

# Board & Committee Handbook

“Volunteerism is the voice of the people put into action. These actions shape and mold the present into a future of which we can all be proud.”  
- Helen Dyer



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## **Message from the Board of Selectmen**

Welcome!

Legions of volunteers have served in our Town's government over the past 200+ years. Their many contributions are reflected today in Seekonk's remarkable culture, heritage and character. Through voluntary service as an appointed member of a board, committee, commission or council, citizens like you gain the opportunity to directly help the Town meet its current challenges and also address its future needs and goals.

This handbook is offered as an informational aid to all members of Town boards, committees, and councils appointed by the Board of Selectmen, plus those appointed by the Moderator or Town Meeting. For purposes of brevity, the term "committee" is generally used herein as an umbrella term in place of boards, committees, commissions or councils.

The handbook provides a general description of procedures and summaries of important state statutes that govern the conduct of committees and their members, such as the Open Meeting Law and the Conflict-of-Interest Law (also known as the State Ethics Act). Official full-text versions of these and other governing by-laws may be accessed through links embedded in the Town of Seekonk website. The Town website also offers links to important documents such as the Town Charter, Town By-laws, plus the agendas and minutes of past committee meetings.

The Town Administrator, through the Board of Selectmen, may periodically schedule Information Meetings at which committee members may consult Town Counsel and ask questions pertaining to the Open Meeting Law, Conflict of Interest Law, Public Records Law, or other laws that may affect participation and procedure. Volunteers who serve on our committees are an essential part of running an effective and efficient local government. We hope it is also an informative and rewarding experience.

The Board of Selectmen are deeply grateful to all who are willing to serve as a volunteer member of the government of the Town of Seekonk!

**Approved by the Seekonk Board of Selectmen on 1/19/2022**

Justin Sullivan, Chair  
Christopher Zorra, Vice-Chair  
Adam Petronio, Clerk  
David J. Andrade  
Michael P. Healy

## **Overview of Town Government**

The Town of Seekonk was incorporated in 1812. Then, as now, all legislative powers of the Town are vested in Town Meeting, a deliberative body open to all voters registered in the Town. The presiding officer of Town Meeting is the Town Moderator, elected by a direct vote of the citizens. And for 200 years, executive authority has rested with an elected Board of Selectmen.

A five-member Board of Selectmen shall be elected from the town at large for three-year terms of office, so arranged that as an equal number of terms as possible shall expire each year. Any vacancy that occurs on the Board of Selectmen more than six months prior to the next annual election must be filled promptly by a special election. Members of the Board of Selectmen shall serve without compensation unless expressly authorized by a Town Meeting.

Under today's Seekonk Home Rule Charter, executive authority of the Town is vested in the five-member Board of Selectmen, which serves primarily as the chief policy making body of the Town.

The Charter authorizes the Board of Selectmen to appoint a Town Administrator and a Town Counsel. The appointed town counsel shall be a member in good standing of the Massachusetts Bar for at least ten (10) years.

To administer and implement its policies and aid the Board in its official duties, the Board of Selectmen appoints a Town Administrator who is responsible for day-to-day management of the Town, its departments and employees.

The Board of Selectmen also appoints citizen volunteers to serve as members of boards, commissions, councils or committees. All appointed committee members must follow the general policies set by the Board of Selectmen and implemented by the Town Administrator.

Broadly speaking, there are two categories of committees:

### **Statutory Boards and Committees**

State statutes outline the powers and duties of statutory committees. Town by-laws and the Board of Selectmen may further define the work of these committees.

Although the Board of Selectmen reserves the right to make exceptions, an individual who accepts appointment to one statutory board will not be appointed by the Board of Selectmen to any other statutory board. However, members of statutory boards may be appointed to concurrently serve on advisory and other committees at the discretion of the Board of Selectmen.

### **Advisory and Other Committees**

Advisory committees aid the Board of Selectmen in the performance of its duties to the public. All appointed committee members serve at the discretion of the Board of Selectmen. The Board of Selectmen prepares the charge, sets the number of members and the length of their terms, appoints applicants for membership, and receives the reports and recommendations of the committee.

Presented on the next page is a chart of Town committees and boards, identifying name, number of members, length of term and committee type.

## Boards and Committees of Seekonk

| Name                             | Members                             | Term    | Type      | MGL            |
|----------------------------------|-------------------------------------|---------|-----------|----------------|
| Board of Assessors               | 3                                   | 3 years | Statutory | Ch 41 § 24     |
| Board of Health                  | 5                                   | 3 years | Statutory | Ch 111 § 26    |
| Board of Registrars              | 3                                   | 3 years | Statutory | Ch 51 § 15     |
| Board of Selectmen               | 5                                   | 3 years | Statutory | Ch 41 § 1 & 21 |
| Building Committee(s)            | TBD by Town Meeting                 | UWC     | Ad hoc    |                |
| Capital Improvement Committee    | 7                                   | 3 years | Advisory  |                |
| Commission on Disability         | 5 to 13                             | 3 years | Statutory | Ch 40 § 8J     |
| Community Preservation Committee | 9                                   | 3 years | Statutory | Ch 44B § 5     |
| Conservation Commission          | 7                                   | 3 years | Statutory | Ch 131 § 40    |
| Cultural Council                 | 5                                   | 3 years | Statutory | Ch 10 § 58     |
| Economic Development Committee   | 5                                   | 3 years | Advisory  |                |
| Energy Committee                 | 5                                   | 3 years | Advisory  |                |
| Finance Committee (3)            | 7                                   | 3 years | Statutory | Ch 39 § 16     |
| Historical Commission            | 5                                   | 3 years | Statutory | Ch 40 § 8D     |
| Human Services Council           | 7                                   | 3 years | Advisory  |                |
| Library Board of Trustees        | 7                                   | 3 years | Statutory | Ch 78 § 10-13  |
| Parks and Recreation             | 5                                   | 3 years | Statutory | Ch 40 § 8E     |
| Planning Board                   | 5                                   | 3 years | Statutory | Ch 41 § 81A    |
| Recycling Committee              | 7                                   | 3 years | Advisory  |                |
| Taxation Aid Committee           | 3, Assessor & Treasurer / Collector | 3 years | Advisory  |                |
| Veterans Council                 | 7                                   | 3 years | Advisory  |                |
| Zoning Board of Appeals          | 5                                   | 3 years | Statutory | Ch 40A § 124   |

- (1) **UWC** indicates a committee has been established with appointed members who serve “Until Work Completed.”
- (2) The Charter Review Committee is appointed every five years by the Board of Selectmen to review and make recommendations to Town Meeting on revisions or amendments to the Town Charter.
- (3) The Finance Committee is appointed by the Town Moderator. Finance Committee members may not to serve concurrently on any other committee appointed by the Board of Selectmen.

## BECOMING A COMMITTEE MEMBER

### Qualifications for Appointment

All Seekonk residents registered to vote in Seekonk are qualified to apply for membership on any committee. Unless proscribed by state or federal law, persons who own and pay taxes on real property in Seekonk, but are legally domiciled elsewhere, are eligible for appointment to Town Advisory Committees, the Council on Aging or the Cultural Council at the discretion of the Board of Selectmen. They are ineligible for appointment to Town regulatory or statutory boards.

### Application — the Town Talent Bank

The appointment application process begins with entry of your name and contact information on the Town of Seekonk's Talent Bank form, maintained by the Executive Administrative Assistant to the Board of Selectmen. The Talent Bank form is accessible from the Board of Selectmen's page on the Town's Website at [www.seekonk-ma.gov](http://www.seekonk-ma.gov). The link is titled "Talent Bank Form". Printed Talent Banks forms may also be obtained, completed and returned to the Selectmen/Town Administrator's office at 100 Peck Street, Seekonk. When you submit your Talent Bank form, you are encouraged to also provide a letter of interest or resume that describes your education, occupation or other practical experience, plus name the committee to which you seek appointment. You may register in the Talent Bank at any time, even when no vacancy exists on your desired committee.

Should such a vacancy occur, you and all other Talent Bank applicants who declared a similar committee preference will be contacted and invited to schedule an interview with the Town Administrator or Town Moderator.

### Interview with the Town Administrator or Town Moderator

The Town Administrator or Town Moderator conducts interviews of all first-time applicants for boards and committees under their review as defined in the Town Charter. Interviews of all applicants are conducted in open public session with the Town Administrator or Town Moderator. Public notice of the interview must be officially posted at least two business days in advance.

### Appointment by the Board of Selectmen

You will be contacted by the Executive Administrative Assistant of the Board of Selectmen to schedule the most practical date and time for your appointment. Immediate notice should be sent if you cannot attend as scheduled; and every effort will be made to arrange a new time and date. Should you fail to appear at the appointed hour without notice, any rescheduling of the appointment is at the discretion of the Board of Selectmen. Applicants should be prepared to answer general questions for the Board as well as provide information about their experience and qualifications. The Board of Selectmen does not entertain comments from the public about an applicant during appointments.

All appointments require a majority vote of the Board of Selectmen convened in open public session. The nominating motion will specify the name of the proposed appointee and designate the dates on which the term of service will expire.

If for any reason an appointed member leaves a committee before completion of a term, the appointed replacement's term of service will expire on the same date previously assigned to the vacating member.

There are often more candidates than available open seats. If you are not appointed to the desired committee seat, you will be contacted by the Executive Administrative Assistant of the Board of Selectmen to determine if you desire to sustain your registration in the Talent Bank and submit to a future interview for a seat on the same committee should a vacancy occur during the year; consider a new interview for an appointment to a different committee; or choose to withdraw your name from the Talent Bank.

## **Term Length — Full Voting Members**

The term of appointment for full voting members to most committees in Seekonk is three years, commencing July 1 of a designated year and concluding June 30 of the third year following. The Board of Selectmen may form special or ad-hoc committees to fulfill short-term assignments or complete other responsibilities. Members appointed to temporary committees will serve until a date designated by Board of Selectmen or until work is completed.

## **Term Length — Alternate and Associate Members**

Alternate and Associate members are appointed for three-year terms. Serving as an alternate or associate member is an excellent way to become familiar with the work of a particular committee before taking on the responsibilities of a full voting member. Associate and Alternate members are allowed and encouraged to participate in committee deliberations but, as a general rule, have no power to vote. However, Alternates and Associates on certain committees may be called upon by the Chair to vote when certain circumstances arise:

- Associate members of the Zoning Board of Appeals may be called upon by the Chair to vote as a full member when a regular member is absent or requests recusal.

## **Reappointment**

There is no Charter provision or Board of Selectman policy that sets limits on the number of terms a member may serve on a committee.

Prior to the designated date of their term's expiration, incumbent members of a committee will receive notification from the Board of Selectmen. The notification requests appointed members to indicate if their desire is to conclude their service at term's end; seek appointment for an additional term on the same committee; or apply for an appointment to a different committee.

A committee member is under no obligation to accept reappointment, nor is the Board of Selectmen obligated to offer reappointment. Reappointment to an additional term on a committee is based on an evaluation of the citizen's contribution to the committee, the number of applicants seeking appointment, and the discretion of the Board of Selectmen.

All members of regulatory boards who desire reappointment to the same regulatory board are required to apply through the Town Talent Bank for a scheduled interview with the Town Administrator.

Incumbent members of committees who seek appointment to a different committee shall also apply through the Town Talent Bank for a scheduled interview with the Town Administrator.

Incumbent members of Town Advisory Committees who seek reappointment shall apply for reappointment through the Town Talent Bank; but the scheduling of an interview is at the discretion of the Town Administrator.

## **Resignation**

Any member who, for any reason, chooses to resign before a term is complete shall provide immediate written notice of the resignation to the Committee Chairperson, the Town Clerk and the Board of Selectmen, and cite the effective date of resignation.

## **Removal**

The Board of Selectmen may remove members of committees at their discretion provided that such removal is accomplished in accordance with statutes, the Seekonk Home Rule Charter, and Seekonk by-laws. Appointments to fill vacancies will cover the remaining term of the vacated position.

In rare circumstances such as continued, unexplained absences or conflict of interest, the appointing authority may ask for a member's resignation or, if necessary, revoke the appointment. Also, the appointment of a Committee member who fails

to attend three consecutive meetings without sufficient reason may be terminated. Written notification to the Committee member will be given in the event of such action. Generally, before such action is required, the appointing authority should contact the member to see if the problem can be justified and/or corrected.

## **ENROLLMENT AND ETHICS TRAINING**

### **Swearing-in and Compliance**

All new and reappointed members, associates and alternates must swear or affirm an oath of office administered by the Town Clerk before they may take a seat or vote in a public meeting of the committee to which they have been appointed.

Members may be sworn by the Town Clerk during normal Town Office business hours or another time amenable to the Town Clerk. Members will receive from the Town Clerk printed editions of this handbook, the Town Charter, The Open Meeting Law (M.G.L. Chapter 39, Section 23B) and A Summary of the Conflict-of-Interest Law for Municipal Employees (M.G.L.A. Chapter 268A, Sections 1, 2 and 17-23).

Each appointee is required to sign an Acknowledgement of Receipt of these materials as well as a separate Acknowledgement of Receipt of the Conflict-of-Interest Law. The Acknowledgement of Receipt of the Conflict-of-Interest Law is required annually.

*Within 30 days of receipt of swearing-in,* all enrolled members, associates and alternates are required by state law to complete a State Ethics Online Training course and return a Certification of Completion to the Town Clerk.

On-line links to all of the above documents and the State Ethics Online Training course are available on Town Clerk section of the Town of Seekonk website, located on the internet at: <https://www.seekonk-ma.gov/town-clerk>

All employees must provide the Town Clerk's Office with an acknowledgment of receipt for both: 1) Summary of Conflict-of-Interest Law; and 2) State Ethics Online Training.

The Town Clerk's Office is required to maintain the receipts, as a public record, for six years.

## **GENERAL PROCEDURES**

### **Convening, Structure and Management of Meetings**

Meetings of Town committees are subject to Massachusetts Open Meeting Law, which influences many of the following guidelines.

The Open Meeting Law applies to every meeting of a quorum of a governmental body if any public business over which the governmental body has jurisdiction is discussed or considered. A meeting must be held in public even if there will be no vote or decision reached. The Open Meeting Law does not apply to chance meetings or social gatherings; however, no chance or social meeting can be held to circumvent Open Meeting Law requirements.

A meeting occurs any time a quorum (usually a simple majority) of the members convenes and discusses any public business or policy over which they have some jurisdiction or advisory power. Depending on a committee's workload, meetings may be held weekly, bimonthly, monthly, or less frequently. A routine regular meeting day, hour, and location should be established whenever possible.

There may be occasions when two or more committees may desire to meet together to conduct business in joint session. This is permissible, but the same Open Meeting Laws governing all regular committee meetings still apply to committees meeting in joint session. Each committee must separately post advance notice of their own meeting date and agenda; each

committee must have their own quorum present; and the Chairperson of each committee may receive motions or call for votes only from the members of the committee he or she chairs.

Except in cases of emergency, committees should not meet on weekends, major religious or official government holidays. Committees should not meet while Town Meeting is in session, except as necessary to participate in the proceedings of Town Meeting.

### **Executive Session**

Executive Sessions are closed to the public, but the Board must first convene in an Open Session for which notice has been posted. A majority of the members must vote, by roll-call vote entered into the minutes, in favor of a motion to go into Executive Session. The motion must specify the reason including a statement that there would be a detrimental effect on the position of the governing body if the discussion were in open session and state whether or not the Open Session will reconvene following Executive Session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. Attendees do not discuss these matters with anyone. Accurate records/minutes of the executive session shall be maintained pursuant to Section 23 of the OML (Complaints and Remedies) and shall be released to the public only when the purpose of Executive Session no longer exists by vote of the governing body.

*All appointed board are urged to consult with Town Counsel if they have any questions as to the process and/or permissibility of entering into executive session.*

Executive sessions are permitted only for a very limited number of specified purposes. Unless they are involved in personnel matters or litigation, most appointed committees rarely, if ever, convene in Executive Session.

Notice of an intended Executive Session must be posted by the Chair or other designated member at least forty-eight (48) hours in advance, not including Saturdays, Sundays or legal holidays.

To convene in Executive Session, the committee must first convene in open session, at which the Chair or presiding officer must make a formal motion to enter into Executive Session and announce the general purpose of the Executive Session. The Chair or presiding officer must poll the members of the committee by name, and a majority vote in the affirmative is required to enter into Executive Session.

A more complete explanation of Executive Session procedures is included in the Appendix of this handbook.

### **Election of Officers**

In accordance with the Town of Seekonk's By-Laws, each Board shall reorganize annually. Each Elected Board shall reorganize during the Board's first meeting immediately following the election of its members. Each Appointed Board shall organize during its first meeting and thereafter reorganize during the first meeting following July 1 of each fiscal year.

At that meeting, the Board shall elect a Chairperson, Vice-chairperson and Clerk. Such appointments shall remain in effect until the next annual reorganization or until a vacancy occurs. Whenever a vacancy occurs the affected Board shall meet to elect all officers or to elect a substitute officer, which will remain in place until the next annual reorganization.

For newly-formed committees meeting for the first time to elect officers, the individual with senior rank (e.g. the first person appointed by the Board of Selectmen) shall serve as temporary Chair and preside over the nomination and election of officers. It is the responsibility of the newly-elected Chair to notify the Board of Selectmen and the Town Clerk of changes in membership and officers.

**Chairperson:** The Chairperson's primary responsibility is the fair facilitation of meetings. The Chair presides at all meetings, assists with setting the agenda, decides questions of order, calls special meetings, and signs official documents that require the Chairperson's signature. The Chair has the same and no more rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. Generally speaking, the Chair should allow other members to make and second motions and should be mindful in offering amendments to motions and in discussion since the Chair's primary role is to facilitate a full range of opinion from the Committee and, in a public hearing, from the public.

At the onset of meeting, the Chair must request notification from any person, other than members of the press, who intends to make a video or audio recording or transmission of the meeting. A member of the public may record the meeting as long as the Chair and the public are made aware of it. For meetings televised on Channel 15, the chair should announce that the meeting is being broadcast live, recorded for future re-broadcast, and will be made available on the TV9's channel 15 archives.

The duties of the Chair typically perform include:

- a. Preparing agendas
- b. Assuring needed material will be available to the Committee
- c. Assuring the lists of topics is posted in accordance with Open Meeting Law
- d. Establishing the calendar
- e. Reserving meeting space
- f. Notifying the appointing authority of important changes to the Committee
- g. Submitting the Annual Report
- h. Approving request for remote participation

**Vice Chair:** The Vice-Chair assumes all responsibilities of the Chair whenever the latter is absent from meetings, and performs other duties as necessary.

**Clerk:** The Clerk is responsible for taking and transcribing the Committee's minutes, recording any amendments, posting the approved minutes online and filing the approved minutes with the Town Clerk's office, and read aloud the official notice of a public hearing whenever the committee convenes for a public hearing.

In accordance with MGL c. 30A, § 22, Town boards and committees shall create and approve minutes of all open sessions in a timely manner. Upon approval, said minutes shall, within 10 days, be posted on the Town's website and filed with the Town Clerk; minutes of all open sessions, whether approved or in draft form, will be made available upon request by any person within 10 days.

## **Responsibilities of Officers**

### **Annual Town Report**

Every Appointed Board shall annually file a report of its activities, in a form suitable for printing in the Annual Town Report within fifteen (15) days after the close of the fiscal year. Chairpersons of appointed committees are annually scheduled to appear and present a progress report to the Board of Selectmen.

The Board's formal Annual Report is usually prepared by the Chair or a designee and should report on meetings and members, including changes and any major accomplishments for the year as well as any plans or goals for the year to come.

### **Agendas**

The Agenda is a specific list of items to be discussed at a meeting of the committee. Agendas are usually drawn up by the Chair, often with advice and assistance of the Town Staff Liaison or members of the committee, and posted at least forty-

eight hours before the onset of the scheduled meeting.

Once the meeting date and agenda have been posted, only those topics specifically listed on the agenda may be discussed when the committee convenes. The Chair should ensure that discussions, deliberations or any motions made are within the realm of the posted agenda item.

The Chair should rule as out-of-order any deliberations or discussion that appear to stray beyond the realm of the posted agenda item. If the matter appears of sufficient interest to the members of the committee, or the public, it may be placed on a future meeting agenda.

### **Motions, Discussion and Voting**

**Motions:** A motion is a proposal that the entire board take action or stand on an issue. A motion should express a decision in precise terms that, if approved, will be self-explanatory. Once recognized by the Chair, any member of a committee may make a motion for consideration and action. Motions should be made in the affirmative. To advance to Discussion of the motion, the motion must be seconded by another member of the committee. Discussion does not proceed if there is no second to the motion.

**Discussion:** During Discussion, the Chair will grant each member of the committee the privilege to comment, ask questions or otherwise deliberate on the motion. Members of the public may be invited to comment on a motion under discussion at the discretion of the Chair. The Chair may set standards and limits for comments received from the public. There is no town by-law or state statute that requires a Chair to entertain public comment, except as may be required for public hearings as discussed later on in this handbook.

The Chair should limit all participants to 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 body 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 are options to a final vote.

The Town of Seekonk has long been recognized for vigorous dissent, civil discussion, and mutual respect among individuals or diverse points of view. Committees discuss the merits of issues; personal comments are considered out of order. Visitors may be allowed to participate if recognized by the Chair; time constraints and agendas often require brevity (OML 20(f)). It may be advisable for the Chair to remind speakers of time and repetition limits. No one may speak at a Committee or Board meeting without permission of the Chair and should identify themselves and their address or residency before speaking. If a speaker refuses to be silent after a warning from the Chair, the Chair has the authority to order the speaker removed from the meeting by the Police. Nevertheless, all Board and Committee members represent and serve the Town. They should treat all visitors and other Board members with courtesy and consideration. It is strongly recommended to permit public participation in some form, such as a short period reserved for comment at each meeting or on a particular issue on the agenda. Public participation is expected during scheduled public hearings.

**Voting:** The member who made the motion may withdraw or revise the terms of the motion prior to the Chair's calling of a vote of the committee. The revised wording of the motion requires a second. Any future discussion or public comment of the revised motion is allowed at the discretion of the Chair.

The Chair will call for a vote once the Chair is satisfied that discussion and deliberations are concluded. No votes on motions made in open public session or Executive Session shall be made by secret ballot. All votes taken in Executive Sessions shall be recorded roll call votes and shall become a part of the record of said Executive Session minutes.

A voice vote of "Aye" or "Yes" will be counted in the affirmative. A voice vote of "Nay" or "No" will be counted in the negative. Members who choose to abstain from a vote will declare "Abstain."

A motion is passed or approved only when a simple majority of participating members vote in the affirmative. In the result a tied vote — an equal number of members voting Yes or No — the motion fails.

NOTE: Some statutes may require a supermajority or other quantum of vote for a decision to be adopted. For example, four (4) votes in favor of a motion would constitute a supermajority on the 5-member Planning Board or Zoning Board of Appeals. For a committee that meets with seven (7) members, such as the Conservation Commission, the favorable vote of five (5) members constitutes a supermajority if all seven members are present. Each committee should consult applicable statutes.

Following the vote, the Chair will announce the number of votes cast in the Affirmative and Negative, note any abstentions, and declare if the motion is approved or has failed.

### **Posting of Public Meetings**

It is the responsibility of the committee (the Chair or Clerk) to provide timely notice to the Town Clerk of the committee's scheduled public meetings. Meeting postings must be provided to the Town Clerk at least forty-eight (48) hours prior to a meeting, excluding Saturday, Sundays, and legal holidays.

The Town Clerk maintains a current listing of all posted meetings on the Town Website; however, the official posting location of all public meetings is at the front of Town Hall.

The forty-eight (48) hour requirement may be waived if unusual events or circumstances require an emergency meeting, but notice of an emergency meeting must still be posted as soon as reasonably possible prior to the meeting being held.

Posted meeting notices must contain the name of the committee, date, time, meeting location and an agenda which presents the anticipated topics of discussion. Posted notice of the cancellation of a scheduled public meeting should be made by the Chair or designated member as soon as it becomes evident a cancellation is appropriate.

A copy of the official Town of Seekonk Meeting Notice can be located on the Town Clerk's page under "downloadable forms".

### **Videography and Broadcast of Public Meetings Policy**

The Seekonk Board of Selectmen in conjunction with Seekonk TV9 are committed to providing the residents of Seekonk with more transparency and access to board and committee meetings via video recording and broadcasting of all board and committee meetings through TV9 and livestreaming on social media platforms when able.

#### **Meeting Prioritization**

Given the limited resources available for the video recording of the meetings, there must be some prioritization so that the task of recording and broadcasting the meeting is clear. There may be different priorities for Regular Meetings and Special Meetings. There may also be different priorities for Live Broadcast and/or Recorded Streaming Broadcasts.

**Priority 1.** Meetings for Annual Town Meeting, Quad Board Meeting, Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation, Board of Assessors, Board of Health, and Finance Committee will be considered ***high priority*** to be broadcasted live, recorded, or livestreamed.

**Priority 2.** Meetings that are ***desired*** to be broadcast live or be recorded for posting online, but only if TV9 has the equipment and personnel available, get priority 2. If TV9 has the availability to broadcast or record the meeting they should do so, but only if there is not a meeting with a higher priority occurring at the same time.

**Scheduling of Meetings:** If the Board of Selectmen requires or desires a meeting to be broadcast or if the Chair of the board or committee determines that said meeting is in the public interest to be broadcast live, or recorded then the scheduling request will be considered a ***high priority***.

| <u>Board/Committee Name</u>                    | <u>Priority Ranking</u> |                 |
|--|-------------------------|-----------------|
|  | <u>Live Recording</u>   | <u>Recorded</u> |
| Town Meeting                                   | 1                       | 1               |
| Quad Board Meeting                             | 1                       | 1               |
| Board of Selectmen                             | 1                       | 1               |
| Board of Assessors                             | 1                       | 1               |
| Board of Health                                | 1                       | 1               |
| Conservation Commission                        | 1                       | 1               |
| Finance Committee                              | 1                       | 1               |
| Planning Board                                 | 1                       | 1               |
| Zoning Board of Appeals                        | 1                       | 1               |
| Building Committees                            | 2                       | 2               |
| Capital Improvement Committee                  | 2                       | 2               |
| Community Preservation Committee               | 2                       | 2               |
| Cultural Council                               | 2                       | 2               |
| Economic Development Committee                 | 2                       | 2               |
| Elderly and/or Disabled Taxation Aid Committee | 2                       | 2               |
| Energy Committee                               | 2                       | 2               |
| Historical Commission                          | 2                       | 2               |
| Human Services Council                         | 2                       | 2               |
| Parks & Recreation Committee                   | 2                       | 2               |
| Recycling Committee                            | 2                       | 2               |
| Veterans' Council                              | 2                       | 2               |

### Meeting Schedule

The frequency of meetings depends on a governing body's workload. Most meetings are commonly held weekly, monthly, or bimonthly. The Chair calls each meeting. When possible, a regular meeting day, hour and location should be established. Except in cases of emergency, it is not encouraged that Town Committees meet if Town Hall is closed due to snow. It is strongly recommended that Committees do not meet on Annual Spring or Fall Town Meeting days, election days or other religious or cultural holiday or holidays.

While holding a meeting on a holiday or holidays is not prohibited, it is common practice for a Board to avoid holding meetings on these days, when possible.

The current list of official state holidays:

|                                 |                          |
|---------------------------------|--------------------------|
| New Year's Day                  | January 1 <sup>st</sup>  |
| Martin Luther King Jr. Birthday | Third Monday in January  |
| Washington Birthday             | Third Monday in February |
| Patriots Day                    | Third Monday in April    |
| Memorial Day                    | Last Monday in May       |

|                             |                             |
|-----------------------------|-----------------------------|
| Juneteenth Independence Day | June 19 <sup>th</sup>       |
| Independence Day            | July 4 <sup>th</sup>        |
| Labor Day                   | First Monday in September   |
| Columbus Day                | Second Monday in October    |
| Veteran's Day               | November 11 <sup>th</sup>   |
| Thanksgiving                | Fourth Thursday in November |
| Christmas Day               | December 25 <sup>th</sup>   |

### Meeting Locations

Other than meetings which may require on-site visits elsewhere, public meetings must be held in a place which are open to the public, in facilities that meet American Disability Act (ADA) requirements, and offer audio/video recording capability.

The Town offers suitable meeting rooms at the main Town Offices; the Council on Aging, and the High School Auditorium. A committee may reserve a room in a Town building by contacting the following:

Board of Selectmen Meeting Room: 508-336-2911

Planning Board Room: 508-336-2960

Senior Center Community Room: 508-336-8772

Library Meeting Room: 508-336-8230

### Quorum Requirement

A quorum is necessary for conducting official business. A quorum consists of greater than 50% of the full membership, except as otherwise specified by law. A quorum must be present at each public meeting, and a voted decision ordinarily requires the supporting vote of a simple majority of the members present and voting, unless otherwise legally required. Members who attend a meeting by Remote Participation may not be counted in the calculation of a quorum. (See Remote Participation section below.)

A meeting occurs at any time a quorum of the Board members come together to discuss or consider public business or policy over which the Board has jurisdiction or advisory power.

If a quorum cannot be achieved, the meeting must disband and no committee business shall be discussed by the members present. On regulatory boards that permit Alternate or Associate member voting, the Chair may designate an appointed Alternate member or Associate member to achieve a quorum and vote as a full member.

### Improper Quorum or Meeting

A “meeting” occurs any time a quorum of the members come together, intentionally or by chance, and then discuss or consider any public business or policy over which the committee has some jurisdiction or advisory power. Under the Open Meeting Law, this constitutes an improper quorum.

A quorum shall not meet in private for purposes of deciding or deliberating toward a decision on public business unless it does so in a valid Executive Session. Polling of committee members for a decision prior to an open public meeting violates the Open Meeting Law.

## **Public Hearings**

All meetings of municipal boards, committees and commissions are public meetings – meaning they are open and viewable 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 Chairperson.

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 or some other approval. Abutters are often required to be notified by certified mail and may attend to observe and participate in the public testimony portion of the hearing.

The Select Board, Planning Board, Zoning Board of Appeals, Conservation 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 use to 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, rendering and filing a decision and the purpose for filing an appeal. These requirements vary depend on the type of hearing. It is the responsibility of the Chairperson to assure that the requirements of the public hearing process are properly followed.

## **Email, Texting, Telephone or Other Communication Technologies**

A committee may only conduct administrative business, such as notifying members of a scheduled meeting and agenda, by email or phone. Substantive discussions or deliberations on public business involving a quorum of members that occur via email or telephone or other electronic technologies shall be deemed a violation of the Open Meeting Law.

There is no distinction in law between written and electronic records. The ease by which text or email messages are sent and forwarded may inadvertently facilitate the improper discussion of public policy issues. Boards and committee members should avoid replies to citizens that may become quorum discussions among the members that violate the Open Meeting Law.

Members are also advised that email or text messages written or received in the capacity of a board, committee or commission member are considered public records which must be made available for public inspection in the same manner as hardcopy documents. Use of one's own computer and personal email accounts for Town business does not exempt such communications.

All electronic mail sent and received at a Town-issued email address is a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail.

Additional guidance on complying with the Open Meeting can be found at: <https://www.mass.gov/doc/open-meeting-law-guide-and-educational-materials-0/download>

## **Remote Participation**

The Board of Selectmen approved an extended trial Remote Participation Policy which allows individual committees to decide if their members may participate in a scheduled public meeting by telephone hook-up, internet technology or other acceptable means, in accordance with the requirements of Massachusetts Open Meeting Law.

In brief, the Remote Participation option allows a committee member to participate and vote in a meeting even when they are unable to attend in person due to personal illness; personal disability; emergency; military service; or geographic distance.

Adoption of the Remote Participation option requires adherence to certain rules and procedures:

- A quorum of members is required to be physically present at the meeting location. Members who participate remotely may introduce and vote on motions, but are not calculated in the composition of a quorum.
- A member who wishes to participate remotely shall notify the chair as soon as possible prior to a meeting to allow the presiding officer to provide at least 24-hour notice to the TV9 Seekonk to set up the appropriate means of electronic communication at the meeting location.
- Any costs incurred by the member for remote participation shall be borne by the member.
- At the start of the meeting, the chair shall announce the name of any member who will participate remotely and the reason.
- All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

For all rules and procedures governing remote participation, please consult the full Remote Participation Policy statement provided in the Appendix of this handbook.

### **Conflicts of Interest and Recusal**

All members who participate in a public meeting or hearing must be impartial in their judgment and abide by the state's Conflict of Interest law. A conflict of interest may exist if a committee member can reasonably expect that his or her official conduct will directly result in a financial benefit to the member, the member's family, business associates, employers, or any businesses that the member represents in private life. The Conflict-of-Interest pamphlet provided to each enrolled member fully explains what constitutes a Conflict of Interest and remedies.

Recusal is the responsibility of the individual member and is not subject to request by members of the committee, or the public. When a committee member recognizes that a potential conflict of interest exists, the member should announce recusal from all participation in the matter, i.e. from discussing, questioning, commenting and voting. The recused member is advised to leave the meeting table during deliberations on the matter to avoid any appearance of exerting undue influence.

It is not necessary for a member to stay away from an entire meeting because he or she has a potential conflict of interest that may cause recusal on one agenda item. The member should plan to attend the meeting and participate in all other agenda items.

### **Speaking for a Committee**

An individual board member has a right to speak publicly as a private citizen, but should not purport to represent the Committee or exercise the authority of the Committee except when specifically authorized by a majority vote of the body to do so. If members identify themselves as members when speaking as a private citizen, it may be perceived that they are speaking for the Committee. Such a perception should be avoided. An individual board member should clearly identify his/her self and state publicly that they are speaking as a private citizen authorized to speak on behalf of his/her board for the record.

### **Complaint Procedure**

Open Meeting Law requires that complaints must first be filed with the committee that is alleged to have committed the violation, prior to filing a complaint with the Attorney General.

The complaint must be filed within 30 days of the alleged violation or within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body

and file a copy with the clerk of the city or town where the alleged violation occurred.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

### **Conduct at Town Meeting**

Effective Town government requires strong and informed citizen participation. An individual committee member has a right to speak publicly as a private citizen at Town Meeting but should not purport to represent the committee or exercise the authority of the committee unless specifically authorized by that body to do so.

When speaking at Town Meeting as a private citizen, members should refrain from identifying themselves as members of a committee because it may be perceived that they speak for the committee. Members of committees who speak at Town Meeting should clearly state they are expressing views they hold as private citizens.

### **Record Keeping**

Meetings of the Select Board, Planning Board, and Zoning Board of Appeals are electronically recorded by camera and audio and digitally archived for viewing on Channel 15, the Town's public information channel, which may be accessed through the TV9's website.

Nevertheless, each committee should strive for transparency, posting minutes as soon as they become available. State law requires that public bodies keep accurate records of its public meetings. These records are public information, and Chairs or their designees, must post a copy of all approved minutes in electronic format (through the Town's website) and in addition, a hard copy of approved minutes must be filed with the Town Clerk's office.

Each board and committee shall maintain accurate minutes of its meetings, which must include the following (OML Section 22):

- The date, time, and location of the meeting;
- The members present or absent;
- A summary of the discussion on each subject;
- The decisions made and the actions taken at each meeting including the record of all votes;
- Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be maintained as part of the official record of the session;
- A list of documents and other exhibits used at the meeting.

Minutes should include:

- Names of additional participants (not press or observers);
- Name of recorder;
- Time convened and time adjourned.
- 

Minutes do not need to include:

- Who moved and seconded motions, although this information on the individual votes does add to the transparency.

Each committee shall vote to approve the minutes of their previous meeting at their next scheduled meeting and it is the committee clerk that is responsible to issue the approved minutes to the Town Clerk and all other interested committees within 10 working days of the approval vote.

All Boards shall operate in accordance with the Open Meeting Law (MGL c. 30A §18-25 MGL c. 39, §23ac) and shall keep minutes of their proceedings. Each Board shall establish its own procedures for approval and submission of minutes on a timely basis. Boards are required to prepare, review and approve minutes as expeditiously as possible in order to maximize the public's access to information concerning Board activity. In most instances, the minutes should be reviewed and approved not later than the second meeting following the original meeting date.

All Boards through the committee clerk, immediately after approving minutes or releasing minutes of meetings held in executive session, shall submit a copy of approved minutes to the Town Clerk for filing and for placement on the Town's website. At that time all Appointed Boards shall also submit copies of such minutes to their respective Appointing Authority.

All rules and regulations adopted by an Appointed Board shall be filed with the Town Clerk.

### **Adoption of Rules and Regulations**

State law permits some statutory committees, such as the Board of Health, Conservation Commission, Planning Board, and Zoning Board of Appeals, to amend or adopt rules and regulations.

Public hearing procedures set forth in state law should be observed when considering and adopting such rules and regulations.

### **Public Hearings**

A public hearing differs from a regular public meeting in that all formal public hearings must be conducted in accordance with Massachusetts General Laws and Town By-laws.

Those serving on the Board of Selectmen, Planning Board, Zoning Board of Appeals, Historical Commission, Conservation Commission, or the Board of Health will be required periodically 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.

Written hearing notices, the initiation of the hearing and the conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the committee.

Notice of a public hearing should be advertised in a local newspaper and on the Town of Seekonk website at least two (2) weeks (14 days) prior to the scheduled hearing date, or as otherwise may be required by law. No such public hearing shall be held on any day on which a state or municipal election, caucus or primary election is held in town.

The Chair, Clerk or other designated person will read aloud the advertised notice of a public hearing. The Chair should clearly state guidelines and presentation time allowances at the outset of the hearing. Detailed minutes must be kept. All questions should be directed to the Chair who, in turn, may ask for a response from committee members, staff or a member of the public.

Several procedures are common to all public 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. Information not presented or explored in the public hearing should not be considered. No votes taken at a public hearing may be made by secret ballot.

## **Access and Use of Town Counsel**

Town Counsel is appointed by the Board of Selectmen to provide legal opinions and advice on Town matters. At the direction of the Board of Selectmen, access to Town Counsel is administratively managed by the Town Administrator. The Town Administrator periodically schedules Information Meetings at which committee members may consult Town Counsel and ask questions pertaining to the Open Meeting Law, Conflict of Interest Law or other changes of law that may affect committee or board procedure.

Should an appointed committee agree that the legal guidance or opinion of Town Counsel is needed on a matter under deliberation, a formal request should be directed to the Town Administrator by the Town Staff Liaison assigned to the committee or chairperson.

Requests commence with the filing of a “Request for Legal Services” form with the Town Administrator (See Appendix D). Both paper and digital submissions of this form are acceptable.

The request submitted to the Town Administrator shall include the subject matter of the legal advice requested and any written materials to provide background information for the request. With certain exceptions, questions presented to and advice received from Town Counsel are ordinarily protected by the Town’s attorney-client privilege. That information should be labeled as such and segregated in the committee’s files to avoid inadvertent disclosure and waiver of the privilege.

Requests for the initiation or defense of litigation require the approval of the Board of Selectmen or by the Chairperson of the Board of Selectmen in instances requiring expeditious action by the Town. In either case a written record of the approval will be maintained by the Town Administrator.

## **Board of Selectmen Liaison**

Each Selectman is assigned to serve as liaison to several town committees. Personal attendance at a committee’s meetings is at the discretion of the assigned Selectman Liaison.

The duties of the Selectmen Liaison are to maintain communication with the assigned committee; review its deliberations and/or minutes; be included in the committee information notices and meeting postings, and keep the Board of Selectmen advised and updated on the committee’s progress.

Other than advise on points of procedure, the Selectmen Liaison does not directly participate in or direct the deliberations of a committee; nor is the Selectman Liaison an ex officio member of the assigned committee.

Should the need arise, the Chair of a committee should contact the Selectman Liaison to arrange a joint session of the committee with the Board of Selectmen. The committee chair may also contact the Chairmen of Selectmen directly.

## **Town Staff Liaison**

The Town Administrator may appoint a staff member, often an appropriate department head, to serve as a Town Staff Liaison to a committee. The Staff Liaison serves as a facilitating resource to the committee, providing institutional knowledge, supporting documents and informed guidance on matters of concern to the committee. The Staff Liaison keeps the Town Administrator informed of the body’s work and any items of significance which may arise. The Town Staff Liaison does not direct the deliberations of the committee; nor is the Town Staff Liaison an ex officio member of the assigned committee.

Committee requests for the Town Administrator to appear at a scheduled public meeting should ordinarily flow through the Staff Liaison or the Board of Selectman Liaison.

## **Staff Support**

Some committees have a Town staff person who serves as an administrative assistant. In such cases, the town staff person may record minutes of meetings, prepare and circulate information for meetings and perform other administrative duties.

## **Use of Town Equipment and Facilities**

Each committee is responsible for its own clerical work. However, with advance notice, Town staff can provide assistance in assembly of documents, photocopying, mailings, and other services. Town equipment and facilities may be used for official committee business only.

## **Committee Expenses**

In general, an individual committee does not have an operating budget. If a committee anticipates a need to expend funds, it can request funds through the Town Administrator's office or seek appropriation from Town Meeting. Such a request is subject to a review and evaluation of need, availability of funds, and approval by the Board of Selectmen.

## **Public Records Law**

Massachusetts General Law, Chapter 66 Section 10 gives a right of public access to "public records," which are defined to include any document, regardless of physical form or characteristics, made or received by a public official or employee to serve a public purpose, unless subject to a statutory exemption.

Government records generated, received or maintained electronically, including electronic mail, constitute "public records" under this standard.

Retention and destruction of these records should follow the schedule specified by Massachusetts General Law. No public records should be deleted or destroyed without first consulting the Town Administrator.

## **Municipal Employee Definition and Liability**

Members of a Town committee (regular, alternate, and associate members) are considered municipal employees, even when they do not receive compensation.

State law generally allows a municipality to indemnify its officials and employees from personal financial loss, due to acts occurring in the course of, within the scope of and during the good faith execution of the municipal employee's employment duties. Town of Seekonk 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.

## **Civil Discourse**

The Board of Selectmen recognizes the importance of civil discourse at all levels of the government including those who volunteer their time and services on behalf of the Town.

Committees should conduct themselves so as to maintain public confidence in their local government and in the

performance of the public trust. They should strive at every meeting to treat every person fairly and with respect. In turn, it is expected that those members from our community attending Town committee meetings will display respect to the public, committee members and Town staff.

Professional respect does not preclude differences of opinion but requires respect for those differences and the people who express them. Everyone should strive for civil discourse on all matters.

## **Conclusion**

We all possess valuable skills, experiences and insights gained from our education, occupations, or from time devoted as active volunteers for community groups or non-profit organizations. Those assets can be of great benefit to Town of Seekonk, but municipal service also requires an understanding of additional responsibilities or limits, often defined by law.

This Town of Seekonk Committee Handbook provides only a summary description of the distinct responsibilities, code of conduct and unique obligations for citizens who volunteer and accept an appointment on a committee serving the Town of Seekonk.

Members are advised to read and understand all statutes governing their municipal service, including the Open Meeting Law, Conflict of Interest Law and the Seekonk Home Rule Charter.

The Board of Selectmen thanks you for your commitment and willingness to serve!

## APPENDIX A

### Board and Committee Mission Statements

**Board of Assessors:** The mission of the Board of Assessors and its staff is to value Real and Personal Property in accordance with the laws of the Commonwealth of Massachusetts, administer exemption, abatement, and excise programs and assist taxpayers, as well as other town departments, in a courteous, innovative and fiscally responsible manner.

**Board of Health:** The Mission of the Seekonk Board of Health is to foster a healthy community by working to protect the community from environmental hazards, to prevent the spread of disease, to assure safe water, a safe and healthy food supply, clean air, and acceptable housing. The Board of Health strives to promote and educate healthy behaviors and to develop and implement reasonable regulatory guidance to assure these goals.

**Building Committees:** Building Committees oversee all projects for design, construction, reconstruction, renovation, alteration, or enlargement of any building owned by the Town, or undertaken on land owned or leased by the Town. The Building Committee provides recommendation for architectural services, construction bids, and administer such contracts in accordance with applicable law.

**Library Board of Trustees:** The Board of Library Trustees is an elected body that has the responsibility under Seekonk Town Charter, the Town Bylaws, and Massachusetts General Laws to administer the Seekonk Public Library and all properties assigned to it by the voters of the Town of Seekonk. The Board operates according to its bylaws and other policies it establishes. The Library Trustees also serve as the trustees of the Smart Memorial Trust, which was established by Town Bylaw.

**Board of Selectmen:** The Mission of the Select Board is to protect, maintain, and enhance our dynamic community, historical heritage, and environment by providing thoughtful leadership and fostering citizen engagement. The Seekonk Board of Selectmen seek to provide a wide range of high-quality services to the citizens of Seekonk while at the same time support a strong economic base for the Town. It is the goal of the Board of Selectmen to provide services as economically as possible so that living or doing business in the community remains affordable, while preserving something close to the current balance of reliance on residential and commercial property.

**Capital Improvement Committee:** The mission of the Capital Improvement Planning Committee is to provide the Town of Seekonk with recommendations which will enable the Town to make planned and consistent decisions for the capital projects and improvements of its capital needs now and into the future. This framework will permit the recommendation and scheduling of funding sources to keep the tax rate stable, balance debt service and operating expenditures, determine available debt capacity and acceptable debt service levels and maximize intergovernmental aid for capital expenditures.

**Commission on Disability:** The mission of the Commission on Disabilities in Seekonk is to collaborate with community leaders, residents, businesses, and organizations to promote awareness related to all types of disabilities, including cognitive, developmental and physical impairments. Through education and advocacy, the Commission provides resources to citizens who wish to access services and support groups.

**Community Preservation Committee:** The Community Preservation Committee (CPC) will strive to be a catalyst toward future projects in the areas of open space, new recreational spaces, community housing, and historic preservation via CPA funding; will utilize community goals set forth in documents such as the Master Plan and the Open Space & Recreation Plan which have received wide scrutiny and public input; will attempt to meet multiple community preservation goals; and will communicate its mission and goals to the general public.

**Conservation Commission:** The Mission of the Conservation Commission is to implement the mandates of the Wetland Protection Act (MGL CH 131 s 40) and the Rivers Protection Act (MGL CH 131 s 44B) in such a way as to protect the natural resources of the Town of Seekonk and guide residents through the process of compliance in a simple and constructive way.

**Cultural Council:** The Seekonk Cultural Council's primary purpose is to ensure that Seekonk's share of funds from the Massachusetts Cultural Council is administered fairly and equitably in the best interests of the Seekonk Community. It is also the Council's mission to seek out and encourage enterprising and innovative activities in the arts that can benefit and add to the quality of life in Seekonk. These activities should expose a wide range of audiences to fresh, stimulating and culturally enriching experiences. The goal of the Cultural Council is to raise awareness and encourage individuals, groups and organizations to apply for support toward presenting programs that will benefit Seekonk and its citizens.

**Economic Development Committee:** To sustain economic development efforts from the Town and serve as a liaison to the Chamber of Commerce. Reports bi-annually to the BOS. Help attract, retain and expand local businesses to increase and diversify the Town's commercial tax base consistent with community character. Promote appropriate and responsible development and redevelopment of commercial and industrial properties. Identify changing economic trends and develop recommendations to maximize interest in our community.

**Elderly and Disabled Taxation Aid Committee:** The Committee administers the Taxation Aid Fund to assist elderly and disabled town members to defray the costs of their property taxes. The funds consist totally of donations. They are distributed in accordance with the established and adopted guidelines. The Committee consists of the Town Treasurer, the Assessor, and three residents appointed by the Board of Selectmen.

**Energy Committee:** The Energy Committee is charged by the Select Board with advising and assisting the Town of Seekonk in the implementation of energy efficiency and renewable energy related cost-saving measures for municipal buildings, facilities, and infrastructure.

**Finance Committee:** The Seekonk Finance Committee shall provide advice and assistance to the Select Board and other town officials on financial matters by efficiently identifying, analyzing and making recommendations on financial matters that have a material impact on the well-being of the Town of Seekonk.

**Historical Commission:** The mission of the Town of Seekonk Historical Commission is the preservation and protection of the tangible evidence of the architectural, aesthetic, cultural, economic, political and social history of Seekonk.

**Human Services Council:** We are committed to the delivery of high quality, accessible, community-based services that meet the needs of clients and consumers. We seek to serve the public and human service providers by identifying opportunities and taking action in those areas where provider self-interest and public interest are supportive of one another. We are committed to promoting integrity, credibility and responsibility in the human services industry. We value results and success. We are dedicated to the development and maintenance of a diverse membership, representative of human service providers.

**Parks and Recreation:** The Mission of the Parks and Recreation Commission is to provide inspiration and recreation opportunities for the Town of Seekonk residents through creation and maintenance of high-quality programs, facilities, and community special events. By dedication and developing diverse services and programs that promote citizen involvement and strong sense of community. Parks and Recreation will strive to increase the social, cultural, and physical wellbeing of its residents and generations to come.

**Planning Board:** The Planning Board offers extensive information about the Town of Seekonk of interest to residents, as well as people and businesses wishing to locate in the Town. The Planning Department is responsible for review and approval of all subdivisions of land and approval of site plans for commercial development. Additionally, the department sends reports and recommendations on Board of Appeals petitions, Conservation Commission applications, zoning changes and street acceptances/discontinuances. As part of interdepartmental cooperation, the Planning Department provides technical assistance and written recommendations to many Town departments and boards. Additionally, the Planning Board is charged with planning the future of the Town, through zoning and comprehensive plans.

**Recycling Committee:** The Mission of the Recycling Committee is to increase participation in the current recycling program,

increase public awareness of recycling related issues, and to encourage the use of products with recycling content.

**Veterans' Council:** The Veterans Council addresses current issues related to veterans' memorials, the review, and development of policies pertaining to Seekonk veterans along with future projects and plans to promote Seekonk and their veterans. The council's purpose is to assist and advise the Veterans Service officer and to provide feedback from community veterans directly to the Board of Selectmen.

**Zoning Board of Appeals:** The Mission of the Zoning Board of Appeals is to hear and decide appeals in accordance with the law, to hear and decide applications for special permits upon which the Board is empowered to act under, and to hear and decide petitions for variances.

## **Code of Conduct**

### ***PURPOSE***

The intent of this policy is to establish clear guidelines to serve as the standard for achieving and maintaining a high level of public confidence, trust and professional respect with regard to how the Town and its officials conduct business. This policy is intended to define and create a centralized policy with regard to standards of conduct.

The Board of Selectmen recognizes the importance of professional standards at all levels of the government, including those who volunteer their time and services on behalf of the Town. The Board encourages other boards and committees of the Town who are not appointed by the Selectmen to adopt this standard by reference, thereby creating a Unified Code of Conduct for Town officials as a standard for expectations of public officials.

### ***APPLICABILITY***

This policy and all its sections shall apply to the Board of Selectmen, board members, presiding officers, public officials, commissions, committees, and other representatives appointed by the Town, more particularly defined below:

- The term “the Board” and “the Selectmen” shall apply to the Board of Selectmen;
- The term “member” shall apply to those appointed by the Board of Selectmen or the Town Administrator;
- The term “official” shall apply to a Board of Selectman member or a member appointed by the Board of Selectmen or Town Administrator;
- The term “appointing authority” shall apply to the Board of Selectmen;
- All commission members, committee members, board members, representatives appointed by the Board and other officials mentioned in this guideline are subject to this policy.

### ***CODE OF CONDUCT***

These obligations and commitments shall be assumed by all members of the Board and other officials defined in the Applicability section:

#### **A. Responsibility to the Community**

- Be well informed concerning the local and state duties of a board/committee member;
- Remember that you represent the Town of Seekonk at all times;
- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position;
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
- Demonstrate respect for the public that you serve;
- Safeguard confidential information; Seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest and/or unlawful;
- Conduct yourself so as to maintain public confidence in our local government;
- Conduct official business in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties;
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law;
- Comply as fully as possible with all Town policies, including, without limitation, the following:
  - Anti-Harassment and Discrimination Policy
  - Anti-Fraud Policy
  - Information Technology Resources Use Policy;
  - Social Media Policy;
- Comply as fully as possible with all applicable laws, including, without limitation, the following:

- The Open Meeting Law;
- Procurement Laws;
- The Conflict-of-Interest Statute (G.L. c.268A).

## **B. Responsibility to Fellow Board/Commission/Committee Members**

- Treat all members of the board/commission/committee with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/commission/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/commission/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

## **C. Conduct in Relation to the Town Administrator**

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging his or her disposition and/or solutions.
- Refrain from giving orders or directions to the Town Administrator for action as an individual Board member.
- Refrain from giving instructions to or requesting assistance from Town Department Heads, but rather channel all such activities through the full board/commission/committee and the Town Administrator.
- Refrain from providing information to the Town Administrator that you would not be willing to share with other Board members.

## **D. Conduct in Relation to Town Staff**

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Direct questions of Town staff and/or requests for additional background information through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- Ensure that all requests for staff support go through the Town Administrator's office.

## ***DISTRIBUTION AND EDUCATION***

- The Town Clerk shall provide a copy of this policy to all members as defined in the Applicability section upon its issuance and upon the subsequent appointment or re-appointment of any member.
- The Town Clerk shall also maintain and distribute educational materials from the State Ethics Commission to members.
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict-of-Interest Law and ensure compliance with said Law.
- The Town Clerk shall educate the Board, members and officials on the Conflict-of-Interest Law and ensure compliance with annual state mandated on-line training.
- The Town Clerk shall have each member sign a statement that they have read this policy and will comply with all requirements set forth in this policy; this form shall be available for public view. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

## ***ENFORCEMENT***

This Code of conduct is intended to be self-enforcing, with members of committees being familiar with its provisions. Committee members themselves have primary responsibility to assure standards are met.

## ***ACKNOWLEDGEMENT***

Town Employees and Board Members must sign a written acknowledgement that they have received, read, understand, and agree to comply with the Town of Seekonk's Code of Conduct Policy.

**Approved and Adopted by the Board of Selectmen on June 24, 2020**

## **CODE OF CONDUCT POLICY ACKNOWLEDGMENT OF RECEIPT FORM**

By signing below, I acknowledge that I have received, read, and understand the Town of Seekonk's Code of Conduct Policy

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Board/Committee/Commission Member (Signature)

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Date Signed

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Board/Committee/Commission Member (*Print*)

## **Executive Session**

State law defines the following as acceptable and lawful reasons for a committee to convene in Executive Session:

- To discuss the reputation, character, physical condition or mental health - rather than professional competence - of an individual. (See Rights of Individuals).
- To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual. (See Rights of Individuals).
- To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel.
- To discuss the deployment of security personnel or devices, e.g., a sting operation.
- To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.
- To comply with the provisions of any general or special law or federal grant-in-aid requirements (generally privacy).
- To hold an initial screening, (including interviews if they are part of the initial screening process) by a preliminary screening committee or a subcommittee appointed by the governmental body of candidates for employment if an open meeting would have a detrimental effect in obtaining qualified candidates.
- To meet with a mediator regarding any litigation or decision.

### Procedures for Convening Executive Session

- The Session must be convened in open meeting and notice given.
- Chairperson announces the purpose of the Executive Session.
- Majority must vote in recorded roll call for Executive Session.
- Chairperson announces whether the meeting will reconvene in open.
- Votes taken in Executive Session must be recorded roll call votes.

## **Remote Participation Procedure**

It shall be the policy of the Board of Selectmen to allow remote participation in accordance with the requirements of Massachusetts Open Meeting Law 940 CMR 29.00, section 29.10, for all subsequent meetings of all Boards, Committees and Commissions in the Town of Seekonk, from July 1, 2015 through June 30, 2016, the so called “extended trial period”.

### **Minimum Requirements for Remote Participation**

- A. Members of each Board, Committee, and Commission shall vote on the adoption of the Remote Participation Policy for their Board/Committee/Commission.
- B. Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d); Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

### **Permissible Reasons for Remote Participation**

- Personal illness;
- Personal disability;
- Emergency;
- Military Service; or
- Geographic distance.

### **Technology**

- A. Remote participation media will be by telephone or internet enabled audio/video conferencing.
- B. When video technology is in use, the remote participant shall be clearly visible and audible to all persons present in the meeting location.
- C. The public body will determine the media used by its members.
- D. The person chairing the meeting may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

### **Procedures for Remote Participation**

- A. Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request. The chair /acting chair shall notify the Information Technology Director for remote participation room set- up at least 24 hours prior to the scheduled meeting.
- B. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.
- C. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
- D. Costs such as phone or internet charges to the member for remote participation shall be borne by the remotely participating member.
- E. A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, § 22.

The Board of Selectmen may revoke Remote Participation in the same manner as it was adopted.

## **Town Counsel Policy**

### **Purpose:**

- A. To ensure that access to Town Counsel is controlled in order to maintain a record of legal opinions and advice.
- B. To ensure that budgetary limitations are maintained.

### **Policy:**

- A. Access to Town Counsel shall be administratively managed by the Town Administrator.
- B. All efforts shall be made to identify answers to routine legal questions independently through examination of MA General Laws, local bylaws, regulations and/or by contacting a State agency or counterpart in another community.
- C. Members of the Board of Selectmen and the Town Administrator are authorized to contact Town Counsel with requests for opinions and advice on any/all matters related to their administrative powers and duties as granted by the Town of Seekonk Home Rule Charter, as amended. For tracking purposes, all requests for opinion and/or use of Town Counsel services by members of the Board of Selectmen and Town Administrator shall follow the same process as all appointed Town Boards, Committees, Commissions, and employees.
- D. All requests for opinion and/or use of Town Counsel services shall be made using the form attached. Both paper and digital submissions of this form are acceptable.
- E. Requests for opinion and/or use of Town Counsel services by any appointed Town Board, Committee, or Commission shall be directed to the Town Manager by the Board, Committee, or Commission's Staff Liaison for approval. Any requests for opinion and/or use of Town Counsel services by any appointed Town Board, Committee, or Commission shall be by majority vote of the Board, Committee, or Commission members.  
Requests will be forwarded in writing, using the form provided, with as full an explanation of the issue as possible.
- F. Requests for opinion and/or use of Town Counsel services by any Town employee will be directed to the Town Manager by the employee's Department Head for approval. Requests will be forwarded in writing, using the form provided, with as full an explanation of the issue as possible.
- G. The Town Manager shall review all requests for access made by employees, appointed Town Boards, Committees, or Commissions.

If approved by the Town Manager, the request for opinion will be forward to Town Counsel. Town Counsel's written opinion will be returned to the Town Manager who will make a record of such opinion before forwarding to the employee, appointed Town Board, Committee, or Commission through the appropriate Department Head or Staff Liaison. The Town Manager may, at his/her discretion, arrange further limited and defined access to Town Counsel by the employee, appointed Town Board, Committee, or Commission on the issue, if warranted.

If denied by the Town Manager, the request will be returned to the employee, appointed Town Board, Committee, or Commission with a written explanation of the denial.

- H. Requests for the initiation or defense of litigation require the approval of the Board of Selectmen or by the Chairman of the Board of Selectmen in instances requiring expeditious action by the Town. In either case a written record of the approval will be maintained by the Town Manager.

This policy does not in any way prevent employees from access to Town Counsel for purposes covered under MGL Ch. 268A, Section 22:

*Any municipal employee shall be entitled to the opinion of the corporation counsel, city solicitor or town counsel upon any question arising under this chapter (Conduct of Public Officials) relating to the duties, responsibilities and interests of such employee. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the chief officer of the municipal agency in which he is employed, who shall in turn request in confidence such opinion of the corporation counsel, city solicitor or town counsel on behalf of such subordinate municipal employee, and all constitutional officers and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The town counsel or city solicitor shall file such opinion in writing with the city or town clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the town counsel or city solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this chapter.*

## Town Counsel Request Access Form

### Request to Town Administrator for Legal Services Town of Seekonk

Name of Applicant \_\_\_\_\_ Title \_\_\_\_\_

Committee or Department \_\_\_\_\_

Have you tried to identify the answer to your question independently through examination of MA General Law, bylaws, regulations or by contacting a State agency or your counterpart in another community?

Yes       No

#### Description of Request

*(Please include such information as "Request for Legal Opinion" or "Relates to pending litigation". Is this request from a Committee, or is it an individual Committee member's concern? Is the request of high or low priority, and why?*

*Please attach all relevant documentation.)*

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#### Time Frame

By what date is a response needed? Date: \_\_\_\_\_  
*Please explain.*

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#### (For Use By Town Administrator's Office)

The above request for legal services was:

( ) Forwarded to Town Counsel on (Date) \_\_\_\_\_  
( ) Returned to Applicant on (Date) \_\_\_\_\_

Reason: \_\_\_\_\_

## **Building Committee(s) Responsibilities**

### **Purpose**

Once a project is identified, Town meeting votes on whether the Board of Selectmen or School Committee will have authority to manage the project. Building Committees are used by many municipalities to oversee design and construction.

### **Tasks**

- Committee Meetings - should occur at least monthly or more frequently as the project progresses.
- Review and understand the building project budget.
- Work with the Town Administrator to solicit for Owner's Project Manager (OPM) services – only for projects estimated to cost \$1.5m or higher.
- Present recommended contract award to Board of Selectmen or School Committee.
- Work with the Town Administrator to solicit for Architectural Services – OPM must be part of the solicitation process
- Present recommended contract award to Board of Selectmen or School Committee.
- Work with the Town Administrator and Architects on the five phases of the construction project – Schematic Design, Design Development, Construction Documents, Bidding, and Construction Management.
- Work with the Town Administrator and Architects to bid for filed sub-bids and general contractors.
- Present recommended contract award to Board of Selectmen or School Committee.
- Review and approve all change orders and invoices for payments.
- Provide updates to Board of Selectmen or School Committee at public meetings during the program, schematic design and design development phases.

### **Responsibilities and Duties**

The purpose of the committee is to provide support to the Owners Project Manager and Architect and perform community outreach activities to ensure that resident voices are heard through the project's lifetime. The committee will submit recommendations to the Board of Selectmen.

Examples of Duties:

- Construction management
- Developing planning reports
- Oversight of design plans and specifications

### **Research**

Committee members will research issues raised by the Owner's Project Manager and Architect or residents and advise when questions or decisions must be answered/made with respect to design, value engineering, scope of work, and cost estimating of the project. The Committee will research funding options for the project and also be responsible for reviewing and recommending for approval all expenditures related to the project. The Committee shall advise the Board of Selectmen on possible recommended paths forward.

### **Resident Inclusion**

Lastly, and most importantly, the Committee will be responsible for resident inclusion throughout the project, including but not limited to, actively engaging and informing residents through all appropriate media channels, by holding information sessions and resident forums and encouraging direct participation at Building Committee meetings. The Building Committee should expect to confer with different interest groups such as Historical Commission, Conservation

Commission, and/or any other group that can provide valuable feedback to the progression of the project. Examples of items under consideration:

- Historical implications
- Proximity to wetlands and other protected areas
- Surrounding neighborhood and abutters
- Playing fields and other recreation areas

## **Reporting**

- The Committee will report progress to the Board of Selectmen on a quarterly basis and during the program, schematic design and design development phases of the project, which shall include a financial summary of funds spent against the project appropriation. This information should also be posted on the Town's website through the Town Clerk's office or Committee's liaison.

## **General Information**

- An Owners Project Manager (OPM) must be assigned to all building projects over \$1.5M.
- All OPMs must meet qualification standards established under MGL c. 149, §44A ½
- The building committee is governed by the Open Meeting Law (OML) and Public Records Law (PRL) as an instrumentality of authority that appoints them and to whom they report.
- Energy, Commission on Disability, and other standing committees also have a voice to be heard on building projects.

## **Stages of Public Construction**

1. Planning
  - a. Confirms and quantifies the need
  - b. Identifies and evaluates alternative solutions to the need
  - c. Conceptual drawings illustrating scale and relationships among components
  - d. Develops and recommends a solution, considering cost and other relevant criteria
2. Design
  - a. Schematic Design (10% - 30%) Floor plans, elevations, systems, materials
  - b. Design development (50% - 80%) Increased detail, regulatory requirements, structural, MEP, architectural
  - c. Construction documents (100%) Drawings and specifications for contracting
3. Construction
  - a. Bidding process administration
  - b. Construction contract administration

## **Acknowledgment of Receipt of Board and Committee Handbook**

Please sign and return this page to the Town Administrator/Board of Selectmen office.

I hereby acknowledge that I have received a copy of the Town of Seekonk's Board and Committee Official Handbook, and agree to familiarize myself with the contents thereof.

I have received a copy of the Mass. General Laws, Chapter 268a, § 23, Standards of Conduct.

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Signature

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Name of Board/Committee

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Print Name

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Date

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Email Address