

Town of Concord



Committee Handbook

Committee Handbook

Introduction

This handbook has been designed to inform new and current committee members of the various laws, policies, and procedures that relate to committees in the Town of Concord. Included in this handbook are sections on organizing a meeting, financial matters, appointment procedures, legal issues, and committee descriptions.

The appendix section contains copies of the Conflict of Interest Law, Open Meeting Law, and Records Management Procedure. ALL COMMITTEE MEMBERS ARE REQUIRED TO READ THESE LAWS IN THEIR ENTIRETY. A copy of these Laws can be reviewed at the Libraries and the Town Manager's Office. Brief summaries of these laws can be found in Section III and in the Appendix section.

Also included in the appendix section is the Table of Contents of all of the Administrative Policies & Procedures (APP's). Copies of these APP's are available in the Town Manager's Office.

TABLE OF CONTENTS

	<u>Page</u>
SECTION I. <u>Town Government</u>	5
A. Legal Basis of Town Government	
B. History of the Charter of the Town of Concord	
C. The Concord Town Charter	
D. Notes on Charter Amendments	
SECTION II. <u>Legal Issues</u>	15
A. Utilization of Town Counsel	
B. Legal Review of Contract Documents	
C. Liability	
D. Open Meeting Law (Summary)	
E. Conflict of Interest Law (Summary)	
F. Acceptance of Gifts	
G. Application for and Acceptance of State & Federal Grants	
H. Outline of State Regulations - Public Access to Records	
I. Use of Electronic Mail	
SECTION III. <u>Committee Procedures</u>	24
A. Powers & Duties	
B. Participation in Government	
C. Officers of Committees	
D. Minutes	
E. Deadlines	
F. Committee Meetings	
G. Meeting Postings & Notice of Meetings	
H. Agenda	
I. Charge	
J. Goals	
K. References	
SECTION IV. <u>Appointment Policy & Procedures</u>	29
A. General	
B. Term of Office	
C. Dual Committee Appointments	
D. Committee Transfers	
E. Eligibility for Appointments	
F. Criteria for Selection	
G. Residency	
H. Role of Committee or Board in Appointments	
I. Selection Procedures	
J. Orientation Procedure/Appointment Slip	
K. Removal from Office	

A. Committee Paperwork and Finances

1. Use of Clerical Staff
2. Management/Professional Staff
3. Stationery
4. Mailings
5. Photocopying
6. Use of Green Cards
7. Request for Services from Other Departments
8. Committee Finances

B. Reservations of Public Meeting Rooms; Open Doors

1. Use of Town Buildings
2. Keys
3. Meeting Cancellations

C. Telephone Procedures

1. Use of Town Telephones
2. Phone Messages
3. Emergencies
4. Telephone Directory
5. School Department Telephone Directory

1. Agricultural Committee
2. Affordable Housing Committee
3. Board of Appeals
4. Board of Assessors
5. Concord Cable Television Committee
6. Concord Local Cultural Council
7. Cemetery Committee
8. Council on Aging Board
9. Finance Committee
10. Hanscom Field Advisory Commission Representative
11. HATS (Hanscom Area Traffic Study)
12. Board of Health
13. Historical Commission
14. Historic Districts Commission
15. Housing Authority
16. Hugh Cargill Trust Committee
17. Library Committee
18. MAGIC Representative
19. MAPC Representative
20. MBTA Representative
21. Minuteman Regional High School Committee Rep.
22. Municipal Light Board

23. Natural Resources Commission
24. Personnel Board
25. Planning Board
26. Public Ceremonies and Celebrations Committee
27. Public Works Commission
28. Records and Archives Committee
29. Recreation Commission
30. Board of Registrars
31. Retirement Board
32. School Committee
33. Board of Selectmen
34. Trustees of Town Donations
35. West Concord Family Festival Coordinators
36. White Pond Advisory Committee
37. Zoning Bylaw Re-codification Committee

SECTION VII. Appendix

47

- A. Open Meeting Law
- B. Records Management Procedures
- C. Conflict of Interest Law Guide for Municipal Employees
& Standards of Conduct
- D. Conflict of Interest - Disclosure Form
- E. APP #19 Acceptance of Gifts
- F. APP #18 Applications for and Acceptance of State
and Federal Grants
- G. APP #50 Use of Electronic Mail
- H. Meeting Notice Posting Form
- I. APP #10 Town Board, Committee and Task Force
Appointment Policy
- J. Green Card
- K. Table of Contents
Administrative Policies & Procedures

SECTION I

I. TOWN GOVERNMENT

- A. Legal Basis of Town Government
- B. History of the Charter of the Town of Concord
- C. The Concord Town Charter
- D. Notes on Charter Amendments

A. LEGAL BASIS OF TOWN GOVERNMENT

Town government's responsibility and authority in Massachusetts is based on the Constitution of the Commonwealth, enactment of the General Court, and interpretive decisions of the state courts. The powers and duties of many boards are outlined in enabling statutes (primarily Chapter 41 of the General Laws) and further defined in the Town's general bylaws.

The full text of the Massachusetts General Laws (referred to hereafter as MGL) can be found at the Concord Free Public Library. These volumes also contain abstracts of court decisions affecting the interpretation of the statutes. They are updated by quarterly pamphlets covering all volumes and cumulative annual "pocket parts" in the back cover of each volume.

B. HISTORY OF THE CHARTER OF THE TOWN OF CONCORD

On March 12, 1956, the Selectmen-Manager form of government became effective in the Town of Concord. This was the result of a special act passed by the General Court in 1952*, which act was accepted by the Town of Concord at the annual Town election of 1955.

Although adopted in 1956, the Charter falls under the 1966 "Home Rule Amendment" (Article 89) of the Massachusetts State Constitution. This was made certain by a letter from the Commonwealth's Attorney General to the Concord Town Counsel, dated June 29, 1972. Amendments to the Charter may therefore be made according to the procedures defined by the Home Rule Amendment in its Section 9.

The Charter was amended by a special act passed by the General Court in 1973 ("An Act Providing for the Election of Persons to Fill Vacancies in the Membership of the Board of Selectmen of the Town of Concord") upon petition by the Town voted at the Town Meeting in October 1972.

It has also been amended by referendum vote. A list of these referenda is given at the end of Section II of this Charter, on page 14. They are referenced by number in the Charter text.

The contents of the special act of 1952, as amended, are set forth in this Section.

The document as a whole will be referred to as the "Selectmen-Manager Charter," or simply as the "Charter".

*Passed by the General Court in 1952 (Acts 1952, Chapter 280);
Accepted by the Town of Concord at Town Election, March 7, 1955;
Effective 11:58 p.m., March 12, 1956.

See Also: Charter, Sec. 19

C. THE CONCORD TOWN CHARTER

AN ACT ESTABLISHING A SELECTMEN-MANAGER FORM OF GOVERNMENT FOR THE TOWN OF CONCORD

Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, as follows:

SECTION 1. ELECTED OFFICIALS

At the town election following the acceptance of this act the registered voters of the town of Concord shall elect the following officials:

- A. A moderator for a term of one year;
- B. Two selectmen for terms of three years each, two selectmen for terms of two years each and one selectman for a term of one year;
- C. Two members of the school committee for terms of three years each, two members for terms of two years each, and one member for a term of one year. At each annual town election thereafter a moderator shall be elected for a term of one year and selectmen and members of the school committee for terms of three years to replace those whose terms expire. When a vacancy or vacancies occur in the membership of the board of selectmen, the board of selectmen shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except that if such vacancy or vacancies occur less than one hundred days prior to the annual election and not less than three members of such board remain in office, the vacancy or vacancies shall remain unfilled until such annual election (See Note #1, Amendments). When a vacancy or vacancies occur in the membership of the school committee, the board of selectmen shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except that if such vacancy or vacancies occur less than one hundred days prior to the annual election and not less than three members of such committee remain in office, the vacancy or vacancies shall remain unfilled until such annual election (See Note #2, Amendments). The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable statutes and bylaws and votes of the town, except as herein otherwise provided.

SECTION 2. APPOINTED OFFICIALS

- A. The selectmen shall appoint a town manager as provided in Section 5, who may thereafter be removed as provided in Section 7.
- B. The selectmen shall appoint a library committee, a planning board, a board of appeals, a town accountant, trustees of town donations, a personnel board, a public ceremonies and celebrations committee (see Note #3, Amendments), election officers, registrars of voters other than the town clerk and such other officers, boards and committees as they shall hereafter be directed to appoint by bylaw or vote of the town, and such temporary or ad hoc committees as in their judgment shall from time to time be necessary or desirable (see Note #3, Amendments). The selectmen may, by majority vote, undertake an investigation of the affairs of any committee, board or official appointed by them or by the town manager, and they shall have access to all records and other documents which they may deem necessary or desirable for this purpose. The selectmen may remove, after such hearing as the selectmen may deem advisable, any of the

officers, boards or committees appointed by them under the provisions of this paragraph B, or any member thereof, other than the town clerk.

The selectmen shall, at the respective times specified in clauses 1 and 2 herein and at intervals of not more than ten (10) years thereafter appoint the following special committees:

1. within one year after this paragraph takes effect, a committee for the purposes of reviewing and recodifying the existing zoning bylaw and revising the building code of the town; and
2. within one year after this paragraph takes effect, a committee for the purpose of reviewing and recodifying all other existing bylaws of the town.

(Clause 3 deleted. See Note #8, Amendments)

Within one year following its appointment, each such committee shall submit a report to the selectmen with specific recommendations for action to be taken to accomplish the purpose of such committee. (See Note #5, Amendments)

- C. The moderator shall appoint a finance committee and such other officers, boards and committees as he shall herein after be directed to appoint by bylaw or vote of the town.
- D. The town manager shall appoint, upon merit and fitness alone, and may remove for cause:
 1. a town clerk, a town treasurer, a town collector and a board of five assessors (see Note #7, Amendments), subject however, in each instance, to the approval of the selectmen;
 2. all other officers, boards, committees and employees of the town, with the exception of the elected officials specified in Section 1, officials, boards and committees appointed by the school committee and by the selectmen and moderator as herein before in this Section 2 provided and employees of the same.

SECTION 3. MEMBERSHIP; TERMS; POWERS, DUTIES, RESPONSIBILITIES; TERMINATION

The membership of boards and committees appointed as provided in Section 2, the length of the term of each member thereof and of officers so appointed, and the powers, duties and responsibilities of the same shall be as now or hereafter provided by applicable statutes and bylaws and votes of the town, except as herein otherwise provided. Upon appointment and qualification of the various officials as provided for in Section 2, the term of office and all powers and duties of each person theretofore holding each such office shall cease and be terminated.

SECTION 4. MULTIPLE OFFICERS

Neither the moderator nor any member of the board of selectmen, the school committee, or the finance committee may, during the term for which he was elected or appointed, be elected or appointed to any other town office, except as otherwise provided herein. Any person appointed by the town manager to any town office under the provisions of this act or of any other statute of the Commonwealth shall be eligible during the term of said office to appointment to any other town office, except the town accountant shall not be

eligible to hold the position of town treasurer or town collector. Subject to the approval of the selectmen, the town manager may assume the powers, duties, and responsibilities of any officer, board or committee which he is authorized to appoint, such assumption to be evidenced by and effective upon the filing with the town clerk of a written declaration of such assumption signed by the town manager, and thereupon each officer, board or committee whose powers, duties and responsibilities are so assumed by the town manager shall be discharged and shall have no further powers, duties or responsibilities as such.

SECTION 5. APPOINTMENT OF TOWN MANAGER

The selectmen elected as provided herein shall appoint, as soon as practicable, for a term of three years, a town manager who shall be a person especially fitted, in their opinion, by education, training and experience to perform the duties of the office. The town manager shall be appointed without regard to his political beliefs. He need not be a resident of the town when appointed, but shall be a resident of the town during his term of office. No holder of elective office in the town shall within two years of holding of such office be eligible for appointment as town manager. The town manager may be appointed for successive terms of office. Before entering upon the duties of his office, he shall be sworn, in the presence of a majority of the selectmen, to the faithful and impartial performance thereof by the town clerk or by a justice of the peace or notary public. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such sureties as may be fixed or approved by the selectmen.

SECTION 6. APPOINTMENT OF A TEMPORARY TOWN MANAGER

In the event of the temporary absence or disability of the town manager, he may appoint, subject to the approval of the selectmen, a suitable person to perform the duties of the manager during such absence or disability. If the town manager fails to make such appointment or the person so appointed fails to serve, the selectmen may appoint a suitable person, who may be a selectman, to perform such duties. In the event of any vacancy in the office of town manager or the suspension of the town manager as hereinafter provided, the selectmen shall, within seven days, appoint the person to perform such duties.

SECTION 7. REMOVAL OF TOWN MANAGER

The selectmen may remove the town manager by the affirmative vote of at least three members of the board. At least thirty days before such proposed removal shall become effective, the selectmen shall file a preliminary written resolution with the town clerk setting forth the specific reasons for his proposed removal. The town clerk shall forthwith deliver a copy of such resolution to the town manager or mail the same to him by registered mail at his last known address. The manager may file with the selectmen, within seven days after receipt of such copy, a written request for a public hearing not earlier than ten days nor later than twenty days after the filing of such request. After such public hearings, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution and after full consideration, the selectmen, by the affirmative vote of at least three members of the board may adopt a final resolution of removal. In the preliminary resolution, the selectmen may suspend the manager from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary for the then current month and, at the discretion of the selectmen, such additional amount not in excess of three months' salary, as the selectmen shall deem proper.

SECTION 8. COMPENSATION OF TOWN MANAGER

The town manager shall receive such compensation for all services performed by him as the selectmen shall determine, but it shall not exceed the amount appropriated therefor by the town.

SECTION 9. POWERS AND DUTIES OF TOWN MANAGER

In addition to specific powers and duties provided elsewhere in this act the town manager shall have the general powers and duties enumerated in this section:

- A. The town manager shall supervise and direct and shall be responsible for the efficient administration of all officers, boards and committees appointed by him and their respective departments.
- B. He may, with the approval of at least three of the selectmen, establish, combine, reorganize, or discontinue departments under his supervision; and, with the approval of both the selectmen and the finance committee, he may transfer all or part of the appropriation of a discontinued department to any other department, any balance not so transferred to be returned to the town treasury.
- C. With respect to the wage or salary and classification of employees appointed by the town manager, he shall be governed by the provisions of the "Wage and Salary Classification Plan - Town of Concord, Massachusetts", as the same may be amended from time to time and for so long as the same may remain in force.
- D. The town manager shall keep full and complete records of his office, and shall render as often as may be required by the selectmen a full report of all operations during the period reported on.
- E. With the exception of property under the jurisdiction of the school committee, the town manager shall have full and exclusive jurisdiction over the rental and use of all town property, and shall be responsible for the proper maintenance and repair thereof; and, upon request by the school committee, he shall be responsible for the maintenance and repair of property under its jurisdiction, but only to such extent and for such period as the school committee shall from time to time specify. He shall be responsible for the preparation of plans and the supervision of work on existing and on new buildings and grounds, unless a special committee of the town is created for such purpose.
- F. The town manager shall purchase all supplies and materials and equipment and award all contracts for all departments of the town, but he shall make purchases for departments not under his supervision only upon requisition duly authorized by the head of such department.
- G. The town manager shall administer either directly or through a person or persons appointed by him in accordance with this act all provisions of general and special laws applicable to the town and bylaws and votes of the town, within the scope of his duties, and all rules and regulations made by the selectmen.
- H. The town manager, subject to the approval of the board of selectmen, shall have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ counsel whenever in his judgment it may be necessary.
- I. The town manager shall perform such other duties consistent with his office as may be required by bylaw or vote of the town or by vote of the selectmen.

SECTION 10. INVESTIGATION BY TOWN MANAGER

The town manager may without notice cause the affairs of any committee, board, or official under his control or the conduct of any officer or employee thereof to be examined. The town manager shall have access to all town books and papers for information necessary for the performance of his duties.

SECTION 11. RELATIVE TO DUTIES OF BOARDS AND OFFICERS APPOINTED BY TOWN MANAGER

Except as otherwise herein provided, each committee, board and officer appointed by the town manager shall, in the performance of their duties, be subject to the general supervision and direction of the town manager. Such committees and boards shall promptly organize for the proper conduct of their respective offices. Each committee and board member and each officer appointed by the town manager shall hold office until his successor has been appointed and qualifies, unless his office shall have become vacant by reason of his resignation or removal.

SECTION 12. VACANCIES TO BE FILLED BY TOWN MANAGER

Any vacancy in an office or committee or board over which the town manager has power of appointment shall be filled by the town manager, as hereinbefore provided.

SECTION 13. OATH OF OFFICE OF TOWN OFFICIALS

All elected officials shall be sworn to the faithful performance of their respective duties by the town clerk or a justice of the peace or notary public, except that the town clerk shall be sworn to the faithful performance of his duties by the chairman of the Board of Selectmen or by a justice of the peace or notary public.

SECTION 14. WARRANTS

A copy of each warrant for the payment of town funds prepared by the town accountant shall be submitted to the town manager who shall make recommendation to the selectmen with respect to the approval or disapproval by them of each such warrant or of any item or items in any such warrant.

SECTION 15. RECEIPTS PAID TO TREASURY

Every official shall pay into the treasury of the town all amounts received by him on behalf of the town and all fees received by him in accordance with the provisions of any general or special law and shall make a full and true return thereof to the town accountant.

SECTION 16. ESTIMATES OF EXPENDITURES

Not less than 90 days before the annual town meeting each year (See Note #4, Amendments), the town manager shall submit to the selectmen a careful detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the two preceding years and an estimate of the expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the two preceding fiscal years together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the

ensuing year. He shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise said amount. For the purpose of enabling the town manager to make up the annual estimates of expenditures, all boards, officers, and committees of the town shall, upon his written request, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

SECTION 17. ANNUAL BUDGET

The selectmen shall consider the tentative budget submitted by the town manager and make such recommendations relative thereto as they may deem expedient and proper in the interests of the town. Not less than 60 days before the annual town meeting each year the selectmen shall transmit a copy of the budget together with their recommendations relative thereto to each member of the finance committee. (See Note #6, Amendments)

SECTION 18. DUTIES OF CERTAIN TOWN OFFICIALS RELATIVE TO ELECTION

It shall be the duty of the selectmen and the town clerk in office and any other town official upon whom by reason of his office a duty devolves under the provisions of their act, when this act is accepted by the registered voters as herein provided, to comply with all the requirements of law relating to elections, to the end that all things may be done necessary for the nomination and election of the officers first to be elected under this act.

SECTION 19. SUBMISSION OF ACT AND TIME OF TAKING EFFECT

This act shall be submitted to the qualified voters of the town of Concord for acceptance at the first annual town election occurring not less than thirty days after the passage of this act. The vote shall be taken by ballot in answer to the question which shall be printed on the official ballot: "Shall an act passed by the General Court in the year nineteen hundred and fifty-two entitled 'AN ACT ESTABLISHING A SELECTMEN-MANAGER FORM OF GOVERNMENT FOR THE TOWN OF CONCORD' be accepted?" If this act shall be so accepted by a majority of the qualified voters voting thereon it shall become and be in full force and effect immediately after the final adjournment of the annual town meeting held in the year following the year in which this act is so accepted, provided, however, that said annual town meeting shall be held in conformance with the provisions of this act. If this act is rejected by the qualified voters of the town of Concord when first submitted to said voters under this section, it shall be submitted for acceptance in like manner to such voters at the next following annual town election in said town, and if it is not accepted at said annual election, it shall again be submitted for acceptance in like manner to such voters at the next following annual election and, if accepted by a majority of such voters voting thereon at either of said elections, shall take effect as hereinbefore provided.

SECTION 20. BYLAWS, RULES, ETC.

All laws, bylaws, votes, rules and regulations in force in the town of Concord when this act takes effect, not inconsistent with its provisions, whether enacted by authority of the town or any other authority, shall continue in full force and effect until otherwise provided by law, bylaw, or vote; all other laws, bylaws, votes, rules and regulations, so far as they refer to the town of Concord, are hereby repealed and annulled, but such repeal shall not revive any pre-existing enactment.

SECTION 21. REVOCATION OF ACCEPTANCE

At any time after the expiration of three years from the date on which this act is accepted, and not less than sixty days before the date of an annual meeting, a petition, signed by not less than twenty percent of the registered voters of the town, may be filed with the selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters at the next annual town meeting. At said election the question shall be printed on the official ballot: "Shall the acceptance by the town of Concord of an act passed by the General Court in the year nineteen hundred and fifty-two entitled 'AN ACT ESTABLISHING A SELECTMEN-MANAGER FORM OF GOVERNMENT FOR THE TOWN OF CONCORD' be revoked?" If such revocation is favored by a majority of the qualified voters voting thereon, the acceptance of this act shall be revoked and this act shall become null and void beginning with the annual town meeting next following such vote, provided that all town officers holding office under this act shall continue to hold office until their successors have been duly qualified. At the first annual town election following such vote of revocation the registered voters of the town shall elect by ballot all elective officers, boards, and committees whose election to office was required immediately prior to the acceptance of this act, provided however, that the town does not vote to accept other plans which provide for a different arrangement from that existing immediately prior to the acceptance of this act. It shall be the duty of the selectmen and the town clerk in office and any other town official upon whom by reason of his office a duty devolves when this act is revoked, to comply with all of the requirements of this section relating to elections to the end that all things may be done necessary for the nomination and election of the officers required to be elected following the revocation of this act. The said revocation shall not affect any contract then existing or any action at law or any suit in equity or any other proceedings then pending, with the exception of any contract made by the town with the town manager then in office, whose contract shall be terminated immediately upon such vote, but who shall receive three months' compensation from the date following such vote. The board of selectmen shall be charged with all the powers and duties of the town manager which duties and responsibilities may be discharged by themselves or by a temporary town manager appointed by them. Any special laws relative to said town which are repealed by this act shall be revived by such revocation. All laws, bylaws, votes, and rules and regulations repealed and annulled, as provided in Section 20, shall be revived by such revocation. Bylaws, votes and rules and regulations in force when said revocation takes effect, so far as consistent with the general laws respecting town government and town officers and with special laws, shall not be affected thereby.

Approved May 5, 1952

D. NOTES ON CHARTER AMENDMENTS

1. Article 2, Town Meeting, October 10, 1972; passed by the General Court, Acts 1973, Chapter 179, Section 1C.
2. Article 3, Town Meeting, October 10, 1972; accepted by the Town of Concord at Town Election 1973, Section 1C.
3. Article 4, Town Meeting, October 10, 1972; accepted by the Town of Concord at Town Election 1973, Section 2B.
4. Article 5, Town Meeting, October 10, 1972; accepted by the Town of Concord at Town Election 1973, Section 16.
5. Article 18, Town Meeting, March 6, 1973; accepted by the Town of Concord at Town Election 1974, Section 2B.
6. Article 8, Town Meeting, May 6, 1974; accepted by the Town of Concord at Town Election 1975, Section 17.
7. Article 39, Town Meeting, April 4, 1978; accepted by the Town of Concord at Town Election 1979, Section 2D.
8. Article 48, Town Meeting, April 9, 1984; accepted by the Town of Concord at Town Election 1985, Section 2B.

SECTION II

II. LEGAL ISSUES

- A. Utilization of Town Counsel
- B. Legal Review of Contract Documents
- C. Liability
- D. Open Meeting Law (Summary)
- E. Conflict of Interest Law (Summary)
- F. Acceptance of Gifts
- G. Application for and Acceptance of State & Federal Grants
- H. Outline of State Regulations - Public Access to Records
- I. Use of Electronic Mail

II. LEGAL ISSUES

A. Utilization of Town Counsel

1. Town Counsel provides legal services to all Town departments and agencies. A committee/board must take a formal vote to request utilization of Town Counsel. After voting, the committee chair or assigned staff person to the committee must contact the Town Manager to receive authorization.
2. Prior to making a new legal service request to Town Counsel, the Town Manager must be contacted for authorization. The request must include the subject and probable duration of Counsel review.
3. Copies of correspondence to and from Town Counsel are to be provided to the Town Manager.
4. From time to time, the services of special legal counsel other than Town Counsel are called for. All such use of special counsel will, again, be expressly authorized by the Town Manager.
5. The utilization of legal counsel, other than Town Counsel, must be expressly authorized by the Town Manager in advance when the Town is, or may be responsible for associated expenses. When an employee utilizes private legal counsel in an action arising in the course of the employee's official duties with the Town (either as defendant or plaintiff), the Town Manager must be advised immediately in order to determine any necessary coordination with Town Counsel.

B. Legal Review of Contract Documents

The following procedure shall govern the need to obtain legal review of Town contracts:

1. Generally, annual contracts or agreements and those involving expenditures less than \$2,000 will not require Town Counsel review.
2. Contracts utilizing the Town's standard contract documents will not require Town Counsel review, unless the contract is unusual or for a large amount.
3. Contracts which do not utilize the Town's standard contract documents will require Town Counsel review.
4. All projects which are funded by borrowings will require Town Counsel review, and bonding clearance from Bond Counsel.
5. All building construction contracts will require Town Counsel review.

From the time that contracts are received by the Town Manager, applicants should be prepared to wait seven days for processing. In most instances, the contracts will be processed the same day. However, the seven day rule will apply in order to allow sufficient time for a decision to be made on whether to refer the contract to Town Counsel and to allow Town Counsel sufficient time for review.

C. Liability

Prior to 1978, towns and town officers (including appointed members of town bodies) were protected by the doctrine of sovereign immunity from lawsuits based on actions taken within the scope of official duties. Part of that immunity was removed by a statute (Chapter 258, Section 1-13) that holds a town liable up to \$100,000 for certain negligent or wrongful acts or omissions by its officers or employees. In many cases there is no immunity for town officials or town employees but the law allows a municipality to indemnify its officials and employees from personal financial loss, including legal costs up to \$1,000,000 per claim. The Town of Concord has purchased various liability insurance policies in this amount. They cover public officials and employees against liability for negligent acts while working on behalf of the Town.

D. Open Meeting Law - Summary

The Massachusetts Open Meeting Law, MGL Chapter 39, Section 23A - 23C, is designed to insure that governmental activities are conducted in public except in very specific situations. The Open Meeting Law applies to every meeting of a quorum of a governmental body if any public business over which the governmental body has jurisdiction is discussed or considered. The Open Meeting Law does not apply to chance meetings or social meetings. The law gives the public and the press the right to attend (although not necessarily to participate in) all committee meetings except those portions held in Executive Session. The law requires that notice of meetings be publicly posted, that minutes be taken, and that executive sessions be held only in specific circumstances.

A full copy of the open meeting law can be found in Appendix A. **ALL COMMITTEE MEMBERS ARE REQUIRED TO READ THE OPEN MEETING LAW.** NOTE: The Middlesex District Attorney's office has summarized these laws and related cases in a manual entitled "Municipal Forum"; the 1993 manual is available at the Town Clerk's Office.

The following is a summary of the lawful manner in which meetings of Boards, Committees, Commissions, and sub-committees are to be conducted.

1. All meetings with a quorum of members must be open to the public;
2. No private meetings are permitted;
3. Site visits or tours of Town projects, facilities or areas of interest by any Town board or committee are permitted. It is understood that the board or committee would **not**, during such tour, make any decisions or take any votes about matters within its jurisdiction. If a committee or board intends to make a decision or take a vote while on such a tour, then this would be considered a committee meeting and proper meeting posting would be required and minutes kept.
4. Purposes for which Executive Session may be called:
 - a. To discuss the reputation, character, physical condition, mental health rather than the professional competence of a single individual. The individual may request that the meeting remain open;

Open Meeting Law - Summary (continued)

- b. To consider the discipline or dismissal of someone or to hear charges against someone;
 - c. Matters regarding collective bargaining or litigation;
 - d. Deployment of security personnel & security devices;
 - e. To discuss allegations of criminal conduct;
 - f. To consider matters regarding real property;
 - g. To comply with all relevant laws.
5. Executive Sessions Procedure:
- a. Open Session must be convened first;
 - b. A majority vote is needed to go into Executive Session;
 - c. The vote of each member must be recorded on a roll call vote and recorded in the minutes.
 - d. The presiding officer must give the purpose of an Executive Session. The purpose of the Executive Session must be allowed under MGL, Chapter 39, Section 23B listed above;
 - e. The presiding officer must indicate whether the committee will reconvene after Executive Session.
6. No final agreements may be reached at chance meetings.
7. No chance meeting can be held to circumvent the requirements of this section.
8. All meetings are to be posted through the Town Clerk's office. **All meetings must be posted at least 48 hours before they are to be held.** The date, time and place of the meeting should be indicated.

In the case of emergencies - that is sudden, unexpected occurrences which require immediate action by the body - notice may be less than 48 hours. But as soon as an emergency meeting is scheduled, notice must be posted. Although not required by law, it may also be appropriate to notify the press and other observers of an emergency meeting.

9. Meetings may be recorded by tape recorder or video taped by anyone in attendance.
10. No one may address the meeting without permission from the presiding officer.

11. Minutes are to be kept according to the Records Management Procedure, Appendix B of this handbook, and they must be open to the public. Executive Session minutes become public from the moment they are created; however, such minutes "may remain secret as long as publication may defeat the lawful purpose of the executive session, but no longer" (MGL Chapter 34, Section 9G, paragraph 7; and MGL Chapter 39, Section 23B, paragraph seven). All votes must be recorded.

E. Conflict of Interest Law - Summary

Chapter 268A has been in effect since 1962 and sets forth basic legal standards of conduct for municipal employees. Under the law, the term municipal employee includes all paid employees, all unpaid officials (Board of Selectmen, etc.), and all committee and board members. The law does allow for the Selectmen to designate committee and board members; unpaid officials; and some part time employees as Special Municipal Employees. This designation carries with it certain less stringent requirements than for regular municipal employees. The Selectmen have acted to designate virtually all Committee and Board members as Special Municipal Employees. Elected officials such as Selectmen and School Committee members cannot be designated as Special Municipal employees.

An advisory opinion may be obtained from the State Ethics Commission. Requests must be in writing and must be about a real situation which presents a problem under the Conflict of Interest Law. You may also call the Commission's Legal Division at (617) 727-0060 for informal confidential advice on the conflict law. The law provides that a committee member, with prior approval of the Town Manager, may request an opinion from Town Counsel whenever there is a question of whether a conflict exists. If anyone believes they need such an opinion, please contact the Town Manager. Any opinions rendered are public documents on file with the Town Clerk.

The following page provides a brief summary of the Conflict of Interest Law (Massachusetts General Law Chapter 268A) as it pertains to Committee members. *A Conflict of Interest Law Guide for Municipal Employees* can be found in the Appendix C section. **ALL COMMITTEE MEMBERS ARE REQUIRED TO READ THE CONFLICT OF INTEREST LAW.**

1. Committee members are prohibited from requesting or accepting gifts in return for official acts.
2. Committee members are prohibited from participating in any matter in which the Committee member, the Committee member's family, or the Committee member's business has an interest.
 - a. In some limited situations there is a potential exception if the Committee member notifies the appointing authority in writing in advance and the appointing authority exempts the Committee member. This notification should be well in advance of the meeting where the potential conflict will occur.
3. Committee members are prohibited from having an interest in a contract made by the Town, unless:
 - a. The interest is less than 1% of the stock of the corporation; or

Conflict of Interest Law - Summary - Continued

- b. The Committee member does not participate in the bid award process and the interest is under 10%; or
 - c. The Committee member does not participate in the contract award process and files a full disclosure of the interest with the Town Clerk; or
 - d. The Committee member files a disclosure with the Board of Selectmen, who exempt the employee.
4. A committee/board member is prohibited from working as a Town employee in any position under the supervision of a committee/board the individual is currently serving on, or for 60 days after the individual leaves the committee/board.
5. Committee members are prohibited from receiving compensation from or acting as an agent for any business or individual in regards to any particular item which they are currently involved in the decision on or have been involved in during the previous year.
6. Former Committee members and their partner(s), (marital, significant other or business) are prohibited from acting as agent or attorney for anyone on any item in which they directly participated as a committee member, and from appearing as an agent or attorney before a Town board for two years on any matter which was under their official responsibility as a committee member.
7. There is also a section of the law which serves as a general Code of Conduct which includes such items as:
 - a. Not working for any business or engaging in any activity which would impair the individual's judgment on Town business.
 - b. Not disclosing confidential information.
 - c. Not using or giving the appearance of using an official position for personal gain.
 - d. Not giving the appearance that any individual can unduly influence an employee or committee member.
8. Committee and Board members who are appointed by the Town Manager and/or Board of Selectmen must make disclosures in writing to the Town Clerk's Office and the Town Manager's/Selectmen's Office. This disclosure must be kept available for public inspection. An elected official's public disclosure must be made in writing and filed with the town clerk. These public disclosures must be made prior to any official participation or action. In addition, if an appearance of a conflict of interest arises in a public meeting, officials would be well advised to make an oral disclosure for inclusion in meeting minutes. A disclosure form has been included in this handbook as Appendix D.

F. Acceptance of Gifts

See Appendix E for a copy of Administrative Policy & Procedure #19 on this topic.

G. Applications for and Acceptance of State and Federal Grants

See Appendix F for a copy of Administrative Policy & Procedure #18 on this topic

H. Outline of State Regulations Determining Public Access to Records

"Public Records" definition: "Public Records" are all books, papers, maps, photographs, recorded tapes, financial statements, etc., made or received by any officer or employee of the Commonwealth or any political subdivision, to serve a public purpose. These documents are open to public view unless these materials fall within the following exemptions in that they are:

1. Documents exempted from disclosure by law.
2. Documents related solely to internal personnel rules & practices - may be withheld only to the extent that the performance of the agency requires such withholding.
3. Personnel and medical files; materials relating to a specifically named individual, the disclosure of which may constitute an invasion of privacy.
4. Inter or intra-agency memos or letters relating to policy decisions being developed - does not apply to complete factual studies or reports.
5. Notebooks and other materials prepared by an employee which are personal to him and are not maintained as part of the files of the governmental unit.
6. Investigatory materials necessarily compiled out of the public view by law enforcement officials, the disclosure of which would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.
7. Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality. This does not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit.
8. Proposals and bids to enter into any contract or agreement - until the time for opening the bids or receipt of bids has passed.
9. Appraisals of real property to be acquired until, (1) an agreement is entered into; or (2) three years have elapsed since making the appraisal.

Access to Public Records

A request for public records may be either oral or in writing. A written request is required only when there is substantial doubt as to whether the record requested is public. Any person having custody of any public record shall "without unreasonable delay" permit them to be inspected and examined by any person, under their supervision, and shall furnish one copy thereof on payment of a reasonable fee. A custodian of a public record has ten (10) days following receipt of a request for inspection or copy of a public record, to comply with the request.

Fees

Pursuant to Commonwealth of Massachusetts State Regulation 950 CMF 32.06 the following fee schedule for copies of public records is in effect in the Town of Concord:

1. Photocopies - 20 cents per page
2. Computer printouts - 50 cents per page
3. If a search must be made to locate, pull from the files and re-file a requested record, a prorated fee based on the hourly rate of the lowest paid employee capable of performing the task may be assessed in addition to the copying fee.

Denial by Records Custodian

If a department head determines that any record or portion of a record that is sought is not public, the department head (within 15 days of the original request) shall in writing set forth the reasons for the denial. Prior to the 15 day period the department head shall make such a recommendation to the Town Manager. Upon request, the department head shall advise the person denied access of his rights of appeal (Chapter 66, Section 10B, MGL).

Appeal to the "Supervisor of Public Records"

Should a person be denied access to any record in the custody of a governmental agency, or if there has not been compliance with any provision of the State regulations, an appeal may be made to the Commonwealth of Massachusetts Supervisor of Public Records within thirty days of the denial. The Supervisor of Public Records will, within 10 days after receiving such appeal, investigate the circumstances and render the person a decision in writing.

If the Supervisor of Records determines the record is public he will order the custodian to comply with the person's request. If the custodian refuses to comply, the Supervisor of Records may notify the Attorney General to take what measures he deems necessary to insure compliance. In any court proceedings that may follow, it will be presumed that the record sought is public and the burden is upon the custodian to prove the specific exemptions that applies.

Ref: Chapter 1051 Acts of 1973 "Freedom of Information Act"
Chapter 439 Acts of 1976
Freedom of Information Regulations, published by
Supervisor of Public Records: July 1992

Access to Miscellaneous Documents and Records

The Selectmen's/Town Manager's Office contains many files which can be viewed by committee members upon request.

Other documents such as old Selectmen's Minutes are stored in the basement of the Town House. Requests to view this material should be made to the Selectmen's/Town Manager's Office.

I. Use of Electronic Mail

See Appendix G for a copy of Administrative Policy & Procedure # 50 on this topic.

SECTION III

III. COMMITTEE PROCEDURES

- A. Powers & Duties
- B. Participation in Government
- C. Officers of Committees
- D. Minutes
- E. Deadlines
- F. Committee Meetings
- G. Meeting Postings & Notice of Meetings
- H. Agenda
- I. Charge
- J. Goals
- K. References

III. COMMITTEE PROCEDURES

A. Powers and Duties

While all Committees appointed by the Moderator, the Selectmen or Town Manager are an essential part of our Town government, the responsibility and authority of some are governed by statute, in addition to the Committee Charge. These include the Board of Appeals, Election Officers, Historic Districts Commission, Planning Board, Board of Registrars, Board of Assessors, Historical Commission, Natural Resources Commission, Council on Aging, Board of Health, Municipal Light Board, Public Works Commission, Recreation Commission, and Cemetery Committee. It is in the overall best interest of the Town for each such board or committee to function in a manner which is consistent with general policies coordinated or promulgated by the Board of Selectmen and/or Town Manager.

Other committees serve as advisors to the Town in the performance of their duties to the public, and have powers and duties as delegated to them in their individual Charges. Such committees shall represent the Town in dealing with regional and state planning agencies to the extent requested by the appointing authority. When doing so, they shall take positions which have been endorsed by the Town and they shall keep Town Officials fully informed concerning all such liaison activities.

B. Participation in Town Government

Effective Town government requires strong and informed citizen participation. The work of every board or committee is interdependent with that of others. To foster informed decision making, the Board of Selectmen believes it appropriate that every committee have as full representation as possible of its membership at the following regular governmental functions:

- Coordination Meetings
- Finance Committee Hearings on Budgets
- Planning Board Hearings on Warrant Articles
- Selectmen's Hearings on Warrant Articles
- Town Meeting

The objective is not to enforce uniformity or adherence to a majority view, but to assure understanding of all issues relating to the work of the committee on which an individual serves, and on Town government in general. Broad participation is essential to maintenance of an Open Town Meeting which, otherwise, could be dominated by those having only a limited range of special interests.

C. Officers of Committees

Each Committee should annually elect from among its members a Chair and a Clerk. Certain Committees may also find it desirable to elect a Vice-Chair who can act in the absence of the Chair. In the case of new Committees, or Committees which have become inactive, the Selectmen or Town Manager may appoint a Chair pro-tem to serve until the Committee itself elects the Chair for the balance of the current year. Except in unusual circumstances, the Chair and the Clerk positions should rotate yearly among the committee membership. Annually when the new Chairperson has been elected a committee member should notify the Town Manager's Office of the new Chairperson.

The Committee Chair or a designee should plan on attending the monthly Chair Breakfast. This meeting is to update other Chairs on the activities of their committee.

D. Minutes

All Boards and Committees shall keep minutes of their proceedings, including sub-committees and task force committees. Minutes should be handled as described in Appendix B, Records Management Procedure. The minutes shall include any votes taken and they should note any actions taken. Each Board or Committee shall establish its own procedures for the approval and submission of its minutes to the Town Manager's Office on a timely basis. For Committees which meet monthly or more frequently, the minutes shall be reviewed and approved not later than the next regular meeting following the one being reported. Committees which meet less frequently shall adopt a procedure which will assure approval within one month of the original meeting date.

In most instances, Committee minutes should be reviewed and approved within six weeks of the original meeting date. All Committees with permanent staff assigned should submit a copy of approved minutes to the Board of Selectmen immediately upon approval. All other committees should submit a copy of approved minutes to the Town Clerk and Board of Selectmen.

Upon the dissolution of any committee, either by action of the appointing authority, or pursuant to an expiration date provided in the committee charge, all records, documents, correspondence and files concerning the committee's work will be promptly turned over to the Town Clerk for appropriate filing and archival storage

E. Deadlines

All Committees should be cognizant of the following deadlines:

1. Budgets are prepared by department heads with committee review and input on matters relating to policy. The department head submits a proposed budget to the Town Manager.
2. All Committees are required to write an Annual Report for use in the Town Report. These are due in early January.

3. At least one Coordination Meeting is held in the fall. Representatives from all Committees meet with the Town Manager and the Selectmen to discuss items to be placed on the Warrant for Town Meeting, and to discuss other significant policies and projects. Although the Warrant does not technically close until early January, **Committees that plan to submit a Warrant Article for Town Meeting should be prepared to discuss it at the Coordination Meeting in December. Draft Warrant Articles are due soon after the Coordination Meeting.**

F. Committee Meetings

A meeting of a committee occurs any time a quorum of 51% of the Committee (or a subcommittee) members get together to discuss or consider any public business or policy over which the Committee has some jurisdiction or advisory authority. Meetings must be held in a place which is open to the public. The Selectmen urge Committees to meet in a Town building.

A regular meeting time and location should be established. While the frequency of the meetings will depend on the nature and workload of the Committee, most Committees will meet at least once a month.

With the exception of Executive Sessions, all Committee meetings, by law, are open to the public including the press. Committees are expected to operate within both the letter and spirit of the law in this regard (e.g., public discussions should be audible and handouts made available whenever possible and feasible if they are integral to the discussion). The conditions under which a Committee can go into Executive Session are explained in the Open Meeting Law.

G. Meeting Postings & Notice of Meetings

Meeting Postings - The Open Meeting Law requires that notice of all Committee meetings **must be posted with the Town Clerk at least 48 hours prior to the meeting (including Saturdays but not Sundays or legal holidays)**. That means that the Town Clerk's Office will need to receive the notice in time for posting. See Notice of Meeting Open to the Public (Meeting Notice Posting Form Appendix H.) The meeting Posting may be sent to the Town Clerk's office by FAX (978) 318-3093), in person, through inter-office mail, via E-Mail "TownClerk@concordnet.org", or by regular mail (Town Clerk, PO Box 535, Concord, MA 01742).

Meeting notices should contain the following information:

- ◆ Name of the Committee
- ◆ Date, Day of Week and Starting Time of Meeting
- ◆ Location of Meeting-specify Name of Town Building and Room (if possible)

The Notice of Meeting Open to the Public form posting is not limited to a single meeting; your committee can post meetings up to a year in advance if you know your meeting schedule.

Notice of Meetings - All committee members should be notified in writing or by telephone of the date, time, and place scheduled for each meeting if the Committee is meeting on an irregular basis or whenever a special meeting is called. Written notice of regularly scheduled or emergency meetings is not necessary.

H. Agenda

The Chairperson is responsible for planning the agenda. Agenda items normally include:

1. Call to Order;
2. Approval of Minutes of Previous Meeting;
3. Old Business;
4. New Business;
5. Executive Session (if permitted);
6. Adjournment.

I. Charge

All committee members will receive a copy of his/her Committee's Charge at the time of his/her appointment which explains the specific authority and responsibilities of that Committee.

J. Goals

It is recommended that in May or June, Committees should develop a plan of action which maps out how the Committee is to meet its deadlines, and to accomplish its goals as stated in its Committee Charge.

K. References

The Concord Free Library contains two books that describe Parliamentary and Committee procedures in detail: Sturgis Standard Code of Parliamentary Procedure by Alice Sturgis, and Roberts Rules of Order by Sarah Roberts. Committees are encouraged to consult these books if they have any procedural problems that cannot be resolved by other means.

SECTION IV

IV. APPOINTMENT POLICY & PROCEDURES

- A. General
- B. Term of Office
- C. Dual Committee Appointments
- D. Committee Transfers
- E. Eligibility for Appointments
- F. Criteria for Selection
- G. Residency
- H. Role of Committee or Board in Appointments
- I. Selection Procedures
- J. Orientation Procedure/Appointment Slip
- K. Removal from Office

IV. APPOINTMENT POLICY AND PROCEDURES

Committees are either elected, or they are appointed by the Town Manager, Selectmen or the Moderator. Some Committees whose membership is appointed by the Town Manager must be approved by the Selectmen.

A. General

It is the policy of the appointing authorities to seek out the best qualified persons to serve on each Board or Committee over which it has power of appointment. They will endeavor to develop a pool of persons interested in serving on each such Board or Committee from at least the following sources:

1. Green cards on file
2. Personal knowledge
3. Recommendations from town organizations or individuals
4. Suggestions from committee with vacancy
5. Suggestions by prospective appointee
6. Research of skills available in town
7. Individual responses to publicity regarding vacancies (new green cards)

It is the policy of the various appointing authorities to enlarge the general pool of applicants through active solicitation of Town organizations and through publicity in the press. The timing and extent of specific active solicitations shall be determined by the Board of Selectmen based on its judgment of appropriateness and need.

The Board of Selectmen make a special effort to seek out roughly equal numbers of women and men as candidates for appointments over which they have authority, and make appointments in accordance with the Massachusetts Equal Rights Amendment which states that "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin."

B. Term of Office

1. Unless prescribed by statute, Town Meeting vote, or specific committee charge, three years shall be the standard term of office.
2. Those appointed to a three-year term as a full-member shall be limited to two (2) full consecutive terms.
3. Those appointed to a full-member term of five (5) years or longer shall be limited to one (1) full term.
4. A partial term to fill a vacancy shall not be considered to be a full term.
5. Before reappointment to a second term, the individual contribution of the member's value to the committee and his or her attendance record shall be reviewed by the committee chairperson. Attendance of less than 75% shall prejudice reappointment.
6. All terms, unless prescribed by statute, shall terminate at the end of the month in which Town Meeting is held or on May 31st whichever is later.

7. All terms of office shall be set on a staggered basis in the interest of fostering continuity of knowledge and experience on all committees. The appointing authority shall determine the year in which a given term expires at the time of appointment.

Exception: Ad hoc committees appointed for a specific responsibility, at which time the charge to the committee should include a specific time frame for submission of the committee's final report and dissolution of the committee.

8. All Committees are authorized to set up "ad hoc" subcommittees for specific purposes, with the permission of the appointing authorities.

C. Dual Committee Appointments

In general, individuals shall be limited to service on only one committee at a time. Exceptions shall be committees who have a representative who, by law or specific committee charge, serves on another committee (i.e., Board of Health, representative on Council on Aging), or joint committees formed from other committees.

D. Committee Transfers

In general, members of one committee or board will only be considered for appointment to another Committee or Board upon completion of their term of office.

E. Eligibility for Appointments

All residents of the Town are eligible for appointment, except the following:

1. Town employees whose service on a given committee, in the opinion of the appointing authority, would create the appearance of a conflict of interest. Example: an employee of the Public Works Department should not be appointed to the Public Works Commission, but may, however, be appointed to the Council on Aging, Recreation Commission, or other committee that does not create an appearance of conflict.
2. Concord Public School and CCRHS Administrators and Town department heads (these individuals exert a significant influence over public policy by virtue of their positions, but may be eligible for ad hoc committees where such representation is required by the charge).
3. Elected Municipal Officials (Selectmen, School Committee members, Town Moderator, Housing Authority Commissioners), except that elected officials may serve on temporary, ad hoc committees.

F. Criteria for Selection

Actual appointments from the pool of applicants shall be made by the Board of Selectmen and Town Manager on the basis of:

1. Level of applicant's interest in serving and interest in the work of the committee.

2. The need for diversity on the committee, taking into account the educational and professional background of the applicant, as well as the need for diversity among all committee members in terms of neighborhood representation, gender, age, and other demographic characteristics.
3. Special skills needed by a particular committee.

G. Residency

In most instances, committee members should be residents of the Town of Concord. There may be occasional exceptions when an individual's unique skills or experience support the appointment of a non-resident and would be beneficial to the committee's work; however, this should be relatively rare. ***Non-residents shall not be eligible for appointment to any board or committee responsible for exercising statutory or regulatory authority.***

In the event a committee member becomes a resident of another community, the appointing authority shall be promptly notified by the member or the committee chair. The appointing authority may, upon the request of the committee chair, permit the non-resident member to continue to serve until the subsequent May 31, except in the case of statutory or regulatory committees.

H. Role of Committee or Board in Appointments

Each committee or board is expected to:

1. Encourage individuals to complete green cards
2. State the qualifications they are looking for in appointments.
3. Make suggestions on potential members

Committees should not make any representation to candidates concerning the likelihood of appointment nor provide their suggestions with any rank order, but may invite prospective members to attend meetings to familiarize themselves with the work of the committee.

I. Selection Procedures

1. The individual member and the committee chairperson shall notify the appointing authority in writing as soon as a vacancy occurs.
2. The vacancy will be announced at the next meeting of the Board of Selectmen and a notice will be prepared for release to the press and for public posting pursuant to the 1996 Town Meeting vote under Article 12.
3. No action will be taken on a vacancy for at least two weeks after the announcement of the vacancy.
4. For Board of Selectmen appointments, nominations shall be made at one Board meeting, and formal action will not be taken until a subsequent Board meeting.

5. For Town Manager appointments that are approved by the Board of Selectmen, the request for appointment shall be made at one Board meeting, and action on the request shall be taken not later than the next Board meeting.
6. Except in unusual circumstances, appointments shall be made within two months of the announcement of a vacancy.

J. Orientation Procedure/Appointment Slip

All members appointed or reappointed to a committee will receive an appointment slip. Upon receipt of the appointment slip, all committee members shall present themselves at the Town Clerk's Office in order to take the oath of office.

Also, upon appointment, each committee member shall receive from the Town Manager's Office an informational packet with a copy of this "Committee Handbook" which shall include: a copy of the committee Charge or relevant administrative code, copies of the Open Meeting, Public Records, and Conflict of Interest Laws.

It is the responsibility of the committee chair to provide for the orientation of new members to familiarize the individuals with the work of the committee, current projects, and town government operations in general as they may impact the committee's work. The Selectmen will schedule a "New Committee Member Orientation Workshop" each year, on or before September 30.

K. Removal from Office

1. The Selectmen by majority vote may investigate the affairs of any committee or board member appointed by the Board of Selectmen or by the Town Manager. The Selectmen shall have access to any or all records which they deem necessary for this purpose. The Selectmen may remove, after a hearing, any committee, or board member thereof.
2. The Town Manager has similar powers of investigation and removal with cause for committees and boards (except the Board of Assessors) appointed by the Town Manager. The Town Manager may not remove any member of the Board of Assessors without the approval of the Selectmen.

See Appendix I Committee Appointment Policy APP #10 for additional information on Town Board, Committee, and Task Force Appointment Policies.

SECTION V

V. MISCELLANEOUS ITEMS

A. Committee Paperwork and Finance

1. Use of Clerical Staff
2. Management/Professional Staff
3. Stationery
4. Mailings
5. Photocopying
6. Use of Green Cards
7. Request for Services from Other Departments
8. Committee Finances

B. Reservations of Public Meeting Rooms; Open Doors

1. Use of Town Buildings
2. Keys
3. Meeting Cancellations

C. Telephone Procedures

1. Use of Town Telephones
2. Phone Messages
3. Emergencies
4. Telephone Directory
5. School Department Telephone Directory

V. MISCELLANEOUS ITEMS

A. Committee Paperwork and Finance

1. Use of Clerical Staff

Each Committee is responsible for its own clerical work. In some cases, arrangements can be made between a Committee and the Town Manager for an appropriately related Department Head to have clerical staff process some Committee work.

2. Management/Professional Staff

Several committees have responsibilities that are complex and of significant volume, and require support from management/professional staff. The Department or Division Head liaison assists the committee with general meeting coordination, analysis of issues through research and written reports, and coordination of communications with other committees, town departments, and the Town Manager. The staff member may be responsible for compiling a budget, to be reviewed by the committee prior to submission to the Town Manager. The Town Manager provides general management, direction, and supervision to the staff member and his/her daily operations.

3. Stationery

Committee members can acquire stationery from the Selectmen's Secretary or from the clerical staff of the Committee's staff liaison. Paper and envelopes with the Town logo are also available.

4. Mailings

Committees with no other staff support may bring envelopes to the Town Manager's Office so that they can be run through the postal meter machine. Committees are responsible for addressing these envelopes. For large mailings (those in excess of 300) arrangements may be made with the Town Manager to have labels printed by computer.

5. Photocopying

A photocopying machine is located on the second floor outside of the Town Manager's Office and is available for official Committee use during business hours 8:30-4:30 Monday - Friday, to be scheduled with the Town Manager's or the Selectmen's secretary.

6. Use of Green Cards

The Town has a file of over 200 green cards of information filled out by Concord residents who have expressed an interest in serving on a Committee. (Appendix J). The file is kept in the Selectmen's/Town Manager's Office, and is available for use during business hours (8:30 – 4:30). Arrangements can be made for its use at other times.

The file is divided into two sections. "Active" and "Inactive". As a general rule, people only serve on one committee at a time. Committee members are encouraged to "recruit" Concord residents who may have special skills or interests that may be of use to the particular Board or Committee. Such people are encouraged to come to the Selectmen's/Town Manager's Office and fill out a green card.

7. Request for Services from Other Departments

Requests for services from other Town Departments such as police, fire, public works, and finance should be made through the Committee's Staff Liaison.

8. Committee Finances

A few Committees have their own budget, but most Committees do not. Instead they use the budget of the Department with which the Committee is associated. All purchases are made for Committees by the Committee's Staff Liaison, with prior approval by the Department Head. The Town Manager's Office can make exceptions to this general practice, where practicality dictates.

B. Reservation of Public Meeting Rooms; Open Doors

1. Use of Town Buildings

Public meeting rooms are available for Committee and Board use in various Town Buildings, and reservations should be made in advance by contacting the appropriate staff as follows:

- Town House - Administrative Assistant to the Board of Selectmen (978) 318-3001.
 - a) Chairpersons of all standing Committees who meet regularly in the Town House may pick up a key from the Selectmen's Administrative Assistant.
 - b) If a Committee or Board is holding a meeting at the Town House and does not have a key, then they should pick up a key that morning from the Selectmen's Administrative Assistant and the key should be returned the next business day.
- 141 Keyes Road - Administrative Assistant to the Planning Board (978) 318-3290.
- Harvey Wheeler Community Center - Council on Aging (978) 318-3020.
- Hunt Recreation Center - Recreation Department (978) 369-6334.

Reservations for meeting rooms should be made at least 48 hours in advance with the appropriate person in the building which your committee is planning on meeting. Also, all meetings must be posted with the Town Clerk's office at least 48 hours prior to the meeting. (See Notice of Meetings section on page 27) for additional information on posting meetings). Reservations are made on a first come-first serve basis.

Committees or Boards which meet in any public building are responsible for insuring that the front doors are unlocked while their meeting is occurring. Also the door which is handicap accessible must be unlocked. The first Committee or Board to meet in the evening or on the weekend will have to unlock the doors of the building.

The Committee or Board utilizing the meeting room is responsible for insuring that the lights are turned off when the meeting is finished. The last Committee or Board to leave the building should also insure that any remaining lights are turned off and that all doors are locked.

Where a staff member is assigned to a particular Committee, the staff member is responsible for insuring that the doors are unlocked and later re-locked.

When the Town House is used for special committee-related events, the Town Manager's staff shall be notified in advance of such an event but it is the responsibility of the Committee/user to clean the room upon completion of the event.

2. Keys

a. Any Committee or Board which meets in any Town building is responsible for insuring that the front door and handicapped accessible doors are unlocked while their meeting is occurring. The first Committee or Board to meet in the evening or on the weekend is responsible for unlocking the doors.

(1) The chair of all standing committees who meet regularly in any Town building should have a key to the front door. The key should be passed on each time you change your chair.

(2) If a Committee or Board is holding a meeting and does not have a key, then pick up a key that morning from the appropriate contact for that building.

(In an emergency the key to the Town House may be picked up from the Police Department.)

b. Where a staff member is assigned to a particular Committee, the staff member is responsible for insuring that the doors are unlocked and later re-locked.

3. Meeting Cancellations

In order to support a uniform procedure upon cancellation of Committee or Board meetings due to inclement weather or any other unforeseen event, outlined below is a procedure for notifying the public.

The decision to cancel a meeting is up to the individual Committee or Board.

Should it be necessary to cancel a meeting due to inclement weather or any other unforeseen event, the Committee Chair or the assigned staff person should notify the Town Clerk's Office of the cancellation, or if time allows, send a written notice to the Town Clerk's Office. The Chairman or staff person should arrange for the posting of a cancellation notice on the front door or other visible location at the building where the meeting was to have taken place.

In the event that a meeting is cancelled at the last minute due to inclement weather or another unforeseen event, the Chair or assigned staff person should call the Town Manager's Office at 318-3000 to have an announcement of that cancellation placed on Town cancellation line. In order to place a message on voicemail, the call must be made before 3:30 PM. Committee members should be instructed to call 318-3006 after 4:30 PM to listen to cancellation messages on voicemail.

C. TELEPHONE PROCEDURES

1. Use of Town Telephones

Most Town buildings are equipped with pay telephones that are in locations that would be available to Committee and Board members should the need arise that they want to make a phone call.

The Selectmen's Meeting room at the Town House has a telephone that can be used to make local calls or can be used during a committee meeting for a conference call. Long distance calls can only be made for Committee business and require the permission from the Town Manager's Office. In order to place an outside call it is necessary to press an available line key, dial "9" and then the number you are calling.

2. Phone Messages

People who call the Selectmen's/Town Manager's Office requesting to get in touch with a Committee member will be given the Committee member's home phone number (as it appears on their green card). Business phone numbers will not be given out. Any Committee member who prefers not to allow his/her phone number to be given out at all, or who would rather his/her office phone number to be given out should make such a notation on his/her green card.

3. Emergencies

In case of an emergency at a Town building, please notify the Police/Fire dispatch at 911. Personnel from the Water & Sewer Division of the Public Works Department are on call, as are Concord Municipal Light Plant staff, each through the Police Department.

Town of Concord

Telephone Numbers

AMBULANCE, FIRE AND POLICE EMERGENCY – 911

Call this Department:	For questions on:	Phone:
Assessing	Assessments, Abatements	318-3070
Board of Appeals	Zoning Appeals, Special Permits & Variances	318-3295
Board of Health	Health, Sanitation, Septic Permits/Title V	318-3275
Board of Selectmen	Committee Appointments; Alcoholic Beverage Licensing	318-3001
Building Inspector	Building Permits, Electric Permits, Plumbing & Gas Permits, Plot Plans, Home Occupation Permits, Zoning Enforcement	318-3280
CCTV	Local Public Access Television	369-5038
Comcast Cable (Westford)	Cable Television office - 4 Lyberty Way, Westford, MA	692-6500
Community Service Coordinator	Free service for residents providing information, referral or assistance for the following services: financial assistance, counseling, legal services, domestic violence resources, after school and camp support, employment, fuel assistance, parenting support groups	318-3034
Council on Aging	Senior Activities, Information & Transportation	318-3020
Fire Department	Routine Fire & Ambulance Business, Burning Permits	318-3488
Historic Districts Commission	Historic Districts	318-3299
Concord Housing Authority	Affordable, Subsidized & Elderly Housing	369-8435
Library	Main Library	318-3300
	Circulation Desk	318-3301
	Fowler Branch Library	318-3350
	Children's Services	318-3358
	Reference Services	318-3347
Light Plant	Electric Service & Operations	318-3101
	Electric, Water & Sewer Final Readings; Electric New Accounts	318-3154
Natural Resources	Conservation Land/Environment, Wetlands	318-3285
Planning & Land Management	Planning, Land Use, Zoning, Affordable Housing Lotteries	318-3290
Personnel	Town Personnel Information & Job Openings	318-3025
Police	Routine Police Business	318-3400

Public Works	Administration	318-3206
	After Hours Emergencies	318-3400
	Cemeteries	318-3230
	Engineering/Road Permits	318-3210
	Highways/Snow & Ice Removal	318-3220
	Parks & Trees	318-3230
	Trash, Recycling & Yard Waste Information	318-3240
	Water & Sewer Operations (see Town Accountant for Billing)	318-3250
Recreation Department	Recreation Programs, After/Before School, Carousel, Terrific Tuesday, Hunt Gym	369-6460
	Beede Swim and Fitness Center	287-1000
Retirement Board	Town Retirement System Information/Benefits	318-3068
School Department	Ripley Administrative Offices/Superintendent's office	318-1500
	Alcott Elementary School	318-9544
	Thoreau Elementary School	318-1300
	Willard Elementary School	318-1340
	Peabody Middle School	318-1360
	Sanborn Middle School	318-1380
	Concord-Carlisle Regional High School	318-1400
	Concord-Carlisle Adult and Community Education	
	Week days	318-1540
	Week nights	318-1432
Town Accountant	Accounting	318-3060
	Utility Billing (Light, Water, Sewer)	318-3062
	Water & Sewer New Accounts	318-3062
Town Clerk	Births, Deaths, Marriages; Dog Licenses; Fishing & Hunting Licenses; Business Certificates; Elections; Voter Registration; Passport Applications & Information	318-3080
Town Manager's Office	General Administration	318-3000
Treasurer/Collector	Ambulance Bills; Parking Tickets; Property & Excise Tax Bills; Trash Collection & Recycling Subscriptions; Electric, Water & Sewer Bill Payments	318-3050
Veterans Agent	Veterans' Information/Referrals/Benefits	318-3038

To find out if a public meeting has been cancelled, call the Cancellation Line (318-3006). Visit the Town's web site at www.concordma.gov for a calendar of municipal events and meetings, and for general information about the Town.

SECTION VI

VI. COMMITTEE LIST

Below is a list of long-standing committees. Other short term committees exist and are not listed here.

1. Affordable Housing Committee
2. Agricultural Committee
3. Appeals, Board of
4. Board of Assessors
5. Community Preservation Committee
6. Comprehensive Sustainable Energy Committee
7. Concord Cable Television Committee
8. Concord Local Cultural Council
9. Cemetery Committee
10. Council on Aging Board
11. Economic Council
12. Finance Committee
13. Hanscom Field Advisory Commission Representative
14. HATS (Hanscom Area Traffic Study)
15. Board of Health
16. Historical Commission
17. Historic Districts Commission
18. Housing Authority
19. Hugh Cargill Trust Committee
20. Library Committee
21. MAGIC Representative
22. MAPC Representative
23. MBTA Representative
24. Minuteman Regional High School Committee Representative
25. Municipal Light Board
26. Natural Resources Commission
27. Personnel Board
28. Planning Board
29. Public Ceremonies and Celebrations Committee
30. Public Works Commission
31. Records and Archives Committee
32. Recreation Commission
33. Board of Registrars
34. Retirement Board
35. School Committee
36. Board of Selectmen
37. Trustees of Town Donations
38. West Concord Family Festival Coordinators
39. White Pond Advisory Committee
40. Zoning Bylaw Re-codification Committee

VI. COMMITTEE DESCRIPTIONS

The following a brief description about each standing committee of the Town. A full copy of the Committee Charge/Administrative Code is available upon request from the Town Manager's Office.

1. Affordable Housing Committee - Consists of seven voting members, appointed by the Board of Selectmen. To the extent possible, the members shall be appointed to represent the following disciplines: land planning, civil engineering, construction, real estate law, governmental housing, and real estate development. In addition, a member of the Board of Selectmen, the Executive Director of the Housing Authority, and the Director of Planning & Land Management will serve as ex officio members of the Committee. The primary responsibility of the Affordable Housing Committee will be to act as the Town's housing partnership entity both in responding to partnership proposals from private developers, and in formulating and promoting proposals on behalf of the Town.
2. Agricultural Committee – Consists of five residents of the Town appointed by the Board of Selectmen each for staggered five-year terms. The membership shall be as follows:
 - Three members representing farmer interest who are engaged in farming;
 - Two citizens at-large interested in promoting farmingThe purpose of the Committee is to provide a forum for the discussion of interest and concern to farmers in Concord and to advise the Board of Selectmen concerning how the town can help to support farming in Concord.
3. Board of Appeals - Consists of three members appointed by the Selectmen. There are also three associate members who serve on the Board when regular members cannot serve. The Board decides, upon appeal, the application of the zoning, subdivision, sign and building bylaws.
4. Board of Assessors - Consists of five members appointed by the Town Manager with Selectmen approval. The Assessors recommend a tax rate for the Board of Selectmen to vote and set, establish the valuation of all taxable real and personal property, observe and value all new construction and alterations of taxable real property.
5. Community Preservation Committee – Consists of nine voting members pursuant to MGL Chapter 44B. The Committee shall study the needs, possibilities and resources of the Town regarding community preservation.
6. Comprehensive Sustainable Energy Committee – Consists of up to nine members appointed by the Town Manager with the approval of the Board of Selectmen. The Committee will assist the Town with identifying, designing, and implementing programs and projects for fostering energy conservation, energy efficiency, and renewable energy generation and to track and report on the financial and environmental impacts of such programs.
7. Concord Cable Television Committee - Consists of five members appointed by the Board of Selectmen. The Committee is charged with the authority to create, recommend, and oversee policy concerning the administration of the cable television system and other license matters. The authority and approval for action is vested in the Board of Selectmen as set forth in M.G.L. c. 166A, and other applicable regulations.

8. Concord Local Cultural Council - Consists of at least five and not more than twenty-two members appointed by the Selectmen. The Council receives funds from the Massachusetts state lottery that have been earmarked for the Arts and distributes it along with other funds that the Council has raised to the various Arts organizations in Concord. The Council also helps coordinate activities among these various Arts groups.
9. Cemetery Committee - Consists of five members appointed by the Town Manager. The Committee is responsible for the operation of all town cemeteries and burial grounds and establishing policies and regulations for such.
10. Council on Aging Board - Consists of nine members appointed by the Town Manager plus one member each from the Board of Health, School Committee, and the Recreation Commission. The Council on Aging Board provides guidance regarding policies, programs, and long range planning.
11. Economic Council – Consists of nine members, seven of which will be appointed by the Board of Selectmen, and one each by the Concord Business Partnership and Concord Chamber of Commerce. The Council will examine the barriers to entry, expansion and retention of enterprises in Concord. It will assemble information useful to existing or prospective business and advocate as it determines appropriate on behalf of individual applicants before Town or regional regulatory boards and agencies.
12. Finance Committee - Consists of fifteen members appointed by the Moderator. The Finance Committee: 1) reviews all Articles for Town Meeting and coordinates Public Hearings that pertain to appropriations or expenditures of money or disposition of Town property, 2) reviews and approves or disapproves all transfers of money from the reserve fund, 3) establishes guidelines for budget increases to be considered in fiscal year planning, and 4) submits the budget with its recommendations to the Town as part of its annual report to Town Meeting.
13. Hanscom Field Advisory Commission Representative - One person is chosen by the Selectmen to be Concord's representative to the Hanscom Field Advisory Commission. The Commission consists of representatives from each of the Town's near Hanscom Field for the purpose of assuring that the interests of the Towns are dealt with by evaluating plans of current and future operations at Hanscom Field.
14. HATS - (Hanscom Area Town Selectmen) - The membership of HATS consists of a selectmen from each member town, a Planning Board member and up to two members-at-large. HATS shall facilitate cooperation between the towns and all entities in the L.G. Hanscom Field area by addressing issues related to growth and development management policies as set forth in M.G.L. Chapter 40, Section 4(l).
15. Board of Health - Consists of five members appointed by the Town Manager. The Board is responsible for the overall stewardship of the public health of the Town. The responsibilities of the board are defined both by local bylaws and state law.
16. Historical Commission - Consists of five members plus two associate members appointed by the Town Manager with Selectmen approval. The Commission compiles and maintains inventories of historic areas, buildings, and other objects of historic significance to the Town.

17. Historic Districts Commission - Consists of five members plus five associate members all appointed by the Selectmen. It is responsible for the preservation and protection of buildings, places, and districts of historic or literary significance in the Town.
18. Housing Authority - Consists of four members who are elected and a fifth member is appointed by the Governor. The purpose of this committee is the development and administration of an adequate supply of low and moderate income housing for Town residents.
19. Hugh Cargill Trust Committee - Consists of five members appointed by the Selectmen. This Committee is established to assist actively the Board of Selectmen in receiving, investigating, and allocating merit to various applications for funds by Concord residents with temporary, emergency, financial needs. The source of these funds is the income from the Hugh Cargill Trust and various public and private donations.
20. Library Committee - Consists of seven members appointed by the Selectmen for the purpose of: providing policy guidance to the Library Director, recommending policy and organizational methods to the Selectmen, and serving as liaison between the Library and the Trustees of the Library Corporation, governmental units, and private groups that relate to Library services.
21. MAGIC Representative - Minuteman Advisory Group on Interlocal Coordination is a regional planning agency. A member of the Board of Selectmen represents the Town of Concord.
22. MAPC Representative - The Metropolitan Area Planning Council Representative is appointed by the Town Manager to represent the Town of Concord and its policies at M.A.P.C. meetings and to keep the Town Manager, Selectmen, and the Planning Board informed about major regional issues.
23. MBTA Representative - The Massachusetts Bay Transportation Authority Advisory Board Representative is appointed by the Board of Selectmen to represent Concord and its policies in meetings of the M.B.T.A. Advisory Board, and to keep the Selectmen informed about major issues involving the M.B.T.A.
24. Minuteman Regional High School Committee Representative - The Concord representative is appointed by the Town Moderator. This school district provides vocational technical education to students from the region's sixteen towns.
25. Municipal Light Board - Consists of five members appointed by the Town Manager. The Town Manager, acting in the role of General Manager of the Light Plant, relies on the assistance of the Light Board to make recommendations concerning the general operations and maintenance of the Light Plant, and to formulate policy for ongoing operation and future development of electrical supply and the distribution system.
26. Natural Resources Commission - Five members and two associate members appointed by the Town Manager. It is responsible for the overall stewardship of the natural resources of the Town, and the establishment of Town environmental policy in conjunction with the Selectmen and Town Meeting. The Commission administers the Wetlands Protection Act and serves as the Conservation Commission and Town Forest Committee.

27. Personnel Board - Consists of five members appointed by the Selectmen. It is responsible for the administration of the classification and compensation plans of the Town.
28. Planning Board - Consists of seven members appointed by the Selectmen. It reviews all plans regarding the purchase of or construction on public land. It also investigates all petitions pertaining to zoning and, in accordance with the Zoning Bylaw, reviews and makes modifications to site plans for approval or disapproval.
29. Public Ceremonies and Celebrations Committee - Consists of seven members appointed by the Selectmen. The committee is responsible, with the approval of the Board of Selectmen, to plan and implement public ceremonies to observe Patriots' Day, the historic events at Meriam's Corner, Memorial Day and Veterans' Day. In addition, the committee annually designates the Town's Honored Citizen.
30. Public Works Commission - Consists of five members appointed by the Town Manager. The Commission advises the Town Manager, the Public Works Director, and the Planning Board on issues pertaining to water, sewage, drainage, and roads and solid waste removal. It sets policy, adopts regulations and establishes fees for the water system, sewage and sewage disposal facilities, drainage facilities, roads, sidewalks, solid waste removal and recycling. The Commission also approves new road standards.
31. Records and Archives Committee - Consists of five members appointed by Selectmen to oversee maintenance, storage, etc. of the Town's records and memorable documents.
32. Recreation Commission - Consists of five members appointed by the Town Manager. The Commission provides policy guidance to the Recreation Director regarding programs, policies, operations, and long range planning; reviews the Recreation Department's budget, and sets user fees.
33. Board of Registrars - Consists of three members appointed by the Selectmen. The committee's duties include: the annual listing of all persons in the Town who are 17 years of age or older; attending to the registration of voters; accepting nomination papers; certifying initiative or referendum petitions; and maintaining voting lists.
34. Retirement Board - The Retirement Board composition is as follows per MGL Chapter 30, Section 20(4). Five members chosen in the following manner: The Town accountant who shall be a member ex officio, a second member appointed by the Board of Selectmen, a third and fourth member shall be elected by the members in or retired from service of such system from among their number in such manner and for such term, not exceeding three years, as the Board of Selectmen in the town shall determine, and a fifth member who shall not be an employee, a retiree, or official of the governmental unit and shall be chosen by the other four for a term of three years. The Retirement Board shall administer the contributory retirement system for public employees of the Town.

35. School Committee - Consists of five members elected by the Town to serve on the Concord Public School Committee and the Concord Carlisle Regional School Committee. There are also two Carlisle School Committee members who serve on the Concord Carlisle Regional School Committee. The Committee members act as public officers and not as agents of the Town. Committee members have no authority as individuals but shall have complete authority within the General Laws, over school affairs when they serve as a legal body.
36. Board of Selectmen - Consists of five elected members. The Selectmen appoint the Town Manager and numerous other Committees and Boards. The Selectmen also make recommendations for budget, approve town government organization, approve actions in litigation, serve as licensing authority on many matters, vote many rules and regulations, and issue Warrants for Town Meeting.
37. Trustees of Town Donations - Consists of five members appointed by the Selectmen. The Trustees manage and dispense of all real and personal property donated to the Town. They also hold title to any cemetery lot in perpetual trust as the exclusive burial place for any one designated in the instrument by which such title becomes vested in the trustees.
38. West Concord Family Festival Coordinators - Consists of three members appointed by the Selectmen. The Coordinators' responsibility is to coordinate the West Concord Family Festival which takes place during the month of September.
39. White Pond Advisory Committee - Five members appointed by the Selectmen to review and analyze the concerns of the White Pond neighborhood.
40. Zoning Bylaw Re-codification Committee - The Board of Selectmen appoints this committee of five members from time to time when the Zoning Bylaw needs to be updated and re-codified. The Committee's primary responsibility is to review the Zoning Bylaw and make specific recommendations to the Planning Board for improvements in the language, format and organization of the Bylaw.

SECTION VII

VII APPENDIX

- A. Open Meeting Law
- B. Records Management Procedures
- C. Conflict of Interest Law Guide for Municipal Employees & Standards of Conduct
- D. Conflict of Interest - Disclosure Form
- E. APP# 19 Acceptance of Gifts
- F. APP# 18 Applications for and Acceptance of State and Federal Grants
- G. APP# 50 Use of Electronic Mail
- H. Meeting Notice Posting Form
- I. APP #10 Town Board, Committee and Task Force Appointment Policy
- J. Green Card
- K. Table of Contents - Administrative Policies & Procedures

THE OPEN MEETING LAW
CHAPTER 39, SECTION 23A, SECTION 23B, SECTION 23C, and SECTION 24
of the MASSACHUSETTS GENERAL LAWS

SECTION 23A. DEFINITIONS

The following terms as used in sections twenty-three B and twenty-three C shall have the following meanings:

Deliberation, a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

Emergency, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

Executive Session, any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

Governmental Body, every board, commission, committee or subcommittee, of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided however, that this definition shall not include a Town Meeting.

Made Public, when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

Meeting, any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

Quorum, a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

SECTION 23B. OPEN MEETINGS OF GOVERNMENTAL BODIES; EXECUTIVE SESSIONS; EXCEPTIONS; NOTICE; RECORDS; FAILURE TO COMPLY; ORDERS.

All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:

- (1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
 - a) to be present at such executive session during discussions or considerations which involve that individual.
 - b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.
 - c) to speak in his behalf.
- (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
 - a) to be present at such executive session during discussions or considerations which involve that individual.
 - b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.
 - c) to speak in his behalf.
- (3) 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 governmental body, to conduct strategy sessions in preparation for negotiations with non-union personnel, to conduct collective bargaining sessions or contract negotiations with non-union personnel.
- (4) To discuss the deployment of security personnel or devices.
- (5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- (6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.
- (7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

- (8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if 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 or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time, and place of such meeting. Such filing and posting shall be responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the county in which the violation occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section.

In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven A 1/2 of chapter thirty A, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy. Such order may also include reinstatement without loss of compensation, seniority, tenure or other benefits for any employee discharged at a meeting or hearing held in violation of the provisions of this section.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual 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 rights of the individual.

SECTION 23C. REGULATION OF PARTICIPATION BY PUBLIC IN OPEN MEETINGS.

No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

SECTION 24. APPLICATION OF CHAPTER

The provisions of this chapter shall be in force only so far as they are not inconsistent with the express provisions of any general or special law; and, so far as apt, shall apply to districts as defined in section one A of chapter forty.

RECORDS MANAGEMENT PROCEDURES

State law requires all committees to keep accurate written records of its public meetings. All committees, commissions, boards, sub-committees and ad-hoc committees shall appoint a clerk/secretary who will be responsible for posting meeting notices, taking minutes of all meetings, and serving as records custodian.

The records of each meeting are public records, and a copy of all non-executive session minutes must be available for public inspection. Records of any executive session remain closed to the public only as long as publication may defeat the purposes of the executive session. Minutes of meetings should include the following information:

- Date, time and place of the meeting
- Members present
- Any actions taken at the meeting, including executive sessions
- Assignments to committee members
- Statements of topics discussed
- Exact wording of all motions, including who made and seconded the motion
- The vote of each member. Those members present and not participating in the vote should be recorded as abstentions.
- Votes in executive session must be recorded in the minutes by a roll call.

Minutes may include summaries of discussions and a schedule of future meetings. Once minutes are accepted by committee vote they become the official record of the meeting and become a permanent public record. Any secretarial notes, if not destroyed once the official minutes are accepted, are considered a public document under the public records law.

What to do with approved minutes:

- A courtesy copy of the minutes, upon approval, should be sent to the appointing authority (Town Manager, Board of Selectmen, or Moderator).
- The original approved set of minutes should be retained in the department office for committees with assigned staff liaisons.
- Committees without assigned staff liaisons should submit the approved minutes to the Town Clerk's Office for filing and public access.
- At the end of each calendar year, the chairman or staff liaison of each committee should submit a complete set of committee minutes to the Town Clerk's Office for placement in the Town's Archives.

What about other committee records?

Besides minutes, it is important to retain other documents that will be helpful to the town and/or committee members in future years. In particular, it is important to retain supporting documents and correspondence for events or decisions that are of major significance to the committee or town. These documents should be turned over periodically to the Town Clerk for placement in the Town Archives.

Dissolution of a committee:

Upon dissolution of a board, committee, or commission, the records should be culled, weeding out all non-permanent records. These should be organized in a reasonable and understandable manner and submitted to the Town Clerk for transfer to the Library Archives.

**CONFLICT OF INTEREST LAW GUIDE
FOR MUNICIPAL EMPLOYEES**

Excerpted from the Massachusetts State Ethics Commission
"Guide to the Conflict of Interest Law for Municipal Employees"

The conflict of law (Chapter 268A of the Massachusetts General Laws) sets a minimum standard of ethical conduct for all municipal employees and officials. Enacted in 1962, the conflict law's goal is to promote confidence in our government and the integrity of its officials.

PURPOSE OF THE LAW

The purpose of the conflict law is to ensure that public employees' private financial interests and relationships do not conflict with their public obligation to act objectively and with integrity. 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 covers what you may do on the job, after hours (in your private capacity) and even after you leave public service.

MUNICIPAL EMPLOYEES

The conflict of interest law regulates the official activity of all municipal employees. You are considered a municipal employee if you hold any office, position, employment or membership in any municipal agency or board. It does not matter whether you are elected or appointed, full or part-time, paid or unpaid. People who work as consultants for a municipality are generally covered by the conflict law, as well.

The conflict law also regulates the activities of former employees and business partners of current and former employees. Private parties are subject to the bribery and gift restrictions under the conflict law.

"Special Municipal Employee" Designation

If you hold a municipal job or position which has been designated as a "special municipal employee" position, two parts of the law - Sections 17 and 20 - will apply less restrictively to you. The city council, town councilor, board of aldermen or board of selectmen may designate certain municipal employees as "specials".

You may be designated as a special municipal employee if:

- You are not paid; or
- You hold a part-time position which allows you to engage in other employment during normal working hours; or
- You were not paid by the municipality for more than 800 hours during the preceding 365 days.

All employees holding the same office or position must have the same classification, either as regular or as "special" municipal employees.

Under no circumstances may a major, city councilor, town councilor, alderman, or selectman in a town with a population of more than 10,000 be designated as a "special." However, in towns of 10,000 or less, selectmen are automatically considered "special" employees. Other municipal positions in towns with a population of less than 10,000 must still be designated as "special municipal employee" positions by the selectmen.

WHAT THE LAW PROHIBITS

Bribes (Section 2)

The conflict law prohibits the most obvious kinds of corruption: bribes. The law imposes criminal penalties, not only on municipal employees who seek or receive payoffs or kickbacks, but also on anyone who bribes or attempts to bribe a public official.

Accepting Gifts (Section 3)

It is illegal to accept anything of "substantial value" from anyone with whom you have had or are likely to have official dealings even if the motivation for the gift is to express gratitude for a job well done or to foster goodwill.

The courts and the Commission have deemed "substantial value" to be \$50 or more. Additional compensation, waived fees, discounts, gift certificates and entertainment are considered gifts. In addition, free or discounted services such as construction or accounting work are considered gifts.

Private parties who offer such inducements or rewards are also subject to penalties under the conflict law.

Acting On Own/Family's/Business' Financial Interests (Section 19)

The law recognizes that your objectivity and integrity can be compromised when you act on matters in which you, your family or your business has a financial stake. The law, therefore, prohibits you from taking action on any "particular matter" which would affect your own financial interest or the financial interest of:

1. your immediate family (your spouse and both of your children, parents, brothers and sisters);
2. your partner(s);
3. a business organization in which you serve as an officer, director, trustee, partner or employee (including a non-profit organization); and
4. any person or organization with whom you are negotiating or have any arrangement concerning future employment.

A "particular matter" is defined by law to include almost any application, contract, finding, decision or controversy which might come before you. The definition refers to specific matters and proceedings rather than general issues. If the matter in which you have a financial stake is a determination of general policy and your interest is shared with a substantial segment of the population, you may participate. An example of a general policy matter is setting local water and sewer rates.

The law forbids nepotism. Nepotism is commonly understood to include favoritism of any sort afforded a relative. Section 19 prohibits a municipal employee or official from participating in any way in the hiring, promotion, performance review or salary recommendation of an immediate family member.

There is an exemption under Section 19 available to appointed municipal employees and officials. You may act on a matter in which you, your family or business has a financial stake, provided that you receive written permission from your appointing official prior to take the action. For example, if you receive written permission from your appointing official, you may hire your sister despite the conflict. The exemption is not available to elected officials.

Obtaining Municipal Contracts and Multiple Jobs (Section 20)

Section 20 is intended to ensure that municipal employees do not use their positions to benefit from municipal contracts and to avoid the public perception that municipal employees have an "inside track" on obtaining municipal contracts or jobs.

In general you are prohibited from holding more than one paid town or city position and from contracting with your municipality. (You may hold multiple unpaid positions with the same town.) For example, if you work full-time nights for the police department, you would be prohibited from taking another paid full-time municipal job during the day. If you owned a company which provided cleaning services, your company could not contract with the police department.

There are a number of exceptions to this general rule. For example, you may hold any number of elected paid or unpaid positions and not be in conflict. Special municipal employees may hold multiple paid positions if they meet certain technical requirements. Different criteria apply to selectmen, town clerks and executive secretaries who have second municipal jobs. Call the Commission or contact your city or town lawyer for specific advice on Section 20.

Misusing your Official Position (Section 23)

Section 23 provides a general code of ethics for all public employees. Section 23 applies when there is an overlap or a direct connection between a public employee's official responsibilities and his or her private interests or relationships. The overlap can, at a minimum, create the appearance of a conflict.

The conflict law prohibits you from using or attempting to use your municipal position to obtain unwarranted privileges for yourself or anyone else. You also may not, through your actions, give the reasonable impression that you can be improperly influenced or that you will act with bias. The law prohibits you from misusing confidential information obtained on the job and from accepting outside employment which is inherently incompatible with your public position.

Examples of violations of Section 23 include running a private business out of your public office, using municipal resources such as stationery, phones and copies for political campaigns and putting friends on the payroll who are unqualified.

Representing Private Parties in Town/City Matters (Section 17)

The law limits what municipal employees may do "on the side" for a private party. This section is designed to protect the municipal employee and municipality from the problems resulting when people "serve two masters."

When you are a municipal employee, you may not act as agent or attorney for a private party before your city or town, even if you are not paid. In addition, you may not be paid by a private party in relation to a "particular matter" if any agency in your town or city is a party to that matter or has a direct and substantial interest in it.

For example, if you are a lawyer or engineer, being a municipal employee would preclude you from representing your clients before town or city boards. In addition, you are prohibited from representing your own company or your employer before municipal agencies.

Note: This section of the law applies less restrictively to special municipal employees.

Misusing Government Connections (Section 18)

The conflict law prohibits former employees from deriving unfair advantages by misusing friendships formed or confidential information obtained while serving the government.

1. If you participate in a particular matter as a municipal employee you may never work on the same matter for a private party after you leave municipal government.
2. If a matter was under your official responsibility, you are subject to a one year "appearance" restriction. You may not represent a private party before any municipal agency in connection with the matter for one year after leaving the government.
3. There are no restrictions concerning a matter you never dealt with or which was not before your board or agency while you were a municipal employee.

For example, if you negotiated a contract with a computer company to provide computer services for your agency, you may not leave town government and work for the company on the same contract. You may, however, work for that company on other projects. You could also work for the computer company on town contracts proposed and awarded after you left your position.

HOW TO OBTAIN LEGAL ADVICE

This guide presents a brief overview of the conflict law and suggests activities which you, as a municipal employee, must avoid. It is not a comprehensive review.

If you have questions about your own activities, we urge you to request an opinion from your town or city lawyer or directly from the Ethics Commission **prior** to engaging in the activity in question. Requests to the Commission for an advisory opinion must be in writing and must be about a real, not hypothetical situation which presents a problem under the conflict of interest law. You may also call the Commission's Legal Division at (617) 727-0060 for informal confidential advice on the law.

If you have questions about others activities in your town or city, urge those who are involved to use the opinion process.

STANDARDS OF CONDUCT

CHAPTER 268A, SECTION 23
of the Massachusetts General Laws

Section 23. Supplemental provisions; standards of conduct

- (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county and municipal employees.
- (b) No current officer or employee of the state, county or municipal agency shall knowingly, or with reason to know:
 - (1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;
 - (2) use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;
 - (3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, disclose in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.
- (c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:
 - (1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;
 - (2) improperly disclose material or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.
- (d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The State Ethics Commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.
- (e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, or by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.
- (f) Upon qualification for office following an appointment or election to a municipal agency, such appointed or elected person shall be furnished by the city or town clerk with a copy of this section. Each such person shall sign a written acknowledgement that he has been provided with such copy.

The Commonwealth of Massachusetts
State Ethics Commission
John W. McCormack State Office Building, Room 619
One Ashburton Place, Boston, MA 02108
Telephone (617) 727-0060 Fax (617) 723-5851

DISCLOSURE FORM
G.L. c. 268A, §23(b)(3)
(to be filed with appointing authority;
elected municipal officials file with town clerk)

Name: _____

Public Office or Position: _____

Address: _____ Phone: _____

City or Town: _____

I publicly disclose the following facts pursuant to G.L. c. 268A, §23(b)(3):

I make this disclosure pursuant to G.L. c. 268A, §23(b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out above, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship; rank, position, or the undue influence of any party or person with regard to the above circumstances.

Signature: _____ Date: _____

TEXT OF G.L. c. 268A, §23(b)(3)

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

Town of Concord

APP # 19
Acceptance of Gifts

The acceptance of gifts is specifically governed by State Statute and Town Bylaw. This Administrative Policy-Procedure shall set forth the procedures for the acceptance of gifts.

I Funds

- A. Chapter 44, Section 53A of the General Laws provides:
 - 1. For the acceptance of gifts or grants of funds by a Town officer or department (committee or board also) with the approval of the Board of Selectmen.
 - 2. For the deposit of the funds with the Town Treasurer.
 - 3. For the expenditure of funds for the specific purpose of the gift without further Town Meeting appropriation, subject to the approval of the Selectmen.

- B. The only exception to the above provisions is gifts to the Cemetery Perpetual Care fund which are governed by Chapter 14, Section 25 of the General Laws (Gifts for Cemeteries), and a number of Special Acts/Town Bylaws governing the Trustees of Town Donations.

- C. Any employee or board member who receives a gift on behalf of the Town shall promptly deposit the gift with the Treasurer. If the gift is of a value of \$250 or more, written acknowledgment shall be provided by the Treasurer to the benefactor. The recipient shall also notify the Town Manager of the receipt of the gift.
 - a. By vote of the Board of Selectmen on September 10, 1979, the Town Manager is authorized to accept gifts of funds up to \$500.
 - b. For gifts over \$500, a vote of the Board of Selectmen is required.

- D. No expenditure of the funds will be permitted until the Town Manager or Selectmen have accepted the gift, as appropriate.
- E. All expenditures from the funds will be made through the Town's standard purchasing and bill-payroll processing procedures.

II. Real and Personal Property

- A. The Town Bylaw approved under Article 41 of the 1977 Annual Town Meeting, provides "that the Town authorize the Town Manager or Treasurer to accept bequests, devises or gifts of property, both real and personal, or any interest therein, in the name of the Town, subject in each case to the approval of the Board of Selectmen, except as otherwise provided by law."
- B. The General Laws authorizing the establishment of the Natural Resources Commission (MGL Ch 40, 8C), and the Historical Commission (MGL Ch 40, 8D) authorize these commissions to accept real and personal property subject to the approval of the Board of Selectmen. The Library Corporation, as separate from the Library Committee, and not a Town agency, is not covered by this policy-procedure.
- C. Any employee or board member who is offered a gift of real or personal property on behalf of the Town, and the Natural Resources Commission and Historical Commission, when they accept a gift of real or personal property on behalf of the Town, shall notify the Town Manager in writing.
 - a. By vote of the Board of Selectmen on September 10, 1979, the Town Manager is authorized to accept gifts of personal and real property, exclusive of land and buildings, with an estimated value of up to \$500.
 - b. Gifts of land and buildings, and property with an estimated value of over \$500, require a vote of the Board of Selectmen.

The employee or board member will be notified of the date and time of the agenda item in the event they wish to attend. The Treasurer will provide the Selectmen with a listing of all such gifts received for acceptance.

The above Administrative Policy-Procedure governs gifts only, and not payments for services rendered; fines; fees; or replacement of damaged property.

Any questions in this regard should be forwarded to the Town Manager's Office.

Distribution: Department Heads
Committee and Board Chairpersons
Town Counsel

Town of Concord

APP # 18

Applications for and Acceptance of State and Federal Grants

The application for and acceptance of state and federal grants is governed by state and federal statutes. This Administrative Policy-Procedure shall set forth the procedures for the application and acceptance of all grants:

1. Applications for grants of state and federal funds must be signed by the Town Manager. A copy of the application and notification of any awards shall also be forwarded to the Town Accountant.
2. The Town Manager shall be notified as soon as an application is initiated.
3. After a grant has been awarded, the expenditure of funds in accordance with the grant will require the approval of the Board of Selectmen. The employee or board member will be notified of the date and time of the agenda item in the event they wish to attend.
4. All expenditures from grant funds shall be made utilizing the Town's standard purchasing and bill-payroll processing procedures.

cc: All Committee and Board Chairpersons
All Department Heads
Town Counsel

Town of Concord

APP #50

Use of Electronic Mail

POLICY/PURPOSE

The term "public records" is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption (M.G.L. C.4, S.7). Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically (see attached letter dated 5/28/98). Electronic mail is a Town of Concord resource and is provided as a business communications tool. All electronic mail sent, and all electronic mail received by principal addressees (not received as a "cc") at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail.

RESPONSIBILITIES

It is the responsibility of all department heads to implement this e-mail policy as appropriate. These procedures should: specify whether E-mail documents should be filed electronically or as paper; establish appropriate use of E-mail within this policy; establish procedures, where applicable, for providing public access to electronic files and collecting appropriate fees charged for materials; and monitor compliance with Town policy and department procedures.

It is the responsibility of Information Services to support and maintain the Town's E-mail system; and provide routine backup and off-site storage of E-mail files for disaster recovery purposes.

It is the responsibility of all employees and committee members to comply with Town policy and departmental procedures.

COMMITTEE USE OF ELECTRONIC MAIL

In order to assist members of governmental bodies to comply with the Open Meeting Law in their use of this technology, the Middlesex District Attorney's Office has established guidelines for committees' use of electronic mail. The guidelines reaffirm that no substantive discussion by a quorum of members of a governmental body about public business within the jurisdiction of the governmental body is permissible except at a meeting held in compliance with the requirements of the Open Meeting Law. Like private conversations held in person or over the telephone, e-mail conversations among a quorum of members of a governmental body that relate to public business violate the Open Meeting Law, as the public is deprived of the opportunity to attend and monitor the e-mail "meeting."

Despite the convenience and speed of communication by e-mail, its use by members of a governmental body carries a high risk of violating the Open Meeting Law. Not only do private e-mail communications deprive the public of the chance contemporaneously to monitor the discussion, but by excluding non-participating members, such communications are also

inconsistent with the collegial character of governmental bodies. For these reasons, the Middlesex District Attorney cautions that e-mail messages among members of governmental bodies are best avoided except for matters of a purely housekeeping or administrative nature.

PRIVACY/PUBLIC ACCESS

The Town Manager reserves the right to monitor E-mail messages and to access all E-mail residing on Town of Concord equipment or property.

No employee shall read another employee's E-mail, and no employee shall access another employee's electronic files when there is no business purpose for doing so and when no case-specific supervisory approval has been granted.

No employee shall send E-mail under another employee's name without authorization.

No employee shall change any portion of a previously sent E-mail message without authorization.

APPROPRIATE USE

E-mail shall be used for business matters directly related to the operational activities of the Town of Concord and as a means to further the Town's objective of providing services that are efficient, complete, accurate, and timely.

While e-mail shall not be used for personal gain or to conduct personal business, it may be used for limited personal communication subject to the review and discretion of the department head.

E-mail shall not be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; to promote, result in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs.

FILING AND RETENTION

This Policy is intended to provide for efficient retention of E-mail communications. E-mail communications are considered public records and retention and disposition of public records are authorized by retention schedules issued by the Secretary of the Commonwealth. Transmission data contained in an E-mail communication (including the sender, addressee, date and time of transmission, and receipt) should be retained as part of the record, whether the record is printed out or stored electronically.

Departments may retain E-mail in hard copy, electronically, or by a combination of these two means. E-mail should not be retained electronically for longer than two years; after that time, the record should be printed and retained in paper form. Departments are responsible for developing filing systems that include E-mail and are responsible for instructing employees on appropriate use of these systems.

When appropriate, E-mail messages may be filed with program records and assume the same retention as the records they are filed with. When E-mail records do not relate obviously or directly to a program, they may be filed as correspondence. If a particular record is not described on an existing records retention schedule, the appropriate department head may apply to the Supervisor of Public records for authority to dispose of that record, and to add records to existing schedules. Only when E-mail messages are clearly conversational and do not add in any way to the operational records of the department, may they be discarded without adhering to retention schedules. Examples of this form of E-mail include: "Sorry I missed you via telephone. Please call me when you have a minute."; "I will be out of the office at a conference this Thursday, so please mark your calendar."; or "This is a reminder of this Friday's staff meeting. Please send along any agenda items you may have."

Some E-mail systems enable users to enclose or attach records to messages. These enclosed or attached records need to be filed according to their function and content, and they will assume the retention schedule of the records they are filed with.

Distribution: All Departments
Board and Committee Members

APPENDIX H

DATE POSTED _____

**TOWN OF CONCORD, MASSACHUSETTS
NOTICE OF MEETING OPEN TO THE PUBLIC
(Chapter 303 of the Acts of 1975)**

Town Board or Committee	Meeting Place	Time	Date

DATE POSTED _____

**TOWN OF CONCORD, MASSACHUSETTS
NOTICE OF MEETING OPEN TO THE PUBLIC
(Chapter 303 of the Acts of 1975)**

Town Board or Committee	Meeting Place	Time	Date

APPENDIX I

Adopted: 2/27/79
REVISED: 1/12/98

Town of Concord APP #10

Town Board, Committee, and Task Force Appointment Policy

The Board of Selectmen and Town Manager have jointly adopted this policy concerning the appointment of members of Town boards, committees, and task forces. Please refer to this policy when considering or suggesting an individual for appointment to a Town board or committee.

Distribution: All Department Heads
All Committee and Board Chairs
Town Clerk

Appointment Policy -- Town Boards, Committees, and Task Forces

I. General

This policy has been jointly adopted by the Board of Selectmen and Town Manager, and is intended to cover all committees, boards, and task forces appointed by the Town Manager and Selectmen. The following categories of appointments are not covered:

- (a) Town employees
- (b) elected Town officers

The term "committee", when used in this policy is intended to mean all boards, committees and task forces appointed by the Board of Selectmen and Town Manager.

II. Powers and Duties

While all committees appointed by the Selectmen or Town Manager are an essential part of our Town government, the powers and duties of some committees are governed by State statute. These include: the Board of Appeals, Planning Board, Historic District Commission, Board of Health, Natural Resources Commission, and others. Once appointed by the Selectmen or Town Manager, these committees operate with a high degree of autonomy. Nevertheless, it is in the overall best interest of the Town that each committee function in a manner that is consistent with the general policies coordinated or promulgated by the Board of Selectmen and/or Town Manager. Effective local government requires that all committees respect the duties and responsibilities of other town committees and coordinate their activities to the greatest extent possible.

Other committees appointed by the Selectmen or Town Manager serve as advisors to the Selectmen or Town Manager, in the performance of their duties to the public. These committees will have such powers and duties as may be delegated to them in their specific charges. Such committees may represent the Town in dealing with other local, regional, or State agencies to the extent requested by the Board of Selectmen or Town Manager. When doing so, they shall take positions on various issues consistent with the views of the Board of Selectmen or Town Manager, and they shall keep the Board and Town Manager fully informed concerning all such activities.

III. Officers of Committees, Boards, and Task Forces

Each committee should annually elect from among its members a Chairperson and a Clerk. Certain committees may also find it desirable to elect a vice-chairperson who may act in the absence of the chairperson. In the case of new committees, or committees that have become inactive, the Selectmen or Town Manager may appoint a chairperson pro-tem to serve until the committee itself elects a chairperson for the balance of the current year.

Except in unusual circumstances, the chairperson and the clerkship should rotate yearly amongst the committee membership.

IV. Open Meeting Law and Minutes

All committees shall operate in accordance with the Open Meeting Law (MGL Ch. 39, sect. 23a-c) and shall keep minutes of their proceedings. Each committee shall establish its own procedures for approval and submission of minutes to the Town House on a timely basis. Committees are strongly urged to prepare, review and approve minutes as expeditiously as possible in order to maximize the public's access to information concerning committee activity. In most instances, Committee minutes should be reviewed and approved within six weeks of the original meeting date. All committees shall submit a copy of approved minutes to the Town Clerk and to the Board of Selectmen immediately upon approval.

Committees are reminded that “draft” copies of the committee’s minutes are considered a public record and should be made available to the public upon request, even when the committee has not had the opportunity to review and adopt the minutes.

Upon the dissolution of any committee, either by action of the appointing authority, or pursuant to an expiration date provided in the committee charge, all records, documents, correspondence and files concerning the committee’s work will be promptly turned over to the Town Clerk for appropriate filing and archival storage.

V. Participation in Town Government

Effective Town government requires active and informed citizen participation. The work of every committee is inter-dependent with that of others. To foster informed decision making, the Board of Selectmen and Town Manager believe it appropriate that every committee have as full representation of its membership as possible at the following regular governmental functions:

- Town government Coordination Meetings (September & December)
- Finance Committee budget hearings
- Planning Board hearings on Town Meeting warrant articles
- Selectmen’s hearings on Town Meeting warrant articles
- Town Meeting

The objective is not to enforce uniformity or adherence to a majority view, but to assure understanding of all issues relating to the work of the committee on which an individual serves and an understanding of Town government in general. Broad participation is essential to maintenance of an open Town Meeting which, otherwise, could be dominated by those having only a limited range of special interests.

VI. Conflict of Interest

Committee members are covered by Massachusetts General Laws, Chapter 268A, Conduct of Public Employees. The statutes covers:

- (a) Gifts or receipt of compensation or gratuities from anyone other than the Town
- (b) Offers or promises to influence official acts
- (c) Financial interest in contracts or other particular matters
- (d) Acting as agent or attorney before a Town board or committee
- (e) Unfair advantage in relation to a particular matter
- (f) If a committee, board, or task force member has any question concerning a potential conflict of interest under MGL ch. 268A, the member shall raise the question in advance of appointment. Those members currently serving should discuss questions of conflict with the committee chairperson and the appointing authority as soon as possible. The State Ethics Commission is a useful resource for information concerning the application of the law, and committee members will be expected to follow the guidance provided by the State Ethics Commission. The Board of Selectmen and Town Manager will make the final determination concerning conflict of interest, with the assistance of Town Counsel as appropriate.

In addition, all committee members must avoid the appearance of conflict of interest in all matters coming before the committee and shall seek guidance from the State Ethics Commission in this area as well.

Appointment Policy and Procedures

(a) General

It is the policy of the Selectmen and Town Manager to seek the best qualified persons to serve on each committee. The Board and Town Manager will endeavor to develop a pool of persons interested in serving on each such committee from at least the following sources:

1. Green cards on file
2. Personal knowledge
3. Recommendations from Town organizations or individuals
4. Suggestions from the committee having a vacancy
5. Suggestion by the prospective appointee
6. Research of skills available in Town
7. Individual responses to publicity regarding vacancies (new green cards)

It is the policy of the Board of Selectmen and Town Manager to enlarge the general pool of applicants through active solicitation of Town organizations and through publicity in the press and on community access television. The timing and extent of specific active solicitations shall be determined by the appointing authority based on its judgment of appropriateness and need.

In accordance with the vote on Article 47 of the 1978 Annual Town Meeting, the Board of Selectmen and Town Manager shall make a special effort to seek out roughly equal numbers of women and men as candidates for appointments over which they have authority, and will make appointments in accordance with the Massachusetts Equal Rights Amendment which states, in part, that "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin".

(b) Term of Office

1. Unless prescribed by statute, Town Meeting vote, or specific committee charge, three years shall be the standard term of office.
2. Those appointed to a three-year term as a full-member shall be limited to two (2) full consecutive terms.
3. Those appointed to a full-member term of five (5) years or longer shall be limited to one (1) full term.
4. A partial term to fill a vacancy shall not considered to be a full term.
5. Before reappointment to a second term, the individual contribution of the member's value to the committee and his or her attendance record shall be reviewed by the committee chairperson. Attendance of less than 75% of all committee meetings shall prejudice reappointment.
6. All terms, unless prescribed by statute, shall terminate at the end of the month following Town Meeting, or May 31st, which ever is later.
7. The terms of office shall be set on a staggered basis in the interest of fostering continuity of knowledge and experience on all committees. The appointing authority shall determine the year in which a given term expires at the time of appointment.

Exception: Ad hoc committees appointed for a specific responsibility, at which time the charge to the committee should include a specific time frame for submission of the committee's final report and dissolution of the committee.

(c) Dual Committee Appointments

In general, individuals shall be limited to service on only one committee at a time. Exceptions shall be committees which have a representative who, by law or specific committee charge, serves on another committee (i.e., the Board of Health representative on the Council on Aging), or joint committees formed from other committees.

(d) Committee Transfers

In general, members of one committee will only be considered for appointment to another committee upon completion of their term of office.

(e) Eligibility for Appointment

All residents of the Town of Concord are eligible for appointment, except the following:

1. Town employees whose service on a given committee, in the opinion of the appointing authority, would create the appearance of a conflict of interest. Example: an employee of the Public Works Department should not be appointed to the Public Works Commission, but may, however, be appointed to the Council on Aging, Recreation Commission, or other committee that does not create an appearance of conflict.
2. Concord Public School and CCRHS Administrators and Town department heads (these individuals exert a significant influence over public policy by virtue of their positions, but may be eligible for ad hoc committees where such representation is required by the charge).
3. Elected Municipal Officials (Selectmen, School Committee members, Town Moderator, Housing Authority Commissioners), except that elected officials may serve on temporary, ad hoc committees.

(f) Criteria for Selection

Actual appointments from the pool of applicants shall be made by the Board of Selectmen and Town Manager on the basis of:

1. level of applicant's interest in serving and interest in the work of the committee;
2. the need for diversity on the committee, taking into account the educational and professional background of the applicant, as well as the need for diversity among all committee members in terms of neighborhood representation, gender, age, and other demographic characteristics.
3. special skills needed by a particular committee

(g) Residency

In most instances, committee members should be residents of the Town of Concord. There may be occasional exceptions when an individual's unique skills or experience support the appointment of a non-resident and would be beneficial to the committee's work; however, this should be relatively rare. ***Non-residents shall not be eligible for appointment to any board or committee responsible for exercising statutory or regulatory authority.***

In the event a committee member becomes a resident of another community, the appointing authority shall be promptly notified by the member or the committee chair. The appointing authority may, upon the request of the committee chair, permit the non-resident member to continue to serve until the subsequent May 31, except in the case of statutory and regulatory committees.

(h) Role of Committee in Appointments

Each committee or board is expected to:

1. Encourage individuals to complete green cards
2. State the qualifications they are looking for in appointments
3. Make suggestions on potential members

Committees should not make any representation to candidates concerning the likelihood of appointment nor provide their suggestions with any rank order, but may invite prospective members to attend meetings to familiarize themselves with the work of the committee.

(i) Selection Procedures

1. The individual member and the committee chairperson shall notify the appointing authority in writing as soon as a vacancy occurs.
2. The vacancy will be announced at the next meeting of the Board of Selectmen and a notice will be prepared for release to the press and for public posting pursuant to the 1996 Town Meeting vote under Article #12.
3. No action will be taken on a vacancy for at least two weeks after the announcement of the vacancy.
4. For Board of Selectmen appointments, nominations shall be made at one Board meeting, and formal action will not be taken until a subsequent Board meeting.
5. For Town Manager appointments that are approved by the Board of Selectmen, the request for appointment shall be made at one Board meeting, and action on the request shall be taken not later than the next Board meeting.
6. Except in unusual circumstances, appointments shall be made within two months of the announcement of a vacancy.

(j) Orientation Procedure

Upon appointment, all committee members shall present themselves at the Town Clerk's office in order to take the oath of office.

Also upon appointment, each committee member shall receive from the Town Manager's office an informational packet referred to as the "Committee Handbook" which shall include: a copy of the committee charge or relevant administrative code, and copies of the Open Meeting, Public Records, and Conflict of Interest laws.

It shall be the responsibility of the committee chair to provide for the orientation of new members to familiarize the individuals with the work of the committee, current projects, and town government operations in general as they may impact the committee's work. The Selectmen will schedule a "New Committee Member Orientation Workshop" each year, on or before September 30.

ADMINISTRATIVE POLICIES & PROCEDURES
TABLE OF CONTENTS

<u>APP #</u>	<u>SUBJECT</u>	<u>DATE</u>
1	Use of Town Property	10/99
2	Out-Of-State Travel	08/01
3	Departmental Deficits - Use of Reserve Fund	06/99
4	Reservation of Public Building Meeting Rooms; Open Doors - Town House	06/99
5	Municipal Grievance Procedures Relating to the Americans with Disabilities Act	07/97
6	Communications	06/99
7	Site Inspection Tours	06/99
8	Emergency Meeting Cancellations	06/99
9	Employee Conduct	06/99
10	Board of Selectmen Guidelines - Town Committee and Board Appointments	01/98
11	Closing of Town Buildings for Adverse Weather Conditions	06/99
12	Annual Town Report	09/99
13	Standards of Conduct	03/99
14	Utilization of Town Counsel Legal Review of Contract Documents	06/99
15	Notification of White Pond Advisory Committee	06/99
16	Flag Lowering	06/99
17	Public Statements - Lawsuits	06/99
18	Application for and Acceptance of State and Federal Grants	06/99
19	Acceptance of Gifts	06/99
20	Citizen Requests to Distribute Literature	06/99
21	Reimbursement for Utilization of Private Automobiles	01/08
22	Storage of Inflammable Materials and Explosives	_____
23	Building Move Procedures	06/99
24	Weapons	02/02
25	Public Records Law	08/00
26	Names on War Memorials	01/03
27	Town Vehicle Use	06/99
28	Display of Merchandise on Town Sidewalks	06/99
29	Educational Assistance Policy	06/99
	Addendum	06/99
30	Use of Cell Phones While at Work	01/05
31	Pole and Conduit Location	06/99

32	Use of Town Land By Community Groups	06/99
33	Selection of Consultants	06/94
34	Rental and Sale of Town Property	_____
35	Prohibition of Smoking	08/04
36	Purchasing Addendum	03/83 11/85
37	Historic Districts Commission Authority Over Town Projects	09/83
38	Municipal Outdoor Lighting Policy and Guidelines	12/01
39	Application for Building Permit Small Lots Under the Grandfather Clause of MGL Chapter 40A S6.	07/84
40	Right-to-Know Law	06/99
41	Employment and Services for Disabled Persons	06/99
42	HIPAA Privacy Policy	02/05
43	Naming of Town Property	12/27/90
44	Designation of National Incident Management System Town's Incident Management Standard	03/17/06
45	Telephone Procedures, Policies & Guidelines	09/05/91
46	Rabies Control Plan	4/29/93
47	Seat Belt Law	2/25/94
48	Charitable and Political Sign Placement	04/07
49	Buy Recycled Policy	12/99
50	Use of Electronic Mail	11/98 Rev.: 5/07
51	Use of Internet	11/98 Rev.: 5/07
52	Deployment and Use of Technology	04/00
53	Pay for Employees Activated for Military Duty	11/03
End	Alphabetical Index	06/99