

TOWN OF HAMILTON



A HANDBOOK FOR MEMBERS OF TOWN COMMITTEES, BOARDS, COMMISSIONS

JUNE 2024

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INTRODUCTION

Congratulations on your appointment or election to one of Hamilton's Town Committees, Boards, or Commissions and thank you in advance for your service to the Town.

The Town Manager and Town Clerk's offices have compiled this Handbook to assist all members and potential members of the Town's many committees, boards, and commissions (hereafter referred to as "Committees"). The Handbook provides requirements and guidelines for membership, for the organization of committees, for posting meetings, and for record keeping. Should you have any questions or need clarification of any information written here, please reach out to the Town Manager, the Assistant to the Town Manager, or the Town Clerk. Please complete the Acknowledgement of Receipt of the Committee Handbook on the back page of this booklet and return it to the Town Clerk when you are sworn in. Please be aware that MGL Chapter 41 s.107 states that "Every elected and every appointed member of every board or commission of a town, and every other elected office and every appointed office of a town, shall, before entering upon his official duties, be sworn to the faithful performance thereof."

ELECTED BOARDS

The Select Board, Board of Assessors, Planning Board, Housing Authority, Hamilton Wenham Library Trustees, and Hamilton Wenham Regional School Committee are elected boards with terms varying depending on the board. Positions on these boards appear on the Annual Town Election ballot in April. To appear on the ballot, candidates must obtain nomination papers from the Town Clerk's Office in January. Elected officials are required to comply with Campaign Finance Laws (MGL Chapter 55) and file various reports throughout the year.

Following an election, the Town Clerk will contact newly elected officials with information about online training for the Conflict of Interest Law for Municipal Employees and to schedule a time to take the oath of office prior to their first meeting or taking any official action as a member of the Committee. The Town Clerk will also share information about Open Meeting Law and have the individual sign a Certificate of Receipt.

Massachusetts Conflict of Interest Law (M.G.L.c.268A):

Whether by election, appointment, contract, or engagement, whether serving with or without compensation, on a full or part-time, intermittent, or consultant basis, a person performing services for or holding an office, position, employment, or membership in a municipal agency is considered a municipal employee according to the Massachusetts Ethics Commission. As a municipal employee, elected and appointed members of town committees, boards, or commissions are required to annually review and acknowledge receipt of the "Summary of the Conflict of Interest Law" and every two (2) years complete an on-line Conflict of Interest Training. Details are available on the State Ethics Commission website <https://www.mass.gov/orgs/state-ethics-commission>.

Resignation:

An elected official 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 written letter of resignation must be submitted to the Chair of the Committee with copies submitted to the Town Manager and the Town Clerk.

APPOINTMENTS

Application for Membership:

Any resident of the Town of Hamilton may apply to join a Town Committee. Openings are posted on the town website and announced at Select Board meetings. The application for appointment can be found on the town website, click on “Government” then click on “Join a Committee/Board.” Please fill in the information on the form, attach a letter of interest and/or a current résumé and return the completed application to the Town Manager’s office at lwilson@hamiltonma.gov or mail to the Town Manager’s Office, Town of Hamilton, P.O. Box 429, Hamilton, MA 01936. All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or committee for which they are applying. If there is not a current opening, applications will be kept on file and considered as vacancies occur.

Appointment:

The Select Board appoints most members to Committees. After appointments are approved, appointees will receive a written letter of appointment with information about online training for the Conflict of Interest Law for Municipal Employees and about contacting the Town Clerk to take an oath of office prior to taking any official action as a member of the Committee. The Town Clerk will also share information about Open Meeting Law and have the individual sign a Certificate of Receipt.

Terms of Office:

The full term of office for most positions on Committees is three years, ending on June 30th of the third year. If a vacancy occurs in the membership of a Committee, the appointing authority shall appoint a new member to serve for the balance of the unexpired year.

Massachusetts Conflict of Interest Law (M.G.L.c.268A):

Whether by election, appointment, contract, or engagement, whether serving with or without compensation, on a full or part-time, intermittent, or consultant basis, a person performing services for or holding an office, position, employment, or membership in a municipal agency is considered a municipal employee according to the Massachusetts Ethics Commission. As a municipal employee, elected and appointed members of town committees, boards, or commissions are required to annually review and acknowledge receipt of the “Summary of the Conflict of Interest Law” and every two (2) years complete an on-line Conflict of Interest Training. Details are available on the State Ethics Commission website <https://www.mass.gov/orgs/state-ethics-commission>

Reappointments:

Reappointments are not automatically issued. Prior to the expiration of all appointments, the Town Manager’s office will notify Committee chairs of the members with expiring terms and request written confirmation of interest in reappointment.

Resignation:

A 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 written letter of resignation must be submitted to the Chair of the Committee with copies submitted to the Town Manager and the Town Clerk.

COMPOSITION OF ANY TOWN COMMITTEE

Organization:

All Town Committees shall annually elect a Chair and other necessary officers, usually at the first meeting around the beginning of a new term. The new organization of Committees needs to be communicated to the Town Manager's office and then will be updated on the Town website.

Chair:

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

The duties the Chair typically performs include:

- Reserving meeting space
- Preparing agendas, and if needed, reaching out to the Employee Liaison to set up Zoom
- Posting agendas with the Town Clerk
- Assuring the list of topics is posted in accordance with Open Meeting Law
- Assuring needed material will be available to the Committee
- Notifying the Town Manager of important changes to the Committee
- Submitting the Annual Report

Vice Chair:

The Vice Chair serves as the Chair whenever the Chair is absent or steps down.

Secretary/Clerk:

The Secretary/Clerk responsibilities include:

- Taking and transcribing the Committee's minutes, see also the section on Minutes
- Recording any amendments
- Adding the following notation at the end of the last page upon final approval of minutes by the Committee:
"Respectfully submitted as approved at _____ (date) meeting
_____" (name and title of person submitting)"
- Submitting the approved minutes to the Employee liaison to be posted online, and then filed with the Town Clerk

Note: Some Committees have paid minutes takers who will provide the initial minutes document to the Clerk of the Committee. From there it will be the responsibility of the Clerk along with the other members of the Committee to proof read, edit, adopt the minutes and file them with the Town Clerk.

Speaking for a Committee:

Usually the Chair speaks for the Committee. An individual board member has a right to speak publically as a private citizen, but should not purport to represent the Committee or exercise the authority of the Committee except when specifically authorized by a majority vote of the body to do so. One should clearly identify oneself and state publically that they are speaking as a private citizen authorized to speak on behalf of the Committee for the record.

MEETINGS

Definitions:

Public Body – a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region, or town, however created, elected, appointed, or otherwise constituted, established to serve a public purpose.

Public meeting – a deliberation by a public body with respect to any matter within the body’s jurisdiction. A public meeting occurs at any time a quorum of the Committee members get together to discuss or consider any public business or policy over which the committee has some jurisdiction or advisory power.

Quorum is a simple majority, greater than 50%, of the full membership of a public body. A quorum is necessary for conducting official business.

Deliberation – an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction. Deliberation shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting, or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

Open Meeting Law (OML) M.G.L. c. 30A, §§ 18 - 25:

The Massachusetts Open Meeting Law requires that all meetings of elected or appointed boards, committees or commissions be open to the public except in the specific situations where an Executive Session is permitted. Open Meeting Law requirements and procedures identified here apply to all types of meetings including: special meetings, workshops, emergency meetings, subcommittee meetings, and public hearings.

- Open Meeting Law states that “meetings” shall not include:
 - a. An on-site inspection of a project or program, so long as the members do not deliberate.
 - b. Attendance by a quorum of a public body at a public or private gathering, including a conference, training program, or a media, social or other event, so long as the members do not deliberate.
 - c. Attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate.
 - d. A meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it.
 - e. A session of a town meeting convened under section 9 of chapter 39, which would include the attendance by a quorum of a public body at any such session.

The use of technology for communication may be considered a public meeting. However, the OML prohibits the use of email or telephone conferences by a quorum of a Committee to consider Committee business. Email may be used to provide information, or to determine the availability of members for a meeting. However, members must refrain from commenting on information provided in an email. Comments on information provided via email should be reserved for a posted public meeting of a Committee. Members may not “reply all” to express an opinion on information that is shared via email. For more information, go to www.mass.gov/the-open-meeting-law on the Attorney General’s website

Meeting Locations:

All meetings of a Town Committee shall be open to the public and any person shall be permitted to attend any meeting except under those circumstances listed in the section about Executive Session. Therefore, meetings must be held in a place which is open to the public and ADA accessible. Committees should meet in a public building; the following is a list of public spaces that may be reserved for meetings.

- Senior Center: call 978-468-5595 to speak with the COA Director. Meetings are scheduled for 7:30 am - 9:00 am or after 4:30 pm and on weekends. Guidelines for use of the Hamilton Senior Center at hamiltonma.gov, Select Board, Adopted Policies, Senior Center Usage Policy
- H-W Public Library: online at hwlibrary.org, Events, Meeting Rooms, Book a room. Meetings are scheduled during Library hours: Monday 10 am – 4:45 pm, Tuesday - Thursday 10 am to 7:45 pm, Friday 10 am to 4:45 pm, Saturday 10 am – 3:45 pm.
- Currently Town Hall is not available for meetings while it is being renovated

Posting Meetings:

An agenda format can be the template or any other format the Chair prefers.

For the template see the website: Where do I go for, Meeting & Agenda form for Town Clerk As per Open Meeting Law, a Meeting Notice form must be completed with the following:

- Committee’s name
- Approved location of the meeting with street address
- Day, date, and time of the meeting (Open Meeting Law does not prohibit holding meetings on holidays, but best practice is not to hold meetings on Sundays or holidays when access to public buildings may be limited, or the public may not anticipate the scheduling of a public meeting).
- Agenda of all topics that the Chair reasonably anticipates will be discussed, with enough detail to inform the public of the subject matter.
- Signature of Chair or authorized person
- Date of submittal to the Town Clerk, at least 48 “work weekday” hours prior to the meeting. Note: 48 “work weekday” hours do not include Saturdays, Sundays, or legal holidays and remember that Town Hall closes at 12:30 pm on Fridays
- Submit the agenda to townclerk@hamiltonma.gov to be time stamped and posted

Meeting Time:	Must be RECEIVED by the Clerk by:
Monday AM	Thursday am
Monday PM	Thursday 3:30 pm
Tuesday AM	Thursday 3:30 pm
Tuesday PM	Friday 12:00 pm
Wednesday AM	Friday 12:00 pm
Wednesday PM	Monday 3:30 pm
Thursday AM	Monday 3:30 pm
Thursday PM	Tuesday 3:30 pm
Friday AM	Tuesday 3:30 pm
Friday PM	Wednesday 3:30 pm

Amending an Agenda:

A Committee can amend an agenda within 48 hours of a meeting but only to include a topic that was not reasonably anticipated by the Chair. That topic does not necessarily have to be an emergency but could be an issue that arises, for example, the day of the meeting that the Committee wishes to address. However, the Attorney General encourages public bodies to postpone discussion and action on topics that are controversial or may be of particular interest to the public if those topics were not listed in the original meeting notice. An agenda cannot be amended to change the location or to start the meeting at an earlier time.

The Chair or authorized person shall post the amended agenda with the notation 'AMENDED' agenda on the posting. Best practice also suggests that the change is highlighted on the agenda.

Conducting Public Meetings:

A Committee may adopt formal rules of order as it is advisable for the Committee to observe a minimum of generally accepted parliamentary procedures. Guidance by the chair and adherence to customary parliamentary procedures can increase efficiency as well as maintain objectivity.

Procedures to observe:

- In most instances, a decision is made by a simple majority vote of those Committee members present and voting at the meeting.
- No votes taken in open session of a meeting shall be by secret ballot.
- Meetings of Town Committees are public meetings; they are open to the public and the public is welcome to attend and observe. However, members of the public do not have the right to participate unless they are invited to do so by the Chair. Some Committees do list an agenda item: Public Comment (3 minutes), to allow for brief comments.
- Any person may record a meeting with a tape recorder or any other means of audio reproduction and/or videotape equipment provide he/she/they announce the intention to do so and there is no active interference with the conduct of the meeting.

Public Hearings:

A public hearing is held for the purpose of obtaining information from which a Committee can reach a determination, usually regarding the issuance of a license or permit or some other approval. The hearing may include formal presentations, background information from the Chair, Town Officials and other Committees, followed by time for questions from the Committee and then from the public. All questions should be directed to the Chair who, in turn, may ask for a response from Committee members, staff or a member of the public. It is also the responsibility of the Chair to maintain order and decorum at the hearing. The Chair must be consistent and fair, but may put restrictions on the nature, time, number and frequency of individual's comments and questions.

Select Board, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health and Historic District Commission are some Committees that are required by state law or local regulation to hold public hearings. Such hearings will typically have requirements and timeframes for advertising and posting public notice of the hearing, notifying abutters by Certified Mail, rendering and filing a decision and the purpose for filing an appeal. It is the responsibility of the Chair to assure that the requirements of the public hearing process are properly followed.

Executive Sessions:

An Executive Session is closed to the public, but the Committee must first convene in an Open Session for which notice has been posted. A majority of the members must vote, by roll-call vote entered into the minutes, in favor of a motion to go into Executive Session. The motion must specify the reason including a statement that there would be a detrimental effect on the position of the governing body if the discussion were in open session. 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. Accurate minutes shall be maintained and released to the public only when the purpose of the Executive Session no longer exists.

While all meetings of public bodies must be open to the public, certain topics may be discussed in executive, or closed, session. The open meeting law, M.G.L. c. 30A, § 21, sets out ten permissible reasons for entering 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;
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: (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.
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 G.L. c. 164, § 1F.

Minutes:

The following section is from the Town of Hamilton Law and Policy regarding Meeting Minutes:

All board and committee members are required to be informed of the requirements of the Open Meeting Law, G.L. c. 30A, §§ 18-25 and the Attorney General’s regulations, 940 CMR 29.00. The Select Board is concerned that the law is not being uniformly applied. In addition, adoption of across-the-board conventions will assist the Town in filing, locating, and producing minutes as needed. This policy summarizes legal requirements applicable to meeting minutes and supplements those requirements.

Every multiple-member board, commission, committee, or subcommittee within town, however created, elected, appointed, or otherwise constituted, established to serve a public purpose is a “public body” and must conform to the Open Meeting Law. Among other obligations, that means that each public body must create, approve, and maintain meeting minutes.

Each public body shall nominate someone to be responsible for ensuring that accurate meeting minutes are created, typically a Secretary. Some public bodies will have a professional minutes secretary hired by the Town to keep minutes (see Secretary/Clerk section). For those public bodies that do not have access to such a person, a member of the public body must create the minutes.

Meeting minutes must include the following information:

- The date, time, and place of the meeting
- Identification of all members present and absent
- A record of all decisions made and actions taken
- A record of all votes
- A summary of the discussion on each subject. Note: a transcript is not required
- If any vote is taken in executive session or while a member participates remotely, the vote must be by roll call and the minutes must reflect the roll call vote
- A list of the documents and other exhibits used at the meeting. These records must be maintained, but need not be physically attached to the minutes
- The results of any review of executive session minutes as to whether they will continue to be withheld from public disclosure or released to the public.
- Adding the following notation at the end of the last page upon final approval of minutes by the Committee: “Respectfully submitted as approved at _____ (date) meeting _____(name and title of person submitting)”

Minutes must be created and approved in a timely manner. The law does not define what is timely, but public bodies should use their best efforts to ensure that minutes are approved within two subsequent meetings.

Open session and executive session minutes should be separate documents. Once approved, the Secretary/Clerk signs those minutes, which become part of the official records of the Town. The open session minutes are available to the public and should be posted on the Town website. Executive session minutes should be maintained in a confidential file and only posted on the Town website when the reason for the executive session no longer requires that the minutes be withheld from disclosure. The public body or its chair or designee shall periodically review the minutes of executive sessions to determine if the minutes should still be exempt from public disclosure. The determination must be announced at the next meeting of the public body.

OPEN MEETING LAW COMPLAINTS

Anyone can file an opening meeting law complaint in writing using the form approved by the Attorney General and available on the Attorney General's website. A public body need not, and the Attorney General will not, investigate or address anonymous complaints. A public body need not address a complaint that is not signed by the complainant. A public body need not address a complaint that is not filed using the Attorney General's complaint form.

The complaint shall be filed with the public body and the Town Clerk within 30 days of the alleged violation, or if the alleged violation could not reasonably have been know at the time it occurred, then with 30 days of the date it should reasonably have been discovered.

Within 14 business days after receiving the complaint, the public body shall meet to review the complainant's allegations; take remedial action, if appropriate; and send to the complainant a response and a description of any remedial action taken. The public body shall simultaneously notify the Attorney General that it has sent such materials to the complainant and shall provide the Attorney General with a copy of the complaint, response, and a description of any remedial action taken.

If at least 30 days have passed after the complaint was filed with the public body, and if the complainant is unsatisfied with the public body's resolution of the complaint, the complainant may file a complaint with the Attorney General.



**Acknowledgement of Receipt
of the Town of Hamilton's Committee Handbook**

Please sign and return this page to the Town Manager's Office.

**I hereby acknowledge that I have received a copy of the Town of Hamilton's
"Handbook for Members of Committees, Boards, Commissions"
and agree to familiarize myself with the contents thereof.**

Signature

Name of Board, Committee, Commission

Printed Name

Date

Home Address

Email Address

Mailing Address

Phone Number cell home

for office use:

Sworn in _____

Conflict of Interest completed _____