS:**

1. CBA: Collective Bargaining Agreement
2. HRO: Human Resource Office
3. TA: Town Administrator
4. Town: Town of Littleton
5. PERAC: Public Employment Retirement Administrative Commission
6. Voluntary Termination: Separation of employment initiated by the employee
7. Involuntary Termination: Termination of the employment relationship between the Town and an employee resulting from the decision of the Town.

**Appendix A**  
**Town of Littleton**  
**REPORT OF EMPLOYEE SEPARATION**

**Supervisor must complete this report and return to HR with all other separation paperwork**

EMPLOYEE'S NAME:		EMPL ID:	
JOB TITLE:		DEPARTMENT:	
LAST PHYSICAL DAY WORKED:		DATE REMOVED FROM PAYROLL:	

*Please select the primary reason for separation from the list below*

**VOLUNTARY SEPARATION:** Employee provided ( ) days Advanced Notice of Resignation. Attached signed resignation or other pertinent information to support voluntary separation

<input type="radio"/> Better Pay	<input type="radio"/> Relocation
<input type="radio"/> Career Advancement	<input type="radio"/> Resignation in Lieu of Disciplinary Action
<input type="radio"/> Career Change	<input type="radio"/> Retirement
<input type="radio"/> Conflict with Co-Worker	<input type="radio"/> No Reason
<input type="radio"/> Family Reasons	<input type="radio"/> Other
<input type="radio"/> Health Reasons	
<input type="radio"/> Pursue Education	

1. Was Leave of Absence requested? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Personal \_\_\_\_\_ Medical

2. Presently on Leave of Absence: \_\_\_\_\_ Yes \_\_\_\_\_ No

**INVOLUNTARY SEPARATION**

<input type="radio"/> Death	duties, etc)
<input type="radio"/> End of Temp Assignment	
<input type="radio"/> Failure to Return from an Approved Leave	
<input type="radio"/> Work Arrangements (hours,	

- Conflict w/Supervision
- Retirement
- Resignation in Lieu of Disciplinary Action
- Probationary Discharge
- Reduction in Force

- Unsatisfactory Performance
- Rule/Policy Violation
- No Reason
- Other

1. If discharged for cause what was the specific incident that caused the discharge?

---

2. When did it happen? \_\_\_\_\_

3. Had the employee been warned concerning the above?

\_\_\_\_Yes\_\_\_\_No\_\_\_\_Verbal\_\_\_\_Written

4. Was the employee made aware that his/her job was in jeopardy? \_\_\_\_ Yes \_\_\_\_ No

5. By whom? \_\_\_\_\_

Please attach pertinent documentation to support the discharge.

## Appendix A

**EMPLOYEE PAYOUT:** DATE OF LAST PAYCHECK: \_\_\_\_\_

Sick or Leave Buyback	\$ _____
Vacation Accrual	\$ _____
Benefit Credits	\$ _____
Clothing Allowance Adjustment	\$ _____
Other	\$ _____

**BENEFITS/INSURANCE:**

Health	Termination Date: _____
Dental	Termination Date: _____
Life	Termination Date: _____
FSA	Termination Date: _____

**THE EMPLOYEE WILL RETURN THE FOLLOWING PROPERTY TO THE TOWN:**

Keys     Laptop     CellPhone/Pager     ID/CreditCard     Other \_\_\_\_\_

I understand that all printed and electronic files are the property of the Town of Littleton and cannot be removed or copied for personal use.

EMPLOYEE'S INITIALS \_\_\_\_\_

**I have received a description of my rights to COBRA insurance (if applicable) and Unemployment Benefits.**

EMPLOYEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SUPERVISOR'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

HUMAN RESOURCES REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_

**SUPERVISOR'S COMMENTS:**

Would you consider re-employing this person in your department? Yes      No

Only title and dates of employment will be provided upon reference requests.

**COMMENTS:**

## Appendix B

### Exit Interview Questionnaire

Employee's Name: \_\_\_\_\_

Department: \_\_\_\_\_

Position Title: \_\_\_\_\_

Date Hired: \_\_\_\_\_

Termination Date: \_\_\_\_\_

***Could you please rate the following aspects of your employment experience with the Town of Littleton?***

Salary level and compensation practices generally       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Insurance benefits       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Pension plan       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Opportunities for Growth and Advancement       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Direction received from Your Supervisor/Dept. Head       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Support received from Your Supervisor/Dept. Head       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Quality of training And development Programs       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Relationships with Coworkers       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Physical Working Conditions       Excellent     Very Good     Good     Satisfactory     Poor  
*Comments:*

---

Job Satisfaction       Excellent     Very Good     Good     Satisfactory     Poor

*Comments:*

## Appendix B

---

Could you please indicate what you enjoyed the most about your employment with the Town?

---

Could you please indicate what you enjoyed the least about your employment with Town?

---

Are there any particular changes or improvements you would suggest be considered in the Department you are leaving?

---

Do you have any further comments or suggestions of a general nature?

May we provide a copy of this Exit Interview Questionnaire to your Department Head?

YES                     NO    If NO, Signature of  
Employee: \_\_\_\_\_

Interview Date: \_\_\_\_\_ Interviewed By: \_\_\_\_\_

Interviewer's Signature: \_\_\_\_\_

OPTION TO DECLINE: I have been informed that I have the option of completing a confidential exit interview with a representative of the Department of Human Resources, but I have decided I do not wish to avail of this opportunity.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## SECTION 2. FINANCIAL

### 1.1 FINANCIAL MANAGEMENT POLICY

[HISTORY: Adopted 2-22-2010, amended 10-21-2013, 4-27-2015, 3-21-2016]

#### *Section 1 – Purpose*

This policy is intended to provide best practice guidelines to insure a consistent method of dealing with the annual budget process and year to year financial planning for all affected boards, committees and the financial management of the Town.

#### *Section 2 – Scope*

Well conceived and practiced financial planning can assist Town officials in achieving the best possible use of funds while providing both short and long term stability. Financial policies can improve a Town's credit rating and reduce the cost of interest paid on the Town's long-term debt issues. In addition, established policies can provide a base line for reference and consistency independent of political climates and personal agendas.

The Select Board, Finance Committee and the Town's financial management recognize the need to establish financial guidelines to provide the Town the ability to withstand periods of decreased revenues while minimizing the need for operational overrides as well as controlling spending during periods of increased revenues. The established guidelines must address the ongoing use and minimum balances of the stabilization fund, the Undesignated Fund Balance (UFB) or "Free Cash", debt management, OPEB and provisions for future additions to these funds. It is the intention of the Town to develop the appropriate financial policies and best practices, over time, including those outlined by the Government Finance Officers Association (GFOA) as may be applicable to the Town.

#### *Section 3 - Overview*

In providing funding for the above, the following guidelines must be followed;

1. Funds needed to provide the necessary balances must be appropriated prior to any appropriations for operations;
2. If recommended balance levels cannot be attained in any given year, a plan to meet the balance guidelines must be established and affirmed by both committees and financial management;
3. The Finance Director will provide annual projections and suggested levels for additions to the stabilization fund, capital stabilization fund, OPEB, debt service and capital needs and use of current year certified free cash.

## **Section 4 - Goals**

The financial goals of the Town that are the basis of the policy are:

1. To guide Town officials in making financial decisions that are fiscally sound and consistent in practice from year to year and board to board;
2. To maintain our top credit rating from Standard & Poor's of AAA;
3. To provide the citizens of the Town with the proper levels of quality service in the most cost efficient manner;
4. To maintain adequate reserve levels for unforeseen emergency needs;
5. To maintain and improve the Town's infrastructure and other assets;
6. To minimize the unfunded liabilities of the Town in the areas of pension and OPEB;
7. To minimize the cost of government and maximize revenues;
8. To stabilize the Town's tax rate and avoid appropriation spikes;
9. To develop a sustainable budget without built in structural deficits.

## **Section 5 - Financial Guidelines**

These recommended guidelines for the management of Free Cash, the Stabilization Fund(s) and Debt Management should serve as a platform for the annual budget message. The principles contained in these guidelines must be incorporated in the recommendations by the FinCom in each year's budget and used as the basis for any projections of the Town's future financial condition. The following sections outline the longer-term financial goals of the Town. In some cases, the attainment of certain levels of funds or percentages may not be attainable in the short-term.

## **Section 6 - Maintenance of the Town's Credit Rating**

The continued maintenance of the Town's AAA credit rating is important to its ongoing financial health by decreasing future debt service costs. While there are some external economic factors beyond the control of the Town that are included in the evaluation and rating process, a large component is directly related to management practices, financial controls and reserve levels instituted and followed by the Town. This policy is intended to provide those financial guidelines and controls that will enable the Town to do its part in achieving the goals stated above. The Town, therefore, will follow the financial policies outlined in this document.

## **Section 7 - Tax Levy**

The financial needs of the Town vary from year to year. The revenue stream available to the Town is also subject to fluctuations outside the control of the Town such as State aid and certain local and miscellaneous receipts. It is due to this uncertainty in the revenue stream that the Town will minimize the amount of excess levy capacity in any given fiscal year until the following benchmarks are met;

1. All reserve levels outlined in this policy have been met;
2. The three year financial forecast, taking into account proposed excess levy amounts, shows no structural deficits;
3. The Town reaches and maintains funding of the OPEB and pension liabilities at the annual required contribution (ARC).

Once the above benchmarks have been met, increases to the levels of excess levy capacity will only be allowed from actual new growth figures that exceed the forecasted levels utilized while compiling the Town's annual budget. This excess new growth, after satisfying any additions to overlay surplus as determined by the Finance Director and Board of Assessors, may either:

1. be appropriated for one-time expenditures as detailed in the Annual Town Meeting Appropriation section of this policy;
2. be substituted for current year debt exclusion payments or;
3. be added to the excess levy capacity of the Town by not raising the full allowable levy.

The attempt to control increases to the tax rate through excess levy capacity is a short-term solution to an issue that should be controlled using the other financial tools outlined within this policy.

While it is true that allowing excess levy capacity to exist in a given year is a method of reducing the tax rate, the level of excess levy needed to make a noticeable difference in the rate would be excessive, forcing cutbacks in budgets, services and programs that are currently being funded within the levy. While these cuts may be able to exist in the short-term, the need for these programs does not go away, ultimately forcing the Town to lower the previous years' excess levy capacity resulting in larger than normal spikes in the tax rate in future years. It is for these reasons that the use of any built up excess levy capacity follow these guidelines:

1. To replenish reserve levels after an unforeseen emergency or catastrophic event;
2. To replace potential debt exclusion items or cover existing debt exclusion payments;
3. The amount of excess levy capacity used in a single year or for a specific event must be replenished the following year or after the specific event has been satisfied.

Restricting the usage of excess levy capacity in this way limits the increase in the tax rate to a single year or for a specific event.

#### **Section 8 - Split Tax Rate**

The Town utilizes a split tax rate which is set at a tax classification hearing held by the Select Board. The Town began splitting the tax rate in FY88 as residential property values began to grow in relation to total property values. Proposition 2 1/2 limits the overall growth of the property tax burden. It does not address the allocation of that burden across the different classes of property. Utilizing the split tax rate is therefore a method of controlling the increases in rates on the different segments of property classifications; residential, commercial, industrial and personal property. While still taxing to the levy, as detailed above, the split tax rate shifts the tax burden between the residential property owners and the remaining property segments (CIP).

The effects of the split tax rate depend on a number of factors such as overall property values including any new growth recognized in the current fiscal year, year over year changes in overall value and the changes in overall value as a percentage of total value between the property classifications. When selecting the residential factor, which sets the tax rate, the Select Board should base their decision on the overall goals and objectives of the Town established

by the Board at the beginning of each fiscal year and existing Town policies. In addition, the following items should be used as guidelines in establishing the tax rate. Doing so will lead to consistency in the decisions from year to year. These include:

1. Tax rates that fluctuate sharply from year to year for either the residential or CIP tax rate should be avoided.
2. A healthy commercial base is vital for the Town's overall financial health by attracting business which provides jobs and opportunities for residents. Retail business not only provides convenience to residents, but also has a positive effect on residential property values. The resulting CIP tax rate should not be seen as an impediment to attracting or retaining business in Town.
3. Higher residential rates may make the Town unaffordable for some residents which in turn may have a detrimental effect on property values, forcing the tax rate even higher.
4. The Select Board should be mindful of the 150% CIP factor, the usual maximum factor allowed by statute.
5. The Board should, in most cases unless specific stated goals and objectives of the Board or local economic factors dictate otherwise, allow sufficient room below this factor in order to prevent potential spikes in either the current or future tax rates.
6. Every effort should be made not to exceed this 150% factor in years where the calculated maximum factor increases beyond this level. Future years calculated maximum factor may force a shift back to the 150% level creating an excess burden on the residential class.
7. In addition to providing detailed information on the current year selection, the Board of Assessors should provide a 3 year forecast of property values at each Tax Classification Hearing and inform the Select Board of any potential impacts that current year decisions may have on future tax rates.

It is recommended that the Select Board, Board of Assessors, Finance Committee, Town Administrator, Finance Director, Town Treasurer and Chief Assessor have a formal working session prior to the Tax Classification hearing where all pertinent data and calculations can be discussed.

### **Section 9 - Abatements**

While the abatement process is the sole responsibility of the Board of Assessors, the results of the process could have a major impact on the future tax rates set by the Town. The Select Board and Board of Assessors should therefore meet annually to establish an overall strategy and/or develop guidance in dealing with abatement applications/settlement agreements based on the economic environment, property values and other financial criteria which drive the abatement process. The Town will make legal counsel available to the Board of Assessors to represent the Town, as necessary, at Appellate Tax Board cases.

### **Section 10 - Tax Relief Programs**

The use of certain tax relief programs should be encouraged. The acceptance and implementation

of these programs should be done after careful consideration of the effects of the program on both the taxpayer receiving the benefits and those who do not qualify. For example, does the relief amount that comes from the allowance for abatements cause a resulting need to increase the allowance, or is the relief amount spread across the remaining tax base.

### **Section 11 - TIF's & PILOT Agreements**

The use of TIF's (Tax Increment Financing) and PILOT (Payment in-lieu of Taxes) are methods that can be used to attract and/or retain businesses within the Town. Their use should be analyzed on a case-by-case basis weighing the overall benefits received by the Town in areas such as employment, property values and growth against the amount of tax relief granted by the TIF or PILOT program. The Select Board will establish a Tax Increment Financing /PILOT Committee that will negotiate any agreements based on goals, objectives and priorities established by the Select Board. All TIF agreements are governed by M.G.L. 40 § 59.

TIF agreements that are decertified by the Commonwealth of Massachusetts will be considered void in the following tax year unless the agreement is voted to continue by the Select Board.

### **Section 12 - Undesignated Fund Balance – “Free Cash”**

The accumulation and use of “Free Cash” now referred to in Massachusetts Accounting Statutes as the Undesignated Fund Balance (UFB) of the General Fund, is an important component of the Town’s overall financial management policies. The available amount is calculated and certified each year by the Massachusetts Department of Revenue using data submitted by the Town.

The UFB is comprised of year-end revenues in excess of projections and year-end expenditures less than appropriations. The UFB is also impacted by the resolution of contingencies or deficits since the UFB is reduced in order to cover any deficits at year-end. Therefore, it is imperative that the Town maintain a minimum balance of 5% of the operating budget in order to provide a reserve for unexpected financial crisis during the year. Further, the undesignated fund balance should not be relied upon as a mechanism for funding the Town’s operating budget.

Therefore the following policy must be applied in each budget cycle:

1. Maintain a minimum UFB balance of 5% of the Total Operating Budget;
2. Benchmark balance noted in item (e) below is 7.5% of the Total Operating Budget;
3. Benchmark balance must be met before funding of items f-h.
4. Appropriate amounts above the 5% minimum threshold in the following order:

	Use	Description
a.	Stabilization	appropriate amounts from the UFB to maintain the minimum balance of the Stabilization fund as detailed in the section below;
b.	Capital Projects	appropriate amounts up to 2.5% of the operating budget for capital items for which long-term borrowing is authorized or for other expenditures of a non-recurring nature;

Use	Description
c. OBEB Additional contribution	Appropriate amounts up to 20%, with a minimum of 10%, of the excess balance of the benchmark identified in item (e) to the OPEB fund.
d. Other Reserve Additional Contributions	Appropriate amounts up to 60%, with a minimum of 30% of the excess balance of the benchmark identified in item (e) to augment other reserves such as stabilization or capital stabilization funds;
e. Benchmark balance	the remaining balance of the UFB must meet the 7.5% threshold as defined above before any additional funds may be appropriated
f. Extraordinary Deficits	use the UFB to fund extraordinary deficits that cannot be funded either by budgetary transfers or by the reserve fund, and would otherwise be carried to the following year;
g. Additional Capital Projects	Appropriate amounts up to 20% of the excess balance of the benchmark identified in item (e) to fund additional capital projects (see item b above)
h. Extraordinary Uses	Exception only – with approval of Select Board and Finance Committee upon the recommendation of the Finance Director.

### **Section 13 - Stabilization**

The Stabilization Fund is a special reserve account allowed by Massachusetts General Laws to allow savings to be set aside and available for emergency expenditures. In the case of an emergency expenditure a community with a Stabilization Fund balance may use the available fund balance rather than spiking its property tax rate. The tax rate may be therefore “stabilized”. Bond rating agencies rate municipalities more highly if they maintain a healthy reserve balance in this and other reserve accounts.

The funds appropriated to a Stabilization account can also be earmarked for specific capital needs, however, in this instance, the establishment of a specific Capital Stabilization account (*see Special Stabilization section*) to support future capital needs is the preferred method. The Town should endeavor to avoid the use of stabilization fund balances, or any reserve balance for a recurring expense. A two-thirds vote at town meeting is required to appropriate funds from this account. The Fund balance may not exceed ten percent of the equalized valuation of the Town and all interest shall be added to and become part of the fund. The Treasurer may invest the proceeds in keeping with the regulations as set in M.G.L. Ch. 40 s 5B.

Therefore the following policy is recommended:

1. A minimum balance of 5% of the current operating budget must be maintained in the Stabilization Fund;

2. Withdrawals from Stabilization should only be used to mitigate a catastrophic or emergency event(s) (such as substantial damage to a municipal facility due to fire, or infrastructure compromised by a major storm event) that cannot be supported by current general fund appropriations;
  - a. Withdrawals of funds should be limited when possible to the amount available above the 5% minimum reserve previously referenced;
  - b. Withdrawals from stabilization that drive the balance below the minimum level should be avoided. If, however this was deemed necessary, the withdrawal should be limited to 1/3 of the Stabilization Fund balance. A detailed plan must be developed that will replenish the fund to the minimum levels within the next 2 fiscal years.

#### **Section 14 - Debt Management**

Debt management is essential to the overall financial planning of any municipality, but especially critical in times of expansion. Borrowing funds and repaying over a number of years allows the Town to finance projects we could not afford to pay from our operating budget. The objective of debt management is to borrow at the least cost over the term of the debt. It requires careful planning and strategies to minimize the negative effect to the taxpayer and should be used only when the cost allocation is deemed equitable and the interest costs do not outweigh the advantages. It is critical to develop a policy or guidelines, determining the issuance, timing and tax impact of current and future debt.

Dedicated revenue supported debt are those borrowings which the Town has identified a reimbursement from a specific revenue source that has the ability to repay 100% of the annual debt service for the life of the borrowing. Examples of current revenue supported debt are borrowings associated with the Light & Water departments, land purchases with dedicated reimbursements made from cell tower revenues or CPA funds and any debt exclusion items, generally used for, but not limited to, the construction of new Town facilities.

#### ***RECOMMENDED GUIDELINES FOR NON-DEDICATED REVENUE SUPPORTED DEBT***

1. Every effort should be made to minimize the amount of non-dedicated revenue supported debt within the operating budget of the Town.
2. When used, non-revenue supported debt should be targeted towards the Town's commitment to maintaining and improving existing infrastructure;
3. Repayment of principal and interest together with issuance cost and short term financing costs should be targeted at approximately 5% of the total budget to maintain and improve credit rating.
4. At no time should non-dedicated revenue supported debt service exceed 10% of the total budget.
5. Repayment schedules should be in accordance with published requirements and be set as aggressive as possible.

These guidelines achieve the following:

1. Capital and maintenance needs are not displaced by the fiscal demands of current operations.
2. Borrowing is controlled.
3. The cost of interest is minimized.
4. The capability to borrow is quickly restored.

### **Section 15 - Revolving Funds/Enterprise Funds**

A revolving fund allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service. For departmental revolving funds, MGL Ch. 44 §53E½ stipulates that each fund must be reauthorized each year at annual town meeting and that a limit on the total amount that may be spent from each fund must be established at that time. The aggregate of all revolving funds may not exceed ten percent of the amount raised by taxation by the town in the most recent fiscal year, and no more than one percent of the amount raised by taxation may be administered by a single fund. Wages or salaries for full-time employees may be paid from the revolving fund only if the fund is also charged for all associated fringe benefits. When practical, expenses should be budgeted in the General Fund using a transfer from the revolving fund as an offset in order to provide transparency in the Town's accounts.

An enterprise fund, authorized by MGL Ch. 44 §53F½, is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered through user charges and the portion that is subsidized by the tax levy, if any. With an enterprise fund, all costs of service delivery--direct, indirect, and capital costs—are identified. This allows the town to recover total service costs through user fees if it chooses. Enterprise accounting also enables the town to reserve the "surplus" or net assets unrestricted generated by the operation of the enterprise rather than closing it out to the general fund at year-end. Services that may be treated as enterprises include, but are not limited to, water, sewer, hospital, and airport services. Enterprise revenue should be set to offset expenses to ensure that deficits are not raised on the tax recap.

### **Section 16 - Community Preservation Act Funds (CPA)**

The Town considers funding for Community Preservation as an important part of maintaining the existing character of the Town through open space purchases and increasing Town services in allowed areas such as recreational facilities. In this regard, the Community Preservation Committee should develop and maintain a policy and matching spending plan for the use of these funds.

The Town, which assesses a 1% surcharge, has the ability to add funds up to the 3% surcharge limit imposed by MGL into the CPA. These additional funds would also be eligible for State matching funds and may be appropriated from various sources as detailed in the *Community Preservation Act Appendix* to this document. The CPA appendix is intended to ensure better coordination between the use of CPA funds and other municipal funds deposited into the CPA fund.

### **Section 17 - Financial Planning**

Proper financial planning is essential for the Town in order to continue to provide the services

necessary for its citizens in the least costly manner possible. Decisions made to alleviate issues in one budget cycle may carry impacts several years down the road. The Town will maintain a budget forecast at a minimum of 5 years to assist in the planning of future projects, and quantify the impacts of today's decisions on future years.

Increases to the budget on the expenditure side cannot be allowed to increase greater than the recurring revenues available. That is a very easy statement to make, but is essential in proper municipal fiscal management. Inflating revenue projections and under budgeting expenses to balance an operating budget cannot be allowed to occur. Using other non-recurring revenue items and moving dollars from older warrant articles should only be used for like non-recurring expenses. In addition, a savings plan that will allow the Town to set aside dollars in an effort to minimize the impacts of future economic downturns in the economy on Town operations will be incorporated into each budget cycle. We cannot move forward and continue to spend every available dollar within the operating budget.

### **Section 18 - Revenues**

Forecasting the proper level of revenues is essential in providing the necessary services to the residents of the Town. The forecasts of all revenues including local receipts and State net aid levels are the sole responsibility of the Finance Director per Town By-Law.

In forecasting appropriate revenue levels the Finance Director will follow the following guidelines:

1. Revenue estimates will be conservative in nature in order to avoid potential revenue deficits, taking into account economic cycles, historical data and trends for the previous 3 year cycle, and known increases or decreases to specific revenue accounts;
2. Revenue sources from other Town departments, for example, various enterprise funds, Trust Funds, CPC funds, cell tower funds, will be reviewed annually to ensure appropriate reimbursement levels are received by the Town and are in compliance with the appropriate State statute;
3. Unless agreed to by the Select Board, fees charged for enterprise fund services as well as the transfer station operations and other fee based program funds will be sufficient to cover all associated costs of the program; to include fringe benefits and Other Post Employment Benefit funding requirements.
4. Fees for General Fund services will be reviewed annually and updated as necessary;
5. New growth estimates will be made based on available data and projections by the Chief Assessor and reviewed and approved by the Finance Director.

The Town will follow the following overall guidelines for revenues:

1. One-time revenues will not be added to the operating budget and may only be used for one-time expenditures such as additions to reserves, contributions to OPEB, or additions to the roadway or capital plan;

2. The Town will be aggressive in the collection of all receivables including current and prior year property taxes. The Town will strive for a collection ratio in excess of 98% for current year property taxes;
3. New revenue sources should be explored by the appropriate Boards or Committees by taking a pro-active approach on economic development with the intent of attracting new businesses within the Town as well as the expansion and strengthening of existing businesses and commercial properties;
4. The Town will take advantage of any grants and other aid that may become available to provide needed services for residents. Matching grants and grants with other covenants and restrictions will be examined to ensure that the acceptance of these funds will be both cost-effective and beneficial to the Town.

#### **Section 19 - Annual Town Meeting Appropriation**

The Town will make every effort to present a balanced budget to the May annual town meeting. In most years, final State aid figures may not be determined by the date of town meeting. The Finance Director will estimate the appropriate revenue levels as stated in the revenue section above. Budget appropriations for the annual town meeting, therefore, will be based solely on this estimated revenue stream.

In level funded or level service budget years, budgeted operating expenses will not be adjusted upward at a future special town meeting once final revenues are determined. Additional funding from any source may be appropriated at a special town meeting for one-time expenditures such as capital, roadway projects, improvements to existing infrastructure, or contributions to OPEB, Stabilization or Special Stabilization accounts.

Additional revenues received after the annual town meeting that are of a recurring and sustainable nature, may be used to reinstate specific department programs reduced in the budget passed at the annual town meeting, through the special town meeting process.

Appropriations may be decreased at a special town meeting in order to meet a decreased revenue stream. These cuts, if necessary, may be made as equitably as possible across all areas of the Town, however special emphasis may be placed on targeted cuts to specific projects or programs. Cuts must be made from the operating budgets, if the source of the decreased revenue stream was from recurring revenues and not a one-time source of funds. Alternately, if the source of decreased revenues was from a one-time revenue source, cuts may be made from a one-time expenditure category or a targeted project or program within the operating budget. Since budget cuts enacted six months into a fiscal year must, in most cases, be twice as deep, every effort should be made in developing initial estimated revenue streams based on available data that are as accurate as possible.

#### **Section 20 - Employee benefits and other required annual funding**

The Town must take care to fund its obligations relating to health insurance, retirement benefits, other post-employment benefit obligations (OPEB) and snow and ice expenditures at the appropriate amount.

1. Early retirement incentives will not be offered by the Town.
2. The Town's appropriation to OPEB should increase by a minimum of 10% from the previous year's appropriation until the annual required contribution (ARC) is met. Once met, the Town will maintain funding levels at the calculated ARC.
3. If appropriate, additional contributions may be made to the retirement system in an effort to decrease the Town's unfunded liability.
4. At a minimum, the Snow and Ice budgets should be crafted using a five year rolling average expenditure total.

Underfunding these obligations will mandate the use of the following year's revenue stream to meet the expense, thus perpetuating the shortfall.

### **Section 21 - Capital, Exclusions and Special Stabilization Accounts**

#### ***CAPITAL / FACILITY MAINTENANCE STABILIZATION FUND***

Planning for capital purchases as well as the ongoing maintenance of facilities and equipment is an essential part of the financial plan for the Town.

The Capital Investment Plan is prepared from a Town-wide perspective. There is no assumption of a budget quota for individual departments. Capital Improvement Project is defined as a major, non-recurring expenditure that generally meets all of the following criteria:

1. Massachusetts General Law Chapter 44, Sections 7 & 8, permit the Town to issue bonds to finance the expenditure;
2. The expenditure is a facility, object, or asset costing more than \$5,000;
3. The expenditure will have a useful life of 10 years or more for infrastructure, buildings, and parks and a useful life of three years or more for vehicles, equipment and technology.

The Town will establish a Capital/Facility Maintenance Stabilization Fund to assist in meeting the year-to-year capital needs of the Town in addition to the ongoing facility maintenance that have been identified. The following guidelines must be adhered to;

1. A minimum five-year capital plan will be maintained in detail by department and projected funding source;
2. A minimum five year roadway plan and associated funding will be updated annually by the Finance Director and presented to the Select Board;
3. Capital purchases will be accomplished either as a capital exclusion item, a raise and appropriate article when funds within the levy are available, or an appropriation from the UFB;
4. Capital purchases may not be made from the capital stabilization account until all available funds within the levy, (no less than the previous fiscal year), and available funds from the UFB have been allocated;
5. Unless an alternative funding plan is developed, debt exclusions should be utilized when borrowing for major capital projects such as new construction or major renovations to existing facilities;

6. Reserves for snow and ice deficits that remain unexpended in any year may only be used for capital expenses or other one-time expenses such as contributions to OPEB, Stabilization or Special Stabilization accounts and not allowed to supplement operating expenses;
7. Infrastructure maintenance budgets (such as Roadway Improvement); capital spending or facility maintenance budgets built into the general operating budget will not be reduced to fund other departmental budgets;
8. A minimum appropriation to the Capital Stabilization fund will be made annually in the amount of at least 1% of the total General Fund Capital Plan;
9. The Town will continue its commitment to adequately fund the current Facility Maintenance Study and update the study as needed.

### **Section 22 – Exclusions / Debt Exclusion Stabilization Fund**

It is the intention of the Town to minimize the amount of debt and capital exclusions since this amount has a direct impact on the taxpayer. As a general guideline, the tax impact of excluded items should be held to less than 10% of the single tax rate. For example, if the single tax rate is \$16.50, the amount of tax from exclusion items should not contribute more than \$1.65 to this rate. In some instances, such as periods where multiple projects may be in process or recently bonded, this guideline may be exceeded. In those instances, the Finance Committee, in conjunction with the Finance Director, should develop a plan to reduce this ratio by either reducing or eliminating capital exclusions or delaying future projects, if circumstances allow.

A Debt Exclusion Stabilization Fund may be utilized as a method of controlling the impact of excluded items on the tax rate:

1. Identified one-time revenues may be added to a debt exclusion stabilization fund and allowed to accumulate from year-to-year in anticipation of a major project. Funds added here may be used to reduce the amount of debt needed to be placed when final bonding occurs, thereby reducing the level of excluded debt.
2. This account may also be used as a funding source for portions of existing excluded debt service as a way to reduce the overall tax effect of the excluded debt. Funding large amounts of excluded debt in a given year without the capability of repeating that payment in subsequent years may result in a larger than normal spike in the tax rate. Careful planning must therefore be used when allocating funds from inside the levy to pay debt service costs from outside the levy taking into account projected available funding in subsequent years and projected tax rates based on current assumptions.
3. In addition to one-time revenues, this account may also be funded by a portion of the undesignated fund balance in accordance to that section of this policy.

The use of these funding strategies as a way to reduce the effects of excluded debt does not replace the need to obtain the initial debt exclusion votes for major projects as described in item #5 above.

### **Section 23 – Use of Revenues / Available Funds**

In addition, the following savings plan will be incorporated into each budget cycle:

Item	Description
a. New revenues	At a minimum, 10% of the new recurring revenue stream should be left un-appropriated and allowed to roll into the UFB. Recurring revenues are defined as total revenue less capital and debt exclusions and any other specific non-recurring revenue items.
b. One Time Revenues	One time sources of revenue should be appropriated to the Stabilization Fund or other such reserve fund, or appropriated for a one-time expenditure. One time revenues will not be used in funding the Town Operating budget.
c. Debt service	100% of the year-to-year decrease in non revenue supported debt service from inside the levy limit be rolled into the UFB or made available for capital expenditures. These funds may not be used in funding the Town Operating budget.
d. Old Warrant Articles	Funds set aside inside the levy from warrant articles that have not been spent after 3 fiscal years will be closed out to UFB or appropriated for the purchase of one-time expenditures. These funds will not be allowed to fund any portion of the current operating budget as detailed in the fiscal year Tax Recap worksheet by December 31st.

### **Section 24 - Employee costs - Union & non-union employees**

Employee costs are by far the largest expense for the Town. It becomes imperative for the Town to understand the total compensation impacts when negotiating and approving collective bargaining agreements with unions and by-law changes for non-union employees. Although some Boards or Committees are allowed under MGL to negotiate contracts on their own, it is in the best interests of the Town and its ongoing financial health that a cooperative spirit exists between all Town officials. Regular dialogue must exist between the negotiating team, Select Board, School Committee, Finance Committee, Finance Director and Personnel Board (as applicable). Analysis of the changes in employee total compensation for the life of the contract must be completed prior to any approvals. This analysis should include items which on the surface may not appear to have a significant financial impact such as staffing levels, changes to work rules, paid time off, potential impacts to overtime and other benefits. The negotiating team for union contacts or the Personnel Board for by-law employees should be given a range, derived from this analysis, upon which to negotiate or propose by-law changes, as applicable.

The Town must also be aware of “future costs” when dealing with staffing changes for benefit

eligible positions. Pension costs and retiree health insurance, including the funding of the Town's OPEB liability must be taken into consideration in any staffing analysis and review as these future liabilities continue to grow and remain unfunded. The Town's commitment to its employees and retirees as it relates to health and life insurance benefits are detailed in the *Policy on Group Health and Life Insurance Coverage for Active Employees and Retirees*.

Estimated expenses from the above analysis, related to the normal costs of both OPEB and pension liabilities, will be accumulated during each fiscal year. Pension normal cost will be estimated at 4% of total salary. OPEB normal costs will be based on estimates from the Town's actuary taking into consideration age, sex, and retirement group. Year end contributions to both the pension and OPEB funds will be made based on these accumulated normal cost estimates. In each case, the year end contributions will roll into the following year or until the next actuarial study is completed. Currently, actuarial studies are performed on each of these liabilities every two years. The additional contributions will assist the Town in attempting to keep up to date with the normal cost component of the annual required contributions of both funds.

### **Section 25 - Budget Calendar & Process**

While the Town Administrator is responsible for the budget process, the budget calendar and process is decided jointly by the Town Administrator, Finance Committee, Select Board and Finance Director. Recommendations to changes in the process should be made after a discussion of the prior year process to determine process improvements based on particular projects or the financial needs of the Town.

Town officials and department heads will adhere to the following budget cycle calendar:

*Note: dates shown are approximations and may be adjusted to reflect actual dates for each budget cycle.*

<b>Annual Town Meeting &amp; Budget Planning Calendar</b>		
Date	Milestone	Comment
September 15 <sup>th</sup>	Budget message developed based on initial projections from Finance Director	Select Board upon recommendation of Finance Director
September 30 <sup>th</sup>	Budget and capital plan documents distributed to department heads	Finance Director to Town and School departments
October 31 <sup>st</sup>	All required budget documents, including capital plan items, to be submitted to Finance Director	From Town departments
	School Committee submits initial	

Annual Town Meeting & Budget Planning Calendar		
Date	Milestone	Comment
	budget projections and capital plan	
October/ November	Tax classification working group session	BOS, Assessors & Town Finance Departments
October / November	Finance Committee meets individually with departments to review requests	
November	Tax Classification hearing	scheduled after fall Special Town Meeting
November 15 <sup>th</sup>	Finance Director submits initial budget documents to Select Board and Finance Committee	
November 30 <sup>th</sup>	Budget review session with all departments	Saturday meeting
December 15 <sup>th</sup>	School Department submits detailed budget and backup data reflecting total revenue and total expenditure projections	
January 15 <sup>th</sup>	Finance Director presents a full budget overview for the Select Board and Finance Committee	Details of current budget cycle as well as projections for the following two (2) years
February 15 <sup>th</sup>	School Committee provides updates to the latest budget request and backup data	
February 21 <sup>st</sup>	Annual report deadline for all department reports	Reports to be submitted to Town Administrator's office
March 1 <sup>st</sup>	Select Board open Town meeting warrant	
45 days prior to Town	Select Board close warrant	

Annual Town Meeting & Budget Planning Calendar		
Date	Milestone	Comment
Meeting		
March 31 <sup>st</sup>	Final budget approvals from Select Board and Finance Committee	
April 10 <sup>th</sup>	Finance Committee report to be submitted to Town Administrator	final report sent to printers
14 days prior to town meeting	Town Meeting Report to be mailed to all residents	per Town Code sec 41-3
April 30 <sup>th</sup>	Moderator's meeting	
1 <sup>st</sup> Monday in May	Annual Town Meeting	

### **Section 26 - Policy Review**

This policy will be reviewed annually by the Select Board, Finance Committee and the Finance Director. Regardless of changes, this policy must be approved by vote of the Select Board and Finance Committee annually.

## 2.0

### **Financial Management Policy – CPA Appendix**

#### **Integrating Community Preservation Act (CPA) funds into the Town’s financial policies, procedures, and processes**

[HISTORY: Adopted 3-9-2015]

#### **SCOPE AND PURPOSE.**

By the Town of Littleton’s adoption of the so-called “blended” Community Preservation Act in 2014, the one percent (1%) CPA property tax surcharge can be augmented by municipal revenues up to the equivalent of another two percent (2%), which increases the base for CPA state matching funds. Whether and to what extent municipal funds are added to the CPA fund requires a high degree of coordination between the Town government, the Community Preservation Committee, and the community as a whole. Accordingly, this Appendix to the Town’s Financial Management Policy is jointly adopted by the Select Board, Finance Committee, and Community Preservation Committee in order to better integrate CPA funds into the Town’s financial policies and procedures, including operating and capital budgeting, and short- and long- range fiscal planning processes.

#### **STATUTORY FRAMEWORK.**

The Community Preservation Act, MGL Chapter 44B, is a local option statute which establishes dedicated sources of funding for qualifying open space, community housing, historic resources, and recreational purposes.<sup>1</sup> Town Meeting acts on recommendations<sup>2</sup> of the Community Preservation Committee<sup>3</sup> to appropriate or borrow CPA funds.

The Town of Littleton accepted the Community Preservation Act in 2007 and 2013, establishing a one percent (1%) property tax surcharge on all classes of real property,<sup>4</sup> with exemptions for the first \$100,000 of property value, and for owner-occupied low income and low/moderate income senior housing. In 2014, Littleton became the first town in the Commonwealth to accept

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<sup>1</sup> Qualifying CPA purposes under MGL C.44B,§5(b)(2) are “for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. . . . With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.”

<sup>2</sup> MGL C.44B,§5(d): “After receiving recommendations from the community preservation committee, the legislative body [i.e., town meeting] shall take such action and approve such appropriations from the Community Preservation Fund as set forth in section 7, and such additional non-Community Preservation Fund appropriations as it deems the so-called “blended” CPA,<sup>5</sup> which authorizes town meeting to appropriate additional municipal

revenues into the CPA Fund to increase the base for State CPA matching funds up to the equivalent of a 3% surcharge. With a 1% property tax surcharge, Littleton can appropriate municipal revenues into the CPA fund up to the equivalent of another 2%.

- For Littleton in FY 2014, the 1% CPA surcharge raised \$218,700, for which the Town received State CPA matching funds of \$68,814, or 31.5%, in FY 2015. The base matching fund rate had been 52.23% in FY 2014, and 26.83% in FY 2013.
- For Littleton in FY 2015, the 1% CPA surcharge will raise \$227,484 (4.02% levy increase from FY 2014). The Town can add to the CPA fund municipal revenues of up to the equivalent of another 2%--
  - \$454,968-- for a total of \$682,452. If the matching fund rate were again 31.5%, the Town could anticipate receiving \$71,657 as a base state match, plus up to another \$143,315—for a total of \$214,972-- in FY 2016.
- Adding the full 2% equivalent in municipal revenues may also qualify the Town for equity and surplus distributions of state matching funds available only to communities at the 3% level.

Under the blended CPA, town meeting can commit into the CPA fund additional funds from other sources of municipal revenues, including but not limited to the following:<sup>6</sup> hotel (local room occupancy) excise taxes; linkage fees and inclusionary zoning payments (e.g., development mitigation funds); proceeds of sale of municipal property; parking fines and surcharges; existing dedicated housing, open space and historic preservation funds (e.g., unallocated cell tower revenues reserved for open space acquisition); and gifts received from private sources for community preservation purposes. As a municipal revenue source, Undesignated Fund Balance (free cash) could also be added to the CPA fund.

The Community Preservation Committee is charged by statute to study the needs, possibilities and resource of the Town relative to community preservation, to consult with other existing municipal boards, and to hold one or more public informational hearings.<sup>7</sup>

appropriate to carry out the recommendations of the community preservation committee.”

<sup>3</sup> As most recently amended, Town Code Chapter §14-1 provides that the Community Preservation Committee is comprised of one member each of the Conservation Commission, Historical Commission, Planning Board, Park and Recreation Commissioners, Littleton Housing Authority, and Finance Committee—each as designated by the sending board-- plus three individuals appointed by the Select Board.

<sup>4</sup> By its votes at the May 12, 2007 and May 11, 2013 Annual Town Elections, the Town accepted MGL C.44B, §§3-7, to establish a 1% surcharge on residential property in 2007, which surcharge was expanded in 2013 to include also commercial and industrial property.

<sup>5</sup> MGL C.44B,§3(b½) was added by the legislature in 2012. Littleton accepted that section, effective July 1, 2014, by its votes at the November 4, 2013 Special Town Meeting and the May 10, 2014 Annual Town Election.

<sup>6</sup>MGL C.44B,§3(b½) provides that “additional funds so committed shall come from other sources of municipal revenue including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning

## **POLICIES, PROCEDURES, AND PROCESSES**

In order to ensure better coordination between the use of CPA funds and other municipal funds, the Select Board, Finance Committee, and Community Preservation Committee hereby jointly adopt the following:

1. *Blended CPA Long-range Plan.* The Select Board, Finance Committee, and Community Preservation Committee shall annually adopt, review, and update a long-range plan for use of blended CPA funds over the next 10 to 20 years, including the 1 % CPA property tax surcharge and up to 2% in additional municipal revenues. Said plan shall incorporate any plan adopted by the CPC for the 1% CPA property tax surcharge following its study of the needs,possibilities, and resources of the town regarding open space, community housing, historic resources, and recreational purposes. Prior to the adoption of the Blended CPA Long-range Plan, the three boards shall conduct outreach to the community; shall consult with the Conservation Commission, Agricultural Commission, Housing Authority, Housing Committee, Historical Commission, Planning Board, Park & Recreation Commissioners, and School Committee; and shall hold one or more public hearings. Wherever possible, projects funded shall be consistent with the Blended CPA Long-range Plan.
2. *Requests from Town Boards and Departments, and others for Blended CPA funds.* All Town boards and departments seeking to use CPA funds for qualifying open space, community housing, historic resources, and recreational purposes shall initially request such funding through the annual operating and capital budgeting process, identifying CPA as the proposed funding source. All requests for Blended CPA funds, whether from Town boards and departments or from other applicants, shall similarly be made initially through the annual operating and capital budgeting process. Requests for project eligibility and project funding shall also be made as determined by the Community Preservation Committee.
3. *Additional Municipal Revenues, Minimum Spending Requirements, Resulting State Matching Funds.* As part of the Town's annual budget process, there shall be a review of what additional municipal revenues are available for commitment to the Community Preservation Fund, to increase the base for state matching funds, a calculation of the resulting amounts needed to satisfy the minimum 10% annual spending requirements under MGL C.44B<sup>8</sup>, and a joint determination between the Select Board, Finance Committee, and Community Preservation Committee on how the resulting the state matching funds (received in the following fiscal year) shall be apportioned.
4. *Blended CPA Town Meeting Articles.* Any town meeting article pertaining to use of blended CPA funds shall be jointly submitted by the Community Preservation Committee and the Select Board and/or other sponsoring Town board. Such an article may specify that additional municipal funds be deposited into one or more of CPA funds established for open space, community housing, historic resources, or recreation purposes. In those cases where additional

municipal funds are intended to go into the CPA fund only for a particular project, such an article shall both deposit funds into, and appropriate funds out of, the CPA fund for the project specified in said article.

*5. Use of Gift Funds, Resulting State Match.* Where privately-raised gift funds are proposed to be deposited in the CPA fund for a particular project, there shall be an agreement between the donor and the Town, through the Select Board and the Community Preservation Committee, providing that, in recognition of the resulting increase in state CPA matching funds which the Town will receive in the following fiscal year, the amount appropriated for said project in a blended CPA article shall be no less than the amount of the donation plus an increment based on the current year's state matching rate.<sup>9</sup>

<sup>8</sup> For example, where the annual allocation (including use of Blended CPA funds) totals \$682,452, at least 10%-- or \$68,245—would need to be appropriated each for open space, community housing, and historic resources.

<sup>9</sup> For example, for a \$50,000 donation deposited in the CPA fund in FY 2015, when the state matching fund rate was 31.5%, the amount to be appropriated for said project would be no less than \$62,25

### **3.1 INVESTMENT POLICY**

[HISTORY: Adopted 11/2/2009, amended 12/7/2015]

#### **Purpose**

This investment policy is intended to provide guidelines for the management and investment of all Town funds under the control of the Town Treasurer and Assistant Treasurer.

#### **Scope**

Section I of the policy statement applies only to the short term operating funds such as general funds, special revenue funds, enterprise funds, bond proceeds and capital project funds. Section II will apply to funds with special circumstances such as stabilization and light department non-operating funds such as the depreciation, stabilization and pension funds. Trust funds, in the custody of the Treasurer, under the direction of the Board of Commissioners of Trust Funds will be invested according the Statement of Trust Fund Policy adopted by the Board of Trust Commissioners. OPEB Trust funds are invested according to a separate joint investment policy adopted by the Select Board and Commissioners of Light and Water. The Middlesex County Retirement Board is responsible for the investment of Town pension funds. The Treasurer shall serve on the Middlesex County Retirement Board's Advisory Council.

#### **Authorization**

The Treasurer has the authority to invest all municipal funds subject to the statutes of the Massachusetts General Law Chapter 44 Section 55, 55A & 55B.

All bank and investment brokerage accounts, with the exception of student activity accounts, shall be maintained in the name of the “Town of Littleton” and shall list the Town Treasurer

as the primary signatory and the Assistant Treasurer as a secondary signatory. These two signatories shall be the only officers authorized to withdraw funds from any such account.

## **Objectives**

Massachusetts General Laws, Chapter 44, section 55B requires the Treasurer to invest all public funds at the highest possible rate of interest reasonably available, taking into account acceptable levels of safety, liquidity and yield while meeting the daily cash requirements for the operation of the Town's business.

- *Safety* – The safety of public funds must be the main objective in the investment program. Investments shall be made in a manner that seeks to preserve principal through the mitigation of credit risk and interest rate risk. Credit risk is the risk of loss due to the failure of the security issuer or depository institution. Interest rate risk is the risk that the value of an investment will fall, resulting in a potential loss or display significant volatility due to changes in market or external interest rates. The diversification of funds, the choice of depository institution and the prudent selection of investment instruments are tools available to the Treasurer to mitigate these risks.
- *Liquidity* – The overall investment of funds shall remain sufficiently liquid to meet all operating requirements that may reasonably be anticipated. Since all possible cash demands cannot be fully anticipated, the Treasurer shall attempt to carry out investment activities in a manner that provides for meeting unusual or unexpected cash demands without requiring the liquidation of investments that may result in forfeiture of accrued interest or loss of principal.
- *Yield* – Investments shall be made to achieve a fair average market rate of return taking into account the safety and liquidity constraints mentioned above as well as any legal requirements imposed by Massachusetts General Laws or Town By-Laws.

## **Risk**

The Treasurer will adhere to the following risk guidelines for all investments of Town funds:

**CUSTODIAL CREDIT RISK** - The custodial credit risk for deposits is the risk that, in the event of a failure of a depository institution, the Town would not be able to recover deposits or the securities used to collateralize the deposits from the institution or a third party. For investments, the risk occurs if the Town is unable to recover the value of an investment or collateral in possession of a third party.

The Treasurer will review each financial institution conducting business with the Town on a quarterly basis (*see Diversification section of policy*).

All securities not held directly by the Town will be held in the Town's name and tax identification number by a third-party custodian approved by the Treasurer. The Treasurer will receive monthly safekeeping reports from the custodian as well as safekeeping receipts detailing each transaction from the account.

**INTEREST RATE RISK -** Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. Short-term investments for funds covered in Section I are by statute limited to one year or less in maturity with all securities held to maturity.

Longer term investments, other than trust funds under the direction of the Commissioners of Trust Funds, will be made for periods not longer than seven years, maintaining an average maturity no greater than three years for the portfolio.

**CREDIT RISK -** Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. Short-term investments for funds covered in Section I are by statute limited to US Treasury or Agency securities.

Longer term investments in fixed income securities, other than trust funds under the direction of the Commissioners of Trust Funds, will be made principally for capital preservation and income potential. Corporate debt must be rated investment grade by either S&P or Moody's rating services. If a security falls below investment grade, the security will be monitored by the Treasurer and advisor, if applicable. The security will be noted as an exception to policy if held in the portfolio. The Treasurer and/or advisor may sell the security if a further decline in value is expected.

**CONCENTRATION OF CREDIT RISK -** Concentration of credit risk is the risk of loss attributed to the magnitude of the Town's investment in a single issuer.

The Town will minimize any concentration of credit risk by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized. Specific investment amounts and/or issuer limitations are addressed in the *Investment Instrument* sections of this policy.

**FOREIGN CURRENCY RISK -** Foreign currency risk is the risk that changes in foreign exchange rates will adversely affect the fair value of an investment or deposit.

The Town will not invest in any instrument exposed to foreign currency risk.

## **Ethics**

The Treasurer and Assistant Treasurer shall refrain from any personal activity that may conflict with the proper execution of the investment program or which could impair or appear to impair their ability to make impartial investment decisions. The Treasurer and Assistant Treasurer shall disclose, to the Town Clerk any material personal depository relationship in financial institutions that do business with the Town as well as any material personal financial investment positions or loans with these same institutions. (See Exhibit A)

## **Standards of Care**

The standard of prudence to be used by the Treasurer shall be the "Prudent Person" standard and shall be applied in the context of managing an overall portfolio. The Treasurer, acting in accordance with written procedures and this investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided the purchases and sale of securities is carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived.

In addition this section would also apply to Massachusetts General Laws Chapter 44 Section 55A which refers to the liability of the Treasurer for losses due to bankruptcy.

### **Reporting Requirements**

On a semi-annual basis (as of September 30<sup>th</sup> and March 31<sup>st</sup> of each fiscal year), the Treasurer shall issue a report to the Finance Director and the Finance Committee containing the following information (*see Exhibit B*):

- A listing of Total Funds (both Sections One & Two of this policy statement) on deposit by financial institution or advisor showing percentage of total deposits in each institution, type of insurance coverage or collateral and approximate value of uninsured or uncollateralized funds held by the Town.
- A listing of Total Funds (both Sections One & Two of this policy statement) on deposit by financial institution or advisor by type of deposits or investment showing percentage of total deposits in each institution.
- Summary of interest income, realized and unrealized gains and losses earned on investments on a fiscal year-to-date basis.
- Detail listing of any exceptions to policy stating reason for exception and anticipated date of correction, if applicable.

### **Policy Review**

This policy will be reviewed annually by the Treasurer. Any changes to this policy must be approved by vote of the Select Board.

## **Section I – Operating Funds**

### **Scope**

This section of the Investment Policy applies to short term operating funds such as general funds, special revenue funds, enterprise funds, bond proceeds and capital project funds.

### **Investment Instruments**

The Treasurer may invest in the following instruments:

- Massachusetts State Pooled Funds Unlimited amount
- The Massachusetts Municipal Depository Trust (MMDT), an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer. MMDT seeks to obtain the highest

possible level of current income consistent with the preservation of capital and liquidity by investing in a diversified portfolio of high quality money market instruments with an average dollar-weighted portfolio maturity of 90 days or less. MMDT investments are not guaranteed by the State, FDIC or any other governmental agency.

- US Treasury Obligations Unlimited amount
  - Treasury obligations must be held to maturity. The maturity date of these securities must be no greater than one year from the date of purchase.
- US Agency Obligations Unlimited amount
  - Agency obligations must be held to maturity. The maturity date of these securities must be no greater than one year from the date of purchase.
- Bank accounts or Certificate of Deposit accounts (CD's) with a final maturity no greater than one year from the date of purchase may be made for unlimited amounts if the deposit is fully collateralized by a third party agreement or securities owned by a depository institution that have been segregated from the day-to-day assets of the institution in order to provide collateralization.
- Bank accounts, Certificate of Deposit accounts (CD's) and/or brokered CD's with a final maturity no greater than one year from the date of purchase up to the FDIC coverage limits. All account balances in a single depository institution are considered in the aggregate to determine FDIC coverage limits.
- Bank accounts or Certificate of Deposit accounts (CD's) with a final maturity no greater than one year from the date of purchase may be made for unlimited amounts if the depository institution is a member of the Depository Insurance Fund (DIF) or the Share Insurance Fund (SIF). These funds insure all deposits held at a member Massachusetts state chartered savings bank or co-operative bank respectively.
- Money Market Mutual Funds that are registered with the Securities & Exchange Commission that have received the highest possible rating from at least one nationally recognized statistical rating organization and as referenced in Massachusetts General Laws Chapter 44 Section 55.
- Uninsured or unsecured bank accounts or Certificate of Deposit accounts (CD's) with a final maturity no greater than one year from the date of purchase are allowed to be held by the Town subject to the following limitations:

- The aggregate uninsured portion of deposits held at any one institution cannot exceed 5% of the institutions total deposits reflected on the bank's last filed FDIC Call Report.
- No more than 35% of the funds described in this section may be held in uninsured accounts. This percentage may be increased for no more than 30 days during times of heavy collections or in anticipation of large payments to be made by the Town such as debt service, pension expense or other expenses determined by the Treasurer as necessitating special cash handling.

### **Diversification**

The diversification of funds between financial institutions is another important tool available to the Treasurer to ensure the safety of funds on deposit. Given the above limitations regarding investment types and dollar limits as well as insurance coverage requirements, the need to place further limitations on the funds placed in one financial institution is not necessary provided the following:

- All financial institutions with which the Town conducts business will be reviewed by the Treasurer on a quarterly basis utilizing the Veribanc ratings report. In addition, the Treasurer will review the Call Reports and/or the Uniform Bank Performance Report of any institution receiving a “Yellow” classification or receiving less than three stars on the previous quarter’s Veribanc report, noting trends in capital ratios, net income, operating expenses, loan losses and loan delinquencies, or any other determining factors which may have resulted in the lower rating (*see Exhibit C*). The Treasurer will meet with representatives of the institution, as necessary, to further enforce the financial review.
- The Treasurer will, after conducting this review, determine the proper deposit levels to maintain at such institutions or implement an “exit” plan, if necessary, for the eventual removal of Town funds from the institution.

As a sound practice, however, the Treasurer will attempt to maintain no more than 25% of the Town’s *total funds* covered in this section in one financial institution or 35% with a single advisor.

Also, in accordance with Chapter 44, Section 55 of Massachusetts General Laws, the Treasurer will not at any one time have on deposit in a bank or trust company or banking company an amount exceeding 60% of the capital and surplus of such bank or trust company or banking company unless satisfactory security is given for such excess.

## Section II –Other Special Funds

### Scope

This section of the Investment Policy applies to funds with special circumstances such as Town stabilization, capital stabilization and debt exclusion stabilization funds, and the depreciation, rate stabilization and pension funds of the light department.

The above funds may be established as a pooled investment portfolio. The accounting of each fund will be maintained separately to ensure that each fund receives their proportionate share of interest, realized and unrealized gains or losses.

### Investment Instruments

Massachusetts General Laws Chapter 44 section 54 states that money should be deposited into savings bank, trust companies incorporated under the laws of the Commonwealth, banking companies incorporated under the laws of the Commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invested in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine, or in a paid-up shares and accounts of and in co-operative banks, or in shares of savings and loan associations or in share or savings deposits of federal savings and loan associations doing business in the Commonwealth.

Additionally the Town may invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the Commonwealth; provided, that not more than fifteen percent of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than one and one-half percent of such funds be invested in the stock of any one bank or insurance company.

Massachusetts General Law Chapter 167 Section 15A and Section 15B describes the list of legal investments for savings banks which dictates the allowable investments for municipalities.

The Treasurer may invest in the following instruments:

- Massachusetts State Pooled Funds Unlimited amount
  - The Massachusetts Municipal Depository Trust (MMDT), an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer. MMDT seeks to obtain the highest possible level of current income consistent with the preservation of capital and liquidity by investing in a diversified portfolio of high quality money market instruments with an average dollar-weighted portfolio maturity of 90 days or less. MMDT investments are not guaranteed by the State, FDIC or any other governmental agency.
- U. S. Treasuries that maybe sold prior to maturity: Unlimited amounts (With maturity limits as stated in the interest rate risk section of this policy)

- U.S. Agency obligations that maybe sold prior to maturity. Unlimited amounts (With maturity limits as stated in the interest rate risk section of this policy)
- Bank accounts or Certificate of Deposit accounts (CD's) with no limit to the length of maturity from the date of purchase may be made for unlimited amounts if the depository institution is a member of the Depository Insurance Fund (DIF) or the Share Insurance Fund (SIF). These funds insure all deposits held at a member Massachusetts state chartered savings bank or co-operative bank respectively.
- Bank accounts, Certificate of Deposit accounts (CD's) and/or brokered CD's with length of maturity limits from the date of purchase, as stated in the interest rate risk section of this policy, up to the FDIC coverage limits. All account balances in a single depository institution are considered in the aggregate to determine FDIC coverage limits.
- Bank accounts or Certificate of Deposit accounts (CD's) with length of maturity limits from the date of purchase, as stated in the interest rate risk section of this policy, may be made for unlimited amounts if the deposit is fully collateralized by a third party agreement or securities owned by a depository institution that have been segregated from the day-to-day assets of the institution in order to provide collateralization.
- Uninsured or unsecured bank accounts or Certificate of Deposit accounts (CD's) with a final maturity no greater than two years from the date of purchase are allowed to be held by the Town subject to the following limitations:
  - The aggregate uninsured portion of deposits held at any one institution cannot exceed 5% of the institutions total deposits reflected on the bank's last filed FDIC Call Report.
  - No more than 35% of the Town's funds described in this section and held at depository institutions may be held in uninsured accounts.
  - The credit worthiness of the depository will be tracked by Treasurer utilizing the Veribac rating report. (*see Diversification section*)
- Common and preferred stock that are listed in the List of Legal Investments.
- Investment Funds that are listed in the List of Legal Investments.
- All other items not separately identified here that are listed in the List of Legal Investments.

**Treasurer and Assistant Treasurer Annual Disclosure to Town Clerk**

This annual report to the Town Clerk is intended to disclose any personal investments or lending relationships with financial institutions doing business with the Town of Littleton. For this purpose, significant relationships are defined as stock holdings with a market value greater than \$100,000 or lending or deposit relationships greater than \$250,000.

Employee Name: \_\_\_\_\_

I currently hold an equity interest in the following institutions doing business with the Town with a total market value greater than \$100,000.

\_\_\_\_\_

\_\_\_\_\_

I currently have a lending relationship with the following institutions doing business with the Town with an outstanding balance greater than \$250,000.

\_\_\_\_\_

\_\_\_\_\_

I currently have a deposit relationship with the following institutions doing business with the Town with a total balance greater than \$250,000.

\_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Exhibit A

Town of Littleton Treasurer's Cash Report  
As of (Exhibit B)

<u>Bank</u>	<u>Total Balance</u>	<u>% Total</u>	<u>Coverage</u>	<u>Approx Coverage</u>	<u>Approx Uninsured</u>
(Either \$ or %)					
Barthlomew	10,219,870.12	29.29%	Treas, Agcy & CD's	100%	-
Black Rock-PNC	1,509,211.29	4.33%	Legal List		N/A
BofA	162,769.12	0.47%	FDIC	250,000	-
Cambridge	142,096.82	0.41%	FDIC/DIF/coll	100%	-
Century	(191,171.69)	-0.55%	FDIC	250,000	-
Citizens Bank	1,569,104.86	4.50%	FDIC / coll	1,250,000	319,104.86
Eastern Bank	820,464.96	2.35%	FDIC / coll	100%	-
Enterprise Bank	516,553.74	1.48%	FDIC	250,000	266,553.74
Fidelity Bank	3,347,307.47	9.59%	FDIC/SIF	100%	-
Avidia Bank	7,048.70	0.02%	FDIC/DIF	100%	-
Lowell	1,406,822.49	4.03%	FDIC/DIF	100%	-
MELLON Middlesex Savings	75,388.92	0.22%	FDIC	250,000	-
MMDT North Middlesex	5,541,152.37	15.88%	FDIC/DIF	100%	-
Northern Bank	3,411,585.59	9.78%	Mass Pool Inv		N/A
Rollstone Bank	-	0.00%	FDIC/DIF	100%	-
UNIBANK	5,827,790.92	16.70%	FDIC / coll	100%	-
Rollstone Bank	511,261.23	1.47%	FDIC	250,000	261,261.23
UNIBANK	11,510.11	0.03%	FDIC/DIF	100%	-
<hr/>					
	<b>34,888,767.02</b>	<b>100.00%</b>		<b>2.43%</b>	<b>846,919.83</b>

- *Policy – No more than 35% of the Town's funds residing in depository institutions may be held in uninsured or uncollateralized accounts.*

Institution	Operating Accounts	Bank Money Market Accounts	State Auth Pools	Money Market Mutual Funds	Bank CD's	US Treasuries & Agencies	Trust Funds	Special Funds (Stabilization, Light Dept, 32B etc)	Totals	% of Total
Eastern Bank	284,965.33	535,499.63	-	-	-	-	-	-	820,464.96	2.35%
Middlesex Svgs	-	281,429.27	-	-	3,210,940.96	-	-	2,048,782.14	5,541,152.37	15.88%
Cambridge Svgs	142,096.82	-	-	-	-	-	-	-	142,096.82	0.41%
Century Bank	(422,777.98)	-	-	-	-	-	-	231,606.29	(191,171.69)	-0.55%
Bank of America	162,769.12	-	-	-	-	-	-	-	162,769.12	0.47%
Citizens Bank	161,353.66	407,751.20	-	-	-	-	-	1,000,000.00	1,569,104.86	4.50%
Enterprise Bank	-	-	-	-	-	-	-	516,553.74	516,553.74	1.48%
Fidelity Co-Op	-	988,551.74	-	-	-	-	-	2,358,755.73	3,347,307.47	9.59%
Avidia Bank	-	7,048.70	-	-	-	-	-	-	7,048.70	0.02%
Lowell Five	-	1,406,822.49	-	-	-	-	-	-	1,406,822.49	4.03%
BNY Mellon	75,388.92	-	-	-	-	-	-	-	75,388.92	0.22%
MMDT	-	-	1,946,158.59	-	-	-	-	1,465,427.00	3,411,585.59	9.78%
Northern Bank	18,826.27	5,293,487.76	-	-	-	-	-	515,476.89	5,827,790.92	16.70%
Rollstone Bank	500.00	-	-	-	-	-	-	510,761.23	511,261.23	1.47%
UniBank	11,510.11	-	-	-	-	-	-	-	11,510.11	0.03%
Black Rock-PNC	-	-	-	-	-	-	-	1,509,211.29	1,509,211.29	4.33%
Bartholomew	-	671,144.77	-	-	-	-	3,061,878.85	6,486,846.50	10,219,870.12	29.29%
<b>Totals</b>	<b>434,632.25</b>	<b>9,591,735.56</b>	<b>1,946,158.59</b>	<b>-</b>	<b>3,210,940.96</b>	<b>-</b>	<b>3,061,878.85</b>	<b>16,643,420.81</b>	<b>34,888,767.02</b>	<b>100.00%</b>

% of Total

1.25%

27.49%

5.58%

0.00%

9.20%

0.00%

8.78%

47.70%

100.00%

Exhibit B

<u>Interest Breakdown</u>	<u>FY Totals</u>	<u>Usage</u>
<u><b>General Fund &amp; Stabilization</b></u>		
GF Operating Accts	10,950.36	Checking & MMDA's
GF Term & Dedicated	42,072.95	CD's & BAN proceeds
GF Net Portfolio Earnings	10,116.68	General Fund, Stabilization & 32B fund
GF Unrealized G/L	28,898.05	General Fund, Stabilization & 32B fund
<i>Total GF</i>	<i>92,038.04</i>	
<u><b>Light Department</b></u>		
Light Dept Interest	28,681.91	LELD Stabilization & Pension funds
LD Net Portfolio	10,573.51	LELD Depreciation fund
LD Unrealized G/L	30,728.75	LELD Depreciation fund
<i>Total LD</i>	<i>69,984.17</i>	
<u><b>Trust Funds</b></u>		
Unrealized G/L	284,481.73	
Net Portfolio Earnings	15,062.13	
<i>Total Trust Funds</i>	<i>299,543.86</i>	
<i>Total Investment Income</i>	<i>461,566.07</i>	

### Exceptions to Policy

*Securities currently rated below Investment grade:*

<u>Fund</u>	<u>Issue</u>	<u>Maturity</u>	<u>Par Value</u>	<u>Market Value</u>	<u>Rating</u>
Trust Fund	XYZ Bond	12/31/2010	150,000.00	135,000.00	BB+

### Deposit Limits / Uninsured Deposits Exceptions

*None*

Exhibit B

Town of Littleton Financial Institution

Evaluation FI Name \_\_\_\_\_

Veribanc Rating \_\_\_\_\_

Period Ending \_\_\_\_\_

Category	YTD 3/31	YTD 6/30	YTD 9/30	YTD 12/31
<i>Tier 1 Capital (Pg 11a)</i>				
<i>Tier 1 Capital to Risk-Weighted Assets(Pg 11a)</i>				
<i>Leverage Ratio (Tier 1 to Ave Assets)(Pg 11a)</i>				
<i>Net Income for period (Dollars)(Pg2)</i>				
<i>Net Income % Average Assets (pg1)</i>				
<i>Non-accrual &amp; OREO loans (pg 8)</i>				

Comments:

Recommendation:

The Uniform Bank Performance Report compiles both a dollar representation and a ratio representation of a bank on a year-to-date basis each quarter. From the following FDIC web site <http://www2.fdic.gov/ubpr/UbprReport/SearchEngine/Default.asp> enter the FDIC certificate number or name to search for the institution. Run the report on the last 5 periods. Enter the information in the appropriate column.

Exhibit C

# **TOWN OF LITTLETON FEDERAL GRANT POLICY & PROCEDURES**



## Federal Cash Management

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The grant administrators will request reimbursements for actual expenditures incurred under federal grants in accordance with the requirements of each grant (timing of requests, basis of accounting, use of standard forms and/or web portal, etc.). Consistent with state and federal requirements the Town will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.).

When the Town receives advance payments of federal grant funds, it must minimize the time elapsing between the transfer of funds to the Town and the expenditure of those funds on allowable costs of the applicable federal program. The Town will attempt to expend all advances of federal funds within 30 days of receipt.

When applicable, the Town shall use existing resources available within a program before requesting additional advances. Such resources include program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds. The Town shall hold federal advance payments in insured, interest-bearing accounts.

Pursuant to federal guidelines, interest earnings shall be calculated from the date that the federal funds are received from the granting agency until the date on which those funds are disbursed by the Town. Remittance of interest earnings, if applicable, shall be the responsibility of the grant administrator.

The Town maintains the following procedures for cash management:

All federal contracts the Town enters into (directly or indirectly) must include the following and be retained in the contract files in the Town Accountant's office:

1. Requirements for subawards if allowed;
2. Requirements for cost analysis, match requirements, record keeping and billing procedures;
3. Specifics for suspension or extension options of contract; and
4. Any and all appropriate federal requirements and regulations that pertain to the award.

Documentation must also include:

- CFDA title and number
- Federal award identification number and year
- Name of Federal Agency
- Name of pass-through entity, if any

All federal requirements pertaining to the specific contract and award shall be followed. Reimbursement request for costs previously incurred shall follow stated guidelines and rules within the contract or award. The grant administrators shall monitor each contract's costs and expenditures closely to ensure that they do not go over budget and that the cash is available for spending. All efforts shall be taken to avoid spending monies that are unavailable or incurring

costs not expected to be reimbursed.

Responsibility for determining how required match amounts or limits for matching, levels of effort, or earmarking will be secured, are those of the grant administrators and accomplished in the preparation and collaboration of contract proposal and preparation with said federal agency or agencies.

Methods of valuing matching requirements and in-kind contributions of property and/or services, calculations of effort, etc. are maintained by the grant administrators and overseen by the Town Accountant in the management of the contract over the duration of the contract. These methods are to be based on federal requirements specific to that award as stated in the award contract, or based on accepted federal policies for that program. Day to day accounting of match, level of effort, or earmarking are monitored and documented by the Town Accountant during the course of the awarded contract.

Subcontracts between the Town and another entity will be established consistent with federal requirements governing the award. Unless explicitly forbidden by the granting agency the Town is not obliged to make a payment disbursement under a sub-agreement for grant funds which are not first made available by the federal granting agency.

The Town uses the following federal requirements in establishing its procedures for administering all awards for federally funded program agreements:

- OMB Uniform Guidance, Subpart E (Cost Principles)

Additionally, the allowability of costs is further determined by any additional federal requirements pertaining to the specific contract and award.

Subsequent to the identification of any instances of non-compliance, the Town shall take prompt action to remedy the situation. All such action shall be documented in writing.

## Equipment Purchase and Disposition

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The Town Accountant shall maintain all records for acquisitions and disposition of property acquired with federal awards by retaining purchase receipts and confirmation of purchase and attaching them to expense vouchers for review and approval. Such documentation is to be maintained for equipment with a useful life greater than one-year and acquisition cost equal to or greater than \$5,000.

Backup documentation will be retained in an inventory folder in the locked file cabinet. The Town Accountant will maintain and record equipment purchases in a software system showing date of purchase, model, department, and price.

All equipment purchased with Federal funds shall be marked as such on the physical asset. Physical inventories of equipment are performed once every two years.

Upon receipt, all inadequate or broken equipment received shall be returned to the vendor with a request for full refund or replacement. If refund is given, the federal award shall be credited for the refund amount that was originally requested of the contract.

There are risks from vendor inadequacy, quality of goods, or services and delivery, warranty assurances, user support, etc. The Town shall scrutinize each situation and purchase choice and attempt to make intelligent and responsible choices. Some monetary risks may be avoided by using known previously reliable vendors.

Disposition instructions from the federal awarding agency will be requested if required by the terms and condition of the award.

Equipment items with a FMV of \$5,000 or less will be retained, sold or otherwise disposed of with no further obligation of the Federal awarding agency.

### **Reference Quick Links for More Information:**

- 2 CFR §200.303 Internal Controls
- 2 CFR §200.327 Financial reporting
- 2 CFR §200.328 Monitoring and reporting program performance
- 2 CFR §200.305 Payment
- 2 CFR §200.313 and §200.33 Equipment
- Subpart E—Cost Principles of 2 CFR §200

## Procedures for Determining Allowable Costs

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All costs incurred are reviewed monthly to determine that the cost is an allowable cost under the federal award. (200.403)

All costs must:

- Be necessary and reasonable
- Conform to limitation or exclusions regarding type or cost
- Be consistent with policies and procedures that apply to both federal and nonfederal funding
- Be treated consistently with other comparable costs
- Be determined in accordance with US generally accepted accounting principles except otherwise provided in CFR 200
- Be adequately documented
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period

<b><i>Selected Cost Item</i></b>	<b><i>Uniform Guidance General Reference</i></b>	<b><i>Allowable/Unallowable</i></b>
Advertising and public relations costs	§200.421	Allowable with restrictions
Advisory councils	§200.422	Allowable with restrictions
Alcoholic beverages	§200.423	Unallowable
Audit services	§200.425	Allowable with restrictions
Compensation – fringe benefits	§200.431	Allowable with restrictions
Conferences	§200.432	Allowable with restrictions
Depreciation	§200.436	Allowable with qualifications
Employee health and welfare costs	§200.437	Allowable with restrictions
Entertainment costs	§200.438	Unallowable with exceptions
Equipment and other capital expenditures	§200.439	based on specific requirements
Fines, penalties, damages and other	§200.441	Unallowable with exception

<i><b>Selected Cost Item</b></i>	<i><b>Uniform Guidance General Reference</b></i>	<i><b>Allowable/Unallowable</b></i>
settlements		
Gains and losses on disposition of depreciable assets	§200.443	Allowable with restrictions
Goods or services for personal use	§200.445	Unallowable (goods/services); allowable (housing) with restrictions
Insurance and indemnification	§200.447	Allowable with restrictions
Interest	§200.449	Allowable with restrictions
Lobbying	§200.450	Unallowable
Losses on other awards or contracts	§200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	§200.452	Allowable with restrictions
Materials and supplies costs, including computing devices	§200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	§200.454	Allowable with restrictions; unallowable for lobbying organizations.
Organization costs	§200.455	Unallowable except Federal prior approval
Plant and security costs	§200.457	Allowable ; capital expenditures are subject to §200.439
Professional service costs	§200.459	Allowable with restrictions
Proposal costs	§200.460	Allowable with restrictions
Publication and printing costs	§200.461	Allowable with restrictions
Recruiting costs	§200.463	Allowable with restrictions
Rental costs of real property and equipment	§200.465	Allowable with restrictions

<i><b>Selected Cost Item</b></i>	<i><b>Uniform Guidance General Reference</b></i>	<i><b>Allowable/Unallowable</b></i>
Selling and marketing costs	§200.467	Unallowable with exceptions
Training and education costs	§200.472	Allowable for employee development
Transportation costs	§200.473	Allowable with restrictions
Travel costs	§200.474	Allowable with restrictions

## Subrecipient Monitoring and Management

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The Town must determine whether the recipient of each sub-agreement it makes is a “contractor” or “subrecipient” for the disbursement of Federal funds. In making such a determination, the Town will utilize the following definitions: §200.23 Contractor and §200.93 Subrecipient along with the guidance found in §200.330. Generally, “subrecipients” are instrumental in implementing the applicable work program whereas a “contractor” provides goods and services for the Town’s own use. Contractors will be subject to the Town’s Procurement Policies.

Subrecipients are subject to the Town’s Subrecipient Monitoring and Management Policies.

The Town in its administration of Federal funds will monitor any subrecipients in accordance with 2 CFR §200.330 to §200.332 Subrecipient Monitoring and Management.

The Town is considered a "pass-through entity" in relation to its subrecipients, and as such requires that its consultants and subrecipients comply with applicable terms and conditions (flow-down provisions). All subrecipients of Federal or State funds received through the Town are subject to the same Federal and State statutes, regulations, and award terms and conditions as the Town.

### **Subaward Contents and Communication**

In the execution of every subaward, the Town will communicate the following information to the subrecipient and include the same information in the subaward agreement.

1. Every subaward will be clearly identified and include the following Federal award identification:
  - a. Subrecipient name
  - b. Subrecipient’s unique ID number (DUNS)
  - c. Federal Award ID Number (FAIN)
  - d. Federal award date
  - e. Period of performance start and end date
  - f. Amount of federal funds obligated
  - g. Amount of federal funds obligated to the subrecipient
  - h. Total amount of Federal award
    - i. Total approved cost sharing or match required where applicable
    - j. Project description responsive to FFATA
    - k. Name of Federal awarding agency, pass through entity and contact information
    - l. CFDA number and name
    - m. Identification if the award is R&D
    - n. Indirect cost rate for the Federal award
2. Requirements imposed by the Town including statutes, regulations, and the terms and conditions of the Federal award.
3. Any additional requirements the Town deems necessary for financial or performance reporting of subrecipients as necessary.
4. An approved indirect cost rate negotiated between subrecipient and the Federal government or between the pass-through entity and subrecipient.

5. Requirements that the Town and its auditors have access to the subrecipient records and financial statements.
6. Terms and conditions for closeout of the subaward.

### **Subrecipient Monitoring Procedures**

The individual grant administrators are responsible for subrecipient monitoring and will monitor the activities of the subrecipient to ensure the subaward is used for authorized purposes. The frequency of monitoring review will be specified in the subaward and conducted concurrently with all invoice submission.

Subrecipient monitoring procedures include:

- At the time of proposal, assess the potential of the subrecipient for programmatic, financial, and administrative suitability.
- Evaluate each subrecipient's risk of noncompliance prior to executing a subaward. In doing so, the Town will assess the subrecipient's:
  - Prior experience with the same or similar subawards.
  - Results of previous audits and single audit (if applicable).
  - New personnel or new or substantially changed systems.
  - The extent and results of Federal awarding agency monitoring.
- Confirm the statement of work and review any non-standard terms and conditions of the subaward during the negotiation process.
- Monitor financial and programmatic progress and ability of the subrecipient to meet objectives of the subaward. To facilitate this review, subrecipients are required to submit sufficient invoice detail and a progress report. The grant administrators will encourage subrecipients to submit regular invoices.
- Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
- In conducting regular oversight and monitoring, grant administrators will:
  - Verify invoices include progress reports.
  - Review progress reports to ensure project is progressing appropriately and on schedule.
  - Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
  - Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.
  - Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the subrecipient.
  - Review subrecipient match tasks for eligibility.
  - Initial the progress report and invoice confirming review and approval prior to payments.

- The grant administrators will approve invoice payment and will initial invoices confirming review and approval prior to payment.
- Payments will be withheld from subrecipients for the following reasons:
  - Insufficient detail to support the costs billed;
  - Unallowable costs;
  - Ineligible costs; and/or
  - Incomplete work or work not completed in accordance with required specifications.
- Verify every subrecipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements

Subrecipient project files will contain, at a minimum, the following:

- Project proposal
- Project scope
- Progress reports
- Interim and final products
- Copies of other applicable project documents as required, such as copies of contracts or MOUs

### **Audit Requirements**

All subrecipients are required to annually submit their audit and Single Audit report to the Town for review to ensure the subrecipient has complied with good accounting practices and federal regulations. If a deficiency is identified, the Town will:

- Issue a management decision on audit findings pertaining to the Federal award
- Consider whether the results of audits or reviews indicate conditions that necessitate adjustments to pass through entity's own records

### **Methodology for Resolving Findings**

The Town will work with subrecipients to resolve any findings and deficiencies. To do so, the Town may follow up on deficiencies identified through on-site reviews, provision of basic technical assistance, and other means of assistance as appropriate.

The Town will only consider taking enforcement action against noncompliant subrecipients in accordance with 2 CFR 200.338 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

- Temporarily withhold cash payments pending correction of the deficiency
- Disallow all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the subaward.
- Initiate suspension or debarment proceedings.
- Withhold further Federal awards for the project or program.
- Take other remedies that may be legally available.

## Procurement Policies

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The following Procurement Policies shall apply to all Contracts for and Purchases of goods and services.

All procurements made with Federal funds will be consistent with 2 CFR §200.317 through §200.326 Procurement Standards. These policies are to ensure that goods and services are procured at the best available price consistent with high quality, that sound business and ethical practices are adhered to in all Town business transactions and that all transactions are completed in a manner that provides for open and free competition.

The Chief Procurement Officer has primary responsibility and oversight for purchasing activities of the Town and has the authority to delegate purchasing responsibilities as appropriate. The Chief Procurement Officer will periodically review and evaluate these procedures to ensure the best internal controls possible.

All purchases shall comply with appropriate and relevant federal, state and local laws as well as with the Town's policies. In the event that federal, state or local laws, regulations, grants or requirements are more restrictive than this policy, such laws, regulations, grants or requirements shall be followed.

### **Procurement Standards**

To ensure open and free competition:

- Unreasonable requirements shall not be placed on firms and/or individuals in order for them to qualify to do business.
- No geographical preferences shall be used in the evaluation of bids or proposals unless State/Federal statutes expressly mandate or encourage a geographic preference.
- Contract specifications or statements of work may not unduly restrict competition and must identify the requirements that proposing firms or individuals must fulfill and the factors to be used in evaluating bids or proposals.
- Splitting purchases or contracts to avoid competition is prohibited.

Purchase Types and Proposal Evaluation Requirements:

- Micro Purchase (under \$10,000): competition is not required, however, a good faith effort should be made to compare prices with comparable suppliers.
- Small Purchase (\$10,001-\$250,000): competition is required to establish a competitive price. Preferably, price or rate quotes from at least three qualified sources must be documented. If three price or rate quotes are not possible, document attempts. For recurring expenses, price or rate quotes may be obtained and documented every two to three years. This can be through a formal RFP process or requesting quotes from potential vendors. When a competitive proposal method is not feasible for a small purchase, a sole source purchase may be made. This would require either the item or service is only available from a single source, an emergency situation that does not allow additional time for a competitive process, the granting agency authorizes noncompetitive

negotiations, or competition is deemed inadequate after solicitation of a number of sources.

- Competitive Proposals (all purchases over \$250,000): Competitive proposals are required through a sealed bid process. All qualified sources must submit formal written bids, proposals or qualifications. RFPs or RFQs may be used. If only one proposal is received, the procurement may qualify as a single source and would require review by the Chief Procurement Officer.

Documentation must include:

- Formal written bids, proposals, or qualifications from all qualified sources.
- The method of procurement.
- The evaluation and selection process.
- The basis for the contract price.
- Final labor, overhead rates.

If State procurement laws are more stringent than those noted above, the applicable State law shall be followed.

#### Requirements for Requests for Proposals/Qualifications

- Request for Proposals (RFP) are used when the specific requirements and/or technical specifications of a project are unclear and criteria in addition to pricing are needed. The proposal is a solution which typically includes a scope of project and/or service, approach, technical capabilities, financial information and references.
- Request for Qualifications (RFQ) are used to evaluate the qualifications of firms and/or consultants to determine which are most qualified to provide the service needed. RFQs are evaluated on technical factors and qualifications including education, experience, management and other applicable criteria. RFQs may be used in conjunction with RFPs.
- The following requirements apply to RFPs and RFQs:
  - All RFP/Qs must be reviewed and approved by the Town Administrator before being issued;
  - The RFP/Q must be publicized and identify the evaluation factors and their relative importance, and state that all complete and timely submittals will be considered;
  - All RFP responses must contain cost or price estimates;
  - The primary selection criterion will be the ability of the firm/consultant to understand the issues and accomplish the tasks described in the RFP/Q;
  - For RFPs, the proposal most advantageous to the program will be selected, even when the preferred proposal is not the lowest priced; and
  - For RFQs, competitors' qualifications will be evaluated and the most qualified competitor will be selected, subject to negotiation of fair and reasonable compensation.

#### **Procurement Process**

1. Determine the applicable purchase type and requirements based upon the anticipated total cost. Costs shall not be divided in an attempt to create a lower total cost to avoid a

procurement method or competition requirements. If one item being purchased requires another item to be complete or make a whole, the total cost of the two items together should be considered to determine the procurement method, unless the two items cannot be acquired from a single supplier. Total quantity, taxes, freight, and installation costs, as well as the total costs expected for all phases of a multi-phase project are to be included when estimating the anticipated total costs.

2. Complete and document all requirements for the applicable purchase type.
3. Have materials reviewed and approved by the Chief Procurement Officer. No payments may be made prior to receipt of goods or services unless approval is obtained from the Chief Procurement Officer.
4. After steps 1-3 are complete, purchase or execute the contract for the goods and/or services.
5. Promptly submit all purchase requests and other commitment documentation to the Town Accountant.

### **Contracts**

Contracts funded directly under State/Federal grants shall adhere to State/Federal statutory and regulatory requirements. The Chief Procurement Officer shall sign all contracts and contract amendments. Documentation in the contract file must include:

- The method of purchase or procurement.
- The evaluation and selection process.
- The basis for the contract price.
- Final labor, overhead rates.

Regarding contract texts, all contracts shall include:

- Termination clause for cause or convenience if over \$10,000
- Remedies for breach of contract if over \$50,000
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) certification for contracts exceeding \$100,000

Legal counsel review may be required for contracts not using the Town's boiler plate contract template.

All contracts over \$10,000 must be procured competitively and the terms documented in writing. A contract will not be executed with parties listed on the government wide exclusions in the System for Award Management (SAM) as suspended or debarred. The vendor will certify suspension and debarment compliance through clauses in the written contract. In lieu of this certification, a check of the SAM database shall be documented for all applicable contracts and vendors by the grant administrators prior to the signing of the vendor contract.

For applicable contracts under MGL Chapter 149, 149A and/or 25A, the Massachusetts Department of Capital Asset Management and Maintenance (DCAMM) listing of debarred, suspended or decertified contractors shall also be checked and any vendor on the list shall not be awarded a contract.

### **Protest Procedure**

Unsuccessful proposers will be afforded the opportunity of a debriefing conference if they so request. The request for a debriefing conference must be made within three days of receipt of the notification indicating that their proposal was not selected. Discussions will be informal and limited to a critique of the requesting consultant's proposal. The Town's representatives will explain the scoring of a consultant's proposal. Debriefings may be conducted in person or by telephone and may be limited to a specific period of time.

Records of the RFP/Q solicitation, evaluation, scoring, and selection process shall be kept on file for the life of the project.

### **Contract Oversight**

The grant administrators will be responsible for day to day contract administration and will report any aberrations to the Chief Procurement Officer.

The Town will ensure that contractors meet their responsibilities by making certain that contracts:

- Know and understand applicable federal requirements.
- Have adequate project delivery systems.
- Have sufficient accounting controls to manage Federal funds properly.

The Town will provide adequate monitoring of the contracts administrative actions to assure compliance with Federal and/or agreement requirements.

In the event that a contractor is unable to satisfactorily complete the work, and after unsuccessful attempts to remedy the situation, a contract may be terminated. The Town will reimburse the contractor for all costs incurred, but not those in excess of the contract, in the performance of the project up to and including the effective date of termination.

### **Conflicts of Interest**

No employee, commissioner or agent of the Town shall participate in the selection, award or administration of a contract or authorization of a purchase if a conflict of interest, real or perceived, would be involved.

Such a conflict could arise when:

- The employee, officer or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization which employs or is about to employ any of the above

...has:

- a financial or other interest in the firm selected for award,
- directly or indirectly given his/her opinion on the matter,
- has formed an opinion on the matter, or
- has prejudged the matter to any degree.

Massachusetts General Law, Chapter 268A, governs the state's conflict of interest law. The Massachusetts State Ethics Commission interprets the conflict of interest law and publishes advisories. Violators are subject to civil fines by the State Ethics Commission and may be subject to further discipline by the Town.

## Time and Effort

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All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required “match” in a federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to federal grants.

Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- Be incorporated into official records;
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- Encompass both federally assisted and all other activities compensated by the Town on an integrated basis;
- Comply with the established accounting policies and practices of the Town and
- Support the distribution of the employee’s salary or wages among specific activities or costs objectives.

### **Time and Effort Procedures**

For employees who have a single costs objective (dedicated to a singular purpose) funded through a federal grant, the business office generates a semi- annual time and effort certification report. The report includes:

1. Employer’s name;
2. Employee’s position;
3. Federal grant;
4. Certification period;
5. 100% of work activities; and
6. Supervisor’s and/or employee’s signature and date.

For employees who do not have a single cost objective funded through a federal grant, the business office generates a monthly time and effort certification report. The report includes:

1. Employer’s name;
2. Employee’s position;
3. Federal grant;
4. Certification period;
5. % of work activities allocated to the federal grant; and
6. Supervisor’s and/or employee’s signature and date.

The time and effort after-the-fact certification statement is included on the report. The certification must be signed and dated by the employee or supervisor with first-hand knowledge of the employee’s work after the work has been complete.

## Period of Performance

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The Town may charge to the federal award only allowable costs incurred during the period of performance and any costs incurred before the federal awarding agency or pass-through entity made the federal award that were authorized by the federal awarding agency or pass-through entity (2 CFR section 200.309).

To ensure compliance with these requirements the Town shall:

- Charge costs, including payroll, to an award only if the underlying dates of service were incurred during the funding period;
- Review all manual journal entries charged to federal awards to ensure that all underlying dates of service were incurred during the funding period;
- Liquidate all obligations and purchase orders no later than 90 days after the end of the funding period; and
- Assign compliance with period of performance requirements to the individual grant administrators. All AP and Payroll disbursements are subject to the review of the accounts payable and payroll staff and the approval of the Board of Selectmen as part of the payment process.

## Employee Travel Costs

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Employee travel costs charged to grants must comply with the applicable Town policy detailed below subject to the additional restrictions outlined in the Uniform Guidance (§200.473 and §200.474).

### **PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for payment and reimbursement of expenses relating to approved in-state and out-of-state conferences and meetings. Regulations governing employee personal automobile use are contained in the Littleton Selectmen Regulations.

### **APPLICABILITY**

All General Government employees are subject to the provisions of this policy.

### **POLICY**

It is the policy of the Town of Littleton to reimburse employees for reasonable expenses which they incur as a result of attending in-state or out-of-state conferences or meetings on behalf of the Town. Employees will be reimbursed for reasonable expenses after submission of the appropriate documentation. Reimbursement for alcoholic beverages is prohibited by M.G.L. c. 44 Section 58. The method(s) of submitting requests for reimbursement shall be consistent with accounting procedures and this policy. The Finance Department will update the reimbursement request form as needed to satisfy the requirements of this policy and Massachusetts General Laws.

### **PROCEDURES**

Travel Procedures - Employees will be reimbursed for in-state travel only when such travel has been approved in advance by the Department Head. All out of state travel except for travel in other New England states must be approved in advance by the Town Administrator. Evidence of advance approval must be included with the Travel Expense Reimbursement Form.

Conferences and Seminars - The Town will pay for approved conferences and seminars. Employees should submit conference registration forms/invoices on the appropriate payment voucher. Alternatively, the employee may pay for the approved conference or meeting directly and will be reimbursed after completing the Travel Expense Reimbursement Form. A receipt must be included with the Form. Employees will not be reimbursed for social events at conferences (such as golf tournaments or recreational tours). The Town Accountant will only approve the use of manual checks to pay for conferences and seminars in extraordinary circumstances.

Lodging - If an employee is required to lodge while traveling, reimbursement should cover only the employee's cost of lodging and should not extend to any family members or other travel companions. Reimbursement may include incidentals such as the use of telephones, fax machines (if necessary).

Miscellaneous Expenses - The Town will reimburse employees for reasonable miscellaneous expenses such as travel to and from airports, parking, and travel within the conference destination (such as taxi cabs, shuttles, or buses) with receipts.

Use of Personal Credit Cards or P-Cards - Employees may use personal credit cards or P-Cards to pay for travel-related expenses if there is no appropriate mechanism for the Town to be billed directly for the

expense. In such cases, the employees will not be reimbursed for any MA state sales tax charged. In addition, the Town will not pay for finance charges associated with credit card purchases of travel arrangements or other travel expenses.

Meals - Employees shall be reimbursed for meal expenses in accordance with the following schedule. Employees should submit receipts for meals purchased. Maximum Meal Allowance Applicable Period Breakfast \$ 15.00 on work status before 7:00 a.m. Lunch \$35.00 on work status from 8:30 a.m. to 5:00 p.m. Dinner \$50.00 on work status after 5:00 p.m.

Incidentals - \$ 3.00 fees, transportation, postal expenses. For example, an employee who arrives at a workshop prior to 7:00 a.m. will be entitled to the breakfast allowance for that day. (The most common users of the breakfast allowance will be employees attending overnight conferences.) An employee who is at a conference for a full day (or days) will be entitled to a lunch allowance for that day if lunch is not included and paid as part of the conference registration. Finally, an employee who is at a conference which runs past 7:00 p.m. will be entitled to dinner allowance for that day. An employee eligible for both the breakfast and dinner allowance in a given day will automatically be entitled to the lunch allowance except as provided above. The maximum daily meal allowance is \$100.

Incidental Expenses - are described as: (A) Fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others on ships, and hotel servants in foreign countries. (B) Transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site. If a conference includes function meals, such as closing banquets, special luncheons, etc. the Town will reimburse the full cost of such meal. Program information detailing the cost of the special function meals should be submitted with the reimbursement request if the meal was not included in the registration fee. In the event that the Town reimburses or pays directly for a meal as part of a registration fee, the employee shall not also be entitled to a meal allowance for that meal. Employees attending partial day workshops will be eligible for meal reimbursements if the meal is not included in the conference registration.

Complying with Travel Policy - Employees who violate travel policies will be held directly responsible for their actions. Consequences of disregarding Town travel regulations may include revocation of travel privileges, reparation payments, suspension, or termination. Moreover, improper documentation of otherwise valid travel expenditures create the appearance of fraud, waste, or abuse and may result in similar consequences. The following section presents suggestions for employees when complying with travel policies. While these suggestions will assist employees to avoid the appearance of fraud, waste, or abuse in travel expenditures, they are not a replacement for individual employees being aware of the Town's specific policies related to travel expenses.

In most cases, a reimbursement form or other travel voucher issued by the Town must be submitted and signed by the Department Head and when applicable, the Town Administrator or designee to receive reimbursement. Misrepresenting expenses and intentionally submitting false claims is fraudulent and could result in criminal penalties.

#### Reimbursement

- Employees traveling together should fill out reimbursement requests separately, being careful not to overlap claims.
- Employees must sign all claims.
- All expenses must be business related.
- Receipts should be attached to all travel expense reimbursement (except meals) requests.

All receipts should be itemized and dated. In addition, names of the persons who are included in the bill should be listed on the back of the receipt to avoid multiple reimbursements for the same expense

- Travel approvals MUST be attached to the reimbursement claim.
- Employees should submit travel reports that identify the reason for the travel and benefits derived from such travel.
- Business associates, vendors, or family members accompanying an employee traveling for business purposes are not eligible for travel reimbursement costs.

Other Circumstances - This policy is meant to cover the most common types of expenses related to employee travel. The Town Administrator or designee may approve other reimbursements not explicitly covered by this policy if it is in the best interest of the Town to do so, and if reimbursement for such expenses is not expressly prohibited by local by-law or Massachusetts General Law.

## SECTION 3. PERMITTING / LICENSING

### Policy 1, Policy on Issuing of Licenses

#### TOWN OF LITTLETON REGULATIONS ON ISSUING OF LICENSES

The attached list shows the licenses issued annually by the Select Board.

In November of each year the Town receives the License Renewal Application for the coming year from the Alcohol Beverages Control Commission for each alcoholic beverage license issued by the Town. This renewal must be forwarded to each license holder who signs it and returns it to the Town of Littleton during the month of November. Along with this renewal application we forward each license holder a Tax Verification Form that they must also return to us. We inform them that the new licenses will be ready prior to December 31 and that the Town must receive payment of the license fee prior to release of the license. We do not accept personal checks, only company checks or money orders. The Town forwards completed Renewal Application Forms to the ABCC in December.

An Annual Report is due to the ABCC February 15 of each year for the previous year (report for CY2002 due Feb. 15, 2003). Notification of the annual report and Holiday Letter are posted on the website, [www.state.ma.us/abcc](http://www.state.ma.us/abcc) or they will send a reminder by e-mail.

In November we also send letters to all other license holders asking them to fill out the Tax Verification Form, which we maintain on file each year and informing them that the licenses will be ready by December 31. We must receive payment of the license fee and the Tax Verification Form prior to releasing the license.

The list of licenses to be issued is brought to the Select Board in early December for approval. The Board votes to issues the licenses, they are typed and upon receipt of payment of the license fee the license is provided to the license holder.

#### ALCOHOLIC BEVERAGE LICENSES

The Town of Littleton is allowed 14 All Alcoholic licenses (which includes 1 Club license), 5 Wine & Malt licenses, and 2 All Alcoholic Package Store licenses based upon our 2000 Federal census numbers.

There are certain procedures that must be followed upon receipt of an application in the Select Board's office. The ABCC has provided an outline of these requirements and what forms must be filled out. This information is included in the "Blue Book".

The basic process is as follows:

1. Completed application filed with local licensing authority (Select Board), and date and hour of filing noted.
2. Advertisement, if necessary, must be performed within ten (10) days of filing.
3. Hearings when required shall not be held sooner than (10) days after the advertising. Abutters notified when required.
4. Applications must be acted on within thirty (30) days after filing.
5. If approved by the local licensing authority, applications shall be forwarded to ABCC no later than three (3) days following such approval.

Upon receipt of the approved application from the ABCC the actual license is typed, the applicant is notified and upon receipt of payment of the license fee, the license is then given to the applicant.

License Fees for Alcoholic Beverage licenses are:

All Alcoholic - Restaurant	\$3,250
All Alcoholic - Package Store	\$2,000
All Alcoholic - Club	\$1,000
Wine and Malt - Restaurant	\$1,000

## CLASS II - USED CAR SALES AND CLASS I LICENSES

Licenses are issued annually (January 1 - December 31) by the Select Board. The fee is set by the issuing authority but can be no more than \$100. Applicants must fill out Form 53 - Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof. Upon receipt of this application a public hearing is scheduled and immediate abutters are notified. There is no requirement to advertise for a Class II license. Issuing of licenses is regulated under MGL Chapter 140, Section 58-59. After conducting the hearing, taking comments from any abutters, the Board can vote to grant the license and has the authority to condition the license as they see fit (i.e. no flags, lights, banners, number of vehicles, etc.) A permit for a change of situation of the licensed premises or additions thereto may be granted at any time by the licensing board and must be attached to the license or a new license typed. Upon approval by the Select Board the license is typed, fee is paid and license is issued to the applicant.

## COMMON VICTUALLER LICENSE

Upon receipt of a request for a Common Victualler license a public hearing is scheduled, immediate abutters are notified, and a background investigation is conducted by the Police Chief. The fee for this license is \$25.00. After conducting the hearing and taking comments from any abutters, the license is issued by the Select Board who can set hours and days of operation. The license is typed, fee paid and license issued to applicant. These licenses are renewed annually.

## LODGING HOUSE LICENSES

Guidelines for the issuance of lodging house licenses were adopted by the Select Board on December 15, 1986. They are as follows:

All lodging house facilities must be in full compliance with the following Massachusetts codes and regulations:

1. Article II of the State Sanitary Code, minimum Standards of Fitness for Human Habitation;
2. Title V of the State Environmental Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, and any local regulations adopted thereunder;
3. Massachusetts Fire Prevention Regulations;
4. Uniform State Plumbing code;
5. Massachusetts Electrical Code;
6. State Building Code

Within thirty (30) days of the date of application, the officials responsible for administration and enforcement of the above-referenced codes and regulations shall inspect the facilities and each shall submit to the Select Board a written statement that the facility is in compliance with the applicable code or regulation, or, if not in compliance, shall specify how the facility is not in compliance. A copy of the statements shall be promptly provided to the applicant.

Applicants must fill out Form 546 Application for a Lodging House License and submit it to the Town Administrator. The above inspections are done and a public hearing is held at which time the Select Board take the appropriate action to issue the license or deny the application based on information received from the inspectors.

## AUTOMATIC AMUSEMENT DEVICES

Issuance of licenses for these devices are governed by the Town Bylaw adopted by the Select Board April 12, 1982 and included in the Town Code, Chapter 179. These are annual licenses, which are renewed in December. See below for categories.

## ENTERTAINMENT LICENSES

These licenses are generally issued in conjunction with a Common Victualler License and follow the same process.

## SUNDAY ENTERTAINMENT LICENSES

Under MGL Chapter 136 Section 4 anyone operating automatic amusement devices must also have a Sunday entertainment license. The fee schedule as provided by the State is \$85 per year (per category) and \$175 per year for hours before 1 p.m. The Fee is \$10 per Sunday for regular hours on an as requested basis or \$20 for hours before 1:00 p.m. The categories are Electronic Gun or Target Games; Simulated Sports games; Ski-ball; Video games; Pin ball; Pool/Billiards/Shuffleboard (each

constitutes a separate fee); Juke Box; Dancing; Amusement Rides (each ride is a separate fee); Flea Market (if admission is charged); Miniature Golf and Live Entertainment.

The License (Form #90) is to be filled out annually by the applicant, returned along with the fee and once approved by the Select Board a copy is forwarded to the State Department of Public Safety.

## **Policy 2, Policy on Issuing Liquor Licenses**

The Select Board is the Local Licensing Authority (LLA) under the State law, M.G.L. c.138, to grant, renew, restrict, suspend, revoke or deny any and all licenses, consistent with the law and the best interests of the Town of Littleton. This policy summarizes the application and hearing processes.

Applicants for, or holders of alcoholic beverage licenses are reminded that the LLA expects them to perform at the highest standards of personal responsibility and public trust, in the strictest conformance with the provisions of this policy and Chapter 138 of the General Laws. Licensees are also encouraged to provide a copy of this policy to all employees.

This document will be provided to all applicants and licensees at time of application.

### **Application Review Process**

#### **Comment process**

Before acting on a request for a liquor license, the LLA shall provide adequate time to seek the following:

1. \* Public input, and correspondence prior to deliberations of the LLA;
2. Written comment from public safety or other officials as applicable; and
3. Public hearing and testimony prior to deliberation of the LLA.

\* Time period shall be within 30 days from time of complete application submittal to the Town in accordance with M.G.L. c. 138 §16B.

### **Deliberative Process**

The LLA in addition to provisions of applicable laws and regulations shall at a minimum take the following into consideration before issuance of a license:

1. Completeness of the application;
2. Testimony from the applicant or representative and public or other interested parties;
3. Proximity of other licensees to the proposed

location;

4. Proximity of schools, youth centers, sports facilities or other areas where those under age 21 may congregate;
5. Relative need and value of an additional licensed establishment to the community if the license is granted;
6. Reputation of the applicant; and
7. Type of operation proposed including the ability to segregate or isolate the area where alcohol products are displayed during hours when alcohol sales are prohibited.

### **Applicant is not the Owner**

In the event the applicant is not the owner of the property for which the application is submitted, documentation from the owner that supports the application shall be provided on or before the licensure hearing.

#### **“One Day” Licenses**

The issuance of “one day” licenses shall be in accordance with state law and shall be subject only to provisions of the deliberative process as determined by the LLA.

### **License Violation Hearing**

A license holder shall be entitled to notice of a hearing to determine action by the LLA. Said notice shall specify the nature of the alleged violation and specify the date, time and place of the hearing.

The LLA shall use the following guidelines to determine penalties if a violation has occurred. These guidelines are general in nature and are not intended to restrict the LLA from imposing any penalty it may deem just:

1. First violation - up to 6 day suspension;
2. Second violation - seven (7) to fifteen (15) day suspension; and
3. Third violation – revocation.

Additional stipulations, such as limitations on hours or requirements for security personnel may be imposed.

Days of suspension may be consecutive or non-consecutive.

### **Dispensing Liquor to Minors**

It is the express policy of the Select Board, serving as the LLA, to take all legally permissible action to eliminate the sale and/or serving of alcoholic beverages to minors.

Pursuant to M.G.L. c.138 §63, the LLA or its agents may at any time enter upon the premises of a person who is licensed by them to ascertain the manner in which he conducts the business carried on under such license.

Any licensee who, after a duly constituted hearing, is found to have knowingly violated MGL Ch. 138, Sec. 34, or any other law relating to the selling or serving of alcohol to minors shall be subject to the following actions:

1. First violation - 30 day suspension; and
2. Second violation – revocation.

Licensees are further encouraged to consider implementation of restrictive policies to further discourage alcohol consumption by minors, such as:

posting highly visible notices and requiring multiple means of identification. It is highly desirable that all servers employed by the licensee are certified by T.I.P.S (Training for Intervention Procedures) or by an equivalent server training program.

## **Policy 2.1, Policy on Server Training Requirements for Liquor License Holders**

[HISTORY: Adopted 11/07/2011]

**I. Purpose:** To require all liquor license holders, managers, and servers to complete server training.

**II. Policy Guidelines:**

### **A. Mandatory Training Requirements**

All liquor license holders, including but not limited to, licensees holding an all alcohol, including seasonal or one-day license, beer and wine license, private club license or retail package store license shall participate in a program designed to train management and bartender employees in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. The manager shall have successfully completed such program prior to his/her appointment and such training and successful completion shall also be required for all bartenders at all establishments with a bar.

### **B. Programs Available**

Listed below are programs that are currently available that meet the requirement of this policy:

1. Training for Intervention Procedures by Servers of Alcohol (TIPS).
2. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association.
3. Any insurance industry-approved or qualified program offered by a certified trainer and approved by the Select Board.

### **C. Verification of Server Training**

All Establishments must maintain during operating hours, in an accessible place, a roster or certificate of trained personnel, which shall be maintained for each employee and shall be available for inspection by the licensing authority, or any authorized agent thereof, upon demand at all times. An updated roster shall be submitted with the annual application for the renewal of the license. The roster shall include: (1) employee name; (2) employee date of birth; (3) date of hire; (4) type of training; (5) training certificate date; and (6) date of expiration.

### **D. Re-Certification**

All management and bar personnel shall be required to be re-certified prior to the expiration of the certification granted by an approved program listed in Paragraph 2. (You must be re-certified every three years regardless of the training program).

### **E. Implementation**

All employees required to receive training hereunder must complete such training within thirty (30) days from the date of employment, except that managers shall be trained prior to appointment as set forth in Paragraph 1. With regard to 2012 license renewals only, each establishment must have at least one management person as well as each bartender trained and certified on or before April 1, 2012. In the event any such license holder is unable to meet these requirements, such license holder must request an extension in writing from the Select Board on or before March 15, 2012 and for good cause, the Board may grant a further extension not to exceed sixty (60) days in order to allow the license holder to comply with the provisions hereof. Any violation of this paragraph may result in a suspension of the license or such other action deemed appropriate by the Licensing Authority until such license holder complies with the provisions hereof.

### **F. Employee in House Training**

All other employees who serve or sell alcoholic beverages shall receive, at a minimum, in-house training similar to that received under the required program set forth in Paragraph 2. A written description of such program, along with a written policy outlining the employee's responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be maintained on the premise at all times. The employee training program shall include the proper procedures for verifying that patrons are at least 21 years of age and not intoxicated. The policy must include mandatory carding for everyone appearing under 27 years of age. A copy of such policy shall also be appended to each renewal application on an annual basis. A signed certification of each employee indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities of the disciplinary action which will be taken for violations, shall be maintained on the premises at all times. Copies of all such documents and certifications shall be available to the licensing authority, or any authorized agent thereof, upon demand.

### **G. Penalty Guidelines**

Licenses in violations of the training requirements set forth hereunder shall be subject to the following range of discipline:

1. First Offense - Warning to seven (7) days suspension.

2. Second Offense - Warning to thirty (30) days suspension.
3. Third or Subsequent Offense - Warning to Revocation.

The penalty guidelines are only a guide. The Licensing Authority may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines. The penalty guidelines shall not be construed so as to limit the Licensing Authorities' power to consider alternative dispositions, or further conditions on a license or even alternate penalties including, but not limited to, reduction and/or rolling back of operating hours.

## Policy 2.2, Policy on Issuing One-Day Liquor Licenses

[HISTORY: Adopted 11/07/2011]

**I. Authority:** *M.G.L. c. 138, §14* authorizes local licensing authorities to issue special licenses for the sale of wines and/or malt beverages to a responsible manager of any indoor or outdoor activity or enterprise (for profit or non-profit). Special licenses for the sale of all alcoholic beverages may be issued to non-profit organizations only. No person may be granted special licenses for more than a total of 30 days per calendar year and no special license will be granted to any person while his application for an annual license under Section 12 is pending before the licensing authorities. A one-day license must be obtained if alcohol is being served in ANY public Town owned building whether it is being sold or given away.

No more than one license can be issued for premises at one time. Therefore, a Section 14 special license cannot be issued for use in licensed premises. Regulations for Section 14 are found in 204 CMR 7.00.

Persons holding a special license must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer brewery or special permit holder. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. You may obtain a copy of this list from the Select Board's office.

**II. Purpose:** It is the goal of the Select Board, as the liquor licensing authority for the Town of Littleton, to provide for a reasonable opportunity for individuals and managers of corporations to obtain a One-Day Liquor License for the sale of alcoholic beverages, and to regulate the use of such licenses to ensure they are used responsibly and do not detract from the quality of life in neighborhoods or in the Town as a whole. The policies, rules and regulations contained herein have been promulgated to achieve the above stated goals and objectives.

**III. General Rules and Regulations:** Subject to further limitations fixed, modified, or amended by the Select Board acting as the duly constituted licensing Board of the Town of Littleton with respect to alcohol beverage licenses, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverage Control Commission, the following rules and regulations will be in full force and effect for One-Day Liquor Licenses:

**A. Any One-Day Liquor License issued by the Littleton Select Board under the above authority shall be processed in accord with the procedures and shall be subject to the rules and regulations for such licenses listed herein. The Select Board may adopt further rules and regulations and all such changes shall apply to existing license holders from the date of the**

adoption. The Select Board may attach such additional conditions and restrictions to each such license as it deems to be in the public interest.

**B.** Property occupied by the licensee, whether owned or leased by the licensee, shall conform to all Town bylaws and codes. No licensee shall discriminate in the service of alcoholic beverages on the basis of race, color, creed, place of national origin, or sex.

**C.** The Select Board is authorized to issue a One-Day Liquor License to an organization for the purpose of serving only on the day of an event. The License will be issued at least one week prior to the event to allow the applicant to obtain their liquor at an authorized wholesale vendor. No organization may be granted a special license for more than a total of 10 days per calendar year. No more than one license can be issued for a premises at one time.

**D.** The licensee is subject to the requirement that all alcohol sales are subject to compliance with Littleton Select Board Policy 2.1 "Policy on Server Training Requirements for Liquor License Holders."

**IV. Filing of an Application:** Applications must be filled out completely and filed 30 days prior to event in order for an application to be considered by the Select Board at a Select Board's Meeting. Applicant must attend the meeting in order for the Select Board to consider the application. Failure by the applicant to attend the meeting may result in the application being denied. An application shall be considered "complete" and therefore accepted by the Town when it has been filed in accord with these procedural instructions and all forms required have been fully completed and executed under such conditions and rules as determined by the Select Board. The application filing fee must be paid at the time that the application is filed. An application form is attached at the end of this Policy.

**V. Fees**

**A.** \$50.00 for a One-Day Liquor License (wine and beer only).

(Checks are payable to the Town of Littleton.)

**B.** \$50.00 for a One-Day Liquor License.

(Checks are payable to the Town of Littleton.)

**VI. Duration of License:** Liquor Licenses once issued are valid only on the dates and timeframe indicated.

**VII. Hours:** The hours during which alcoholic beverages may be served under a One-Day Liquor License shall be from 11:00 A.M. to 11:00 P.M. Monday through Saturday and from 12:00 noon to 11:00 P.M. on Sundays, Christmas Day (or the day following when Christmas Day is on a Sunday), or Memorial Day. No One-Day Liquor License shall be issued for more than five (5) hours per each day issued.

All beverage/glasses/bottles or other containers must be removed from tables and service bar area one-half hour after closing time or 11:00 P.M., whichever first occurs. Patrons must be off premises one-half hour after closing time. Licensed operators and employees must be off premises one hour after closing.

**VIII. Insurance:** All One-Day licensees shall be required to provide to the Town a Certificate of Liability Insurance of insurance providing coverage for fire, premises liability, and liquor liability with reasonable limits of coverage, except that liquor liability shall have minimum coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, whereas the policy shall carry an endorsement that the Town of Littleton shall be notified by the insurer no less than ten days prior to the cancellation of said coverage. The Town of Littleton shall be named as the additional insured.

**IX. Miscellaneous:**

**A.** It shall be the responsibility of the licensee, their employees, agents, volunteers, and others serving alcohol on their behalf, to ensure that no alcoholic beverages are sold to any individual under the age of 21.

**B.** Applicant shall confer with owner of property where a One-Day Liquor License is to be issued. The Applicant shall also consult with the Littleton Police Department (978-540-2300). After said consultation, the Littleton Police Department shall sign the Application. If the Littleton Police Department determines that the One-Day event requires a police detail, it shall so indicate at the end of the Application and the provision of such a police detail may be made a condition of the license.

**C.** Applicants seeking an all-alcoholic One-Day Liquor License shall provide to the Select Board satisfactory proof of non-profit status.

**D.** The actual One-Day Liquor License issued by the Town of Littleton must be posted conspicuously by the serving area.

**X. Supervision:** The applicant named on the One-Day application shall, at all times during which alcoholic beverages are being sold shall be available to the licensing authorities during all such times unless some other person similarly qualified, authorized and satisfactory to the licensing authorities and whose authority to act in place of such applicant shall first have been certified to the licensing authorities in the manner aforesaid, is present in the premises and is acting in the place of such applicant. The full name, residential address, business and home telephone numbers of said applicant must appear on the One-Day application, as well as proof that they are certified to hold such a license. Failure to have such information on file and current shall alone be sufficient cause for revocation or suspension of such license, as well as future licenses.

Licensees are responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by any other patron. All servers must be at least 18 years of age to serve.

**XI. Order and Decorum:** The manager or representative shall at all times maintain order and decorum in the premises and in the immediately surrounding area of the premises and shall cooperate in all ways with Town officials including but not limited to representatives from the Board of Health and Fire and Police Departments in ensuring safe and orderly facilities. Premises must be kept clean, neat and sanitary at all times. Outside areas of the premises will likewise be kept in orderly and neat condition.

**XII. Purchase and Consumption on Premises:** No patron will be permitted to bring into the One-Day licensed establishment any alcoholic beverage for consumption on the premises. All alcoholic beverages held for sale shall be consumed on the premises.

**XIII. Violation of Rules and Regulations:** Any organization that violates the rules and regulations may be subjected to suspension or revocation of rights to a One-Day Liquor License by the Select Board. Suspension or revocation shall be initiated by the Board by written notification of such intent to suspend or revoke, sent to the license holder. The Board shall hold a Public Hearing upon such suspension or revocation. The hearing shall be commenced within two weeks of the notice of intent to suspend or revoke said privileges.

**TOWN OF LITTLETON**  
**ONE-DAY LIQUOR LICENSE APPLICATION**

**Determination of License Requirements**

Is the event held by, or held for the benefit of, a  business or a  non-profit group?

Yes  No

Will there be a cash bar?

Yes  No

Is there an entrance fee or donation required?

Yes  No

Is the event open to the general public?

Yes  No

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If the answer to ANY of these questions is YES, a One-Day Liquor License is required. Please fill out the attached application.

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**Applicant Information**

Applicant's Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Applicant's Cell Phone Number: \_\_\_\_\_

Applicant's Street Address: \_\_\_\_\_

Applicant's Email Address: \_\_\_\_\_

Applicant's Driver's License & State: \_\_\_\_\_

**Business/Organization Information:**

Business/Organization: \_\_\_\_\_

Business/Organization Address: \_\_\_\_\_

Social Security/FID No.: \_\_\_\_\_

**Event Information**

Event Date: \_\_\_\_\_ Hours of Sale/Event: \_\_\_\_\_ to \_\_\_\_\_

Location of Event: \_\_\_\_\_

Event/Purpose: \_\_\_\_\_

Server/Caterer & license #: \_\_\_\_\_

Event Room Capacity: \_\_\_\_\_

Number of People Attending: Adults \_\_\_\_\_ Children \_\_\_\_\_

Police Detail Required Yes \_\_\_\_\_ No \_\_\_\_\_

Type of Beverage – All-Alcoholic ( ) Wines & Beer Only ( )

### **Purchase and Service**

Is the alcohol being donated?

Yes  No

Where is the liquor being purchased from? \_\_\_\_\_

Are they a licensed wholesaler?

Yes  No

After the Town has issued you the license but BEFORE the event itself occurs, submit a copy of your bill of sale from the authorized distributor to the Select Board's office via fax.

### **Required Attachments**

\_\_\_\_\_ Proof of \$1,000,000 Liquor Liability Insurance. For events on Town property, the Town of Littleton must be named as additional insured.

- Copy of the Bartender's Server Training Certificate (TIPS).

\_\_\_\_\_ Check for One-Day Liquor License-\$50.00 for All Alcoholic \$50.00 for Wine & Beer Only. (Checks are payable to the Town of Littleton.)

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The hours during which sales of alcoholic beverages may be made under a one-day license shall be from 11:00 am to 11:00 pm, Monday through Saturday, and from 12:00 noon to 11:00 pm on Sundays, Christmas Day (or the day following when Christmas Day is on a Sunday), or Memorial Day. No One Day Liquor License shall be issued for more than five (5) hours per each day issued.

All beverage/glasses/bottles or other containers must be removed from tables and service bar area one-half hour after closing time or 11:00 pm, whichever first occurs. Patrons must be off premises one-half hour after closing time. Licensed operators and employees must be off premises one hour after closing.

*I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies and regulations of the Town of Littleton.*

Signature of Applicant: \_\_\_\_\_

Date Signed: \_\_\_\_\_

The Littleton Police Department hereby certifies that it has reviewed this application.

Signature of Littleton Police Department:

The Littleton Police Department has determined that a police detail should be assigned to this event?

Yes  No

If yes, please describe the extent of the detail:

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## **Policy 3, Policy on Issuing Lodging House Licenses**

[HISTORY: Adopted 12/15/1986]

### **TOWN OF LITTLETON GUIDELINES FOR THE ISSUANCE OF LODGING HOUSE LICENSES:**

All lodging house facilities must be in full compliance with the following Massachusetts codes and regulations:

1. Article II of the State Sanitary Code, minimum Standards of Fitness for Human Habitation;
2. Title V of the State Environmental Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, and any local regulations adopted thereunder;
3. Massachusetts Fire Prevention Regulations;
4. Uniform State Plumbing code;
5. Massachusetts Electrical Code;
6. State Building Code

Within thirty (30) days of the date of application, the officials responsible for administration and enforcement of the above-referenced codes and regulations shall inspect the facilities and each shall submit to the Select Board a written statement that the facility is in compliance with the applicable code or regulation, or, if not in compliance, shall specify how the facility is not in compliance. A copy of the statements shall be promptly provided to the applicant.

Applicants must fill out Form 546 Application for a Lodging House License and submit it to the Office of the Select Board. The above inspections are done and a public hearing is held at which time the Select Board take the appropriate action to issue the license or deny the application based on information received from the inspectors.

## Policy 4, Policy on Issuing Earth Removal Permits

### TOWN OF LITTLETON

#### APPLICATION FOR A PERMIT TO REMOVE EARTH MATERIALS

1. Name and Address of:
  - A. Applicant:
  - B. Owner of land from which materials are to be removed:
  - C. Operator of pit or removal operation, or contractor:

Legal description of the parcel of land: (Append separate sheet if necessary)
2. Describe the zoning category and the character of the immediate neighborhood, e.g., farm land, residential, built-up residential, commercial, etc.:
3. Describe and list the type and number of vehicles to be employed in removal operations:
4. Describe and list other removal and/or processing machinery to be used in operation:
5. Provide signed estimate from a Registered Land Surveyor or Professional Engineer as to the approximate number of cubic yards of earth material desired to be removed and the amount, if any, already removed from the land or from earlier removal operations from the site in general. Break down estimate as follows:

Type	To be Removed .....	Already Removed
a. Topsoil		
b. Sand		
c. Gravel		
d. Other		

6. Describe the proposed route or routes of transportation vehicles carrying earth materials from the land involved and returning thereto, naming the road or roads to be used in Littleton in sequence (use separated sheet if necessary):
7. State the proposed days and hours of operation:
  - a. Excavating
  - b. Hauling
  - c. Other
8. State the number of square feet of land area to be excavated:

9. Describe the proposed method of grading and reseeding and/or restoring the area after operations are complete; state your estimate of the total cost of such grading, reseeding, and restoration (use additional sheet if necessary):
10. Estimate the date on which operations will be complete:
11. Is the applicant prepared to furnish a surety company bond or cash to insure compliance with all conditions or requirements that may be imposed if a permit is granted?
12. Expenses for certified letters and publication will be paid by the applicant.
13. Attach reports and recommendations of Chief of Police and Highway Superintendent regarding hours of operation for excavation, trucking, and permitted routes and frequency of trucks from site to town limits.
14. Application fee to be submitted with this application - \$25.00
15. Permit fee when issued: (To be based on engineer's estimate in No. 5 above)

Up to 25,000 cu. yds.	\$100.00
26,000 to 50,000 cu. yds.	\$200.00
51,000 to 75,000 cu. yds.	\$300.00
76,000 to 100,000 cu. yds.	\$400.00
101,000 to 125,000 cu. yds.	\$500.00
126,000 to 150,000 cu. yds.	\$600.00
Over 150,000 cu. yds.	\$700.00

16. Permit if and when issued shall be personal to the named permit-holder and may not be sold, assigned, or otherwise transferred, mortgaged, pledged or encumbered.

The applicant hereby authorizes the Town of Littleton and its officers, agents, and employees to enter in upon the land herein before described from time to time hereafter for the purpose of inspection same, and in the event of permit issues, to ensure compliance with the conditions thereof. The applicant further agrees to advance such reasonable costs of engineering, surveying, and inspection as may be requested by the Select Board and understands that the failure to advance such costs upon request will be grounds for denial of this application, or revocation of the permit if issued.

In witness whereof the applicant has set (its) (his) (her) hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

Applicant is an individual ( ), partnership ( ), corporation ( ). If a corporation this application must be sealed with the corporate seal and the following vote certificate completed.

Certificate of Vote

I, \_\_\_\_\_, Clerk of \_\_\_\_\_, a corporation duly organized under the laws of \_\_\_\_\_, certify that \_\_\_\_\_ is the \_\_\_\_\_, of said corporation and was duly authorized by vote of the Board of Directors on \_\_\_\_\_ 20\_\_\_\_\_, to sign this application and agree on behalf of the corporation to any and all requirements and conditions that may be imposed by the Littleton Select Board in connection with this application and any earth removal permit that may be issued.

\_\_\_\_\_ DATE

## **5.0 Policy on Issuing Street Vendor Licenses**

**I. Purpose:** The existence of street vendors in Littleton provides a service to the public. The Town seeks to support such vendors to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes; business owners to public access to their business; and public safety.

**II. Definitions:**

Vend: Includes, but is not limited to, the following activities: selling of prepared goods, goods and sundries.

Vendor: A person who has obtained a permit pursuant to this policy.

Public area: All public sidewalks, paths, beaches, parks, playgrounds, and all other public ways and property in Littleton.

**III. Prohibition:** No person may vend in a public area without a license pursuant to this policy.

**IV. Standards for Issuance or Denial:**

A. An application for a license shall be in writing on the attached application form completed in full, signed by the applicant, and submitted with the application fee of twenty five (\$25) dollars to the Select Board's Office. The application fee may be waived at the Board's discretion for vendors whose sales proceeds are to be donated for charitable purposes.

B. If so requested, the applicant will be required to provide additional information pertaining to the details for the requested vending. If so requested the applicant will also be required to appear before the Select Board at one of its regularly scheduled public meetings to discuss the nature and details of the requested vending.

C. The Board reserves the right to deny a license if it deems the vending would create a nuisance or would endanger the public health, safety, or order by unreasonable increasing pedestrian traffic, or the incidence of disruptive conduct, or the level of disruptive noise in the area in which the performance is requested to take place.

D. A license shall be nontransferable, and shall contain the applicant's name, date(s) and location(s) in which the license is valid. The license shall be valid only for the dates and locations approved by the Board and specified on the license.

**V. Possession of License:**

The vendor must carry the license in his/her possession at all times while operating and allow inspection of the license by Littleton Police Officer.

**VI. Vendor Locations:**

Vendors will only be permitted in the following public areas:

- A. Great Road
- B. 300 King Street
- C. Littleton Common
- D. Town Beach

**VII. Other Restrictions:**

- A. Food Vendors must have in their possession a current valid food service permit issued by the Littleton Board of Health/Nashoba Associated Boards of Health.
- B. Vendors must have in their possession a handlers and peddlers license issued by the Littleton Town Clerk and must be registered with the Littleton Police Department.
- C. No vendor may obstruct pedestrian or vehicle passage along a public sidewalk or way.
- D. The Board reserves the right to limit the number of vendors permitted by location if it is deemed to be in the public interest.

**VIII. Violations:**

A Vendor who provides false information on the application may have his/her license permanently suspended. If a vendor is found to be in violation of any other provisions of this policy, the Chief of Police or his designee may suspend the license for no more than thirty days. Any license holder who wishes to dispute a suspension may appeal in writing to the Select Board.

## SECTION 4. TOWN POLICIES

### Policy 1, Policy on Plowing/Sanding Private Ways

[HISTORY: Amended 3/28/2000]

The Town of Littleton may plow and/or sand private ways that meet the following criteria:

1. An application requesting plowing/sanding of a private way is properly filled out and submitted to the Office of the Select Board prior to September 30 every year.
2. The private way must have been in existence on January 1, 1990. **Any road that is not currently being plowed will not be added to the list or considered for plowing in the future.**
3. The private way must be open to the public and/or be a connecting way between other public or private ways.
4. The private way must service a minimum of three residences.
5. Residents/abutters shall keep the way cleared of parked vehicles, trailers, campers, equipment, and stored materials.
6. The private way must meet the following minimum physical conditions.
  - a. **Road surface shall be a minimum 12 feet wide and preferably 16-18 feet wide.**
  - b. The way shall have adequate shoulder width (3-4 ft.) or other suitable locations for snow storage.
  - c. Tree branches shall be removed to a minimum height of 15 ft.
7. Residents/abutters of the private way shall petition the Select Board to plow and sand and shall provide the Town a hold harmless agreement.
8. The Select Board may grant exceptions to the above criteria due to unique circumstances/situations of the private way and/or abutters.
9. **Private ways serving one house will not be eligible for plowing and sanding. Private ways serving one house currently being plowed/sanded will be exempted from this policy**

**until such time as the house is sold. Upon the transfer of ownership the exemption from the policy will cease.**

**PETITION FOR THE REPAIR  
OR SNOW PLOWING OF PRIVATE WAYS**

**A. Name of Private Way:**

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**Description of Service Requested:**

**Plowing**       **Sanding**

**Major Repair (Explain, attach sheet if more space is required)**

**B. Contact Person:**      **Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**C. Indemnity:**

The property owner(s) below, hereby agree that as a precondition for the Town undertaking repair or maintenance activities on the above referenced private way, the property owner(s) shall indemnify and hold harmless the Town, its agents, officers, employees, and assigns (the "Town) from any and all liability, damages, and loss directly related to the Town's activities on the above referenced private way except for willful malfeasance and gross misconduct. This Agreement shall continue in full force and effect notwithstanding the termination or conclusion of the Town's activities on the private way.

**D. Date Submitted:** \_\_\_\_\_

**E. Name and Signatures of Abutters who approve:**

(Attach additional sheets if necessary)

**NAME: (Please Print)**

**Signature**

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**F. List any abutters who may disapprove or are unavailable:**

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**FOR TOWN USE:**

**H. Highway Superintendent's Recommendation:**

Approved subject to following conditions:

Disapproved based on the reasons below:

**I. Select Board's Decision by vote at a meeting on\_\_\_\_\_.**

Approved subject to the following conditions:

Disapproved for the following reasons:

**J. Petition returned to petitioners on\_\_\_\_\_.**

## **Policy 2, Policy on Recycling**

[HISTORY: Adopted 4-1-2000]

Massachusetts state regulation 310 CMR19.017 prohibits the disposal, or transfer for disposal of the following materials:

Glass Containers

Metal Containers

Narrow-neck Plastic Containers

Recyclable Paper

Yard Waste and Leaves

Lead Acid Batteries

White Goods (Appliances)

Tires

Cathode Ray Tubes (TV and Computer Monitors)

**THE FOLLOWING MATERIALS MUST BE RECYCLED:**

Glass (Bottles and jars only)

Tin and Aluminum Cans

Plastics (#1 and #2 Only)

Newspaper, cardboard and mixed paper

Yard Waste (Grass and Leaves)

Brush (Fee charged)

Auto and Household Batteries

Appliances (Fee charged)

Tires (16 inch maximum, fee charged)

Used Motor Oil and Antifreeze

Scrap metal

Returnable Cans and Bottles (for non-profit groups)

Cathode Ray Tubes (TV and Computer Monitors)

Salvation Army containers are also on site for reusable clothing.

**THE FOLLOWING MATERIALS ARE NOT ACCEPTABLE IN ANY CONTAINER**

- Sheetrock and wallboard
- Fiberglass insulation
- Asphalt shingles
- Combustibles (Gasoline, paint thinner, etc.)

## **Policy 3, Hiring Policy & Procedures**

[HISTORY: Adopted 1-12-2015]

The Human Resource Office (HRO), in conjunction with the Personnel Board and the Town Administrator, presents this Hiring Policy & Procedure document detailing the various steps and documents involved in a department's internal hiring process and standardizing those steps and documents (such as application forms, letters, etc.) as much as possible. This Hiring Policy & Procedure document is being made available to departments in an effort to make the hiring process fair and consistent throughout the Town and help avoid hiring missteps. The Hiring Policy & Procedure document contains the following sections:

Contents	
Introduction.....	1
Staffing Vacancy Review.....	1
Determine Need and Identify Financial Resources.....	2
Job Description.....	2
Prepare the Job Description.....	3
Classify the Job.....	3
Recruitment Plan.....	4
Vacancy Announcement.....	4
Obtain Initial Approval to Post.....	4
Prepare and Post the Vacancy Announcement.....	5
Screening Process.....	5
Develop Screening Criteria.....	6
Screen Cover Letters and Resumes.....	7
Telephone Screening.....	7
Interview.....	7
Employment Application Form Required.....	7
Guidelines for Structured Interviews.....	8
Convene an Interview Team.....	9
Prepare Interview Questions.....	10
The Rating Process.....	11
Conduct First Round of Interviews.....	12
Conduct Second Round of Interviews.....	13
Analyzing the Scores.....	13
Veteran's Hiring Preference .....	13
Final Selection.....	13

Check References.....	13
Recommend a Candidate for Hire.....	14
Approval/Appointment.....	14
Approval Process.....	14
Appendix A- Hiring Process Guide.....	1
Appendix B- Job Description.....	3
Appendix C- Application for Employment.....	4
Personal Information.....	5
Employment Desired.....	5
Education.....	6
Military Service Information.....	6
Immediate Family Working in the Town of Littleton.....	6
Employment History.....	7
Miscellaneous Job-Related Information.....	9
Appendix D- Applicant Pool Screening Form.....	12
Appendix E- Sample Questions.....	13
Appendix F- Individual Rating Form.....	15
Appendix G- Interview Summary and Ranking Form.....	16
Appendix I- Telephone Reference Check.....	17
Appendix J- Sample Appointment Request Template.....	18
Appendix Z- What you may and may not ask a candidate.....	20

## **Policy 4, Workforce Development Policy**

[HISTORY: Adopted 4-13-2015]

### **INTRODUCTION**

The Town is committed to providing excellence in the provision of all service. In order to sustain this level of excellence, it is imperative that the department/employee retain the highest levels of performance and adaptability in a changing work environment. The Town should seek to employ and retain motivated and competent employees. The foundation for this effort is the management of the entire workforce through short and long term planning for competencies and skills needed to carry out each Town position. This will be, in part, accomplished through ongoing workforce development as a concerted effort to development both existing and future employees from within and outside the organization. Management should, when possible, identify and develop employees with the potential to fill key leadership positions throughout Town government. The Personnel Board and Town Administrator shall serve as a resource for workforce development.

### **DEFINITION**

Workforce Development---a strategic approach to ensure that the necessary talent and skills will be available when needed and that essential knowledge and abilities will be maintained.

## **IMPLEMENTATION**

Management should, when possible, identify and develop employees with the potential to fill key leadership positions throughout Town Government.

### **A. Identify Key/Critical Positions**

- Specialized Leadership
- Unique Expertise
- Position is the Only One of its Kind in departments

Without motivated and competent employees, the department/town would be unable to effectively meet its business objectives.

### **B. Identify Competencies**

1. Understanding the capabilities needed for near term and future success is critical for guiding developing plans.
2. Setting clear performance objectives and measurement of achievement

### **C. Identify Workforce Development/Succession Management Strategies**

Critical positions and competencies have been identified, now human resource strategies need to be selected and implemented, e.g. internal talent pools and/or external recruitment initiatives, annual performance reviews and goal setting, and external training. Include financial support and other resources necessary to accomplish effective succession planning.

### **D. Document and Implement Workforce Development/Successions Plans**

Once human resource strategies have been identified, an action plan should be established to identify time lines, roles and responsibilities.

### **E. Evaluate Effectiveness**

On-going review, of critical jobs and the associated competencies, development plans and performance reviews, talent pools and recruitment initiatives, are critical in ensuring success.

## **SECTION 5. MISCELLANEOUS**

[HISTORY: Adopted 8-31-1992, reprinted 4-1998]

### **Policy 1, Town Administrator Policies & Employee Handbook**

The purpose of this document is to provide an overview of the administrative/personnel policies and practices of the Town of Littleton. The Town of Littleton is an Equal Opportunity Employer.

The Select Board may alter, amend, add or delete items within this document to maintain standards and practices with current employment practices. Reasonable notice will be given to all employees regarding changes, and updates to the document.

#### **1. PAYROLL**

The Town of Littleton employees are paid weekly. Payroll is submitted to the accounting Office before noon on Thursday of each week. Checks are issued the following Wednesday by the Treasurer's Office. When submitting payroll forms, any vacation days used or sick time taken should be indicated. The payroll department maintains a current record of the number of vacation days available. The last check of each month provides each employee with the number of vacation days they have available.

Direct deposit of paychecks is offered to all employees. The payroll office will electronically transfer your pay to any bank or to any credit union. You will receive a breakdown of your weekly earnings on a non-negotiable check form.

Employees may enroll in Workers Credit Union through the payroll office. Automatic deductions can be made through the payroll office and may be changed at any time.

##### **1.1 W-4 INCOME TAX WITHHOLDING**

Forms will be filled out at time of employment. You can change your deduction anytime by contacting the payroll office and filing a new W-4.

##### **1.2 MEDICARE TAX**

The hospital portion of FICA must be deducted from all employees hired after March 31, 1986.

##### **1.3 OBRA**

As a part-time, temporary or seasonal employee of the Commonwealth of Massachusetts, or a participating local government employer, you're required to contribute at least 7 1/2% of your compensation to the Commonwealth's Deferred compensation Plan. This mandatory contribution is in accordance with the Omnibus Budget Reconciliation Act of 1990 ("OBRA") and subsequent Massachusetts General Laws, Chapter 494.

#### 1.4 RETIREMENT SYSTEM

The Middlesex County Retirement System covers all employees working over 19.5 hours per week. Massachusetts Teachers Retirement System covers teachers only. All full time municipal employees are required to contribute to a pension plan in lieu of FICA. Identification that MUST accompany this form is a copy of employee's birth certificate and a marriage certificate if you use your spouse's name.

All retiring employees should contact Middlesex Retirement, Teachers Retirement and/or Social Security at least 3 months prior to their retirement date. You are eligible for Middlesex County Retirement benefits if you have at least 10 years of creditable service and are age 55 or older.

The Town offers two deferred compensation plans (457 Pension Plans), one with ICMA and one with Copeland Companies. They are both Federal and State tax deferred. Information is available in the payroll office.

### **2. VACATION**

The vacation policy as set forth below was adopted by the Town, May 4, 1987, and is a part of the Code of the Town of Littleton, Chapter 33, Article 1.

#### 2.1 ACCRUAL

Vacations shall be accrued at the rate of five-sixths (5/6) of a day per month, equaling ten (10) days per year from the date of employment. After the fifth year of employment, employees will accrue vacation at the rate of one and twenty-five hundredths (1.25) days per month, or fifteen (15) days per year. After the 10th year of employment, employees will accrue vacation days at a rate of one and two-thirds (1 2/3) days per month, or twenty (20) days per year. Vacations will normally be accrued with the anniversary date of employment as the starting date for the year's accrual.

#### 2.2 UNUSED VACATION AT TIME OF TERMINATION

In the event of termination for any reason, the employee will be paid for the full amount of vacation pay accrued to the date of termination. If the employee has taken more vacation time than accrued at the time of termination, the time not accrued will be deducted from the final paycheck.

#### 2.3 SCHEDULING OF VACATION

Vacation will be taken at the convenience of the department. Every effort will be made to arrange for the employee to have the vacation time as desired. However, all operations have to be covered at all times, and the employees with the greatest length of service will have the first choice of time.

2.4 **CARRY-OVER OF ACCRUED TIME**

Employees may not carry over accrued vacation time beyond July 1 of the year after vacation accrued except with approval of the department head.

2.5 **BASIS FOR ACCRUAL**

Vacations are based on a full-time employee working a regular forty-hour week or as designated within the specific department. Permanent part-time employees working twenty (20) hours or more a week will accrue at a proportional rate of vacation time. Permanent part-time employees working less than twenty (20) hours per week are not eligible for vacation.

**3. INSURANCE COVERAGE**

The Town of Littleton offers the following life and health insurance coverage to its employees. Permanent employees working a minimum of 20 hours per week are eligible for coverage under the Town's health and life insurance policies.

3.1 **HEALTH INSURANCE**

3.11 **ACTIVE EMPLOYEES**

The Town of Littleton pays 70% and the employee pays 30% of health insurance premiums. These deductions are taken automatically from the employees paycheck. Health insurance is offered at time of employment or during open enrollment ONLY. Under the COBRA law, employees may be entitled to continued coverage in our group health insurance plan effective upon termination of employment. The employee is responsible for 102% of the premium. Specific information is available at the payroll office.

Open enrollment is offered once a year, usually in April. At this time employees have the opportunity to change their current benefit plans and coverages to suit their personal needs. Employees will be notified by the payroll department of the dates of open enrollment and when any changes become effective.

If you are an active employee 65 or over you will remain on your current Health insurance plan until you retire. At age 65, if you are Medicare eligible, you should apply for your Medicare coverage through Social Security and defer your part B coverage until retirement. You are entitled to Medicare coverage even if you are not yet collecting Social Security benefits.

3.1.2 **RETIRED EMPLOYEES**

Retired employees under 65 will be covered by the Town's health plans until age 65 at which time they must carry Medicare as their primary insurance and can also be covered by the town's Medigap insurance plans.

Retired employees not eligible for Medicare will be able to remain on their present coverage upon filing a Medicare health insurance information form available through the payroll office.

Employees are eligible for continued medical coverage after retirement if they have been employed by the Town for at least 10 years and have been a subscriber in our health care program for at least 5 years prior to retirement. The cost of coverage is 70% paid by the town and 30% by the individuals.

### 3.2 LIFE INSURANCE

#### 3.2.1. BASIC LIFE INSURANCE

The Basic Life Insurance is for \$10,000. The Town pays 70% and the employee pays 30% of the cost, this is automatically taken from the employee's paycheck. This is term insurance and expires with termination. Retirees' coverage drops to \$5,000. Life insurance is offered to new hires at the time of their employment only. If you do not take this insurance you must sign a waiver card.

#### 3.2.2. OPTIONAL LIFE INSURANCE

Employees can carry additional life insurance through Boston Mutual. Rates are based upon the amount of insurance and age. Premiums are fully paid by the employee. You must carry the basic insurance to qualify for the optional. If you should terminate you may continue to carry this policy.

## 4. SICK LEAVE POLICY

### 4.1 SHORT TERM DISABILITY

Town of Littleton employees who experience an illness/injury that causes a continuous and uninterrupted absence up to 180 calendar days/six (6) months, will be considered to be on a short term disability. Employees are compensated at 100% of full weekly base pay. Any absence that exceeds three continuous and uninterrupted working days requires a physician's statement to be reinstated for work.

### 4.2 LONG TERM DISABILITY

This policy will address the extended and long term disability benefits as of the 181st calendar day. This benefit is intended to cover employees for extended disabilities.

While on Long Term Disability, employees will not continue to accrue vacation time, sick days, holidays, but will continue to participate in other benefits on the same basis as active employees.

Seniority will freeze at current level after one year of sick leave (6 months of short term disability/6 months long term disability).

Employees will not hold employment of any type during period of Long Term Disability. Violation will result in termination of sickness benefits and employment with the Town of Littleton.

Use of Long Term Disability will be considered on a per illness basis and shall not be prorated during the employee's employment by the Town of Littleton.

Subsequent illnesses within a six months' period will be reviewed by the Town Physician.

#### **4.3 METHOD OF PAYMENT FOR LONG TERM DISABILITY**

1. Employee will have been absent from full time work for a period of 180 calendar days consecutively.
2. Employee applies to Town of Littleton for Long Term Disability Benefit:
  - A. Requires an employee's physician statement.
  - B. Requires review by Town physician.
3. Upon approval of Town of Littleton, benefits shall begin immediately.
4. Employee must present Town of Littleton with physician's documentation indicating necessity of continued Long Term Disability Benefit at six month intervals.
5. Employee's return to work must be reviewed by Town Physician to insure employee is physically able to do the job.

#### **4.4 BENEFIT PAYMENT SCHEDULE**

The Long Term Disability Benefit will equal 60 months (calendar months rather than working days), or the length of service employee has with the Town of Littleton, whichever is greater.

1. The employee will be compensated at 80% of full weekly base pay for a period of 18 calendar months. Rate of pay is calculated from the first day of disability.
2. The remaining calendar months will be compensated at 60% of full weekly base pay. Rate of pay is calculated from the first day of disability.
3. Benefit includes annual review by the Town of Littleton.

#### **4.5 EXCEPTIONS**

1. The Town of Littleton may reduce the Long Term Disability Benefit if the employee receives Social Security, Federal, State or County allowances. Total amount of allowances including these benefits is not to exceed 100% of full weekly base pay.

2. Employees, eligible or accepted for retirement are not eligible for Long Term Disability benefits, and/or will no longer receive the Long Term Disability benefit upon filing for retirement benefits.

## **5. HOLIDAYS**

Eleven holidays will be granted per year as follows:

New Years Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

Should a holiday fall on Saturday, it will be celebrated the Friday before and whenever a holiday falls on Sunday, it will be celebrated the following Monday.

If an employee is on vacation and a holiday falls in that week, the employee will not be required to use a vacation day for the holiday.

## **6. JURY DUTY**

Employees required to report for jury duty shall submit their notice to their immediate supervisor. Employees will receive payment for their normal work hours while attending jury duty. Employees should notify their supervisor of their jury status on a daily basis.

## **7. BEREAVEMENT LEAVE**

Three days bereavement leave shall be afforded to employees upon the death of family members in the first degree of kindred to include spouse, parents, step-parents, siblings, step-siblings, children, and step-children, grandparents, and parents of spouse.

Vacation time will be granted for use as bereavement upon the death of family members not specifically mentioned above. Vacation time will be granted to those employees who require additional bereavement leave.

## **8. MILITARY LEAVE**

Any employee in an active military reserve unit or the National Guard called to active duty will be given Military Leave. Employees should provide adequate notice of the dates of their military duty to their supervisor. Vacation days accrued will not be affected by military duty. Employees will be paid their regular salary during the time of their military duty.

## **9. PRE-EMPLOYMENT PHYSICAL**

It shall be the policy of the Littleton Select Board to require all newly hired employees who will work more than 20 hours per week and receive benefits (vacation, sick leave, health insurance, life insurance, etc.) to undertake a pre-employment physical prior to commencing work for the Town of Littleton. This policy is effective July 1, 1993.

## **10. PAST EMPLOYMENT SERVICE - CREDIT FOR VACATION**

**The Select Board have voted to accept the following policy, however, it has not been voted by the Town to be a part of the Code of the Town of Littleton.**

A permanent full-time or permanent part-time non-union employee who has left the service of the Town voluntarily and who is re-employed, within two (2) years, shall after one (1) year of service receive credit for prior employment service in the calculation of the vacation benefit.

## **Policy 2, Budget Process**

The budget process is a continuous, cyclical process that is the means by which local officials and Town Meeting decide how and where available municipal funds will be spent. There are several steps to this process.

The first step is the planning stage where revenue and expenditure estimates are developed for the coming budget year. Revenue estimates are developed by the Town Administrator, Town Accountant and Tax Collector based on actual revenues from previous years, projections based on year-to-date collections and other factors effecting revenue collections. Expenditure estimates take into account fixed costs such as debt service, insurance, contractual agreements and prior year deficits. In examining revenue and expenditure estimates it is possible to determine the amount of discretionary funding available in any given year. This planning phase generally takes place between July and September.

In October and November, the Select Board and the Finance Committee jointly develop budget guidelines to assist the departments in preparing budgets that fall within expectations. A budget kickoff meeting is generally held in November where prior year budget information and new budget forms are distributed to all departments. Additionally, previous year's revenue or capital planning data is distributed.

Experience has shown that using a common format results in more meaningful budget data.

In December, budget requests are submitted to the Town Administrator. The Finance Committee does review of the budget requests during January and February. By March, the final budget recommendations are incorporated into the Town Meeting warrant.

At Annual Town Meeting in May, the Select Board and the Finance Committee present the recommended budget to Town Meeting members who have the final say on the budget. Following town Meeting and throughout the year, departments monitor their spending and keep expenses within their approved budgetary line items.