

# Policies of the Stoneham Select Board

Adopted 2/20/18

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# **1 Policies of the Stoneham Select Board**

## **1.1 Policy Guidelines**

- A. All policies of the Select Board shall be compiled in a notebook entitled: "Policies of the Stoneham Select Board." Said policies shall be maintained and compiled electronically and in a format which is easily editable.
- B. All policies therein shall be individually notated to show the dates on which said policies were adopted, amended, or revised by the Board.
- C. At the front of the Policy Book, a calendar shall be maintained, showing annual dates upon which various policies are to be enforced.
- D. The Policy Book shall contain a table of contents.
- E. Chapters and policies shall be identified by sequential numbering or lettering.
- F. The policy will be posted on the Town of Stoneham Website and will be updated as changes are made.
- G. New members will be given a hard copy of the most updated book within one week of their election.

## **1.2 Powers And Authority**

The power and authority of the Selectmen of Stoneham is vested in the Committee as a whole. Policy decisions are to be made at legally constituted meetings. All draft policies, policy amendments, and policy revisions should be initially discussed at a legally constituted meeting. The draft policy, policy amendment, or policy revision must be read and discussed at a second legally constituted meeting. A vote to accept, amend, or revise a policy should not be taken until such policy can be read at a third legally constituted meeting.

No one person is to make a commitment for the entire Select Board unless so authorized by the majority of the Board at a Board meeting.

## **1.3 Board Officers And Duties**

- A. At its first meeting following town elections, the Board shall annually elect the following officers:
  - 1. Chairman
  - 2. Vice-Chairman
  - 3. Clerk
- B. The duties of each officer are as follows:

## **1. Chairman**

- a. Formulate meeting agenda in conjunction with Town Administrator.
- b. Presides over, but also participates in all meetings and hearings of the Select Board, according to law or procedures established in this policy book.
- c. Serves as liaison to the Town Administrator.
- d. Executes other duties as established within these policies.
- e. Insures that the Board is represented at meetings with other groups or at ceremonial functions as required.

## **2. Vice-Chairman**

- a. Assumes all duties of the Chairman in his/her absence.

## **3. Clerk**

- a. Takes minutes of all meetings and hearings in the absence of the Board's secretary.
- b. Assures that the Board's minutes, including executive session minutes, are up to date and released to the public according to best practices.

### **1.4 Liaison Assignments**

- A. The Board will annually review liaison assignments.
- B. Said review will take place by the third Board meeting after Town elections.
- C. Liaison duties are as follows:
  1. To keep informed as to the activities of assigned committees, boards and commissions,
  2. Establish a two-way flow of information by meeting periodically with assigned committees, boards and commissions,
  3. Interview candidates for Board appointed committees, boards and commissions and make recommendations for said appointments to the full Board.
- D. Chairman will serve as liaison (at a minimum) with the Town Administrator, Town Treasurer, Town Counsel, Moderator and Finance Committee.
- E. Other liaison assignments will be made with committees, boards and commissions as required.

### **1.5 Meetings**

The regular meetings of the Select Board shall be held in the hearing room of the Stoneham Town Hall on the first and third Tuesdays of every month commencing at 7:00 P.M.

The date and place of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of a majority of the Board, provided, however, that said change and date will still provide for at least two (2) regular meetings in each month excluding the months of July and August.

### **1.6 Citizen Input**

- A. Members of the public can ask a question or comment on a matter affecting the Town that is listed on the agenda.
- B. The citizens' input cannot be used to endorse candidates running for office, to endorse ballot questions or as a forum to discuss election issues.
- C. The citizens' input cannot be used by members of the public to attack, either professionally or personally, town officials or employees.
- D. Matters raised by the citizen, which require further debate, action or discussion, may be placed on a future agenda, unless, at the discretion of the Chair, further debate, action or discussion is allowed immediately.
- E. Citizens may speak for a period not to exceed approximately five (5) minutes. If the Chair chooses, he/she may limit the time to a shorter period.

### **1.7 Citizens' Comment**

- A. Members of the public can use this time to ask a question or comment on a matter affecting the Town that is not listed on the agenda.
- B. The citizens' comment portion of the agenda cannot be used to endorse candidates running for office or ballot questions or as a forum to discuss election issues.
- C. The citizens' comment portion of the agenda cannot be used by members of the public to attack, either professionally or personally, town officials, employees or other members of the public.

- D. Matters raised during the citizens' comment portion of the agenda which require further debate, action or discussion may be placed on a future agenda.
- E. The citizens' comment agenda item is at the start of the meeting.
- F. Citizens would need to sign in on a prepared form listing their name, address, contact information and subject matter for our records.
- G. Citizens may speak for a period not to exceed approximately five (5) minutes. If the Chairperson chooses, they may limit the time for a shorter period.

## **1.8 Subcommittees**

All subcommittees should be formally charged with performing a specific action for the Board. All subcommittees must report back to the Board.

There will be a limit of 1 year of duration for any subcommittee unless it is reauthorized by the Board. The Board will vote annually on the membership of each subcommittee.

A list of subcommittees and members will be maintained on the Town of Stoneham's website.

The Board, at a meeting, will annually dissolve any subcommittees deemed inactive or no longer necessary.

## **1.9 Special & Emergency Meetings**

Special or emergency meetings may be called by the Chairman, and, in the case of Chairman's absence, disability or refusal, may be called by three (3) members of the Select Board.

Notice of such hearing shall be served on all members according to the requirements of the Open Meeting Law.

The call for said emergency meeting shall set forth the matter to be acted upon at said meeting, and nothing else shall be considered at such special or emergency meeting.

## **1.10 Notification**

Copies of the agenda, minutes of the previous meeting, and pertinent information shall be delivered electronically, by mail or courier at least 48 hours before the meeting.

## **1.11 Quorum**

Unless otherwise required by M.G.L. or Town By-Law, a majority of the members of the Select Board shall constitute a quorum for the transaction of business.

## **1.12 Remote Participation Policy**

### **A. Purpose**

The Office of the Attorney General amended the *Open Meeting Law* regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards under the *Open Meeting Law, M.G.L. c30A, §§ 18-25*.

### **B. Enabling Authority**

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

### **C. Applicability**

In accordance with 940 CMR 29.10(2)(a), the Select Board, on February \_\_\_\_\_ 2018, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town of Stoneham. In accordance with 940 CMR 29.10(3), the Select Board may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and working groups (“Town Boards”) regardless of

whether such Town Boards are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

#### **D. Minimum Requirements for Remote Participation**

No member of a Town Board shall participate in a meeting remotely unless the following requirements are met:

- (a) Members of the Town Board who wish to participate remotely must complete Authorization to Utilize Remote Participation Form in advance of the meeting;
- (b) Members of the Town Board who participate remotely and all persons present at the meeting locations shall be clearly audible to each other;
- (c) A quorum of the Town Board, including the chair or the person authorized to chair the meeting, shall be physically present at the meeting locations in accordance with *M.G.L. c.30A, §20(d)*;
- (d) Members of the Town Board who participate remotely should have access to the same materials being used at the meeting location;
- (e) Members of the Town Boards who participate remotely may vote and shall not be deemed absent for the purposes of *M.G.L. c.39, §23D(a)*.

#### **E. Permissible Reasons for Remote Participation**

It is the express desire of the Select Board that remote participation in meetings be an infrequent event. Chairs of Town Boards are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A member of a Town Board shall be permitted to participate remotely in a meeting if the person chairing the meeting determines that one or more of the following factors make the member's physical attendance unreasonably difficult yet still leaves that member able to actively participate in the meeting:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Significant geographic distance.

Members of a Town Board shall not be permitted to participate remotely from his or her place of business or other locations if the person chairing the meeting determines that travel from that location to the meeting locations is reasonably possible.

Any determination by the person chairing the meetings to allow or not allow remote participation shall be final and shall not be appealable.

## **F. Technology**

- (a) The following media are acceptable methods for remote participation.
  - i. Telephone, internet, or satellite-enabled audio or video conferencing;
  - ii. Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
- (b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- (c) The focus of the chair should always be on maintaining the flow of the meeting. If the chair determines that technical difficulties are inhibiting the progress of the meeting, the chair may elect to terminate the participation of the remote member. If technical difficulties arise resulting in the loss of connection with the remote participant, that participant's attendance shall be terminated. The meeting should not be interrupted while any attempt to restore the connection is made. If a remote participant is disconnected from the meeting, that fact and the time of the disconnection shall be noted in the meeting minutes.
- (d) Each individual Town Board that anticipates using remote participation shall determine which of the acceptable methods may be used by its members.

## **G. Procedures for Remote Participation**

- (a) Any member of a Town Board who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the person chairing the meeting of his or her desire to do so by completing the Authorization to Utilize Remote Participation Form.
- (b) If the person chairing the meeting approves the request for remote participation he or she shall make any necessary arrangements with IT personnel to ensure that the required equipment is available. If the required equipment is not available from the IT Department or another source, then

the person chairing the meeting shall deny the request for remote participation.

- (c) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall be recorded into the minutes.
- (d) All votes taken during any meeting shall be by roll call vote.
- (e) Remote participants shall preserve the confidentiality of executive session. Certain media, such as speakerphone, can inadvertently be heard by people not party to the executive session discussion. The remote participant shall state at the start of any executive session that no other person is present and/or able to hear the discussion at the meeting location unless the presence of that person is approved by a simple majority vote of the Town Board.
- (f) The member of a Town Board requesting to participate remotely shall be responsible for any out-of-pocket costs associated with such participation. The Town shall not be responsible for the reimbursement of such costs.
- (g) Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity and could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.

### **1.13 Agenda**

No item shall be inserted in the agenda for any regular meeting of the Select Board, unless said item has been filed in the office of the Board on or before 12:00 noon on the Thursday prior to the regular Monday meeting.

Any member may request that items be placed on the agenda and strong deference should be given to all requests, unless the Chair and the Town Administrator determine that the Town Administrator should handle the matter or the matter is outside the authority of the Board.

Member items being placed on the agenda must have a short description of the issue and whether or not a vote is required.

### **1.14 Decorum & Procedures**

- A. Decorum and procedure during Selectmen's meetings shall be maintained by the Chairman.
- B. In performing this duty, the Chair will moderate according to the dictates of reason, established by Board practice, and law.
- C. The Chairman shall have the right of seconding, but not making motions.
- D. The Chairman, after a verbal warning, has the right to expel any person or member from the meeting if their conduct is unbecoming of a Selectman.
- E. Only one member may speak at a time. When a member has the floor he/she is not to be interrupted unless they are off topic, in which case the Chair may ask the person to get back on topic or finish speaking.
- F. If there is excessive cellphone use by any Board member, the Chairman may address this issue.
- G. All members should refrain from using poor or inappropriate language and throwing items during a meeting.
- H. The Chair, and only the Chair, may recognize someone to speak. This includes Board members and citizens. No Board member may call on someone to speak. If the Chair does not notice another member or a citizen that wishes to speak, then a member may get the attention of the Chair.
- I. The Chair should recognize members and audience members equally, even if they have differing views.
- J. Board members shall refer to one another as Selectman/woman "Smith."
- K. Board members should act in a responsible and professional manner. If a member or a citizen does not treat an individual with respect, the Chair may call a five minute recess.
- L. The Board will discuss an agenda item before opening the discussion to the public. Not all agenda items are public hearings and it is the discretion of the Chair to allow public comment.
- M. While difference of opinions should encourage discussion, personal attacks will not be tolerated and the chair has the right to halt debate if personal attacks occur.

### **1.15 Minutes: Circulation**

Minutes of the meeting of the Select Board shall not be circulated until after they have been approved by the Board, unless they have been requested pursuant to the terms of the Open Meeting Law.

### **1.16 Minutes: Action**

Except as required by law, the Select Board will act on the minutes of its previous meetings as the first item on the agenda when possible.

### **1.17 Minutes: Executive Session**

- A. Executive session minutes are available to all members of the Select Board, who are bound to maintain their confidentiality.
- B. Executive session minutes, or sections thereof, will be released in accordance with Massachusetts General Law, only when by doing so, the lawful purpose of the executive session will not be defeated.
- C. Executive session minutes, or sections thereof, will be released only by an affirmative vote of at least three (3) members of the Select Board (This is a question for Bob Galvin).
- D. All requests for unreleased executive session minutes will be immediately forwarded to the Chairman of the Select Board, and placed on the next available Selectmen's meeting agenda for resolution.
- E. The Clerk shall review executive session minutes quarterly.

### **1.18 Correspondence: General**

All correspondence requiring action or an answer shall be handled by the Town Administrator and reported to the Board. The TA shall report back to the Board any action taken on said correspondence.

Copies of pertinent informational correspondence shall be given to each member.

Other informational correspondence shall be available at each meeting in the correspondence folder, and so indicated in each Selectmen's packet.

### **1.19 Communications:**

1. No member of the board shall go before any state agency or entity to represent the board unless the board has voted and approved of the action being taken. Any member that wishes to communicate either in letter, email or oral testimony must make clear in their opening statement that they are offering their opinion and do not represent the formal position or opinion of the board.

2. Insert letterhead policy here.

## 1.20 Meeting Procedures Miscellaneous

- A. Miscellaneous item will appear at the end of the agenda at regularly scheduled meetings.
- B. Members will be restricted to approximately five (5) minutes in which to relate their miscellaneous items to the Board.
- C. Attendant discussion to miscellaneous shall be limited by the Chair to no more than five (5) minutes for any single item.
- D. Topics requiring more than five (5) minutes discussion will be placed on future agenda, as the priority requires.

## 1.21 Use of Video or Audio Recorders:

- A. Citizens are permitted to record Select Board meetings after properly informing the Chair.
- B. Prior to the start of a meeting, the citizen should inform the Chair that he/she wishes to record the meeting.
- C. At the beginning of the meeting the Chair shall inform other attendees of any such recordings.

## 1.22 Appointments by Select Board

**A. Policy:** It shall be the policy of the Stoneham Select Board to take the following steps when appointing citizen volunteers to boards and committees of the Town. The purpose of this policy is to encourage and broaden participation in Town government by qualified and interested residents.

**B. New Appointments:** Notices of vacancies shall be publicly posted for at least two weeks. Notices shall be sent to the local newspapers and the Town website ([www.stoneham-ma.org](http://www.stoneham-ma.org)) when a vacancy occurs on a board or committee. The notice will state the general duties of the board or committee along with a statement of desired qualifications.

Letters of interest shall be submitted to the Selectmen/Town Administrator's Office by mail delivery or electronically and will be forwarded to the Select Board for review and screening.

The Select Board will interview in an open meeting the candidates for boards

and committees. To the extent the number of applicants allows, the number to be interviewed shall be greater than the number of vacancies by one or more as determined by the Select Board.

A decision regarding the appointment will generally be made at the next regularly scheduled meeting of the Select Board.

Applicants not chosen for the board or committee will be sent a letter thanking them for their interest. Their request shall be retained three years for future consideration.

Exceptions may be made to this policy depending on the nature of the committee, the number and qualifications of applicants for the committee in question or the urgency of the need for filling vacancies.

**C. Reappointments:** In the case of someone who has been serving on a committee and whose term is expiring, a notice will be sent to the person asking them to respond to the Select Board indicating whether or not they are interested in being reappointed.

The Select Board, at its discretion, may elect not to reappoint a member of a committee with an expiring term or request that such member reapply for appointment, in which case such member shall be interviewed in open meeting together with other recommended candidates for the position.

Approximately six to eight weeks before the expiration date of a term on any board or committee, the Select Board shall publicly solicit from residents (including the current members of such board or committee) any questions, comments, or other relevant feedback regarding the charge, procedures and activities of such board or committee, as well as any informal expressions of interest in serving on such board or committee either currently or in the near future. Such solicitations should mention that any written or emailed response should be accompanied by a name and not anonymous and may be subject to disclosure under state open records laws. Responses to such solicitations may be used by the Select Board, in their discretion, in considering whether or not to open a reappointment and solicit formal letters of interest as described above. Such responses may also be used by the Select Board, in their discretion, in considering whether to potentially revise the membership, scope, charge or duties of a board or committee and in recommending priorities or activities for a board or committee to consider or pursue. The Select Board shall also request attendance records of any individual requesting reappointment to that specific

committee.

**D. Chairmanship:** It is the Board's policy that the chairmanship of the Select Board shall rotate on an annual basis. The Board recommends that all committees follow the same practice.

### **1.23 Human Rights Statement**

Stoneham is a community that is grounded in respect for every individual, and therefore, protects all residents, employees, business owners, students and visitors in the enjoyment and exercise of human and civil rights. It is Town policy to ensure equal treatment and opportunity to all individuals regardless of race, gender, gender identity, ethnicity, religion, ideology, socio-economic status, health, sexual orientation, age, military status or disability.

### **1.24 Policy for the Installation of Memorial Plaques, Benches, and Trees**

#### **A. Purpose**

This policy is implemented to ensure a thoughtful, consistent and appropriate process of memorializing members of the community through the donation of memorial plaques, benches, and trees to be placed on Town-owned property.

#### **B. Policy**

The final approval for the installation of a memorial plaque, bench, or tree will be solely through the Town Administrator. Certain Town-owned properties are under the jurisdiction of the Conservation Commission and will require separate review and approval through the Commission; in that event, the Town application still applies. Requests will only be considered for individuals with established ties to the Town of Stoneham. Approved plaques, benches, and trees will meet the established specifications contained in the application.

#### **C. Process**

Applications may be submitted to the Town Administrators office. If the Town Administrator denies the request an appeal in writing may be made to the

Stoneham Select Board for their consideration. The Board will have 30 days to review the request and make a determination.

#### **D. Fee**

The application fee for the installation of a memorial plaque, bench, or tree is \$20. In addition, the cost of the purchase and installation of a memorial plaque, bench, or tree (which also requires the approval of the Tree Warden); and the cost of any associated shipping or handling of said bench, plaque, or tree shall be borne by the party making the request.

#### **E. Violations**

Any memorial plaque, bench, or tree which is installed without the approval of the Town Administrator or which does not meet the specifications herein may be removed at the expense of the party who installed the bench, plaque, or tree.

### **1.25 Criteria for a Sapphire Award**

The Select Board of Stoneham established a Sapphire award in January of 2019. Criteria and guidelines were discussed by the board. This award will be given to a resident or employee who goes above and beyond for the community and Town of Stoneham.

- A guideline of three (3) awards will be given on a yearly basis at a June meeting.
- Recipients must be a Stoneham resident and/or employee of the Town of Stoneham. (one of each preferable)
- Recipients must have made a significant contribution to the town and or community.
- Recognition should be for outstanding program, leadership, or a significant honor to the Town of Stoneham.
- Award winners will be recognized collectively or individually.

- The award will be a glass sapphire/stone symbolizing wisdom, charity, hope, kindness, and wise judgement.
- Nominations will be submitted in writing to the Town administrator's office. The Select Board will reach out to residents, and employees for nominations. In the event there are no nominations, no award shall be given.
- Copies of the nominations will be sent to all Select board members who can respond to the Select Board Office manager with their top three (3) votes. In the event of a tie, the chair of the Select Board will have final decision.
- The Office Manager for the Select Board, will then notify, by letter and or phone call the recipients, and guests and invite them to attend a meeting on a specific date in June to be recognized.
- No sitting member of the Select Board or family member shall be eligible. They are more than welcome to be nominated after term is up.