

# FOXBOROUGH BOARD & COMMITTEE HANDBOOK



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ADOPTED BY THE BOARD OF SELECTMEN  
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# TABLE OF CONTENTS

Introduction .....	3
Participation in Government .....	3
Types of Boards and Committees .....	3
Statutory Boards & Committees.....	3
Advisory Committees.....	3
Important Reading .....	4
Members, Associate Members and Alternate Members .....	4
Application Procedure .....	4
Appointment, Reappointment, Resignation & Removal .....	4
Ethical Standards/Working Relationships .....	5
Standards of Conduct / Civility.....	6
Orientation .....	8
Meeting Definition .....	8
Posting a Meeting Notice .....	9
Board and Committee Officers .....	9
Conducting a Meeting.....	10
Virtual Meeting Etiquette .....	10
Quorum .....	11
Public Hearing Process .....	11
Meeting Logistics .....	12
Record Keeping .....	12
Public Records Law .....	13
Use of Town Equipment and Facilities.....	13
Staff Support .....	13
Use of Town Counsel .....	13
Conduct: Open Meeting Law.....	14
Email Usage .....	15
Social Media .....	15
Conflict of Interest Law for Public Officials & Employees.....	16
Recusal Process .....	17
Campaign Finance Law.....	18
Speaking for a Board or Committee .....	18

Civil Discourse .....	18
Liaison with Board of Selectmen.....	19
Annual Town Report .....	19
Appendix A: List of Boards and Committees .....	20
Appendix B: Sample Meeting Notice/Agenda.....	22
Appendix C: Introduction to Robert’s Rules of Order.....	23
Appendix D: Recommended Public Hearing Procedure.....	25
Appendix E: Purposes for Convening in Executive Session .....	26
Appendix F: Social Media Policy.....	28
Appendix G: Official State Holidays .....	31

## **Introduction**

Thank you for volunteering for your board, committee or commission. You are about to undertake a very important role within the Town of Foxborough. Boards, committees and commissions serve as planning and policy bodies for the Town and, in some cases, as enforcement agents for State statutes and local bylaws. The volunteer members who serve on these boards and committees are an essential part of running an effective and efficient local government.

This handbook has been prepared by the Town Manager's office as a general informational aid to all Town committees and boards. It provides a brief description of procedures and an introduction to important State statutes that govern the conduct of boards, committees and their members. These statutes include the Open Meeting Law; and the Conflict of Interest Law (also known as the State Ethics Act). **The term "board" and/or "committee" will refer to all boards, committees and commissions of the Town of Foxborough.**

All board members should read the Annual Town Report and the Code of the Town of Foxborough for information regarding board and committees. In addition, all committee members should review each set of laws that pertain to their certain board, committee, or commission.

## **Participation in Town Government**

The Board of Selectmen actively encourages Foxborough residents to participate in local government by volunteering to serve on a board or committee. Through service to the community, board and committee members have an opportunity to learn about the workings of our Town and to support fellow members of our community. The Board of Selectmen recognizes that serving on a board or committee takes dedication and commitment. We appreciate your volunteer service.

## **Types of Boards and Committees**

Appendix A contains a listing of the current Town committees and boards. This appendix identifies the type of committee, the appointing authority and the number of regular, associate and alternate members. All boards and committees appointed by the Board of Selectmen must follow the general policies set by the Board of Selectmen. Other boards and committees are encouraged to function in a manner which is consistent with these general policies.

## **Statutory Boards and Committees**

State statutes outline the powers and duties of statutory boards and committees, such as the Board of Assessors, Board of Health, Commission on Disability, Conservation Commission, Council on Aging, Historical Commission, the Planning Board and the Zoning Board of Appeals. The Code of the Town of Foxborough and appointing authorities may further define the work of these committees.

## **Advisory Committees**

The Board of Selectmen may from time to time create advisory and/or "ad hoc" committees to aid the Board of Selectmen in the performance of its duties to the public. The Board of Selectmen is the appointing authority for advisory committees. The Board of Selectmen prepares the charge, sets the number of members and their terms, approves the membership and receives the reports and recommendations of an advisory committee. Advisory committees may be temporary for short term assignments or may have ongoing responsibilities. When a committee is appointed on a temporary basis for the purpose of a specific goal (i.e. "ad hoc"), the members will serve until the Board of Selectmen determines the committee assignment has been completed.

**Residency:** All advisory committees serve at the discretion of the Board of Selectmen. The Board of Selectmen will typically afford appointing preference to full-time Town residents. However, the Board maintains the right to appoint non-residents to ad hoc or advisory committees as appropriate to the mission of the committee.

### **Important Reading**

All board and committee members, associate members and alternate members should read the most recent Annual Town Report and the Code of the Town of Foxborough. Both are contained within the Town's website; go to [www.foxboroughma.gov](http://www.foxboroughma.gov) and search Annual Town Report and the Code of the Town of Foxborough. The Town website is also a valuable source of information to Town boards and committees, especially when all boards and committees submit their activities to the Community Information Specialist for inclusion on the site.

All boards and committees members should review the State laws pertaining to their board, commission or committee. For assistance in obtaining those State laws, please refer to the committee Chairman, Selectmen, and/or Town Manager's office.

Summaries of the Open Meeting Law and the Conflict of Interest and Ethics laws are included in this document. For more information on the Open Meeting Law, Conflict of Interest and Ethics laws, please contact the Town Clerk's office.

### **Members, Associate Members, and Alternate Members**

The charge for most boards and committees specifies the number of full members and the number of alternate and/or associate members. Serving as an alternate or associate member is an excellent way to become familiar with the work of a particular board or committee before taking on the responsibility of a full member.

The exact role of alternate and associate members varies by board and committee. Committee members should familiarize themselves with those roles by looking at the statutory regulations or the Board of Selectmen charges for the individual committee.

### **Application Procedure**

Interested residents file an application with the Town Manager's office by submitting a Request for Committee Appointment form. The form is then forwarded to all Boards and Committees that a resident is interested in. Each board will then review and can make a recommendation to the Board of Selectmen for approval. The Board of Selectmen will review, consider, and vote on such appointments.

### **Appointment, Reappointment, Resignation, Removal**

All appointments made by the Board of Selectmen are made by a majority vote of the Board in an open, posted meeting.

Terms of office will begin on June 1 and end on May 31 unless otherwise determined by State Law or Town by-law. Term length ranges from one to five years. Some advisory/ad hoc committees however, are formed to accomplish a specific task and are then dissolved when the task is completed. Terms are generally not specified for these short-term advisory committees. A committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer or approve any such reappointment.

A board or committee member who is no longer able to serve, or who moves out of Town, should resign promptly so that the vacancy may be filled as soon as possible. A notice of resignation should be submitted in writing to the Board of Selectmen and the Town Clerk. If a board/committee member moves out of Town but still believes they can significantly contribute to the board/committee, they should contact the Board of Selectmen for its consideration of continuing or completing the appointee's term.

All appointing authorities reserve the right to appoint or not reappoint any of the officers or members of Town boards or committees appointed by them. However, appointing authorities should consider all recommendations for appointment or reappointment that are submitted to them.

Appointments to fill vacancies will only cover the remaining term of the vacated position. An individual who is appointed to fill the remainder of the term of a vacated position is eligible for appointment to a new term; but is under no obligation to continue to serve once their initial appointment term expires.

In rare circumstances, including unexplained absences of three or more instances (during an appointment year), or conflict(s) of interest, the appointing authority may ask for a member's resignation. Prompt written notification to the committee member will be given by the appointing authority in the event of such a request.

### **Ethical Standards/Working Relationships**

As a member of a multi-member Board, Committee or Commission, in relation to the community, a member should:

- A. Realize that his/her basic function is to make policy, unless otherwise specified by statute or bylaw, with administration delegated to the Town Manager\*,
- B. Realize that he/she is one member of a team and should abide by, and carry out, all Board decisions once they are made,
- C. Recognize that the use of any official Board letterhead for correspondence purposes must originate from within the Board's Office to assure strict compliance to the guidelines pertaining to the use of the Town Seal as set forth in M.G.L. c. 40, § 47,
- D. Be well-informed concerning the duties of a Board member on both the local and state level,
- E. Remember that he/she represents the entire community at all times,
- F. Accept that being a Board member is a means to provide community service and not to benefit personally or politically from his/her Board activities,
- G. In all appointments, Board members must avoid political patronage by judging all candidates on merit, experience and qualifications only,
- H. Abide by the State's Ethics laws established by the Commonwealth and not use his/her position on the Board to obtain inside information on matters which may benefit him/her, family members or business partners personally.

As a member of a Board, Committee or Commission, in his/her relations with administrative officers and staff of the Town, a Board Member should endeavor to:

- A. Establish sound, clearly defined policies that will direct and support administration of affairs for the benefit of the taxpayers of Foxborough.
- B. Recognize and support the administrative chain of command and decline to act on complaints as an individual outside of proper administrative channels,
- C. Afford the Town Manager\* full responsibility for discharging his/her disposition and solution of matters within his/her jurisdiction,

- D. Provide the Town Manager\* with the time, support, information, and access as necessary to perform the daily functions of his/her office and to keep personal needs and contacts to a minimum so as to not disrupt the timely execution of his/her duties.
- E. A member of the Board of Selectmen\*, in his/her relations with fellow board members, should endeavor to:
  - 1) Forward all requests for agenda items or revisions to the Chair in a timely manner for consideration and posting,
  - 2) Recognize that actions at official, legally convened meetings are binding and that he/she cannot act alone and cannot bind the Board (or the Town) outside of such meetings,
  - 3) Not make statements or promises of how he/she will vote on matters that will come before the Board until he/she has had an opportunity to fully hear the pros and cons of the issue during a Board meeting,
  - 4) Uphold the spirit and intent of Executive Sessions and respect the privileged and confidential nature of communications among Board members in executive sessions,
  - 5) Make decisions only after all facts on a question have been presented and discussed,
  - 6) Treat all members of the Board with respect and respect their opinions; despite any differences in opinion and/or personal beliefs.

\*In the context of this section, the working relationship of the Town Manger and Board of Selectmen Members is used; and applies similarly with Department Heads and the board, committee or commission working relationship

## **Standards of Conduct / Civility**

The Town of Foxborough's municipal government desires to set a standard of the highest professionalism, civility and respect for employees, volunteers, residents and visitors through personal interactions and any other methods of communication. Additionally, as the chief policy board for the Town of Foxborough, the Board of Selectmen will model this behavior for the Town.

Accordingly, no employee, member of a Board, Commission or Committee, or any other person engaged by or acting on behalf of the Town of Foxborough, may exhibit any unprofessional conduct or enter into any verbal discussions or other form of communication by any means without employing the highest standards of personal integrity, truthfulness, honesty, civility and fairness in carrying out his or her public duties. This policy applies during any transaction of town business, regardless of whether the meeting is conducted in person (live) or virtually through "Zoom" or any other conferencing platform. Failure to do so shall be considered a violation of this policy.

### Definitions/Standards

Civility: Respect and civility, from all employees, volunteers, those representing the Town, and those in attendance at any Town function, shall be maintained at all times; including and especially during public meetings. Public meetings are to be free from disrespect, public embarrassment, and/or personal attacks on any person whether present or absent from the proceedings. Town Officials, employees, appointed, volunteer board/committee members, and the public, are free to express their ideas without the threat of harassment and/or intimidation. There is no place for verbally or physically accosting anyone, for any reason, at any time. While disagreements about issues are acceptable, acting in a disagreeable manner is not.

Integrity: No promises or commitments that cannot be reasonably and lawfully fulfilled shall be made by any person working for or representing the Town of Foxborough. Appropriate social,

ethical, and organizational norms in all Town related activities are expected to be maintained at all times. Acting with integrity includes a commitment to honesty, truthfulness, fairness, and completion of tasks and duties in comportsment with the highest standards possible.

Respect: All persons shall be treated in a fair and equitable manner; without exception. No employee, member of any board, commission or committee, or person(s) representing the Town of Foxborough, shall at any time raise his/her voice, demean, or purposefully embarrass any person in any Town building, on any Town property, or at any meeting, presentation, or event sponsored by the Town. It is expected that any person doing business in Town buildings or at a Town meeting/event will be similarly respectful to all others in attendance and those responsible for the event.

Unprofessional Conduct: While serving as representative of the Town; employees, members of any board, commission or committee, whether appointed or elected, shall display professional conduct at all times. Such conduct is defined as not: using profanity, demeaning or inappropriate gestures, being physically impaired by means of alcohol or a controlled substance, smoking, vaping, or chewing tobacco during the course of a meeting or in the workplace, or being disrespectful of other employees, volunteers, elected officials and/or the public.

Communications: All persons identified above shall strive to be open, consistent, truthful, and respectful in all communications; both written and verbal. These are vital qualities for sound decision making for this community. It is understood by individuals subject this policy that there will be a commitment to maintaining the confidentiality of all privileged communications that occur in Executive Sessions and/or involving matters related to personnel, collective bargaining and any threatened, pending or on-going litigation.

Teamwork: The Town, including all Departments, Boards, Commissions, Committees, and other public bodies, shall promote an atmosphere of teamwork and mutual respect to achieve organizational goals; recognizing at all times that unity of purpose and effort leads to productivity and greater accomplishments for this community.

Enforcement: While it is expected that everyone will abide by the code of conduct and remind their colleagues and peers of this obligation, it is the responsibility of the Town Manager, Department Heads, Commission and Board Chairs to hold everyone within the realm of their authority accountable to the code of conduct standards. Ultimately, it is the Chair of a meeting who is responsible and has the authority to enforce and hold accountable meeting members and participants.

Violations: Violations of this policy may result in disciplinary action if an employee commits the infraction. If an infraction is committed by an appointed volunteer who serves as a Board/Committee/Commission member, such violation may result in the volunteer not being reappointed at the end of their term. Violation(s) of this policy by an elected official may lead to an ethics infraction which is subject to an investigation and fines as determined by the State Ethics Commission.

Reporting: Board, Commission Members, or Employees shall report any violations of this code of conduct to their Board/Commission Chairs, supervisors and/or the Assistant Town Manager, respectively

## **Orientation**

Newly appointed or reappointed members will receive a letter from the appointing authority notifying them of their appointment and asking them to contact the Town Clerk's Office to be sworn in. Newly appointed board/committee/commission members will be sworn in by the Town Clerk upon assuming office and be sworn in when reappointments are made by the Selectmen. At the time of being sworn in, board or committee members will be given the Town's Anti-Harassment Policy, Conflict of Interest Law Summary and Open Meeting Law Summary by the Town Clerk. The Town Manager's Office will provide an electronic copy of this handbook to all members, with printed copies available upon request. The board or committee member is required to sign a confirmation that they have received these documents. The confirmation form will be retained by the Town Clerk's Office. To make arrangements to be sworn in, or for questions related to swearing in, please contact the Town Clerk. An appointed multi-member body member may not vote on or take official action with respect to any matters until they are duly sworn in.

The Board of Selectmen recognizes that volunteers are not always experienced in the workings of municipal government. New members should contact their board or committee chairperson for an orientation to the board or committee's role, responsibilities, and recent issues. Whenever possible, all issues related to the operational procedures of the board or committee should be resolved with the chairperson of the committee, or other committee members. The Town Manager's Office is available to assist with any operational question that cannot be addressed by the chair of the board or committee.

## **Meeting Definition**

Meetings of Town boards and committees are subject to Massachusetts Open Meeting Law. This law is based on the premise of transparency in public proceedings such that the public is entitled to see and participate in the process of government decision making and not simply its end result.

Aside from interim measures to facilitate municipal government operations during the COVID-19 pandemic, the substantive provisions of the Open Meeting Law were most recently revised by Section 18 of Chapter 28 of the Act of 2009. Follow this link for the full Open Meeting Law: [www.mass.gov](http://www.mass.gov) and search for Open Meeting Law

The Massachusetts Attorney General's Office (Division of Open Government) has the authority to interpret and enforce the Open Meeting Law, issues guidance documents and conducts training. All Town board and committee members should familiarize themselves with the Open Meeting Law. Please do not ever hesitate to call the Massachusetts Division of Open Government with your questions:

Massachusetts Division of Open Government

Web address: [www.mass.gov](http://www.mass.gov) and search for Division of Open Government

Email: [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us) Phone: (617) 963-2540

A board or committee meeting must be posted at least 48 business hours in advance of the meeting, and held in public even if there will be no vote or decision reached. The 48 hour advance posting requirement does not include weekends (Saturday or Sundays) or holidays as legal days to calculate the 48-hour notice period. For example, if a board or committee were planning a 6:00 P.M. meeting on a Tuesday night following Labor Day, the meeting would have to be posted on the previous Thursday Night before 6:00 P.M. to meet the 48-hour rule. Discussions or deliberations among

board members regarding official business of the board or polling of board members for a decision prior to an open meeting of the board or committee is illegal and in violation of the Open Meeting Law. Except in very specific cases spelled out in the law, the public and the press have the right to attend all open meetings of government bodies. The law also provides for “emergency meetings” which can be called by a board or committee under exigent circumstances and such meetings would not be required to meet the 48 hour rule. However, in such instances it is advised that the Board or Committee consult with the Town Manager’s Office and seek permission to speak with Town Counsel to determine if the emergency meeting rule can be properly applied in that specific instance.

All multi-member boards and committees must follow the Open Meeting Law. A meeting occurs any time a quorum (usually a simple majority) of the members convenes, by whatever means or medium, and discusses or considers any public business or policy over which the board or committee has some jurisdiction or advisory power. A quorum shall not meet in private for purposes of deciding or deliberating toward a decision on public business unless it does so in a properly convened Executive Session. (See the Open Meeting Law section about Executive Session). Substantive discussions or deliberations on public business among a quorum of members that occur via email, by telephone, or by sequential communications violate the Open Meeting Law. A board or committee may only conduct administrative functions, such as scheduling meetings, transmitting documents, and setting agendas, by phone and email.

### **Posting a Meeting**

As noted above, a meeting notice/agenda must be posted with the Town Clerk’s Office at least 48 hours prior to the meeting (excluding holidays and weekends) must follow a format that includes:

- Name of the board
- Date and time
- Location of the meeting (including address)
- Agenda/Topics to be addressed and voted on, reasonably accurate and specific in description of the subject, such that a resident would be reasonably able to determine whether or not they wish to attend a meeting

If there are any changes in the location, time, etc., the posting should be amended with the Town Clerk as soon as possible and should be labeled as an Amended Agenda. See Appendix B for a sample Meeting Notice and agenda. Blank copies of this notice are available through the Town Manager’s office and the Town Clerk’s Office. Please note that the Board of Selectmen voted in 2017 to designate the Town website ([www.foxboroughma.gov](http://www.foxboroughma.gov)) the official posting location of all boards and committees. Agendas must be uploaded here for a meeting to comply with the 48-hour OML rule. It is advisable that board chair review the website to make sure that the agenda, as submitted to the Town Clerk, has been posted to the website shortly after submission.

### **Board and Committee Officers**

Committees and boards shall annually elect a chair, vice-chair and a clerk. Newly formed boards or committees should elect these officers at their first meeting. Ongoing boards or committees should elect officers at the first meeting on or after their May/June term renewal, or at such time after Town Meeting, which is customary. It is the responsibility of the chair to notify the appointing authority, the Town Clerk, and the Community Information Specialist of any changes in membership and officers. The chair sets the agenda and presides at all meetings, decides questions of order, calls special meetings, and signs official documents that require the chair’s signature. The

chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon.

The vice chair acts for the chairperson whenever the latter is absent from meetings, and performs other necessary duties as the board or committee may determine.

The clerk of the board or committee is responsible for taking and transcribing the committee's minutes, scheduling the place, date, and time of a meeting and for posting the meetings with the Town Clerk and the Community Information Specialist no later than 48 hours before a meeting (excluding Saturdays, Sundays and holidays). The clerk should also check for committee/board mail in the mail boxes at the Town Hall in the mail and copy room on a regular basis.

## Conducting a Meeting

It is advisable for the committee to observe a minimum of generally accepted parliamentary procedures and boards are encouraged to follow Robert's Rules of Order. Guidance by the chair and adherence to customary parliamentary procedures or adopted rules of order can increase efficiency as well as maintain objectivity. Briefly, these procedures include:

- Decisions of the board or committee should be recorded by a member making a "motion" which clearly states what action the Board will be voting on. In order for a "motion" to be acted upon, it must be "seconded" by another member. Reference: **Appendix C: Intro to Robert's Rules.**
- In most instances, a decision is made by a simple majority vote of those board or committee members present and voting at the meeting.
- Votes taken in open session by a governmental body may **not** be made by secret ballot.

Members of the public should be allowed to speak at a board or committee meeting only with permission of the chair. Any person may record a meeting with a tape recorder or any other means of audio reproduction and/or videotape equipment provided they announces their intention to do so and there is no interference with the conduct of the meeting.

It is encouraged, whenever possible, that Town boards and committees broadcast their meetings live and/or record the meeting for future broadcast over the Foxboro Cable Access television network and for online viewing.

## Virtual Meeting Etiquette

1. Set your profile up with your full name, and if desired, the position or entity you represent. This will ensure meeting participants and viewers watching the meeting know who you are and meeting minutes are accurate.
2. Mute yourself when you're not speaking or actively involved in the conversation.
3. Notify the meeting organizer if you'll be late or unable to attend, so the meeting can proceed accordingly.
4. Please arrive (or log on) to a meeting several minutes prior to the start to ensure a prompt start of the meeting.
5. Prepare for meetings by reviewing the agenda, prior meeting minutes, and meeting materials in advance to be able to ask questions and participate fully and knowledgeably in a meeting.
6. Review your background to ensure optimal video quality for viewers and to avoid distractions. Be aware of your background as you are an official representative of the Town.

7. Please dress for the virtual meeting as you would at an in person meeting and bear in mind that you may need to get up or stand at some point and the other participants will view whatever is in the scope of your camera.
8. Consider the potential for outside noise, traffic, etc and choose a quiet area if possible. If you can hear it, others can too. Arrange for care for children and pets to avoid distractions.
9. Refrain for all activity that you would not partake in when in a conference or meeting room. No smoking, vaping or consuming alcoholic beverages. Conduct yourself as if you were all sitting in a room together.
10. Close out of all other programs on your computer to avoid anything inappropriate from accidentally being viewed by other participants. An inappropriate incident could cause liability to you, your board, or the Town.
11. Be an active meeting participant. When interrupted or unable to be active please turn off camera and microphone and return visibly to the meeting when able. Remote participants may not actively participate in the meeting while driving a motor vehicle or anything else that would compromise the safety of the participant or be a distraction during the meeting.
12. If you are an active listener during a meeting, be sure to turn off your microphone and video until you are called upon to participate or want to provide information or comment during discussion.
13. It is recommended to turn off your device's notifications so you're not getting pop-ups during the meeting.
14. Say your name before you begin speaking the first time and/or if you are off camera. The speaker isn't obvious during virtual meetings, especially if there are a large number of participants.

## **Quorum**

Except as otherwise specified by law, a majority of the regular members of the board constitutes a quorum. A quorum must be present to call a meeting to order and a decision ordinarily requires the supporting vote of a majority of the members present and voting.

In the absence of a quorum, the chairperson may designate an alternate or associate member (if one is appointed to the board or committee) to sit for the duration of the meeting. If a quorum cannot be achieved, even with an associate(s), the meeting must disband and no deliberation or votes can be taken.

## **Public Hearing Process**

Many boards and committees (such as the Board of Selectmen, the Planning Board and the Zoning Board of Appeals) are required by Massachusetts General Laws to conduct formal public hearings on some matters that come before them. Others may choose to conduct a public hearing on a matter before them in order to receive input from the community.

All formal public hearings must be conducted in accordance with Massachusetts General Laws and the Code of the Town of Foxborough. 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 board or committee.

It is recommended that all public hearings follow a formal procedure. **Appendix D** outlines a recommended process.

For all hearings, the chair or other designated person should state guidelines and 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 board members, staff, or a member of the public.

It is the responsibility of the chair to maintain order and decorum at the hearing. In the interest of consistency and fairness, the chair may put restrictions on the nature, number, and frequency of an individual's comments and questions.

## **Meeting Logistics**

Depending on a board or committee's workload or particular needs, meetings may be held weekly, bimonthly, monthly, or less frequently. When possible, a regular meeting day, hour, and location should be established. Except in cases of emergency, boards and committees should not meet on weekends, major religious/official government holidays, or on Election Day while the polls are open. In addition, boards and committees should not meet while Town Meeting is in session, except as necessary to participate in the proceedings of Town Meeting.

It is the responsibility of the board or committee to provide timely notice to the Town Clerk of its meetings, including time, date, and location, by emailing them or by dropping the meeting notice/agenda by hand to the Town Clerk's office. Except for emergency meetings, all meetings must be posted at the Town Hall at least 48 hours in advance by the Town Clerk (Saturdays, Sundays and holidays excluded).

In the case of emergencies – items not reasonably anticipated to be on the agenda 48 hours in advance may be added to the agenda by the chair. But as soon as an emergency meeting is scheduled, notice must be posted. Although not required by law, it may also be appropriate to notify the press and other regular observers of an emergency meeting.

The Town Clerk maintains a current listing of all posted meetings on the bulletin board at Town Hall and on the Town website calendar. The Town Clerk and the Community Information Specialist posts agendas, minutes, and other documents to the website for boards and committees, when submitted by the committee's chair.

Meetings must be held in a place that is open to the public and accessible to persons with disabilities. Boards and committees should meet in a public building; meetings shall not be held in private homes or restaurants. A board or committee may reserve a room in a municipal building by using the following contact:

- Town Hall, Selectmen/Town Manager's Office – **508-543-1200**

## **Record Keeping**

As a governmental body, each board and committee shall maintain accurate minutes of its meetings, setting forth at a minimum, the date, time, place, committee members present or absent, the meeting agenda and all votes or actions taken at each meeting, including executive session, provided that the records of any executive session may remain secret as long as publication thereof may defeat the lawful purposes of the executive session, but no longer. The minutes of each meeting shall become a public record and be available to the public once accepted by the board or committee. Draft, unapproved minutes are also considered public records and must be released if requested prior to

the board or committee accepting them. Any such unapproved meeting minutes should be clearly marked “Draft” or include some other such notation. All votes taken in executive session (when allowed by law) shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot. Each board should vote to approve the minutes of their previous meetings within 30 days or 3 meetings, whichever is longest, and issue the approved minutes to the Town Clerk within 10 business days.

## **Public Records Law**

Massachusetts General Laws, Chapter 66, Section, 10 the Public Records Law, establishes a right of public access to “public records”, as defined by Chapter 4, Section 7, Clause 26, which 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 an express 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 Laws, Chapter 66, Section 8. No public records should be deleted or destroyed without first consulting the Town Clerk. The Massachusetts Secretary of State’s Public Records Division also provides guidance on public records matters at [www.sec.state.ma.us/pre/preidx.htm](http://www.sec.state.ma.us/pre/preidx.htm). Printed records should be filed with related files of the board or committee.

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

Each board or commission is responsible for its own clerical work. However, with advance notice, the Town Manager’s office may provide some assistance in coordinating photocopying, mailings, and other services. Depending on services provided, and whether or not a committee has a budget or gift account, the Board of Town Manager’s office may charge expenses to that board/committee for such services as photocopies, use of supplies, mailings, etc. Town equipment and facilities may be used for official board or committee business. Most boards and committees are assigned a mail slot in the Town Hall that should be checked on a weekly basis. Board or committee mailing addresses should be the Foxborough Town Hall, 40 South Street, Foxborough, MA 02035 (except for the Department of Public Works and any DPW subcommittees, which would be 70 Elm Street, Foxborough, MA 02035).

## **Staff Support**

Some boards and committees have a staff person who acts as clerk. For instance, the staff administrative assistant may record minutes of meetings, prepare and circulate information for meetings and perform other administrative duties.

Some boards and committees have a Department Head assigned as a liaison to the Board of Selectmen. The responsibility of the Department Head is to provide technical support and information. The staff person keeps the Selectmen/Town Manager’s office informed of the body’s work and any items of significance which may come up.

## **Use of Town Counsel**

Town Counsel may provide legal services to Town departments, boards and committees upon approval of the Town Manager. A board or committee chair must make a request to the Town Manager’s office for approval to use Town Counsel. **Boards and committees may not contact Town Counsel directly without following this procedure.**

The request for legal services is submitted to the Town Manager's office and must 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 attorney-client privilege. That information should be labeled as such and kept separately in the board or committee's files to avoid inadvertent disclosure and waiver of the privilege.

### **Conduct: Open Meeting Law**

The Open Meeting Law is designed to insure that governmental activities are conducted in public except in very specific situations. The full Open Meeting Law can be read here: [www.mass.gov](http://www.mass.gov) and search for Open Meeting Law. A hard copy can be provided to you by the Town Clerk or Town Manager's office by request.

The Open Meeting Law applies to every meeting of a quorum of a multi-member governmental body if any public business over which the governmental body has jurisdiction is discussed or considered. The Open Meeting Law does not apply to chance meetings or social meetings; however, no chance or social meeting can be held to circumvent the open meeting requirements and no business of the public body may be discussed.

The following is a summary of the lawful manner in which meetings of boards, committees and sub-committees are to be conducted:

1. The Open Meeting Law gives the public and the press the right to attend (although not necessarily to participate) all board and committee meetings except those portions held in Executive Session.
2. The law requires that notice of meetings be publicly posted at least 48 business hours in advance (except in a case of emergency), and that minutes be taken.
3. All meetings must have a quorum of members and be open to the public.
4. No private meetings are permitted where a quorum of members discusses or deliberates about any matter over which the board or committee has jurisdiction.
5. An on-site inspection of a project or program is not considered to be a "meeting" so long as the members do not deliberate during the inspection. A board or committee should not, during such an inspection, make any decisions or take any votes about matters within its jurisdiction. If a committee or board intends to make a decision or take a vote while on such a visit, then the visit would be considered a board or committee meeting and all Open Meeting Law requirements must be observed, such as proper meeting posting and taking of minutes.
6. Under the Open Meeting Law, an executive session may only be called for very specific purposes. See **Appendix E** for permissible reasons to enter Executive Session.
7. Executive Session procedure – the following steps must be taken prior to entering Executive Session:
  - a. Open Session must first be convened;
  - b. The presiding officer (ordinarily the chair) must state for the record the purpose of an Executive Session. The purpose of the Executive Session must be one of the permitted purposes summarized in Appendix E;
  - c. The presiding officer must indicate whether the board or committee will reconvene in open session after Executive Session;
  - d. A majority **roll call vote** is needed to go into Executive Session;
  - e. The vote of each member must be recorded on a roll call vote and recorded in the minutes.

## E-mail Usage

It is important for all board and committee members to know that for purposes of the Open Meeting Law and Public Records Law there is no distinction between written and electronic records. As a result, it is likely that email messages written or received in the capacity of a board, committee or commission member are public records which must be made available for public inspection in the same manner as hardcopy documents. Use of one's own home computer and personal email accounts may not exempt such communications depending on the context within which the document was created, sent or received. In addition, the ease by which emails are sent and forwarded may facilitate the improper discussion of public policy issues among a quorum of members (so called, "serial emails"). The discussion of public policy issues among a quorum of board or committee members via email is a violation of the Open Meeting Law. All electronic mail sent and received at a Town-issued email address should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and board and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail as it relates to any Town board/committee business.

It is important for boards and committees to be responsive to emails that are sent to them in their official capacity. It is advised that the chair or clerk be assigned this responsibility. Boards must be careful not to allow replies to citizens to become discussions among the members of the board/committee, as this is in violation of the Open Meeting Law.

## Social Media

Board and Committee members using social media platforms (including, but not limited to: Facebook, Twitter, Instagram, YouTube, etc.) should remember that their online persona reflects their character. Social media is not exempt from Open Meeting Law or Records Retention law. (For boards and committees using social media pages to share their news, please see the Town's separate Social Media Policy. (**Appendix F**)). For the purposes of individual board/committee members using social media, please note:

- All board/committee members ("Officials") are expected and required to conduct themselves online in a manner consistent with the Town's policies and standards of conduct.
- Officials must not reveal any confidential or privileged information about the Town, its business, its constituents, or its contractors.
- Officials must not harass other persons in contravention of the Town's computer use policy, harassment policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this policy even if the Town's name or name(s) of any individual is not specifically referenced.
- Officials should be honest and accurate when posting information or news. Officials should not use social media to post rumors or conjecture about the Town, its employees, constituents, officials, suppliers, vendors, contractors, or any other entities or individuals.
- Officials may only express their personal opinions and should never represent or appear to represent themselves on social media as a spokesperson for the Town, unless specifically designated and authorized to do so.
- Officials must also recognize that posting content regarding Town-related matters may result in a violation of the Open Meeting Law. (For example, if three members of a five member committee exchange comments on a social media post regarding a Town issue, this could be deemed "deliberation" and would be a violation of Open Meeting Law).

## **Conflict of Interest Law for Public Officials and Employees**

The Board of Selectmen seeks to ensure compliance with the conflict of interest law by all and strongly urges all Town officials, including volunteer board and committee members, to familiarize themselves with the Conflict of Interest Law and to direct any questions they may have to the Town Manager's office or the State Ethics Commission by calling "their attorney of the day" at (617) 371-9500.

To assist with compliance, the State Ethics Commission has posted an online training program on their website. This training must be completed upon appointment to a committee and the board/committee member must present the Town Clerk with a certificate of completion within **one month** of being appointed. The following overview of the Conflict of Interest Law is excerpted from the Ethics Commission's website <http://www.mass.gov/ethics> and may be based on the recent passage of the amendments to the State Ethics Act. Contact the Town Clerk for instructions on staying current with your Conflict of Interest certification throughout your term.

Chapter 268A of the Massachusetts General Laws governs your conduct as a public official. Below are some of the general rules that you must follow. You could face civil and criminal penalties if you engage in any prohibited activity. There are some exemptions to these rules, so you may wish to seek legal advice from the State Ethics Commission – (617) 371-9500 or Town Counsel regarding how the law would apply in your particular situation. The term "public employee" includes both elected and appointed municipal employees, whether paid or unpaid, full-time or part-time. An unpaid volunteer board member is considered a public employee for purposes for the conflict of interest law.

### **In general:**

- a. You may not ask for, or accept anything (regardless of its value), if it is offered in exchange for you agreeing to perform or not perform an official act.
- b. You may not ask for, or accept anything worth \$50 or more from anyone with whom you have official dealings. If a prohibited gift is offered, you may refuse it or return it; you may donate it to a non-profit organization, provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer", provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties.
- c. You may not hire, promote, supervise or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- d. You may not take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
- e. You may not take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the board of a non-profit organization, you may not take any official action which would affect that organization, or its competitors.
- f. Unless you qualify for an exemption, you may not have more than one job with the same municipality or county, or more than one job with the state.

- g. Except under special circumstances, you may not have a financial interest in a contract with your public employer. For instance: if you are a Town employee, a company you own may not be a vendor to that Town unless you meet specific criteria, the contract is awarded by a bid process and you publicly disclose your financial interest.
- h. You may not represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend or even a charitable organization.
- i. You may not ever disclose confidential information, data or material which you gained or learned as a public employee.
- j. Unless you make a proper, public disclosure – including all relevant facts – you may not take any action that could create an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.
- k. You may not use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance: you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- l. You may not use public resources for political or private purposes. Examples of “public resources” include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- m. You may not, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.

Abutting or nearby property may affect a public official’s financial interest:

Under the Conflict of Interest Law, a property owner is presumed to have a financial interest in matters affecting abutting and nearby properties. Thus, unless he or she can clearly demonstrate that he or she does not have a financial interest, a public employee should not take any action in his or her official capacity on matters affecting property that is near or directly abuts: his or her own property; property owned by a business partner; property owned by any immediate family members; property owned by a private employer, or prospective employer; or property owned by any organization in which the public employee is an officer, director, partner or trustee. Otherwise, he or she risks violating the Conflict of Interest Law.

## **Recusal Process**

If a member believes that he or she may face a conflict of interest or other reason that may justify his/her recusal from participation in any particular matter, the member should contact the Town Manager’s office – (508) 543-1200. Some potential conflicts are cured by a simple disclosure form filed in advance; others cannot be waived and require recusal. It is important for the member to understand and follow the proper course of action before proceeding.

The various disclosure forms can be found on the State Ethics Commission’s website:

<http://www.mass.gov/ethics/disclosure-forms/municipal-employee-disclosure-forms/>

If you do not have access to a computer, the necessary forms will be printed for you by the Town Manager’s office. All completed forms must be completed in triplicate and filed with the Town Clerk, the Town Manager’s office, and one copy should be kept for the board or committee’s personal files. If a board or committee member recuses him or herself from a particular matter of business, s/he should step down and leave the room while the matter creating the conflict is being discussed to avoid any appearance of exerting undue influence.

The Act To Improve The Laws Relating To Campaign Finance, Ethics And Lobbying (Chapter 28 of the Acts of 2009) provides as follows:

- It strictly prohibits public officials from accepting gifts of “substantial value” for or because of their position.
- It increases the maximum punishment for bribery to \$100,000 and 10 years imprisonment.
- It increases the maximum penalties for conflict of interest law violations involving gifts and gratuities, revolving door violations and other abuses to \$10,000 and 5 years imprisonment.
- It increases penalties for civil violations of the conflict of interest laws up to \$10,000 per violation (up to \$25,000 for bribery).
- It makes compliance with the Ethics Commission’s summons mandatory
- It increases the amount of time the Ethics Commission can proceed on an ethics violation from three (3) years to five (5) years.
- It gives the Attorney General concurrent jurisdiction with the Ethics Commission to enforce civil violations of the conflict of interest law.

### **Campaign Finance Law**

Massachusetts General Laws Chapter 55, the Campaign Finance Law, regulates political activity by public employees and the use of public buildings and resources in campaigns and ballot issues. If a board or committee member receives a stipend of any amount, he or she is considered a public employee for the purpose of the Campaign Finance Law. This does not apply to elected officials. Public employees who take part in the political campaigns and the candidates and committees they support should be aware of this law. Public resources (government vehicles, office equipment and supplies and the paid time of public employees) may not be used for political campaign purposes, such as the election of a candidate or the passage or defeat of a ballot question. Soliciting or receiving campaign contributions in a government building is prohibited.

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

An individual board member has a right to speak publicly as a private citizen but should not purport to represent the board or committee or exercise the authority of the board or committee except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens, it may be perceived that they speak for the board or committee. Such a perception should be avoided. In addition, it is the policy of the Board of Selectmen that a recused board or committee member refrain from using this individual right of free speech to speak on matters on which a member has been recused in front of that member’s board or committee.

### **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. Boards and 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 board or committee meetings will display respect to the public, board and 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; swearing, profanity, disparaging remarks, malicious gossip, slander, etc., both during a meeting and in other settings is behavior unbecoming of a Town official and will not be tolerated. It is expected that the Chair of all Boards and Committees will hold his/her membership to this standard. Failure to adhere

to this standard may be grounds for not reappointing a board or committee member by the Board of Selectmen or the relevant appointing authority. Everyone should strive for civil discourse on all matters.

### **Liaison with Board of Selectmen**

A department liaison will be determined/assigned to each board, committee, and commission. The duty of the department liaison is to maintain communication with the board, ensure meeting agendas are posted correctly, review minutes, and keep updated on issues of concern. Liaisons not appointed as regular or ex-officio members are not expected to attend the meetings, but may do so. The Board of Selectmen recommends that the board chair report regularly to its department liaison about board actions and plans so that the department liaison can keep the Board of Selectmen updated.

### **Annual Town Report**

All appointed boards and committees are required to file an annual report of activities for the Annual Town Report, due in December/January of each year (deadline to be announced each year by the Town Manager's office). The chairperson or another designated member should detail board or committee membership, including any changes, and report on major accomplishments and future plans for the future.

## Appendix A: List of Boards and Committees

APPOINTED & ELECTED Boards, Committees, & Commissions	Appointing	# of Members	Associates or	<b>Term</b>	
	Authority		special appointment	(Years)	Town Liaison to Board/Committee
AUDIT COMMITTEE	Selectmen	5		1 & 2	Finance Director
AGRICULTURAL COMMISSION	Selectmen	5		3	Town Manager's Office
BOARD OF ASSESORS	Elected	3		3	Chief Assessor
BOARD OF HEALTH	Elected	3		3	Director of Public Health
BOARD OF RECREATION	Selectmen	9	2 Associates	3	Recreation Dept.
BOARD OF REGISTRARS	Selectmen	3		3	Town Clerk
BOARD OF SELECTMEN	Elected	5		3	Town Manager's Office
BOARD OF WATER & SEWER COMMISSIONERS	Elected	3		3	DPW Director
BOYDEN LIBRARY TRUSTEES	Elected	6		3	Library Director
CABLE TELEVISION ADVISORY COMMITTEE	Selectmen	7		1	Town Manager's Office
CANOE RIVER AQUIFER ADVISORY COMMITTEE	Selectmen	3		3	Water Superintendent
CAPITAL IMPROVEMENT PLANNING COMMITTEE	Selectmen	5		1	Town Manager
CHILD SEXUAL ABUSE AWARENESS COMMITTEE	Selectmen	7		3	Town Manager's Office
CLEAN-UP FOXBOROUGH COMMITTEE	Selectmen	3		1	Town Manager's Office
CONSERVATION COMMISSION	Selectmen	7		3	Conservation Agent
COUNCIL ON AGING	Selectmen	9		3	Human Services/COA Director
DESIGN REVIEW BOARD	Selectmen	5		3	Planning Administrator
ECONOMIC DEVELOPMENT COMMITTEE	Selectmen	9		1	Planning Director
EMPLOYEE INSURANCE ADVISORY COMMITTEE	Selectmen	Not set		1	HR Director
FOXBOROUGH COMMISSION ON DISABILITY	Selectmen	7		1	Building Commissioner
FOXBOROUGH CULTURAL COUNCIL	Selectmen	5 - 22		3	Town Manager's Office
FOXBOROUGH HOUSING AUTHORITY	Elected	4	1 appointed by State	5	Planning Department
HISTORIC DISTRICT COMMISSION	Selectmen	5		3	Building Dept. & Town Manager's Office
HISTORICAL COMMISSION	Selectmen	7		3	Town Manager's Office
NEPONSET RESERVOIR COMMITTEE	Selectmen	2		1	Conservation Agent

PERM. MUNICIPAL & SCHOOL BLDG. COMMITTEE	Selectmen	9		3	School Bus. Mgr & Town Manager's Office
PERSONNEL BOARD	Selectmen	5		2	HR Director
PLANNING BOARD	Elected	5		3	Planning Director
PLAYING FIELDS COMMITTEE	Selectmen	13		1	Recreation Director
SCHOOL COMMITTEE	Elected	5		3	School Superintendent
STADIUM ADVISORY COMMITTEE	Selectmen	9		1	Town Manager's Office
SURVEY BOARD	Selectmen	4		1	Building Dept
TOWN ASSET REVIEW COMMITTEE	Selectmen	6		1	Town Manager's Office
VETERAN SERVICES ADVISORY COMMITTEE	Selectmen	5 - 15		1	Veteran Services Officer
ZONING BOARD OF APPEALS	Selectmen	3	2 Associates	3	Building Commissioner

For more information on these Boards and Committees please visit [www.foxboroughma.gov](http://www.foxboroughma.gov) and search Boards & Committees

# Appendix B: Sample Meeting Notice and Agenda



Tuesday, January 5, 2021  
Draft Board of Selectmen Meeting Agenda

Foxborough Town Hall  
Andrew Gala Meeting Room  
7:00pm

The Chair reserves the right to call items on the agenda out of order. The times that are listed for items are approximate times, and items may be reached earlier or later than the posted times. The listing of items are those reasonably anticipated by the Chair which may be discussed at the meeting at least forty-eight (48) hours prior to the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

For public comments regarding items on this agenda please email your comments to [BOS@foxboroughma.gov](mailto:BOS@foxboroughma.gov) to be read into the record by 5:00pm on the day of the meeting. Depending on time constraints, content of comments, and number of comments submitted not all comments will be read into the record but will be attached to the official meeting minutes.

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## 1. 7:00pm - Citizen's Input

1.1 Citizen's Input

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## 2. 7:05pm COVID-19 Informational update

2.1 Update on COVID-19 from William Keegan

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## 3. 7:10pm - Fire Department - Inter Municipal Agreement with Wrentham

3.1 Fire Chief Kelleher to discuss the Inter Municipal Agreement with the Town of Wrentham to provide emergency vehicle repair services

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## 4. 7:15pm - Child Sexual Abuse Awareness Committee - Annual Report

4.1 Bob Correia and Pastor Bill Dudley to give annual report of the Child Sexual Abuse Awareness Committee

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## 5. 7:30pm - Nirvi Inc, d/b/a Olive & Mint

5.1 Meeting with the owners of Olive & Mint to discuss payment plan and license status

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## 6. 7:50pm Dept. Head Update - Town Clerk

6.1 Town Clerk Robert Cutler to give department update for Town Clerk's Office

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## 7. 8:10pm Assistant Town Manager's Update

7.1 Assistant Town Manager Update

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## 8. 8:20pm Town Manager's Update

8.1 Town Manager Update

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## 9. 8:30pm - Selectmen's Update

9.1 New Business

9.2 Old Business

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## 10. Action Items

10.1 AJD, Inc d/b/a Auto Express - Renewal of Class 2 Auto License for 2021

10.2 BOS - Approval of Board of Selectmen Meeting Minutes for September 29, October 13, October 27, November 10, November 17 and December 1, 2020

10.3 Veterans Services - Acceptance of \$276.00 donation from Ed Baldwin

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## 11. Adjourn

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## Appendix C: Introduction to Robert's Rule of Order

### Motions

A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

- Move a motion
- Second a motion
- Debate motions
- Vote on motions

### Types of Motions

**Main Motions** introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.

**Subsidiary Motions** change or affect how a main motion is handled, and are voted on before a main motion.

**Privileged Motions** bring up urgent items about special or important matters unrelated to pending business.

**Incidental Motions** provide a means of questioning procedure concerning other motions and have priority.

### Presenting a Motion

1. Obtaining the floor
  - a. Wait until the last speaker has finished
  - b. Rise and address the Chair by saying, for example, "Mr. Chairman," or "Madam President."
2. Make Your Motion
  - a. Speak in a clear and concise manner.
  - b. Always state a motion affirmatively. Say, "I move that we..." rather than, "I move that we do not..."
  - c. Avoid personalities and stay on your subject.
3. Wait for Someone to Second Your Motion.
  - a. Another member will second your motion or the Chair will call for a second. If there is no second, your motion is lost.
4. The Chair States Your Motion
  - a. The Chair will say, "it has been moved and seconded that we..." Thus placing your motion before the membership for consideration and action.
  - b. The membership then debates your motions, or may move directly to a vote.
  - c. Once your motion is presented to the membership by the Chair it become "assembly property", and cannot be changed by you with the consent of the members.
5. Expanding on Your Motion
  - a. The time for you to speak in favor of your motion is at this point in time rather than at the time you present it.
  - b. The mover is always allowed to speak first.
  - c. All comments and debate must be directed to the Chair.
  - d. Keep to the time limit for speaking that has been established.

- e. The mover may speak again only after the other speakers are finished, unless called upon by the Chair.
6. Putting the Questions to the Membership
    - a. The Chair asks. "Are you ready to vote on the question?"
    - b. If there is no more discussion, a vote is taken.
    - c. Alternatively, a motion to "move the previous questions", is adopted, brings the question to a vote.

### **Voting on a Motion**

The method of vote on a motion depends on the circumstances and the Code of the Town of Foxborough of your organization. There are five methods used to vote by most organizations:

- Voice. The Chair asks those in favor to say, "aye", those opposed to say "no". Any member may move for an exact count.
- Roll Call. Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
- General Consent. When a motion is not likely to be opposed, the Chair says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
- Division. Members raise their hands or stand with the ayes or the noes. A count is not necessarily required.
- Ballot. Members write their vote on a slip of paper. This method is used to maintain secrecy in votes.

### **Use It Properly**

- Allow motions that are in order.
- Have members obtain the floor properly.
- Speak clearly and concisely.
- Obey the rules of debate.
- Most importantly, BE COURTEOUS.

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

Some boards and committees have statutory requirements for public hearings. This process may be used in addition to the legal requirements or may be used for committees that don't have statutory hearing definitions.

1. The chairperson states guidelines and procedures including time limits and decorum.
2. Where necessary, chairperson states background information.
3. In the case of a Selectmen's Dog Hearing, the chairperson will swear in all witnesses prior to giving testimony.
4. Petitioner(s) makes presentation.
5. Information is presented from Town officials and other boards or committees.
6. Board or committee members question petitioner.
7. The public directs questions and comments through the chairperson.
8. The hearing may be continued to another session with a specific date, time and place announced at the hearing.
9. Once all facts, testimony, and opinions have been heard, the chairperson closes the public hearing.
10. The board or committee begins deliberation in an Open Meeting session. Motions may be made and votes may be taken at the board or committee's discretion. The board or committee ultimately votes a decision on the application. The decision usually has a set deadline. A decision usually entails a vote of approval, disapproval, or approval with conditions. Conditions and a rationale for the decision should be clearly spelled out and be based on information given at the hearing, State law, Town reports and studies, and other Town planning documents. Decisions may not be arbitrary and capricious or based on legally untenable grounds.

## Appendix E: Purposes for Convening into Executive Session

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:
  - a. to be present at such executive session during deliberations which involve that individual;
  - b. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
  - c. to speak on his own behalf; and
  - d. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
  - a. any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
  - b. no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

## Appendix F: Social Media Policy

### Acceptable Use Policy – Computer, Technology, Email, Cell Phone, Internet, Social Media

43-1. *Policy.* The Town of Foxborough may provide email and/or Internet access to employees who are connected to the municipal network server at the Town Offices and, additionally, to various employees in other town buildings. The purpose of providing these services to employees is to improve communication between departments and to provide the means to communicate and obtain information via the Internet. These services shall be used to improve the efficiency and effectiveness of municipal operations. Access and Control of the Town's technology resources, equipment, and information shall be as follows:

The Town has established these policies to set the standards for the proper and allowed uses of the Town's telecommunications systems including telephones, email, facsimile machines (faxes), cell phones, and the Internet, including social media, and to set the standards expected of town personnel in the use of private equipment and media. The use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The Town reserves the right to review and monitor employees' use of Town systems and communication devices. Employees are advised that they have no legitimate expectation of privacy in regard to their use of the Town's system and communication devices.

Violation(s) of this policy may result in disciplinary action being taken against the employee, up to and including termination from employment.

*Email:* Electronic data in the form of email is considered a public record and as such is subject to the requirements of the Public Records Law (MGL c 66) including the requirement to maintain that data, and as applicable to make that data available to the public upon request. Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act. Electronic data that is generated or communicate by a town employee in the course of his employment, will be considered a public record regardless of whether the equipment used is town owned or personally owned.

*Appropriate Use:* Email and related online services are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town's objective to provide efficient, complete, accurate, and timely services.

Users shall act professionally, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.

The telecommunications systems (including Town office Wi-Fi access) shall not be used for:

- Personal gain or to conduct personal business, political activity, non-Town-related fundraising activity, or charitable activity;
- The transmission of materials used for commercial promotion, product endorsement, or political lobbying;
- Discriminate, or promote discrimination, on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability, or sexual preference; to promote, cause, or contribute to sexual harassment; or to promote personal, political, or religious business or beliefs;

- To violate any of the Town's personnel policies;
- For any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any criminal activity.

No user shall violate the computer security systems or procedures implemented by the Town, the IT Director or his/her designee, including proper use of passwords, security systems, and virus detection programs. For security purposes, employees should either log off or revert to a password screensaver when leave their computer for an extended period. When leaving for the day, employees should log off and power down all electronic equipment.

Employees are expected to use careful consideration before opening emails or files from unknown senders. Employees are prohibited from downloading or transferring unauthorized software or files. No user shall pirate, download, or transfer software for which the user does not have the proper licensing. Additional restrictions or regulations on the importing of remote files may from time to time be imposed, and such restrictions or regulations shall be considered part of this policy.

Internet browsing should be limited to Internet sites directly related to the user's job function. Internet browsing for personal use is prohibited. The use of town equipment and access for the purpose of private social networking is prohibited. Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources.

Open Meeting Law Compliance: All provisions of the Massachusetts Open Meeting Law apply to email communication.

41-2. *Social Networking.* Whether acting within the scope of employment for the Town, or not, employees are encouraged to use professional judgment at all times concerning personal and professional use of social networking sites. In using social networking sites, employees should at all times be respectful to co-workers, residents, or persons seeking assistance from the Town. Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory while using social networking sites, and must refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes, or which may otherwise interfere with the ability of the Town government to function properly. Such statements or comments occurring online and/or through the use of social networking sites will not be tolerated and may be subject to disciplinary action.

Subject to applicable law, online activity outside of work that violates the Town's Personnel Policies may subject an employee to disciplinary action, up to and including termination. Use of social media during work hours, except as related to town business or postings, is prohibited and subject to disciplinary action.

43-3. *Mobile Devices Provided by the Town.* Employees whose work requires the issuance of a mobile device will be provided such device at the recommendation of the Department Head and the approval of the Town Manager. Employees who do not accept a Town mobile device, and instead opt to use their own device, shall be eligible to receive a stipend, upon furnished proof of cell phone

invoice paid. Such proof shall be provided to the Finance Department, along with any reimbursement/payable cover sheets, and shall be signed by the Town Manager for reimbursement. Employees who opt to use their own mobile devices for Town business must seek approval from their Department Head and should be advised that their device may be subject to records access laws. The rate of payment for cell phone stipends will be periodically reviewed. Proposed cell phone stipends must be included in the annual departmental budget and are subject to Town Meeting appropriation. Users are responsible for the physical safety of their Town-provided devices and must report lost/stolen/damaged equipment immediately to the technology staff (IT Department).

43-4. *Usage Guidelines.*

- Detailed records of the use of Town mobile devices are public records and may be requested at any time.
- Mobile devices provided by the Town are to be used predominately for work-related purposes.
- In addition to this policy, the use of mobile devices are governed by personnel policies which relate to the use of all Town computing equipment.
- Town employees and elected officials may use social media and social networking services and tools for personal use outside of the workplace. However, these types of tools can sometimes blur the line between professional and personal interactions. Therefore, employees and elected officials are reminded that as representatives of the Town of Foxborough, the above policies should be taken into consideration when participating in these services at any time, particularly when identifying themselves as employees of the Town or when context might lead to that conclusion, employees and volunteers should use discretion and common sense when employing social media, to help prevent inadvertently compromising professional, legal, or ethical standards, or otherwise violating this policy.

## Appendix G: Official State Holidays

The current list of official State holidays is:

New Year's Day – January 1  
Martin Luther King Day – third Monday in January  
President's Day – Third Monday in February  
Patriot's Day – Third Monday in April  
Memorial Day – Last Monday in May  
Juneteenth – The Nineteenth Day of June  
Independence Day – July 4  
Labor Day – First Monday in September  
Columbus Day – Second Monday in October  
Veterans' Day – November 11  
Thanksgiving Day – Fourth Thursday in November  
Christmas Day – December 25

The Town Hall offices are closed on these observed holidays and only emergency personnel is available.

Please Note: Christmas Eve is a half-day and the Town Hall offices close at 12:30 PM. Also, the Town Hall offices are closed the Friday after Thanksgiving. If a Holiday falls on a Saturday, the Town Hall offices will be closed on the preceding Friday. If Holiday falls on a Sunday, the Town Hall offices will be closed on the following Monday.