

**TOWN OF NORWELL
COMMITTEE, COMMISSION AND BOARDS
HANDBOOK**

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1.0 INTRODUCTION

1.1 Purpose

This Norwell Town Committee Handbook is provided to assist Norwell's many appointed boards, commissions and committees. It provides a brief description of procedures that may be well known to many but less familiar to others. It also provides details about important state statutes, such as the Open Meeting Law and Conflict of Interest Law.

1.2 Additional Publications

All committee members should read the Annual Town Report, Town by-Laws, and the Town Charter for information regarding boards and committees. In addition, all committee members should review each set of laws that pertain to their board, commission or committee.

2.0 FORMATION OF COMMITTEES AND MEMBERSHIP

2.1 Committee Formation

The appointing authorities (the Board of Selectmen, Town Administrator and Town Moderator) appoint the Town Committees, boards and commissions. State statutes outline the powers and duties of many boards; the Town By-laws and the Town Charter further define the work of some boards. Town Meeting may request the appointment of a committee by approving an article for that purpose. The appointing authority prepares the charge and receives the reports and recommendations of the committee. If appropriate, the committee may also report to Town Meeting.

2.2 Committee Application Procedure

When openings on Town committees, boards, and commissions are available, the openings are generally published in local newspapers (Mariner, Patriot Ledger), announced at a scheduled meeting of the Board of Selectmen and posted on the Town web-site (www.townofnorwell.net). Individuals (Town Residents) interested in being considered for appointment should complete a separate Committee Application form for each committee on which he/she would like to serve on. The Application form is online for printing only, applicants who do not have access to a computer, may call the Selectmen's office at 781-659-8000 to request a form. The completed form should be returned to the appointing authority (Selectmen, Town Administrator or Town Moderator). Applicants are encouraged to attend meetings of their committee of interest to learn about the committee's role in the community. Applicants will be scheduled for interview prior to being considered for appointment. Applicants to any committee should inquire as to the time requirements of the specific committee and the frequency that each committee meets.

2.3 Appointment

The goal of the appointing authorities is to appoint qualified and interested Norwell residents who are broadly representative of the Town. The appointing authorities

carefully consider applications and suggestions from many sources, including but not limited to the Application Form, verbal expressions of interest and recommendations by committees. Selections are based on current committee composition, qualifications, experience, recommendations, attendance records and previous performance, when available. Generally, if a person is serving a first term, they are given preference for a second. The general policy is to appoint an individual to no more than **two** permanent committees at a time. Non-residents and non-citizens may serve on ad hoc and special committees when the appointing authority deems it in the best interest of the committee and the Town. The appointee will receive written notification of appointment and the term of office from the appointing authority and is sworn in by the Town Clerk prior to attending a committee meeting as an official member. The Town Clerk will give committee members information about the Open Meeting law (MGL Chapter 39, Section 23B) as state statutes require; (**Open Meeting Law Guide**) members must sign a written acknowledgement of receipt.

2.4 Committee Orientation

New members to a committee or board should be informed about the committee's specific role, powers and duties, and rules and regulations, and any issues frequently encountered by the board or committee. Such information can be provided by the Committee Chairperson, other members and/or staff personnel.

2.5 Attendance

Members are expected to attend all meetings of the Board/Committee of which they're a member. Members of a committee shall notify the committee secretary and/or the Committee Chairperson if they are unable to attend a meeting. Also, any committee member who fails to attend **three** consecutive meetings without due cause or prior notification shall automatically have their appointment terminated. The Committee Chairperson will give notification to the appointing authority and they will give prompt, written notification to the offending committee member in the event of such an action.

2.6 Conflict of Interest Statute (MGL (Chapter 268A))

Appointees are required to take the State Ethics Commission Introductory on-Line Training program. The training program is provided through the State Ethics Commission website www.mass.gov/ethics. The program provides a short summary of the key provisions of the conflict of interest law and follows up with questions to further an appointee's understanding of these provisions. It is important to keep in mind that information provided in the on-line training program is general in nature and is not an exhaustive review of the conflict of interest law. At the conclusion of the on-line training program the appointee will be provided with a certificate of completion. This certificate should be filed with the Town Clerk. For new appointees, the training program must be completed within 30 days of appointment. All appointees must take the training program and submit their certificate of completion every two years.

2.6.1 Persons the Conflict of Interest Statute Governs

The conflict law regulates the conduct of public officials and employees (referred to collectively in the law as 'employees') at the state, county and municipal levels of government. The term 'employee' at each level is defined expansively. You are considered a municipal employee (with the exception of the Board of Selection) if you hold any office, position, employment or membership in any municipal agency. It does not matter whether you are paid or unpaid or whether you serve full-time or part-time. Please be aware that as a member of an appointed governmental committee, you are considered an employee for the purposes of the Conflict of Interest Laws even though you don't receive compensation. People who work as consultants or on an intermittent basis are generally covered, as well. For example, unpaid members of local town or city boards or commissions are municipal employees, as are private citizens serving on a **special advisory committee** (emphasis added) appointed by the Board of Selectmen to make recommendations on a specific issue.

Special Municipal Employees: Special Municipal Employee status may be assigned to certain municipal positions by a vote of the Board of Selectmen. Please see EXHIBIT A of this handbook for a more detailed explanation on Special Municipal Employees and EXHIBIT B for the Selectmen's policy regarding granting Special Municipal Employee status. Two sections of the conflict apply less restrictively to Special Municipal Employees. You are eligible to be designated as a Special Municipal Employee provided that: (1) you are not paid; or (2) you hold a part-time position which allows you to work at another job during normal working hours; or (3) you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days. It is the municipal position which is designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as Special Municipal Employees if the status is granted. For instance, one member of a school committee may not be classified as a special unless all members are similarly classified.

2.6.2 Purpose

The purpose of the conflict law is to ensure those public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict.

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

2.6.3 Provisions

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

Immediate family: Includes the employee and his/her spouse, and their parents, children, brothers and sisters. Cousins, nephews, nieces, aunts, uncles, etc. are not considered immediate family members. Also, under the definition of immediate family, some brothers-in-law are immediate family, others are not: if your brother-in-law is your spouse's brother, he is immediate family, but if he is your sister's husband, he is not immediate family for purposes of the conflict law.

Partner or business associates.

A business organization in which the committee member serves as an officer, director, trustee, partner, or employee (including a non-profit organization), A person or organization with whom the committee member is negotiating or has any arrangement concerning prospective employment.

If a board or committee members have a conflict of interest or an appearance of conflict in any matter before the board or committee, they should **not be counted in the quorum nor participate in or be present for any pertinent discussion or votes**. The law provides for the legal determination of conflict of interest status for any employee submitting a request to the appointing authority or State Ethics Commission.¹ The law also for continued services in certain circumstances if full disclosure is made or a special exemption is granted by the Board of Selectmen. If committee members have any questions about their activities, they should file a written request with the Town Counsel through the Town Administrator. The answer to the request will be in writing and become a matter of public record.

2.6.4 Reappointment

Reappointments based on an evaluation by the appointing authority of the citizen's contribution to the committee, the desirability of widespread involvement, and the changing needs of the committee and the Town. There is no fixed limit on length of service except in the case of the Advisory Board where the maximum length of service is mandated by Town Charter. In cases where special training or expertise is required, longer periods of service may be appropriate. A committee member is under no obligation to accept reappointment nor is the appointment authority obligated to offer reappointment. Members of committees appointed by the Board of Selectmen will receive notice of the expiration of their term and will need to confirm their desire to be reappointed.

¹ "Municipal employee" refers to anyone holding any office, position, employment, or membership in any municipal agency. Unpaid members of local town boards and committees are municipal employees, as are private citizens serving on a special advisory committee.

2.7 Resignation

A committee member who is no longer able to serve for whatever reason should resign promptly so that the vacancy may be filled. A written resignation should be submitted

to the Town Clerk, with a copy to the Committee Chair and the appointing authority (MGL Chapter 41, section 109).

2.8 Terminations

In rare circumstances such as continued, unexplained absences or conflict of Interest reported by the Committee Chairperson, the appointing authority may ask for a member's resignation or, revoke the appointment after a hearing before the appointing authority. Also, the appointment of a committee member who fails to attend three consecutive meetings shall be terminated unless there is due cause or prior notification. Prompt, written notification to the committee member will be given by the appointing authority in the event of such an action.

2.9 Associate Members

From time to time, a committee may find it useful to appoint associate members to assist the committee in the successful completion of its charge. Appointments of associate members are made by the appointing authority, provided the committee submits written substantiation of the need for associate members. Associate members are appointed for terms of one year. Generally, associate members are non-voting members and are not counted as a member of a committee for the purposes of establishing a quorum. **(This does not apply to the associate members of the ZBA)**

3.0 OFFICERS

3.1 Elections

Committees elect a Chair, Vice-Chair and a clerk annually at the first meeting after new terms begin in July. The chair shall, at the first opportunity, notify the appointing authority and the Town Clerk of Changes in officers.

3.2 Chair

The Chair's primary responsibility is the fair facilitation of meetings. The Chair presides at all meetings, decides questions of order, calls special meetings, and signs official documents that require the Chair's signature. The Chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. However, the Chair must be mindful in offering amendments to motions and in discussing resolutions of the Chair's role in facilitating a full range of opinion from the committee and, in a public hearing, from the public.

The duties the Chair typically performs include:

- a) Preparing agendas**
- b) Assuring needed materials will be available to the committee**
- c) Assuring the lists of topics is posted in accordance with Open Meeting Law with the Town Clerk**
- d) Establishing the calendar**
- e) Reserving the meeting place with the Town Clerk**
- f) Notifying the appointing authority of important changes in the committee**

g) Submitting the annual report

Depending on the committee, however, some duties may be performed by the Chair or by other elected officials of the committee or in some cases, by the staff liaison. He or she would:

- 1) Prepare agendas and other materials: Ideally, the tentative agenda for the next meeting, the minutes of the previous meeting and other necessary documents should be e-mailed or mailed to committee members, at least several days before a meeting. The detailed agenda, including a list of topics expected to be discussed, the meeting time and location, **needs to be submitted to the Town Clerk two or more business days (full 48 hours, excluding Saturday and Sunday and holidays) prior to the meeting.** The information will then be included in the events calendar and on the Town's web-site.
- 2) Reserve meeting rooms with the Town Clerk at least 72 hours prior to meeting.

3.3 Vice-Chair

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

3.4 Clerk

The Clerk is responsible for taking and transcribing the committee's minutes, recording any amendments, and submitting the approved minutes to the Town Clerk for availability to the public upon request.

3.5 Rotating Clerk

A committee may choose to have a rotating clerk. The responsibilities of the rotating clerk are identical to those of the clerk. At the beginning of the next meeting, the rotating clerk should request that the committee designate a successor. If one is not designated, the previously appointed clerk continues in that capacity.

3.6 Staff Assistance

If a committee determines that its workload or meeting schedule is such that the clerk's responsibilities will have an adverse impact on the committee's operation, the committee may request a budget for paid, part-time assistance by writing to the Board of Selectmen.

4.0 MEETINGS

4.1 Definition

A quorum is necessary for conducting official business (Zoning Board of Appeals is a special case, requiring all members of a three-member panel to be present for a hearing; regular quorum rules apply for ZBA administrative meetings). A quorum consists of greater than 50% of full membership.

A meeting occurs at any time a quorum of the committee's (or sub-committee's) members get together to discuss or consider any public business or policy over which the committee has jurisdiction or advisory power.

4.2 Open Meeting Law

Massachusetts General Laws Chapter 30A, §§18-25

www.mass.gov/ago/openmeeting

4.2.1 General Information

The Massachusetts Open Meeting requires that all meetings of elected or appointed boards, committees or subcommittees be open to the public except in ten specific situations where Executive Session is permitted. The Open Meeting Law does not contravene other laws, such as the Privacy Act. If clarification is needed, particularly concerning Executive Session and the rights of individuals, the Committee Chair may request that the Town Administrator obtain advice on specific questions from Town Counsel.

4.2.2 Recordings

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

4.3 General Guidelines

A committee may adopt formal rules of order, such as Robert's Rule of Parliamentary Procedure. Although most small committee discussions may seem too casual to be called debate, it is advisable for the committee to observe a minimum of generally accepted procedures. Attentive guidance by the Chair and adherence to adopted procedures can increase efficiency as well as maintain objectivity. Committees discuss the merits of issues; personal comments are considered out of order. Visitors may be allowed to participate if recognized by the Chair; time constraints and agendas often require brevity (Open Meeting Law Section 20(f)). It may be advisable for the Chair to remind speakers of time and repetition limits. No one may speak at a committee meeting without permission of the Chair. If a speaker refuses to be silent after a warning from the Chair, the Chair has the authority to order the speaker removed from the meeting by the police. Nevertheless, all committee members represent and serve the Town. They should treat all visitors and other committee members with courtesy, respect, and consideration. It is strongly recommended to permit public participation in some form, such as a short period reserved for comment at each meeting or on a particular issue on the agenda. Public participation is expected during scheduled public hearings.

4.4 Executive Session

An Executive Session is closed to the public, but the committee **must first convene in an Open Session for which notice and the purpose of the Executive Session have been properly posted.** A majority of the members must vote, by roll-call vote entered into the minutes, in favor of a motion to go into Executive Session. The motion must specify the reason and state whether or not Open Session will reconvene following Executive Session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. Attendees do not discuss these matters with anyone. Accurate records/minutes of the Executive Session must be maintained pursuant to Section 23 of the Open Meeting Law (Complaints and Remedies) and must be released to the public only when the purpose for the Executive Session no longer exists.

Executive Session may be held only for the purposes described in Section 21a of the Open Meeting Law—please see Exhibit C for the text of the Open Meeting law regarding executive session. You may also refer to the Open Meeting Law Guide prepared by the Attorney General’s Office, attached.

4.5 Meeting Schedule

The frequency of meetings depends on a committee’s workload. Most meetings are commonly held weekly, bimonthly or monthly. The Chair calls each meeting except for the first one, which is called by the appointing authority. When possible, a regular meeting day, hour and location should be established. Except in cases of emergency, committees do not meet on major religious or official holidays, or if Town Hall is closed due to snow. They meet rarely on weekends.

4.6 Meeting Location

Meetings must be held in a place which is open to the public and assessable to the handicapped. The Board of Selectmen strongly recommends that committees meet in a Town Building because meetings held in private homes or restaurants may give the appearance of being secret and discourage the public from attending. A committee may reserve a room in a Town Building by contacting the Town Clerk’s Office.

4.7 Posting

It is the responsibility of the committee (the Chair, Clerk or staff liaison) two (2) full days (48) hours or more prior to the meeting to give notice to the Town Clerk so that the Clerk’s office can post the committee’s meetings with time, date, place and a list of topics to be discussed. Except for emergency meetings, meetings must be posted 48 hours in advance by the Town Clerk; Saturdays, Sundays or legal holidays cannot be included in the 48 hour period (Open Meeting Law Section 20(b)). In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the body), the 48 hour posting requirement is waived; however, the Town Clerk must be informed and the meeting posted as soon as possible. Meetings are also posted on the Town website.

4.8 Remote Participation

The Board of Selectmen has authorized remote participation in meetings pursuant to the open Meeting Law and the Massachusetts Attorney General's regulations (940 CMR 29.10). If a committee member wishes to use remote participation and meets one of the five (5) factors that allow the use of remote participation they must notify the committee Chair as far in advance as possible. The Chair should then notify the Town Administrator to work out the logistics and technical aspects of the participation so that compliance with the Open Meeting law is adhered to.

You may also refer to the Open Meeting Law Guide prepared by the Attorney General's Office, attached.

4.9 Recordkeeping

The Open Meeting Law (MGL Chapter 39, Section 23B) requires every Town Board, Commission, committee and subcommittee to maintain accurate records of its meetings, usually referred to as "minutes". The minutes need not be a verbatim transcript of all that was said at the meeting. The information required to be included in the minutes under the Open Meeting Law and the Public Records law (MGL Chapter 66, Section 5A) is:

- The date, time and place of the meeting;
- The members present or absent;
- Name of any member who participated remotely;
- An "exact record" of votes and official actions taken; and
- The subjects discussed;
- Documents and other exhibits, such as photographs, recordings or maps used by the body at an open or executive session shall, along with the minutes be maintained as part of the official record of the session.
- Names of additional participants (not press or observers)
- Time convened and time adjourned.

Many boards tape their meetings and prepare written minutes at a later date. Tape recordings may not be used as a permanent record of meetings. Written minutes must be prepared as soon as possible and as outlined above. Once minutes have been prepared, the tape may be erased and re-used for another meeting. Until it is erased, however, it is a public record (unless it is a tape of an executive session) which must be made available for inspection and copying upon request only after it is deemed by the board or committee, by vote, that the need for secrecy no longer exists.

It is customary for many boards to vote to accept minutes after reviewing them. This is not required by state law, which only requires that each board and commission designate a clerk who is responsible for keeping the records. However, a board by by-law or custom may follow the procedure of accepting the minutes. Be aware that the Secretary of State's public Records Supervisor has ruled that "draft" minutes are a public record, even before they are

approved and must be made available for inspection and copying if requested. The clerk may wish to stamp or write "draft" on the minutes until they are accepted so that there is no confusion if a copy is made public.

Executive sessions are treated in the same way, except that all votes must be recorded roll-call votes and the minutes (and tapes, if any) are not public records when made. They may remain secret as long as publication may defeat the lawful purposes of the executive session. It is recommended that no executive session minutes be released until the board or committee has reviewed them and voted that the need for secrecy no longer applies and they may be released. If a board or committee tapes its executive sessions as well as its open sessions, it is recommended that the executive sessions be recorded on separate tapes to ensure confidentiality.

In the event of any question as to whether there should be an executive session or the board, committee or membership present has a question as to how to properly enter or exit executive session, board or committee members are encouraged to contact the Town Administrator who may consult with Town Counsel.

4.10 Public Records Law

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

5.0 EMPLOYEE RELATIONS

5.1 Union Employees

Most, of the employees of the Town are covered by union contracts (accept School Department employees) that are entered into by the Board of Selection, on behalf of the Town and representatives of the Union. The interpretation and enforcement of contract provisions is solely the province of the Board of Selectmen acting through the Town Administrator. This places a unique burden on the Boards/Committees overseeing union employees. In general, the Board of Selectmen sets the working conditions for Town employees, including hours of work, vacation and sick leave and salary. Full-time employees are required to work the posted hours of their particular department, as spelled out in the contract. Part-time employees have a number of hours they are allowed to work set by contract. They are required to work regular hours within the set department hours. Hours of work for part-time employees must approved by the Board of Selectmen or the Town Administrator prior to

commencement of work. Boards/Committees will set the policy direction for their employees in terms of projects, meeting schedules, etc., while the administrative policies come under the Board of Selectmen and the Town Administrator.

Discipline of union employees is in accordance with the applicable contract and subject to the provisions of the State Open Meeting law. As a reminder, a Board/Committee may not discuss an employee's job performance without providing notification to that employee, in writing, at least 48 hours in advance of the meeting. If there is an issue with the performance of an employee, the Chair shall make an appointment to discuss the matter with the Town Administrator and receive instructions as to how to proceed. No Board/Committee shall proceed with disciplinary action against any Town Employee without first discussing the matter with the Board of Selectmen or the Town Administrator.

5.2 Non-Union Employees

Non-Union Employees are covered by the Town's Personnel Plan. The enforcement of the Personnel Plan is under the purview of the personnel Board. As discussed in 5.1 above, matters involving non-union employees should be discussed with the Town Administrator prior to referral to the Personnel Board.

5.3 Role of Town Administrator

The Town Administrator serves as the Personal Director for the Town of Norwell and is a member of the Personnel Board. Questions, concerns or problems dealing with all non-school departments should be directed to the Town Administrator in a timely manner. It is the duty of the Town Administrator and the Human Resource Director to assist Boards/Committees in the day to day operations of their departments and in managing their employees. Please refer to the updated Town Charter on file in the Town Clerk's office for further information on the responsibilities of the Town Administrator.

5.4 Sexual Harassment Policy

The Town of Norwell sexual harassment policy pertains to all Town officials and employees, as well as appointed committee/commissions and elected board members. Sexual harassment in the workplace is unlawful. It is unlawful to retaliate against anyone for filing a complaint about sexual harassment or for cooperating with an investigation into sexual harassment. It is the policy of the Town of Norwell that no employee be harassed by another employee, supervisor or member of any elected board, appointed committee or commission members on the basis of sex and that no personnel action be taken affecting any employee (either favorably or unfavorably) on the basis of conduct that is not related to work performance. Such conduct may include submitting to sexual advances, refusing to submit to sexual advances, protesting sexual overtures or raising a complaint concerning the alleged violation of this policy.

This was formulated from (Title VII of the 1964 Civil Rights Act) to protect Town employees and officials—both male and female—against unsolicited and unwelcome

sexual overtures or conduct, either physical or verbal. It prohibits misconduct that may upset morale and interfere with work and efficiency. Some forms of misconduct may even constitute a violation of the Equal opportunity Law.

Each committee/commission/ elected board member will be provided a copy of the Town of Norwell Sexual Harassment Policy when they are sworn in. Each person will read the Policy and return the signed acknowledgement statement to the Town Clerk.

Alleged Violations between Municipal employees (other than School Department Employees) who believe that he or she has been subject to sexual harassment, has the right to file a complaint with our organization. This may be done in writing or orally. If you would like to file a complaint you may do so by contacting, the Town Administrator at the Norwell Town Hall, 345 Main Street, P.O. Box 295, Norwell, MA 02061.

You will, also be (mandated by law) to attend a refresher meeting on this policy every two years.

Please refer to Exhibit D for the entire Sexual Harassment Policy and signature sheet.

6.0 BUDGETS

6.1 Committee Budgets

In general, an individual committee does not have a budget unless one is authorized by Town Meeting at the time of formation. If a committee anticipates a need to expend funds, it can request a budget for the next fiscal year through the appointing board; or if funds are needed during the fiscal year, it can make a request to the Advisory Board for a transfer from the Reserve Fund. If such a request is made, a copy must be sent to the Town Accountant's Office. Such a request is subject to a review and evaluation of need and the availability of funds. Departments under the direction of the Board of Selectmen are required to discuss the possible need for a transfer with the Board and/or Town Administrator prior to making a request to the Advisory Board. Under no circumstances may a department exceed budget without notification and approval from the Board of Selectmen.

6.2 Disbursements

As bills are incurred by the committee, the committee's clerk completes the bill Schedules, attaching all appropriate receipts, paperwork, etc. with majority signatures and submits the paperwork to the Town Accountant's Office for approval. Upon approval, the invoices are processed for payment. Disbursements may be made for legitimate expenses incurred by the board, committee or commission in the performance of its duties. No Charitable donations may be made with Town funds unless approved by Town meeting vote.

7.0 FUND RAISING

7.1 Background information

From time to time, Town Meeting may authorize the formation of a committee the task of which is to raise funds for a specific purchase or purpose. The provisions of Massachusetts General Laws Chapter 44, Section 53A enable a Town committee to raise and disburse funds according to specific procedures.

7.2 Procedures

7.2.1 Donations

All funds received by the committee go into the General Fund and may be dispersed by the committee on its own without special arrangements. Sometimes donations are made to the Town for specified purposes. Unless otherwise specified by state statute, donations must be made in writing and accepted on behalf of the Town by the Board of Selectmen. A Receipt for a restricted Gift form to record donations is available from the Town Accountant's office. The committee's designee completes a turnover form for contributions received and transmits this document and funds to the Town Treasurer. Revolving funds, subject to Town Meeting votes, are available for some purposes and allow a committee to retain control of its funds. This should be discussed with the Town Accountant's Office and the Town Administrator.

7.2.2 Disbursement of Funds

See Section 6.2

7.2.3 Alternative Fund Raising

An individual or group may purchase and donate equipment, supplies or manpower to a particular committee to help achieve the committee's charge and to avoid going through the channels listed above.

8.0 CODE OF ETHICS AND CONDUCT FOR MEMBERS OF BOARDS, COMMITTEES, AND COMMISSIONS

The acceptance of this Code of Ethics implies a basic understanding of it as it relates to the laws of the Commonwealth of Massachusetts, the Charter, General By-Laws and administrative code of the Town.

The oath of office binds individuals to adherence to those state laws that apply to all areas of municipal government that comes under this jurisdiction.

This code of ethics delineates these areas of responsibility to all members of Boards, Committees and Commissions whether elected or appointed "Regular" or "Special Municipal Employees" as defined under Massachusetts General laws, Chapter 268A.

8.1 Community Responsibility

A member of any Board, Committee or Commission in relation to his/her community shall:

- a) Realize that his/her basic function is to make policy not administer it, unless otherwise empowered by the laws of the Commonwealth of Massachusetts or the Town Charter.
- b) Realize that he/she is one of a team and should abide by, and carry out, all 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/she represents the entire community at all times.
- e) Accept the appointment as a means of unselfish service, not benefit personally or politically from his/her activities.
- f) In making all decisions relative to individual appointments, he or she shall avoid political patronage by judging candidates on merit, experience and qualifications.
- g) Before any vote, he/she shall refuse (shall not) vote on any matter involving an immediate family member (see section 2.6.3 for the definition of immediate family)

8.2 Responsibility to Municipal Administration

A member of any Board, Committee or Commission, in his/her relations with administrative officers of the Town shall:

- a) Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people and businesses of the community.
- b) Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- c) Give the Town Administrator full responsibility for discharging his/her disposition and solution. Therefore all Boards, Committees and Commissions shall:

- Direct all problems or conflicts which cannot be solved in-house to the attention of the Town Administrator.
- Direct all legal questions or requests to Town Counsel through the Town Administrator or person designated by the Town Administrator.
- Direct all questions or concerns to the Town Administrator. Letters may also be addressed to the Board of Selectmen. However, an initial letter to the Town Administrator will expedite any necessary action and will deal most directly with an issue which needs to be clarified, changed or corrected. Please remember, however, that the Town Administrator and Board of Selectmen do not have control over issues with other elected officials or committees/individuals appointed by the Moderator.

8.3 Relationship to other Board, Committee or Commission members

A member of any board, Committee or Commission, in his/her relations with fellow board members shall:

- a) Recognize that action at official legal meetings is binding and that he/she alone cannot bind the board outside of such meeting.
- b) Not make statements or promises of how he/she will vote on matters that come before the board until he/she has had an opportunity to hear the pros and cons of the issues during a board meeting.
- c) Make decisions only after all facts and questions have been presented and discussed.
- d) Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session
- e) Treat with respect the rights of all members of the board, despite differences of opinion.

8.4 Prohibited Conduct

A member of any Board, Committee or Commission, in accordance with Massachusetts General Laws, Chapter 268A, shall:

- a) Not accept employment which will impair his/her independence of judgment in the exercise of his/her official duties.
- b) Not accept employment or engage in any business or professional activity which will require him/her to disclose confidential information which he has gained by reason of his/her official position or authority.
- c) Not properly disclose confidential information acquired by him/her in the course of his /her official duties, nor use such information to further his/her personal interests.
- d) Not use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- e) Not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is unduly affected by the kinship, rank, position or influence of any party or person.
- f) Not pursue a course of conduct which will raise suspicion among the public that he/she is likely to be engaged in acts that are a violation of his/her trust.
- g) Not be improperly influenced in his/her performance of any official act or any act within his/her official responsibility.
- h) Not be influenced to commit, or aid in committing or to collude in or allow any fraud, or opportunity for the commission of fraud on the Commonwealth, or on a federal, state county or municipal agency.
- i) Not be induced to do or omit to do any acts in violation of his/her official duty.

In addition, the board member must treat residents, non-residents, petitioners, other board members and Town employee's with respect while performing the duties of the board. How a board member reacts with other members of the community will be given major consideration in the decision of whether the individual should be reappointed.

9.0 PLANNING

9.1 Charge and plan of Action

The committee should review the charge prepared by the appointing authority at an early meeting and periodically thereafter in order to keep its work focused and moving toward its goals. When the committee is established because of Town Meeting action, the appointing authority usually incorporates the purpose of the article within the charge.

10.0 REPORTING PROCEDURES

10.1 Appointing Authority

The Board of Selectmen recommends that the committee chair report regularly to the appointing authority about the committee's actions and plans. If needed, the chair may request a meeting with the appointing authority to resolve problems and report progress. Committees appointed by the Board of Selectmen shall be required to meet periodically with the Board to provide an update on the committee's actions and plans. The Board will determine the manner and frequency of said updates.

10.2 Liaison with Board of Selectmen

Sometimes the Town Administrator may serve on a committee or act as a liaison between the committee and the Board of Selectmen. The Town Administrator may chair the first meeting of a newly established committee, explain the charge and preside over the election of a chair who will then take over the meeting.

10.3 Public Information Meetings

The success of a committee's endeavors often depends on effective communication with the public. The committee should hold public meetings and hearings when needed both to inform citizens of work in progress and to gain public reaction and response. It sometimes helps if a committee issues press releases periodically to keep the public informed. The Board of Selectmen's office can assist you with this process.

10.4 Town Meeting

If a relevant article is on the warrant or if the committee's charge specifies report to Town Meeting, the committee should prepare information for Town Meeting. The committee should make these reports clear, concise and brief, keeping in mind the large volume of articles Town Meeting deals with.

A committee may request inclusion of an article in the Town Meeting warrant by a letter to the Board of Selectmen from the committee if a majority of the committee consents to the submission. Articles will be considered and may be reworded by the Board of Selectmen upon advice of Town Counsel. All articles should be submitted to the Board of Selectmen by the established deadlines. Committee members sometimes find that they wish to discuss and consider making recommendations on the other articles at

their meetings. In such cases, the committee should send written notice of the scheduled discussion to the sponsors of the article. Please be advised that the Board of Selectmen reserves the right to reject an article that has been submitted for inclusion in a Town Meeting warrant, dependent upon the nature of the Town Meeting (Special or Annual) and the intent of the article.

10.5 Annual Town Report

All appointed committees should file an annual report of committee activities for the Annual Town Report. The chair or other designated member should detail committee membership, including changes and a one-to three paragraph explanation of major accomplishments and future plans. A request for committee reports is issued each year and they are due in the Selectmen's Office no later than the end of February of each year.

SOURCES OF INFORMATION

- "Appointed Committee Handbook", Town of Amherst, MA, 1990
- "Appointed Committee Handbook", Town of Easton, MA, 1991
- "Appointed Committee Handbook", Town of Abington, MA, 2012
- "Appointed Committee Handbook" Town of Marion, MA, 2012

Massachusetts General Laws:

- Chapter 4, Section 7 (26): Public Records Law
- Chapter 39, Section 23B: Open Meeting Law
- Chapter 66, Section 5A, 6: public Records Law
- Chapter 50E: Labor Relations, Public Employees
- Chapter 268A: Conflict of Interest

- "Massachusetts Conflict of Interest law for Municipal Employees", State Ethics Commission.
- "Open Meeting Guide" prepared by The Massachusetts Attorney General's Office

Updated August 29, 2013

EXHIBIT A

SPECIAL MUNICIPAL EMPLOYEE STATUS

Designation of Committee members as "Special" Municipal Employees

The Selectmen may vote to designate committees' members as "Special" Municipal Employees based on the committee requesting such designation. State law gives broad discretion to the Board of Selectmen to determine which positions should be designated as "Special Municipal Employees." The Massachusetts State Ethics Commission advises municipalities to carefully consider this decision which balances the municipality's interests in obtaining the expertise needed for its boards, commissions and other part-time or unpaid positions with the lesser restrictions that apply to "Special Municipal Employees."

"Special Municipal Employees" status may be assigned to certain municipal positions by a vote of the Board of Selectmen. The designation is made by a formal vote at any time. Once a position is designated as having "special" status, it remains a "Special Municipal Employee" position unless and until the classification is rescinded by a vote of the Board of Selectmen. The Board of Selectmen may rescind the classification at any time for any reason.

A position is eligible to be designated as a "Special Municipal Employee" position provided that the municipal employee:

- Is not paid; or
- Holds a part-time position that allows him or her to work at another job during normal working hours; or
- Was not paid by the Town for more than 800 working hours (approximately twenty weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having "Special" status, not the person holding the position. Therefore, all municipal employees holding the same office or position must have the same classification as "Special Municipal Employees." For instance, one member of the school committee cannot be classified as "Special" unless all members are classified.

Norwell's Board of Selectmen is not eligible to receive "Special Municipal Employee" status due to state law.

The Massachusetts legislature may also designate certain positions to have "Special Municipal Employee" status. For example, board members and certain part-time employees of local housing and redevelopment authorities are defined as "Special Municipal Employees" and do not need to have their designations as "Special."

A list of all "Special Municipal Employee" positions is on file with the Town Clerk and with the Town Administrator's office. The list is also filed with the state Ethics Commission. The Selectmen review the list on an annual basis.

The state Conflict of Interest Law (MGL, Chapter 268A) covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time, but two sections of the Conflict of Interest Law apply less restrictively to those part-time or unpaid municipal officials who have been designated "Special Municipal Employee."

Chapter 268A, Section 17, generally prohibits employees from representing a private party before any municipal boards or departments. It also prohibits municipal employees from acting as agent (attorney) for a private party in connection with any matter of direct or substantial interest to their city or town. Finally, it prohibits municipal employees from accepting pay or other compensation in connection with any matter of direct and substantial interest to their municipality.

The prohibitions of Section 17 for "Special Municipal Employees" are less restrictive and only to matters that are before their own board or agency or are subject to their official responsibility. For example, a full-time school department employee would be prohibited from representing anyone before any town board or agency; in contrast, a school committee member who has been granted "Special Municipal Employee" status would be able to represent clients before boards other than the school department or any agency that falls under the responsibility of the school department.

Chapter 268A, Section 20, generally prohibits municipal employees from having a direct or indirect financial interest in a contract with their city or town. There are, however, many exemptions in this section and the prohibitions for "Special Municipal Employees" are less restrictive. For example, a "Special Municipal Employee" may have a financial interest in a contract with a department which is completely independent of the one where he/she works, provided he/she files a disclosure of his/her interest in the contract with the Town Clerk. A "Special municipal Employee" may even have a financial interest in a contract with his/her own department (or with a department that has overlapping jurisdiction with his/her department), provided he/she files a disclosure of his/her interest in the contract with the Town Clerk and the Board of Selectmen vote to grant him/her an exemption to Section 20.

EXHIBIT B

BOARD OF SELECTMEN'S POLICY RELATING TO GRANTING OF SPECIAL MUNICIPAL EMPLOYEE STATUS TO POSITIONS, COMMITTEES AND BOARDS PURSUANT TO MGL, CHAPTER 268A

RATIONALE:

In general, the provision of Massachusetts General Laws Chapter 268A, Section 17 prohibit a municipal employee from receiving compensation from or acting as agent or attorney for anyone other than the Town in a matter in which the Town has a direct and substantial interest. The Board is aware of the fact that the State Ethics Commission defines "municipal employee" as any person that provides services to the Town, regardless of how that person was hired, elected or appointed, or whether the person receives compensation for his/her services. The Board understands that the State Ethics Commission would find that virtually any matter which becomes before a particular Board or Official which requires official action is a matter in which the Town has a direct and substantial interest. The provisions of Massachusetts General Laws Chapter 268A, Section 17 are intended to prevent divided loyalties and any appearance of unfair or special advantage.

As the State Ethics Commission states, cities and towns are entitled to undivided loyalty by their municipal employees. The Board of Selectmen strongly believes that in order to promote public confidence in the administration of the Town Government a Municipal Employee's loyalty must lie first with the Town and that Special Municipal Employee status should be granted only in very limited circumstances. The Board is of the opinion that in general, positions, committees and boards that set public policy, have regulatory authority or have appointing authority should not be granted Special Municipal Employee status.

The Board of Selectmen also believes that there are occasional circumstances that can arise where a position, board or committee may benefit from a person's expertise or knowledge in a particular field or profession. In those limited circumstances Special Municipal Employee status may be warranted.

Under Massachusetts General Laws Chapter 268A, the Board of Selectmen may grant Special Municipal Employee status to a position, board or committee at any time and the Board may also revoke that status at any time. It is the municipal position that is designated as having Special Municipal Employee status, not the person holding the position. Therefore, all members of a board or committee holding the same office are considered Special Municipal Employees if the designation is granted by the Board of Selectmen.

POLICY:

1. Any person(s) holding an elected or appointed position or serving as a member of an elected committee or board may file a written request with the Board of Selectmen seeking designation of such position, committee or board as a Special Municipal Employee's.
2. Any such request shall be made a part of the agenda of a regularly scheduled meeting of the Board of Selectmen.
3. The person(s) making such a request shall appear at the scheduled meeting of the Board of Selectmen to present such request. The person(s) making the request shall present to the Board of Selectmen the rationale for such request. The presentation shall include a demonstration of the need the position, committee or board has for the skills or professional knowledge that the person making the request possesses. Additionally, the presentation shall include how those skills or professional knowledge will benefit the position, committee or board as well as benefit the overall interests of the Town.
4. The Board of Selectmen shall consider the request and a vote shall be taken on the request. The granting of such status shall be by a majority vote of the Board.
5. Requests for Special Municipal Employee status will be voted upon individually for each position, committee or board requesting such status, expressly naming the position, committee or board being designated.
6. If Special Municipal Employee status, is granted to the position, committee or board, then annually, no later than May 25, any person intending to retain such status for the position, committee or board, shall resubmit a request to the Board of Selectmen for Special Municipal status. The Board shall review and act upon the request in accordance with Paragraph 2 through 5 of this policy at its first meeting in June. Additionally, at the first meeting of the Board of Selectmen in June, the Board shall review the list of positions, committees and boards granted Special Municipal Employee status to ensure compliance with this policy. A list of Special Municipal Employees shall be forwarded to the Town Clerk and the State Ethics Commission any time Special Municipal Employee status is granted or revoked by the Board and at least annually.

Adopted: Town of Norwell Board of Selectmen on July 11, 1989

EXHIBIT C

EXECUTIVE SESSION

Note: The purpose for meeting in executive session should be used with great caution and should ordinarily be discussed in advance with the Town Administrator or, if he/she authorizes it, Town Counsel.

OPEN MEETING LAW SECTION 21A. [EXECUTIVE SESSIONS]

A public body may meet in executive session only for the following purposes.

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:
 - to be present at such executive session during deliberations which involve that individual;
 - to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
 - to speak in his own behalf; and
 - to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
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 public body and the Chair so declares;
4. To discuss the deployment of security personnel or devices or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

6. To consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal-grant-in-aid requirements. This includes applications for tax abatements MGL Chapter 59, Section 60;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the Chair declares that a open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in Section 23C of Chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
 - any decision to participate in mediation shall be made in open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
 - no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or
10. To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if open session will adversely affect conducting business relative to other entities making, selling or distributing energy.

•For more in depth information on Executive Sessions, please refer to the Attorney General's Open Meeting Guide enclosed in your handbook packet.

EXHIBIT D
SEXUAL HARASSMENT POLICY OF TOWN OF NORWELL

I. INTRODUCTION

It is the goal of the Town of Norwell to promote a workplace that is free of sexual harassment. Sexual harassment is unlawful and will not be tolerated by this organization.

Further, any retaliation against any individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will also not be tolerated.

Because the Town of Norwell takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is demonstrated to our satisfaction that such harassment occurred, we will act promptly to eliminate the harassment and impose such corrective action as is necessary, including disciplinary action where appropriate.

II. DEFINITION OF SEXUAL HARASSMENT

In Massachusetts, the legal definition for sexual harassment is this: [Based on Title VII of the 1964 Civil Rights Act]

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- *submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or advancement.

- *submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or

- *such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating a intimidating, hostile or offensive work environment.

These definitions are broad and include any sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female employees.

Town of Norwell - Sexual Harassment Policy

The courts have placed harassment cases into four categories:

QUID PRO QUO: If a Supervisor clearly indicates that an employee must submit to unwanted sexual advances or provide unwanted sexual favors to keep the job, get promotions, raises, assignments, etc.

HOSTILE ENVIRONMENT: Except for extreme cases, such as grabbing in a sexual way, a single incident does not constitute sexual harassment. Usually hostile environment cases involve repeated, pervasive, and incidents which are harmful to the victim's emotional well-being.

SEXUAL FAVORITISM: Employers have been found to contribute to sexual harassment when they allow supervisors to reward only those workers who provide sexual favors, because this denies other workers the opportunities for reward without sexual favors.

HARASSMENT BY NON-EMPLOYEES: Such cases only arise when an employer tolerates sexual harassment by non-employees, when some action by the employer could reduce or eliminate the incidents.

While it is not possible for the Town of Norwell to list all those circumstances which we would consider sexual harassment, the following are some examples:

Unwelcome sexual advances - whether they involve physical touching or not;

Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;

Assault or coerced sexual acts.

The following conduct may also constitute sexual harassment:

Use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

Displaying sexually suggestive objects, pictures, or cartoons;

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

Inquiries into one's sexual activities.

Town of Norwell - Sexual Harassment Policy

III. COMPLAINTS OF SEXUAL HARASSMENT:

A. Alleged Violations Between School Department Employees

If any of our employees believe that they have been subjected to sexual harassment by an employee of the Norwell Public Schools, it is our policy to provide the complainant with the right to file a complaint with the Superintendent's Office. This may be done in writing or orally. When the Superintendent's Office receives the complaint, we will then investigate the allegation in a fair and expeditious manner. The investigation would include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. If you would like to file a complaint, you may do so orally or by writing to the Director of Student Services, Superintendent's Office 322 Main Street, 659-8800.

B. Alleged Violations Between Municipal Government Employees

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally. If you would like to file a complaint you may do so by contacting, the Town Administrator at the Norwell Town Office, 345 Main Street, P.O. Box 295, Norwell, 02061.

IV. PRIVACY COUNSELING OPTION

If you believe you were the victim of sexual harassment, in addition to the right to file a complaint, you may also seek advice from the designated counseling staff of the School Department. These persons are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you desire, these individuals will work with you to find a way of resolving your concerns in an informal manner acceptable to you, and in a manner which would offer you as much privacy and confidentiality as possible.

V. DISCIPLINARY ACTION

If sexual harassment has been committed by one of our employees, we will take such

Town of Norwell - Sexual Harassment Policy

action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers and other formal sanctions including termination of employment.

VI. STATE & FEDERAL REMEDIES

In addition to the aforementioned, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim [EEOC - 180 days; MCAD - 6 months].

- (1) The U.S. Equal Employment Opportunity Commission ("EEOC")
1 Congress Street - 10th Floor
Boston, MA 02114
Tel. (617) 565-3200

- (2) The Massachusetts Commission Against Discrimination ("MCAD")

<u>Boston Office</u> One Ashburton Place - Rm 601 Boston, MA 02108 Tel (617) 727-3990	<u>Springfield Office</u> 424 Dwight Street, Rm 220 Springfield, MA 01103 Tel. (413) 739-2145
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Employee Signature/Date

PLEASE PRINT NAME

"I have received and read the Sexual Harassment Policy adopted by the:
Norwell Board of Selectmen on November 6, 1996