



TOWN OF HADLEY COMMITTEE HANDBOOK

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Introduction

This handbook is intended as a guide for all Town Boards, Committees, and Commissions as well as the staff that provide support. It describes, in general terms, important requirements for the conduct of Town business and should prove useful to both new and current members alike. It is intended to guide boards and committees whether members are elected or appointed.

There are references to various provisions of the Massachusetts General Laws. Some committees are governed by individual statute- it is recommended that these sources be consulted whenever a specific problem is encountered involving state statute or local by-law. The State Inspector General has a guide for members of Public Boards and Commissions: How to be an Effective Member of a Public Board or Commission. This is also required reading for all board and committee members.

The online guide can be found at

<https://www.mass.gov/doc/guide-for-members-of-public-boards-and-commissions/download>

This handbook provides a general description of procedures and summaries of state statutes that govern the conduct of committees and their members, such as the Open Meeting Law and the Conflict-of-Interest Law.

Thank you for your service to the Town of Hadley. Volunteers, appointed, or elected members are an essential part of running the local government and we are extremely grateful for all that help make the Town run effectively and efficiently.

1.1 Purpose

The Select Board provides this Handbook to assist the Town of Hadley's many volunteers to appointed boards, commissions, and committees.

The Handbook provides a brief description of Hadley's procedures which may be known to some but unfamiliar to others. It also provides information about important state statutes, such as the Open Meeting Law and the Conflict of Interest/Ethics Law which need to be understood by all.

1.2 Additional Publications

This Handbook does not attempt to duplicate all the details given in other state and local publications. For a more thorough treatment of issues and rules affecting committee service, please see:

1. The Hadley Town Code can be found at www.hadleyma.org.
2. The State Ethics Commission's Conflict of Interest Law Online Training Programs at <http://www.mass.gov/ethics/conflict-of-interest-law-online-training-programs.html>.
3. The Hadley Service Delivery Plan found at https://www.hadleyma.org/sites/hadleyma/files/uploads/edited_service_delivery_plan.pdf

New board, committee, and commission members should read these important state and Town documents and educational materials and save them as references. In addition, new committee members may wish to read past minutes and agendas to better understand the committee's activities.

New volunteers will be provided with a copy of their boards, committees, or commission's mission charge, all written information explaining the boards, committees, or commission's specific role, powers and duties, issues frequently encountered and any specific rules and regulations pertaining to his/her particular board, committee, or commission.

Newly established boards, committees, or commission's, or a board, committee, or commission without specific rules and regulations, will begin by drafting rules and regulations and submitting them to the Select Board's office for approval and adoption. Individual volunteers or a full board, committee, or commission may request training from state sources, Town staff, Town Attorney, or other sources by making a written request to the Select Board's office at any time.

Appointments

2.1 Appointing Authority / Committee Formation

The Select Board appoints the majority of the Town's commissionscommittees. State statutes outline the powers and duties of many boards, committees, or commission's; the Town's Service Delivery Plan, which adopted by the Select Board further defines the committees' work.

2.2 Considerations for Appointment

The Select Board's objective is to appoint qualified and interested Hadley residents broadly representative of the Town's demographics. The Select Board considers applications and suggestions from many sources, including but not limited to written recommendations, verbal expressions of interest, work experience, personal references, etc. The Select Board also takes into account other relevant factors to ensure a wide-ranging representation of residents. Selection is based on current boards, committees, or commission's composition, candidate qualifications, experience, personal recommendations, availability, and, if the applicant has previously served, on his/her previous attendance record, service, and performance record. Generally, a person finishing a successful first term is given preference for a second term, if desired. However, when appropriate, the Select Board will encourage turnover on boards, committees, or commissions to maximize opportunities for citizen participation.

In general, the policy is for an individual to serve on no more than two permanent boards, committees, or commissions simultaneously. Some boards, committees, or commissions have voting or non-voting representatives appointed through their home committees. For example, the Community Preservation Committee (CPC) has voting representatives appointed by the Conservation Commission, the Historic District Commission, the Historical Commission, the Planning Board, the Affordable Housing Trust, the Housing Authority, the Open Space

Committee, the Parks and Recreation Commission in addition to the one at-large member appointed by the Select Board. Each boards, committees, or commissions chair notifies the appointee and the Select Board in writing of the CPC appointment. The Select Board notifies the Town Clerk. Committee members must be sworn by the Town Clerk for the new boards, committees, or commissions assignment prior to attending a meeting as an official member.

2.3 Swearing In

At swearing in, the Town Clerk provides board, committee, or commission members information on the Open Meeting Law (M.G.L. c. 30A, §§ 18-25), the Commonwealth's required Ethics Exam and the Conflict-of-Interest Law (COIL) summary. All volunteers are required to complete this training.

2.4 Reappointment

The reappointment is based on an evaluation by the Select Board of the board, committee, or commission members' contribution to the board, committee, or commission, the desirability of widespread involvement, and the changing needs of the board, committee, or commission and the Town. Although there is no fixed limit on the length of service, it is normally limited to two (2) terms, each of three (3) years in length. In cases where special training or expertise is required, longer periods of service may be appropriate. A board, committee, or commission member is under no obligation to accept reappointment, nor is the Select Board obligated to offer it.

2.5 Resignation or Termination

A board, committee, or commission member no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the Select Board and the chair of the board, committee, or commission, and/or to the Town Clerk's office.

In rare circumstances such as continued, unexplained absences or conflict of interest, the Select Board may ask for a member's resignation or, if necessary, revoke the appointment. The appointment of a board, committee, or commission member who fails to attend three consecutive meetings without being excused by the chair may be terminated. Written notification to the board, committee, or commission member will be given in the event of such action. Generally, before such action is required, the Town Administrator will contact the member to discuss and hopefully correct the situation.

2.6 Associate Members

Some committees have associate or alternate members. Appointments of associate or alternate members are made by the Select Board using the same process as regular members.

2.7 Charge and Plan of Action

The board, committee, or commission's initial meeting will include a review of its mission statement as defined by the Administrative Code and its charge as prepared by the Select Board. The board, committee, or commission, with advice from staff and the appointing authority should develop a plan of action with goals

and objectives. The plan should include major reporting milestones so that the board, committee, or commission and the

Select Board may assess board, committee, or commission's progress.[2.8 Reporting to the Select Board](#)

The Select Board requires a regular report on board, committee, or commission's actions and plans through

either the chair or the staff liaison. That report will be incorporated in the operational report so all staff, board, committee, or commissions, and interested residents can be kept abreast of board, committee, or commissions' activities.

Conflict Of Interest Law

[3.1 Conflict of Interest Law Purpose](#)

According to *A Practical Guide to the Conflict of Interest Law for Municipal Employees* (2001), the "purpose of the conflict law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict.

[3.2 Conflict of Interest Law Provisions](#)

The law prohibits a variety of actions, including bribery, extra pay, receipt of gifts or privileges because of a board, committee, or commission member's official actions, and acting as an agent or attorney for anyone

in a claim against or doing business with the Town. COIL prohibits all municipal employees from participating in a particular matter in which board, committee, or commission members or any of the following have a financial interest:

- ☐ Immediate family.
- ☐ Partner or business associates.
- ☐ A business organization in which the board, committee, or commission member serves as an officer, director, trustee, partner or employee (including a non-profit organization.),
- ☐ Any person or organization with whom the board, committee, or commission member is negotiating or has any arrangement concerning prospective employment.

If a board, committee, or commission member discloses a conflict of interest or an appearance of conflict in a

matter before the board, committee, or commission, they will not be counted in the quorum nor be allowed to

participate in any discussions or vote on that specific issue. It is advisable that the member excuse

him/herself from the meeting during discussions and votes to ensure that no undue influence is felt by fellow board, committee, or commission members.

If a board, committee, or commission member is concerned about the possible conflict of interest, they should

contact the State Ethics Commission. The Ethics Commission exists to provide protection for employees/volunteers. All communication with the Ethics Commission is kept strictly confidential on their part. However, the one who sought information from the Ethics Commission is free to disclose that fact and the information given.

In some instances, a formal disclosure may be needed (<http://www.mass.gov/ethics/disclosure-forms/municipal-employee-disclosure-forms/>) or a special exemption could be granted by the appointing authority so the board, committee, or commission member may continue service.

After discussion with the Ethics Commission staff, if board, committee, or commission members have any questions about their activities, they should file a written request with the Select Board who will consult with the Town Attorney on the issue.

3.3 Who the Conflict-of-Interest Law Governs:

The conflict law regulates the conduct of public officials and employees (referred to collectively in the law as “employees”) at the state, county and municipal levels of government. The term employee at each level is defined expansively. A municipal employee is anyone who holds an office, position, employment or membership in a municipality. Such a person may be paid or unpaid, working full-time or part-time, serve as a volunteer, consultant or work only on an intermittent basis. For example, unpaid members of local town or city boards or commissions are municipal employees, as are private citizens serving on a special advisory board, committee, or commission appointed by the Select Board or Town Council to make recommendations on a specific issue.

Organization of a Committee and Duties of Officers

4.1 Elections

Committees elect a chair, vice-chair and a secretary/clerk, upon formation. Generally, the first meeting of a new fiscal year is a good time to consider re-organization of the committee if members wish. The immediate past chair, through a staff liaison, will notify the Select Board’s office of leadership changes. The staff liaison will be responsible for updating the information on the board, committee, or commission’s web page.

4.2 Chair

The chair’s primary responsibilities are the creation of meeting agendas, calling meetings, and facilitating legally appropriate Open Meetings.

The chair presides at all meetings, decides questions of order, calls special meetings, and signs official correspondence. The chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. However, chairs often

reserve their votes to either supporting a unanimous commitment of the board, committee, or commission or to breaking a tie. The chair must be mindful of the chair's role in facilitating a full range of opinion from the board, committee, or commission and, in a public hearing, from the public.

4.3 Vice-Chair

The vice-chair serves as the chair whenever the latter is absent from meetings and performs other necessary duties.

4.4 Committee Secretary/Clerk

Each board, committee, or commission must have a secretary/clerk. The clerk shall be responsible for the certification of the board, committee, or commission's meeting minutes, observance of the public records law, maintenance of other records of the body and filing minutes with the Town Clerk. The staff liaison will generally complete the administrative tasks associated with the clerk's responsibilities (contacting any persons needing to be notified of board, committee, or commission's actions, posting the approved and draft minutes, contacting any person needed for a presentation, etc. for the next meeting, drafting and circulating an agenda for the next meeting, forwarding draft minutes to board, committee, or commission members prior to the next meeting, following-up on any assigned tasks, etc.). In the absence of a staff liaison, the clerk will be responsible for completing those tasks.

4.5 Annual Town Report

All appointed board, committee, or commission's must file an annual report of finances (if relevant), membership and activities with the Select Board's Office for the Annual Town Report. The chair or board, committee, or commission's clerk should be responsive when the request for board, committee, or commission's reports are issued.

Conducting Meetings

5.1 Quorum

A quorum is necessary to conduct official business (Zoning Board of Appeals is a special case, requiring all members of a three-member panel to be present for a hearing; regular quorum rules apply for ZBA administrative meetings). Generally, a quorum consists of greater than 50% of the full membership (i.e., a quorum for a six-member board, committee, or commission is four; quorum for a seven-person board, committee, or commission is also four). A meeting occurs at any time a quorum of the board, committee, or commission (or subcommittee) gets together to discuss or consider any public business or policy over which the board, committee, or commission has some jurisdiction or advisory power.

5.2 Posting

It is the responsibility of the board, committee, or commission (the chair, clerk or staff liaison) to give notice to the Town Clerk so that the board, committee, or commission's meetings with time, date, place, and draft agenda may be

posted 48 hours in advance of the meeting. Saturdays, Sundays or legal holidays are not included in the 48-hour period (MGL c. 30A, section 20). In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the body, and the body makes a written determination of the emergency), the 48-hour posting requirement is waived; however, the Town Clerk must be informed, and the meeting posted as soon as possible. The Town Clerk is responsible for maintaining a current listing of all posted meetings on the Town's web site at <http://www.hadleyma.org> and in a binder available at the Town Clerk's office during all working hours.

5.3 Prepare Agendas and Other Materials

The board, committee, or commission prepares a formal agenda and compiles all necessary supporting documents, including the prior meeting's draft minutes, for posting with the Town Clerk and the Town's web site, and for distribution to board, committee, or commission members at least 48 hours prior to the meeting date (with holidays and weekends not counted in the 48 hours). All documents submitted must be in a Microsoft Word (.doc or .docx) format, a text file (.rtf), or in Portable Document Format (.pdf).

5.4 Electronic Communication

All committee members are expected to receive meeting materials and other communication electronically. If there are members who cannot access electronic copies, the chair or staff liaison will make alternative provisions upon request of that board, committee, or commission member.

Committee members should remember that no electronic communications (e-mail, social media, etc.) concerning board, committee, or commissions work should take place among its members. All communications concerning the board, committee, or commissions work should occur publicly at the meetings. Emails and other electronic communications are considered to be subject to the Public Record Law.

5.5 Meeting Space

The Select Board requires most meetings be held in Town Buildings, typically the Senior Center, Library, or School building. Meeting space must be public and in an accessible location. Several board, committee, or commissions are expected to meet where their departments are located, e.g., Elder Affairs Commission (Senior Center) and the Library Board of Trustees (the Library).

Board, committee, or commission meetings should never take place in private residences.

Meeting rooms should be reserved according to the regular meeting schedule and expected turnout. The committee should identify a regular meeting day and time, and submit that information to the Select Board's offices to reserve appropriate meeting space. If a special meeting is needed, or if the expected number of attendees requires a larger meeting space, the Select Board's office can alter the room reservation. Reserve all meeting spaces with the Select Board's office and post meetings with the Town Clerk before the meeting.

5.7 Access to Town Buildings

Meetings scheduled after normal business hours will require access via a key to allow residents and board, committee, or commission members entry. Please coordinate with the Select Board Office for access.

5.8 Meeting Schedule

Meeting frequency depends on a committee's workload. Most meetings are held weekly, bi-monthly or monthly. In some cases, a committee may only meet quarterly. The chair calls each meeting except for the first one, which is called by the appointing authority. Electing a chair and determining a regular meeting day, time and location should be the committee's first priorities. Except in cases of emergency, board, committee, or commissions do not meet on major religious or official holidays or if Town Hall is closed due to inclement weather. Weekend meetings are discouraged unless they are required by a specific event or circumstance.

5.9 General Guidelines

Although most small committee discussions may seem too casual to be called debate, it is advisable for the board, committee, or commission to observe generally accepted meeting procedures. Attentive guidance by the chair and adherence to adopted procedures increase efficiency and maintain objectivity.

The chair should limit member discussion to concise, non-repetitive statements. In some cases, time limits may be advisable. All members who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the board, committee, or commission to continue discussion until complete consensus is achieved. The chair may choose to call for a vote, postpone it until more information is available, or refer to a subcommittee.

Careful preparation before meetings, e.g., organizing agenda items, distributing information in advance, posting all information online, and anticipating possible questions, can expedite discussion, facilitate action and avoid long and exhausting meetings. Good public process may include vigorous dissent with civil discussion and mutual respect among individuals of diverse points of view. Board, committee, or commissions discuss the merits of issues; personal comments are out of order. The Select Board reserves the right to remove board, committee, or commission members for inappropriate personal attacks during meetings. Visitor participation in discussions or debates is at the discretion of the Chair.

The Select Board requires that all board, committee, or commissions reserve time on the agenda for public comment or participation in some form. Public participation is expected and desired during scheduled public hearings.

The chair may need to remind speakers of time limitations and warn against repetition. The chair controls presentations and all meeting discussions. If a visitor refuses to be silent after

a warning from the chair, the chair has the authority to order the visitor removed from the meeting by the police, to call a recess, or to continue the meeting to another certain date and time. Nevertheless, all board, committee, or commission members represent and serve the Town. Visitors and board, committee, or commission members should always be treated with courtesy and consideration.

Often residents attending public meetings, especially when controversial topics are being discussed, are doing so for the first time. These attendees may not know the proper protocol for public meetings. Here are some tips for keeping the meeting productive and orderly:

- Establish ground rules at the beginning of the meeting.
- Make sure every speaker states his or her name and address before speaking. If there is a non-resident speaker, the committee should vote to allow (or no allow) that person to speak.
- Remind the audience that a 2 or 3-minute time limit will be strictly adhered to for every speaker.
- Make sure everyone has had an opportunity to speak once before allowing a speaker to address the committee a second time.
- Acknowledge a speaker's contribution but if they're going on too long, try and interrupt them tactfully.
- Emphasize the need for constructive comments at the start of the meeting.
- Do ***not*** be drawn into a speaker's argument - respectfully acknowledge what they have said and move on.
- Some attendees may be reluctant to speak. If appropriate, the chair may provide
- the opportunity to submit written comments to the board, committee, or commission and provide an email or mailing address for attendees to use.

5.10 Hybrid/Remote Meetings

As of March 2023, Massachusetts has extended temporary provisions pertaining to the Open Meeting Law. Specifically, this further extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. The language does not make any substantive changes to the Open Meeting Law other than extending the expiration date of the temporary provisions regarding remote meetings until March 31, 2025. Due to this, board, committee, or commissions may have members participate remotely, while others are in person. Meeting access must be granted to the public, and meetings may be held entirely remotely, as a hybrid, or in person only.

Providing “adequate, alternative means” may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body as they are occurring (i.e., “live” or “in real time”). The methods listed are non-exhaustive, and we recognize that there are myriad methods that will be acceptable. “Adequate, alternative means” could include for example: Zoom, a high-capacity telephone conference line, Facebook Live, YouTube Live, and broadcasting on live TV, including local cable access television. The brief delay of approximately 20 seconds when Zoom meetings are streamed to Facebook or YouTube Live is acceptable.

If access to the meeting will be provided through “adequate, alternative means,” the meeting notice must include clear instructions for accessing the meeting remotely. A public body may require members of the public to call to obtain access information for the meeting, rather than including such information on the public meeting notice, to minimize Zoom-bombing and similar disruptions. In such situations, the meeting notice must include clear contact information, and members of the public must be able to obtain the meeting access information up to and throughout the duration of the meeting (members of the public cannot be required to register in advance).

The Open Meeting Law regulations governing remote participation, 940 CMR 29.10, remain in effect on hybrid or remote meetings. In particular, when any—or all—public body members participate in a meeting remotely, the following requirements apply:

1. At the start of the meeting, the chair must announce the name of the member or members who are participating remotely; such information must also be recorded in the meeting minutes.
2. All votes must be taken by roll call.
3. Members of the public body must be clearly audible to each other and to members of the public at all times.
4. When holding an executive session remotely, the public body must still take all required procedural steps for entering into executive session in open session. At the beginning of the executive session, each public body member participating remotely must state that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.
- 5.

Should the public body encounter technical problems while meeting remotely, the person chairing the meeting may decide how to address the technical difficulties but is encouraged wherever possible to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant’s ability to hear or be heard clearly. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred must be noted in the meeting minutes.

General Information

The Massachusetts Open Meeting Law (OML) requires all meetings of elected or

Appointed boards, committees, commissions, or subcommittees be open to the public except in ten specific situations where Executive Session is permitted (See MGL c. 30A, section 21; see Section 8 below). No votes taken in open session by a governmental body may be by secret ballot. The law does not apply to chance meetings or social occasions; however, such meetings cannot be used to circumvent the requirement of discussing and deliberating at public meetings. The OML does not contravene other laws, such as the Privacy Act. If clarification is needed, particularly concerning Executive Session and the rights of individuals, the board, committee, or commission

Chair may request that the Select Board obtain advice on specific questions from legal counsel. The Select Board generally recommends cautious use of Executive Sessions since the vast majority of business should be conducted publicly.

6.1 Recordings

Any person may record a meeting (with the exception of Executive Session) with audio and/or video equipment provided it does not interfere with the meeting. The Chair maintains discretion over recording a meeting.

6.2 Minutes

Boards, committees, or commissions should strive for transparency, posting minutes as soon as they become available, but **never later than the day after they are approved**. State law requires that a committee keep accurate records of its public meetings.

The board, committee, or commission must vote to accept all minutes. Minutes are public information and must be posted in electronic format and stored in an electronic archive electronically. It is the chair's responsibility to ensure recording and posting of minutes although the task may be undertaken by another.

6.3 Content of Minutes

The Open Meeting Law states: "Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person **within 10 days**" and "The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure...".

Minutes **must** include:

- the date, time and place of the meeting.
- the members present or absent,
- a brief summary of the discussions on each subject,

- a list of documents and other exhibits used at the meeting,
- the decisions made and the actions taken at each meeting, including the record of all votes.
- documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes should be maintained as part of the official record of the session.

Minutes **should** include:

- names of additional participants (not press or observers).
- name of recorder.
- time convened, and time adjourned.

Minutes **may** include:

- a schedule of future meeting(s).

Minutes **do not need** to include:

- who moved and seconded motions.

6.4 Public Records Law

The Massachusetts Public Records Law (MGL c. 66, Section 10) provides right of access to public records, broadly defined to include all documentary materials except eleven specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. The minutes, informational data, memoranda and circulating materials of any Town boards, Committeecommittees, or commissions are mostly all public information. Since use of personal e-mail addresses could subject a member's personal e-mails to a records request, it is recommended that new committeee members create a new e-mail address for themselves to use for Town and board, committee, or commission business. Free accounts can be found through g-mail, yahoo, or other providers. The board, committee, or commission should consult its staff liaison if questions arise concerning freedom of information.

Executive Session

7.1 Conducting an Executive Session

Any board, committee, or commission contemplating an executive session is advised to contact the Town

Administrator's office prior to the meeting.

An Executive Session is closed to the public, but the board, committee, or commission must first convene in an Open Session for which notice has been posted. A majority of the members must vote, by rollcall vote entered into the minutes, in favor of a motion to go into Executive Session.

The motion must specify the reason and state whether or not the Open Session will reconvene following Executive Session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. **Attendees shall not discuss these matters with anyone.** Accurate minutes of the executive session shall be maintained and shall be released to the public only when the purpose for the Executive Session no longer exists.

Executive session may be held **only** for the purposes described in MGL c. 30A, Section 21. The following are the only acceptable reasons for an executive session:

- 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. This exception carried with it very strict guidelines to which the board, committee, or commission must adhere. This reason for entering into executive session should be discussed with the Select Board prior to the meeting.
- To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
- 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.
- To discuss the deployment of security personnel or devices, or strategies with respect thereto.
- To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
- 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.
- To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
- 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.

- To meet or confer with a mediator, as defined in MGL c. 233, section 23C, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that (i) 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 (ii) 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.

Public Hearings

8.1 Purpose.

A committee may be required to hold a public hearing, or a board, committee, or commission may opt to hold a public hearing to take comment from the public. When conducting a public hearing, the chair is responsible for running the meeting. Generally, the purpose of a public hearing is for committee members to listen to comments from the public, and not to play a significant role in the meeting.

8.2 General Guidance

8.2.1 The board, committee, or commission chair with help from the staff liaison should ensure the following:

- That electronic displays are in working order. All materials being presented in the public hearing should be clearly visible to the public.
- That sound amplification system is in working order prior to the start of the hearing.
- That meeting minutes are being properly recorded.
- If required, that a certified stenographer/court recorder is present. (The instances requiring such a recorder are rare, and arrangements can be made for this through the Select Board's office.)

8.2.2 Points to remember:

- A public hearing is designed for the board, committee, or commission members to listen to the public.
- Be prepared to receive passionate, sometimes angry speakers.

- Generally, do not engage with speakers in any way. Simply listen and thank them for their input. If a procedural question is asked of the board, committee, or commission, the chair may
- opt to answer it. During the public comment portion of the hearing, the chair should never answer questions concerning the merits of the application or proposal. The chair can remind the public that the hearing is for residents to comment on the proposal. Any questions will be recorded, and if appropriate, will be answered at a later time.
- If the chair chooses to engage, he/she should make sure it is only to ask for clarification. No opinions should be forthcoming from the chair or the board, committee, or commission members.
- Allow people to speak a second time only after all others have been given the chance to speak.
- The chair may close the hearing once they are assured that all reasonably pertinent comments have been expressed.

8.3 Conducting the Hearing:

- If appropriate, require all attendees to sign-in with name, organization (if any), address, phone, and email.
- Provide a separate sign-up form for those who wish to speak. This documents participation in the hearing and provides an orderly process for speakers. It also provides the chair with the ability to better control the meeting.
- Open the public hearing by defining the purpose, objectives, legal requirements and any general law or regulatory constraints. Generally reading the public notice into the record will satisfy this section.
- Make the following announcements:
 - a. Indicate that the meeting is being recorded and all participants should speak into the microphone.
 - b. Clearly convey the process, expected conduct, and documentation provisions (e.g., board, committee, or commission secretary's notes, stenographer, recording, etc.),
 - c. Clearly articulate the hearing rules (a hand out is always helpful)

- d. Set a time limit for each speaker (other than the applicant); three minutes is often used as a limit. Explain who will be keeping time.
- e. Announce that the written comment period is open until a date certain and provide the e-mail address and/or physical address for submission. Announce that all written submissions can be viewed on the Town's web site.
- f. Explain how responses to public comments and questions will be handled (i.e., a specific response document; through formal meeting discussions; committee consideration, etc.).
- g. If known, announce when a decision will be made once the hearing is closed.

The applicant/proponent is invited to give its presentation to the board, committee, or commission. This

presentation should not be interrupted by the members or the public. The chair may subject the presentation to a time limit.

The chair will invite public comment. Generally, speakers must use the microphone and announce their names and addresses. Unless an order of speakers is otherwise stipulated, speakers should be called in the following order:

- a. Elected officials in order of elective office (i.e. Federal, state, county, local).
- b. Town Officers.
- c. Public, with abutters given priority.
- d. Others in the order in which they signed up.

Only close the hearing after all participants have been given a reasonable chance to speak. If the hearing needs to be continued, it should be continued to a date certain -- generally the next normal meeting time for the board, committee, or commission. A hearing should be continued if its objectives have not been accomplished. For large, complex problems or issues, a series of hearings is often appropriate, with specific components or topics heard on specific dates).

Once the hearing is closed, it is time for the board, committee, or commission to make a decision.

Conduct the board, committee, or commission discussions under the modified Robert's Rules of Order.

Compile a concise set of issues raised by the public and the board, committee, or commission members with both pro and con concerns. Discuss possible solutions to the issues in a public session(s). Put forward solutions with rationale via a formal process. Make sure to document

discussions and decisions in the minutes with enough detail to document the substantive reasons for the decision.

Inform the project proponents of the board's, committee's, or commission's decision through official written correspondence. Establish a set of all written correspondence, meeting materials, and minutes as the official record of the hearing. This set will be stored electronically and, when required, in paper form as part of the Town's archives.

Standards of Conduct

9.1 Professional Conduct Expectations

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

- Realize that their basic function is to make policy, not execute it, unless otherwise empowered by state or local law
- Be well informed concerning the state and local duties of the board on which they serve.
- Always keep in mind that they represent the Town of Hadley and its residents.
- Accept their position as a means of unselfish public service, not to benefit personally, professionally, or financially from their position.
- Treat all members of the board, all staff members, and the public with respect, despite differences of opinions.
- Treat all staff as professionals in a manner that respects the abilities, education, experience, and dignity of each individual.
- Give weight to the input and advice of professional staff, department heads, and other boards, committees, and commissions.
- Share information obtained on pending issues with other board, committee, or commission members.
- Conduct themselves in a manner that maintains public confidence in local government.
- Abide by the ethics guidelines established under MGL Chapter 268A, making every effort to avoid any appearance of conflict and properly disclose any apparent conflict.
- Honor confidential matters not legally subject to disclosure that come before the board, committee, or commission in executive session.
- Unless specifically exempt under MGL Chapter 30A, section 18-15, conduct the business of the public in a manner that promotes open and transparent government.

9.2 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 exercise the authority of the board 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, committee, or commission. Such a perception should be avoided.

9.3 Social Media Platforms

Public bodies may communicate with members of the public through social media platforms such as Facebook, Twitter, Instagram, and other webpages or apps. However, individual members must be careful not to engage in deliberation with other members of their public body through such communications or appear to speak for the board, committee, or commission. If a member of the board, committee, or commission communicates directly with a quorum of the public body over social media platforms, that communication may violate the Open Meeting Law. Public body members should proceed with caution when communicating via these platforms. **Financials**

10.1 Board, Committee, or Commission Budgets

In general, boards, committees, or commissions do not have a budget unless one is authorized by Town Meeting, the Select Board, or by law. Any expenses incurred by a committeeboard, committee, or commission are budgeted by the Department Directors and absorbed in the Department's expenditures.

10.2 Disbursements

Although boards, committees, or commissions will not generally receive invoices, if bills are incurred by the board, committee, or commission, the board's, committee's, or commission's staff liaison submits invoices to the Department Director, attaching all appropriate receipts, paperwork, etc. If there is no staff liaison, the board's, committee's, or commission's Clerk/Secretary should submit the same material to the Select Board's office for processing.

10.3 Purchases

Generally, boards, committees, or commissions do not purchase items or services. If a particular situation occurs, contact the Select Board's office for more particular direction.

Always feel free to ask the Select Board's office staff if there are any questions concerning your Committee's boards, committees, or commissions work.

SOURCES OF INFORMATION

- ☐ MGL Ch. 4, Section 7 (Clause 26): Definition of a Public Record
- ☐ MGL Ch. 30A, §§ 18-25: Open Meeting Law
- ☐ MGL Ch. 268A: Conflict of Interest
- ☐ State Ethics Commission, www.mass.gov/ethics/
- ☐ Hadley Town Code, including the Town Charter, Town Council Rules and Procedures, and the Administrative Code

Sample Agenda

- A. Approval of Minutes
- B. Announcements from the Chair
- C. Citizen Open Forum
- D. Hearings
- E. Presentations

- F. Staff Report
- G. Discussions
- H. Subcommittee Reports
- I. Old Business – List Items
- J. New Business – List Items
- K. Committee Comments
- L. Executive Session (if necessary)
- M. Adjourn_

Sample Board, Committee, or Commission Minutes Form

Meeting Date:CALL TO ORDER: The meeting was called to order at _____ o'clock in the

_____ room of the Municipal Office Building

BOARD, COMMITTEE, OR COMMISSION MEMBERS IN ATTENDANCE

(mandatory)BOARD, COMMITTEE, OR COMMISSION MEMBERS ABSENT

(mandatory)STAFF IN ATTENDANCE (mandatory)OTHERS PARICIPATING

(recommended)OTHERS IN ATTENDANCE (optional)BOARD, COMMITTEE, OR

COMMISSION AGENDA (mandatory)

DISCUSSIONS – A BRIEF DESCRIPTION OF ANY DISCUSSION ITEMS (summary mandatory)

BOARD, COMMITTEE, OR COMMISSION ACTION ON EACH AGENDA ITEM – BY VOTE OR CONSENSUS (mandatory)

EXECUTIVE SESSION-Please note special protocol required for Executive Session

ADJOURNMENT (mandatory)Voted unanimously to adjourn at ____ o'clock

SUBMITTED BY (mandatory)

Board, Committee, or Commission Member Acknowledgement

I hereby acknowledge receipt of the board, committee, or commission handbook of the Town of Hadley.

I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. I understand that the policies and guidelines, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and may change based on local and state laws.

Name in Print

Signature

Date

Please return this page with your signature to the Select Board office in Town Hall, 100 Middle St. Hadley MA 01035