

COMMITTEE HANDBOOK

Town of Hardwick, Massachusetts

Adopted: 9/27/10

TOWN OF HARDWICK COMMITTEE HANDBOOK

PREFACE

This handbook provides a brief description of elected and appointed officials' duties, which may be well known to many, but are less familiar to others. Many citizens have served the Town of Hardwick in its 250+ years of history. Their contributions of time and consideration of the many issues and problems confronting the Town are greatly appreciated. Through service to the community you will have a unique opportunity to get to know the workings of the Town from an insider's viewpoint. It can be a rewarding and informative experience.

The Selectmen, in carrying out their duties as prescribed by law and by the votes of Town Meeting, expend considerable time and effort to make logical appointments to the various committees of the Town by appointing qualified and interested Hardwick residents who are broadly representative of the Town. During your appointment you will be working with many new people who, like yourself, have volunteered to address specific problems and to bring back to the Selectmen or perhaps Town Meeting your recommendation for a course of action or solution that is best for the Town. State statutes outline the powers and duties of many Boards. The Bylaws adopted by Town Meeting, and the policies and charges to committees adopted by the Board of Selectmen further define the work of others.

It is important that you remember the best interests of the Town, present or future, be considered. It is equally important to remember that you represent the entire Town, and not only one segment. Single approach solutions to problems may be the best option for your committee, but may not be in the best interest of the Town in the broader sense. All plausible solutions need to be explored with many factors in mind. Your decision may have impact on other programs or plans.

The Annual Town Report and General Bylaws are excellent sources of information regarding the duties and responsibilities of individual boards and committees. These items are available at the Town Clerk's office. In addition, Town Hall staff is a valuable resource and willing to be of assistance.

The Board of Selectmen wishes to thank you for giving of your time and effort in the improvement of our community. We hope you find this handbook informative and useful.

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I. CONDUCT FOR MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

The conduct of an elected official, members of Municipal Boards, Committee, and Commissions, as well as employees is regulated by the provisions of Chapter 268A of the Massachusetts General Laws, and enforced by the Massachusetts Ethics Commission. The statute assigns personal responsibility to regular and special municipal employees (including elected and appointed volunteers) in four general areas, as follows:

- A. Community Responsibility
- B. Responsibility to Municipal Administration
- C. Relationship to other Board Members
- D. Prohibited Conduct

A. COMMUNITY RESPONSIBILITY

An elected official, any individual appointee or member of any Board, Committee or Commission in his/her relations with the community shall:

1. Realize that his/her basic function is to make policy, not administer it, unless otherwise empowered by state and/or local law.
2. Realize that he/she is one of a team and should abide by, and carry out, all board decisions once they are made.
3. Be well informed concerning the duties of a board member on both local and state levels.
4. Remember that he/she represents the entire community at all times.
5. Accept the appointment as a means of unselfish service, and not for the purpose of personal or political benefit from his/her board activities.
6. In making all decisions relative to individual appointments, he or she shall avoid political patronage by judging all candidates on merit, experience and qualifications only.
7. Avoid voting on any manner in which the individual member has a conflict of interest, as defined under the Massachusetts Conflict of Interest Law, G.L. c. 268A.

B. RESPONSIBILITY TO MUNICIPAL ADMINISTRATION

An elected official, a member of any Board, Committee or Commission, in his/her relations with administrative officers of the Town, shall:

1. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people in the community.
2. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
3. Direct all questions or concerns to the Board of Selectmen. However, an initial contact with the Town Administrator will expedite any necessary action and will deal most directly with an issue, which needs to be clarified, changed or corrected. Please remember, however, that the Board of Selectmen do not have control over issues dealing with elected officials or committees/individuals appointed by the Moderator.

C. RELATIONSHIP TO OTHER BOARD, COMMISSION OR COMMITTEE MEMBERS.

An elected official, a member of any Board, Commission or Committee, in his/her relations with fellow board members, shall:

1. Recognize that action at an official legal meeting is binding and that he/she alone cannot bind the Board outside of such meeting.
2. Not make statements or promises of how he/she will vote on matters that come before the Board until he/she has had an opportunity to hear the pros and cons of the issue during a board meeting.
3. Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session.
4. Make decisions only after all facts on a question have been presented and discussed.
5. Treat with respect the rights of all members of the board, despite differences of opinion.

D. PROHIBITED CONDUCT.

An elected official, a member of any Board, Committee or Commission, in accordance with Massachusetts General Law, Chapter 268A, shall:

1. Not accept gifts or other consideration or engage in any business or professional activity, which might appear to impair his/her independence of judgment in the exercise of his/her official duties.
2. Not improperly disclose confidential information acquired by him/her in the course of his/her official duties, and not use such information to further his/her personal interests.
3. Not use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
4. Not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is unduly affected by the kinship, rank, position or influence of any party or person.
5. Not pursue a course of conduct, which will raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.
6. Not participate in any matter before the Board, Commission, or Committee in which he/she has a direct financial interest, or an immediate family member has a direct financial interest.

If you have a question concerning a potential conflict, you should contact the Board of Selectmen. You may also find the State Ethics Commission's website helpful, at <http://www.mass.gov/ethics>.

II. COMMITTEE MEMBERSHIP

A. APPOINTMENTS

All appointments made by the Board of Selectmen or other elected boards are made by majority vote in a regular open meeting. All appointments must be registered voters in the Town unless otherwise exempted. Initial appointments by the Board of Selectmen are made from a list of volunteers who have either submitted a letter of interest or filled out a Town Committee Volunteer Application (see the sample application in the Appendix), indicating their areas of interest or expertise, kept on file in the Selectmen's Office. Citizens are encouraged to attend meetings of their committee of interest to learn about the committee and its role in the community. Written notification of an appointment is made by the Board of Selectmen. Acknowledgement of acceptance of the appointment should be made. When you receive notification of an appointment, you must contact the Town Clerk to be sworn in. This must be done before taking a seat on the committee and before voting on committee matters.

B. DURATION OF APPOINTMENTS

Depending upon the need, vacancy, state law and/or Town Meeting vote, appointment length varies. Some appointments are made for the duration of a project, some yearly, but the most common term for standing committees are terms of three years.

C. REAPPOINTMENT

Reappointment is based on an evaluation by the appointing authority of the citizen's contribution to the committee, the desirability of widespread involvement and the changing needs of the committee and the Town. It is the policy of the Board of Selectmen, wherever possible, to limit one-year term appointments to 5 consecutive terms, and 3-year appointments to two consecutive terms. A committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

D. DUTIES OF BOARDS, COMMITTEES, COMMISSIONS

Many committees such as the Conservation Commission, Historical Commission, Planning Board, Zoning Board of Appeals, Council on Aging, Board of Assessors and Board of Health have duties and responsibilities established by state law. Other Committees have charges prepared by the Board of Selectmen who appoint prospective members to the Committee.

Upon appointment or election to one of these Committees, the Committee Chairman will give you a copy of the applicable law.

E. COMMITTEE LEADERSHIP

Unless otherwise specified, the Chairman and other officers (usually Vice Chairman and Clerk) of every board, committee or commission are chosen by the voting members of the committee. The name of the Chairman should be made known to the Office of the Selectmen to enhance communication with the group.

If appointments are made by another elected board other than the Selectmen, the members' names must also be given to the Selectmen's Office so that all members will be acknowledged in the Annual Town Report.

F. ADOPTION OF RULES AND REGULATIONS

State law permits some committees, such as the Board of Health, Conservation Commission, Planning Board, and Zoning Board of Appeals, to adopt rules and regulations, and the procedures set forth in state law should be observed when adopting such rules and regulations. Other Committees' Rules and Regulations (including fees) must be adopted by the Board of Selectmen. As a general principle, the board or committee should advertise and hold a public hearing relative to the proposed rules and regulations prior to adoption. We recommend that any such rules and regulations be advertised two (2) weeks (14 days) prior to the meeting on the proposed changes in a local newspaper. Please check with the Board of Selectmen's Office for further details/clarification.

G. RESIGNATIONS/APPOINTED & ELECTED FILLING OF VACANCIES

A committee member who is no longer able to serve, or moves out of Town, should resign promptly so that the vacancy may be filled as soon as possible. Repeated non-attendance at meetings, or other failure to discharge the duties of office, is grounds for removal from appointed office. Resignations must be submitted in writing to the Committee Chairman, and the Board of Selectmen. Formal notification ensures that vacancies are filled promptly. Elected officials must notify the Town Clerk in writing of their resignation. If a vacancy/resignation occurs on an elected Board, the Town clerk will notify the remaining committee members within one month of the vacancy and give the Board of Selectmen written notice of the vacancy, in accordance with G.L. c. 41, § 11. The remaining committee members may recommend individuals who have demonstrated an interest in the work of the committee for consideration as a replacement member. They will be considered along with others who have expressed an interest and have filed a Town Committee Volunteer Application. The statute requires that the Board of Selectmen, together with the remaining elected members of the committee, convene a joint open meeting within one week of the written notice of vacancy, and by majority roll call vote, appoint a registered voter of the Town to fill the vacancy. In the absence of a written notice of vacancy provided by the Committee to the Board of Selectmen, the Selectmen may fill the vacancy within the time frame provided under G.L. c. 41, § 11.

III. MEETINGS

A. OPEN MEETING LAW

Please refer to the Open Meeting Law packet provided to every elected and appointed official by the Town Clerk. Questions regarding the Open Meeting Law may be directed to the Town Clerk.

E. RECORD KEEPING

1. Public Records Law. The Massachusetts Public Records Law (G.L. c. 4, § 7, cl 26; G.L. c. 66, § 10) provides right of access to public records, broadly defined to include all documentary materials made or received by any town official or employee, except eleven specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. All minutes, informational data, memoranda and circulating materials of any Town board or committee are usually public information. However, some documents are not public (i.e Assessors and Veterans Department). The committee should consult the Board of Selectmen's office if questions arise concerning the public records status of documents.

The Secretary of State, Supervisor of Records, is empowered to determine the public records status of documents. Further information on the Public Records Law can be found at the Supervisor of Records' website, www.sec.state.ma.us/pre/preidx.htm

F. PUBLIC HEARINGS

Those serving on the Board of Selectmen, Planning Board, Zoning Board of Appeals, Historical Commission, Conservation Commission, or the Board of Health, occasionally will be required to hold a public hearing in accordance with Massachusetts General Laws. Hearings are held for the purpose of gathering information from which to draw a conclusion and reach a decision.

Written notices, the initiation of the hearing, and the written conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the Board. Several procedures are common to all hearings. The chairman or other designated person should run the hearing, and state the guidelines and time allowance, if restricted, before any testimony is given. All questions should be directed to the chair who, in turn, may ask for a response from the floor. An important aspect of the hearing process is that a decision must be based on the testimony and evidence submitted at the hearing or, if written, entered into the record at the hearing. The decision must be based on facts and cannot be arbitrary. Emotions, or information not presented or explored in the public hearing should not be considered.

G. RECORDINGS

Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of such recording at the beginning of the meeting.

H. EXECUTIVE SESSION

Deliberations and votes held in private sessions, commonly called Executive Sessions, are allowed only under strict circumstances as outlined in the Open Meeting Law. Executive Sessions may only be held after convening in an open, public session. Please refer to the Open Meeting Law packet provided to every elected and appointed board, committee/commission member by the Town Clerk. Questions regarding the Open Meeting Law may be directed to the Town Clerk.

IV. FINANCIAL MATTERS AND YOUR COMMITTEE

In general, an individual committee does not have a budget unless one is authorized by Town Meeting or at the time of its formation. If a committee anticipates a need to expend funds, it can request a budget for the next fiscal year through the Board of Selectmen, or if funds are needed during the fiscal year the Board of Selectmen should also be contacted. Unless a committee has funds specifically appropriated to it, the committee should not spend or commit to the spending of any funds without first obtaining guidance from the Board of Selectmen and the Town Accountant.

A. BUDGET

If your board or committee already has an established budget, on or about January 1, you will receive a budget package from the Board of Selectmen. The budget package will include directions for filing; a time frame on which the budget forms must be filed, and other pertinent information. Your committee's annual operating budget form should be filled out and returned to the Board of Selectmen as instructed in the budget package. Your board or committee will be asked to meet with the Finance Committee and Board of Selectmen to discuss your budget request before the warrant for the Annual Town Meeting goes to press. These meetings usually take place during the months of January and February. The Finance Committee shall consider and make recommendations on all articles of a financial nature, including any articles involving or affecting expenditures, appropriations, debt, budgets, estimates, purchases or sales of property.

B. SUBMISSION AND PAYMENT OF BILLS

All requests for payment of bills must be given to the Town Accountant and all appropriate receipts must be attached. There are very strict laws for collecting, accounting and expending public money. Any questions regarding expenditures should be directed to the Town Accountant or Town Administrator.

C. TURNING IN RECEIPTS

If your board or committee charges a fee for any of your services or programs, that money must be kept in a secure place and then turned over to the Town Treasurer with a duplicate accounting of the receipts given to the Town Accountant. To eliminate security problems and facilitate a positive cash flow, plan to turn in whatever money you have on a weekly basis or sooner if the amount exceeds \$100.00.

D. PURCHASES/PUBLIC BIDDING REQUIREMENTS

All purchasing must be done in compliance with Massachusetts Public Procurement Law (G.L. c.30B). Committee expenditures will usually not be large enough to require formal bidding; however, the following are general guidelines.

Purchases for amounts less than \$5,000.00 do not require formal bids. Good business practices should be followed

Purchases for amounts between \$5,000.00 and \$25,000.00 require three price quotes and the lowest responsive price quote accepted. The quotes can either be telephone or written quotes.

Purchases estimated to cost in excess of \$25,000.00 requires formal bidding procedures.

The provisions of G.L. c. 30B apply to the acquisition and disposal of real property and other procurement laws apply to public works contracts and public construction contracts (G.L. c. 30, § 39M).

The Board of Selectmen's office should be contacted for assistance and guidance for all purchasing and bidding.

E. FUND RAISING

1. Background Information. The provisions of G.L. c. 44, § 53A and the written policy adopted by the Board of Selectmen, enable a Town committee to raise and disburse funds according to specific procedures.
2. Procedures. In general, all funds received by the committee go into the Town's General Fund, and may not be spent without further appropriation by Town Meeting, unless approved by the Board of Selectmen for deposit into a special revenue account. Funds held in special revenue accounts may be dispersed without appropriation for special projects pursuant to the purpose for which the funds were originally received. The Board of Selectmen should be contacted by the committee for guidelines prior to commencing a special project.

V. ACCESS TO TOWN COUNSEL

Elected Officials, Department Heads, Committee Chairmen and/or designees shall have access to Town Counsel only after the request is approved by the Board of Selectmen.

When you feel it is necessary to contact Town Counsel to discuss a matter affecting your department or matters before your Board, we ask you to first contact any one of the selectmen to (a) discuss briefly what the matter is; (b) to consider if there are other alternatives (some of them free, such as the Department of Revenue and Massachusetts Municipal Association) to calling Town Counsel and (c) to obtain permission from the selectmen to make the call.

This is not meant to be a burdensome process, but is implemented to hold down skyrocketing legal costs and to keep the selectmen aware of legal matters affecting the Town.

After you have contacted Town Counsel, please use the accompanying form to briefly let the selectmen know what the matter is and what you learned. If these issues are sensitive, they may not be discussed in open session.

REPORT OF LEGAL CONSULTATION

TO: Board of Selectmen

FROM: _____

BOARD OR OFFICE: _____

After consulting with Selectman(name) _____

On (date) _____, the following matters were discussed with Town Counsel:

What is the possible outcome, or next step to be taken?:

Is further action warranted by the Board of Selectmen or any other board?

Town Committee Volunteer Application

NAME _____

ADDRESS _____

HOME PHONE# _____ WORK # _____

EMAIL
ADDRESS _____

COMMITTEE(S) INTERESTED IN SERVING ON _____

EDUCATION, BUSINESS, OR SPECIAL TRAINING _____

PREVIOUS SERVICE ON TOWN COMMITTEES _____

OTHER COMMENTS _____
