

# **PROCEDURES & PRACTICES TOWN OF GROTON BOARD OF SELECTMEN**

## **PURPOSE:**

The Board of Selectmen of the Town of Groton recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Manager, and the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating procedures for the Board of Selectmen.

## **NATURE OF POLICIES & PROCEDURES:**

These policies and procedures contain items relating to topics that cannot be addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation are not addressed in this format.

## **PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES:**

Draft policies and procedures will be placed on the agenda for any regularly scheduled meeting of the Board. Drafts will be in writing and may be introduced only by a member of the Board or the Town Manager. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials they deem necessary.

The Board will not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the full five-member Board unanimously votes that prompt action is necessary. A vote of three members is necessary for adoption.

The Town Manager, under the direction of the Board of Selectmen, will be responsible for implementation of all policies and procedures.

## **AUTHORITY:**

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the By-Laws of the Town and the Town Charter of Groton.

## **ELECTION AND QUALIFICATION:**

In accordance with the Town Meeting Vote September 23, 2002 and the ballot approval of March 4, 2003, the Board consists of five duly elected members. Before assuming official duties, each newly elected member shall be duly sworn in by the Town Clerk.

## **VACANCIES ON THE BOARD:**

When a vacancy occurs in the membership of the Board of Selectmen, the Board or its remaining members may call a special town election to fill the unexpired term or terms in accordance with the Massachusetts General Laws.

## **ROLE OF THE BOARD OF SELECTMEN:**

The Board is responsible for policy development and the setting of their annual goals and objectives. The Board appoints a Town Manager who functions as the Town's chief administrator. The Board has supervisory authority over the Town Manager. It is expected that Board members will advise the Town Manager on policies and issues of public interest.

In order to provide the Town with continuity of administrative management, the Selectmen are committed to maintaining an employment agreement with the Town Manager that delineates his/her responsibilities and conditions of employment as permitted by statute. The Board of Selectmen should set and measure results against goals and objectives, methods, and effectiveness of implementation, and consider renewal of the Town Manager's contract based on these considerations.

## **ROLE OF THE TOWN MANAGER:**

The primary duties of the Town Manager shall be the day-to-day administration of the general government as outlined in the Town Charter. The Town Manager has sole authority to perform these tasks. Concerns and questions about the operation of departments, and suggestions for improvements should be addressed directly to the Town Manager, who is solely responsible for addressing these issues. The Town Manager will also assist and work, under the direction of the Selectmen, in the formulation and implementation of policies, goals, and objectives.

The Town Manager must maintain a close working relationship with all members of the Board. He/she shall arrange for the orientation of new members of the Board and regularly brief the Board on all important issues either in writing, by email, or by phone when appropriate.

The Town Manager is responsible for inter-board communication in the day-to-day operation of government. The Town Manager will develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and commissions with common interest, which will include but not be limited to the exchange of minutes and department head meetings.

## **BOARD POLICIES AND STANDARDS OF CONDUCT:**

1. A member of the Board of Selectmen, in relation to his or her community should:
  - A. Realize that his or her basic function is to carry out its mandated responsibilities and develop Town policy.
  - B. Realize that he or she is one of a team and should abide by board decisions once they are made.
  - C. Be well informed concerning the duties of a board member on both local and state levels.
  - D. Remember that he or she represents the entire community at all times.
  - E. Accept the Office of Selectman as a means of unselfish service, not benefit personally or politically from his or her board activities.
  - F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
  - G. Abide by the ethics established by the State and not use the position to obtain inside information on matters that may benefit someone personally.
2. A member of the Board of Selectmen, in his or her relations with Town Manager of the Town, should:
  - A. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.
  - B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration. It is understood where the Town Manager is unable to resolve internal issues, the Town Manager will seek input of the Selectmen's liaison and/or Board of Selectmen Chair. The Chair of the Board of Selectmen should be apprised of any significant and or serious situations. An exception to this rule: When the complaint is regarding the Town Manager, the issue will be directed to the Chairman of the Board of Selectmen.
  - C. Give the Town Manager appropriate responsibility for discharging his or her disposition and solution.
3. A member of the Board of Selectmen, in his or her relations with fellow board members, should:
  - A. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board outside of such meetings.
  - B. Not make statements or promises of how he or she will vote on matters that will come before the Board until he/she has had an opportunity to hear the pros and cons of the issue.
  - C. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
  - D. Make decisions only after all facts on a question have been presented and discussed.
  - E. Treat with respect the rights of all members of the Board despite

differences of opinion.

### **ORGANIZATION OF THE BOARD:**

The Chairman shall be elected annually at the first regular meeting, when all members are present following the Annual Town Election. The Chairman shall not serve more than two consecutive years. A majority vote shall constitute an election. Nominations require no second. The immediate past Chairman shall preside as Chairman pro tern until the Chairman is elected. If there is no Immediate past Chairman, the senior member in terms of current service shall serve as Chairman pro tern. In the case of members with the same amount of seniority, the member receiving more votes in the most recent election shall serve. If a vacancy occurs in the office of Chairman, the Board shall elect a successor. The Board shall further appoint a Vice-Chairman and Clerk under the same provisions stated for the Chairman.

### **RESPONSIBILITIES OF THE CHAIRMAN:**

The Chairman of the Board shall:

- 1) Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
- 2) Sign official documents that require the signature of the Chairman and/or authorized by the vote of the Board of Selectmen.
- 3) Call special meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the Town Manager.
- 5) Arrange orientation for new members.
- 6) Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairman (as in the case of liaisons).
- 7) Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman.
- 8) Make liaison assignments in consultation with other Board members and assign overview responsibilities for project and tasks to Board members unless otherwise determined by the Board. The Chairman should, as much as possible, respect the interests of individual Board of Selectmen/ members when making assignments

The Chairman shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

### **RESPONSIBILITIES OF THE VICE-CHAIRMAN:**

The Vice-Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the Chairman leave office, the Vice-Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

### **RESPONSIBILITIES OF THE CLERK:**

The Clerk shall be responsible for taking minutes of meetings when necessary and signing all

documents that do not require a majority of the Board or the Chairman to sign.

### **REGULAR BOARD MEETINGS:**

Regular Board Meetings are held on Mondays unless changed by the majority of the Board. The Board shall not meet on days designated legal holidays. Upon a majority vote of the Board, there may be a summer schedule established. The Board should respect members religious affiliation in scheduling Board meetings.

### **SPECIAL MEETINGS:**

A meeting called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called provided that a majority of the members agree to meet and all Board members are notified. The Board should respect members religious affiliations in scheduling Board meetings.

### **WORKING MEETINGS:**

The Board may conduct informal "working sessions" from time to time as the situation warrants. Such meetings will be posted in accordance with the Open Meeting Law. A synopsis of transactions of informal meetings will be made. It is understood that the purpose of work sessions is to facilitate brainstorming or policy development. If necessary, routine administrative matters may be addressed and acted on.

### **MEETING PROCEDURES:**

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedure is on a relatively informal basis due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification of definition.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes will be identified by name.

Members of the Board shall be able to participate remotely in accordance with the procedures described in 940 CMR 29.10(1),

The Town Manager is expected to be in attendance at all meetings of the Board, except when on vacation or excused by the Board of Selectmen Chairman. The Town Manager shall attend in order to keep the Board informed and advised and recommend in all matters that fall within the jurisdiction of his office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs in accordance with the Town Charter.

Officials are elected and appointed for the primary purpose of making decisions on behalf of the community. It's therefore important that Selectmen and its appointed Committee members take this role seriously, actively participating in all aspects of the meeting. This means:

- o attending formal Board and Committee meetings and other related meetings.
- o participating in debate and discussion of matters affecting the Town
- o voting on all matters, except where there is a conflict of interest. Members are expected to cast a responsible vote.

### **EXECUTIVE SESSION:**

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter Executive Session and the reason the session is called. A majority of the members present must vote to enter Executive Session by roll call vote. The motion must state whether or not the Board will reconvene into open session.

### **AGENDA PROCEDURES:**

The responsibility for coordinating and planning the weekly agenda is that of the Town Manager with the consensus of the Chairman. Each of the Board Members and the Town Manager may place items on the agenda with the approval of the Chair. The Town Manager, in consultation with the Chairman, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

Agenda items normally include:

1. Call Meeting to Order
2. Chairman reviews Agenda and announcements
3. Public Comment Period
4. Town Manager's Report
5. Scheduled Items
6. Other Business
  - Selectmen Reports/Liaison Reports
7. Accept Minutes
8. Adjournment

Members of the Board, staff, Town Manager or others who prepare background material for the meeting should have such material available. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

Adopted December 6, 2004  
Revised: February 29, 2016

Every effort should be made to have the agenda available to the public in the Selectmen's office by 12 noon the Thursday before the Monday meeting date and shall be posted on the Town's Web Site - [www.townofgroton.org](http://www.townofgroton.org), Cable Public Access Channel (on both Verizon and Charter) and a copy shall be emailed to the local papers. Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

No agenda item will be opened three hours after the start of the meeting. This rule may be waived by a unanimous vote.

### **REGULAR SESSION MINUTES:**

The Executive Assistant to the Town Manager, or an appropriate designee, shall draft minutes of the meeting. Minutes circulated to members of the Board on or before any Friday shall be in order for approval at the next regular meeting of the Board. Minutes shall contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Approved minutes shall be recorded in a Minutes Book that shall be bound when filled to capacity. Regular Session Minutes are open for public inspection.

### **EXECUTIVE SESSION MINUTES**

Minutes of Executive Sessions shall be kept separately and recorded in accordance with the same procedure as Regular Session Minutes. In accordance with Massachusetts General Laws, the Board of Selectmen shall periodically review all Executive Session minutes and consider their release to the public. Executive Session minutes will be eligible for release when the purpose for which the Executive Session was held has been served, unless the attorney-client privilege or one of the exemptions under the Public Records Law, including personnel files or information, applies so as to limit or preclude disclosure. This shall be done in compliance with the Board's Policy (Policy 14-02) on the release of the minutes adopted on October 6, 2014. When the minutes concern material specifically or by necessary implication exempted from disclosure by statute, as provided under the Public Records Law, they may be withheld as long as publication may defeat the lawful purposes of the Executive Session.

### **APPOINTMENTS:**

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case may appointments be made for more than three years unless specifically allowed by State Law. Appointments generally are made in June each year for the term beginning July 1<sup>st</sup>. In the case of appointments, no second to the nomination or motion will be required prior to Board action.

Whenever possible the Board will seek variety in skills, backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable. Vacancies could be advertised

in the local paper as well as on Cable TV.

The Executive Assistant will:

- a. Provide a list of the appointment vacancies to be filled by the Board by May 1<sup>st</sup>.
- b. Notify incumbents in writing and request their statements of availability regarding reappointment. Such letter shall also contain the BOS policy on attendance and policy on responsibility of committee membership, and any other information deemed pertinent. Incumbent candidates not responding by a pre-determined date may, at the discretion of the Board, not be reappointed.

All candidates seeking appointment for the first time to a position shall submit a committee interest form and can attach additional materials if so desired. The interest form and materials shall be forwarded to the committee for their recommendation as well as each member of the Board of Selectmen. The committee interest form of all candidates for the position and committee recommendation shall be included in the Board agenda packet in advance of the meeting where the appointment is to be considered. The Board may consider reappointments to positions at their pleasure.

Notice of candidates being interviewed shall be included in the agenda to the Board. The Board will interview candidates seeking an appointment for the first time to boards with permitting authority, positions with more than one candidate, and all elected positions being filled due to a vacancy. Other interviews will be conducted at the discretion of the Board.

Appointments will normally be made only when all members of the Board are present. Appointments will be made by a majority vote of the Selectmen. A 4/5 vote of the Board may suspend any portion of this section.

Anyone appointed to a Board a Committee must adhere to the following:

- A. Current members are expected to read and complete the Conflict of Interest Training. New members must complete the training within thirty (30) days of appointment. In addition, they shall receive and review the Open Meeting Law, Sexual Harrasment Policy and all other applicable materials.
- B. If the Conflict of Interest Training is not completed, a letter will be sent from the Town Clerk indicating noncompliance.
- C. If the letter from the Town Clerk goes unanswered the Selectmen will consider the lack of response within thirty (30) days as a de facto resignation and appoint a new member with advice from the committee.

#### **ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:**

The Board may appoint standing or ad hoc advisory committees to aid on matters under

the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees will be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen in time for publication in the Annual Report. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook, by the Town Clerk, addressing issues such as conduct and law.

The charges and membership of committees will be reviewed periodically (at least annually) to assess the necessity and desirability of continuing the committee. Reappointments will be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement and the changing needs of the committee and the town. It is the responsibility of the Town Manager to notify the member not being reappointed and to give the option to the member to resign.

It is the policy of the Selectmen to appoint qualified citizens representing all sections of the town to all such advisory committees. In order to attract qualified and interested persons, vacancies will be made public as far in advance of an appointment as practicable.

## **RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS:**

The Selectmen will:

1. Regularly schedule meetings of the Selectmen, Finance Committees and School Committee with Groton's State Legislators to discuss specific and impending legislative issues that affect Groton.
2. Delegate liaisons to other departments, boards and committees. The responsibility of a liaison is to maintain communication with his/her assigned departments on behalf of the Board of Selectmen. A liaison acts on behalf of the Board of Selectmen and will not interject personal opinion or requests. A liaison shall refrain from giving direction on administrative or procedural matters. The Selectman liaison will annually schedule meetings with the chairmen of major boards and committees. The Board member will periodically come back and report to the Board.

## **RELATIONS WITH CITIZENS:**

The Board recognizes input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the Town Meeting that will affect

them. In addition to the Public Comment Period at the beginning of each meeting, the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Board by contacting the Town Manager, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. The Board of Selectmen should be notified by the Town Manager of any refusals and the reason for such refusal. Participants may be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Citizens are encouraged to have written materials submitted for the Board's meeting packet.
2. Persons or other Town Departments who will be affected by proposed Board discussion and/or action will be notified by the Town Manager of the date and time of meeting at which the matter will be discussed or acted upon by the Board.
3. If the Board is considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman or upon request of any member of the Board.
4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen will be answered promptly by the Chairman, after consulting with the Board, or at the discretion of the Chairman, Vice Chairman and the Town Manager. Those needing prompt attention by the Board should be referred to the Chairman for inclusion in the next meeting agenda.
5. All other questions and all complaints are to be copied to the Selectmen.
6. All citizens will be treated with courtesy and respect by the Board of Selectmen and Town Manager whether or not they agree with statements or questions. This is meant apply to all town employees, committees and representatives.

### **HEARINGS BEFORE THE BOARD:**

Hearings before the Board of Selectmen will be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedure for conducting dog and utility hearings are hereinafter outlined:

1. Notice: The Town Manager will advertise the hearing and notify

- interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.
2. Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.
  3. The Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chairman will outline the procedure to be followed. All questions shall be addressed to the Chair.
  4. The order of presentation will be:
    - a. Presentation by Proposer
    - b. Receipt of recommendations from any Town agency or officer
    - c. Statements by proponents
    - d. Statements of opponents
    - e. Rebuttal statements by proponents and opponents
  5. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Board.
  6. The Board may permit persons not desiring to speak to record themselves as in favor or against the proposal.
  7. At the conclusion of the hearing the Board may render its decision or take the matter under advisement announcing the intended date of decision.

## **PROCEDURE FOR CONDUCTING DOG HEARINGS**

A written complaint must be filed with Board of Selectmen. The complaint should describe and name the breed of dog and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

If the matter cannot be resolved by the Dog Officer and upon recommendation of the Dog Officer of a request for a hearing, the hearing will be included in the agenda for a regular meeting. The Town Manager will notify the Dog Officer and all involved persons. Hearings will be held in open session. The procedure for conducting a hearing is as follows:

1. Read complaint - fully identify and describe dog, present picture when available. Note that the hearing is being conducted under Chapter 140 of the MGL's.
2. Swear in the complainant that all information and statements are the whole truth and nothing but the truth.
3. Hear reports from dog officer and/or health officer make sure dog is fully identified here.
4. Take testimony from complainants - directly question as to why dog is considered vicious or dangerous. Are they fearful of a dog? Is there excessive barking, etc.?
5. Take testimony from owner and/or others speaking on his behalf.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.
7. Unless requested by the Board, the dog shall not attend the hearing.

## **TOWN MEETINGS:**

Town Meeting serves as the legislative branch for local government. The Board of Selectmen is responsible for providing leadership by presenting requests to Town Meeting and making presentations on those requests. It is the responsibility of each Board member presenting the article to state the Board's position, by vote, on the intent of the article and its potential impact on the town and its resources; financial, human and/or capital. The Board shall be in session during Town Meeting and will be consulted when an issue or question arises which dictates a response on the floor.

### 1) Spring and Fall Town Meetings

By Charter, there are two annual meeting. One in the Spring and the other in the Fall. The Town Meeting warrant is the Selectmen's warrant by Statute. The Selectmen may insert articles in the warrant on their own initiative or by written petition signed by ten (10) registered voters for both the Spring and Fall Town Meetings during the period the Warrant is open. By bylaw, the Town of Groton holds its Spring Town Meeting on the last Monday of April, unless the Selectmen choose another date in March, April or May. The Fall Town Meeting is usually on the third Monday in October, unless the Selectmen choose another date in September, October or November.

### 2) Special Town Meetings

The Selectmen must call a Special Town Meeting if they receive a written request, signed by two hundred (200) registered voters. It is the practice of the Town of Groton to address major issues at the Annual Town Meeting versus Special Town Meeting.

The Selectmen may insert articles in the warrant on their own initiative or by written petition signed by one hundred (100) registered voters for Special Town Meeting. The Selectmen may also insert articles in the warrant upon request of another committee.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters the Selectmen will strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Selectmen may consult with other town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted for each Town Meeting.