



TOWN OF TOWNSEND BOARD OF SELECTMEN Operating Policies & Procedures

Adopted by its Board of Selectmen

Veronica Kell
Chairman, Veronica Kell

8/24/2021
Date

Joseph Z. Shank
Vice-Chair, Joseph Shank

8/24/2021
Date

Charles Sexton-Diranian
Clerk, Charles Sexton-Diranian

8/24/2021
Date

RECORD OF CHANGES

| Revision | Date | Change Authority | Change/Affected Sections | Initial of Authority |
|----------|------|------------------|--------------------------|----------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

TABLE OF CONTENTS:

| |
|-------------------------------------------------------|
| 16-01: PURPOSE |
| 16-02: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES |
| 16-03: AUTHORITY |
| 16-04: ROLE OF THE BOARD OF SELECTMEN |
| 16-05: ROLE OF THE TOWN ADMINISTRATOR |
| 16-06: ROLE OF SUPPORTING STAFF |
| 16-07: BOARD RULES AND ETHICS |
| 16-08: TOWN ADMINISTRATOR RULES AND ETHICS |
| 16-09: ORGANIZATION OF THE BOARD |
| 16-10: RESPONSIBILITIES OF THE CHAIRMAN |
| 16-11: RESPONSIBILITIES OF THE VICE CHAIRMAN |
| 16-12: RESPONSIBILITIES OF THE CLERK |
| 16-13: REGULAR BOARD MEETINGS |
| 16-14: EMERGENCY MEETINGS |
| 16-15: WORKING MEETINGS |
| 16-16: MEETING PROCEDURES |
| 16-17: EXECUTIVE SESSION |
| 16-18: AGENDA PROCEDURES |
| 16-19: MINUTES |
| 16-20: APPOINTMENTS |
| 16-21: ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN |
| 16-22: TOWN BOARDS, COMMITTEES, AND COMMISSIONS |
| 16-23: RELATIONS WITH CITIZENS |
| 16-24: EMPLOYEE GRIEVANCES |
| 16-25: HEARINGS BEFORE THE BOARD |
| 16-26: INSPECTION OF PUBLIC RECORDS |
| 16-27: DEPARTMENTAL MEETINGS AND REPORTING |

16-01: PURPOSE:

The Board of Selectmen of the Town of Townsend, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, supporting staff and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Board's operating procedures, hereby adopt the following policies.

16-02: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES:

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts should be in writing, and may be introduced by a member of the Board, Town Administrator, or by request of a department. 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 should encourage the Town Administrator to distribute a draft policy for comment to appropriate officials as he or she deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary or prudent.

The Town Administrator shall be responsible for the maintenance and distribution of all policies and procedures.

16-03: AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the Charter, and the bylaws of the Town of Townsend.

16-04: ROLE OF THE BOARD OF SELECTMEN:

The Board is the chief executive officer of the town. The Board sets the community's vision and provides the leadership required to assure that the mission is followed. The Board is responsible for appointing personnel as identified in the Townsend Charter, developing and implementing policy and reviewing for compliance with said policies. The Town Administrator supports the Board.

The Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. This responsibility is delegated to the Town Administrator, and the Board agrees to allow the Town Administrator to provide administrative direction to the departments that fall under the Board's jurisdiction to assure that the Board's policies are implemented in the course of the town's day to day

operations. Department heads shall receive policy direction from the Board through the Town Administrator. Department Heads report to the Board but do so through the Town Administrator. This policy is not intended to limit or otherwise exclude a Department Head from expressing concerns or issues directly to the Board. If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Administrator as soon as it is practicable and shall work proactively with the Town Administrator to address the concern or issue. Complaints, concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Administrator, who shall forthwith inform all members of the Board. The responsibility for addressing these issues is thus carried out through the Town Administrator following consultation with the Board of Selectmen. Selectmen may be called upon to resolve disputes that are unable to be resolved at the staff level.

No individual Board member shall direct a Department Head in the methods or manners in which the department's day to day business is to be conducted, unless through the Town Administrator and only if authorized by vote of the entire Board. However, this policy shall not limit or restrict the rights of an individual Board member to communicate with any Department Head.

16-05: ROLE OF THE TOWN ADMINISTRATOR:

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in the Townsend Charter section 4-2. The Town Administrator shall also assist and work under the direction of the Selectmen in the formulation, implementation, and compliance of policy.

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the Town Administrator is given responsibility. The powers and duties of the Town Administrator shall include the following:

- To supervise, direct and be responsible for the efficient administration of all functions and activities for which the Town Administrator is given authority.

- To see that the personnel policies and practices, rules and regulations are equally administered for all Town employees.

- To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all proceedings.

- To keep the Board of Selectmen fully advised at a public meeting, in person, or in writing as to the needs of the Town and all Departments and to make

recommendations to the Board of Selectmen of actions required to resolve the situation.

To prepare the budgets which fall directly under the Board of Selectmen. To oversee the budgets for the Departments under the supervision of the Selectmen and to follow the Town's Budget Policy. The Town Administrator will present to the Selectmen the budgets of elected Officials and the Capital Plan in such a manner that the Selectmen have an understanding of the total budget. The Town Administrator will work with the Finance Committee, the Accountant and the Treasurer to develop a plan for the funding of appropriations.

The Town Administrator will be responsible for Central Purchasing.

To see that all of the provisions of the laws of the Commonwealth, of this Charter, Town Bylaws, other votes of Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Administrator or other officers subject to the direction and supervision of the Board of Selectmen, are faithfully executed, performed or otherwise carried out.

To inquire into the conduct and operation of any office or any Department, its officers or employees under the jurisdiction of the Board of Selectmen only after consultation with and a majority vote of the BOS.

To attend all sessions of all Town Meetings and to be prepared to answer all questions raised by voters which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.

To coordinate the activities of all Town departments serving under the Office of the Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the Town Administrator, only at the direct request of the Board of Selectmen, shall have the authority to require the persons so elected, or their representatives, to meet with the Town Administrator and/or the Board of Selectmen, at reasonable times, for the purpose of effecting coordination and cooperation among all departments of the Town.

To perform any other duties that are required to be performed by the Town Administrator by By-laws, vote of the Town Meeting or votes of the Selectmen, or otherwise.

The Town Administrator must strive to maintain a close working relationship with all members of the Board. He/she shall regularly brief all the Board members on all important issues and provide status to each Selectmen in the manner each chooses, i.e., written or verbal.

16-06: ROLE OF SUPPORT STAFF OF THE OFFICE OF THE BOARD OF SELECTMEN:

The Board hires support staff. Said hiring shall be made by recommendation from the Town Administrator.

The support staff functions as a support for the Board of Selectmen and the Town Administrator. Support staff must strive to maintain a close working relationship with all members of the Board and the Town Administrator. Support staff reports directly to the Board of Selectman..

16-07: BOARD RULES AND ETHICS:

1. A member of the Board of Selectmen, in relation to his or her community should:

Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.

Be well informed concerning the duties of a board member on both local and state levels and pursuant to the Charter.

Remember that he/she represents the entire community at all times.

Accept the Office of Selectman as a means of unselfish service and not benefit personally or politically from his/her board activities.

In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

At all times carry and conduct him/herself in a manner that is appropriate and becoming of a Elected Executive Official of the Town of Townsend.

2. A member of the Board of Selectmen, in his/her relations with fellow Board members, should:

Support all Board decisions once they are made.

Recognize that only an action taken at official and legal selectmen's meeting is binding, and that he/she alone cannot bind the board outside of such meetings.

Recognize that he/she should not make any representation to anyone on behalf of the board unless and until the board takes a formal position on the matter.

Uphold the intent of executive session and respect the privileged communication that exists in executive session.

Make decisions only after all facts on a question have been presented and discussed.

Treat with respect the rights of all members of the board despite differences of opinion.

Be responsible and address the concerns and complaints of the citizens, employees, Appointed and Elected Town Officials in Town of Townsend consistent with these policies.

Demonstrate leadership by raising issues and encouraging debate regarding said issues both within the Board and within the community at large.

16-08: TOWN ADMINISTRATOR RULES AND ETHICS:

1. The Town Administrator, in relation to the Board of Selectmen and the community should:

Realize that his/her basic function is to carry out the policies of the Board through day to day administration of the town's business.

Realize that he/she represents the Board and should abide by, and carry out, all lawful Board decisions once they are made.

Be well informed concerning the duties of a Town Administrator on both local and state levels.

Remember that in representing the Board that he/she represents the entire community at all times and that he/she must treat the public, including volunteers, in a courteous and respectful manner.

In recommendations for all appointments or in making appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

Participate in discussion at Board Meetings and Town Meetings as required or as requested by the Board.

2. The Town Administrator, in his/her relations with other Administrative Officers, Boards and Committees of the Town should:

Recognize and support the administrative chain of command.

3. The Town Administrator, in his/her relations with Board of Selectmen members, should:

Uphold the intent of executive session and respect the privileged communication that exists in executive session.

Treat with respect all members of the Board of Selectmen, be available when requested by members to discuss and/or advise all matters under the authority of the Town Administrator.

The Town Administrator should make available to Board of Selectmen members all correspondence, mail, emails or other related materials submitted to the office.

Use online shared capabilities for sharing files and work calendars including appointments.

16-09: ORGANIZATION OF THE BOARD:

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. If a vacancy occurs, the Board shall elect a successor. The Board shall further appoint a Vice-Chairman and Clerk under the same provisions stated for the Chairman.

16-10: RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board shall:

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.

Sign official documents that require the signature of the Chairman.

Call special meetings in accordance with the Open Meeting Law.

Set agenda items with the Town Administrator subject to acceptance of the Board when the meeting convenes.

Make liaison assignments and assign overview responsibilities for project and tasks to Board members subject to acceptance of said assignment by the Board members.

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

16-11: 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.

16-12: RESPONSIBILITIES OF THE CLERK:

In general although not limited, the Clerk's primary responsibility is to make motions and sign documentation needing the Clerk signature as authorized by the entire Board or by applicable law. In absence of the Town Administrator or his or her designee, it is the duty of the Clerk to create and maintain meeting minutes.

16-13: REGULAR BOARD MEETINGS:

Regular Board meetings are held on a schedule voted by the Board. Except in the case of an emergency, the Board shall not meet on days designated as legal holidays.

16-14: EMERGENCY MEETINGS:

A meeting that is called for any time other than the regular meetings and that is called without the required forty-eight (48) hour posting shall be known as a "Special Emergency Meeting". The same rules as those established for regular meetings will apply.

16-15: WORKING MEETINGS:

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted and conducted in accordance with the Open Meeting Law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

16-16: 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 procedures be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rules of Order is used as a guide in matters requiring clarification.

Although the public has a right to be present at open meetings of the Board of Selectmen, they do not have the right to participate unless or until they are recognized by the Chair.

A quorum shall consist of two members of the Board. As a practical courtesy, action on critical or controversial matters, such as the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance.

The Town Administrator is expected to be in attendance at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised on all matters that fall within the jurisdiction of his/her office. In accordance with the law, he/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

16-17: EXECUTIVE SESSION:

Executive sessions of the Board shall only be held in accordance with the provisions of the Open Meeting Law.

If practicable, executive sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting.

The Board will meet in executive session only for the purposes enumerated in the Open Meeting Law. Before entering into executive session: (a) the Board must first convene in open session; (b) the chair must specify the purpose of the executive session, stating all subjects that may be revealed without compromising such purpose; (c) a majority of the members present must vote to enter executive session by roll call vote; and (d) the chair must state publicly whether or not the Board will reconvene into open session at the conclusion of the executive session.

16-18: AGENDA PROCEDURES:

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

All items for the agenda are expected to be submitted to the Town Administrator at least five (5) business days before any regularly scheduled Board meeting, e.g., at close of business the Tuesday before a Board meeting the following Tuesday. Items that develop less than 48 hours prior to a meeting, excluding Saturdays, Sundays and legal holidays, may be added to an (amended) agenda only in an emergency or considered by the Board only if not reasonably anticipated by the Chairman.

The Town Administrator prepares background material for the meeting and should make an effort to have such material available at least three business days before any regularly scheduled meeting, e.g., close of business the Thursday afternoon before a meeting the following Tuesday. It is understood that additional information for items on the agenda may be added to shared files or emailed as supplemental to the packet. 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 initial 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.

The agenda shall be available to the public at the Selectmen's office at least 48 hours before the meeting, excluding Saturdays, Sundays and legal holidays, and shall be posted with the Town Clerk in accordance with the charter and the Open Meeting Law.

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.

The Chairman retains the discretion to change the format of the agenda from time to time as deemed appropriate.

16-19: MINUTES:

The Town Administrator and/or their designee shall create and maintain accurate minutes of open meetings of the Board unless no such persons are available, then the responsibility will rest with the Clerk of the Board. The minutes of the Board of Selectmen constitute the official record of the Board under Federal, State and Local Law.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes with all attached documentation and materials presented and/or discussed will be forwarded forthwith to the Office of the Town Clerk and uploaded to the town's website.

16-20: 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 statute or Charter. Appointments generally are made on or before June 30th of each year.

Committee Appointments: All selection decisions are based solely on objective consideration of relevant, articulated factors. No applicant shall be subject to discrimination, harassment or retaliation on the basis of his or her race, color, gender, national origin, ancestry, religion, disability, age, sexual orientation, genetic status, gender identity or veteran status in any aspect of his/her service with the Town. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable.

16-21: 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 shall 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. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law. This Committee Handbook should be reviewed every two (2) years.

16-22: RELATIONS WITH TOWN BOARDS, COMMITTEES AND COMMISSIONS:

The Board of Selectmen is aware that coordination and cooperation is needed among the Town's Boards, Committees and Commissions not only in the day to day operations but also to:

- A. Set town wide goals and priorities,
- B. Identify and anticipate major problems and work together towards their resolution, and
- C. Develop a process for dealing with federal, state and county government.

Therefore, as the executive board that is historically responsible for the overall leadership and coordination of town affairs, the Selectmen will require that the Town Administrator:

- A. At least two times each year schedule meetings with Boards, Committees, and Commissions to carry out functions listed above. One meeting, shall, if possible, be held between the annual election and the start of town meeting for the purpose of reviewing the warrant and expediting town meeting.
- B. On behalf of the Board, the Town Administrator is responsible for inter-board communications in the day to day operations of government. The Town Administrator shall develop a process for exchange of information and the provision for advice and recommendations among the Boards, Committees and Commissions with common interest, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects.

16-23: RELATIONS WITH CITIZENS:

The Board recognizes that it both represents and is accountable to all the citizens of the town. It is the Board's policy to make every effort to strengthen communications with its citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the town meeting which will affect them.

A reasonable effort will be made by the Town Administrator to notify persons who will be directly affected by proposed Board discussion and/or action of the date and time of meeting at which the matter will be discussed or acted upon by the Board.

In 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.

All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Town Administrator, and the Town Administrator shall notify the Board of Selectmen of the concern and response. Those needing prompt attention by the Board should be referred to the Chairman for consideration and possible inclusion on the next meeting agenda.

16-24: EMPLOYEE GRIEVANCES:

Employee grievances are to be handled as outlined in the Town's Personnel Policies and Procedures or through the conditions set forth in a union contract for those employees covered by such agreements. If employee grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

The employee will be shown the administrative process to be followed. A meeting with the Board may be requested by any employee once administrative remedies have been exhausted.

16-25: HEARINGS BEFORE THE BOARD:

Hearings before the Board of Selectmen shall be conducted in accordance with the statutory requirements applicable to the particular matter.

16-26: INSPECTION OF PUBLIC RECORDS:

Every person has the right to inspect or receive copies of public records in the custody of the Selectmen's departments without unreasonable delay. Every effort shall be made to provide such public records in a timely fashion and in accordance with applicable laws, including but not limited to the Public Records Law, G.L. c. 66, § 10, and the regulations promulgated thereunder, 950 CMR 32.00, *et seq.*

16-27: DEPARTMENTAL MEETINGS AND REPORTING:

In an effort to keep the Board of Selectmen informed and to provide Department Heads with an opportunity to communicate departmental activities in a more efficient and formalized fashion, the Board of Selectmen requires the following:

Each Department Head shall be required to submit a monthly written report to the Selectmen's office. This report shall describe all activities undertaken by that Department Head and his/her department employees during the prior month. Particular attention should be paid to how the department head's actions during the prior month fit in with the department's annual goals and objectives. These written reports are intended to help keep the Board of Selectmen informed, to relieve Department Heads from the obligation of attending the meetings on a regular basis, and to free up valuable time at Selectmen's meetings for non-routine matters.

The Town Administrator shall coordinate and schedule monthly Department Head meetings on the first Tuesday of the month and report all agenda topics and discussions to the Board of Selectmen at their regular scheduled meeting. All monthly reports should be submitted to the Town Administrator at the monthly department meetings with discussion regarding the reports to be held at the meetings with other departments to ensure open communication and cooperation with all departments in conducting the work needed to ensure the success of the community needs and objectives.

While this policy is a requirement for all Department Heads under the jurisdiction of the Board of Selectmen, it is also an open opportunity for other Elected or Appointed Officials, Boards and Commissions to keep the lines of communication open.

