

# **TOWN OF WRENTHAM REFERENCE MANUAL FOR ELECTED OFFICIALS AND MEMBERS OF BOARDS, COMMITTEES AND COMMISSIONS**

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## **PREFACE**

This manual provides a brief description of elected and appointed officials' duties, which may be well known to many, but are less familiar to others. Many citizens have served the Town of Wrentham in its 350+ years of history, and their contributions of time and consideration of the many issues and problems confronting the Town are greatly appreciated. Through service to the community you will have a unique opportunity to get to know the workings of the Town from an insider's viewpoint. It can be a rewarding and informative experience.

The Selectmen and the Moderator, in carrying out their duties as prescribed by statute and by the votes of Town Meeting, expend considerable time and effort to make logical appointments to the various committees of the Town by appointing qualified and interested Wrentham residents who are broadly representative of our Town. During your appointment you will be working with many people who, like yourself, have volunteered to provide or supervise essential services, or to address specific problems and bring back to the Selectmen or perhaps Town Meeting your recommendation for a course of action or solution that is best for the Town. State statutes outline the powers and duties of many Boards. The Bylaws adopted by Town Meeting, and the policies and charges to committees adopted by the Board of Selectmen further define the work of others.

It is important that you remember that the best interests of the entire Town, present or future, must be considered. It is equally important to remember that you represent the entire Town, and not only one segment. Single approach solutions to problems may be an option for your committee, but may not be in the best interest of the Town in the broader sense. All plausible solutions need to be explored with many factors in mind. Your decision may have an impact on other programs or plans.

The Annual Town Report and General Bylaws are excellent sources of information regarding the duties and responsibilities of individual boards and committees. These items are available at the Selectmen's office, as well as the Town's website ([www.wrentham.ma.us](http://www.wrentham.ma.us)). In addition, Town Hall staff is a valuable resource and willing to be of assistance.

The Board of Selectmen and the Town Clerk thank you for giving your time and effort, and working with your fellow citizens and neighbors to maintain and improve the quality of life in our town. We hope you find this reference manual informative and useful.

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## **I. CONDUCT FOR MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS**

### **A. COMMUNITY RESPONSIBILITY**

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

1. Be well informed concerning the duties of a board member on both local and state levels.
2. Remember that he/she represents the entire community at all times.
3. Realize that he/she is one of a team and should abide by, and carry out, all board decisions once they are made.
4. Accept the appointment as a means of unselfish service, and not for the purpose of personal or political benefit from his/her board activities.
5. In making all decisions relative to individual appointments, he or she shall avoid political patronage by judging all candidates on merit, experience and qualifications only.

### **B. RELATIONSHIP TO OTHER BOARD, COMMISSION OR COMMITTEE MEMBERS.**

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

1. Recognize that action at an official legal meeting is binding and that he/she alone cannot bind the Board outside of such meeting.
2. 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 issue during a board meeting.
3. Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session.
4. Make decisions only after all facts on a question have been presented and discussed.
5. Treat with respect the rights of all members of the board, despite differences of opinion.

### **C. ETHICS AND THE CONFLICT OF INTEREST STATUTE**

This description of the conflict of interest law, M.G.L. chapter 268A, is intended to help municipal officials to be aware of how that law applies to them. It is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Ethics Commission's Legal Division at its website <http://www.mass.gov/ethics/contact-us.html>, or phone number (617) 371-9500.

The Town Administrator may also be able to answer questions about the Conflict of Interest and Ethics laws. He can also provide contact information for the appropriate State offices.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by

placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of M.G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

## **1. YOU ARE A MUNICIPAL EMPLOYEE FOR CONFLICT OF INTEREST LAW PURPOSES.**

Members of a Town board or committee (regular, alternate, and associate members) are considered municipal employees, regardless of whether they receive compensation. You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law.

## **2. WHAT YOU CANNOT DO .**

- (a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

- (b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

You may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. A number of smaller gifts together worth \$50 or more may also violate these sections.

- (c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

You may not use your official position to get something worth \$50 or more for himself or for another person that would not be properly available to other similarly situated individuals.

- (d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

You may not participate in any particular matter in which you or a member of your immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. You also may not participate in any particular matter in which a prospective employer, or a business organization of which you are a director, officer, trustee, or employee

has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation.

- (e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)
- (f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

You may not act in a manner that would cause a reasonable person to think that you would show favor toward someone or that you can be improperly influenced. Section 23(b)(3) requires you to consider whether your relationships and affiliations could prevent you from acting fairly and objectively when you perform duties for a city or town. If you cannot be fair and objective because of a relationship or affiliation, you should not perform those duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

- (g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

### **3. AFTER-HOURS RESTRICTIONS.**

- (a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))
- (b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman. However, a you may always represent your own personal interests, even before your own municipal agency or board, on the same terms and conditions that other people would be allowed to do so.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for

other municipal employees. If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility. The Town Administrator can advise you about your status as a special municipal employee.

- (c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

You generally may not have a financial interest in a municipal contract, including a second municipal job. You are also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities. There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Please call the Ethics Commission's Legal Division for advice about a specific situation.

#### **4. AFTER YOU LEAVE MUNICIPAL EMPLOYMENT. (SEE SECTION 18)**

- (a) Forever ban: After you leave your municipal job, which includes your time as a volunteer or as a member of a board or committee, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.
- (b) One year cooling-off period: For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.
- (c) Partners: Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

If you have a question concerning a potential conflict, you should contact the Town Administrator. You may also find the "Practical Guide to the Conflict of Interest Law for Municipal Employees" helpful at [www.mass.gov/perac/training/conflictinterestmunicipal.pdf](http://www.mass.gov/perac/training/conflictinterestmunicipal.pdf) and can find more information on the State Ethics Commission's website at [www.mass.gov/ethics](http://www.mass.gov/ethics). Their website includes information about the standards of conduct that are required by the law ([www.mass.gov/ethics/education-and-training-resources/educational-materials/primers/primers/the-code-of-conduct.html](http://www.mass.gov/ethics/education-and-training-resources/educational-materials/primers/primers/the-code-of-conduct.html)), and how the conflict of interest law applies to individuals in specific public positions such as members of the Finance Committee, Board of Health, Conservation commission, Planning Board, and other positions ([www.mass.gov/ethics/education-and-training-resources/educational-materials/explanations-of-the-conflict-of-interest-law/](http://www.mass.gov/ethics/education-and-training-resources/educational-materials/explanations-of-the-conflict-of-interest-law/)).

## **II. COMMITTEE MEMBERSHIP**

### **A. APPOINTMENTS, DURATION AND REAPPOINTMENT**

The Board of Selectmen is the appointing authority for the majority of committees and boards, and several committees are appointed by the Moderator. All appointments made by the Board of Selectmen are made by majority vote in a regular open meeting. All appointments must

be registered voters in the Town unless otherwise exempted by statute or bylaw. Initial appointments by the Board of Selectmen are made from a list of volunteers who have either submitted a letter of interest or filled out a Town Committee Volunteer Application (see the sample application in Appendix A), indicating their areas of interest or expertise, kept on file in the Selectmen's Office. Citizens are encouraged to attend meetings of a committee that they are interested in to learn about the committee and its role in the community. Written notification of an appointment is made by the Board of Selectmen, the Moderator or other appointing authority. Acknowledgement of acceptance of the appointment should be made. You must contact the Town Clerk within sixty days of your appointment to be sworn in. When you are sworn in the Town Clerk will give you information about on-line training that the Ethics Commission mandates regarding the Conflict of Interest Statute. This must be done before taking a seat on the committee and before voting on committee matters.

Depending upon the need, vacancy, Town Meeting vote or statute, appointment length varies. Some appointments are made for the duration of a project, some yearly, but the most common term for standing committees are terms of three years.

Reappointment is 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. A committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

## **B. DUTIES OF BOARDS, COMMITTEES, AND COMMISSIONS**

Many committees such as the Conservation Commission, Historical Commission, Zoning Board of Appeals, Council on Aging, and Cultural Council have duties and responsibilities that are established by state law. Town Meeting establishes the charges for other committees through the General By-Laws for standing committees or by a simple vote for a temporary ad hoc or study committee. The Board of Selectmen also creates temporary committees to perform a specific charge, similar to a task force.

The Board of Selectmen recognizes that no one is instantly an expert in the workings of municipal government. New members should contact their board or committee Chair for an orientation to the board or committee's role, responsibilities and recent issues, as well as for any state statutes or town by-laws that assign responsibility to the committee. New members should also seek guidance from other committee members or Town staff when questions arise. You may also contact the Board of Selectmen's office with questions at (508) 384-5400.

## **C. MUNICIPAL EMPLOYEE DEFINITION AND LIABILITY**

Subject to certain exceptions and limitations, state law allows a municipality to indemnify its officials and employees, including volunteers, from personal financial loss, due to acts occurring within the scope of and during the good faith execution of the municipal employee's employment duties. The Town of Wrentham accepted a statutory provision and has purchased various liability insurance policies for this purpose. The statute provides that the town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment. This indemnification does not protect the employee against a prosecution for violation of the State Ethics Act, nor may Town Counsel represent an employee facing such an enforcement action by the State Ethics Commission.

#### **D. COMMITTEE LEADERSHIP**

Committees and Boards shall annually elect a chair, vice-chair and a clerk, and other officers that may be required by the committee's enabling statute, By-Law or act of the body or officer appointing or establishing the committee. Newly formed boards or committees should elect these officers at their first meeting. Ongoing boards or committees should elect officers at the first meeting on or after July 1st (the beginning of the fiscal year) or at such time after Town Meeting as is customary. It is the responsibility of the chair to notify the appointing authority and the Town Clerk of changes in officers. 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.
- The vice-chair acts for the chair whenever the latter is absent from meetings, and performs other necessary duties.
- The clerk is responsible for taking and transcribing the committee's minutes, scheduling the place, date, and time of meeting and posting the meetings with the Town Clerk no later than 48 hours before a meeting (excluding Sundays and holidays). The clerk should also check for committee/board mail at the mailboxes in Town Hall. Depending on the Committee, however, some duties may be performed by the Chair or by other officials of the Committee or in some cases, by staff.

#### **E. ADOPTION OF RULES AND REGULATIONS**

State law permits some boards and committees, such as the Planning Board, Board of Health, Conservation Commission, and Zoning Board of Appeals, to adopt rules and regulations, and the procedures set forth in state law should be observed when adopting such rules and regulations. As a general principle, the board or committee should advertise and hold a public hearing relative to the proposed rules and regulations prior to adoption. We recommend that any such rules and regulations be advertised two (2) weeks (14 days) prior to the meeting on the proposed changes in a local newspaper and posted on the Town's website. Please check with the Town Administrator's Office for further details/clarification.

A board of committee cannot adopt rules and regulations only if it is authorized to do so by the committee's enabling statute. However, every board or committee can adopt operating policies and procedures by a normal vote of the board or committee, which does not require a public hearing process.

#### **F. RESIGNATIONS / FILLING OF VACANCIES**

A committee member who is no longer able to serve, or moves out of Town, should resign promptly so that the vacancy may be filled as soon as possible. Repeated non-attendance at meetings, or other failure to discharge the duties of office, is grounds for removal from office. Any resignation must be submitted in writing, and contain your signature, to the Town Clerk, Committee Chair, and the Board of Selectmen. Formal notification ensures that vacancies are filled promptly. The remaining committee members may recommend individuals who have demonstrated an interest in the work of the committee for consideration as a replacement member. They will be considered along with others who have expressed an interest and have filed a Town Committee Volunteer Application. If a vacancy occurs on an elected Board, the remaining board members should, within one month of the vacancy, give the Board of Selectmen written

notice of the vacancy, in accordance with M.G.L. c. 41, § 11. The statute requires that the Board of Selectmen, together with the remaining elected members of the board, convene a joint open meeting within one week of the written notice of vacancy, and by majority roll call vote, appoint a registered voter of the Town to fill the vacancy. In the absence of a written notice of vacancy provided by the Committee to the Board of Selectmen, the Selectmen may fill the vacancy within the time frame provided under G.L. c. 41, § 11.

### **III. MEETINGS**

#### **A. OPEN MEETING LAW**

The Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18 through 25, is one of the so-called "Sunshine Laws" enacted throughout the country designed to shed some light on the previously obscure area of government decision making. The law is based on the premise that the public is entitled to see the process of government and not simply its end result. Except on very specific cases spelled out in the law, the public and the press have the right to attend all meetings of government bodies. **This means that all meetings are open to the public. You must have all of your meetings in a place that is accessible to all members of the public, including those with disabilities. Generally a public building is the best location for a public meeting. Your meetings must be posted 48 hours before with an agenda indicating what business will be discussed.**

The Attorney General's office enforces the Open Meeting Law. You will find it useful to review the AG's Open Meeting Law Guide, available at <http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html>

#### **B. WHAT IS A MEETING?**

Basically, a meeting occurs any time a quorum (usually a simple majority) of the members of the board or committee or a subcommittee of the board or committee gets together and discusses or considers any public business or policy over which the agency has some jurisdiction or advisory power. A quorum shall not meet in private for purposes of deciding or deliberating toward a decision on public business. This includes discussions or deliberations that occur via e-mail or telephone. A meeting must be held in public even if there will be no vote or decision reached. Polling of Board members for a decision prior to an Open Meeting of the Board is illegal and in violation of the Open Meeting Law. It is also a violation for several members to discuss committee business outside a public meeting.

More guidance is provided by the Attorney General in the Open Meeting Law Guide in the Section titled "What Constitutes a Deliberation?"

#### **C. LOCATION OF MEETINGS**

Every committee should establish a regular meeting schedule to suit the needs and convenience of the members; however, they must be scheduled in *public locations* and accessible to the disabled. Space is generally available at Town Hall. If you wish to schedule a meeting for Town Hall it must be done through the Selectmen's office by calling 384-5400. Some coordination with other boards and committees for space may be necessary. Meeting space is also available in other Town buildings, including the Library, Senior Center and Elementary Schools and can be scheduled by calling those departments.

#### **D. POSTING OF MEETING NOTICES**

The Open Meeting Law requires that it is the responsibility of the committee to give public, written, notice of any meeting at least forty-eight hours (excluding Saturday, Sunday and legal holidays) prior to the committee's meeting with time, date, place, and a list of the topics that, as of the time the notice is filed, the chair reasonably anticipates will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. All Committees are required to ensure that notice of the meeting, together with a written posting of the meeting, is provided to the Town Clerk in a timely fashion so that a current listing of all posted meetings can be maintained on the bulletin board at Town Hall and on the Town's website. It is the responsibility of the Board calling the meeting to ensure that the meeting is posted, not the Town Clerk.

#### **E. MINUTES AND RECORD KEEPING**

State law requires that a committee keep accurate records of its public meetings. The committee must vote to accept all minutes. The records of each regular meeting are public information, and chairs or their designees must maintain a copy of all approved minutes for public inspection. In addition, all approved minutes must be filed with the Town Clerk's office and a copy provided to the appointing authority, (usually the Selectmen).

##### ***Minutes must include:***

- a. the names of committee members present and absent at the meeting;
- b. the names of others present, if Executive Session;
- c. date, place, time convened, and time adjourned;
- d. all action taken at the meeting (such as all agreements reached by vote or consensus). Thus, the exact wording of all motions, including who made the motion and who seconded, and the vote of each member and those members who did not participate in the vote should be recorded. As noted by the Attorney General's Office: While not verbatim records, minutes should be a complete enough statement of action and discussion to reflect the nature of deliberations, and the substance of decisions. Any public participation in a hearing should be memorialized; and,
- e. all documents, materials or other exhibits used by the public body in an open meeting are also to be made part of the public record.

##### ***Minutes should include:***

- a. assignments to committee members;
- b. mention of topics discussed; and,
- c. names of additional participants (not press or observers)

##### ***Minutes may include:***

- a. schedule of future meetings.

Minutes of meetings are usually done by the clerk of the committee. Some committees may have their members take turns taking the minutes so that one member is not overly taxed with the responsibility. While some regulatory Boards such as Planning Board, Conservation Commission Board of Health and Board of Appeals have paid clerical support, other committees should not rely on the Town staff to accomplish minute taking. Some minimal office supplies and use of the photocopier may be available. Please check with the Town Administrator's office.

## **F. ACCESS TO RECORDS BY THE PUBLIC**

Every document that your committee receives or generates, whether written, electronic, or photographic, (including drafts, notes and final versions) and the minutes taken at your meetings and any documents that you receive and discuss at a meeting must be made available to the public, with a few very specific exceptions. The Massachusetts Public Records Law (M.G.L. c. 4, § 7, cl 26 and M.G.L. c. 66, § 10) provides that every person has a right of access to public information. This right of access includes the right to inspect, copy or have copies of records provided upon the payment of a reasonable fee. The Massachusetts General Laws broadly define "public records" to include "all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee" of any Massachusetts governmental entity. This includes email. A "custodian" is defined as "the governmental officer or employee who in the normal course of his or her duties has access to or control of public records." The statute also establishes nineteen strictly and narrowly construed exemptions to this broad definition of "public records".

If your committee receives a request for records always consult the Town Administrator's office prior to responding to requests for records. The Town Administrator's office will coordinate the response.

The Secretary of State, Supervisor of Records is empowered to determine the public records status of documents. Further information on the Public Records Law can be found at the Supervisor of Records' website, [www.sec.state.ma.us/pre/preidx.htm](http://www.sec.state.ma.us/pre/preidx.htm), which also has access to a general guide to the law, <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>

## **G. PUBLIC HEARINGS**

Those serving on the Board of Selectmen, Planning Board, Zoning Board of Appeals, Historical Commission, Conservation Commission, or the Board of Health, occasionally will be required to hold a public hearing in accordance with Massachusetts General Laws. Hearings are held for the purpose of gathering information from which to draw a conclusion and reach a decision, and other committees may choose to conduct a public hearing on a matter before them in order to receive input from the community.

Written notices, the initiation of the hearing, and the written conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the Board. Several procedures are common to all hearings. The chair or other designated person should run the hearing, and state the guidelines and time allowance, if restricted, before any testimony is given. All questions should be directed to the chair who, in turn, may ask for a response from the floor. An important aspect of the hearing process is that a decision must be based on the testimony and evidence submitted at the hearing or, if written, entered into the record at the hearing. The decision must be based on facts and cannot be arbitrary. Emotions or information not presented or explored in the public hearing should not be considered.

Guidelines for conducting public hearings are provided in Appendix B, and the Town Administrator can provide additional guidance, answer questions, and determine whether the complexity or significance of the matter may require input or participation by Town Counsel.

## **H. RECORDINGS**

Any person may record or transmit a meeting (with the exception of Executive Session) with a tape recorder or any other means of sonic reproduction and/or videotape equipment, provided there is not active interference with the conduct of the meeting. The manner in which this right is exercised is subject to the reasonable direction of the chair. The person recording or transmitting the meeting is required to inform the chair, who is then required to inform the other attendees of any such recording at the beginning of the meeting.

#### **I. EXECUTIVE SESSION**

Deliberations and votes held in private sessions, commonly called Executive Sessions, are allowed only under strict circumstances as established in the Open Meeting Law. Executive Sessions may only be held after convening in an open, public session. The Attorney General's Open Meeting Law Guide explains that:

"Before going into an executive session, the chair of the public body must:

- Convene in open session;
- State the reason for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- State whether the public body will reconvene in open session at the end of the executive session; and
- Take a roll call vote of the body to enter executive session.

While in executive session, the public body must keep accurate records and must take a roll call vote of all votes taken and may only discuss matters for which the executive session was called."

The allowable reasons for entering executive session are listed in Appendix C. Refer to the Attorney General's Open Meeting Law Guide or contact the Town Administrator for additional guidance.

#### **IV. FINANCIAL AND ADMINISTRATIVE MATTERS AND YOUR COMMITTEE**

In general, an individual committee does not have a budget unless one is authorized by Town Meeting, or at the time of its formation by the Board of Selectmen. If a committee anticipates a need to expend funds, it can request a budget for the next fiscal year through the Town Administrator, or if funds are needed during the current fiscal year the Town Administrator should also be contacted. Unless a committee has funds specifically appropriated to it, the committee should not spend or commit to the spending of any funds without first obtaining guidance from the Town Administrator and the Town Accountant.

##### **A. BUDGET**

If your board or committee already has an established budget, at the start of the budgeting cycle (normally prior to December 1), you will receive a budget package from the Town Administrator. The budget package will include directions for filing a request for an appropriation, including instructions for completing the budget forms and the schedule for submitting all required information and supporting documents, and other pertinent information. Your committee's annual operating budget form should be filled out and returned to the Town Administrator as instructed in the budget package. Your board or committee will be asked to meet with the Town Administrator, Finance Committee and Board of Selectmen to discuss your budget request before the warrant for the Annual Town Meeting goes to press. These meetings usually take place during the months of January and February.

If a committee does not have a budget and anticipates a need to expend funds, it can request a budget for the next fiscal year through the Appropriations Committee; or if the need for funds during the fiscal year is necessary and unforeseen, the committee can request a transfer from the Reserve Fund by the Finance Committee. Such a request is subject to a review and evaluation of need and the availability of funds and does not constitute any pre-approvals, so any request must be made prior to committing the Town.

#### **B. SUBMISSION AND PAYMENT OF BILLS**

All requests for payment of bills, whether payment would be made from an appropriation, through a revolving fund, or from a gift or grant, must be given to the Town Accountant on a bill schedule provided by the Accountant and all appropriate receipts must be attached. There are very strict laws for collecting, accounting and expending public money. Any questions regarding expenditures should be directed to the Finance Director or Town Accountant.

#### **C. TURNING IN RECEIPTS**

If your board or committee charges a fee for any of your services or programs, that money must be kept in a secure place and then turned over to the Town Treasurer. **Your committee must turn in whatever money you have on a weekly basis or sooner if the amount exceeds \$100.00; this minimizes security problems and facilitates a positive cash flow.** All funds received by the committee must be deposited in the General Fund and may not be dispersed by the committee on its own without special authority of a statute or by-law.

Sometimes gifts and donations are made to the Town for deposit to a separate, designated account for specified purposes. A receipt for a Restricted Gift form to record the donation is available from the Town Accountant's office. Funds received as a gift or a grant must also be deposited and safeguarded as Town funds and may be expended only with the prior approval of the Board of Selectmen.

#### **D. ESTABLISHING FEES AND FINES**

The Town is authorized to charge fees for licenses and for services. When the annual budget is prepared the committee should review all applicable fees or charges and recommend any appropriate revisions to the Board of Selectmen. Whenever a new service is undertaken, the committee should also determine whether there should be a charge for services, and if so, must make a recommendation to the Board of Selectmen. The Board will then hold a hearing on revising or setting the fees and charges.

Fines are set by Town Meeting which incorporates them in the by-laws. Any revisions that your committee recommends should be communicated to the Town Administration for inclusion in the warrant for the next Town Meeting.

#### **E. PURCHASES/PUBLIC BIDDING REQUIREMENTS**

**The Town Administrator is Wrentham's Chief Procurement Officer and must authorize all purchasing before the purchase is made. He should be contacted for assistance and guidance for all purchasing and bidding at the beginning of the process.**

All purchasing must be done in compliance with Massachusetts Public Procurement Law (M.G.L. c.30B). Committee expenditures will usually not be large enough to require formal bidding, however, the following are general guidelines.

1. Purchases for amounts less than \$5,000.00 do not require formal bids. Good business practices should be followed.
2. Purchases for amounts between \$5,000.00 and \$25,000.00 require three price quotes and the lowest responsive price quote accepted. The quotes can either be telephone or written quotes.
3. Purchases estimated to cost in excess of \$25,000.00 requires formal bidding procedures, which may be satisfied by either issuing a Request for Proposals or for Qualifications, or by referring to an approved State Bid List.

The provisions of M.G.L. c. 30B apply to the acquisition and disposal (including renting to a third party) of real property. If your committee has custody of Town land or a Town owned building remember that other procurement laws apply to public works contracts and public construction contracts (G.L. c. 30, § 39M). Always ask the Town administrator before you spend any money on a town building or town property.

#### **F. ACCESS TO TOWN COUNSEL**

Department Heads, Committee Chairmen and/or designees shall have access to Town Counsel, including telephone calls and email, only after the request is approved by the Town Administrator.

#### **G. ANNUAL TOWN REPORT**

All appointed boards and committees are required to file an annual report of activities for the Annual Town Report, due in December of each year. The Chair or another designated member should report on major accomplishments and future plans for the year, and list board or committee membership, including any changes. A request for board or committee reports is issued each year by the Town Administrator.

### **V. REPORTING PROCEDURES**

#### **A. 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 may 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.

#### **B. 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. Every board and committee is encouraged to televise its meetings in order to make the operation of the Town

transparent to the citizens. The Board of Selectmen's Office can assist you to keep the public informed.

**Wrentham**  
**Board of Selectmen**  
Town Hall • 79 South Street  
WRENTHAM, MASSACHUSETTS 02093  
TELEPHONE (508) 384-5400

**Town Committee Volunteer Application**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone # \_\_\_\_\_ Work # \_\_\_\_\_ E-mail \_\_\_\_\_

Committee(s) Interested In Serving on: \_\_\_\_\_

\_\_\_\_\_

Education, Business, or Special Training Experience: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Previous Service on Town Committees: \_\_\_\_\_

\_\_\_\_\_

Other Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Submit a completed application to the office of the Board of Selectmen to indicate your interest in working with your fellow citizens to maintain and improve the quality of life in our town. A list of vacancies on boards and committees may be viewed on the Town's website (<http://wrentham.ma.us/live-in-town-of-wrentham/volunteering>), and addition information about the purpose and activities of each board or committee may also be viewed on the website through the main menu links to "Departments" and "Directory". If there is currently not a vacancy on the board or committee that you are interested in, your application will kept on file for consideration when the next vacancy occurs. Prior to appointing someone to a board or committee the Board of Selectmen will meet with you to discuss your interest. At the time that you are appointed the Town Administrator's office will advise you about being sworn in, completing mandatory ethics training, and other matters that will help you get started.

## **Appendix B: Recommended Public Hearing Procedure**

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Some boards and committees have statutory requirements to conduct public hearings. This process may be used in addition to the legal requirements, and may also be used for committees that conduct public hearings that are not required by statute but may be required by bylaw, contract or other legal reason.

1. Call to order; open the hearing.
2. Introduce self, hearing body, and staff.
3. State the purpose of the hearing, including a brief description of the application and the action that the hearing body may legally take on the application.
4. Address appearance of fairness issues; explain briefly what the appearance of fairness doctrine requires; ask the members of the hearing body:
  - a. if they have any interest in the property or the application, or if they own property within a certain distance (e.g., 300 feet) of the property subject to the application;
  - b. if they stand to gain or lose any financial benefit as a result of the outcome of the hearing;
  - c. whether they can hear and consider the application in a fair and objective manner;
  - d. if they have engaged in any ex parte communications with either proponents or opponents of the application, and, if so, ask them to place on the record the substance of any such communications so that interested parties have the opportunity at the hearing to rebut the communications.
  - e. Ask members of the audience if they wish to challenge on appearance of fairness grounds participation in the matter by any member of the hearing body, including the reasons for the request. (Any member challenged should be given the opportunity to either disqualify or refuse to disqualify him- or herself.)
  - f. Any member disqualified based on appearance of fairness grounds must leave the hearing room and must not participate further concerning the application.
5. State the ground rules for the hearing and the manner in which it will proceed.
6. Administer the oath to all those who may testify, as a group (or have clerk or other appropriate official administer the oath).
7. Ask for staff to give a report on the application; insure that all documents, charts, maps, etc. are introduced as exhibits, with a number assigned to each exhibit.
8. Ask for applicant to comment on the application, followed by the testimony of any technical experts in support of the application.
9. Ask for any public testimony on the application (first by proponents and then by opponents) and state any rules regarding public testimony, such as:
  - a. all speakers must speak into the microphone and give their names and addresses;
  - b. all comments should be addressed to the hearing body, should be relevant to the application, and should not be of a personal nature;
  - c. identify time limits, if any, on speaking;
  - d. avoid repetitive comments;
  - e. if there are a large number of speakers, including many who are part of groups or organizations, ask for a representative to speak on behalf of the organization or group;

- f. unruly behavior, such as booing or hissing or harassing remarks, is prohibited.

Ask if everybody understands these rules.

10. Ask for closing or rebuttal comments from the applicant, and, if desired, from the public.
11. Ask for additional staff comments.
12. Ask for questions from members of the hearing body (these questions may also be authorized to occur as testimony is presented).
13. Close the hearing and state what steps are to occur next regarding the application.

**Deliberations.** Deliberations on a quasi-judicial matter can occur following the public hearing or at some other time. If the matter is a complex one, it is best to postpone deliberations until members of the hearing body have had time to review the exhibits and perhaps listen again to some or all of the recorded testimony. Be careful not to delay the deliberations and eventual decision beyond any applicable statutory timelines.

Although it is recommended that the deliberations occur in open session, the Open Public Meetings Act exempts from its coverage that part of a meeting which relates to quasi-judicial matters between named parties. If the deliberations are held in an open meeting, comments from the audience should not be permitted. Deliberations by the hearing body are not considered part of the record for purposes of judicial review of the decision.

**Vote/decision.** The vote on the application must occur in open session. After the vote is taken, the hearing body should direct the staff or legal counsel to prepare, based upon instructions from the hearing body, findings of fact and conclusions of law in support of the decision. After preparation of the findings and conclusions, the hearing body must vote to approve them or to send them back for modification.

Additional information is available on the website of the Massachusetts Municipal Association at:

[http://www.google.com/url?sa=t&rct=j&q=mma%20how%20to%20hold%20an%20error%20free%20public%20hearing&source=web&cd=1&cad=rja&ved=0CDAQFjAA&url=http%3A%2F%2Fwww.mma.org%2Fcomponent%2Fdocman%2Fdoc\\_download%2F86-how-to-hold-an-error-free-municipal-hearing-issues-relating-to-the-hearing-itself&ei=uIWKUa6fLdLi4AOUiYCOAw&usq=AFQjCNEWzRO2pNq3B75yljrZ8XMD78Bmow&bvm=bv.46226182,d.dmg](http://www.google.com/url?sa=t&rct=j&q=mma%20how%20to%20hold%20an%20error%20free%20public%20hearing&source=web&cd=1&cad=rja&ved=0CDAQFjAA&url=http%3A%2F%2Fwww.mma.org%2Fcomponent%2Fdocman%2Fdoc_download%2F86-how-to-hold-an-error-free-municipal-hearing-issues-relating-to-the-hearing-itself&ei=uIWKUa6fLdLi4AOUiYCOAw&usq=AFQjCNEWzRO2pNq3B75yljrZ8XMD78Bmow&bvm=bv.46226182,d.dmg)

Further information is available on the website of the Municipal Research and Services Center of Washington at: <http://www.mrsc.org/focuspub/hearings.aspx>

**Appendix C: The Ten Purposes for Executive Session Under the Open Meeting Law**  
**M.G.L. c. 30A, s. 21**

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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.
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;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
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:
  - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
  - (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information that has been provided under the following circumstances:
  - a. in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to [G.L. c. 164 § 1F](#);
  - b. in the course of activities conducted as a municipal aggregator under [G.L. c. 164 § 134](#); or
  - c. in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to [G.L. c. 164 § 136](#); and
  - d. when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.