

## **ACKNOWLEDGEMENT OF RECEIPT OF BOARD AND COMMITTEE HANDBOOK**

Please sign and return this page to the Town Clerk's office.

I, \_\_\_\_\_, hereby acknowledge that I have  
(Print Name)

received a copy of the "Town of Westminster Board and Committee Handbook"  
and agree to familiarize myself with the contents thereof.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(E-mail address)

\_\_\_\_\_  
(Name of Board/Committee/Commission)

\_\_\_\_\_  
(Date)

# TOWN OF WESTMINSTER, MASSACHUSETTS



## BOARD AND COMMITTEE HANDBOOK

(May, 2009)  
(Revised October, 2011)  
(Revised July, 2014)  
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# **1 INTRODUCTION**

This handbook has been developed to assist town officials in carrying out their duties on the various boards, committees and commissions that serve the Town of Westminster. The information contained in this handbook is meant to serve as a guideline. The specific duties and laws related to a particular board, committee or commission may be found in the Massachusetts General Laws (MGL) or in some cases, in our Town Bylaws. This Handbook is not intended to create a contractual relationship between the Town and any board, committee or commission member, and nothing herein shall be construed to grant any rights or privileges in or to an appointment or reappointment to any such board, committee or commission.

## **2 BOARD/COMMITTEE/COMMISSION MEMBERSHIP**

### **2.1 Appointments**

Most appointments to town boards (collectively refers to boards, committees and commissions) are made by the Board of Selectmen. Some appointments are made by the Town Moderator, or as otherwise directed by town meeting. The appointing authority shall have sole discretion to make such appointments as the appointing authority deems to be in the best interests of the Town. In accordance with the Town Bylaws, all members of appointed boards must be registered voters of the Town and must live in Town. Notices of vacancies on boards are publicized in the local newspapers, posted on Cable Channel 8 and/or 9, posted on the Town Hall bulletin board and the Town's website ([www.westminster-ma.gov](http://www.westminster-ma.gov)). Residents interested in serving on a board are encouraged to submit a letter of interest to the appropriate appointing authority. It is the general practice of the Board of Selectmen to request that an applicant attend a Selectmen's meeting for a brief interview. It is also suggested that applicants attend one or two meetings of the board on which they are interested in serving to become familiar with the time commitment and other functions of that board.

### **2.2 Oath of Office**

Written notification of appointment will be issued to newly appointed board members. Appointees must report to the Town Clerk's office to be sworn to the faithful performance of their duties prior to taking any official action as a member of a board or committee (MGL Ch. 41, s. 107). The Town Clerk will give appointees information about the Open Meeting Law, as required in Chapter 39, Section 23B of the General Laws. Members are required to sign a written acknowledgment of receipt.

### **2.3 Term of Office**

The full term of office for most positions on standing boards is three years, ending on June 30 of the third year. Unless provided otherwise by statute, if a vacancy occurs in the membership of an appointed board, the appointing authority shall appoint a new member to serve for the balance of the unexpired term.

## **2.4 Reappointments**

Appointed board members whose terms are due to expire on June 30 of the current year will be sent a notice sometime in April requesting that they inform the appointing authority as to whether or not they wish to be reappointed for an additional term. Such notice shall not be construed as an offer of reappointment nor shall it create any right or privilege to such reappointment. The Board of Selectmen will generally vote at its first or second meeting in June to approve reappointments and/or to appoint new members to fill available positions on boards. Board members must take the oath of office again upon reappointment.

## **2.5 Vacancies/Resignations/Lack of Attendance**

In the event that a board member finds that he/she can no longer fulfill the duties of his/her term of office, he/she must provide a written resignation stating the effective date thereof to the appointing authority, with a copy to the chairperson and the Town Clerk.

The Town Bylaws also provide in Article 9.3 that “when anyone appointed to an appointive committee or board is absent repeatedly from three consecutive meetings without due cause from duly called meetings, he may be reported to the authority making the original appointment, who may declare that a vacancy exists.”

# **3 ORGANIZATION OF BOARDS–DUTIES OF OFFICERS**

## **3.1 Election of Officers**

Every town board, committee and commission shall meet during the month of July, after the new member terms begin. Should the incumbent chairman fail to call a meeting during the month of July, any two board members may jointly call a meeting. At the July meeting, each board, committee or commission shall vote to select a chairman, vice-chairman and clerk. The new chairman shall notify the appointing authority and the Town Clerk of the names of officers. There is no limit on the number of consecutive terms a member may be elected to serve as an officer.

## **3.2 Duties of Officers**

The following are basic duties of officers; boards are encouraged to modify these duties to suit their own particular needs.

### **3.2.1 Chairman**

- Presides at all meetings, decides questions of order;
- Calls meeting dates and times;
- Ensures that meetings and agendas are properly posted in accordance with the Open Meeting Law;
- Sets agenda topics;
- Represents the board before the appointing authority, other town bodies, the public and the media, as required;
- Ensures that members are kept informed of meetings;

- Ensures that all members have taken the oath of office and acknowledged receipt of information from the Town Clerk with regard to the Open Meeting Law and Conflict of Interest Law (see Section 2.2);
- Ensures that all members have acknowledged receipt and are familiar with this Board and Committee Handbook;
- Ensures that a summary of the board's actions of the previous year are submitted to the Board of Selectmen for inclusion in the Annual Town Report;
- Exercises control over public meetings and hearings, ensures that the proper decorum is maintained and that such meetings and hearings are conducted in an orderly and appropriate manner.

### **3.2.2 Vice-Chairman**

- Acts as Chairman in the absence of the Chair.

### **3.2.3 Clerk/Secretary**

- Ensures that minutes of every meeting are taken, prepared and filed with the Town Clerk in a timely manner, in accordance with the Open Meeting Law and the Town Bylaws.
- Ensures that copies of documents and other exhibits used during meetings are provided and referenced in a list to be included as addenda to the approved meeting minutes, in accordance with the Open Meeting Law.
- In the absence of paid staff, performs any other clerical or administrative duties, as required.

## **4 MEETINGS**

### **4.1 Open Meeting Law**

All board members are required to take the time to familiarize themselves with the provisions of the Open Meeting Law (MGL Chapter 30A, Sections 18-25) and its accompanying regulations (940 CMR 29.00). The Open Meeting Law sets forth specific requirements for posting, scheduling, conducting, and recording meetings. The purpose of the law is to promote the democratic process in assuring that deliberations and decisions made by our public officials are conducted openly, and not hidden from the public. Failure to follow the Open Meeting Law may result in the invalidation of actions taken at a meeting and could result in the imposition of a penalty upon the public body of not more than \$1,000 for each intentional violation.

More information on the Open Meeting Law is available on the Attorney General's website:  
<http://www.mass.gov/ago/government-resources/open-meeting-law/>

## **4.2 Definition of Meeting**

For purposes of the Open Meeting Law, a “meeting” is defined as “a deliberation by a public body with respect to any matter within the body’s jurisdiction; provided, however, “meeting” shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;
- (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or
- (e) a session of a town meeting convened under section 10 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

It is a violation of the Open Meeting Law to conduct “telephone meetings,” “revolving door” meetings, “e-mail meetings,” or to hold other such discussions outside of a duly posted meeting at which the public is deprived of the opportunity to attend and monitor the decision making process. This includes individual conversations that occur in serial fashion in which a quorum of members participate and/or deliberate. “Deliberation” is defined as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that “deliberation” shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.”

## **4.3 Posting/Scheduling of Meetings and Agendas**

The Open Meeting law Regulations (940 CMR 29.03) provide, in part, that “public bodies shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting, excluding Saturdays, Sundays and legal holidays ... The date and time that the notice is posted shall be conspicuously recorded thereon or therewith.”

Meeting notices and agendas must be posted in compliance with the specific instructions of the Town Clerk (see Attachment 1). Postings must be received in the Clerk’s office by 1:00 p.m. on the Thursday prior to a Monday evening meeting. Meeting notices must include the name of the board, and the date, time and location of the meeting. Notices must also include a



sufficiently specific listing of the topics the chair reasonably anticipates will be discussed at the meeting (see sample agenda format, Attachment 3). Chairpersons are expected to exercise good judgment when hearing/discussing/deliberating on issues not included on the agenda; that is, routine issues may be aired, while new and/or potentially contentious issues should be passed over to allow for proper posting and public discussion.

When it is necessary to meet in a location other than the location indicated on the meeting notice (e.g., lack of space, inaccessibility of room), a note must be placed on the front door of the building and on the door of the room identified in the meeting notice, informing the public of the new meeting location.

Meetings must be held in a handicap-accessible, public location. It is the recommendation of the Board of Selectmen that meetings be scheduled no earlier than 5:00 p.m. and do not extend beyond 10:00 p.m. to provide opportunity for maximum public attendance. The majority of public meetings are held at Town Hall, 11 South Street. When posting meetings at Town Hall, it is also necessary to request the assignment of a meeting room for the meeting. A copy of the Town Hall Meeting Room policy is included in this Handbook. As is set forth in Section 4.7, notice requirements for public hearings may differ from those of public meetings.

#### **4.4 Quorum**

In order for a board to take an official vote, a quorum must be present. A quorum is a simple majority of a governmental body, unless otherwise defined by law. A simple majority is based on the total number of positions on a board, whether or not all available positions have been filled. For example, a five-member board requires three members to be present in order to conduct business. If that five-member board has only three members and two vacant positions, the board would still require three members (not two) to constitute a quorum. Once a quorum is present, a board may act by a majority of the quorum, unless otherwise provided by law.

#### **4.5 Meeting Minutes**

##### **4.5.1 Content of Minutes**

Section 22 of the Open Meeting Law requires every governmental body to "... create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." Minutes need not be verbatim transcripts of a meeting.

##### **4.5.2 Availability/Filing of Minutes**

Meetings may not proceed without a designated secretary responsible for providing a written record of the meeting as prescribed by the Open Meeting Law. Audio or video recordings may not be used as permanent records of a meeting. The Open Meeting Law requires public

bodies to create and approve minutes in a timely manner. The approval of the prior meeting's minutes should always appear as an agenda item to encourage timely completion and filing of the minutes. It should be noted that the minutes of an open meeting, in whatever form (notes, draft, tape recording, etc.), are considered public records and must be made available to the public within 10 days upon request. Materials or other exhibits used by the public body in an open meeting are also to be made available to the public within 10 days upon request.

Section 9-9.1 of the Westminster Town Bylaws further provides that:

“All boards, committees, and commissions of the Town, elected or appointed, shall compile and maintain a record (minutes) of all posted and emergency meetings and shall file the original copy of said minutes with the Town Clerk's Office within two weeks of approval. The minutes of said meetings shall set forth the date, time, place, members present or absent and action taken at each meeting. The Town Clerk shall note the date and time when such minutes are received. Said minutes shall be made available to the public at reasonable times at the office of the Town Clerk.”

Copies of minutes should also be provided to the Board of Selectmen at the time of filing with the Town Clerk and posted on the town website.

#### **4.6 Executive Sessions**

The Open Meeting Law requires that all meetings of a governmental body be open to the public, except for a few limited purposes for which a board may enter into executive session. All appointed boards are urged to consult with counsel (with prior authorization from the Town Administrator) if they have any question as to the process and/or permissibility of entering into executive session.

Executive session is closed to the public, but the board must first convene in a duly posted open session. A majority of the members must vote by roll-call in favor of a motion to enter into executive session. The motion must state the reason for the executive session and must state whether or not the board will return to open session. All votes taken in executive session must be recorded roll-call votes.

Executive session may be held only for the following purposes (see Attorney General's website (<http://www.mass.gov/ago/government-resources/open-meeting-law>) for further explanation of each exemption):

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. (See MGL Ch. 30A, § 21 for individual rights.)
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 (see MGL Ch. 30A, § 21 for further provisions).
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided 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 section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, 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.

## **4.7 Public Hearings**

The Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Liquor Commission, DPW Commission and Board of Health are sometimes required by state law or local regulation to hold public hearings. Hearings are held for the purpose of obtaining information from which the board can reach a determination, usually regarding the issuance of a license or permit.

Such hearings will typically have requirements and timeframes for advertising and posting public notice of the hearing, notifying abutters, and rendering and filing a decision. These requirements vary depending on the type of hearing. It is the responsibility of the Chairman to assure that the requirements of the public hearing process are properly followed.

Some procedures are common to all hearings. The Chairman should run the hearing and state the guidelines. All questions should be directed to the Chair. Some suggested guidelines follow:

- Chair opens hearing and states ground rules;
- Petitioner/applicant makes presentation;

- Information is received from town boards and officials;
- Board members question petitioner;
- Public asks questions, offers comments through Chair;
- Board receives any written documents;
- Chair closes public portion of hearing (may continue to another date, if necessary, before closing hearing);
- Board begins deliberations, seeking answers to questions, if necessary;
- During deliberations, findings of fact are noted;
- Board votes on decision;
- Decision is written using notes from discussion, facts and findings;
- Chair closes hearing;
- Decision is filed with appropriate parties.

It is important to note that in the hearing process, 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. The rules of evidence that apply in court do not apply in public hearings of local boards, committees or commissions. As such, hearsay and other evidence that would not be permitted in a court may be heard by a board, committee or commission, and accorded such weight as each member deems appropriate. Irrelevant, immaterial and information based on emotions are not appropriate evidence upon which to base a decision.

## **5 CONDUCT OF PUBLIC OFFICIALS**

### **5.1 Conflict of Interest**

Members of a board, commission or committee are considered municipal employees, regardless of their lack of compensation, and as such, are subject to the Conflict of Interest Law. A copy of the law may be viewed online at [www.ma.gov/ethics](http://www.ma.gov/ethics). The purpose of the law is to assure that the private financial interests and personal relationships of public employees do not conflict with their public obligations. The law also regulates the activities of public officials after their term of service is over. In general:

- You may not ask for or accept anything (regardless of its value) if it is offered in exchange for agreeing to perform or not perform an official act.
- You may not ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated “gifts” include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered, you may refuse or return it; you may donate it to a non-profit organization, provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer,” provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.

- You may not hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- You may not take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
- You may not take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization (that is substantially engaged in business activities), you may not take any official action which would impact that organization, or its competitors.
- Unless you qualify for an exemption, you may not have more than one job with the same municipality or county, or more than one job with the state.
- Except under special circumstances, you may not have a financial interest in a contract with your public employer. For example, if you are a full time town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- You may not represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- You may not ever disclose confidential information, data or material which you gained or learned as a public employee.
- Unless you make a proper, public disclosure in writing -- including all the relevant facts -- you may *not* take any action that could create an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.
- You may *not* use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance: you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.

- You may *not* use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- You may not, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.

(Taken from State Ethics Commission website: "Introduction to the Conflict of Interest Law for the Public Sector.")

If a board member has a conflict of interest or an appearance of a conflict in any matter before the board, that member should not be counted in the quorum, or 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. If board members have any questions about their activities, they should file a written request for a determination with Town Counsel, through the Town Administrator. The answer to the request will be in writing and will become a matter of public record. A board member may also request a confidential opinion directly from the State Ethics Commission.

## ***5.2 Standards of Conduct for Elected and Appointed Town Officials***

### General Policy Statement

The following policy sets forth expectations and guidelines to serve as a standard for achieving high levels of public confidence by maintaining professionalism and mutual respect among members of boards, committees and commissions in the Town of Westminster.

### Applicability

This policy applies to all members of town boards, committees and commissions, whether elected or appointed.

### Standards of Conduct

Members of all boards, committees and commissions are expected to:

- a. Be well informed concerning the state and local duties of the board on which the members serve.
- b. Always keep in mind that they represent the Town of Westminster.
- c. Accept their position as a means of unselfish public service, not to benefit personally, professionally or financially from their position.

- d. Treat all members of the board, all applicants who come before the board, all staff members, and the public with respect, despite differences of opinion.
- e. Treat all staff as professionals, in a manner that respects the abilities, experience and dignity of each individual.
- f. Share information obtained on pending issues with other board members.
- g. Conduct themselves in a manner that maintains public confidence in our local government.
- h. Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
- i. Abide by the ethics guidelines established under MGL Chapter 268A, making every effort to avoid any appearance of conflict, and properly disclosing any apparent conflict.
- j. Unless specifically exempt under MGL Chapter 30A, section 18-25 (Open Meeting Law), conduct the business of the public in a manner that promotes open and transparent government.
- k. Honor confidential matters not legally subject to disclosure that come before the Board in executive session.

### Corrective Action

Anyone who feels that a board member is acting inconsistently with these standards of conduct may take one or more of the following actions, as deemed necessary, in the order listed below:

- a. Speak privately with the board member about his/her behavior in an effort to correct said behavior.
- b. Ask the Chairman of the board to speak with the individual in an effort to correct said behavior.
- c. Bring the matter to the attention of the appointing authority.
- d. File a formal complaint in writing to the Town Administrator
  - i. The Town Administrator shall conduct an investigation and issue a written report with a recommendation for corrective action within fourteen days of receipt of the complaint.
  - ii. The Town Administrator shall have the authority at his/her discretion to seek the services of an independent mediation service when the situation warrants.

*(Adopted by Board of Selectmen: 4/11/2011)*

## **6 ADMINISTRATION**

### **6.1 Public Records**

With few exceptions, every document and record (hard copy or electronic) made or received by a board, committee, commission or other public entity is presumed to be a public record under the Massachusetts Public Records Law (MGL Chapter 66). As such, the public has a

right of access to these records. Town boards and departments are also obligated to properly secure and maintain public records.

A Guide to the Massachusetts Public Records Law:  
<http://www.sec.state.ma.us/pre/prepdf/guide.pdf>

### **6.1.1 Access to Public Records**

950 CMR 32.00 defines a record custodian 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 records custodian for boards and committees that do not have staff support would typically be the board’s Clerk. The records custodian is responsible for providing access to the board’s records upon request. A reasonable fee may be charged for copies and for research involved in processing requests for records. (See above referenced guide for further explanation.)

### **6.1.2 Retention/Disposal of Public Records**

The Public Records Law sets forth a prescribed period of time for the retention of public records and requires that all departments and boards formally request permission from the Secretary of State to dispose of records. The Commonwealth of Massachusetts “Municipal Records Retention Manual” was updated in 2010. The manual contains forms for requesting permission to destroy records. It also includes a detailed process for inventorying and managing records. Record retention periods differ for various boards and departments. A copy of the manual can be found at:

Records Retention/Disposal Schedules: <http://www.sec.state.ma.us/arc/arcrmu/rmuidx.htm>

Important note: Email correspondence is also considered a public record. Page 103 of the Records Retention Manual contains a technical bulletin from the Secretary of State on the management of emails.

### **6.1.3 Storage of Public Records**

The Secretary of State requires that any original records located outside of a municipal building must be stored in fire-resistant devices and/or safes. It is recommended that only copies of original records be removed from public property. Whether or not a board or committee has an office in a public building, provision must be made to securely store all records in a municipal building, and not at private residences.

## **6.2 Departmental Receipts**

All departmental receipts must be turned over weekly to the Treasurer’s Office on forms provided for this purpose, and in accordance with procedures established by the Town Treasurer.



### **6.3 Processing of Payment Vouchers**

Those boards and committees responsible for administering a budget are encouraged to make an appointment with the Town Accountant to receive instruction on the proper processing and submission of bills for payment. A Schedule of Departmental Bills Payable must be approved and signed by a majority of the board members. An updated list of authorized signatories must be provided to the Town Accountant each year (reproducible form attached).

### **6.4 Purchasing**

The Town of Westminster is required to follow state law for the procurement of supplies and services, the construction and repair of public works, and for public building construction and repair projects. The Town Administrator is the designated Chief Procurement Officer responsible for assuring local compliance with the law. In addition, the Police Chief, Fire Chief and DPW Director have been delegated authority as Procurement Officers for their respective departments. All boards, committees and departments not specifically delegated with procurement authority must contact the Town Administrator's office prior to procuring supplies or services in excess of \$5,000, and prior to expending any sum of money for the construction, repair or maintenance of a public facility or grounds. A copy of the Town's purchasing/procurement policy is attached.

### **6.5 Personnel**

The hiring, compensation, discipline, laying off or termination of individuals under the supervision of a board, committee or commission must be conducted under the direction of the Town Administrator and Personnel Department, and in accordance with federal, state, and local regulations and policies.

### **6.6 Use of Town Counsel**

Requests for opinions or assistance from Town Counsel must be directed through the office of the Town Administrator.

## **7 TOWN HALL MEETING ROOM POLICY**

#### Purpose:

This policy establishes a procedure for scheduling meeting room space in the Town Hall. It also sets forth criteria for use of the meeting rooms.

#### Applicability:

This policy applies to all Town of Westminster departments, boards, committees and commissions. It shall also apply to any private (non-profit) use of the rooms, as may be allowed under this policy. Private parties are not permitted.

### Scheduling Rooms

There are four meeting rooms in the Town Hall. The rooms are primarily for public meetings of town boards and committees; such uses shall receive priority. Rooms may be used for other private, non-profit purposes on an intermittent basis, when not in conflict with regular town business use, with the approval of the Town Administrator.

Room #	Approx. Seating Capacity
112	20
128	20
222	25
205 (Selectmen's Chambers)	40

Meeting Rooms 112, 128 and 222 are scheduled through the office of the Town Clerk, on a first come, first served basis. Room assignments may be changed at the discretion of the Town Clerk, as deemed necessary. Use of the Selectmen's Chambers (Room 205) is scheduled through the Town Administrator's Office.

Meeting room reservations may be made by a designated member or representative of the board or group requesting use of the room, preferably at least 72 hours in advance of a meeting.

Reservations may be requested verbally or in writing, but shall not be considered final until confirmed by the Town Clerk's or Town Administrator's office. It should be noted that reserving a meeting room does not constitute a meeting posting as required by the Open Meeting Law (MGL Ch. 30A, §18-25).

Verbal or written cancellation of a meeting room reservation is required as soon in advance as possible.

### Regular Meeting Room Hours

Town Hall offices are open Monday through Thursday from 8:00 a.m. to 4:30 p.m., and Friday from 8:00 a.m. to 1:00 p.m. Meeting rooms are available during regular Town Hall hours and during the evening on Monday through Thursday. Requests for use of the meeting rooms on other days must be made through the Town Administrator's office.

The Board of Selectmen recommends that public meetings not extend beyond 10:00 p.m.

### General Meeting Room Rules

All public meetings must remain open to the public, with the exception of executive sessions held in accordance with MGL Ch. 30A, § 21.

Town Hall is equipped with an electronic card access system. The Chairman of the board/committee holding the meeting is responsible for acquiring a key card through the Town Administrator's office and for familiarizing himself with the use of the card. The Chairman is also responsible for assuring that his board/committee is able to gain access to the building if the Chairman will not be in attendance at a meeting (either by providing use of the key card (and instructions) to a designated member of the board, or by confirming that another board is meeting at the same time, thereby assuring that the building will remain open.)

The Chairman of the board/committee holding the meeting, or a similar person in charge (i.e., town employee serving as staff support), is responsible for assuring that the meeting room is left in an orderly fashion.

Food and beverages: Light refreshments are allowed in meeting rooms. The Chairman of the board/committee holding the meeting, or a similar person in charge (i.e., town employee serving as staff support), is responsible for assuring that all trash is removed and any spills or other messes are promptly and properly attended to.

No smoking or alcoholic beverages are allowed on the premises.

Exceptions to these rules may be made at the discretion of the Board of Selectmen.

Repeated violations of these rules may result in restrictions on future scheduling and use of the meeting rooms.

*(Adopted by Board of Selectmen: 7/23/07)  
(Revised 10/31/2011)*

## **8 PURCHASING/PROCUREMENT POLICY**

### General Policy Statement

The Town of Westminster is committed to adhering to sound business and financial practices in the procurement and processing of payments for supplies and services. To that end, the Town has adopted the following policies and procedures to provide proper controls against overspending and to assure compliance with state procurement laws.

### Applicability

This policy applies to every town department, board, committee and commission for which a budget has been appropriated or a special money article has been approved by town meeting.

### Procurement Practices

The Town of Westminster is subject to MGL Chapter 30B, as well as certain sections of Chapters 30 and 149 as they apply to the procurement of supplies and services, construction

and repair of public works, and public building construction and repairs. Departments seeking to acquire products or services or enter into contracts for services and projects should consult with the Chief Procurement Officer to determine the appropriate procurement method for the particular item or service and the requirements that must be met to comply with applicable laws. A copy of any bid package, Request for Proposals (RFP) or Request for Quotes (RFQ) must be submitted to the Chief Procurement Officer for review prior to issuance. A copy of the general guidelines for public procurement is attached to this policy for reference.

#### Purchases

1. Purchases and projects totaling \$10,000 or more require a written contract and a purchase order (P.O.) PRIOR to placing an order with a vendor or contractor. A project may involve more than one vendor, thereby requiring more than one P.O.
2. P.O.s are completed by the requesting department and are first submitted to the Town Accountant for certification of availability of funds. Upon certification of the funds, the Accountant will forward the P.O. to the Town Administrator for approval.
3. Upon approval, the Town Administrator will assign a P.O. number and return the original P.O. to the requesting department, with a copy to the Accountant. The amount of the P.O. will be encumbered by the Accountant to the account(s) identified on the P.O.
4. Submissions of P.O.s must be accompanied by proof of compliance with the procurement laws (three quotes, bid results, etc.), including an original copy of a fully executed contract in a form acceptable to the Chief Procurement Officer and/or Town Accountant. Contracts must also be accompanied by a completed Form W-9.
5. Emergency purchases are allowed only when the time required to comply fully with procurement laws would endanger the health or safety of people or property due to an unforeseen emergency. However, even under emergency situations, compliance with procurement laws is required to the extent possible.
6. Purchases directly associated with and made during an officially declared State of Emergency are exempt from requirements to obtain a P.O. (However, it should be noted that approval from the Division of Capital Asset Management must be obtained to waive certain statutory procurement requirements during emergency situations.)

(Rev. 7/2014)

## 9 TOWN HALL DIRECTORY

### **Town Hall Offices:**

Assessors	874-7401
Board of Health	874-7409
Board of Selectmen	874-7400
Building Department	874-7407
Conservation Commission	874-7413
Executive Assistant	874-7408
Parks & Recreation	874-7410
Personnel Department	874-7404
Town Accountant	874-7405
Town Clerk	874-7406
Town Administrator	874-7400
Town Planner	874-7414
Treasurer/Collector	874-7403
Veterans' Agent	874-7461

### **Other Departments:**

<b>Emergency ONLY</b>	<b>911</b>
Animal Control Officer	874-2933
Cemetery Department	874-7415
Council on Aging	874-7402
Fire Department	874-2313
Forbush Library	874-7416
Police Department	874-2933
Public Works – Highway, Water, Sewer & Solid Waste	874-5572
Superintendent of Schools	827-1434
Tree Warden	874-5572

## 10 SUMMARY OF LINKS/ATTACHMENTS

1. Open Meeting Law (includes copy of OML and Regulations, OML Guide, Complaint Process, and more):

<http://www.mass.gov/ago/government-resources/open-meeting-law/>

2. Conflict of Interest Law: [www.ma.gov/ethics](http://www.ma.gov/ethics)

3. A Guide to the Massachusetts Public Records Law:

<http://www.sec.state.ma.us/pre/prepdf/guide.pdf>

4. Records Retention/Disposal Schedules:

[http://www.sec.state.ma.us/arc/arcpdf/MA Municipal Records Retention Manual.pdf](http://www.sec.state.ma.us/arc/arcpdf/MA_Municipal_Records_Retention_Manual.pdf)

5. Town website: [www.westminster-ma.gov](http://www.westminster-ma.gov)

6. Town Clerk's Requirements for Meeting Postings (Handbook Attachment #1)

7. Town Accountant's Authorized Signatory Form (Handbook Attachment #2)

8. Sample Agenda (Handbook Attachment #3)

## **11 ATTACHMENTS**

## TOWN CLERK'S REQUIREMENTS FOR POSTING MEETINGS

All notices and agendas for board meetings must be posted on the bulletin board outside the Town Clerk's Office and on the Town's website ([www.westminster-ma.gov](http://www.westminster-ma.gov)). The posting must be received in the Town Clerk's Office at least 48 hours in advance of the meeting. Saturdays, Sundays, and holidays cannot be counted.

### MEETING POSTING GUIDELINES

1. Posting shall contain the following:
  - A. Board Name
  - B. Meeting date, time and place
  - C. Agenda
2. Posting shall be on one side of 8 1/2 by 11 paper
3. **Posting shall be received by 1:00 pm on the previous Thursday for meetings held on Monday evenings.**
4. A hard copy of the meeting notice/agenda is preferred, however we understand that in order to comply with the 48 hour requirement, a meeting notice may need to be transmitted by email. If this is necessary, the notice must be sent to all of the following:
  - [esheehan@westminster-ma.gov](mailto:esheehan@westminster-ma.gov)
  - [bhaley-cormier@westminster-ma.gov](mailto:bhaley-cormier@westminster-ma.gov)
  - [jduquette@westminster-ma.gov](mailto:jduquette@westminster-ma.gov)

A phone call to the office notifying us of the transmittal is encouraged. You will get a reply that the meeting has been posted. If that is not received, do not assume that the notice was posted by the Town Clerk staff.

The Town Clerk's Office is not responsible for notices which are left in the mailbox or sent by email if contact is not made with a staff person. Follow-up is important if the notice was not delivered in person.

Please call me if you have any questions or concerns.

Ellen M. Sheehan, CMMC  
Town Clerk



**OFFICE OF THE  
TOWN ACCOUNTANT  
WESTMINSTER, MASSACHUSETTS**

**Fiscal Year \_\_\_\_\_  
Authorized Signatories**

**To:** All Department Heads, Boards and Committees

Please complete the following form for the current fiscal year to advise this office of the names of employees and/or board members who are authorized to approve and sign payroll and/or vendor payment vouchers for your department:

**Department, Board or Committee Name:**

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- List all authorized signatories-- in most cases, this will be the department head (if no board involved) or all the current members of your board or committee
- Print name and provide signature

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**PLEASE RETURN THIS FORM TO THE TOWN ACCOUNTANT**

SAMPLE AGENDA

**TOWN OF WESTMINSTER**



**(NAME OF BOARD/COMMITTEE) MEETING AGENDA**

**(DATE)**

**TOWN HALL, ROOM \_\_\_\_\_**  
**\_\_\_\_\_ P.M.**

CALL TO ORDER

APPROVAL OF MINUTES

NEW BUSINESS

•

ONGOING BUSINESS

•

ADJOURNMENT

AGENDA ITEMS LISTED ARE THOSE REASONABLY ANTICIPATED BY THE CHAIR TO BE DISCUSSED AT THE MEETING. NOT ALL ITEMS MAY BE DISCUSSED AND OTHER ITEMS NOT LISTED MAY BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.