



Truro Board of Selectmen Meeting
Tuesday, December 5, 2017
Regular Board of Selectmen Meeting - 5:00pm
Truro Town Hall - 24 Town Hall Road

1. PUBLIC COMMENT

- A. Open the Regular Meeting
- B. Public Comment Period - *The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda*

2. PUBLIC HEARINGS NONE

3. BOARD/COMMITTEE/COMMISSION APPOINTMENTS

- A. Review and Approve the Appointment of Nancy Fewichel, Diane Messinger, and Ewa Nogiec to the Recycling Committee

4. TABLED ITEMS NONE

5. BOARD OF SELECTMEN ACTION

- A. Designate Budget Task Force Members
Presenter: Rae Ann Palmer, Town Manager
- B. Discussion of Police Chief Search Committee
Presenter: Rae Ann Palmer, Town Manager
- C. Review of Board of Selectmen Policies Revised by Town Counsel
Presenter: Kelly Clark, Assistant Town Manager
- D. Review of Board of Selectmen Policies
Presenter: Kelly Clark, Assistant Town Manager

6. CONSENT AGENDA

- A. Review/Approve and Authorize Signature:
 - 1. *None*
- B. Renewal of Annual Licenses-Truro Vineyards Lodging License

7. SELECTMEN REPORTS AND TOWN MANAGER REPORT

8. SELECTMEN COMMENTS

9. NEXT MEETING AGENDA: Tuesday, December 12 and December 19



Agenda Item: 3A

TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Recycling Committee

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: December 5, 2017

ITEM: Approval of Appointment of Nancy Fewichel, Diane Messinger, and Ewa Nogiec

EXPLANATION: Nancy Fewichel, Diane Messinger, and Ewa Nogiec submitted Applications on November 6, 14 and 15, 2017 to serve on the Recycling Committee.

The Recycling Committee consists of five full membership terms and one alternate membership term. There are currently four vacancies. Two members did not seek reappointment. One member still has current membership and the former Chair Normand "Tippy" Scherer, would like to remain on the Committee but not as Chair, his appointment however expired. Administration is currently waiting on the required signed documents and an Application to Serve from Mr. Scherer.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The vacant positions on the Recycling Committee will remain open and the Committee will not be able to hold a meeting.

SUGGESTED ACTION: *MOTION TO appoint Nancy Fewichel, Diane Messinger, and Ewa Nogiec to the Recycling Committee for terms to expire June 30, 2020.*

ATTACHMENTS:

1. Applications to Serve



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: NANCY FEWICHEL HOME TELEPHONE: [REDACTED]
 ADDRESS: 2 MARIAN LANE WORK PHONE: [REDACTED]
 MAILING ADDRESS: PO BOX 459 E-MAIL: [REDACTED]
 FAX: [REDACTED] MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: RECYCLING

SPECIAL QUALIFICATIONS OR INTEREST: I am a (very) small farmer
with goats and a large garden interested in
sustainable agriculture. I also would like to
re-vitalize the swap shop at the transfer station
 COMMENTS: which I think is a vibrant recycling
area as well as an informal community
center and an important resource for
many Truro residents.

SIGNATURE: Nancy Fewichel DATE: 11/14/17

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL) _____

SIGNATURE: _____ DATE: _____

INTERVIEW DATE: _____ APPOINTMENT DATE (IF
 APPLICABLE): _____

RCUD 2017NOV15 am213
 ADMINISTRATIVE OFFICE

TOWN OF TRURO



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: Heidi Messenger HOME TELEPHONE: [REDACTED]

ADDRESS: 3 BLUEBERRY LN WORK PHONE: [REDACTED]

MAILING ADDRESS: PO Box 683 E-MAIL: [REDACTED]

FAX: _____ MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: _____

Recycling Committee

SPECIAL QUALIFICATIONS OR INTEREST: _____

I think the clothing especially is a needed
public service

I am a good organizer, I use the SWH &

COMMENTS: like it very

RCVD 2017 NOV 6 AM 8:58

ADMINISTRATIVE OFFICE

TOWN OF TRURO

SIGNATURE: Heidi Messenger DATE: Nov 6, 2017

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL) _____

SIGNATURE: _____ DATE: _____

INTERVIEW DATE: _____ APPOINTMENT DATE (IF
APPLICABLE): _____



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: EWA NOGIEC HOME TELEPHONE: [REDACTED]

ADDRESS: 14 South Highland WORK PHONE: [REDACTED]

MAILING ADDRESS: Box 675 E-MAIL: [REDACTED]

FAX: _____ MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: _____

RECYCLE COMMITTEE

SPECIAL QUALIFICATIONS OR INTEREST: _____

I'm very, very, very upset
about Truro SWAP SHOP and
I want to help make things better.

COMMENTS: _____

Please, consider my name,
when making selection. I'll
work hard with smile!

SIGNATURE: [Signature] DATE: 11/14/17

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL) _____

SIGNATURE: _____ DATE: _____

INTERVIEW DATE: _____ APPOINTMENT DATE (IF
APPLICABLE): _____

RCVD 2017NOV14 PM12:39
ADMINISTRATIVE OFFICE
TOWN OF TRURO



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

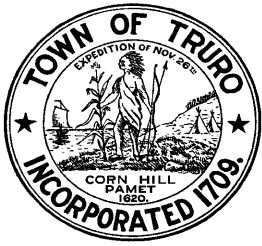
REQUESTED MEETING DATE: December 5, 2017

ITEM: Discussion on Designating Budget Task Force Members

EXPLANATION: In accordance with the Town Charter, the Budget Task Force is comprised of two members of the Board of Selectmen, two members of the Finance Committee, the Town Manager and the Town Accountant. The Assistant Town Manager and the pertinent Department Head will also participate. The Chair requested that this item be place on the Agenda for the Board to designate the two representatives. All meetings will be posted so that any member may attend.

SUGGESTED ACTION: *MOTION TO appoint Selectpersons _____ and _____ to represent the Board on the Budget Task Force.*

ATTACHMENTS: None



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: December 5, 2017

ITEM: Discussion of Police Chief Search Committee

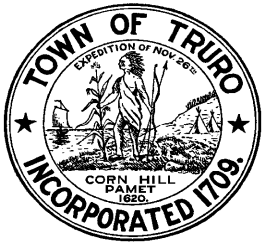
EXPLANATION: Information has been forwarded to Badgequest to begin the recruitment for a permanent Chief of Police. As previously determined, the Search Committee will consist of two Board of Selectmen members, the Town Manager, a sworn member of the Police Department, and three citizens.

At a meeting of the Police Department staff that I attended to discuss their participation, the police staff requested that a civilian also be represented on the Search Committee. To create a Search Committee with an odd number of members, I recommend that we add a fourth community member to the group for a total of nine members. I have received informal inquiries from several community members about participating in the search process.

The Board of Selectmen may wish to name their two members and me to the committee and request applications to serve from the interested community members. The Police Department voted to elect their representatives and their members can be appointed once I receive official notification of the results.

Or the Board may request applications from the interested community members and table further action until a future meeting at which time a full committee may be appointed.

SUGGESTED ACTION: *Motion to*



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Kelly Sullivan Clark, Assistant Town Manager

REQUESTED MEETING DATE: December 5, 2017

ITEM: Review of Board of Selectmen Policies Revised by Town Counsel

EXPLANATION: In accordance with the 2018 Goals and Objectives, the Board of Selectmen is reviewing all Selectman's policies for updating, rescinding or affirming. The following policies have been reviewed by Town Counsel and are now ready for your review:

1. Policy #22 *Drug and Alcohol Testing Policy for Employees in Positions Requiring a Commercial Driver's License (CDL) and which are Subject to Regulation by the U.S. Department of Transportation*
2. Policy #32 *Gift Acceptance Policy*

Town Counsel and Town staff recommend the following changes:

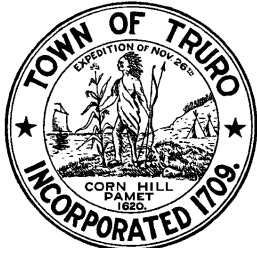
Policy #22—Town Counsel made edits to include operating Town-leased vehicles and clarified the definition of alcohol and what happens if an employee refuses to be tested (page 10). References to Town Administrator were changed to Town Manager and the Collective Bargaining Amendment letter was updated.

Policy #32—Previously, Town staff modified the policy to reflect where earned interest should be directed, a new process for how gifts-in-kind are accepted, and how the worth of items will be evaluated. Town Counsel approved these changes and added grant acceptance to the overall policy. Town Counsel also included reference to relevant Massachusetts General Law. Based on discussion at the November 14, 2017 Board meeting, the following line was added to the top of page 2 and was reviewed by Town Counsel, "At the time that a gift is accepted, the Town along with the donor will determine whether the gift should be kept in perpetuity or may be declared surplus at a later date."

SUGGESTED ACTION: *MOTION TO accept proposed revisions for Policies 22 and 32.*

ATTACHMENTS:

1. Board of Selectmen Policy – Current and With Recommended Changes



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

24 Town Hall Road

Tel: (508) 349-7004 Fax: (508) 349-5505

Policy Memorandum #22, Revised

Date: October 27, 1998

Subject: **DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL) AND WHICH ARE DEFINED AS SAFETY-SENSITIVE**

I. Policy

It is the policy of the Town of Truro: to ensure that its employees are provided a safe and healthful work place for the conduct of Town business and that they are not impaired by alcohol ("alcohol") and drugs, controlled substances and other mind-altering substances (hereinafter referred to separately and jointly as "controlled substances"); to prohibit the use, sale, manufacture, distribution, purchase or possession of alcohol and/or controlled substances by a driver while on Town property or in the performance of Town-related job tasks or while operating Town-owned (or leased) vehicles. The purpose of the Department of Transportation regulations and the Town's policy and program is to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by our drivers. In keeping with this policy, employees are required to report to work fit for duty and to refrain from activities during the work day which would impair their abilities to perform their duties.

This policy provides for drug testing for five controlled substances (marijuana, cocaine, opiates, amphetamines, including methamphetamines, and phencyclidine), as well as breath testing for alcohol. This policy is promulgated under the independent authority of the Town of Truro and complies with the Department of Transportation regulations concerning drug and alcohol testing of those commercial driver's license (CDL) employees required to be tested under the applicable Federal regulations.

The Town recognizes its obligation to abide by any applicable requirements under state and federal laws prohibiting discrimination against the handicapped. Employees are expected to seek assistance before their dependency renders them unable to perform the essential job functions and/or jeopardizes their health and safety and the health and safety of co-workers and others.

All drivers are hereby advised that full compliance with this Policy is a condition of employment.

II. Definitions

- A. Alcohol Use means the consumption of any beverage, mixture or any preparation, including any medication, containing alcohol.
- B. Alcohol Concentration, also called **Alcohol Content**, means the alcohol in a volume of breath (expressed as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test, such as a breathalyzer.
- C. Breath Alcohol Technician means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.
- D. Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle -
1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a GVW rating of more than 10,000 pounds; or
 2. Has a gross vehicle weight rating of 26,001 or more pounds; or
 3. Is designed to transport 16 or more passengers, including the driver.
- E. Conformation Test
1. In **alcohol testing**, means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative measurement of alcohol concentration.
 2. In **drug testing**, means a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from, and uses a different technique and chemical principle from, that of the alcohol screening test.
- F. Controlled Substances In this policy, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:
- Marijuana
 - Cocaine
 - Opiates
 - Phencyclidine (PCP)
 - Amphetamines, including methamphetamines
 - Halucinogens

- Narcotics
- Cannabinoid
- Any substance for which a prescription is required which has not been obtained or followed by the Driver.
- Any substance the use of which impairs the Driver's ability to safely perform a safety sensitive function.
- Derivation or combination of any of the substances contained in this list.

G. Driver means any person who operates a commercial motor vehicle (CMV) including:

- full-time, regularly employed drivers
- casual, intermittent or occasional drivers
- leased drivers
- independent, owner-operator contractors who are either directly employed by or under contract to the Town or who operate a CMV at the direction of or with the consent of the Town.

H. Evidential Breath Testing Device means the piece of equipment used for alcohol breath testing that has been approved by the National Highway Safety Administration.

I.. Medical Review Officer means a licensed physician (either a medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

J. Screening Test

1. In **alcohol**, testing means the initial test to determine if a driver has a prohibited concentration of alcohol in his/her system.
2. In **controlled substances**, testing means a test to eliminate "negative" urine specimens from further consideration.

K. Performing a Safety Sensitive Function means a driver is considered to be performing a safety sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety sensitive function.

L. Safety Sensitive Function means any of the following on-duty functions:

1. All time on Town property, public property, or other property waiting to

be dispatched or drive;

2. All time inspecting, servicing or conditioning any commercial motor vehicle at any time;
 3. All driving time;
 4. All time other than driving time in or upon any CMV;
 5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
 6. All time spent performing driver requirements relating to accidents;
 7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- M. Substance Abuse means the patterns of substance abuse that result in health consequences or impairment in social, psychological and occupational functioning.
- N. Substance Abuse Professional, or SAP, means a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substance-related disorders.
- O. Supervisor means any person, including any Working Foreman, Crew Leader, Superintendent, Manager, Director, or other authorized official or authorized agent of the Town who assigns or allows persons to operate a CMV, who supervises such assignment or driving, or who observes such assignment or driving.
- P. Refusal to Submit to an Alcohol or Controlled Substances Test means that a driver:
1. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirements for breath testing; or
 2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or

3. Engages in conduct that clearly obstructs the testing process.

III. What Are the Prohibitions?

The Department of Transportation refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

IV. Alcohol Prohibitions are tied to the performance of safety-sensitive functions in the following ways:

- A. Alcohol Concentration: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No supervisor having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
- B. Alcohol Possession: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol. No supervisor having actual knowledge that a driver possesses alcohol may permit the driver to drive or continue to drive a commercial vehicle.
- C. On-Duty Use: No driver shall use alcohol while performing safety-sensitive functions. No supervisor having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
- D. Pre-Duty Use: No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety-sensitive functions.
- E. Use Following an Accident: No driver required to take a post accident alcohol test under this policy shall use alcohol for (8) hours following the accident, or until he/she undergoes a post accident alcohol test, whichever is first.

V. Substance Abuse Prohibitions

- A. Use Prior To or On-Duty: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV, and the town has approved, in advance, the driver's performance of safety-sensitive functions under these circumstances.

It is the driver's responsibility to inquire and provide the Town with satisfactory medical documentation that the prescribed substance will not impair the driver's ability to safely perform the duties of the position. The Town may obtain an opinion from its own physician(s). The driver will fully cooperate (release of medical and medication records, etc.) with the Town's efforts to obtain an opinion from its own physician(s).

No supervisor having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

- B. Controlled Substances Testing: No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for controlled substances. No supervisor having actual knowledge that a driver tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions. No supervisor having actual knowledge that a driver possesses a controlled substance shall permit a driver to perform or to continue to perform safety sensitive functions.
- C. No driver shall manufacture, distribute, sell or possess a controlled substance while on the job or Town property.

VI. What Tests are Required and When Will An Employee Be Tested?

A. Pre-Placement Testing

When: As a condition of employment, each applicant for a position requiring the performance of a safety sensitive function is required to provide written authorization for all employers of the applicant within the last two years to release records relating to any alcohol or drug tests administered to the applicant. This includes new employees as well as candidates for promotion or transfer to a position requiring the performance of a safety sensitive function.

Note: No person will be considered for a Driver's position who has a positive pre-placement test for alcohol and/or drugs, has had a positive test under an Employer's Drug and Alcohol policy within two years of the application for the position, who refuses the test or who has refused a test under an Employer's Drug and Alcohol policy within two years of the application for the position.

B. Post-Accident Testing

When: Following an accident in which -

1. A life was lost, or
2. The driver was cited for a moving traffic violation.

3. There is other reasonable suspicion, as described herein.

Post-accident alcohol testing should be done within two (2) hours of the accident. If an alcohol test is not administered within two (2) hours, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight (8) hours of the accident, the supervisor shall cease attempts to obtain a test and shall prepare and maintain the same record. Post-accident Controlled Substance Testing should be administered within 32 hours following the accident. If not, the supervisor shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.

An employee who is subject to post-accident testing shall remain readily available for such testing or will be deemed by the Town to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local requirements and that the results of the tests are obtained by the employer.

If the employee is hospitalized and unable to perform the requirements of a test, the employee or his or her legal representative shall provide all necessary authorization for the Employer to obtain medical records and reports, including hospital and laboratory records and reports, to determine whether there were any controlled substances or alcohol in the employee's system at the time of the accident.

C. Random Testing

Unannounced random testing for both alcohol use and substance abuse is required. A random selection process shall be used to ensure that each driver has an equal chance of being tested each time selections are made. Each driver who is notified of selection for random alcohol and/or controlled substance testing will proceed to the designated test site immediately, provided, however, that if a driver is performing a safety-sensitive function at the time of notification, the driver shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.

When: The minimal annual percentage rate for random alcohol testing shall be

twenty-five percent (25%) of the average number of driver positions, unless a higher or lower percentage rate is established by the Federal Highway Administrator. The minimum annual percentage rate for random controlled substances testing shall be fifty percent (50%) of the average number of driver positions.

Random alcohol and controlled substances tests conducted under this policy will be unannounced and the dates for administering the tests will be spread reasonably throughout the calendar year.

A driver shall only be tested for alcohol while performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. Random testing for drugs may be done at any time.

D. Reasonable Suspicion Testing

When: Drivers shall be required to submit to an alcohol test when a supervisor has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning alcohol, except for Section IV, Part "B", entitled Alcohol Possession. The supervisor's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, explainable observations concerning the appearance, behavior, speech or body odors of the driver. Drivers shall be required to submit to a controlled substances test when the supervisor has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning controlled substances.

The supervisor's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. It is understood that any evidence of violations of the prohibitions of this policy, whether regarding alcohol or drug use, when found on Town property or Town equipment, the Town has the right to take custody of said evidence.

1. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor who is trained in accordance with this policy. The person who makes the determination shall not conduct the alcohol test of the driver.
2. Alcohol testing is authorized by this section only if the observations required by the first paragraph of this section are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this part.

3. If an alcohol test required by this section is not administered within two (2) hours following the determination under the first paragraph of this section, the supervisor shall prepare and maintain on file a record stating the reasons why the alcohol test was not properly administered. If an alcohol test required by this section is not administered within eight (8) hours following the determination under the first paragraph of this section, the Town shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
4. Notwithstanding the absence of a reasonable suspicion for an alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse, nor shall the Town permit the driver to perform, or continue to perform, safety-sensitive functions until:
 - a. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02, or
 - b. Twenty-four (24) hours have elapsed following the determination under the first paragraph of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.
5. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

VII. Return to Duty and Follow-up:

When:

- A. Return to duty testing is required for drivers who violate prohibitions and are returning to work. In order to return, an alcohol concentration of less than 0.02 or a negative drug test is required.
- B. Follow-up testing is required when a driver returns to a safety-sensitive function. A minimum of six (6) tests shall be performed during the first year back in a safety-sensitive position. However, the Town may require follow-up testing for up to five (5) years.

VIII. What Happens If An Employee Refuses to be Tested?

All safety-sensitive employees must submit to alcohol and drug testing. If an employee

refuses to be tested, he/she cannot continue on the job.

Refusal to test is considered to be any time an employee either fails to provide enough breath for alcohol testing or enough urine for controlled substances testing without a valid medical reason after being notified of the testing requirements, or if the employee clearly obstructs the testing process.

Refusal to submit to a test called for under this policy will be considered a positive test result and treated accordingly. At the Town's option, a refusal to be tested may be treated as a voluntary resignation.

IX. How is Alcohol Testing Done?

- A. All alcohol testing is done by a certified Breath Alcohol Technician or BAT, in a private setting where only the BAT and the employee can see or hear the results. An Evidential Breath Testing device (EBT) approved by the National Highway Safety Administration shall be used.
- B. The employee must provide his/her CDL license for identification. The employee may ask the BAT for his/her identification as well.
- C. To complete the test, the employee must blow forcefully into the mouthpiece of the testing device. The BAT must show the employee the test result on the testing device.
- D. A screening test is done first. If the reading is less than 0.02, the employee shall sign the certification and fill in the date on the form. The test will be reported as negative to the Town.
- E. If the reading on the EBT is 0.02 or greater, a confirmation test shall be done after 15 minutes, but within 20 minutes of the first test. The employee shall not be allowed to eat, drink, belch or put anything in his/her mouth. These steps are necessary to prevent the buildup of mouth alcohol, which could lead to an artificially high test result.
- F. If the screening and confirmation test results are not the same, the confirmation test result shall prevail.
- G. If an employee refuses to be tested or to sign the testing form, the BAT shall immediately notify the Town.

X. How is Drug Testing Done?

- A. Drug testing is done by analyzing a urine sample, which is collected in a private location.

- B. Urine specimens are divided into two containers by the collection site person in your presence. These two samples, called "primary" and "split", are sent to a State certified testing laboratory.
- C. At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required.
- D. The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.
- E. If the first test is positive, the Medical Review Officer (MRO) shall notify the employee to find out if there is a medical reason for the drug use. If the employee is able to document why the substance is being taken and the MRO finds it is a legitimate medical use, the test may be reported as negative to the Town.
- F. After being notified that the first test was positive, the employee has 72 hours to request a test of the split specimen. Upon this request, the split specimen shall be sent to another DHHS-certified laboratory for the test.
 - 1. If the employee does not contact the MRO within 72 hours, the test shall be reported as positive.
 - 2. If the employee does not contact the MRO within 72 hours, but can prove to the MRO a legitimate reason for not doing so, the MRO can order the split specimen tested.
 - 3. If the MRO is unable to contact the employee, he/she shall contact the Administrative Secretary/Licensing Agent who shall make reasonable efforts to contact the employee and request him/her to contact the MRO.
 - 4. Removal from safety-sensitive duty as required by the DOT following a positive drug test is not delayed to await the result of the split specimen test.

XI. Referral, Evaluation and Treatment

A. Each driver who has engaged in conduct prohibited by this policy shall be advised by the supervisor of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. The Town is required by law to make treatment accessible to the employee. The Town is not, however, required to hold a job open while an employee undergoes treatment or to pay for rehabilitation.

In circumstances where the Town allows an employee who has engaged in conduct prohibited by this policy to retain employment with the Town, the failure to successfully complete a treatment program will result in disciplinary action, up to and including termination of employment.

- B. Each driver who engages in conduct prohibited by this policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances abuse.
- C. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.
- D. In addition, each driver identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall,
 - 1. Be evaluated by a Substance Abuse Professional (SAP) to determine that the driver has properly followed any rehabilitation program prescribed under paragraph "B" of Section XI, and
 - 2. Be subject to unannounced follow-up alcohol and controlled substances tests administered by the Town following the driver's return to duty.

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 12 months following the driver's return to duty. The Town may direct the driver to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, if the Substance Abuse Professional determines both are necessary for a particular driver. Any such testing shall be performed in accordance with the requirements established by the Federal Highway Administrator. Follow-up testing shall not exceed sixty (60) months from the date of the driver's return to duty. The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines such testing is no longer necessary.

- E. The requirements of this section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a Pre-placement alcohol or controlled substances test or who have a pre-placement alcohol test with a result indicating an alcohol concentration of 0.02 or greater or a controlled substances test with a verified positive test result.

XII. Retention of Records

Records of the alcohol misuse and controlled substances use prevention program shall

be maintained on a confidential basis in a secure location. All records shall be prepared, retained and released in accordance with applicable Federal Highway Administration Rules and Department of Transportation Regulations.

A driver is entitled, upon written request, to obtain copies of any records pertaining to his/her use of alcohol or controlled substance, including any records pertaining to his/her alcohol or controlled substance tests. A driver may also release information to another identified person by a specific written request. Any other release of information must be in strict compliance with Federal law and/or rules.

Generally, driver alcohol and controlled substance testing records are confidential. Generally, release of this information may only be made with the driver's consent or in response to a court order. However, test results and other confidential information may be released to the Employer, the Substance Abuse Professional, the Medical Review Officer, and for any proceeding arising from the results of an alcohol or controlled substance test, including a grievance or arbitration hearing.

XIII. Employer Notifications

The Town will notify a driver of the results of a Pre-placement controlled substance test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application. The Town shall notify a driver of the results of random, reasonable suspicion and post accident tests for controlled substances conducted under this part if the test results are verified positive. The Town shall also inform the driver which controlled substance or substances were verified as positive.

XIV. What are the Consequences of Violating the Alcohol or Drug Prohibitions?

A. Alcohol violations:

1. Removal from safety-sensitive functions;
2. Following a violation, a driver cannot return to a safety-sensitive function until an evaluation has been done and a recommended treatment has been completed;
3. Anyone with an alcohol concentration of 0.02 or greater, but less than 0.04, cannot return to safety-sensitive duties for at least 24 hours.

B. Drug violations:

1. Removal from safety-sensitive functions;
2. A driver cannot return to a safety-sensitive job until an evaluation has been performed, recommended therapy is completed and a verified negative drug test is produced.

- C. No supervisor shall permit a driver who has engaged in conduct prohibited by this policy to perform safety-sensitive functions, driving a CMV unless the driver has met the requirements of the Referral, Evaluation and Treatment section of this policy.

D. Massachusetts Safety Rules:

Massachusetts has adopted certain Commercial Motor Vehicle Safety Act Rules which affect drivers. These rules are spelled out on Page 1-4 and 1-5 of the Massachusetts Commercial Drivers License Manual. The ones most relevant to this policy are:

1. Employee must notify the Town within 30 days of a conviction for any traffic violation (except parking). This is true no matter what type of vehicle he/she was driving.
2. Employee must notify the Town if his/her license is suspended, revoked, or cancelled, or if he/she is disqualified from driving.
3. Employee will lose his/her Commercial Driver's License (CDL) for at least one year for a first offense if he/she drives a commercial motor vehicle under the influence of alcohol (i.e., with a blood alcohol concentration of 0.04 percent or more) or a controlled substance. He/She will lose his/her CDL for life for a second offense.
4. Employee will lose his/her CDL for at least one year if he/she leaves the scene of an accident involving a commercial motor vehicle he/she was driving.

- E. **ANY VIOLATION OF THE PROHIBITIONS OF THIS POLICY, INCLUDING THE PROHIBITIONS CONTAINED HEREIN, IS A VERY SERIOUS OFFENSE. IN ADDITION TO ANY OTHER CONSEQUENCES SET FORTH IN THIS POLICY, A VIOLATION WILL SUBJECT AN EMPLOYEE TO DISCIPLINE UP TO AND INCLUDING DISCHARGE.**

XV. Employee Training

The Town will provide each employee with this policy as educational material that explains the requirements of the applicable Federal Law and Rules, the Town policy and requirements, and the procedures with respect to meeting the requirements.

XVI. Compliance With Law/Severability

Should any of the provisions of this Policy be determined by a court of competent jurisdiction to be legally invalid, no other portion or proviso of this Policy shall be invalidated, impaired or affected thereby, but the Policy shall be construed as if such invalidated provision had not been contained herein.

Robert J. Martin, Chairman

Ruth Jacobs, Vice Chairman

Lloyd F. Rose, Clerk

Harold A. Eastman

Suzanne Grout Thomas

Board of Selectmen
Town of Truro

TOWN OF TRURO

REASONABLE SUSPICION ALCOHOL AND DRUG TESTING

PROCEDURE - EMPLOYEE

- Philosophy:** An employer may be considered to be negligent in the event of an incident where a driver is not safe.
- Purpose:** To evaluate an employee's fitness to perform his/her job while in a safety-sensitive position and to rule out possible substance use/abuse. Substance Abuse testing is part of the Town policy to provide a safe work environment free from controlled substance and alcohol abuse.
- Testing Will Include:** Urine Drug Screen
Breath Alcohol Level
- Procedures:**
1. The Town of Truro has established a drug policy statement and has adopted procedures for causal testing and handling of employees with positive results.
 2. The Foreman and the Director of Public Works shall determine the need for causal drug and alcohol testing.
 3. A Reasonable Cause Documentation Report (RDC) will be completed by the Foreman and signed by the Director of Public Works.
 4. The Foreman and/or Director will explain to the employee that he/she will have drug and alcohol testing. A signed Consent form will be obtained.
 5. The supervisor will accompany the employee for the testing and wait for the employee. Completed form will be delivered to testing personnel.
 6. Collection of specimens per standard protocol is done by qualified personnel. Positive photo identification (CDL) is necessary or specimens will not be collected.
 7. The employee is escorted back to home and will be suspended with pay pending results of testing.

TOWN OF TRURO

REASONABLE SUSPICION ALCOHOL AND DRUG TESTING

PROCEDURE - SUPERVISOR

- Philosophy:** An employer may be considered to be negligent in the event of an incident where a driver is not safe.
- Purpose:** To evaluate an employee's fitness to perform his/her job while in a safety-sensitive position and to rule out possible substance use/abuse. Substance Abuse testing is part of the Town policy to provide a safe work environment free from controlled substance and alcohol abuse.
- Testing Will Include:** Urine Drug Screen
Breath Alcohol Level
- Procedures:**
1. Identification of problem. When a supervisor questions an employee's fitness to perform his/her job, he must contact the DPW Director or Foreman.
 2. The Director or Foreman will observe the employee's behavior and verify the need for causal drug and alcohol testing.
 3. If the need for causal testing is substantiated, the Director or Foreman must do the following:
 - a. Complete the Reasonable Cause documentation form (RCD Form), recording observations. This report is to be signed by the Director and/or Foreman.
 - b. Explain to the employee that he/she will have drug and/or alcohol testing and obtain a signed Consent Form. Completed forms will be place in the Driver's Personnel File.
 - c. Notify Medical Testing Services at _____.
 1. Accompany the employee for testing and wait for the employee. Positive photo identification (CDL) is necessary or the specimen will not be collected.

TOWN OF TRURO

MEDICAL EVALUATION

EMPLOYEE CONSENT FORM

I, _____ understand that a need for drug and alcohol testing has been determined. I understand and agree that my urine and breath will be tested for designated (illegal) drugs and alcohol.

I understand that if I decline to sign this consent, the test will not be conducted, but the Town Administrator will be notified, and I will be subject to termination of employment.

I consent and agree to release the results of such tests and other related medical information to the appropriate agent of the Town of Truro and/or its subsidiaries.

I hereby ☐ **Consent**
 ☐ **Refuse to Consent**

Signature of Employee: _____

Signature of Witness: _____

Date: _____

☐ Check here if employee refused to consent or sign. Ensure that the employee understands the consequences (i.e., termination).

TOWN OF TRURO

RCD FORM **REASONABLE CAUSE DOCUMENTATION**

Prepare this form every time an employee is suspected of drug or alcohol abuse by actions, appearance or conduct which constitutes a major change in a person's appearance and/or behavior.

Employee or Driver's Name: _____

Date of Observation: _____

Time of Observation: From _____ a.m./p.m. To _____ a.m./p.m.

Location: _____

OBSERVED BEHAVIOR - Circle All Appropriate Items

PHYSICAL INDICATORS

Pupils Dilated
Noticeable Weight Loss
Neglect of Personal Hygiene
Tremors
Odor of Alcohol

Chronic Redness of Eyes
Loss of Appetite
Cold Sweats
Rapid Breathing
Odor of Marijuana

SPEECH

Thick
Rapid
Slurred
Incoherent
Excessively Talkative

BALANCE

Unsteady
Swaying
Falling

EMOTIONAL INDICATORS

Depression
Anxiety
Alienation
Combative
Withdrawal
Moodiness
Irritability

WALKING

Stumbling
Staggering
Grasping for Support

TOWN OF TRURO

EMPLOYEE ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT THE ALCOHOL AND DRUG USE AND TESTING POLICY FOR EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL) AND WHICH ARE DEFINED AS SAFETY-SENSITIVE HAS BEEN PROVIDED TO ME AND I AM AWARE THAT I MAY DIRECT ANY QUESTIONS OR CONCERNS TO THE DPW DIRECTOR OR TOWN ADMINISTRATOR.

Employee

Date

This acknowledgement will be forwarded to the Human Resources Department and maintained in the Employee's file or other file as required.

TOWN OF TRURO

EMPLOYEE CONFIRMATION OF RECEIPT

I hereby certify that I was given a copy of the Town of Truro Drug and Alcohol Testing Policy, dated _____ , and have been given an opportunity to ask questions about the content of the policy at Drug and Alcohol Training Sessions that were held at various times throughout the calendar year _____ .

Employee's Name

Department

Employee's Signature

Date

TOWN OF TRURO

PRE-PLACEMENT CONSENT TO DRUG AND ALCOHOL SCREENING

I, _____ Social Security Number: _____ ,

understand that the medical examination that I am about to receive includes:

☐ A blood test for the presence of drugs and/or alcohol.

☐ An evidential breath test (EBT) for the presence of alcohol.

☐ A urine test for the presence of drugs and/or alcohol.

I hereby give my consent to _____ to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, the test will not be completed. The Town of Truro will be notified and my application for employment will be rejected.

I further consent to the release of the results to the Town Administrator and Director of Public Works.

I have taken the following drugs or substances within the last 96 hours:

<u>Identify</u>	<u>Name & Amount</u>	<u>Prescribing Physician</u>
<input type="checkbox"/> Sleeping Pills	_____	_____
<input type="checkbox"/> Diet Pills	_____	_____
<input type="checkbox"/> Pain Relief Pills	_____	_____
<input type="checkbox"/> Cold Tablets	_____	_____
<input type="checkbox"/> Anti-Malarial	_____	_____
<input type="checkbox"/> Other	_____	_____

☐ **CONSENT GIVEN**

☐ **CONSENT REFUSED**

Specimen Number: _____ Signed: _____

Date: _____

Witness: _____

TOWN OF TRURO

EMPLOYEE CONSENT

I, _____ Social Security Number: _____ ,

understand that the medical examination that I am about to receive includes:

☐ A blood test for the presence of drugs and/or alcohol.

☐ An evidential breath test (EBT) for the presence of alcohol.

☐ A urine test for the presence of drugs and/or alcohol.

I hereby give my consent to _____ to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, I may be subject to disciplinary action, up to and including termination from Town service.

I further consent to the release of the results to the Town Administrator and Director of Public Works.

I have taken the following drugs or substances within the last 96 hours:

<u>Identify</u>	<u>Name & Amount</u>	<u>Prescribing Physician</u>
<input type="checkbox"/> Sleeping Pills	_____	_____
<input type="checkbox"/> Diet Pills	_____	_____
<input type="checkbox"/> Pain Relief Pills	_____	_____
<input type="checkbox"/> Cold Tablets	_____	_____
<input type="checkbox"/> Anti-Malarial	_____	_____
<input type="checkbox"/> Other	_____	_____

☐ **CONSENT GIVEN**

☐ **CONSENT REFUSED**

Specimen Number: _____ Signed: _____

Date: _____ Witness: _____

AMENDMENT NUMBER TWO TO THE
JULY 1, 1997
THROUGH
JUNE 30, 2000
COLLECTIVE BARGAINING AGREEMENT
BETWEEN
THE TOWN OF TRURO
AND

AFSCME, AFL-CIO, STATE COUNCIL 93, LOCAL 1462

AFSCME, AFL-CIO, State Council 93, Local 1462 (Truro DPW Union) acknowledges its receipt of and agreement to the Town of Truro's Drug And Alcohol Testing Policy For Employees In positions Requiring A Commercial Driver's License (CDL) And Which Are Defined As Safety-Sensitive, including the following documents:

- a) Policy Memorandum #22, Revised;
- b) Attachments to Policy Memorandum #22, Revised (Reasonable Suspicion Alcohol and Drug Testing Employee Procedure; Reasonable Suspicion and Drug Testing Supervisor Procedure; Medical Evaluation - Employee Consent Form; RCD Form - Reasonable Cause Documentation; Acknowledgement; Employee Confirmation of Receipt; Pre-Placement Consent to Drug and Alcohol Screening; Employee Consent).

By: _____

By: _____

Title: _____

Title: _____

For: Town of Truro

For: Local 1462

Date: _____

Date: _____

July 30, 1997

Mr. John Pedro
Staff Representative
AFSCME Council 93
301 Herman Melville Boulevard
New Bedford, MA 02740

**Re: Drug And Alcohol Testing Policy For Employees In Positions Requiring A
Commercial Driver's License (CDL) And Which Are Defined As Safety-Sensitive**

Dear Mr. Pedro:

As you may know, federal law requires the Town to adopt and implement a drug and alcohol testing policy for employees who are required to have commercial driver's licenses. Attached you will find the proposed Drug And Alcohol Testing Policy For Employees In Positions Requiring A Commercial Driver's License (CDL) And Which Are Defined As Safety-Sensitive. It includes several attachments.

Given the requirements of the law, it is essential that the Town implement a policy as soon as possible. Therefore, your prompt attention to this matter is necessary.

Please review the policy. If the Union has any suggestions, comments, questions or concerns and would like to discuss them with me, please notify me no later than August 15, 1997. If I don't hear from you by that date, I will assume that the policy is acceptable as proposed and proceed accordingly.

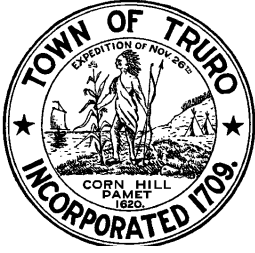
Thank you for your prompt attention to this matter.

Sincerely,

R. W. Breault, Jr.
Town Administrator

Enclosures

Copy to: Labor Counsel
Board of Selectmen
DPW Director
Leo Rose



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

24 Town Hall Road

Tel: (508) 349-7004 Fax: (508) 349-5505

Policy Memorandum #22, Revised

Date: October 27, 1998; Revised December 5, 2017

Subject: **DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL) AND WHICH ARE SUBJECT TO REGULATION BY THE U.S. DEPARTMENT OF TRANSPORTATION**

I. Policy

It is the policy of the Town of Truro: to ensure that its employees are provided a safe and healthful work place for the conduct of Town business and that they are not impaired by alcohol ("alcohol") and drugs, controlled substances and other mind-altering substances (hereinafter referred to separately and jointly as "controlled substances"); to prohibit the use, sale, manufacture, distribution, purchase or possession of alcohol and/or controlled substances by a driver while on Town property or in the performance of Town-related job tasks or while operating Town-owned (or leased) vehicles. The purpose of the Department of Transportation regulations and the Town's policy and program is to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by our drivers. In keeping with this policy, employees are required to report to work fit for duty and to refrain from activities during the work day which would impair their abilities to perform their duties.

This policy provides for drug testing for five controlled substances (marijuana, cocaine, opiates, amphetamines, including methamphetamines, and phencyclidine (PCP)), as well as breath testing for alcohol. This policy is promulgated under the independent authority of the Town of Truro and complies with the Department of Transportation regulations concerning drug and alcohol testing of those commercial driver's license (CDL) employees required to be tested under the applicable Federal regulations.

The Town recognizes its obligation to abide by any applicable requirements under state and federal laws prohibiting discrimination against the handicapped. Employees are expected to seek assistance before their dependency renders them unable to perform the essential job functions and/or jeopardizes their health and safety and the health and safety of co-workers and others.

All drivers are hereby advised that full compliance with this Policy is a condition of employment.

II. Definitions

- A. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low methyl and isopropyl alcohol.
- B. Alcohol Use means the consumption of any beverage, mixture or any preparation, including any medication, containing alcohol.
- C. Alcohol Concentration, also called **Alcohol Content**, means the alcohol in a volume of breath (expressed as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test, such as a breathalyzer.
- D. Breath Alcohol Technician means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.
- E. Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle -
1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a GVW rating of more than 10,000 pounds; or
 2. Has a gross vehicle weight rating of 26,001 or more pounds; or
 3. Is designed to transport 16 or more passengers, including the driver.
- F. Confirmation Test
1. In **alcohol testing**, means a second test, following a screening test with result of 0.02 or greater that provides quantitative measurement of alcohol concentration.
 2. In **drug testing**, means a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from, and uses a different technique and chemical principle from, that of the alcohol screening test.
- G. Controlled Substances In this policy, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:
- Marijuana
 - Cocaine
 - Opiates
 - Phencyclidine (PCP)
 - Amphetamines, including methamphetamines

- Hallucinogens
 - Narcotics
 - Cannabinoid
 - Any substance for which a prescription is required which has not been obtained or followed by the Driver.
 - Any substance the use of which impairs the Driver's ability to safely perform a safety sensitive function.
 - Derivation or combination of any of the substances contained in this list.
- H. Driver means any person who operates a commercial motor vehicle (CMV) including:
- full-time, regularly employed drivers
 - casual, intermittent or occasional drivers
 - leased drivers
 - independent, owner-operator contractors who are either directly employed by or under contract to the Town or who operate a CMV at the direction of or with the consent of the Town.
- I. Evidential Breath Testing Device means the piece of equipment used for alcohol breath testing that has been approved by the National Highway Safety Administration.
- J. Medical Review Officer ("MRO") means a licensed physician (either a medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.
- K. Screening Test
1. In **alcohol**, testing means the initial test to determine if a driver has a prohibited concentration of alcohol in his/her system.
 2. In **controlled substances**, testing means a test to eliminate "negative" urine specimens from further consideration.
- L. Performing a Safety Sensitive Function means a driver is considered to be performing a safety sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety sensitive function.
- M. Safety Sensitive Function means any of the following on-duty functions:

1. At a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the employer;
 2. Inspecting service brakes, including trailer brake connections, parking (hand) brakes, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses, or warning devices for stopped vehicles;
 3. All time on Town property, public property, or other property waiting to be dispatched or drive;
 4. All time inspecting, servicing or conditioning any commercial motor vehicle at any time;
 5. All driving time;
 6. All time other than driving time in or upon any CMV;
 7. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
 8. All time spent performing driver requirements relating to accidents;
 9. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
 10. Operating a non-revenue service vehicle which requires the driver to hold a Commercial Drivers License (CD Operating a non-revenue service vehicle which requires the driver to hold a Commercial Drivers License (CDL).
- N. Substance Abuse means the patterns of substance abuse that result in health consequences or impairment in social, psychological and occupational functioning.
- O. Substance Abuse Professional, or SAP, means a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substance-related disorders.
- P. Supervisor means any person, including any Working Foreman, Crew Leader, Superintendent, Manager, Director, or other authorized official or authorized agent of the Town who assigns or allows persons to operate a CMV, who supervises such assignment or driving, or who observes such assignment or driving.

III. What Are the Prohibitions?

The Department of Transportation refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

IV. Alcohol Prohibitions are tied to the performance of safety-sensitive functions in the following ways:

- A. Alcohol Concentration: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No supervisor having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
- B. Alcohol Possession: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol. (unless it is being transported as cargo) NOTE: this includes any product (medication, food or other product) containing alcohol, regardless of the alcohol content. No supervisor having actual knowledge that a driver possesses alcohol may permit the driver to drive or continue to drive a commercial vehicle.
- C. On-Duty Use: No driver shall use alcohol while performing safety-sensitive functions. No supervisor having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
- D. Pre-Duty Use: No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety-sensitive functions.
- E. Use Following an Accident: No driver required to take a post accident alcohol test under this policy shall use alcohol for (8) hours following the accident, or until he/she undergoes a post accident alcohol test, whichever is first.

V. Substance Abuse Prohibitions

- A. Use Prior To or On-Duty: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV, and the town has approved, in advance, the driver's performance of safety-sensitive functions under these circumstances.

It is the driver's responsibility to inquire and provide the Town with satisfactory

medical documentation that the prescribed substance will not impair the driver's ability to safely perform the duties of the position. The Town may obtain an opinion from its own physician(s). The driver will fully cooperate (release of medical and medication records, etc.) with the Town's efforts to obtain an opinion from its own physician(s).

No supervisor having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

- B. Controlled Substances Testing: No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for controlled substances. No supervisor having actual knowledge that a driver tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions. No supervisor having actual knowledge that a driver possesses a controlled substance shall permit a driver to perform or to continue to perform safety sensitive functions.
- C. No driver shall manufacture, distribute, sell or possess a controlled substance while on the job or Town property.

VI. What Tests are Required and When Will An Employee Be Tested?

A. Pre-Placement Testing

When: As a condition of employment, each applicant for a position requiring the performance of a safety sensitive function is required to provide written authorization for all employers of the applicant within the last two years to release records relating to any alcohol or drug tests administered to the applicant. This includes new employees as well as candidates for promotion or transfer to a position requiring the performance of a safety sensitive function.

Note: No person will be considered for a Driver's position who has a positive pre-placement test for alcohol and/or drugs, has had a positive test under an Employer's Drug and Alcohol policy within two years of the application for the position, who refuses the test or who has refused a test under an Employer's Drug and Alcohol policy within two years of the application for the position.

B. Post-Accident Testing

When: Following an accident in which -

1. A life was lost;
2. The driver was cited for a moving traffic violation;

3. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident;
4. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle;
5. Any other circumstance in which the Town determines that testing is necessary.

Post-accident alcohol testing should be done within two (2) hours of the accident. If an alcohol test is not administered within two (2) hours, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight (8) hours of the accident, the supervisor shall cease attempts to obtain a test and shall prepare and maintain the same record. Post-accident Controlled Substance Testing should be administered within 32 hours following the accident. If not, the supervisor shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.

An employee who is subject to post-accident testing shall remain readily available for such testing or will be deemed by the Town to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local requirements and that the results of the tests are obtained by the employer.

If the employee is hospitalized and unable to perform the requirements of a test, the employee or his or her legal representative shall provide all necessary authorization for the Employer to obtain medical records and reports, including hospital and laboratory records and reports, to determine whether there were any controlled substances or alcohol in the employee's system at the time of the accident.

All instances of post-accident testing shall be documented.

C. Random Testing

Unannounced random testing for both alcohol use and substance abuse is required. A random selection process shall be used to ensure that each driver has an equal chance of being tested each time selections are made. Each driver who is notified of selection for random alcohol and/or controlled substance testing will proceed to the designated test site immediately, provided, however, that if a driver is performing a safety-sensitive function at the time of notification, the driver shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.

When: The minimal annual percentage rate for random alcohol testing shall be twenty-five percent (25%) of the average number of driver positions, unless a higher or lower percentage rate is established by the Federal Highway Administrator. The minimum annual percentage rate for random controlled substances testing shall be fifty percent (50%) of the average number of driver positions.

Random alcohol and controlled substances tests conducted under this policy will be unannounced and the dates for administering the tests will be spread reasonably throughout the calendar year.

A driver shall only be tested for alcohol while performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. Random testing for drugs may be done at any time.

D. Reasonable Suspicion Testing

When: Drivers shall be required to submit to an alcohol test when a supervisor has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning alcohol, except for Section IV, Part "B", entitled Alcohol Possession. The supervisor's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, explainable observations concerning the appearance, behavior, speech or body odors of the driver. Drivers shall be required to submit to a controlled substances test when the supervisor has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning controlled substances.

The supervisor's observations may include indications of the chronic and withdrawal effects of controlled substances. It is understood that any evidence of violations of the prohibitions of this policy, whether regarding alcohol or drug use, when found on Town property or Town equipment, the Town has the right to take custody of said evidence.

1. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor who is trained in accordance with this policy. The person who makes the determination shall not conduct the alcohol test of the driver.
2. Alcohol testing is authorized by this section only if the observations required by the first paragraph of this section are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this part.
3. If an alcohol test required by this section is not administered within two (2) hours following the determination under the first paragraph of this section, the supervisor shall prepare and maintain on file a record stating the reasons why the alcohol test was not properly administered. If an alcohol test required by this section is not administered within eight (8) hours following the determination under the first paragraph of this section, the Town shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
4. Notwithstanding the absence of a reasonable suspicion for an alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse, nor shall the Town permit the driver to perform, or continue to perform, safety-sensitive functions until:
 - a. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02, or
 - b. Twenty-four (24) hours have elapsed following the determination under the first paragraph of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.
5. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

VII. Return to Duty and Follow-up:

When:

- A. Return to duty testing is required for drivers who violate prohibitions and are

returning to work. In order to return, an alcohol concentration of less than 0.02 or a negative drug test is required.

- B. Follow-up testing is required when a driver returns to a safety-sensitive function. A minimum of six (6) tests shall be performed during the first year back in a safety-sensitive position. However, the Town may require follow-up testing for up to five (5) years.
- C. Employees returning to work must successfully complete an alcohol and drug test.

VIII. What Happens If An Employee Refuses to be Tested?

Any covered employee who refuses to comply with a request for testing shall be immediately removed from safety-sensitive duty and referred to a SAP for evaluation. A covered employee who refuses to submit to a drug or alcohol test shall be treated as having violated the Town's Drug and Alcohol Policy and relevant DOT regulations and will be subject, at a minimum, to all of the procedures set forth in this Policy for Return to Duty Testing, Follow-Up Testing, and treatment, evaluation, and clearance to return to duty by an SAP. The Town further reserves the right to discipline an employee who refuses to submit to required testing up to and including possible termination from employment. As a covered employee, you have refused to take a drug or alcohol test if you:

1. Fail to appear for any test within the specified time frame, as determined by the DER, after being directed to do so;
2. Fail to remain at the testing site until the testing process is complete;
3. Fail to attempt to provide a urine specimen for any drug test, or fail to attempt to provide a saliva or breath specimen, as required by 49 CFR Part 40 or 49 CFR Part 382;
4. Fail to provide a sufficient amount of urine when directed, or fail to provide a sufficient breath specimen, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure;
5. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;
6. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or insufficient breath procedures;
7. Fail or decline to take a second test the employer, DER, or collector has directed you to take;
8. Fail to cooperate with any part of the testing process (e.g. refusing to empty pockets when so directed by the collector or behaving in a confrontational way that disrupts the collection process);
9. Fail to sign the certification at Step 2 of the alcohol testing form (ATF) for alcohol testing;
10. In the case of a directly observed collection, fail to follow the observer's instructions to raise your clothing above your waist, lower your clothing and underpants, and turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;

11. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
12. Admit to the collector or MRO that you adulterated or substituted a specimen; or
13. Provide a urine specimen that produces a verified adulterated or substituted test result.

Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of tampering with, contaminating, adulterating, or substituting a specimen will be required to undergo an observed collection.

Failure to appear for pre-employment drug and/or alcohol testing by applicants, or employees being transferred into safety sensitive positions, is not considered a refusal to submit to a drug or alcohol test. However, failure to complete the testing process once testing commences is considered a refusal to submit to pre-employment testing.

IX. How is Alcohol Testing Done?

- A. All alcohol testing is done by a certified Breath Alcohol Technician or BAT, in a private setting where only the BAT and the employee can see or hear the results. An Evidential Breath Testing device (EBT) approved by the National Highway Safety Administration shall be used.
- B. The employee must provide his/her CDL license for identification. The employee may ask the BAT for his/her identification as well.
- C. To complete the test, the employee must blow forcefully into the mouthpiece of the testing device. The BAT must show the employee the test result on the testing device.
- D. A screening test is done first. If the reading is less than 0.02, the employee shall sign the certification and fill in the date on the form. The test will be reported as negative to the Town.
- E. If the reading on the EBT is 0.02 or greater, a confirmation test shall be done after 15 minutes, but within 20 minutes of the first test. The employee shall not be allowed to eat, drink, belch or put anything in his/her mouth. These steps are necessary to prevent the buildup of mouth alcohol, which could lead to an artificially high test result.
- F. If the screening and confirmation test results are not the same, the confirmation test result shall prevail.
- G. If an employee refuses to be tested or to sign the testing form, the BAT shall immediately notify the Town.

X. How is Drug Testing Done?

- A. Drug testing is done by analyzing a urine sample, which is collected in a private location.
- B. Urine specimens are divided into two containers by the collection site person in your presence. These two samples, called "primary" and "split", are sent to a State certified testing laboratory.
- C. At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required.
- D. The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.
- E. If the first test is positive, the Medical Review Officer (MRO) shall notify the employee to find out if there is a medical reason for the drug use. If the employee is able to document why the substance is being taken and the MRO finds it is a legitimate medical use, the test may be reported as negative to the Town.
- F. After being notified that the first test was positive, the employee has 72 hours to request a test of the split specimen. Upon this request, the split specimen shall be sent to another DHHS-certified laboratory for the test.
 - 1. If the employee does not contact the MRO within 72 hours, the test shall be reported as positive.
 - 2. If the employee does not contact the MRO within 72 hours, but can prove to the MRO a legitimate reason for not doing so, the MRO can order the split specimen tested.
 - 3. If the MRO is unable to contact the employee, he/she shall contact the Administrative Secretary/Licensing Agent who shall make reasonable efforts to contact the employee and request him/her to contact the MRO.
 - 4. Removal from safety-sensitive duty as required by the DOT following a positive drug test is not delayed to await the result of the split specimen test.

XI. Referral, Evaluation and Treatment

- A. Each driver who has engaged in conduct prohibited by this policy shall be advised by the supervisor of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. The Town is required by law to make treatment

accessible to the employee. The Town is not, however, required to hold a job open while an employee undergoes treatment or to pay for rehabilitation.

In circumstances where the Town allows an employee who has engaged in conduct prohibited by this policy to retain employment with the Town, the failure to successfully complete a treatment program will result in disciplinary action, up to and including termination of employment.

- B. Each driver who engages in conduct prohibited by this policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances abuse.
- C. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.
- D. In addition, each driver identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall,
 - 1. Be evaluated by a Substance Abuse Professional (SAP) to determine that the driver has properly followed any rehabilitation program prescribed under paragraph "B" of Section XI, and
 - 2. Be subject to unannounced follow-up alcohol and controlled substances tests administered by the Town following the driver's return to duty.

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 12 months following the driver's return to duty. The Town may direct the driver to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, if the Substance Abuse Professional determines both are necessary for a particular driver. Any such testing shall be performed in accordance with the requirements established by the Federal Highway Administrator. Follow-up testing shall not exceed sixty (60) months from the date of the driver's return to duty. The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines such testing is no longer necessary.

- E. The requirements of this section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a Pre-placement alcohol or controlled substances test or who have a pre-placement alcohol test with a result indicating an alcohol concentration of 0.02 or greater or a controlled substances test with a verified positive test result.

XII. Retention of Records

Records of the alcohol misuse and controlled substances use prevention program shall be maintained on a confidential basis in a secure location. All records shall be prepared, retained and released in accordance with applicable Federal Highway Administration Rules and Department of Transportation Regulations.

A driver is entitled, upon written request, to obtain copies of any records pertaining to his/her use of alcohol or controlled substance, including any records pertaining to his/her alcohol or controlled substance tests. A driver may also release information to another identified person by a specific written request. Any other release of information must be in strict compliance with Federal law and/or rules.

Generally, driver alcohol and controlled substance testing records are confidential. Generally, release of this information may only be made with the driver's consent or in response to a court order. However, test results and other confidential information may be released to the Employer, the Substance Abuse Professional, the Medical Review Officer, and for any proceeding arising from the results of an alcohol or controlled substance test, including a grievance or arbitration hearing.

XIII. Employer Notifications

The Town will notify a driver of the results of a Pre-placement controlled substance test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application. The Town shall notify a driver of the results of random, reasonable suspicion and post accident tests for controlled substances conducted under this part if the test results are verified positive. The Town shall also inform the driver which controlled substance or substances were verified as positive.

XIV. What are the Consequences of Violating the Alcohol or Drug Prohibitions?

A. Alcohol violations:

1. Removal from safety-sensitive functions;
2. Following a violation, a driver cannot return to a safety-sensitive function until an evaluation has been done and a recommended treatment has been completed;
3. Anyone with an alcohol concentration of 0.02 or greater, but less than 0.04, cannot return to safety-sensitive duties for at least 24 hours.

B. Drug violations:

1. Removal from safety-sensitive functions;
 2. A driver cannot return to a safety-sensitive job until an evaluation has been performed, recommended therapy is completed and a verified negative drug test is produced.
- C. No supervisor shall permit a driver who has engaged in conduct prohibited by this policy to perform safety-sensitive functions, driving a CMV unless the driver has met the requirements of the Referral, Evaluation and Treatment section of this policy.

D. Massachusetts Safety Rules:

Massachusetts has adopted certain Commercial Motor Vehicle Safety Act Rules which affect drivers. These rules are spelled out on Page 1-4 and 1-5 of the Massachusetts Commercial Drivers License Manual. The ones most relevant to this policy are:

1. Employee must notify the Town within 30 days of a conviction for any traffic violation (except parking). This is true no matter what type of vehicle he/she was driving.
 2. Employee must notify the Town if his/her license is suspended, revoked, or cancelled, or if he/she is disqualified from driving.
 3. Employee will lose his/her Commercial Driver's License (CDL) for at least one year for a first offense if he/she drives a commercial motor vehicle under the influence of alcohol (i.e., with a blood alcohol concentration of 0.04 percent or more) or a controlled substance. He/She will lose his/her CDL for life for a second offense.
 4. Employee will lose his/her CDL for at least one year if he/she leaves the scene of an accident involving a commercial motor vehicle he/she was driving.
- E. **ANY VIOLATION OF THE PROHIBITIONS OF THIS POLICY, INCLUDING THE PROHIBITIONS CONTAINED HEREIN, IS A VERY SERIOUS OFFENSE. IN ADDITION TO ANY OTHER CONSEQUENCES SET FORTH IN THIS POLICY, A VIOLATION WILL SUBJECT AN EMPLOYEE TO DISCIPLINE UP TO AND INCLUDING DISCHARGE.**

XV. Employee Training

The Town will provide each employee with this policy as educational material that explains the requirements of the applicable Federal Law and Rules, the Town policy and requirements, and the procedures with respect to meeting the requirements.

XVI. Compliance With Law/Severability

Should any of the provisions of this Policy be determined by a court of competent jurisdiction to be legally invalid, no other portion or proviso of this Policy shall be invalidated, impaired or affected thereby, but the Policy shall be construed as if such invalidated provision had not been contained herein.

Paul Wisotzky, Chair

Maureen Burgess, Vice Chair

Robert Weinstein, Clerk

Janet Worthington

Jay Coburn
Board of Selectmen
Town of Truro

TOWN OF TRURO

REASONABLE SUSPICION ALCOHOL AND DRUG TESTING

PROCEDURE - EMPLOYEE

- Philosophy:** An employer may be considered to be negligent in the event of an incident where a driver is not safe.
- Purpose:** To evaluate an employee's fitness to perform his/her job while in a safety-sensitive position and to rule out possible substance use/abuse. Substance Abuse testing is part of the Town policy to provide a safe work environment free from controlled substance and alcohol abuse.
- Testing Will Include:** Urine Drug Screen
Breath Alcohol Level
- Procedures:**
1. The Town of Truro has established a drug policy statement and has adopted procedures for causal testing and handling of employees with positive results.
 2. The Foreman and the Director of Public Works shall determine the need for causal drug and alcohol testing.
 3. A Reasonable Cause Documentation Report (RDC) will be completed by the Foreman and signed by the Director of Public Works.
 4. The Foreman and/or Director will explain to the employee that he/she will have drug and alcohol testing. A signed Consent form will be obtained.
 5. The supervisor will accompany the employee for the testing and wait for the employee. Completed form will be delivered to testing personnel.
 6. Collection of specimens per standard protocol is done by qualified personnel. Positive photo identification (CDL) is necessary or specimens will not be collected.
 7. The employee is escorted back to home and will be suspended with pay pending results of testing.

TOWN OF TRURO

REASONABLE SUSPICION ALCOHOL AND DRUG TESTING

PROCEDURE - SUPERVISOR

- Philosophy:** An employer may be considered to be negligent in the event of an incident where a driver is not safe.
- Purpose:** To evaluate an employee's fitness to perform his/her job while in a safety-sensitive position and to rule out possible substance use/abuse. Substance Abuse testing is part of the Town policy to provide a safe work environment free from controlled substance and alcohol abuse.
- Testing Will Include:** Urine Drug Screen
Breath Alcohol Level
- Procedures:**
1. Identification of problem. When a supervisor questions an employee's fitness to perform his/her job, he must contact the DPW Director or Foreman.
 2. The Director or Foreman will observe the employee's behavior and verify the need for causal drug and alcohol testing.
 3. If the need for causal testing is substantiated, the Director or Foreman must do the following:
 - a. Complete the Reasonable Cause documentation form (RCD Form), recording observations. This report is to be signed by the Director and/or Foreman.
 - b. Explain to the employee that he/she will have drug and/or alcohol testing and obtain a signed Consent Form. Completed forms will be place in the Driver's Personnel File.
 - c. Notify Medical Testing Services at _____.
 1. Accompany the employee for testing and wait for the employee. Positive photo identification (CDL) is necessary or the specimen will not be collected.

TOWN OF TRURO

MEDICAL EVALUATION

EMPLOYEE CONSENT FORM

I, _____ understand that a need for drug and alcohol testing has been determined. I understand and agree that my urine and breath will be tested for designated (illegal) drugs and alcohol.

I understand that if I decline to sign this consent, the test will not be conducted, but the Town Manager will be notified, and I will be subject to termination of employment.

I consent and agree to release the results of such tests and other related medical information to the appropriate agent of the Town of Truro and/or its subsidiaries.

I hereby ☐ **Consent**
 ☐ **Refuse to Consent**

Signature of Employee: _____

Signature of Witness: _____

Date: _____

☐ Check here if employee refused to consent or sign. Ensure that the employee understands the consequences (i.e., termination).

TOWN OF TRURO

RCD FORM **REASONABLE CAUSE DOCUMENTATION**

Prepare this form every time an employee is suspected of drug or alcohol abuse by actions, appearance or conduct which constitutes a major change in a person's appearance and/or behavior.

Employee or Driver's Name: _____

Date of Observation: _____

Time of Observation: From _____ a.m./p.m. To _____ a.m./p.m.

Location: _____

OBSERVED BEHAVIOR - Circle All Appropriate Items

PHYSICAL INDICATORS

Pupils Dilated
Noticeable Weight Loss
Neglect of Personal Hygiene
Tremors
Odor of Alcohol

Chronic Redness of Eyes
Loss of Appetite
Cold Sweats
Rapid Breathing
Odor of Marijuana

SPEECH

Thick
Rapid
Slurred
Incoherent
Excessively Talkative

BALANCE

Unsteady
Swaying
Falling

EMOTIONAL INDICATORS

Depression
Anxiety
Alienation
Combative
Withdrawal
Moodiness
Irritability

WALKING

Stumbling
Staggering
Grasping for Support

TOWN OF TRURO

EMPLOYEE ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT THE ALCOHOL AND DRUG USE AND TESTING POLICY FOR EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL) AND WHICH ARE DEFINED AS SAFETY-SENSITIVE HAS BEEN PROVIDED TO ME AND I AM AWARE THAT I MAY DIRECT ANY QUESTIONS OR CONCERNS TO THE DPW DIRECTOR OR TOWN MANAGER.

Employee

Date

This acknowledgement will be forwarded to the Human Resources Department and maintained in the Employee's file or other file as required.

TOWN OF TRURO

EMPLOYEE CONFIRMATION OF RECEIPT

I hereby certify that I was given a copy of the Town of Truro Drug and Alcohol Testing Policy, dated _____, and have been given an opportunity to ask questions about the content of the policy at Drug and Alcohol Training Sessions that were held at various times throughout the calendar year _____.

Employee's Name

Department

Employee's Signature

Date

TOWN OF TRURO

PRE-PLACEMENT CONSENT TO DRUG AND ALCOHOL SCREENING EMPLOYEE CONSENT

I, _____ Social Security Number: _____

understand that the medical examination that I am about to receive includes:

☐ A blood test for the presence of drugs and/or alcohol.

☐ An evidential breath test (EBT) for the presence of alcohol.

☐ A urine test for the presence of drugs and/or alcohol.

I hereby give my consent to _____ to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, the test will not be completed. The Town of Truro will be notified and my application for employment will be rejected.

I further consent to the release of the results to the Town Manager and Director of Public Works.

I have taken the following drugs or substances within the last 96 hours:

<u>Identify</u>	<u>Name & Amount</u>	<u>Prescribing Physician</u>
<input type="checkbox"/> Sleeping Pills	_____	_____
<input type="checkbox"/> Diet Pills	_____	_____
<input type="checkbox"/> Pain Relief Pills	_____	_____
<input type="checkbox"/> Cold Tablets	_____	_____
<input type="checkbox"/> Anti-Malarial	_____	_____
<input type="checkbox"/> Other	_____	_____

☐ **CONSENT GIVEN**

☐ **CONSENT REFUSED**

Specimen Number: _____ Signed: _____

Date: _____

Witness: _____

AMENDMENT TO THE
JULY 1, 2015
THROUGH
JUNE 30, 2018
COLLECTIVE BARGAINING AGREEMENT
BETWEEN
THE TOWN OF TRURO
AND

AFSCME, AFL-CIO, STATE COUNCIL 93, LOCAL 1462

AFSCME, AFL-CIO, State Council 93, Local 1462 (Truro DPW Union) acknowledges its receipt of and agreement to the Town of Truro's Drug And Alcohol Testing Policy For Employees In positions Requiring A Commercial Driver's License (CDL) And Which Are Subject to Regulation by the U.S. Department of Transportation, including the following documents:

- a) Policy Memorandum #22, Revised December 5, 2017;
- b) Attachments to Policy Memorandum #22, Revised (Reasonable Suspicion Alcohol and Drug Testing Employee Procedure; Reasonable Suspicion Alcohol and Drug Testing Supervisor Procedure; Medical Evaluation - Employee Consent Form; RCD Form - Reasonable Cause Documentation; Employee Acknowledgement; Employee Confirmation of Receipt; Pre-Placement Consent to Drug and Alcohol Screening; Employee Consent).

By: _____

By: _____

Title: _____

Title: _____

For: Town of Truro

For: Local 1462

Date: _____

Date: _____

Policy Memorandum #22, Revised
Drug and Alcohol Testing Policy
October 27, 1998, Revised December 5, 2017
Page 25

December 6, 2017
Scott Taveira, South Shore Staff Representative
AFSCME Council 93
46 Foster Street
New Bedford, MA 02740

**Re: Drug And Alcohol Testing Policy For Employees In Positions Requiring A
Commercial Driver's License (CDL) And Which Are Subject to Regulation by the
U.S. Department of Transportation**

Dear Mr. Taveira:

As you may know, federal law requires the Town to maintain a drug and alcohol testing policy for employees who are required to have commercial driver's licenses. Recently, the Board of Selectmen has reviewed and made changes to update the existing policy. Attached you will find the proposed revised Drug And Alcohol Testing Policy For Employees In Positions Requiring A Commercial Driver's License (CDL) And Which Are Subject to Regulation by the U.S. Department of Transportation. It includes several attachments.

Please review the policy. If the Union has any suggestions, comments, questions or concerns and would like to discuss them with me, please notify me no later than December 31, 2017. If I don't hear from you by that date, I will assume that the policy is acceptable as proposed and proceed accordingly.

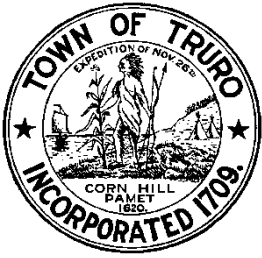
Thank you for your prompt attention to this matter.

Sincerely,

Rae Ann Palmer
Town Manager

Enclosures

Copy to: Labor Counsel
Board of Selectmen
DPW Director



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 487-2702 Fax: (508) 487-2762

POLICY MEMORANDUM #32

Date: April 7, 2004

Subject: **GIFT ACCEPTANCE POLICY FOR THE TOWN OF TRURO**

Gifts of cash, whether restricted or unrestricted, shall be acknowledged as soon as possible, with date and amount of gift clearly stated, and with the following (or similar) statement:

“No goods or services have been rendered in consideration of this gift.”

This is required by the IRS in order that under-the-table payments for services are not credited as gifts.

Restricted gifts of cash shall be acknowledged as above. It is important that the restriction be noted, as well as the donor's wish to have any interest generated by the gift used for the restricted purpose. It is important that fund raisers ask donors to assign interest earned by their gifts to be used as they wish, i.e., toward the same restricted purpose as the gift itself; otherwise, interest will be added to the General Fund.

Unrestricted gifts of cash are the most useful because they can be used for whatever is deemed by the organization to be most pressing at any given moment. Donors of such gifts should also be asked to direct earned interest to the project.

Gifts of appreciated securities are handled and credited by the Town Clerk/Treasurer, but are acknowledged by the fund-raising organization using figures provided. These donors should be asked how interest generated by these gifts should be used, as above, and the same disclaimer stated on the letter of thanks.

Gifts-in-kind are donations of articles, art, furniture, etc., deemed by donors to have a use or a future use to the recipient. Organizations have no obligation to accept any/all gifts offered, and, therefore, need a clear policy on the acceptance or non-acceptance of gifts-in-kind to avoid the unfortunate circumstance of receiving many things they cannot or do not wish to use, and to protect themselves from having donors feel insulted. Generally, such a policy should enumerate in some detail the kinds of gifts that will be acceptable, i.e., “furniture in good condition, including sofas, chairs, tables, area or scatter rugs, lamps that can be used in the Reception Room (or other area) in the new Community Center,” or “exercise equipment suitable for safe use by senior citizens, to be placed in the room at the new Community Center.” Art, art supplies, and artifacts can also be gifts-in-kind, as can kitchen equipment and grilles.

It is most important that no monetary value be attributed to gifts-in-kind. These gifts should be acknowledged with a fairly detailed description of the item(s) and date of gift, and a statement to

the effect that the organization cannot assign a value and the donor must pay for an independent appraisal of the worth of the article(s). Some organizations offer donors a list of qualified appraisers, noting areas of specialization, i.e., art and artifacts, furniture, books, rugs, etc.

Sally Sears-Mack, Chair

Christopher R. Lucy, Vice-Chairman

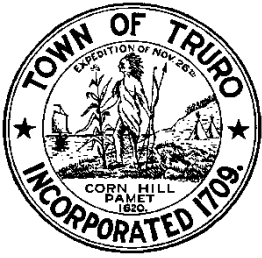
Lloyd F. Rose, Clerk

Harold A. Eastman

Paul J. Asher

Board of Selectmen
Town of Truro

SSM/jld



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 487-2702 Fax: (508) 487-2762

POLICY MEMORANDUM #32

Date: April 7, 2004; Revised December 5, 2017

Subject: **GRANT AND GIFT ACCEPTANCE POLICY FOR THE TOWN OF TRURO**

This policy applies to grants and gifts given to the Town of Truro, and not to any individual employee or group of employees of the Town.

In accordance with G.L. c. 44 §53A, any amounts received as a grant or gift to the Town of Truro may be expended for the purposes of such grant or gift with approval by the Board of Selectmen.

Grants or gifts of cash, whether restricted or unrestricted, shall be acknowledged as soon as possible, with date and amount of grant or gift clearly stated, and with the following (or similar) statement:

"No goods or services have been rendered in consideration of this gift."

This is required by the IRS in order that under-the-table payments for services are not credited as gifts.

Restricted grants or gifts of cash shall be acknowledged as above. It is important that the restriction be noted in writing, as well as the donor's wish to have any interest generated by the gift used for the restricted purpose. It is important that fund raisers ask donors to assign, in writing, interest earned by their grants or gifts to be used as they wish, i.e., toward the same restricted purpose as the grant or gift itself; otherwise, interest will be added to the General Fund. If the express written terms of the gift or grant stipulate that interest earned by their grants or gifts are to be used for the same restricted purpose as the gift itself, interest on the grant or gift funds shall remain with and become a part of the grant or gift without further appropriation.

Unrestricted grants or gifts of cash are the most useful because they can be used for whatever is deemed by the organization to be most pressing at any given moment. Donors of such grants or gifts should also be asked to direct earned interest, in writing, to the gift fund.

Grants or gifts of appreciated securities are handled and credited by the Town Clerk/Treasurer, but are acknowledged by the fund-raising organization using figures provided. These donors should be asked to express, in writing, how interest generated by these grants or gifts should be used, as above, and the same disclaimer stated on the letter of thanks.

Gifts-in-kind are any non-monetary donations which includes articles, art, furniture, etc., deemed by donors to have a use or a future use to the recipient. Proposed gifts-in-kind must be considered by the Town Manager for items with a current perceived value of \$25,000.00 or less or by the Board of Selectmen for items with a current perceived value of \$25,000.01 or more on a case-by-case basis to determine whether the gift will be accepted or respectfully declined. The potential donor should submit a detailed description of the item(s) and the proposed date of the gift. The Town of Truro has no obligation to accept any/all gifts offered. When considering the acceptance of the gift, the Town will consider the value offered by the gift, the maintenance and short- and long-term associated costs, and the storage/ placement of the gift.

At the time that a gift is accepted, the Town along with the donor will determine whether the gift should be kept in perpetuity or may be declared surplus at a later date.

No monetary value will be attributed to gifts-in-kind. The Town of Truro cannot assign a value and the donor will be responsible for the payment for any independent appraisal(s) of the worth of the article(s) that the donor wishes to secure.

Paul Wisotzky, Chair

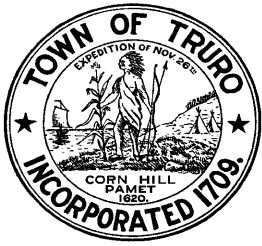
Maureen Burgess, Vice-Chair

Robert Weinstein, Clerk

Janet Worthington

Jay Coburn

Board of Selectmen
Town of Truro



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Kelly Clark, Assistant Town Manager

REQUESTED MEETING DATE: December 5, 2017

ITEM: Review of Board of Selectmen Policies

EXPLANATION: In accordance with the 2018 Goals and Objectives, the Board of Selectmen will review all Selectmen's policies for updating, rescinding or affirming. The following policies are proposed for your review:

1. Policy # 13 *Appointment Policy*

Staff has reviewed the policies in advance of your meeting and make the following recommendations:

Policy # 13 – Policy 13 was brought to the Board for discussion at the July 25, 2017 meeting. As requested, the policy was updated to remove section 5 (regarding making immediate and emergency appointments) and a new section (6) was added to reflect the required acknowledgement of Policy 54 and Summary of Conflict of Interest Law and the required completion of the State Ethics Commission Conflict of Interest Law online training program.

Policies still pending are as follows:

Policy 6 *Conservation Restrictions*—Town Counsel has reviewed this policy to ensure compliance with Massachusetts General Law. Currently under staff review to update the Plans referenced in Exhibit A.

Policy 14 *License Approval and Renewal Procedures*—Staff has been meeting to streamline licensing procedures and make recommendations relevant to this policy. Once these procedures are finalized, the policy will be updated for your review.

Policy 28 *Curb Cut Policy*—A 2018 Annual Town Meeting article regarding curb cuts will impact this policy. Policy on hold until after April's Town Meeting.

Policy 39 *Direction of the Police Department*—Staff is drafting changes to reflect the pertinent Charter changes and will submit the draft to Town Counsel prior to review by the Board.

Policy 40 *Animal Control*—Currently under staff review.

Policy 42 *Policies Regarding Free Cash, Stabilization, and Capital Improvement Funds*—Currently under staff review.

Policy 44 *Anti-Fraud Policy and Response Program*—Currently under staff review.

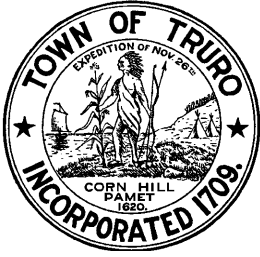
Policy 53 *Fee Waiver*—Currently under staff review. Staff is also reviewing the Community Center Use Policy as it relates to this policy as well.

Policies 54 through 61 have been revised or adopted after February 2015 and no revisions are recommended at this time. Policy 55 *Replacement of Police Vehicles* was revised and the revisions were accepted at the November 28, 2017 Board meeting.

SUGGESTED ACTION: *MOTION TO accept proposed revisions for policy 13.*

ATTACHMENTS:

1. Board of Selectmen Policies – Current and With Recommended Changes



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

POLICY MEMORANDUM #13

Date: Adopted March 3, 2004

Subject: **APPOINTMENT POLICY**

The Truro Board of Selectmen hereby adopts the following policy for appointments to the Town's multi-member Boards, Committees, and Commissions:

1. When a vacancy occurs on an appointed multi-member board, committee or commission, either because a member has resigned before the end of her/his term, or because a member's term is expiring, the Selectmen shall advertise the position as consistent with its advertising policy, stating
 - a. the board, committee, or commission on which the vacancy exists,
 - b. the usual meeting schedule thereof,
 - c. the term length of the vacancy,
 - d. the name of the Chairperson of the board, committee, or commission,
 - e. the availability of application forms,
 - f. the length of time during which applications will be accepted, and
 - g. the fact that the Selectmen will consider only written applications.
2. The Selectmen shall accept applications for vacancies for at least two weeks after the public notice is posted. A copy of an application from that may be used is attached hereto. The Selectmen will also consider a letter, describing qualifications and interest in serving, written by anyone who wishes to use that alternative method of applying. No verbal applications will be considered.
3. The Selectmen shall follow the same procedure in every case, except that, in the case of a member whose term is expiring, The Selectmen shall ascertain, as a matter of courtesy, whether or not said member would like to continue. If the member does wish to continue to serve, she/he must apply for consideration in the usual manner. The Selectmen will not automatically reappoint a current member, but, in order to ensure healthy turnover on multi-member boards and to give more citizens the privilege of service, the Board of Selectmen will give equal weight to all applications, including those of current members who wish to continue.
4. The Selectmen shall attempt to interview all applicants before making new appointments. In some circumstances, if an applicant is well known to the Board and cannot attend the meeting at which interviews are held, the Selectmen may waive a personal interview.

5. The Board will make no appointments immediately, but, rather, will usually wait until their next meeting, unless there is a perceived emergency, i.e. The inability to vote on a n issue because of the lack of a quorum. The Selectmen shall determine whether or not a given situation is an emergency.
6. Only full-time Truro residents/voters may be considered for appointment to regulatory boards, committees, and commissions. In the case of non-regulatory boards, committees, and commissions, however, the Selectmen will consider for appointment full-time residents and non-resident taxpayers, giving preference to registered voters, all other things being equal.
7. The Board of Selectmen will write letters of thanks to all members of multi-member boards, committees, and commissions who elect to serve no longer-at end of term, for personal reasons, or illness, or any other reason.

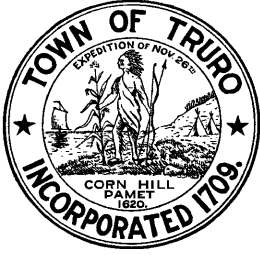
Sally Sears-Mack, Chairwoman

Christopher R. Lucy, Vice-Chairman

Lloyd F. Rose, Clerk

Harold A. Eastman

Paul J. Asher
Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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5. Only full-time Truro residents/voters may be considered for appointment to regulatory boards, committees, and commissions. In the case of non-regulatory boards, committees, and commissions, however, the Selectmen will consider for appointment full-time residents and non-resident taxpayers, giving preference to registered voters, all other things being equal.
6. Membership on all boards, committees and commissions require adhering to Policy 54: Standards of Professional Conduct and the Massachusetts State Ethics Commission's Conflict of Interest Law. The acknowledgement for Policy 54 must be completed prior to serving on a board, committee, or commission and must be completed again annually by all members of boards, committees and commissions. The summary of the State's Conflict of Interest law must be signed prior to serving on a board, committee, or commission and must be signed again annually by all members of boards, committees and commissions. The State's Conflict of Interest Law online training program must be completed prior to serving on a board, committee, or commission and must be completed again on a biennial basis by all members of boards, committees and commissions.
7. The Board of Selectmen will write letters of thanks to all members of multi-member boards, committees, and commissions who elect to serve no longer-at end of term, for personal reasons, or illness, or any other reason.

Paul Wisotzky, Chair

Maureen Burgess, Vice-Chair

Robert Weinstein, Clerk

Janet Worthington

Jay Coburn
Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

6. CONSENT AGENDA

A. Review/Approve and Authorize Signature:

1. *None*

B. Renewal of Annual Licenses-Truro Vineyards Lodging License



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Licensing Department

REQUESTOR: Nicole Tudor, Executive Assistant on behalf of Truro Vineyards of Cape Cod business owner, Dave and Kristen Roberts

REQUESTED MEETING DATE: December 5, 2017

ITEM: Approval of renewal of annual licenses for 2018:
Lodging License-Truro Vineyards-11 Shore Rd

EXPLANATION: The Truro Vineyards Lodging License is under the authority of the Board of Selectmen as Local Licensing Authorities. If you approve this license for renewal, the license will be issued only upon compliance with all regulations, receipt of the necessary fees, proof of taxes paid in full for the fiscal year and prior approval of the Food Service License by the Health Agent. The Food Service License for Truro Vineyards was issued 11/20/2017 by the Health Agent. There were no reported issues with this establishment in 2017.

Mass General Law	Licenses & Permits Issued by Board of Selectmen	Names of Businesses
Chapter 140 § 23	Lodging House License	Truro Vineyards of Cape Cod

IMPACT IF NOT APPROVED: The applicant will not be issued their License to operate Truro Vineyard's located at 11 Shore Road.

SUGGESTED ACTION: *MOTION TO approve the 2018 annual Lodging License for Truro Vineyards of Cape Cod upon compliance with all regulations and receipt of the necessary fees.*

ATTACHMENTS:

1. Renewal Application for 2018: Truro Vineyards of Cape Cod

RCUD 2017NOV15 PM335

ADMINISTRATIVE OFFICE

TOWN OF TRURO



TOWN OF TRURO

PO Box 2030, Truro MA 02666

Tel: 508-349-7004, Extension: 131 or 124 Fax: 508-349-5508

LICENSE APPLICATION: Condominiums, Cottage Colonies, Motels, Campgrounds, Lodging, Gas Station/Retail Service, Transient Vendor

Section 1 – License Type & Hours of Operation

Please check the appropriate box the best describes the license type(s).

☐ New
 ☒ Renewal

FACILITY: # UNITS

HOURS OF OPERATION:

☐ Motel

☐ Annual
 ☒ Seasonal

☐ Cottage Colony
Opening Date: April 1
☐ Condominium
Closing Date: Dec. 17
☐ Campground
Days of the Week Open: Fri - Mon Apr. Nov. Dec
7 days May - Oct
☒ Lodging
 2
☐ Transient Vendor

☐ Gas Station (Please submit your Service Station Compliance Form & Third Part Underground Storage Tank Inspection Report (FP 289))

Section 2 – Business Information

Federal Employers Identification Number (FEIN/SS) [REDACTED]Kristen Roberts

Print Name of Applicant

Truro Vineyards of Cape Cod

Business Name

Kristen Roberts

Owner Name

11 Shore Road North Truro, MA 02652

Street Address of Business

PO Box 834 North Truro, MA

Mailing Address of Business

02652508-487-6200

Business Phone Number

[REDACTED]
Business E-Mail Address

Section 3 –MANAGER INFORMATION

☐ Check if New Manager (if checked, MUST submit Application to Name a Manager)

Name of Onsite Manager:

Name: _____ Unit Number: _____

Mailing Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Manager's Signature (REQUIRED)

Name of Offsite Manager:

Name: _____ Business Name: _____

Business Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Manager's Signature (REQUIRED)

Name of Co- Manager:

Name: _____ Business Name: _____

Business Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Co-Manager's Signature (REQUIRED)

Section 4 – ATTESTATION

Pursuant to M.G.L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all local state taxes required under law and the information I have provided is true and accurate. Any misstatement in this application, or violation of state or applicable town bylaws or regulations, shall be considered sufficient cause for refusal, suspension or revocation of the license.

Signature of Applicant

Print Name

Date

Additional Applications & Documentation

REQUIRED FOR ALL MOTELS, COTTAGE COLONIES, CONDOMINIUMS & CAMPGROUNDS

- ☐ Smoke detector/fire protection certification
- ☐ IF YOU HAVE EMPLOYEES- Workers Compensation Affidavit & Certificate of Insurance
- ☐ IF YOU DO NOT HAVE EMPLOYEES- Workers Compensation Affidavit
- ☐ Business certificate with the clerk's office

ADDITIONAL (SEPARATE) APPLICATIONS THAT MAY PERTAIN TO YOUR OPERATION

- ☐ Application for Pool or Hot Tub Permit
- ☐ Application to Name a Manager
- ☐ Entertainment License
- ☐ Application to sell Tobacco
- ☐ Application for Food Service Permit

(rev 9 2017)



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
TO BE FILED WITH THE PERMITTING AUTHORITY

Applicant Information

Please Print Legibly

Business/Organization Name: Truro Vineyards of Cape Cod

Address: 11 Shore Road

City/State/Zip: North Truro MA 02652 Phone #: 508-487-6200

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 20 employees (full and or part-time) *
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☒ Other

* Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

** If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Mark Sylvia Insurance Agency

Insurer's Address: 404 Main St.

City/State/Zip: Centerville, MA 02632

Policy # or Self-ins. Lic. # [REDACTED] Expiration Date: 6/5/18

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature]

Date: 11/15/17

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____

Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____

Phone #: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/16/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Mark Sylvia Insurance Agency, LLC
404 Main Street
Centerville, MA 02632

CONTACT NAME: Kris Kopreski
PHONE (A/C, No, Ext): (508)957-2125 **FAX (A/C, No):** (508)957-2781
E-MAIL ADDRESS: mark@marksylviainsurance.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Farm Family Casualty Insurance**INSURER B:** Scottsdale Ins Co**INSURER C:****INSURER D:****INSURER E:****INSURER F:**

INSURED
Truro Vineyards of Cape Cod, LLC
11 Shore Road
PO Box 834
North Truro, MA 02652

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Special Farm Package Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:				11/15/2017	11/15/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY				11/15/2017	11/15/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$				11/15/2017	11/15/2018	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> Y	N/A		6/5/2017	6/5/2018	PER STATUTE <input type="checkbox"/> LOTH-XER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	<input type="checkbox"/> LIQUOR LIABILITY				10/1/2017	10/1/2018	\$1,000,000 PER PERSON \$1,000,000 PER OCCURRENCE \$2,000,000 AGGREGATE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

WINERY
Insurance coverage is limited to the terms, conditions, exclusions, other limitations and endorsements. Nothing contained in the certificate of insurance shall be deemed to have altered, waived or extended the coverage provided by the policy provisions.

CERTIFICATE HOLDER

(508)349-7004 (508)349-5505
Town of Truro
24 Town Hall Road
PO Box 2030
Truro, MA 02666

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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TRURO FIRE DEPARTMENT

344 ROUTE 6
POST OFFICE BOX 2013
TRURO, MASSACHUSETTS 02666

RCVD 2017NOV18 PM3:49

ADMINISTRATIVE OFFICE

TOWN OF TRURO

TIMOTHY COLLINS
CHIEF

PHONE: (508) 487-7548
FAX (508) 487-6808

November 16, 2017

FIRE ALARM TEST REPORT

OCCUPANCY: TRURO VINEYARDS
OWNER/MANAGER: DAVE ROBERTS
ADDRESS: 11 SHORE ROAD
PHONE #: 508-487-6200
NUMBER OF UNITS: GIFT SHOP - BARN- BARREL ROOM-DISTILLERY
CONTACT PERSON: AMY ROBERTS
ADDRESS: SAME
PHONE #: SAME

ALARM TESTING COMPANY: LONG POINT ELECTRIC, INC.
TESTING ELECTRICIAN/TECHNICIAN: _____
LICENSE #: 17239A
PHONE #: (508) 487-2056

THE FIRE ALARM SYSTEM AT THE ABOVE-MENTIONED BUSINESS ADDRESS WAS TESTED, AND ALL PARTS OF THE SYSTEM WERE FOUND TO BE, OR CORRECTED TO BE, FULLY OPERATIONAL.

COMMENTS: _____

DATE OF TEST: 11/16/17 BY: Igor Bondarenko, License #14214B

THIS REPORT MUST BE FILLED OUT PRIOR TO THE ISSUANCE OF, OR RENEWAL OF, A LICENSE TO OPERATE WITHIN THE TOWN OF TRURO.