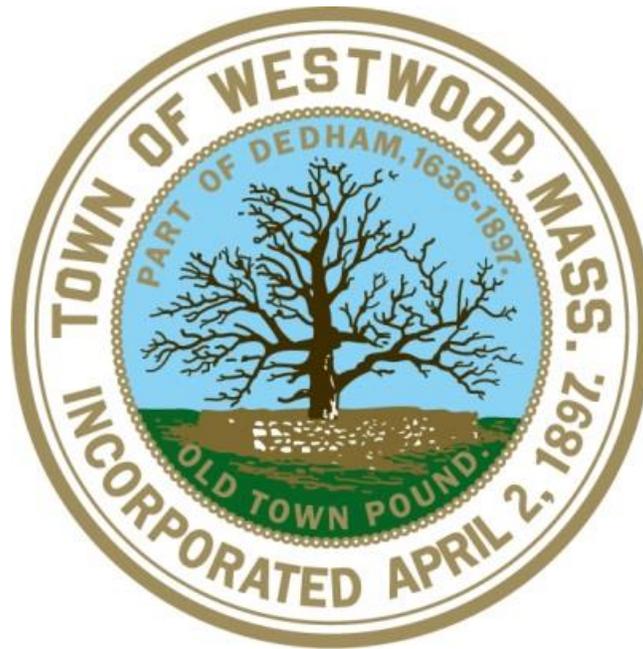


TOWN OF WESTWOOD

# Appointed Committee Handbook

A handbook for appointed officials





**TOWN OF WESTWOOD**  
COMMONWEALTH OF MASSACHUSETTS

**Select Board**

Michael F. Walsh, Chair  
John M. Hickey, Clerk  
Nancy C. Hyde, Third Member

Michael A. Jaillet, Town Administrator  
Pamela M. Dukeman, Finance Director  
Christine E. McCarthy, Executive Assistant

**Acknowledgement of Receipt of  
Appointed Committee Handbook**

Please sign and return this page to the Select Board's Office.

I hereby acknowledge that I have received a copy of the "Town of Westwood Appointed Committee Handbook," and agree to familiarize myself with the contents thereof.

I have received a copy of the Mass. General Laws, Chapter 268a, §23, Standards of Conducts.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Board/Committee

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Email Address

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## **1.0 INTRODUCTION TO THE APPOINTED COMMITTEE HANDBOOK**

### **1.1 Purpose**

The Select Board's Office has provided this Appointed Committee Handbook (hereafter, "Handbook") to assist the Town of Westwood's many appointed board, commission and committees (hereafter referred to as "Committees"). The Handbook provides a brief description of procedures which may be well known to many but less familiar to others. It also provides information about important state statutes, such as the Open Meeting Law and the Conflict of Interest/Ethics Law.

### **1.2 Additional Publications**

This Handbook does not attempt to duplicate all the details available online, including the Town's website, Charter and Bylaws.

In addition, the Town of Westwood Annual Report provides a summary of Committee activities as well as other details of Town activities for each calendar year (January thru December). Several years of Annual Reports are available on the Town's website: [www.townhall.westwood.ma.us](http://www.townhall.westwood.ma.us), with hard copies of previous years available in the Town Clerk's Office and at the Westwood Public Library.

New Committee members should be provided with a copy of the mission statement or purpose and other written information about the Committee's specific role, powers and duties, and rules and regulations, as well as any issues frequently encountered by the Committee. Committees may request training from Town staff, Town Counsel and other sources by making a written request to the Town Administrator at any time.

See Appendices section of this Handbook for additional resources.

## **2.0 FORMATION OF COMMITTEES AND MEMBERSHIP**

### **2.1 Committee Formation**

The appointment authority (the Select Board, Town Moderator and Town Administrator) appoint the Town's Committees. State statutes outline the powers and duties of many; the Town's general bylaws, which are adopted by Town Meeting, further define the work of some. Town Meeting may also request the appointment of a Committee by approving an article for the purpose. The appointing authority prepares the mission/purpose detailing the function, composition, appointing body and more and received the report and recommendations of the Committee. If appropriate, the Committee may also report to Town Meeting.

### **2.2 Appointment Applications**

The appointing authorities publicize vacancies on Committee through the Town's website. Individuals interested in being considered for appointment should complete a separate application for each Committee, commission or board on which they would like to serve. The only exception to this is for nominees from a home Committee to serve as a representative on a second Committee. In this case, informing the Appointing Authority of the choice will suffice. If however, the chosen nominee is not on the home Committee but is a community member selected by them, then an Appointment Application is required.

The Application is available on the Town's website under the Select Board's<sup>1</sup> Appointment Page and may be submitted via email (see application for more instructions). Applicants, who do not have access to a computer, may call the Select Board's Office at 781-326-4172 to request a form. The completed form should be returned to the Select Board's Office. Application should include a copy of the interested residents resume and a cover letter explaining any potential conflict of interests (see Section 2.4 of this Handbook). If there are no openings on the resident's Committee of choice, his/her application will be held on file for two years for consideration should an opening occur. Residents are encouraged to attend meetings of the Committee of interest to learn about the Committee's role in the community.

Once an application is received by the Select Board's Office, a meeting with the Town Administrator, the Chairperson of the Committee and/or a Department Head will be set up to discuss the next steps.

### 2.3 Appointment

The goal of the appointing authorities is to appoint qualified and interested Westwood residents who are broadly representatives of the Town. The appointing authorities carefully consider applications and suggestions from many sources, including but not limited to, Appointment Applications, verbal expressions of interest, recommendation by Committees Chairs, etc. They also take into account as many relevant factors as possible and make a special effort to ensure representation of the Town is made. Selections are based on current Committee composition, qualifications, experience, recommendations, available space and attendance record and previous performance, when available. Non-residents may serve on Committees when the appointing authority deems it in the best interest of the Committee and the Town. All other individuals must be a resident of the Town of Westwood.

Some Committees have voting or non-voting representatives appointing through their home Committee. For example, the Comprehensive Planning Committee has voting representatives from the Planning Board, Conservation Commission, Board of Health and Housing Authority. The Islington Center Task Force, however, has non-voting representative from the Select Board and Planning Board.

All appointees receive a written notification of appointment. The Certificate of Appointment, which is signed by the appointing authority, is retained by the Town Clerk's Office and must be sworn in by the Town Clerk prior to attending a Committee meeting as an official member. Member of voting Committees not sworn into their official positions can be challenged on their vote and subsequently voided if they have not completed this step in the appointment process. The Town Clerk gives Committee members information about the Open Meeting Law (M.G.L. c. 30A, §§ 18-25) as statute statutes require; members must sign a written acknowledgement of receipt.

### 2.3 Term of Office

The full term of office for most positions on Committees is three years, ending on June 30<sup>th</sup> of each of the third year. If a vacancy occurs in the membership of an appointed Committee, the appointing authority shall appoint a new member to serve for the balance of the unexpired term.

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<sup>1</sup> Appointment Application form can be used and submitted for a committee appointed by the Town Moderator and the Town Administrator.

## 2.4 Oath of Office

Written notification of appointment will be issued to newly appointed Committee members. Appointees must report to the Town Clerk's Office to be sworn to the faithful performance of their duties prior to taking any official action as a member of a Committee (M.G.L. c. 41, §107). The Town Clerk will give appointees information about Open Meeting Law, as required by M.G.L. c.39, §23B. Members are required to sign a Certificate of Appointment which will be kept on record by the Town Clerk's Office.

It is particularly important that all elected and appointed officials take the required oath of office to faithfully perform their duties. An appointed official is not qualified to take any official action until after he/she has taken the oath of office. In addition, his/her predecessor is still legally in office until this oath has been administered.

It is also particularly important that members of certain boards which have quasi-judicial powers, such as board of appeals or the Conservation Commission take the oath of office. If litigation results from some action taken by such a board, the case may be lost if all board members involved in the action have not taken the required oath.

Each appointment has its own Certificate of Appointment. If an individual serves on multiple Committees in various capacities, whether related to his/her home Committee or not, a Certificate of Appointment must be signed and the individual must be sworn in for each of those membership roles.

Each year, all municipal employees (which includes members of boards, committees and commissions) must be given a summary of the Conflict of Interest Law prepared by the Ethics Commission and, every two years, must complete an online training program prepared by the Commission. The online program is available at [www.muniprogram.ethics.state.ma.us](http://www.muniprogram.ethics.state.ma.us). Once you have completed the program online, you will be promoted to print a Certificate of Completion, which must be kept on file at the Town Clerk's Office.

## 2.5 Conflict of Interest Statute as It Applies to Committee Appointees

M.G.L. Chapter 268A, see also the State Ethics Commission Website:

<http://www.mass.gov/ethics/>

### 2.5.1 Purpose

According to *A Practical Guide to the Conflict of Interest Law for Municipal Employees (2001)* published by the State Ethics Commission, the "purpose of the conflict law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict."

"The law restricts what a public employee may do: (1) on the job; (2) after hours (or 'on the side'); and (3) after leaving public service."

### 2.5.2 Provisions

The law prohibits a variety of actions, including bribery, extra pay, receipt of gifts or privileges because of a Committee member's official action, and acting as an agent or attorney for anyone in a claim against or doing business with the Town. The law prohibits all municipal employees from participating in a particular matter in which Committee members or any of the following have a financial interest:

- Immediate family,
- Partner or business associate
- A business organization in which Committee member serves as an officer, director, trustee, partner or employee (including a non-profit organization)
- Any person or organization with which Committee members are negotiating or have any arrangement concerning prospective employment.

If Committee members have a conflict of interest or an appearance of conflict in any matter before the board or committee, they should not be counted in the quorum nor participate in or be present for any pertinent discussions or votes. The law provides for the legal determination of conflict of interest status for any employee submitting a request to the appointing authority or State Ethics Commission. The law also provides for continued service in certain circumstances if full disclosure is made or a special exemption is granted by the appointing authority with advice from Town Counsel. If Committee members have any questions about their activities, they should file a written request to Town Counsel and the Town Administrator. The answer to the request will be in writing and become a matter of public record.

### 2.5.3 Persons the Conflict of Interest Governs

Municipal Employees: "The conflict law regulates the conduct of public officials and employees (referred to collectively in the law as 'employees') at the state, county and municipal levels of government. The term 'employee' at each level is defined expansively. You are considered a municipal employee if you hold any office, position, employment or membership in any municipal agency. It does not matter whether you are paid or unpaid or whether you serve full-time or part-time. People who work as consultants or on an intermittent basis are generally covered, as well. For example, unpaid members of local town or city boards or commissions are municipal employees, as are private citizens serving on a special advisory committee (emphasis added) appointed by the Select Board to make recommendations on specific issue."

"Special" Municipal Employees: "'Special' municipal employee status may be assigned to certain municipal positions by vote of the Select Board, board of aldermen or city council. Two sections of the conflict law apply less restrictively to special municipal employees. You are eligible to be designated as a special municipal employee provided that: (1) you are not paid; (2) you hold a part-time position which allows you to work at another job during normal working hours; or (3) you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days."

“It is the municipal position which is designated to having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. For instance, one member of a school committee may not be classified as a special unless all members are similarly classified.”

#### 2.5.4 Designation of Committee members as “Special” Municipal Employees

The Select Board votes to designate some Committees’ members as “Special” Municipal Employees based on the Committee requesting such designation. Under the provisions of this law, many but not all Town of Westwood Committee have been designated “Special” Municipal Employee.

#### 2.6 Speaking for a Committee

An individual board member has a right to speak publically as a private citizen, but should not purport to represent the Committee or exercise the authority of the Committee except when specifically authorized by a majority vote of the body to do so. If members identify themselves as members when speaking as a private citizen, it may be perceived that they are speaking for the Committee. Such a perception should be avoided. An individual board member should clearly identify his/her self and state publically that they are speaking as a private citizen authorized to speak on behalf of his/her board for the record.

#### 2.7 Reappointment

Reappointment is based on an evaluation by the appointing authority of the Committee members’ contribution to the Committee, the desirability of widespread involvement, and changing needs of the Committee and the Town. Some Committees may have a term limit requirement as outlined in its bylaw. For example, the Council on Aging appointment states “no member will be eligible for reappointment to a third term until and unless 1 year has elapsed from and after the expiration of that member’s second full term”.

In cases where special training or expertise is required, longer periods of service may be appropriate. A Committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

#### 2.8 Resignation

A Committee member who is no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the appointing authority, the Chair of the Committee with copies submitted to the Select Board’s Office and the Town Clerk.

#### 2.9 Other Terminations

In rare circumstances such as continued, unexplained absences or conflict of interest, the appointing authority may ask for a member’s resignation or, if necessary, revoke the appointment. Also, the appointment of a Committee member who fails to attend three consecutive meetings without sufficient reason may be terminated. Written notification to the Committee member will be given in the event of such action. Generally, before such action is required, the appointing authority should contact the member to see if the problem can be justified and/or corrected.

### 2.10 Associate Membership

From time to time, a Committee may find it useful to appoint associate members to assist the Committee in the successful completion of its mission. Appointments of associate members are made by the appointing authority, provided the Committee submits written substantiation of the need for associate members. Associate members are appointed for terms of one (1) year unless a longer term is otherwise agreed upon by the appointing authority and the Committee.

The appointing authority has the authority through the Town Charter to appoint Associate members to all Committees for terms it feels necessary to ensure the mission of the Committee is met.

### 2.11 Mission and Plan of Action

The Committee should review the mission statement by the appointing authority at an early meeting and periodically thereafter in order to keep its work focused and moving toward its goals. When the Committee is established because of Town Meeting action, the appointing authority usually incorporates the purpose of the article within the mission statement. However, the Town Meeting vote is advisory and not legally binding.

The Committee, with advice from staff and the appointing authority, should develop a plan of action to accomplish the objectives. The plan should include major reporting milestones so that the Committee and the appointing authority may assess the Committees progress.

## **3.0 OFFICERS**

### 3.1 Elections

Committees should elect a new Chair, Vice-Chair and Secretary annually; usually at the first meeting after new terms begin in July. It is the responsibility of the Chair to notify the appointing authority and the Executive Assistant in the Select Board's Office of changes in officers.

### 3.2 Chair

The Chair's primary responsibility is the fair facilitation of meetings. The Chair presides at all meetings, assist with setting the agenda, decides questions of order, calls special meetings, and signs official documents that require Chair's signature. The Chair has the same and no more rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. Generally speaking, the Chair should allow other members to make and second motions and should be mindful in offering amendments to motions and in discussion since the Chair's primary role is to facilitate a full range of opinion from the Committee and, in a public hearing, from the Public.

The duties of the Chair typically perform include:

- a. Preparing agendas
- b. Assuring needed material will be available to the Committee
- c. Assuring the lists of topics is posted in accordance with Open Meeting Law
- d. Establishing the calendar
- e. Reserving meeting space
- f. Notifying the appointing authority of important changes to the Committee
- g. Submitting the Annual Report
- h. Approving request for remote participation

Depending on the Committee, however, some duties may be performed by the Chair or by other elected officials of the Committee or in some cases, by the staff liaison (i.e. Ex Officio Member). He or she would:

1. Prepare agendas and other materials: Ideally, the tentative agenda for the next meeting, the minutes of the previous meeting and other necessary documents for the Committee to discuss the topics. Materials should be emailed or mailed to the Committee members, including staff liaison, several days before the meeting whenever possible. The detailed agenda including a list of topics expected to be discussed, the meeting time and location, needs to be submitted to the Town Clerk's Office two or more business days (a minimum of 48 hours, excluding Saturday, Sunday and legal holidays) prior to the meeting. The information will then be included in the events calendar and on the electronic bulletin board on the Town's website. The Chair may be assisted in posting these materials by staff and/or a Town volunteer. In addition, the Town Clerk's Office can train a Committee member to post these materials him or herself.
2. Prepare copies of meeting materials: A Committee member or staff liaison will copy meeting materials, using the copier in the staff liaison's department, and place them in envelopes for mailing for those who need mailed copies. The staff liaison will provide mailing labels and will mail those packets. However, emails typically substitute for copies and mailings for all Committee members who can receive emails and read all attachments, some of which require programs such as Excel or PowerPoint. If a member is unable to read such attachments, it may be possible to cut and paste it into the body of the email upon request. In the case of emailed materials, hard copies of the agenda and documents should be provided at meetings if they are not mailed so that members will not have to print their own.
3. Reserve Meeting rooms (see Section 4.6) and post meeting with the Town Clerk (at a minimum of 48 hours, not including weekends or holidays) before the meeting time.

### 3.3 Vice Chair

The Vice-Chair serves as the Chair whenever the latter is absent or steps down from meetings and performs other necessary duties.

### 3.4 Secretary/Clerk

If the Committee has a Secretary/Clerk, he or she is responsible for taking and transcribing the Committee's minutes, recording any amendments, posting the approved minutes online and filing the approved minutes with the Town Clerk's Office or ensuring that these functions are performed by staff.

In accordance with MGL c. 30A, § 22, Town boards and committees shall create and approve minutes of all open sessions in a timely manner. Upon approval, said minutes shall, within 10 days, be posted on the Town's website and filed with the Town Clerk; minutes of all open sessions, whether approved or in draft form, will be made available upon request by any person within 10 days.

See also Chapter 80: Officers and Employees

§ 80-9 Minutes.

<http://ecode360.com/13014568>

### 3.5 Staff Administrative Assistant

Some Committee may have a Staff Administrative Assistant. The responsibilities of the Staff Administrative Assistant are identical to those of a Committee appointed Secretary. A Staff Administrative Assistant is a non-voting member of the Committee who records and files the minutes for the Committee. Requests for a new Administrative Assistant must be made in writing to the Town Administrator. Written approval will be given prior to the use of an Administrative Assistant for this purpose.

### 3.6 Select Board Liaison

The three (3) members Select Board are liaisons to many sitting Committees (50+/\_ ) that serve the Town. Although they may attend only some of the meetings of a given Committee, the liaison should receive all the agenda, materials and minutes. Select Board liaisons is a resource available to the Committee to answer questions on procedure and policy. The liaison also reports on the Committee's activities to the entire Board and, when necessary, they help bring Committee issues that need attention to Town Meeting.

## 4.0 MEETINGS

### 4.1 Definition

A quorum is necessary for conducting official business. A quorum consists of greater than 50% of the full membership: i.e., quorum for a 6-member Committee is 4; quorum for a 7-person Committee is also 4.

In certain instances, associate, alternate and ex officio membership may be used to fulfill a quorum of Committee meeting and votes when necessary. Town Counsel advice must be obtained prior to taking any vote using an associate, alternate or ex officio member.

A meeting occurs at any time a quorum of the Committee (or Subcommittee) members come together to discuss or consider public business or policy over which the Committee has jurisdiction or advisory power.

#### 1. Remote Participation

The Office of the Attorney General amended the Open Meeting Law regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings, which the Town adopted. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The Remote Participation Policy as adopted by the Town is included in the appendices of this Handbook.

## 4.2 Open Meeting Law (OML) – M.G.L. c30A, §§ 18-25

### 4.2.1 General Information

The Massachusetts Open Meeting Law (<http://www.mass.gov/ago/government-resources/open-meeting-law/>) requires that all meetings of elected or appointed boards, committees or subcommittees be open to the public except in ten specific situations where Executive Session is permitted (see Section 12a, OML, Executive Session; see Section 4.4 below). No votes taken in open session by a governmental body may be by secret ballot.

The law does not apply to chance meetings or social occasions; however, such meetings cannot be used to circumvent the requirement of discussing and deliberating at public meetings.

The Open Meeting Law does not contravene other laws, such as the Privacy Act. If clarification is needed, particularly concerning Executive Session and the rights of individuals, the Committee Chair may request that the Town Administrator obtain advice on specific questions from Town Counsel.

### 4.2.2 Recordings

Any person may record a meeting (with the exception of Executive Session) with audio and/or video equipment provided there is no active interference with the conduct of the meeting and with verbal permission of the Chair. The manner in which this right is to be exercised is subject to the reasonable direction of the Chair, but is usually done at the onset of the meeting.

## 4.3 General Guidelines

A Committee may adopt formal rules of order, such as Robert's Rules of Parliamentary Procedure. Although most small Committee discussions may seem to casual to be called debate, it is advisable for the Committee to observe a minimum of generally accepted procedures. Attentive guidance by the Chair and adherence to adopted procedures can increase efficiency as well as maintain objectivity.

The Chair should limit all participants to concise, non-repetitive statements. In some cases, establishing time limits may be advisable. All who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the Committee to continue discussion until complete consensus is achieved. Other actions such as calling for a vote, postponing until more information is available, or referring to a subcommittee are options to a final vote.

The Town of Westwood has long been recognized for vigorous dissent, civil discussion, and mutual respect among individuals of diverse points of view. Committees discuss the merits of issues; personal comments are considered out of order. Visitors may be allowed to participate if recognized by the Chair; time constraints and agendas often require brevity (OML 20(f)). It may be advisable for the Chair to remind speakers of time and repetition limits. No one may speak at a Committee meeting without permission of the Chair and should identify themselves and their address or residency before speaking. If a speaker refuses to be silent after a warning from the Chair, the Chair has the authority to order the speaker removed from the meeting by the Police. Nevertheless, all Committee members represent and serve the Town. They should treat all visitors and other Committee members with courtesy and consideration. It is strongly

recommended to permit public participation in some form, such as a short period reserved for comment at each meeting or on a particular issue on the agenda. Public participation is expected during scheduled public hearings.

#### 4.4 Executive Session

An Executive Session is closed to the public, but the Committee must first convene in an Open Session for which notice has been posted. A majority of the members must vote, by roll-call vote entered into the minutes, in favor of a motion to go into Executive Session. The motion must specify the reason including a statement that there would be a detrimental effect on the position of the governing body if the discussion were in open session and state whether or not the Open Session will reconvene following Executive Session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. Attendees do not discuss these matters with anyone. Accurate records/minutes of the executive session shall be maintained pursuant to Section 23 of the OML (Complaints and Remedies) and shall be released to the public only when the purpose for the Executive Session no longer exists by vote of the Committee.

**All appointed boards are urged to consult with Town Counsel if they have any questions as to the process and/or permissibility of entering into executive session.**

#### 4.5 Meeting Schedule

The frequency of meetings depends on a Committee’s workload. Most meetings are commonly held weekly, monthly or bimonthly. The Chair calls each meeting. When possible, a regular meeting day, hour and location should be established. Except in cases of emergency, it is not encouraged that Town Committees meet if Town Hall is closed due to snow. It is strongly recommended that Committees do not meet on Election Days or other religious or cultural holiday or holidays.

While holding a meeting on a holiday or holidays is not prohibited, it is not common practice for a Committee to avoid holding meetings on these days, when possible.

The current list of official state holidays are:

New Year’s Day	January 1 <sup>st</sup>
Martin Luther King Jr. Birthday	Third Monday in January
Washington Birthday	Third Monday in February
Patriots Day	Third Monday in April
Memorial Day	Last Monday in may
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran’s Day	November 11 <sup>th</sup>
Thanksgiving	Fourth Thursday in November
Christmas Day	December 25 <sup>th</sup>

#### 4.6 Meeting Location

Meetings must be held in a place which is open to the public and accessible to the handicapped. Committees should meet in a public building because meetings held in private homes or restaurants may give the appearance of being secret and discourage the public from attending. A Committee may reserve a room in a Town building by contacting the following:

Town Hall: 781-326-4172 (Select Board's Office)

Carby Street: 781-320-1366 (Community and Economic Development Office)

Library: 781-320-1045 (Reference Line)

Senior Center: 781-329-8799 (Council on Aging)

School Buildings: 781-326-7500 x1305 (School Administration)

Islington Community Center: 781-326-5347 (Building Coordinator)

For use of other non-municipal buildings, a Committee must appropriately book meeting space based on that buildings process.

#### 4.7 Public Meeting vs. Public Hearings

All meetings of municipal boards, committees and commission are public meetings – meaning they are open to the public. The public is welcome to attend and observe; however, they do not have the right to participate unless they are invited to do so by the Chairman.

A public hearing is held for the purpose of obtaining information from which the board can reach a determination, usually regarding the issuance of a license or permit or some other approval. Abutters are often required to be notified by Certified Mail and may attend to observe and participate in the public testimony portion of the hearing.

The Select Board, Planning Board, Finance and Warrant Commission Zoning Board of Appeals, Conservation Commission and Board of Health are sometimes required by state law or local regulation to hold public hearings. Hearings are held for the purpose of obtaining information from which the board can use to reach a determination, usually regarding the issuance of a license or permit.

Such hearings will typically have requirements and timeframes for advertising and posting public notice of the hearing, notifying abutters, rendering and filing a decision and the purpose for filing an appeal. These requirements vary depend on the type of hearing. It is the responsibility of the Chairman is to assure that the requirements of the public hearing process are properly followed.

#### 4.8 Posting

It is the responsibility of the Committee (the Chair, Secretary or staff liaison) two (2) full days (48 hours) prior to the meeting to give notice to the Town Clerk's Office so that she can post the Committee's meetings with time, date place and a list of topics to be discussed. Except for emergency meetings, meetings must be posted online 48 hours in advance by the Town Clerk; not including Saturdays, Sundays or legal holidays (OML section 20b). In the case of an emergency meeting (sudden, unexpected occasions which require immediate action by the body), the 48 hour posting requirement can be waived however, the Town Clerk must be informed and the emergency meeting posted as soon as possible. The Town Clerk is responsible by state law for maintaining a current listing of all posted meeting on the bulletin board at Town Hall and by practice online at [www.townhall.westwood.ma.us](http://www.townhall.westwood.ma.us). The Town Clerk

may train a member and/or staff of the Committee to post the meeting's agenda by his or herself.

#### 4.9 Recordkeeping

Committee should strive for transparency, posting minutes as soon as they become available. State law requires that a Committee keep accurate records of its public meetings. The Committee must vote to accept all minutes. These records are public information, and Chairs, their designees or the staff liaison must post a copy of all approved minutes in electronic format (stored in an archive online) and in addition, a hard copy of approved minutes must be filed with the Town Clerk's Office.

OML Section 22 states:

"Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person with 10 days" and "The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure except in certain personnel evaluations."

Minutes must include (see OML Section 22):

- The date, time and location of the meeting
- The members present or absent
- A summary of the discussions on each subject
- The decisions made and the actions taken at each meeting including the record of all votes.
- Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be maintained as part of the official record of the session.
- A list of documents and other exhibits used at the meeting

Minutes should include:

- Names of additional participants (not press or observers)
- Name of recorder
- Time convened and time adjourned

Minutes may include:

- A schedule of future meeting(s)

Minutes do not need to include:

- Who moved and seconded motions, although this information on the individual votes does add to the transparency

#### 4.10 Public Records Law

The Massachusetts Public Records Law – MGL Chapter 4, Section 7(26) and any amendments provides right of access to public records, broadly defined to include all documentary materials expect eleven specific exemptions such as personnel and medial files, proposals and bids, and appraisals of property. The minutes, informational data, memoranda and circulating materials of any Town board or committee are mostly all public information. The Committee should consult its liaison or Town Counsel if questions arise concerning freedom of information.

## 5.0 FUNDRAISING

### 5.1 Background Information

From time to time, the formation of a Committee the task of which is to raise funds for a specific purchase (i.e. Friends of the Library raised funds to support the construction of the new library). The provisions of M.G.L. Chapter 44, Section 53A enable a Town Committee to raise and disburse funds according to specific procedures.

### 5.2 Procedures

#### 5.2.1 Donations

All funds received by the Committee should go into the General Fund and may not be dispersed by the Committee on its own unless special arrangements are made. Sometimes donations are made to the Town for deposit to a separate, designated account for specified purposes. The Committee's designee completes a turnover form for contributions received and transmits this document and funds to the Town Treasurer. A copy of the turnover sheet may be obtained in the Treasurer's Office at Town Hall.

## 6.0 REPORTING PROCEDURES

### 6.1 Appointing Authority

The Select Board recommends that the Committee Chair report to the Select Board liaison and/or the Town Administrator about the Committee's action plans. The Select Board liaison and/or Town Administrator can be particularly helpful in maintaining communication between the Committee and the appointing authority. If needed, the Chair may request a meeting with the appointing authority to resolve problems and report progress.

### 6.2 Liaison with Select Board

Select Board members serve as liaisons to many Town Committees. The Committee Chair consults with the liaison when problems occur. The Select Board liaison keeps in touch with the Committee's work by attending meetings, when possible, talking with the Chair, receiving minutes, agendas and reports. The liaison may Chair the first meeting of a newly established Committee, explain the mission and preside over the election of a chair who will then take over the meeting. The Select Board liaison may also serve as the Chair, should the Committee see it fit.

The liaison may or may not have a vote on the Committee action and may be asked to give an opinion or assistance. Occasionally, a special Committee is made up of representatives from various Committees; in those cases, all members may be voting members. It is best to clarify voting or nonvoting status at the beginning of the Committee's work. The liaison reports to the full Select Board from time to time about the Committee's progress.

### 6.3 Liaison with Staff

To the extent possible, the Select Board appoints a staff member, usually a Department Head, to serve as Ex Officio members of the Committee. The Ex Officio member attends Committee meetings as necessary; his/her responsibilities vary, depending on the mission of the Committee, but generally include providing technical support and information. The Ex Officio member remains responsible to the Town Administrator/Department Head and his/her job responsibilities, not the Committee. He/she keeps the Town Administrator/Department Head informed of the Committee's work, particularly policy issues, significant problems or

developments, workload difficulties, and any other items which may be of significance. The Town Administrator may seek input from the Committee Chair prior to the annual review of the staff's job performance. Requests for legal assistance from Town Counsel should be directed to the Town Administrator through the Committee's Ex Officio member.

#### 6.4 Public Information Meetings

The success of a Committee's endeavors often depends on effective communication with the public. The Committee should hold public meetings and hearings when needed both to inform the residents of work in progress and to gain public reaction and response. Where appropriate and in consultation with the Ex Officio member, the Committee might issue press releases to keep the public informed.

#### 6.5 Town Meeting

If a relevant article is on the warrant or if the Committee's mission specifies a report to Town Meeting, the Committee should prepare information for Town Meeting. The Committee should make these reports clear, concise and brief, keeping in mind the large volume of materials Town Meeting attendees receive.

A Committee may request inclusion of an article in the Town Meeting Warrant by a letter to the Select Board from the Committee if a majority of the Committee consents to the submission. Articles may be reworded by the Select Board upon advice of Town Counsel. All articles should be submitted to the Select Board's Office by the deadlines established. Committee members sometimes find that they wish to discuss and consider making recommendations on other articles at their meetings. In such cases, the Select Board suggests that the Committee send written notice of the schedule discussion to the sponsor of the articles and include a copy to the appointing authority.

#### 6.6 Annual Town Report

All appointed Committees must file an annual report of the Committee's activities for the Annual Town Report. The Chair or other designated member should detail Committee membership, the mission of the Committee, and an explanation of major accomplishments and future plans. Annual Reports cover the period beginning January 1<sup>st</sup> through December 31<sup>st</sup> and are due prior to Annual Town Meeting in the spring.

## **SOURCES OF INFORMATION**

- “Open Meeting Law Guide,” Commonwealth of Massachusetts Office of the Attorney General. July 1, 2010. <http://www.mass.gov/ago/docs/government/oml/oml-guide.pdf>
- Massachusetts General Laws <https://malegislature.gov/Laws> :
  - Chapter 66: Public Records Law
  - Chapter 30A, §§18-25: Open Meeting Law
  - Chapter 268A: Conflict of Interest
  - Chapter 268A, Section 23: Standards of Conduct
- Massachusetts Conflict of Interest Law, State Ethics Commission, [www.mass.gov/ethics](http://www.mass.gov/ethics)
  - Ethic Training Program: <http://www.muniprogram.eth.state.ma.us/>
- Records Retention Manual - <https://www.sec.state.ma.us/arc/arcpdf/0211.pdf>
- Town of Westwood Charter - <http://ecode360.com/13018704>
- Town of Westwood Bylaws - <http://ecode360.com/WE2841>
- Town of Westwood website: [www.townhall.westwood.ma.us](http://www.townhall.westwood.ma.us)
- Town of Westwood Anti-Harassment Policy - <http://www.townhall.westwood.ma.us/townofwestwood/file/Human%20Resources/WWHarassment%20Policy.pdf>
  - Town of Westwood Anti-Harassment Policy Receipt
- Remote Participation Policy

**Executive Session may be held only for the purposes described in Section 21a of the OML – see below:**

**OML SECTION 21a. [EXECUTIVE SESSIONS]**

“(a) A public body may meet in executive session only for the following purposes:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights; i. to be present at such executive session during deliberations which involve that individual; ii. To have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session; iii. to speak on his own behalf and iv. To cause an independent record to be created of said executive session by audio-recording or transcription, at the individual’s expense. The rights of an individual set forth in this paragraph are in addition to the right that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any right of the individual.
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining session or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have detrimental effect on the bargaining or litigation position of the public body and the Chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the Chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meeting of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet to confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that: (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the meditation shall be disclosed and (ii) no action shall be taken by any public body with respect to those issues which are the subject of mediation without deliberation and approval for such action and open session; or
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability conduct business in relation to other entities making, selling or distributing electric power and energy. (b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that: 1. The body has first convened in an open session pursuant to section 21; 2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes; 3. Before the executive session, the Chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called; 4. The Chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and 5. Accurate records of the executive session shall be maintained pursuant to section 23.”

NOTE: Purpose (1) above for meeting in executive session should be used with great caution and should ordinarily be discussed with the Town Administrator and/or with Town Counsel and only if the individual has been served official written notice and an opportunity to have the matter discussed in open session.