

# **TOWN OF MATTAPOISETT MASSACHUSETTS**



## **BOARD, COMMITTEE AND COMMISSION HANDBOOK**

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## 1. INTRODUCTION

This handbook has been developed to assist committee members in effectively carrying out their duties on the various boards, committees and commissions that serve the Town of Mattapoisett. The information contained in this handbook is meant to serve as a general guideline and is in no way meant to cover all duties and responsibilities or to constitute legal advice.

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, which can be accessed through the town's website [www.mattapoisett.net](http://www.mattapoisett.net). 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

### ***Appointments***

Most appointments to town boards (collectively refers to boards, committees, and commissions) are made by the Select Board. Some appointments are made by a group of representatives from various other committees or boards. The appointing authority shall have sole discretion to make such appointments as they deem to be in the best interests of the Town. Members of some boards are elected to their positions at the Annual Town Election held in May.

Notices of vacancies on town boards are posted on the Town's website [www.mattapoisett.net](http://www.mattapoisett.net). Residents interested in serving on a particular board are encouraged to attend one or two meetings of the board which they are interested in serving to become familiar with the time commitment and other functions of that board. Please submit a letter of interest to the Select Board outlining your interest, qualifications, and any pertinent background information.

### ***Oath of Office***

Written notification of an appointment will be issued to newly appointed board members, usually by regular mail delivery. Upon receiving their appointment slip, 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. Each year, all municipal employees (which includes members of boards, committees, and commissions) must also acknowledge receipt of the summary of the conflict-of-interest law and every two years must complete a required online training program through the State Ethics Commission. This is now done online through the State Ethics Commission at <https://massethicstraining.skillburst.com>.

### ***Term of Office***

There are various terms of office for board and committee members. One, two, and three-year appointments are common. For the most part, terms expire on April 30. 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.

### ***Reappointments***

Appointed board members whose terms are due to expire on April 30 of the current year should notify the Select Board's Office if they do not wish to be reappointed. Upon receipt of your reappointment slip, you should report to the Town Clerk's Office to be sworn in for your new term.

### ***Resignations***

In the event that a board member finds that they can no longer fulfill the duties of their term of office, they must provide a written resignation stating the effective date thereof to the appointing authority, with a copy to the Chairperson and the Town Clerk.

## **3. ORGANIZATION OF BOARDS**

### ***Election of Officers***

At the first meeting held after July 1st of each year, each board, committee, or commission shall vote to select a chairman, vice-chairman and recording secretary. 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. Forms shall be provided by the Town Clerk's Office annually.

### ***Duties of Officers***

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

#### **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 Select Board, other town bodies and the public, 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;
- . 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 Town Administrator 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.

#### Vice-Chairman

The Vice-Chairman acts as Chairman in the absence of the Chair.

#### 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.
- . 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.

#### Associate Members

Certain boards and committees are allowed to have associate members, with varying authority depending on the bylaw or state legislation that created the position. Associate members that are unclear of their role should contact the Town Administrator's Office for guidance.

Committees that do not currently have associate members and want to add them should contact the Town Administrator's office to determine the best course of action, as the rules differ greatly on associate members from one board to another.

## 4. MEETINGS

### ***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:

<https://www.mass.gov/doc/open-meeting-law-guide-and-educational-materials-0/download>

### ***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:

- . an on-site inspection of a project or program, so long as the members do not deliberate;
- . 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;
- . 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;
- . 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
- . 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.”

### ***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. Postings must be received in the Town Clerk’s office by 4:00 p.m. and more than 48 hours prior to the meeting. Meeting notices must include the name of the board, and the date, time, and location of the meeting. Notices must also include a listing of the topics the chair reasonably anticipates will be discussed at the meeting. 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.

### ***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.

### ***Conducting a Meeting***

A committee may adopt formal rules of order, such as Robert’s Rule of Parliamentary Procedure. Although most committee discussions may seem too casual to be called debate, it is advisable for the committee to observe a minimum of generally accepted procedures. Attentive guidance by the Chair and adherence to adopted procedures can increase efficiency as well as maintain objectivity.

The Chair should advise all participants to provide concise, non-repetitive statements. In some cases, establishing time limits may be advisable. All who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the committee to continue discussion until complete consensus is achieved. Other actions, such as calling for a vote, postponing until more information is available, or referring to a subcommittee may be required.

All votes must be taken publicly. The use of secret ballots is prohibited.



### ***Meeting Schedule***

Depending on a board or committee's workload, meetings may be held weekly, monthly, or bi-monthly. When possible, a regular meeting day, hour and location should be established.

It is strongly recommended that boards do not meet on weekends, election days, and holidays. Careful preparation before meetings (e.g., organizing agenda items, distributing information in advance, posting all information online, and anticipating possible questions, can expedite discussion, facilitate action, and avoid long and exhausting meetings) is the responsibility of the Chair.

### ***Public Meetings vs. Public Hearings***

All meetings of municipal boards, committees and commissions are public meetings – meaning that they are open to the public. The public is welcome to attend and observe; however, they do not have the right to participate unless they are invited to do so by the Chairman.

A public hearing is held for the purpose of obtaining information from which the board can reach a determination, usually regarding the issuance of a license or permit. Abutters to Zoning Hearings are notified by Certified Mail and may attend to observe and participate in the public testimony portion of the hearing.

### ***Public Hearings***

The Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Assessors 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 time frames 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.

### ***Public Hearing Guidelines***

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:

- . Chairperson states guidelines and procedures including time limits.
- . Where necessary, Chairman states background information.
- . Petitioner makes presentation.
- . Information presented by Town Officials and other boards or committees.

- . Board or committee members question petitioner.
- . Public directs questions and comments through the Chair.
- . The hearing may be continued to another session with a specific date, time and place announced at the hearing.
- . Once all facts, testimony, and opinions have been heard, the Chair closes the public hearing.
- . The board or committee begins deliberation in an Open Meeting session. Motions may be made, and votes may be taken at the board or committee's discretion. The board or committee ultimately votes a decision on the application. The decision usually has a set deadline. A decision usually entails a vote of approval, disapproval, or approval with conditions. Conditions and a rationale for the decision should be clearly spelled out and be based on information given at the hearing, state law, town reports and studies, and other town planning documents. Decisions may not be arbitrary and capricious or based on legally untenable grounds.

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.

### ***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 legal 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 rollcall 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 rollcall votes. Minutes must be taken during executive session; however, they will not be released until the matter discussed has been completed. Once the matter has concluded and the minutes have been approved, an electronic copy should be provided to the Town Clerk.

Executive session may be held only for the following purposes:

1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. (See MGL Ch. 30A, § 21 for individual rights.)
2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union 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.

For further explanation of each exemption please check the Attorney General's website at

<https://www.mass.gov/the-open-meeting-law>

## **Meeting Minutes**

### ***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.

Any person may record a meeting with a tape recorder or other means of audio reproduction and/or videotape equipment, provided he or she announces his intention to do so and there is no active interference with the conduct of the meeting.

#### *Minutes must include each of the following:*

- . The date, time and place;
- . A list of members present and absent;
- . A summary of the discussions on each subject;
- . A list of documents and/or exhibits used at the meeting;
- . The decisions made and the actions taken at each meeting, including a record of all votes; and
- . Copies of documents and/or exhibits, such as pictures or maps, used by the body at an open or executive session;

#### *Minutes should include:*

- . Names of additional participants (not including press or observers);
- . Name of person taking minutes;
- . Time the meeting convened and the time it was adjourned; and
- . Who moved and seconded motions.

*A sample outline of minutes is located at the end of this handbook.*

### ***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 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 upon request.

Boards and committees should strive for transparency, submitting minutes as soon as they have been approved. A copy of the signed, approved minutes must be sent to the Town Clerk's office.

## **5. CONDUCT OF PUBLIC OFFICIALS**

### ***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.state.ma.us/ethics](http://www.state.ma.us/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 Board and Committee Handbook 2023

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.

Each year, all municipal employees (which includes members of boards, committees, and commissions) must acknowledge receipt of the summary of the conflict-of-interest law prepared by the State Ethics Commission and, every two years, they must complete an online training program prepared by the Commission. The online training program is available at <https://massethicstraining.skillburst.com/> . The Town Clerk will receive an automatic notification that you have complied with these requirements.

### ***Standards of Conduct for Appointed Town Officials***

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 Mattapoisett. This policy applies to all members of town boards, committees, and commissions.

### ***Standards of Conduct***

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

- . Be well informed concerning the state and local duties of the board on which the members serve.
- . Always keep in mind that they represent the Town of Mattapoisett.
- . Accept their position as a means of unselfish public service, not to benefit personally, professionally, or financially from their position.
- . 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.
- . Treat all staff as professionals, in a manner that respects the abilities, experience and dignity of each individual.
- . Share information obtained on pending issues with other board members.
- . Conduct themselves in a manner that maintains public confidence in our local government.
- . 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.
- . 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.
- . 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.

- . 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:

- . Speak privately with the board member about his/her behavior in an effort to correct said behavior.
- . Ask the Chairman of the board to speak with the individual in an effort to correct said behavior.
- . Bring the matter to the attention of the appointing authority.
- . File a formal complaint in writing with the Town Administrator.
- . 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.
- . The Town Administrator shall have the authority at his/her discretion to seek the services of an independent mediation service when the situation warrants.

### ***Speaking for a Board or Committee***

An individual board member has a right to speak publicly as a private citizen but should not purport to represent the board or committee or exercise the authority of the board or committee except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens, it may be perceived that they speak for the board or committee. Such a perception should be avoided. An individual board member should not speak publicly as a private citizen before the board upon which they sit.

## **6. ADMINISTRATION**

### ***Public Records***

With a 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. Public records should never be kept in a home or on the private property of a board member.

### ***A Guide to the Massachusetts Public Records Law:***

<https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>



### ***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.)

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

No records should ever be destroyed before the Town Clerk has been consulted and appropriate approvals received. 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 2022. 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:

[https://www.sec.state.ma.us/divisions/public-records/download/Municipal\\_Retention\\_Schedule\\_20220901.pdf](https://www.sec.state.ma.us/divisions/public-records/download/Municipal_Retention_Schedule_20220901.pdf)

Important note: Email correspondence is also considered a public record.

### ***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.

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

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

## **7. USE OF TOWN FACILITIES, STAFF AND EQUIPMENT**

This policy establishes a procedure for scheduling meeting room space in the Town Hall. It also sets forth criteria for the use of the meeting rooms. It applies to all Town of Mattapoisett departments, boards, committees, and commissions, as well as any private (non-profit) use of the rooms, as may be allowed under this policy. Private parties are not permitted.

### ***Scheduling Rooms***

It is strongly recommended that boards meet in a town building. A meeting held in a private home or restaurant may give the appearance of being secret and discourage the public from attending. All open meetings of public bodies must be accessible to persons with disabilities. Meeting locations must be accessible by wheelchair, without the need for special assistance. There is a conference room in the Town Board and Committee Handbook 2023

Hall which is used primarily for public meetings of town boards and committees. Conference room use is scheduled through the Town Clerk's Office. If the room is unavailable, there may be other options available such as the meeting room at the fire station or the public library.

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).

### ***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. 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 ensuring 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.

### ***Staff Support***

Each board or committee is responsible for its own clerical work. Some boards and committees have a staff person who serves as an administrative assistant. In such cases, the staff person provides assistance, rather than the duties that are expected of members. For instance, the staff administrative assistant may record minutes of meetings, prepare, and circulate information for meetings and perform other administrative duties. Please be aware that most staff persons have limited hours and boards and committees should not ask for more than can reasonably be accomplished in those hours. Please be aware that the Town Administrator provides general management, direction and supervision to the staff members and their daily operations.

### ***Use of Equipment***

Town equipment and facilities may be used for official board or committee business. Most boards and committees have a mailbox in the Town Hall that should be checked on a weekly basis. Boards or committees should direct incoming written correspondence to: Town of Mattapoisett PO Box 435, Mattapoisett, MA 02739 unless your board has a dedicated post office box. We do not receive USPS mail delivery or pickup at 16 Main Street unless through UPS or Federal Express, etc. There is a copy machine located upstairs in the break room which is available to board and committee members for town business only. Please do not use the downstairs copier during regular business hours.

## **8. MEETING POSTING GUIDELINES**

Posting shall contain the following:

1. Board Name
2. Meeting date, time and location
3. Agenda

The posting must be received in the Town Clerk's Office at least 48 hours in advance of the meeting. NOTE: The 48 hours DOES NOT include Saturdays, Sundays, and Holidays. The office closes at 4:00 each weekday. Emailed agendas are welcomed because of the convenience they allow boards and committees. However, please be aware that a follow-up phone call should be made if a timely email acknowledgment is not received.

## **9. TEMPORARY CHANGES TO MEETING GUIDELINES DUE TO COVID 19**

Many of the temporary changes made to open meeting law during the pandemic have been extended. This information can be accessed at:

<https://www.mass.gov/service-details/updated-guidance-on-holding-meetings-pursuant-to-the-act-extending-certain-covid-19-measures>

## **10. FULLY VIRTUAL MEETINGS**

The Open Meeting Law regulations governing remote participation, 940 CMR 29.10, remain in effect, except where Section 20 specifically suspends certain requirements. In particular, when any—or all—public body members participate in a meeting remotely, the following requirements apply:

1. At the start of the meeting, the chair must announce the name of the member or members who are participating remotely; such information must also be recorded in the meeting minutes.
2. All votes must be taken by roll call.
3. Members of the public body must be clearly audible to each other and to members of the public at all times.
4. When holding an executive session remotely, the public body must still take all required procedural steps for entering into executive session in open session. At the beginning of the executive session, each public body member participating remotely must state that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

***Samples of a Meeting Notice, Agenda, Meeting Minutes and Executive Session on the following pages.***

TIME STAMP TO BE  
PROVIDED BY TOWN  
CLERK

TOWN CLERK  
TOWN OF MATTAPOISETT  
NOTICE OF PUBLIC MEETING

Board / Committee / Commission:

DATE:

TIME:

LOCATION:

ROOM:

POSTED BY:

TIME STAMP TO BE  
PROVIDED BY TOWN  
CLERK

TOWN CLERK  
TOWN OF MATTAPOISETT  
NOTICE OF PUBLIC MEETING

Board / Committee / Commission:

MEETING AGENDA

ACCEPTANCE OF MINUTES FROM PRIOR MEETING

APPROVAL OF ANY BILLS OR EXPENSES

LIST OF TOPICS TO BE DISCUSSED

(OPEN MEETING LAW REQUIRES A LIST OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE  
DISCUSSED AT THE MEETING)

Minutes of (name of committee)

Meeting Date:

Call to Order. The meeting was held in the Conference Room at Town Hall and was called to order at 7:05 p.m.

Committee Members in Attendance. List all members present, including the recording secretary.

Committee Members Absent. List all absent members.

Staff in Attendance.

Others Participating. (optional)

Others in Attendance. (optional)

Agenda.

Approve Minutes from previous meeting(s).

Action Taken by Vote. List all votes taken.

Discussion.

Adjournment.

***Executive Session.***

Please note special protocol required for Executive Session detailed in Open Meeting Law Chapter 30, Section 21.

Items/Documents: Copies of any documents handed out at meetings should be listed and attached to the final minutes.

# TOWN OF MATTAPOISETT



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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Board / Committee

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Email Address