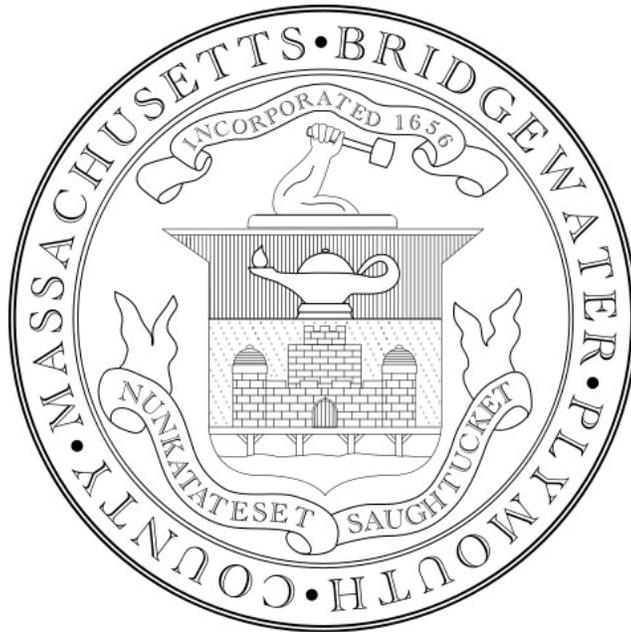


TOWN OF BRIDGEWATER

Volunteer Handbook



A Guide for Board and Committee Members

March 2017 edition

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TOWN OF BRIDGEWATER
APPOINTED VOLUNTEERS HANDBOOK

1.0 INTRODUCTION TO THE APPOINTED VOLUNTEERS HANDBOOK

1.1 *Purpose*

The Town Manager provides this Appointed Volunteers' Handbook (hereafter, "Handbook") to assist the Town of Bridgewater's many volunteers (hereafter, "volunteers") to appointed boards, commissions, and committees (hereafter, "committees").

The Handbook provides a brief description of Bridgewater's procedures which may be known to some but unfamiliar to others. It also provides information about important state statues, such as the Open Meeting Law and the Conflict of Interest/Ethics Law which need to be understood by all, as well as the Town's conflict of interest ordinance and Statement of Financial Interest (SFI) which will be relevant for only a few positions.

1.2 *Additional Publications*

This Handbook does not attempt to duplicate all the details given in other state and local publications. For more thorough treatment of issues and rules affecting committee service, please see:

1. The Bridgewater Town Code (including the Town Charter, Council Rules and Procedures, and the Administrative Code) found at www.bridgewaterma.org.
2. The State Ethics Commission's Conflict of Interest Law Online Training Programs at <http://www.mass.gov/ethics/conflict-of-interest-law-online-training-programs.html>.

New committee members should read these important state and Town documents and educational materials and save them as references. In addition, new committee members may wish to read past minutes and agendas to better understand the committee's activities.

New volunteers will be provided a copy of their committee's mission, charge, all written information explaining the committee's specific role, powers and duties, issues frequently encountered and any specific rules and regulations pertaining to his/her particular committee not in these general materials. Newly established committees, or a committee without specific rules and regulations, will begin by drafting rules and regulations and submitting them to the Town Manager's office for approval and adoption. Individual volunteers or a full committee may request training from state sources, Town staff, Town Attorney, or other sources by making a written request to the Town Manager's office at any time.

2.0 FORMATION OF COMMITTEES AND MEMBERSHIP

2.1 *Appointing Authority / Committee Formation*

The Town Manager appoints the majority of the Town's committees and the Town Council ratifies the appointments. State statutes outline the powers and duties of many committees; the Town's Administrative Code, which is adopted by Town Council, further defines the committees' work.

The Town Manager may appoint *ad hoc* committees for advice on a specific issue. The Town Manager will prepare a mission statement and charge detailing the function, composition, and volunteers' terms of service. The Town Manager may meet with or receive reports and recommendations from the committee. Such committees, because they report to only one individual, are exempt from Open Meeting Law (OML) requirements.

The Town Council may create an *ad hoc* committee and may appoint members, or ask the Town Manager to appoint members. Such committees report to the full Town Council and, therefore *are* subject to OML requirements because they report to more than one individual.

2.2 *Citizen Advisory Committee (CAC) Forms*

The Town Manager's office will publicize committee vacancies. Before applying for a position, volunteers are encouraged to attend meetings of any committee on which they desire to serve.

Generally, to be considered for appointment an applicant must be a resident and registered voter in Bridgewater. A Citizen Advisory Committee Volunteer Application Form for the specific committee must be completed and returned to the Town Manager's Office. Completed forms are returned either electronically (TownManager@BridgewaterMA.org) or in hard copy (Town Manager, Academy Building, 66 Central Square, Bridgewater, MA 02324).

In addition to showing why the volunteer is suitable for appointment to the committee (professional or volunteer experience, specific training or knowledge that would be beneficial, etc.) applicants should clearly explain any potential for or appearance of conflict of interest (See Section 2.4, Conflict of Interest).

After receiving an application, the CAC will invite the applicant to an interview.

If there are no openings on the individual's chosen committee(s), the application will be kept on file for one year to be considered if an opening occurs.

After the interview, the CAC submits its recommendation to the Town Manager who will notify the applicant of the outcome. If recommended, the applicant's name will be put before the Town Council for ratification. When ratification is scheduled, the applicant will be informed of the date and is welcome to attend the meeting.

2.3 Considerations for Appointment

The Town Manager's objective is to appoint qualified and interested Bridgewater residents broadly representative of the Town's demographics. The Town Manager considers applications and suggestions from many sources, including but not limited to the CAC Volunteer Application Forms and recommendation, verbal expressions of interest, work experience personal references, etc. The Town Manager also takes into account other relevant factors (e.g., age, sex, race, experience, residential location, etc.) and to ensure a wide-ranging representation of residents.

Selection is based on current committee composition, candidate qualifications, experience, personal and CAC recommendations, committee availability, and, if the applicant has previously served, on his/her previous attendance record, service, and performance record.

Generally, a person finishing a successful first term is given preference for a second term, if desired. However, when appropriate, the Town Manager will encourage turnover on committees to maximize opportunities for citizen participation.

In general, the policy is for an individual to serve on no more than two permanent committees simultaneously. Some committees have voting or non-voting representatives appointed through their home committees. For example, the Community Preservation Committee (CPC) has voting representatives appointed by the Conservation Commission, the Historic District Commission, the Historical Commission, the Planning Board, the Affordable Housing Trust, the Housing Authority, the Open Space Committee, the Parks and Recreation Commission in addition to the one at-large member appointed by the Town Manager and ratified by the Town Council. Each committee chair notifies his/her appointee and the Town Manager in writing of the CPC appointment. The Town Manager notifies the Town Clerk. Committee members must be sworn by the Town Clerk for the new committee assignment prior to attending a committee meeting as an official member.

2.4 Swearing In

At swearing in, the Town Clerk provides committee members information on the Open Meeting Law (M.G.L. c. 30A, §§ 18-25), the Commonwealth's required Ethics Exam and the Conflict of Interest Law (COIL) summary. All volunteers must return a signed acknowledgement receipt of the Conflict of Interest Law Summary and a printed copy of the Ethics Examination certificate to the Town Clerk's Office (clerk@bridgewaterma.org or by mail to Town Clerk, Academy Building, 66 Central Square, Bridgewater, MA 02324) .

2.5 *Reappointment*

Reappointment is based on an evaluation by the Town Manager of the committee member's contribution to the committee, the desirability of widespread involvement, and the changing needs of the committee and the Town. Although there is no fixed limit on length of service, it is normally limited to two (2) terms, three (3) years in length. 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 Town Manager obligated to offer it.

2.6 *Resignation*

A committee member no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the Town Manager and the chair of the committee, or to the Town Clerk's office

2.7 *Other Terminations*

In rare circumstances such as continued, unexplained absences or conflict of interest, the Town Manager may ask for a member's resignation or, if necessary, revoke the appointment. The appointment of a committee member who fails to attend three consecutive meetings without being excused by the chair 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 Town Manager will contact the member to discuss and hopefully correct the situation.

2.8 *Associate Members*

Some committees have associate or alternate members. Appointments of associate or alternate members are made by the Town Manager using the same process as regular members.

2.9 *Charge and Plan of Action*

The committee's initial meeting will include a review of its mission statement as defined by the Administrative Code and its charge as prepared by the Town Manager. The committee, with advice from staff and the appointing authority should develop a plan of action with goals and objectives. The plan should include major reporting milestones so that the committee and the Town Manager may assess committee progress.

2.10 *Reporting to the Town Manager*

The Town Manager requires a regular report on committee's actions and plans through either the chair or the staff liaison. That report will be incorporated in the operational report so all staff, committees, and interested residents can be kept abreast of committees' activities.

3.0 CONFLICT OF INTEREST LAW (COIL)

The Conflict of Interest Law, found at M.G.L. Chapter 268A (see also the State Ethics Commission Website: <http://www.mass.gov/ethics>), identifies permissible and impermissible relationships for committee members. The Town of Bridgewater also limits committee member's participation in many situations (see the Town's Conflict of Interest Ordinance at the Administrative Code, Part III, Chapter 55, Article I).

3.1 *Conflict of Interest Law Purpose*

According to *A Practical Guide to the Conflict of Interest Law for Municipal Employees* (2001), 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." Under the law, committee members, whether paid or volunteer, are considered "special employees," and held to that standard.

3.2 *Conflict of Interest Law Provisions*

The law prohibits a variety of actions, including bribery, extra pay, receipt of gifts or privileges because of a committee member's official actions, and acting as an agent or attorney for anyone in a claim against or doing business with the Town. COIL 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 associates.
- A business organization in which the committee member serves as an officer, director, trustee, partner or employee (including a non-profit organization.)
- Any person or organization with whom the committee member is negotiating or has any arrangement concerning prospective employment.

If a committee member discloses a conflict of interest or an appearance of conflict in a matter before the committee, he/she will not be counted in the quorum nor be allowed to participate in any discussions or votes on that issue. It is advisable that the member excuse him/herself from the meeting during discussions and votes to ensure that no undue influence is felt by fellow committee members.

If a committee member is concerned about the possible conflict of interest, he/she should contact the State Ethics Commission. The Ethics Commission exists to provide protection for employees/volunteers. All communication with the Ethics Commission is kept strictly confidential on their part. However, the one who sought information from the Ethics Commission is free to disclose that fact and the information given.

In some instances, a formal disclosure may be needed (<http://www.mass.gov/ethics/disclosure-forms/municipal-employee-disclosure-forms/>) or a special exemption could be granted by the appointing authority so the committee member may continue service.

After discussion with the Ethics Commission staff, if committee members have any questions about their activities, they should file a written request with the Town Manager who will consult with the Town Attorney on the issue.

3.3 Who the Conflict of Interest Law Governs

3.3.1 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. A municipal employee is anyone who holds an office, position, employment or membership in a municipality. Such a person may be paid or unpaid, working full-time or part-time, serve as a volunteer, consultant or work only on an intermittent basis. 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 appointed by the Town Manager or Town Council to make recommendations on a specific issue.

3.3.2 “Special” Municipal Employees:

“Special” Municipal Employee status may be assigned to certain municipal positions by a vote of the Town 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; or (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 as 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.

3.4 Designation of Committee Members as “Special” Municipal Employees

The Town Council votes to designate some committees’ members as “Special” Municipal Employees based on the committee requesting such designation. Being designated as a “Special” Municipal Employee is not common.

4.0 OFFICERS AND DUTIES

4.1 Elections

Committees elect a chair, vice-chair and a secretary/clerk, upon formation. Generally, the first meeting of a new fiscal year is a good time to consider re-organization of the committee if members wish. The immediate past chair, through a staff liaison, will notify the Town Manager's office of leadership changes. The staff liaison will be responsible for updating the information on the committee's web page.

4.2 Chair

The chair's primary responsibilities are the creation of meeting agendas, calling meetings, and facilitating legally appropriate Open Meetings (unless the committee is an *ad hoc* committee advising only one person).

The chair presides at all meetings, decides questions of order, calls special meetings, and signs official correspondence. The chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. However, chairs often reserve their votes to either supporting a unanimous commitment of the committee or to breaking a tie. The chair must be mindful of the chair's role in facilitating a full range of opinion from the committee and, in a public hearing, from the public.

Duties overseen by the chair include:

- Conducting meetings in an orderly fashion, normally according to the modified Roberts Rules.
- Assuring the reservation of a meeting room through the Town Manager's office.
- Legal posting of the meeting and agenda with the Town Clerk's Office at least 48 hours in advance of the meeting.
- Assuring that assigned staff has posted the meeting and agenda on the Town's web site.
- Consulting with members and staff to prepare agendas.
- Assuring all needed materials are available to the Committee.
- Ensure that any technology needs for the meeting are supplied.
- Establishing the calendar.
- Communicate regularly with the Town Manager on Committee matters.
- Preparing and Submitting an annual report for inclusion in the Annual Town Report.

4.3 Vice-Chair

The vice-chair serves as the chair whenever the latter is absent from meetings and performs other necessary duties.

4.4 Committee Secretary/Clerk

Each committee must have a secretary/clerk. The clerk shall be responsible for the certification of the committee's meeting minutes, observance of the public records law, maintenance of other records of the body, and filing minutes with the Town Clerk. The staff liaison will generally complete the administrative tasks associated with the clerk's responsibilities (contacting any persons needing to be notified of committee actions, posting the approved and draft minutes, contacting any person needed for a presentation, etc. for the next meeting, drafting and circulating an agenda for the next meeting, forwarding draft minutes to committee members prior to the next meeting, following-up on any assigned tasks, etc.). In the absence of a staff liaison, the clerk will be responsible for completing those tasks.

4.5 Rotating Clerk

A committee may choose to have a rotating clerk. The responsibilities of the rotating clerk are identical to those of a clerk.

4.6 Treasurer

Committees may elect a treasurer as it is deemed necessary, or as is required by statute. A treasurer is generally not required of any committee.

4.7 Staff Liaison

Staff liaisons are Town employees assigned to many committees. Except for formal regulatory bodies, committees should not expect a staff liaison to attend every meeting. A copy of the Staff Liaison List is attached as Appendix C.

4.8 Annual Town Report

All appointed committees must file an annual report of finances (if relevant), membership and activities with the Town Clerk for the Annual Town Report. The chair or committee clerk should be responsive when the request for committee reports is issued.

5.0 MEETINGS

5.1 Quorum

A quorum is necessary to conduct official business (Zoning Board of Appeals is a special case, requiring all members of a three-member panel to be present for a hearing; regular quorum rules apply for ZBA administrative meetings). Generally, a quorum consists of greater than 50% of the full membership (i.e., a quorum for a six member committee is four; quorum for a seven person committee is also four). A meeting occurs at any time a quorum of the committee (or

subcommittee) gets together to discuss or consider any public business or policy over which the committee has some jurisdiction or advisory power. Under certain circumstances, members may participate in meetings from remote locations. These members can vote and participate in discussions, but cannot be used to count towards a quorum.

5.2 Staff Assistance

When possible, the Town Manager appoints a staff member to serve as liaison to each committee. For some committees, the liaison attends meetings. His/her responsibilities vary, depending on the charge of the committee, but generally include providing technical and administrative support, and information. The staff liaison is an employee of the Town, and is not answerable directly to the committee or the Chair. In conjunction with the committee chair, he/she keeps the Town Manager informed about the committee's work, particularly policy issues, significant problems or developments, workload difficulties, or other significant items. The Town Manager may seek input from the committee chair prior to the annual performance review of the liaison. Requests for legal assistance from the Town Attorney should be directed to the Town Manager through the committee's staff liaison. Most administrative tasks will be performed by the committee staff liaison. However, if no Town staff is assigned to attend meetings, duties fall to the chair or other designated committee members. A copy of the Staff Liaison List is attached as Appendix C.

5.3 Posting

It is the responsibility of the committee (the chair, clerk or staff liaison) to give notice to the Town Clerk so that the committee's meetings with time, date, place, and draft agenda may be posted 48 hours in advance of the meeting. Except for emergencies, meetings must be posted on the Town's web site 48 hours in advance by the Town Clerk. Saturdays, Sundays or legal holidays are not included in the 48-hour period (MGL c. 30A, section 20). In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the body, and the body makes a written determination of the emergency), the 48-hour posting requirement is waived; however, the Town Clerk must be informed and the meeting posted as soon as possible. The Town Clerk is responsible for maintaining a current listing of all posted meetings on the Town's web site at <http://www.bridgewaterma.org> and in a binder available at the Town Clerk's office during all working hours.

5.4 Prepare Agendas and Other Materials

The committee staff liaison (or Town Manager's office, if no liaison is assigned), the committee's clerk, and the chair prepares a formal agenda in conjunction with the committee chair, and compiles all necessary supporting documents, including the prior meeting's draft minutes, for posting with the Town Clerk and the Town's web site, and for distribution to committee members at least 48 hours prior to the meeting date (with holidays and weekends not counted in the 48 hours). All documents submitted must be in a Microsoft Word (.doc or .docx) format, a text file (.rtf), or in Portable Document Format (.pdf).

5.5 *Electronic Communication*

All committee members are expected to receive meeting materials and other communication electronically. If there are members who cannot access electronic copies, the chair or staff liaison will make alternative provisions upon request of that committee member. Committee members should remember that no electronic communications (e-mail, social media, etc.) concerning committee work should take place among members. All communications concerning committee work should occur publicly at the meetings.

5.6 *Meeting Space*

The Town Manager requires most meetings be held in the Municipal Office Building (MOB a.k.a. the Academy Building). In the rare circumstance, there is not sufficient room in the MOB, the Town Manager's office will secure alternative meeting space. Committee meetings should never take place in private residences. Several committees are expected to meet where their departments are located, e.g., Elder Affairs Commission (Senior Center) and the Library Board of Trustees (the Library).

Meeting rooms should be reserved according to the regular meeting schedule and expected turnout. The committee should identify a regular meeting day and time, and submit that information to the Town Manager's offices to reserve appropriate meeting space. If a special meeting is needed, or if the expected number of attendees requires a larger meeting space, the Town Manager's office can alter the room reservation. Reserve all meeting spaces with the Town Manager's office and post meetings with the Town Clerk before the meeting.

5.7 *Access to the Municipal Office Building (Academy Building)*

Meetings scheduled in the MOB after normal business hours will require access via an electronic key card set to allow residents and committee members entry. The key card set includes an "Unlock" and "Lock" card which is stored at the Bridgewater Fire Department HQ. The set of electronic cards can be checked out at the Fire Department upon showing a driver's license. The cards are held up to the circular access pad at the front door. When swiped, the Unlock card will open the front doors and side entrance of the MOB. When meetings conclude and the building is vacated, the Lock card must be held up to the circular access pad to ensure the security of the building. The key card set must be returned to the Fire Department HQ once the building is secured.

5.8 *Meeting Schedule*

Meeting frequency depends on a committee's workload. Most meetings are held weekly, bi-monthly or monthly. In some cases, a committee may only meet quarterly. The chair calls each meeting except for the first one, which is called by the appointing authority. Electing a chair and determining a regular meeting day, time and location should be the committee's first priorities. Except in cases of emergency, committees do not meet on major religious or official holidays or if Town Hall is closed due to weather. Weekend meetings are discouraged unless they are required by specific event or circumstance.

5.9 *General Guidelines*

Committees follow the modified Robert's Rule of Parliamentary Procedure. Although most small committee discussions may seem too casual to be called debate, it is advisable for the committee to observe generally accepted meeting procedures. Attentive guidance by the chair and adherence to adopted procedures increase efficiency and maintain objectivity. The Town Manager has issued standard format agendas to guide the committee's business (see Appendix A).

The chair should limit member discussion to concise, non-repetitive statements. In some cases, time limits may be advisable. All members 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. The chair may choose to call for a vote, postpone until more information is available, or refer to a subcommittee.

Careful preparation before meetings, e.g., organizing agenda items, distributing information in advance, posting all information on line, and anticipating possible questions, can expedite discussion, facilitate action and avoid long and exhausting meetings.

Good public process may include vigorous dissent with civil discussion and mutual respect among individuals of diverse points of view. Committees discuss the merits of issues; personal comments are **always** out of order. The Town Manager reserves the right to remove Committee members for inappropriate personal attacks during meetings. Visitor participation in discussions or debates is at the discretion of the Chair.

The chair may need to remind speakers of time limitations and warn against repetition. The chair controls presentations and all meeting discussions. If a visitor refuses to be silent after a warning from the chair, the chair has the authority to order the visitor removed from the meeting by the police, to call a recess, or to continue the meeting to another certain date and time. Nevertheless, all committee members represent and serve the Town. Visitors and committee members should always be treated with courtesy and consideration.

The Town Manager requires that all committees reserve time on the agenda for public comment or participation in some form. Public participation is expected and desired during scheduled public hearings.

Often residents attending public meetings, especially when controversial topics are discussed, are doing so for the first time. These attendees may not know the proper protocol for public meetings. Here are some tips for keeping the meeting productive and orderly:

- Establish ground rules at the beginning of the meeting - such as "no one is allowed to interrupt and personal insults are forbidden" - and get everyone to agree to them.
- Make sure every speaker states his or her name and address before speaking. If there is a non-resident speaker, the committee should vote to allow (or no allow) that person to speak.

- Remind the audience that a 2 or 3-minute time limit will be strictly adhered to for every speaker.
- Make sure everyone has had an opportunity to speak once before allowing a speaker to address the committee a second time.
- Acknowledge a speaker's contribution but if they're going on too long, try and interrupt them tactfully.
- Emphasize the need for constructive comments at the start of the meeting.
- Do **not** be drawn into a speaker's argument - respectfully acknowledge what they have said and move on.
- Some attendees may be reluctant to speak. If appropriate, the chair may provide the opportunity to submit written comments to the committee and provide an email address for attendees to use. (TownManager@bridgewaterma.org is appropriate to use for this purpose. Make sure the committee name is in the subject line)

6.0 OPEN MEETING LAW (OML) M.G.L. C. 30A, §§ 18

6.1 *General Information*

The Massachusetts Open Meeting Law (OML) requires 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 MGL c. 30A, section 21; see Section 8 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 OML 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 Manager obtain advice on specific questions from legal counsel. The Town Manager generally recommends cautious use of Executive Sessions since the vast majority of the public's business should be conducted publicly.

6.2 *Recordings*

Any person may record a meeting (with the exception of Executive Session) with audio and/or video equipment provided it does not interfere with the meeting. The Chair maintains discretion over recording a meeting.

7.0 RECORDKEEPING

7.1 Minutes

Committees should strive for transparency, posting minutes as soon as they become available, but never later than the day after they are approved. State law requires that a committee keep accurate records of its public meetings.

The Committee must vote to accept all minutes. Minutes are public information, and must be posted in electronic format and stored in an electronic archive electronically. It is the chair's responsibility to ensure recording and posting of minutes although the task may be undertaken by another.

7.2 Content of Minutes

The Open Meeting Law 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 within 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...".

Minutes *must* include:

- the date, time and place of the meeting.
- the members present or absent,
- a brief summary of the discussions on each subject,
- a list of documents and other exhibits used at the meeting,
- 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 should be maintained as part of the official record of the session.

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.

The Town Manager's template outline of meeting minutes is located in Appendix B.

7.3 *Public Records Law*

The Massachusetts Public Records Law (MGL c. 66, Section 10) provides right of access to public records, broadly defined to include all documentary materials except eleven specific exemptions such as personnel and medical 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. Since use of personal e-mail addresses could subject a member's personal e-mails to a records request, it is recommended that new committee members create a new e-mail address for themselves to use for Town and committee business. Free accounts can be found through g-mail or hotmail, or other providers. The committee should consult its liaison if questions arise concerning freedom of information.

8.0 EXECUTIVE SESSIONS

8.1 *Conducting an Executive Session*

Any committee contemplating an executive session is advised to contact the Town Manager's office prior to the meeting.

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 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 shall not discuss these matters with anyone. Accurate minutes of the executive session shall be maintained and shall be released to the public only when the purpose for the Executive Session no longer exists.

Executive session may be held **only** for the purposes described in MGL c. 30A, Section 21. The following are the only acceptable reasons for an executive session:

- 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. This exception carried with it very strict guidelines to which the committee must adhere. This reason for entering into executive session should be discussed with the Town Manager prior to the meeting.

- To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
- To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
- To discuss the deployment of security personnel or devices, or strategies with respect thereto.
- To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
- To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
- To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
- 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 meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.
- To meet or confer with a mediator, as defined in MGL c. 233, section 23C, 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 mediation shall be disclosed; and (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

9.0 PUBLIC HEARINGS

9.1 *Purpose.*

A committee may be required to hold a public hearing, or a committee may opt to hold a public hearing to take comment from the public. When conducting a public hearing, the chair is responsible for running the meeting. Generally, the purpose of a public hearing is for committee members to listen to comments from the public, and not to play a significant role in the meeting.

9.2 *General Guidance*

9.2.1 *The committee chair with help from the staff liaison should ensure the following:*

- That electronic displays are in working order. All materials being presented in the public hearing should be clearly visible to the public present.

- That sound amplification system is in working order prior to the start of the hearing.
- That meeting minutes are being properly recorded.
- If required, that a certified stenographer/court recorder is present. (The instances requiring such a recorder are rare, and arrangements can be made for this through the Town Manager's office.)

9.2.2 *Points to remember:*

- A public hearing is designed for the committee members to listen to the public.
- Be prepared to receive passionate, sometimes angry speakers.
- Generally, do not engage with speakers in any way. Simply listen and thank them for their input. If a procedural question is asked of the committee, the chair may opt to answer it. During the public comment portion of the hearing, the chair should never answer questions concerning the merits of the application or proposal. The chair can remind the public that the hearing is for residents to comment on the proposal. Any questions will be recorded, and if appropriate, will be answered later.
- If the chair chooses to engage, he/she should make sure it is only to ask for clarification. No opinions should be forthcoming from the chair or the committee members.
- Allow people to speak a second time only after all others have been given the chance to speak.
- The chair may close the hearing once he/she is assured that all reasonably pertinent comments have been expressed.

9.3 *Conducting the Hearing*

9.3.1 **The Chair's Responsibility:**

- If appropriate, require all attendees to sign-in with name, organization (if any), address, phone, and email.
- Provide a separate sign-up form for those who wish to speak. This documents participation in the hearing, and provides an orderly process for speakers. It also provides the chair with the ability to better control the meeting.
- Open the public hearing by defining the purpose, objectives, legal requirements and any general law or regulatory constraints. Generally reading the public notice into the record will satisfy this section.
- Make the following announcements:
 - a. Indicate that the meeting is being recorded and all participants should speak into the microphone.

- b. Clearly convey the process, expected conduct, and documentation provisions (e.g., committee secretary's notes, stenographer, recording, etc.)
- c. Clearly articulate the hearing rules (a hand out is always helpful)
- d. Set a time limit for each speaker (other than the applicant); three minutes is often used as a limit. Explain who will be keeping time.
- e. Announce that the written comment period is open until a date certain and provide the e-mail address and physical address for submission (TownManager@bridgewaterma.org may be used if there is no staff liaison. The committee name must be in the subject line). Also, announce that all written submissions can be viewed on the Town's web site.
- f. Explain how responses to public comments and questions will be handled (i.e., a specific response document; through formal meeting discussions; committee consideration, etc.).
- g. If known, announce when a decision will be made once the hearing is closed.

9.3.2 Presentation

The applicant/proponent is invited to give its presentation to the committee. This presentation should not be interrupted by the members or the public. The chair may subject the presentation to a time limit.

9.3.3 Public Comment

The chair will invite public comment. Generally, speakers must use the microphone and announce their names and addresses. Unless an order of speakers is otherwise stipulated, speakers should be called in the following order:

- a. Elected officials in order of elective office (i.e. Federal, state, county, local).
- b. Town Officers.
- c. Public, with abutters given priority.
- d. Others in the order they signed up.

9.3.4 Closing the Hearing

Only close the hearing after all participants have been given a reasonable chance to speak. If the hearing needs to be continued, it should be continued to a date certain - generally the next normal meeting time for the committee. A hearing should be continued if its objectives have not been accomplished. For large, complex problems or issues, a series of hearings is often appropriate, with specific components or topics heard on specific dates).

9.3.5 Making the Decision

Once the hearing is closed, it is time for the committee to make a decision. Conduct the committee discussions under the modified Robert's Rules of Order. Compile a concise set of issues raised by the public and the committee members with the both pro and con concerns. Discuss possible solutions to the issues in a public session(s). Put forward solutions with rationale via a formal process. Make sure to document discussions and decisions in the minutes with enough detail to document the substantive reasons for the decision.

9.3.6 Conveying the Decision

Inform the project proponents of the committee's decision through official written correspondence. Establish a set of all written correspondence, meeting materials, and minutes as the official record of the hearing. This set will be stored electronically and, when required, in paper form as part of the Town's archives.

10.0 BUDGETS

10.1 Committee Budgets

In general, committees do not have a budget unless one is authorized by the Town Manager. Any expenses incurred by a committee are budgeted by the Department Directors and absorbed in the Department's expenditures.

10.2 Disbursements

Although committees will not generally receive invoices, if bills are incurred by the committee, the committee's staff liaison submits invoices to the Department Director, attaching all appropriate receipts, paperwork, etc. If there is no staff liaison, the committee's Clerk/Secretary should submit the same material to the Town Manager's office for processing.

10.3 Purchases

Generally, Committees do not purchase items or services. If a particular situation occurs, contact the Town Manager's office for more particular direction.

11.0 QUESTIONS

Always feel free to ask the Town Manager's office staff if there are any questions concerning your Committee's work!

SOURCES OF INFORMATION

- MGL Ch. 4, Section 7 (Clause 26): Definition of a Public Record
- MGL Ch. 30A, §§ 18-25: Open Meeting Law
- MGL Ch. 268A: Conflict of Interest
- State Ethics Commission, www.mass.gov/ethics/
- Bridgewater Town Code, including the Town Charter, Town Council Rules and Procedures, and the Administrative Code

APPENDIX A Sample Agenda

Sample Agenda

- A. Approval of Minutes
- B. Announcements from the Chair
- C. Citizen Open Forum
- D. Hearings
- E. Presentations
- F. Staff Report
- G. Discussions
- H. Subcommittee Reports
- I. Old Business – List Items
- J. New Business – List Items
- K. Committee Comments
- L. Executive Session (if necessary)
- M. Adjourn

APPENDIX B Sample Committee Minutes Form

Sample Committee Minutes Form

Meeting Date:

CALL TO ORDER: The meeting was called to order at _____ o'clock in the _____ room of the Municipal Office Building

COMMITTEE MEMBERS IN ATTENDANCE (mandatory)

COMMITTEE MEMBERS ABSENT (mandatory)

STAFF IN ATTENDANCE (mandatory)

OTHERS PARTICIPATING (recommended)

OTHERS IN ATTENDANCE (optional)

COMMITTEE AGENDA (mandatory)

DISCUSSIONS – A BRIEF DESCRIPTION OF ANY DISCUSSION ITEMS (summary mandatory)

COMMITTEE ACTION ON EACH AGENDA ITEM – BY VOTE OR CONSENSUS (mandatory)

EXECUTIVE SESSION-Please note special protocol required for Executive Session

ADJOURNMENT (mandatory)

Voted unanimously to adjourn at ____ o'clock

SUBMITTED BY (mandatory)

APPENDIX C Staff Liaison List

Committee	Staff Contact	Email	Phone
Town Council	Ann Holmberg	aholmberg@bridgewaterma.org	508-659-1254
Library Board of Trutsees	Sean Daley	sdaley@bridgewaterma.org	508-697-3331
B-R School District	(Town Clerk Office)	TownClerk@bridgewaterma.org	508-697-0921
Council Rules and Procedures Committee	Ann Holmberg	aholmberg@bridgewaterma.org	508-659-1254
Council Budget and Finance Committee	Ann Holmberg	aholmberg@bridgewaterma.org	508-659-1254
Council Public Safety Committee	Ann Holmberg	aholmberg@bridgewaterma.org	508-659-1254
Council Strategic Planning Committee	Ann Holmberg	aholmberg@bridgewaterma.org	508-659-1254
Council Community and Economic Devel. Committee	Ann Holmberg	aholmberg@bridgewaterma.org	508-659-1254
Affordable Housing Trust	Lisa Sullivan	lisasullivan@bridgewaterma.org	508-697-0950
Agricultural Commission	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Board of Assessors	Michelle Burgess	mburgess@bridgewaterma.org	508-697-0928
Cable Advisory Committee	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Citizen Advisory Committee	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Community Preservation Committee	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Conant Trust Fund Committee	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Conservation Commission	Jane Brown	jbrown@bridgewaterma.org	508-697-0906
Cultural Council	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Disabilities Commission	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Elder Affairs Commission	Lorraine Carrozza	lcarrozza@bridgewaterma.org	508-697-0929
Energy Committee	Lisa Sullivan	lisasullivan@bridgewaterma.org	508-697-0950
Financial Committee	Josh McGraw	jmcgraw@bridgewaterma.org	508-697-0919
Board of Health	Laurie Keane	lkeane@bridgewaterma.org	508-697-0903
Historic District Commission	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Historical Commission	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Housing Authority	(Town Clerk Office)	TownClerk@bridgewaterma.org	508-697-0921
Housing Partnership Committee	Michael Spagone	mspagone@bridgewaterma.org	508-697-0921
Master Plan Committee	Lisa Sullivan	lisasullivan@bridgewaterma.org	508-697-0950
Open Space Committee	Jane Brown	jbrown@bridgewaterma.org	508-697-0906
Parks and Recreation Committee	Brooke Condon	bcondon@bridgewaterma.org	508-697-8020
Planning Board	Les Dorr	ldorr@bridgewaterma.org	508-697-0942
Board of Registrars of Voters	Christine Nemes	cnemes@bridgewaterma.org	508-697-0921
Senior Associates Volunteer Committee (SAVE)	Lorraine Carrozza	lcarrozza@bridgewaterma.org	508-697-0929
Transportation Committee	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Water and Sewer Board	Lorraine Conti	lconti@bridgewaterma.org	508-697-0910
Veterans' Council	Michael Spagone	mspagone@bridgewaterma.org	508-697-0919
Zoning Board of Appeals	Jane Brown	jbrown@bridgewaterma.org	508-697-0906