



OFFICE OF THE BOARD OF SELECTMEN

Veronica Kell, *Chairman*
Wayne Miller, *Vice Chairman*
Joseph Shank, *Clerk*

James M. Kreidler, Jr.
Town Administrator

SELECTMEN'S MEETING MINUTES FOR MARCH 30, 2021, AT 6:00 P.M.

Governor Baker declared a State of Emergency to respond to COVID-19 on March 10, 2020 and ordered a suspension of certain provisions of the Open Meeting Law M.G.L. c. 30A, s 20.

The Board of Selectmen closed the town offices, including boards and committee meetings consistent with the Governor's order, to public access to promote social distancing and reduce the spread of COVID-19.

Join Zoom Meeting

<https://us02web.zoom.us/j/83696577441?pwd=OXRXczd6SHBxTXJJYnVPUEFZeFYrdz09>

Meeting ID: 836 9657 7441

Passcode: 014448

I. PRELIMINARIES – VOTES MAY BE TAKEN:

1.1 VK called the meeting to order at 6:00P.M.

Roll call vote showed 3 members present:

Chairman, Veronica Kell (VK)

Vice-Chairman, Wayne Miller (WM)

Clerk, Joseph Shank (JS)

1.2 Pledge of Allegiance

1.3 VK announced the meeting is being tape recorded.

1.4 Chairman's Additions or Deletions. (none)

VK: agenda items to be added:

liaison reports & announcements and meeting calendar.

1.5 Public Comment Period:

Joan Savoy: Inquired where employment opportunities are advertised.

II. WORK SESSION – VOTES MAY BE TAKEN:

2.1 Nashoba Regional Technical High School Appointment

Mr. Barrett called the meeting to order for the Nashoba Valley Technical School Committee:

Roll call:

Susan Robbins, NM School Committee
Rob Templeton, NM School Committee
Veronica Kell, Board of Selectmen
Wayne Miller, Board of Selectmen
Joseph Shank, Board of Selectmen
John Barrett, Moderator

VK: I move that we appoint Karen Chapman to a 3-year position on the Nashoba Regional Technical High School Committee beginning April 1, 2021. Roll call: Robbins (YES), Templeton (YES), Kell (YES), Miller (YES), Shank (YES), Barrett (YES).

VK: I move that we appoint Sheldon Chapman to the Nashoba Regional Technical School Committee for a term beginning April 1, 2021 to 2023. VK amended the appointment date from April 1, 2020 to March 31, 2023. JS seconded. Roll call: Robbins (YES), Templeton (YES), Kell (YES), Miller (YES), Shank (YES), Barrett (YES).

Karen Chapman clarified it is Nashoba Valley Technical High School.

Susan Robbins moved to adjourn. Rob Templeton seconded. Roll call: Robbins (YES), Templeton (YES), Kell (YES), Miller (YES), Shank (YES), Barrett (YES).

2.2 Consider/Appoint Catherine Thrasher to the Board of Registrars

JS: I make a motion we appoint Catherine Trasher to the Board of Registrars for a 3-year term starting April 1st, 2021. WM seconded. Unanimous vote.

2.3 Setting Goals for the Town Administrator.

The Board reviewed the performance evaluation criteria for the Town Administrator's goals (see attached).

2.4 Updates to the Selectmen's Operating Policies & Procedures.

The Board reviewed the operating policies (see attached).

JS: I make a motion that we approve the town of Townsend Operating Policies & Procedures as amended. WM seconded. WM asked if it has to be voted on again in accordance with the policy. Unanimous vote.

2.5 ~~Review/Discuss the Personnel Policies & Procedures.~~

To be addressed at a future meeting.

2.6 Minutes- ~~12/15/2020~~, 1/19/2021, 1/26/2021, 1/28/2021

WM moved to approve the minutes of January 19, 2021 as amended verbally at the Selectmen's meeting. VK seconded. VK (Yes) WM (Yes)

JS: I make a motion that we accept the minutes of January 26, 2021 as amended. WM seconded. Unanimous vote.

JS: I make a motion that we accept the meetings of January 28, 2021 as revised. WM seconded. Unanimous vote.

VK tabled the December 15, 2020 minutes.

Addition: Liaison Reports:

VK:

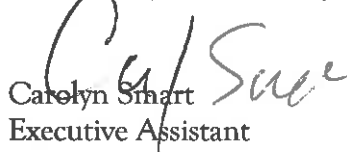
- The Wild & Scenic River grant was submitted.
- Attended Conservation Commission meeting and concerned with interpretation of regulations. VK to have Town Counsel write an opinion regarding the 35ft buffer regulation.

JS: I make a motion we allow VK to deal with Town Counsel regarding the upcoming concerns of a decision of a 35ft wetland problem. WM seconded. Unanimous vote.

III. ADJOURNMENT:

JS: I make a motion that we adjourn. WM seconded. Unanimous vote.

Respectfully submitted by,


Carolyn Smart
Executive Assistant

For a details discussion please click here: <https://youtu.be/nT3bYEfnYOWr>



Town of Townsend

**BOARD OF SELECTMEN
DEPARTMENT SUPERVISOR PERFORMANCE EVALUATION**

Name: James M. Kreidler, Jr.

Title: Town Administrator

Person Performing Evaluation:

RATING SCALE				
1	2	3	4	5
1 – Unsatisfactory	2 – Below Expectations	3 – Meets Expectations		
4 – Exceeds Expectations	5 – Outstanding			
N/A – Not Applicable				

PERFORMANCE EVALUATION CRITERIA

1. Legislative Relations: 1 / 2 / 3 / 4 / 5

-
- Maintains a shared calendar
- Maintains a shared correspondence folder for each BOS meeting

Comments:

2. Public Relations/Communications: 1 / 2 / 3 / 4 / 5

- Communication with Town departments relative to town operations including but not limited to state and federal regulations, local general bylaws and Town charter.

Comments:

3. Budget Preparation and Administration: 1 / 2 / 3 / 4 / 5

- Monitoring of budget administration during the year
- Sees that Capital Planning Meets as required in the Charter and the policies
- Follows the Budget Policy and budget guidelines specified in the Charter

Comments:

4. Managerial Skills: 1 / 2 / 3 / 4 / 5

- Organizing the completion of town-wide documents

Comments:

5. Direction/Supervision of Town Organizations: 1 / 2 / 3 / 4 / 5

- Leadership provided to employees who he/she as directs supervision over.

- Coordination of programs/activities when applicable
- Adheres to Town/Departmental Policies and other Regulations
- Staff development, growth and recruitment

Comments:

6. Personal and Prof. Growth of the Administrator 1 / 2 / 3 / 4 / 5
- Attendance at professional meetings, seminars, and conferences

Comments:

7. Productivity and Reliability 1 / 2 / 3 / 4 / 5
- The extent to which the Supervisor is able to complete required tasks in a timely manner.
 -

Comments:

8. Job Knowledge and Initiative 1 / 2 / 3 / 4 / 5

Comments:

9. Goals and Objectives 1 / 2 / 3 / 4 / 5
- The extent to which the Supervisor was able to meet the established goals and objectives.

Comments:

10. Overall Rating: 1 / 2 / 3 / 4 / 5

General Comments:

BOARD OF SELECTMEN

ACKNOWLEDGED BY:

Member, Board of Selectmen

Town Administrator

Date: ____ / ____ / ____

Date: ____ / ____ / ____



TOWN OF TOWNSEND BOARD OF SELECTMEN Operating Policies & Procedures

Adopted by its Board of Selectmen

Chairman, Carolyn Smart

Date

Vice-Chair, Gordon Clark

Date

Clerk, Cindy King

Date

RECORD OF CHANGES

Revision	Date	Change Authority	Change/Affected Sections	Initial of Authority
#1	7.10.18	BOS	16-18 Chairman in consultation with the Town Administrator	

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16-01: PURPOSE:

The Board of Selectmen of the Town of Townsend, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, supporting staff and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Board's operating procedures, hereby adopt the following policies.

16-02: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES:

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts should be in writing, and may be introduced by a member of the Board, Town Administrator, or by request of a department. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board should encourage the Town Administrator to distribute a draft policy for comment to appropriate officials as he or she deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary or prudent.

The Town Administrator shall be responsible for the maintenance and distribution of all policies and procedures.

16-03: AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the Charter, and the bylaws of the Town of Townsend.

16-04: ROLE OF THE BOARD OF SELECTMEN:

The Board is the chief executive officer of the town. The Board sets the community's vision and provides the leadership required to assure that the mission is followed. The Board is responsible for appointing personnel as identified in the Townsend Charter, developing and implementing policy and reviewing for compliance with said policies. The Town Administrator supports the Board.

The Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. This responsibility is delegated to the Town Administrator, and the Board agrees to allow the Town Administrator to provide administrative direction to the departments that fall under the Board's jurisdiction to assure that the Board's policies are implemented in the course of the town's day to day

operations. Department heads shall receive policy direction from the Board through the Town Administrator. Department Heads report to the Board but do so through the Town Administrator. This policy is not intended to limit or otherwise exclude a Department Head from expressing concerns or issues directly to the Board. If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Administrator as soon as it is practicable and shall work proactively with the Town Administrator to address the concern or issue. Complaints, concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Administrator, who shall forthwith inform all members of the Board. The responsibility for addressing these issues is thus carried out through the Town Administrator following consultation with the Board of Selectmen. Selectmen may be called upon to resolve disputes that are unable to be resolved at the staff level.

No individual Board member shall direct a Department Head in the methods or manners in which the department's day to day business is to be conducted, unless through the Town Administrator and only if authorized by vote of the entire Board. However, this policy shall not limit or restrict the rights of an individual Board member to communicate with any Department Head.

16-05: ROLE OF THE TOWN ADMINISTRATOR:

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in the Townsend Charter section 4-2. The Town Administrator shall also assist and work under the direction of the Selectmen in the formulation, implementation, and compliance of policy.

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the Town Administrator is given responsibility. The powers and duties of the Town Administrator shall include the following:

- To supervise, direct and be responsible for the efficient administration of all functions and activities for which the Town Administrator is given authority.

- To see that the personnel policies and practices, rules and regulations are equally administered for all Town employees.

- To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all proceedings.

- To keep the Board of Selectmen fully advised at a public meeting, in person, or in writing as to the needs of the Town and all Departments and to make

recommendations to the Board of Selectmen of actions required to resolve the situation.

To prepare the budgets which fall directly under the Board of Selectmen. To oversee the budgets for the Departments under the supervision of the Selectmen and to follow the Town's Budget Policy. The Town Administrator will present to the Selectmen the budgets of elected Officials and the Capital Plan in such a manner that the Selectmen have an understanding of the total budget. The Town Administrator will work with the Finance Committee, the Accountant and the Treasurer to develop a plan for the funding of appropriations.

The Town Administrator will be responsible for Central Purchasing.

To see that all of the provisions of the laws of the Commonwealth, of this Charter, Town Bylaws, other votes of Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Administrator or other officers subject to the direction and supervision of the Board of Selectmen, are faithfully executed, performed or otherwise carried out.

To inquire into the conduct and operation of any office or any Department, its officers or employees under the jurisdiction of the Board of Selectmen only after consultation with and a majority vote of the BOS.

To attend all sessions of all Town Meetings and to be prepared to answer all questions raised by voters which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.

To coordinate the activities of all Town departments serving under the Office of the Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the Town Administrator, only at the direct request of the Board of Selectmen, shall have the authority to require the persons so elected, or their representatives, to meet with the Town Administrator and/or the Board of Selectmen, at reasonable times, for the purpose of effecting coordination and cooperation among all departments of the Town.

To perform any other duties that are required to be performed by the Town Administrator by By-laws, vote of the Town Meeting or votes of the Selectmen, or otherwise.

The Town Administrator must strive to maintain a close working relationship with all members of the Board. He/she shall regularly brief all the Board members on all important issues and provide status to each Selectmen in the manner each chooses, i.e., written or verbal.

16-06: ROLE OF SUPPORT STAFF OF THE OFFICE OF THE BOARD OF SELECTMEN:

The Board hires support staff. Said hiring shall be made by recommendation from the Town Administrator.

The support staff functions as a support for the Board of Selectmen and the Town Administrator. Support staff must strive to maintain a close working relationship with all members of the Board and the Town Administrator. Support staff reports directly to the Board of Selectman..

16-07: BOARD RULES AND ETHICS:

1. A member of the Board of Selectmen, in relation to his or her community should:

Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.

Be well informed concerning the duties of a board member on both local and state levels and pursuant to the Charter.

Remember that he/she represents the entire community at all times.

Accept the Office of Selectman as a means of unselfish service and not benefit personally or politically from his/her board activities.

In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

At all times carry and conduct him/herself in a manner that is appropriate and becoming of a Elected Executive Official of the Town of Townsend.

2. A member of the Board of Selectmen, in his/her relations with fellow Board members, should:

Support all Board decisions once they are made.

Recognize that only an action taken at official and legal selectmen's meeting is binding, and that he/she alone cannot bind the board outside of such meetings.

Recognize that he/she should not make any representation to anyone on behalf of the board unless and until the board takes a formal position on the matter.

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.

Treat with respect the rights of all members of the board despite differences of opinion.

Be responsible and address the concerns and complaints of the citizens, employees, Appointed and Elected Town Officials in Town of Townsend consistent with these policies.

Demonstrate leadership by raising issues and encouraging debate regarding said issues both within the Board and within the community at large.

16-08: TOWN ADMINISTRATOR RULES AND ETHICS:

1. The Town Administrator, in relation to the Board of Selectmen and the community should:

Realize that his/her basic function is to carry out the policies of the Board through day to day administration of the town's business.

Realize that he/she represents the Board and should abide by, and carry out, all lawful Board decisions once they are made.

Be well informed concerning the duties of a Town Administrator on both local and state levels.

Remember that in representing the Board that he/she represents the entire community at all times and that he/she must treat the public, including volunteers, in a courteous and respectful manner.

In recommendations for all appointments or in making appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

Participate in discussion at Board Meetings and Town Meetings as required or as requested by the Board.

2. The Town Administrator, in his/her relations with other Administrative Officers, Boards and Committees of the Town should:

Recognize and support the administrative chain of command.

3. The Town Administrator, in his/her relations with Board of Selectmen members, should:

Uphold the intent of executive session and respect the privileged communication that exists in executive session.

Treat with respect all members of the Board of Selectmen, be available when requested by members to discuss and/or advise all matters under the authority of the Town Administrator.

The Town Administrator should make available to Board of Selectmen members all correspondence, mail, emails or other related materials submitted to the office.

Use online shared capabilities for sharing files and work calendars including appointments.

16-09: ORGANIZATION OF THE BOARD:

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. If a vacancy occurs, the Board shall elect a successor. The Board shall further appoint a Vice-Chairman and Clerk under the same provisions stated for the Chairman.

16-10: RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board shall:

Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.

Sign official documents that require the signature of the Chairman.

Call special meetings in accordance with the Open Meeting Law.

Set agenda items with the Town Administrator subject to acceptance of the Board when the meeting convenes.

Make liaison assignments and assign overview responsibilities for project and tasks to Board members subject to acceptance of said assignment by the Board members.

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions and to vote thereon.

16-11: RESPONSIBILITIES OF THE VICE CHAIRMAN:

The Vice Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the Chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

16-12: RESPONSIBILITIES OF THE CLERK:

In general although not limited, the Clerk's primary responsibility is to make motions and sign documentation needing the Clerk signature as authorized by the entire Board or by applicable law. In absence of the Town Administrator or his or her designee, it is the duty of the Clerk to create and maintain meeting minutes.

16-13: REGULAR BOARD MEETINGS:

Regular Board meetings are held on a schedule voted by the Board. Except in the case of an emergency, the Board shall not meet on days designated as legal holidays.

16-14: EMERGENCY MEETINGS:

A meeting that is called for any time other than the regular meetings and that is called without the required forty-eight (48) hour posting shall be known as a "Special Emergency Meeting". The same rules as those established for regular meetings will apply.

16-15: WORKING MEETINGS:

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted and conducted in accordance with the Open Meeting Law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

16-16: MEETING PROCEDURES:

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedures be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rules of Order is used as a guide in matters requiring clarification.

Although the public has a right to be present at open meetings of the Board of Selectmen, they do not have the right to participate unless or until they are recognized by the Chair.

A quorum shall consist of two members of the Board. As a practical courtesy, action on critical or controversial matters, such as the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance.

The Town Administrator is expected to be in attendance at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised on all matters that fall within the jurisdiction of his/her office. In accordance with the law, he/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

16-17: EXECUTIVE SESSION:

Executive sessions of the Board shall only be held in accordance with the provisions of the Open Meeting Law.

If practicable, executive sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting.

The Board will meet in executive session only for the purposes enumerated in the Open Meeting Law. Before entering into executive session: (a) the Board must first convene in open session; (b) the chair must specify the purpose of the executive session, stating all subjects that may be revealed without compromising such purpose; (c) a majority of the members present must vote to enter executive session by roll call vote; and (d) the chair must state publicly whether or not the Board will reconvene into open session at the conclusion of the executive session.

16-18: AGENDA PROCEDURES:

The responsibility for coordinating and planning the meeting agenda is that of the Chairman in consultation with the Town Administrator. Each of the Board Members and the Town Administrator may place items on the agenda. The Chairman, in consultation with the Town Administrator, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda are expected to be submitted to the Town Administrator at least five (5) business days before any regularly scheduled Board meeting, e.g., at close of business the Tuesday before a Board meeting the following Tuesday. Items that develop less than 48 hours prior to a meeting, excluding Saturdays, Sundays and legal holidays, may be added to an (amended) agenda only in an emergency or considered by the Board only if not reasonably anticipated by the Chairman.

The Town Administrator prepares background material for the meeting and should make an effort to have such material available at least three business days before any regularly scheduled meeting, e.g., close of business the Thursday afternoon before a meeting the following Tuesday. It is understood that additional information for items on the agenda may be added to shared files or emailed as supplemental to the packet. If background

information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's initial meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda shall be available to the public at the Selectmen's office at least 48 hours before the meeting, excluding Saturdays, Sundays and legal holidays, and shall be posted with the Town Clerk in accordance with the charter and the Open Meeting Law.

Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

The Chairman retains the discretion to change the format of the agenda from time to time as deemed appropriate.

16-19: MINUTES:

The Town Administrator and/or their designee shall create and maintain accurate minutes of open meetings of the Board unless no such persons are available, then the responsibility will rest with the Clerk of the Board. The minutes of the Board of Selectmen constitute the official record of the Board under Federal, State and Local Law.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes with all attached documentation and materials presented and/or discussed will be forwarded forthwith to the Office of the Town Clerk and uploaded to the town's website.

16-20: APPOINTMENTS:

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case, may appointments be made for more than three years unless specifically allowed by statute or Charter. Appointments generally are made on or before June 30th of each year.

Committee Appointments: All selection decisions are based solely on objective consideration of relevant, articulated factors. No applicant shall be subject to discrimination, harassment or retaliation on the basis of his or her race, color, gender, national origin, ancestry, religion, disability, age, sexual orientation, genetic status, gender identity or veteran status in any aspect of his/her service with the Town. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable.

16-21: ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government. Charges to

advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen.

Each committee must report in writing at least annually to the Selectmen. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law. This Committee Handbook should be reviewed every two (2) years.

16-22: RELATIONS WITH TOWN BOARDS, COMMITTEES AND COMMISSIONS:

The Board of Selectmen is aware that coordination and cooperation is needed among the Town's Boards, Committees and Commissions not only in the day to day operations but also to:

- A. Set town wide goals and priorities,
- B. Identify and anticipate major problems and work together towards their resolution, and
- C. Develop a process for dealing with federal, state and county government.

Therefore, as the executive board that is historically responsible for the overall leadership and coordination of town affairs, the Selectmen will require that the Town Administrator:

- A. At least two times each year schedule meetings with Boards, Committees, and Commissions to carry out functions listed above. One meeting, shall, if possible, be held between the annual election and the start of town meeting for the purpose of reviewing the warrant and expediting town meeting.
- B. On behalf of the Board, the Town Administrator is responsible for inter-board communications in the day to day operations of government. The Town Administrator shall develop a process for exchange of information and the provision for advice and recommendations among the Boards, Committees and Commissions with common interest, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects.

16-23: RELATIONS WITH CITIZENS:

The Board recognizes that it both represents and is accountable to all the citizens of the town. It is the Board's policy to make every effort to strengthen communications with its citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the town meeting which will affect them.

A reasonable effort will be made by the Town Administrator to notify persons who will be directly affected by proposed Board discussion and/or action of the date and time of meeting at which the matter will be discussed or acted upon by the Board.

In considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman or upon request of any member of the Board.

All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Town Administrator, and the Town Administrator shall notify the Board of Selectmen of the concern and response. Those needing prompt attention by the Board should be referred to the Chairman for consideration and possible inclusion on the next meeting agenda.

16-24: EMPLOYEE GRIEVANCES:

Employee grievances are to be handled as outlined in the Town's Personnel Policies and Procedures or through the conditions set forth in a union contract for those employees covered by such agreements. If employee grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

The employee will be shown the administrative process to be followed. A meeting with the Board may be requested by any employee once administrative remedies have been exhausted.

16-25: HEARINGS BEFORE THE BOARD:

Hearings before the Board of Selectmen shall be conducted in accordance with the statutory requirements applicable to the particular matter.

16-26: INSPECTION OF PUBLIC RECORDS:

Every person has the right to inspect or receive copies of public records in the custody of the Selectmen's departments without unreasonable delay. Every effort shall be made to provide such public records in a timely fashion and in accordance with applicable laws, including but not limited to the Public Records Law, G.L. c. 66, § 10, and the regulations promulgated thereunder, 950 CMR 32.00, *et seq.*

16-27: DEPARTMENTAL MEETINGS AND REPORTING:

In an effort to keep the Board of Selectmen informed and to provide Department Heads with an opportunity to communicate departmental activities in a more efficient and formalized fashion, the Board of Selectmen requires the following:

Each Department Head shall be required to submit a monthly written report to the Selectmen's office. This report shall describe all activities undertaken by that Department Head and his/her department employees during the prior month. Particular attention should be paid to how the department head's actions during the prior month fit in with the department's annual goals and objectives. These written reports are intended to help keep the Board of Selectmen informed, to relieve Department Heads from the obligation of attending the meetings on a regular basis, and to free up valuable time at Selectmen's meetings for non-routine matters.

The Town Administrator shall coordinate and schedule monthly Department Head meetings on the first Tuesday of the month and report all agenda topics and discussions to the Board of Selectmen at their regular scheduled meeting. All monthly reports should be submitted to the Town Administrator at the monthly department meetings with discussion regarding the reports to be held at the meetings with other departments to ensure open communication and cooperation with all departments in conducting the work needed to ensure the success of the community needs and objectives.

While this policy is a requirement for all Department Heads under the jurisdiction of the Board of Selectmen, it is also an open opportunity for other Elected or Appointed Officials, Boards and Commissions to keep the lines of communication open.



TOWN OF TOWNSEND BOARD OF SELECTMEN Operating Policies & Procedures

Commented [AJC1]: I note initially that our suggested revisions and annotations are aimed chiefly at compliance – and, more often, consistency – with applicable law. We offer few if any comments on the substance of these policies and procedures, which are discretionary and reflect the Selectmen's collective vision for, and preferences regarding, Town operations.

Adopted by its Board of Selectmen

Chairman, Carolyn Smart

Date

Vice-Chair, Gordon Clark

Date

Clerk, Cindy King

Date

RECORD OF CHANGES

Revision	Date	Change Authority	Change/Affected Sections	Initial of Authority
#1	7.10.18	BOS	16-18 Chairman in consultation with the Town Administrator	

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16-01: PURPOSE:

The Board of Selectmen of the Town of Townsend, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, supporting staff and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Board's operating procedures, hereby adopt the following policies.

16-02: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES:

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts should be in writing, and may be introduced by a member of the Board, Town Administrator, or by request of a department. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board should encourage the Town Administrator to distribute a draft policy for comment to appropriate officials as ~~it~~he or she deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary or prudent.

The Town Administrator shall be responsible for the maintenance and distribution of all policies and procedures.

16-03: AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the Charter, and the bylaws of the Town of Townsend.

16-04: ROLE OF THE BOARD OF SELECTMEN:

The Board is the chief executive ~~body~~officer of the town. The Board sets the community's vision and provides the leadership required to assure that the mission is followed. The Board is responsible for appointing personnel as identified in the Townsend Charter, developing and implementing policy and reviewing for compliance with said policies. The Town Administrator supports the Board, ~~with appointments and policy formulation, implementation, and compliance.~~

The Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. This responsibility is delegated to the Town Administrator, and the Board agrees to allow the Town Administrator to provide administrative direction to the departments that fall under the Board's jurisdiction to

Commented [AJC2]: The term used and defined by statute, see G.L. c. 4, § 7, is "chief executive officer"

assure that the Board's policies are implemented in the course of the town's day to day operations. Department heads shall receive policy direction from the Board through the Town Administrator. Department Heads report to the Board but do so through the Town Administrator. This policy is not intended to limit or otherwise exclude a Department Head from expressing concerns or issues directly to the Board, ~~if said concern still exists after first expressing such concerns to the Town Administrator, but rather it is intended to provide a framework for an effective and efficient operation utilizing an appropriate chain of command.~~ If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Administrator as soon as it is practicable and shall work proactively with the Town Administrator to address the concern or issue. Complaints, concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Administrator, who shall forthwith inform all members of the Board. The responsibility for addressing these issues is thus carried out through the Town Administrator under the direction of the Board of Selectmen. Selectmen may be called upon to resolve disputes that are unable to be resolved at the staff level.

Commented [KF3]: We defer to the Board; however, under the Charter, the Town Administrator position is established in part to perform a gatekeeping function. If a Department Head is dissatisfied with the Town Administrator's response, then he or she proceeds to the Board

No individual Board member shall ~~be allowed to~~ direct a Department Head in the methods or manners in which the department's day to day business is to be conducted, unless through the Town Administrator and only if authorized by vote of the entire Board. ~~However, this policy shall not be intended to limit or restrict the rights of an individual Board member to communicate with any Department Head.~~

Commented [KF4]: I am concerned about a potential Charter conflict, as "direction" might imply a Board of Selectmen role in day-to-day operations (especially since the language is in a sentence addressing solutions to operational issues). What do you think about alternative language, "in consultation with" or "following consultation with"? Alternatively, perhaps you add a preceding sentence like: "The Town Administrator shall execute all legally-compliant policy changes as directed by the Board "

16-05: ROLE OF THE TOWN ADMINISTRATOR:

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in the Townsend Charter section 4-2. The Town Administrator shall also assist and work under the direction of the Selectmen in the formulation, implementation, and compliance of policy.

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the Town Administrator is given responsibility. The powers and duties of the Town Administrator shall include the following:

To supervise, direct and be responsible for the efficient administration of all functions and activities for which the Town Administrator is given authority.

To see that the personnel policies and practices, rules and regulations are equally administered for all Town employees.

To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all proceedings.

To keep the Board of Selectmen fully advised at a public meeting, in person, or in writing as to the needs of the Town and all Departments and to make recommendations to the Board of Selectmen of actions required to resolve the situation.

To prepare the budgets which fall directly under the Board of Selectmen. To oversee the budgets for the Departments under the supervision of the Selectmen and to follow the Town's Budget Policy. ~~The and in addition the Town Administrator will present to the Selectmen the budgets of elected Officials and the Capital Plan in such a manner that the Selectmen have an understanding of the total budget. The Town Administrator will also work with the Finance Committee, the Accountant and the Treasurer to develop a plan for the funding of appropriations.~~

The Town Administrator will be responsible for Central Purchasing.

To see that all of the provisions of the laws of the Commonwealth, of this Charter, Town Bylaws, other votes of Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Administrator or other officers subject to the direction and supervision of the Board of Selectmen, are faithfully executed, performed or otherwise carried out.

To inquire ~~at any time~~ into the conduct and operation of any office or any Department, its officers or employees under the jurisdiction of the Board of Selectmen only after consultation with and a majority vote of the BOS.

To attend all sessions of all Town Meetings and to be prepared to answer all questions ~~raised by voters~~ which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.

To coordinate the activities of all Town departments serving under the Office of the Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the Town Administrator, only at the direct request of the Board of Selectmen, shall have the authority to require the persons so elected, or their representatives, to meet with the Town Administrator and/or the Board of Selectmen, at reasonable times, for the purpose of effecting coordination and cooperation among all departments of the Town.

To perform any other duties that are required to be performed by the Town Administrator by By-laws, vote of the Town Meeting or votes of the Selectmen, or otherwise.

Commented [AJCS]: These 11 powers and duties of the Town Administrator restate, nearly (but not entirely) verbatim, those found in Section 4-2, Subsections (a) through (k), of the Town Charter. That being so, I question the need (and prudence) of restating them in the Selectmen's policies and procedures. But I defer to the Selectmen in that regard. I do, however, also have concerns with the redlined modifications below to the extent that they restrict authorities of the Town Administrator that are otherwise vested in him or her by the Charter. (The Charter states that "[t]he powers and duties of the Town Administrator shall include..." (emphasis added).)

The Town Administrator must strive to maintain a close working relationship with all members of the Board. He/she shall regularly brief all the Board members on all important issues and provide status to each Selectmen in the manner each chooses, i.e., written or verbal.

In order to provide the town with continuity of management and the Town Administrator with job security, the Selectmen are committed to maintaining an employment contract with the Town Administrator, as permitted by statute.

Formatted: Highlight

16-06: ROLE OF SUPPORT STAFF OF THE OFFICE OF THE BOARD OF SELECTMEN:

The Board hires support staff. Said hiring shall be made by recommendation from the Town Administrator.

The support staff functions as a support for the Board of Selectmen and the Town Administrator. Support staff must strive to maintain a close working relationship with all members of the Board and the Town Administrator. Support staff reports directly to the Board of Selectmen and takes direction from the Town Administrator.

16-07: BOARD RULES AND ETHICS:

1. A member of the Board of Selectmen, in relation to his or her community should:

Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.

Be well informed concerning the duties of a board member on both local and state levels and pursuant to the Charter.

Remember that he/she represents the entire community at all times.

Accept the Office of Selectman as a means of unselfish service and not benefit personally or politically from his/her board activities.

In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

At all times carry and conduct him/herself in a manner that is appropriate and becoming of a Chief-Elected Executive Official of the Town of Townsend.

2. A member of the Board of Selectmen, in his/her relations with fellow Board members, should:

Support all Board decisions once they are made.

Recognize that only an action taken at official and legal selectmen's meetings is binding, and that he/she alone cannot bind the board outside of such meetings.

Recognize that he/she should not make any representation to anyone on behalf of the board unless and until the board takes a formal position on the matter.

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.

Treat with respect the rights of all members of the board despite differences of opinion.

Be responsible and address the concerns and complaints of the citizens, employees, Appointed and Elected Town Officials in Town of Townsend consistent with these policies.

Demonstrate leadership by raising issues and encouraging debate regarding said issues both within the Board and within the community at large.

16-08: TOWN ADMINISTRATOR RULES AND ETHICS:

1. The Town Administrator, in relation to the Board of Selectmen and the community should:

Realize that his/her basic function is to carry out the policies of the Board through day to day administration of the town's business.

Realize that he/she represents the Board and should abide by, and carry out, all lawful Board decisions once they are made.

Be well informed concerning the duties of a Town Administrator on both local and state levels.

Remember that in representing the Board that he/she represents the entire community at all times and that he/she must treat the public, including volunteers, in a courteous and respectful manner.

Accept the position of the Town Administrator as a means of unselfish service and not benefit personally or politically from his or her activities.

Commented [AJC6]: An unusual statement, inasmuch as a town administrator – unlike elected members of a board of selectmen, often unpaid, beholden to their constituents – is an appointed and paid municipal employee, often with a career in public administration, and, consequently, is typically one who will benefit, certainly personally, e.g. financially, and maybe politically, from his or her job performance i.e. "activities."

In recommendations for all appointments or in making appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

Participate in discussion at Board Meetings and Town Meetings as required or as requested by the Board.

2. The Town Administrator, in his/her relations with other Administrative Officers, Boards and Committees of the Town should:

~~Endeavor to establish sound, clearly defined policies that will support the mission statement and practices of good leadership as established by the Board of Selectmen for the benefit of the people of the community.~~

Recognize and support the administrative chain of command.

3. The Town Administrator, in his/her relations with the ~~b~~Board of Selectmen members, should:

Uphold the intent of executive session and respect the privileged communication that exists in executive session.

Treat with respect all members of the Board of Selectmen, be available when requested by members to discuss and/or advise all matters under the authority of the Town Administrator.

~~Consistent with the law, the Town Administrator should make available to Board of Selectmen members all correspondence, mail, emails or other related materials submitted to the office.~~

Use online shared capabilities for sharing files and work calendars including appointments.

Commented [AJC7]: I suspect Section 16-08(3) is meant to address the Town Administrator's relations with the Board of Selectmen members, not members of other Town "boards"

Commented [AJC8]: I am again presuming the meaning and intent of the obligation that the Town Administrator "make available all correspondence ..." etc. to be that these materials be made available to the Selectmen. (Otherwise, "[c]onsistent with the law" should not be stricken, as the Public Records Law will determine the release of materials to the general public.)

16-09: ORGANIZATION OF THE BOARD:

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. If a vacancy occurs, the Board shall elect a successor. The Board shall further appoint a Vice-Chairman and Clerk under the same provisions stated for the Chairman.

16-10: RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board shall:

Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.

Sign official documents that require the signature of the Chairman.

Call special meetings in accordance with the Open Meeting Law.

Set agenda items with the Town Administrator subject to acceptance of the Board when the meeting convenes.

Make liaison assignments and assign overview responsibilities for project and tasks to Board members subject to acceptance of said assignment by the Board members.

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions and to vote thereon.

16-11: RESPONSIBILITIES OF THE VICE CHAIRMAN:

The Vice Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the Chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

16-12: RESPONSIBILITIES OF THE CLERK:

In general although not limited, the Clerk's primary responsibility is to make motions and sign documentation needing the Clerk signature as authorized by the entire Board or by applicable law. In absence of the Town Administrator or staff members his or her designee, it is the duty of the Clerk to ~~record~~ create and maintain meeting minutes.

16-13: REGULAR BOARD MEETINGS:

Regular Board Meetings are held on a schedule voted by the Board. ~~Unless~~ Except in the case of an emergency, the Board shall not meet on days designated as legal holidays.

16-14: EMERGENCY MEETINGS:

A meeting that is called for any time other than the regular meetings and that is called without the required forty-eight (48) hour posting shall be known as a "Special Emergency Meeting". The same rules as those established for regular meetings will apply. Special Emergency meetings may be called by any member provided that the subject matter is of an emergency nature, a majority of the members agree to meet, due diligence is used in notifying all Board members and the meeting is posted as is required by the Open Meeting Law soon as reasonably possible prior to the meeting.

Commented [AJC9]: Because the Open Meeting Law vests the chair with the authority to set the meeting agenda, see G.L. c. 30A, § 20(b) (requiring the agenda to include "a listing of topics that the chair reasonably anticipates will be discussed" (emphasis added)), it has been our opinion that other members of a public body are not generally able to call meetings themselves. Exceptions do exist, and I am not prepared to say that a policy authorizing the calling of meetings by other members in emergency circumstances is per se unlawful. I just caution you about the aforementioned interpretation of the law.

16-15: WORKING MEETINGS:

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted and conducted in accordance with the Open Meeting Law, any official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

Commented [AJC10]: If a quorum of the Board is present, these "working sessions" must not only be posted but also open to the public. (It is best to say that, to avoid confusion. The term "workshop session" is more often used to describe a meeting between less than a quorum of the Board and others. e.g. an applicant, staff, consultants, and need not be posted or open to the public.)

16-16: MEETING PROCEDURES:

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedures be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rules of Order is used as a guide in matters requiring clarification.

Commented [AJC11]: Do you mean "no" official action will be taken?

Although the public and the press have a right to be present at open meetings of the Board of Selectmen, they do not have the right to participate unless or until they are recognized by the Chair.

Commented [AJC12]: An unusual reference to "the press." The public includes members of the press.

A quorum shall consist of two members of the Board. As a practical courtesy, action on critical or controversial matters, such as the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance.

The Town Administrator is expected to be in attendance at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised on all matters that fall within the jurisdiction of his/her office. In accordance with the law, he/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

16-17: EXECUTIVE SESSION:

Executive Sessions of the Board shall only be held in accordance with the provisions of Massachusetts General Law Chapter 30A, section 21A the Open Meeting Law.

If practicable, executive sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting.

~~Only items clearly allowed under~~ The Board will meet in executive session only for the purposes enumerated in the Open Meeting Law ~~shall be included in Executive Session. Before entering into executive session: (a) the Board must first convene in open session; (b) The motion chair must specify when entering the executive session and the exemption purpose under which of the executive session is sought, stating all subjects that may be revealed without compromising such purpose; (c) A majority of the members present must vote to enter executive session by roll call vote; and (d) The motion chair~~

must state publicly whether or not the Board will reconvene into open session at the conclusion of the executive session.

16-18: AGENDA PROCEDURES:

The responsibility for coordinating and planning the meeting agenda is that of the Chairman in consultation with the Town Administrator ~~Chairman~~. Each of the Board Members and the Town Administrator may place items on the agenda. The Chairman, in consultation with the Town Administrator, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda are expected to be submitted to the Town Administrator ~~by the close of business on the Wednesday before~~ at least five (5) ~~working~~ business days before any regularly scheduled ~~Tuesday Board meeting, e.g., at close of business the Tuesday afternoon for~~ before a Board meeting the following Tuesday. Items of emergency or strictly routine nature that develop after ~~closing (posting)~~ closing of the agenda ~~two (2) working days prior to the meeting, e.g. Friday afternoon for a Tuesday meeting~~ less than 48 hours prior to a meeting, excluding Saturdays, Sundays and legal holidays, may be added to an (amended) agenda only in an emergency or considered by the Board only if under "Chairman's additions to the agenda" ~~not reasonably anticipated by the Chairman~~.

The Town Administrator prepares background material for the meeting and should make an effort to have such material available at least three ~~working~~ four business days before any regularly scheduled meeting, e.g., close of business the Thursday afternoon ~~for~~ before a meeting the following Tuesday. It is understood that additional information for items on the agenda may be added to shared files or emailed as supplemental to the packet up to the day before a meeting. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's initial meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda shall be available to the public and the press at the Selectmen's office at least two days ~~48 hours~~ before the meeting date, excluding Saturdays, Sundays and legal holidays, and shall be posted with the Town Clerk in accordance with the charter ~~on the town's posting board and the town website~~ and the Open Meeting Law.

Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members. Correspondence should be available to all Selectmen in a shared folder as it is received by the Town Administrator and Administrative Assistant.

16-19: MINUTES:

The Town Administrator and/or their designee shall ~~record~~ create and maintain accurate minutes of open meetings of the Board unless no such persons are available, then the

Commented [AJC13]: These modifications are recommended for consistency with the Open Meeting Law. See G.L. c. 30A, § 21(b)

Commented [AJC14]: Again, for consistency with the Open Meeting Law. See G.L. c. 30A, § 20(b)

Commented [AJC15]: But no later?

Commented [AJC16]: See my comment above about referring to "the press"

Commented [AJC17]: Absent contemporaneous disclosure to the public, such correspondence cannot include materials containing ideas, feelings, opinions or beliefs of any Board member, so as to avoid an Open Meeting Law violation

Commented [AJC18]: Unless you mean "record" the audio or video of a meeting, I suggest use of the phrase "create and maintain accurate minutes of" instead, which is verbatim from the Open Meeting Law, namely G.L. c. 30A, § 22(a)

responsibility will rest with the Clerk of the Board. The minutes of the Board of Selectmen constitute the official record of the Board under Federal, State and Local Law.

Minutes shall be circulated to the members of the Board before the meeting for approval by the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes with all attached documentation and materials presented and/or discussed will be forwarded forthwith to the Office of the Town Clerk and uploaded to the town's website. No such material discussed or presented will include any confidential or sensitive matters before redacting such in order to protect and respect the rights of individuals.

16-20: APPOINTMENTS:

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case, may appointments be made for more than three years unless specifically allowed by statute or Charter. Appointments generally are made on or before June 30th of each year.

Committee Appointments: Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable.

~~It is the practice of the Board to accept the recommendation of the sitting committee members for appointment of new members.~~

16-21: ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government. Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen.

Each committee must report in writing at least annually to the Selectmen. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law. This Committee Handbook should be reviewed every two (2) years.

16-22: RELATIONS WITH TOWN BOARDS, COMMITTEES AND COMMISSIONS:

The Board of Selectmen is aware that coordination and cooperation is needed among the Town's Boards, Committees and Commissions not only in the day to day operations but also to:

Commented [AJC19]: Okay if these minutes are created by the Town Administrator or other non-Board-member designee. But if they are created by a Board member, e.g. the Clerk, circulating them "before the meeting" may run afoul of the Open Meeting Law. Likewise, absent the polling of individual Board members outside of a meeting, e.g. by the Clerk, the giving of unanimous consent requires a meeting.

Commented [AJC20]: Okay so long as the Board understands that it cannot control what materials are submitted to it, and, once submitted, the material is a public record (unless exempted).

Commented [AJC21]: Inconsistent with Section 16-07(1) above, i.e. the Board's "Rules and Ethics," where Board members pledge that they will "[i]n all appointments ... judg[e] all candidates on merit, experience, and qualifications only."

Commented [KF22]: Does the Board want an EEO statement? If so, it could read something like: "All selection decisions are based solely on objective consideration of relevant, articulated factors. No applicant shall be subject to discrimination, harassment or retaliation on the basis of his or her race, color, gender, national origin, ancestry, religion, disability, age, sexual orientation, genetic status, gender identity or veteran status in any aspect of his/her service with the Town."

A. Set town wide goals and priorities,

B. Identify and anticipate major problems and working together towards their resolution, and

C. Develop a process for dealing with federal, state and county government.

Therefore, as the executive board that is historically responsible for the overall leadership and coordination of town affairs, the Selectmen will require that the Town Administrator

A. At least two times each year schedule meetings with Boards, Committees, and Commissions to carry out functions listed above. One meeting, shall, if possible, be held between the annual election and the start of town meeting for the purpose of reviewing the warrant and expediting town meeting.

B. On behalf of the Board, the Town Administrator is responsible for inter-board communications in the day to day operations of government. The Town Administrator shall develop a process for exchange of information and the provision for advice and recommendations among the Boards, Committees and Commissions with common interest, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects.

16-23: RELATIONS WITH CITIZENS:

The Board recognizes that it both represents and is accountable to all the citizens of the town. It is the Board's policy to make every effort to strengthen communications with its citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the town meeting which will affect them.

A reasonable effort will be made by the Town Administrator to notify persons who will be directly affected by proposed Board discussion and/or action will be notified by the Town Administrator of the date and time of meeting at which the matter will be discussed or acted upon by the Board.

Commented [AJC23]: A recommend a more workable standard requiring notice to all persons directly affected by both Board discussion and action is untenable, I think

In considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman or upon request of any member of the Board.

All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Town

Administrator, and the Town Administrator shall notify the Board of Selectmen of the concern and response. Those needing prompt attention by the Board should be referred to the Chairman for consideration and possible inclusion on the next meeting agenda.

16-24: EMPLOYEE GRIEVANCES:

Employee grievances are to be handled as outlined in the Town's Personnel Policies and Procedures or through the conditions set forth in a union contract for those employees covered by such agreements. If employee grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

The employee will be shown the administrative process to be followed. ~~A meeting with the Board may be requested by any employee. A meeting with the Board may be requested by any employee; the Board shall defer such meeting until other remedies available to the employee under the Personnel Policies and/or collective bargaining agreements have been exhausted.~~

16-25: HEARINGS BEFORE THE BOARD:

Hearings before the Board of Selectmen ~~generally~~ shall be conducted in accordance with the statutory requirements applicable to the particular matter.

16-26: INSPECTION OF PUBLIC RECORDS:

~~This section complies with 950 CMR 32.00: Public Records Access for the guidance of supervisory and administrative personnel, and to insure that disputes regarding access to particular records are resolved expeditiously and fairly.~~

Every person has the right to inspect or receive copies of public records in the custody of the Selectmen's departments without unreasonable delay. Every effort shall be made to provide such public records in a timely fashion and in accordance with the applicable laws, including but not limited the Public Records Law, G.L. c. 66, § 10, and the regulations promulgated thereunder, 950 CMR 32.00, et seq.

16-27: DEPARTMENTAL MEETINGS AND REPORTING:

In an effort to keep the Board of Selectmen informed and to provide Department Heads with an opportunity to communicate departmental activities in a more efficient and formalized fashion, the Board of Selectmen requires the following:

Each Department Head shall be required to submit a monthly written report to the Selectmen's office. This report shall describe all activities undertaken by that Department Head and his/her department employees during the prior month. Particular attention should be paid to how the department head's actions during the prior month fit in with the department's annual goals and objectives. These written reports are intended to help keep the Board of Selectmen informed, to relieve Department Heads from the obligation

Commented [KF24]: I recommend that employees be required to exhaust administrative remedies. Grievance procedures typically follow a chain of command, thereby allowing Department Heads and the Town Administrator the time to collect information and possibly resolve grievances. Some grievances may be purely administrative, without much consequence. Any employee can ultimately get to the Board of Selectmen, but first should be required to exhaust these remedies.

Commented [AJC25]: There are no instances where hearings before the Board should be conducted in a manner contrary to applicable statutory requirements.

Commented [AJC26]: Does the Board's assurance that disputes regarding access to "particular" records will be resolved "expeditiously" and "fairly" promise something different than, e.g. more than, what the law provides? I'd recommend deferring to the Public Records Law and accompanying regulations. See my adjustment below.

Commented [KF27]: I remind the Board that Town employees may have different rights to records that are not necessarily public. G.L. c. 150E allows employees broad access to records. G.L. c. 149 allows employees access to their own personnel records. Case law may entitle employees access to records in defense of personnel matters.

of attending the meetings on a regular basis, and to free up valuable time at Selectmen's meetings for non-routine matters.

The Town Administrator shall coordinate and schedule monthly Department Head meetings on the first Tuesday of the month and report all agenda topics and discussions to the Board of Selectmen at their regular scheduled meeting. ~~OML~~ All monthly reports should be submitted to the Town Administrator at the monthly department meetings with discussion regarding the reports to be held at the meetings with other departments to ensure open communication and cooperation with all departments in conducting the work needed to ensure the success of the community needs and objectives.

While this policy is a requirement for all Department Heads under the jurisdiction of the Board of Selectmen, it is also an open opportunity for other Elected or Appointed Officials, Boards and Commissions to keep the lines of communication open.

Carolyn Smart

From: Kathy Spofford
Sent: Monday, March 22, 2021 9:12 AM
To: Jim Kreidler; Carolyn Smart; Veronica Kell
Subject: appointment for registrar

Please reappoint Catherine Thrasher as registrar at the next Board of Selectmen's meeting. Her current appointment ends March 31, 2021.

Thank you,
Kathy

Kathleen M. Spofford, CMMC
Town Clerk
Town of Townsend
272 Main Street
Townsend, MA 01469
978-597-1704
FAX: 978-597-8135
Notary Public
Commissioner to Qualify
Justice of the Peace


Please note that my email address has changed to kspofford@townsendma.gov, and my kspofford@townsend.ma.us address will no longer receive mail after October 2020. Please be sure to make changes to your contact/address book before then so that we will not lose contact. Thank you.

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics unless it falls under one of the statutory exemptions to the Public Records Law MGL c. 4, s. 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL c. 66.

I. PRELIMINARIES – VOTES MAY BE TAKEN:

- 1.1 Call the meeting to order and roll call.
- 1.2 Pledge of Allegiance
- 1.3 Announce the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions.
- 1.5 Public Comment Period.

II. WORK SESSION – VOTES MAY BE TAKEN:

- 2.1 Nashoba Regional Technical High School Appointment
- 2.2 Consider/Appoint Catherine Thrasher to the Board of Registrars 
- 2.3 Setting Goals for the Town Administrator.
- 2.3 Updates to the Selectmen's Operating Policies & Procedures.
- 2.4 Review/Discuss the Personnel Policies & Procedures.
- 2.5 Minutes- 12/15/2020, 1/19/2021, 1/26/2021, 1/28/2021

III. ADJOURNMENT:



OFFICE OF THE BOARD OF SELECTMEN

Veronica Kell, *Chairman*
Wayne Miller, *Vice Chairman*
Joseph Shank, *Clerk*

James M. Kreidler, Jr.
Town Administrator

SELECTMEN'S MEETING AGENDA FOR MARCH 30, 2021 AT 6:00 P.M.

Governor Baker declared a State of Emergency to respond to COVID-19 on March 10, 2020 and ordered a suspension of certain provisions of the Open Meeting Law M.G.L. c. 30A, s 20.

The Board of Selectmen closed the town offices, including boards and committee meetings consistent with the Governor's order, to public access to promote social distancing and reduce the spread of COVID-19.

Topic: Selectmen Work Session

Time: Mar 30, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83696577441?pwd=OXRXczd6SHBxTXJJYnVPUEFZeFYrdz09>

Meeting ID: 836 9657 7441

Passcode: 014448

One tap mobile

+13017158592,,83696577441#,,,,*014448# US (Washington DC)

+13126266799,,83696577441#,,,,*014448# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 836 9657 7441

Passcode: 014448

Find your local number: <https://us02web.zoom.us/j/kdrWKrytUx>

Carolyn Smart

From: Jim Kreidler
Sent: Tuesday, March 23, 2021 10:02 AM
To: Carolyn Smart
Subject: FW: BOS Work Session - 3/30

Agenda items

From: Veronica Kell <vkell@townsendma.gov>
Sent: Tuesday, March 23, 2021 10:01 AM
To: Jim Kreidler <jkreidler@townsendma.gov>
Subject: Fw: BOS Work Session - 3/30

I did a reply and it went to me! So, here you go...

From: Veronica Kell <vkell@townsendma.gov>
Sent: Tuesday, March 23, 2021 9:53 AM
To: Veronica Kell <vkell@townsendma.gov>
Cc: Carolyn Smart <csmart@townsendma.gov>
Subject: Re: BOS Work Session - 3/30

Hi Jim,

For the agenda for 3/30,

Please add NVTHS appointments to the below items. There may be a bit more.

Thanks. (also, has TCAM been notified we need a link?)
Veronica

From: Veronica Kell
Sent: Monday, March 8, 2021 11:12 AM
To: Jim Kreidler <jkreidler@townsendma.gov>
Cc: Wayne Miller <wmillerbos@gmail.com>; Joe Shank <jshank@townsendma.gov>
Subject: BOS Work Session - 3/30

Jim,

Please add a work session to the calendar for 3/30 at 6 pm.
Agenda will be:
setting TA goals
updates to Selectmen Operating Policies and Procedures

Thank you. Veronica

Carolyn Smart

From: Veronica Kell
Sent: Tuesday, March 23, 2021 9:54 AM
To: Veronica Kell
Cc: Carolyn Smart
Subject: Re: BOS Work Session - 3/30

Hi Jim,

For the agenda for 3/30,

Please add NVTHS appointments to the below items. There may be a bit more.

Thanks. (also, has TCAM been notified we need a link?)

Veronica

From: Veronica Kell
Sent: Monday, March 8, 2021 11:12 AM
To: Jim Kreidler <jkreidler@townsendma.gov>
Cc: Wayne Miller <wmillerbos@gmail.com>; Joe Shank <jshank@townsendma.gov>
Subject: BOS Work Session - 3/30

Jim,

Please add a work session to the calendar for 3/30 at 6 pm.

Agenda will be:

setting TA goals

updates to Selectmen Operating Policies and Procedures

Thank you. Veronica

Veronica Kell
Board of Selectmen

Carolyn Smart

From: johnbarrett1@verizon.net
Sent: Tuesday, March 23, 2021 3:35 PM
To: rktemp22@comcast.net; ruschbr@comcast.net; srobbins@nmrsd.org
Cc: Veronica Kell; Kathy Spofford; Carolyn Smart; Jim Kreidler; 'Pigeon, Denise'
Subject: Committee to Appoint Nashoba Valley Technical High School District School Committee members for Townsend

Dear Rob, Randee, and Sue,

It is time again to appoint members to the NVTHSD School Committee. As you may know the Appointment Committee is made up of yourselves, the Townsend Board of Selectmen and myself as Town Moderator. We are hoping to hold a meeting on Tuesday March 30th to appoint the members. We have two incumbents Karen and Sheldon Chapman who are still willing to serve. We are looking for an alternate member but haven't found any candidates as yet. If you know of anyone interested please have them contact me.

In any event, it is important to appoint the regular members, one of whom is holding over from last year as with covid the appointment meeting was overlooked. Would you be able to join the Selectmen and myself for a meeting via zoom, during the Selectmen's work session the evening of Tuesday March 30th? The exact time is being worked out by the Selectmen, but would probably be between 6 and 8 pm. Once the time is settled, a notice with the zoom link will be sent out to all. Please let us know if you can meet on the 30th. The meetings usually last about 5 minutes. Thanks, John

John B. Barrett, Esq.
241 Main St., Suite 203
PO Box 182
Townsend, MA 01469
(978) 597-3334 phone
(978) 597-6233 fax

john@johnbarrettlaw.com

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NOTICE OF VACANCIES
NASHOBA VALLEY TECHNICAL SCHOOL
DISTRICT COMMITTEE POSITIONS

March 4, 2021

In accordance with Section 7-10 of the Townsend Charter, Notice is hereby given of the following vacancies on the NASHOBA VALLEY TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE:

TOWNSEND'S ALTERNATE REPRESENTATIVE

Job Description and Appointment Criteria are attached.

The term of the Townsend's Alternate Representative commences upon appointment and expires on March 31, 2022.

Also, there will be a vacancy on April 1st, 2021 in the position of:

TOWNSEND REPRESENTATIVE

Job Description and Appointment Criteria are attached.

The term of the Townsend Representative commences on April 1st, 2021 or your appointed date, and expires on March 31st, 2024.

Persons who are interested in these positions should obtain and complete a Volunteer Response Form (VRF) from the Office of the Board of Selectmen and return the form by mail or email to the said office by 4pm Monday, March 15th, 2021. Incumbents need not file a new VRF, but should send a letter of interest, to said office, if willing to be re-appointed.

The Board of Selectmen, the Moderator and Townsend Representatives of the North Middlesex Regional School District comprise the Committee to Appoint Townsend's Alternative Representative to the Nashoba Valley Technical High School District Committee and the committee will make the appointment to fill the vacancy.

John B. Barrett
Moderator

Posted: March 4, 2021

2-23-2021 BOS Meeting – Work Session
Goal Setting

Jim:

- Continue to Manage providing public services Covid-19
- Work on Grant Coordination – grant portal
- Manage another tight budget
- Be more deliberate about quarterly trainings for staff (OML, ethics) and extend to lesser trainings relating to stress in the workplace
- Participate in an internship with local universities having Master in Public Administrations (MPA) programs (Clark/Suffolk/Framingham State) in land use, public finance, public administration

Wayne

- Street Repair
- Post Covid (functioning of the town looking forward) – for example: Town Meeting, examine how we do it & where we have it. Get more participation. Outdoor ATM went well and people liked it.
- Get more volunteers

Joe

- Support Town Employees
- Complete the Senior Center Expansion
- Harmony of town moving forward. All departments work together with each other.
- Policies and Procedures reviewed
- Open and Transparent communication. The BOS should always know what the Town Administrator is working on
- Communication Center – consolidating with Ashby, Townsend, and Pepperell
- Grant Administrator position – funded and staffed
- Cash Operations in town – review
- Minutes available on time

Veronica

- Union negotiations completed in a reasonable time (prior to town meeting)
- All documents up-to-date, i.e., Master Plan, Open Space and Recreation Plan, ADA Plan, Energy Master Plan, Water Master Plan, MVP/HMP Plan
- All volunteer committees/commissions “staffed”, i.e., Strategic Planning Committee, Disability Commission, Agricultural Commission, Capital Planning, etc.
- Use of Office 365/Outlook to share documents, files, agendas and calendars implemented at Town Hall (for all departments and boards/commissions), including providing all elected board members townsendma.gov email address
- Budget policy followed as outlined in the charter and policy including for the Capital Planning Commission

- Each Department & its Boards/Commissions, if applicable, meets quarterly with the BOS (set up a rotating schedule so 1-2 departments at each BOS meeting)

