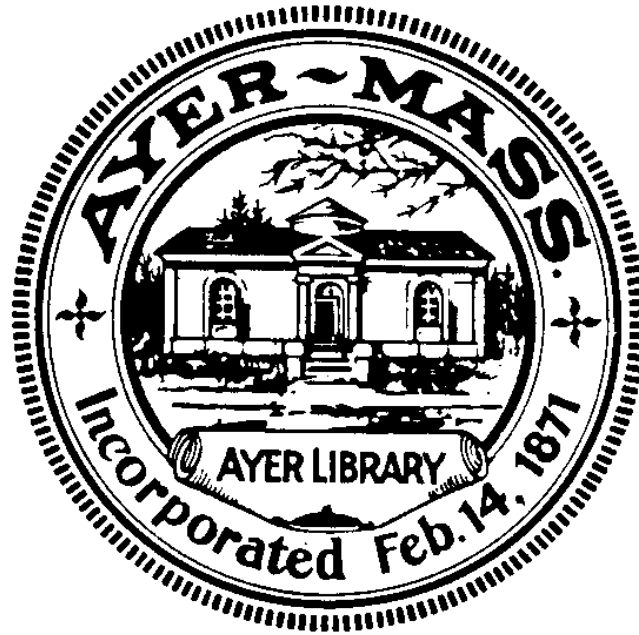


TOWN OF AYER



BOARD/COMMITTEE MEMBER GUIDE

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HELPFUL RESOURCES

Town Clerk's Office	978-772-8215
Town Administrator's Office	978-772-8220
Town of Ayer I.T. Department	978-772-8252
Town of Ayer	www.ayer.ma.us
Commonwealth of Massachusetts	www.mass.gov
Secretary of State's Office	www.sec.state.ma.us
Massachusetts Legislature	www.malegislature.gov
Attorney General's Office	www.mass.gov/ago
Open Meeting Law	www.mass.gov/ago/openmeetinglaw
Public Records Law	www.sec.state.ma.us/pre/prepdf/guide.pdf
Conflict of Interest Law	www.mass.gov/ethics
Freedom of Information Act	http://www.foia.gov
Town of Ayer's Electronic Communication Policy	www.ayer.ma.us/sites/ayerma/files/uploads/ecp.pdf

WELCOME!

Thank you for your interest and community involvement which lead you to take this municipal position. Finding individuals willing to take the time and effort to participate in local government is becoming difficult, and we greatly appreciate the commitment you are making to the Town of Ayer! We hope that this brief guide will help you during your time in office.

ASSUMING THE OFFICE

The first order of business is to make arrangements with the Town Clerk's Office to be sworn in. (The Town Moderator may swear you in, in the Town Clerk's absence). You are not technically a member of your new Board/Committee until this has occurred. You will receive a card from the Town Clerk's office verifying you have been sworn in.

Become familiar with the roles and responsibilities of your Board/Committee. Resource materials should be gathered. Take time to discuss this with your fellow members, being mindful of the Open Meeting Law. Please ask your Chairman for copies of any policies, workbooks or reference materials that you will need as a member. These may include (depending on what Board/Committee you belong to) a copy of the open meeting law, copies of any state laws that pertain to your Board/Committee, a table of organization of the town, a list of key town officials, contact information for each of your fellow Board/Committee members, Town Bylaws, written procedures or policies adopted by your Board/Committee, the current year's budget, etc...The Town of Ayer's website is also an excellent resource for these materials www.ayer.ma.us

PUBLIC MEETINGS

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.¹

Municipal meetings operate in the public spotlight due to the fact that most meetings are open to the public as required by law (M.G.L. c. 30A, §§18-25), covered by the press, and often televised and/or recorded by our local cable channel. Boards and Committees conduct meetings in many different styles depending on the preference of the Chairman. Some meetings may be closed to the public if it can be determined to be a legitimate reason to have a private or "Executive Session" (M.G.L. c.30A, §21) meeting to which only involved parties may attend. The Town Clerk shall provide you with a copy of the Open Meeting Law which explains these points; the website is also listed under the "Helpful Resources" section of this guide.

A meeting is defined as a gathering of your Board/Committee any time there is a quorum (simple majority) of your members. It is against the law for a quorum to meet in private for the purpose of

¹ <http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html#Overview-Purpose>

deciding or deliberating toward a decision on public business. All meetings must be posted with the Town Clerk at least 48 hours in advance of the meeting unless an emergency (a sudden, generally unexpected occurrence or set of circumstances demanding immediate action) can be determined to justify a meeting held without the 48 hour notice - at which case a meeting posting must still be done as quickly as possible.

Minutes must be taken of all meetings held. These minutes must include a brief summary of what occurred and a precise record of all votes taken. The federal Freedom of Information Act and the Massachusetts Public Records Law require that all minutes be available to the public on request. Minutes are kept in offices/designated spaces of individual boards.

IMPORTANT ADMINISTRATIVE DUTIES OF BOARDS

Reserving a Room

Rooms must be reserved in the Town Administrator's prior to posting. You may email your reservation request to the Assistant to the Town Administrator at cantonellis@ayer.ma.us.

If your Board has regularly scheduled meetings (i.e.:1st and 3rd Wednesdays; 2nd Thursday) a room will be automatically reserved for you. However, if you are not meeting on your regularly scheduled meeting night, as listed in the Annual Town Report, you must check with the Town Administrator's Office for room availability and to ensure that the building will be open after hours.

Posting Meetings

In the interest of providing a more efficient posting process – an email distribution list has been created for postings of meetings, agendas, and minutes.

agenda@ayer.ma.us

This email will reach the Town Clerk, Assistant Town Clerk and I.T. Director. These are the three individuals responsible for postings on the official board at Town Hall as well as online. Sending the postings to this distribution email it ensures that all bases are covered in the event of a schedule change.

The Town's Official Meeting Posting Board is located outside of Town Hall on the Columbia Street side. Once a meeting agenda is received and stamped by the Town Clerk's Office, they will place it on the Town's Official Meeting Posting Board.

The posting of agendas on the Town's website, other media, and/or other locations is done as a convenience and service to the public but is not a legal requirement. The only legal requirement is that the agenda be placed on the Town's Official Meeting Posting Board after it has been stamped by the Clerk's Office at least 48 hours in advance of the meeting.

You are responsible for copying any other persons (other board members, press, etc.) in regards to your posting.

For individuals that prefer going to the Town Clerk's Office to post meetings, you MUST request that your stamped meeting agenda be scanned to the I.T. Director.

The posting deadline for business with the Town Clerk's office is as follows:

Any documents being submitted to the Town Clerk's office is to be received 15 minutes before closing to accommodate staff processing in a timely manner.

Monday, Wednesday, and Thursday

Posting Deadline is 3:45pm and the office closes at 4:00pm

Tuesday

Posting Deadline is 6:45pm and the office closes at 7:00pm

Friday

Posting Deadline is 12:45pm and the office closes at 1:00pm

Securing the Building

The front door (Main Street Entrance) will be locked at the close of business every day. There is a sign indicating that for after-hours meetings to use the Columbia Street Entrance. The side entrance on Columbia Street will remain open if there is a meeting scheduled. The last user group in Town Hall in the evening is responsible for ensuring that the Columbia Street side entrance of Town Hall is secured. If you are not familiar with securing the building, please make an appointment with the Town Administrator's office and you will be given instructions on how to do so.

CORRESPONDENCE

All Town Employees and Special Town Employees (i.e. appointed and elected board/commission/committee members; volunteers; etc.) are required to use an official Town issued E-mail (in the form @ayer.ma.us) for all Town-related business. Using your personal E-Mail to conduct Town business puts your personal systems at risk for subpoena or discovery. The Town Administrator's Office will notify the I.T. Department of your appointment and an email account will be set up for you.

Emails are considered a public document and subject to the Freedom of Information Act and/or the Public Records Law unless it can be declared a confidential document exempted from release per state law. Additionally, emails may not be used as a substitute for open meetings for the purpose of deciding or deliberating toward a decision on public business. Extreme care and caution should be used regarding emails to communicate with your Board/Committee. If you are in doubt, the best policy is to avoid use of email and to have all Board/Committee discussions and sharing of information take place as a posted Open Meeting.

The Town of Ayer's Information Technology Department mandates you sign the Electronic Communications Policy. The policy can be found here:

www.ayer.ma.us/sites/ayerma/files/uploads/ecp.pdf

It is not required that every piece of correspondence that comes to your Board/Committee must be

addressed at a public meeting. Typically the Chairman or some other authorized member is allowed to review incoming correspondence to determine necessary actions, or to create outgoing correspondence without prior board review.

Electronic mail is made available as a business communication tool and Town employees and Special Town Employees are obliged to use this tool in a responsible, effective and lawful manner. Although email might appear to be less formal than other written communication, it is subject to the same laws that apply to other forms of communication, such as those against defamation or those protecting intellectual or personal property rights. The Town's existing policies prohibiting sexual and other forms of harassment apply equally to the use of Town and other system components

PUBLIC HEARINGS

In many cases, your Board/Committee may be required to hold a public hearing to take action on a certain matter. These hearings typically require very specific public notice (newspaper notification, abutter notification) be given above and beyond the simple posting of the meeting. Please check with the Town Clerk if you have questions relative to this notification process.

Hearings are intended to provide a public information process and a time for receiving public input. Your Chairman is responsible for guiding the process of the hearing.

COMMUNICATING WITH THE NEWS MEDIA

It is important to inquire of your Board/Committee as to what policy exists for responding to inquiries from the media. Typically one member of the Board/Committee is assigned to be the spokesperson for the group, and all other members should refer any questions to that member. When speaking to the media, it is important to choose your words carefully as a reporter may publish any and all of your conversation. It is not uncommon to have statements used out of context. If Town Counsel has advised against making public statements, reporters should be told "no comment". You should avoid asking that your discussion be "off the record" as this means different things to different reporters. It is entirely appropriate to ask reporters to read back what they have noted, and you may ask for a copy of the story as well. If you feel any publication contains incorrect information, it is appropriate to have the authorized board member contact the reporter to request a correction of the facts.

Often a local reporter will be willing to work with your board to print press releases or public information articles that help provide announcements to the public. Having a good relationship with the press will be beneficial in these instances.

FINANCIAL MATTERS

Each Board/Committee has a budget to cover the expenses of operating throughout the year. You should familiarize yourself with your annual budget and ask how expenditures are authorized and processed. As you do with your home finances, your board is expected to live within the allotted funds for the years. Expenditures must be made wisely. If it appears that unforeseen expenses will cause your Board/Committee to deficit spend, you must seek and obtain reserve fund transfer from the Finance Committee before authorizing any additional expenditures. Please see the Town Administrator if you have questions relative to this issue.

ETHICS/CONFLICT OF INTEREST

Governor Patrick signed into law Chapter 28 of the Acts of 2009 that made changes to the State's Conflict of Interest Law and the State Ethics Commission's Enabling Act. This law went into effect September 29, 2009. All municipal employees and Board/Committee Members are required to complete the online training program provided on the Commission's website then and every two years thereafter.

You are responsible to keep track of when your Ethics/Conflict of Interest requirements need renewing. Please also look for reminder correspondence from the Town Clerk's office.

Instructions to complete Ethics/Conflict of Interest Requirements

Make sure you turn off all pop-up blockers on your computer before you begin!

STEP ONE: www.mass.gov/ethics,

Each "Municipal Employee", which includes unpaid elected and appointed town officials, is required to sign a written acknowledgement that he/she has been provided with a summary of the Bill. If you do not have the summary of this bill, go to www.mass.gov/ethics, under "Key Resources" click on "Summaries of the Conflict of Interest Law", then click on the summary of the law for "Municipal Employees". Fill out the receipt at the end of the summary and return to the Town Clerk's office

STEP TWO: www.muniprogram.state.ma.us.

The Bill also requires that every "Municipal Employee" shall complete the online training program within 30 days after becoming such an employee and every other year thereafter. The online training program is on the state website www.muniprogram.state.ma.us. All "Municipal Employees" must complete the online training program.

STEP THREE:

Upon completion of the online training program, you must print out two copies of the certificate, keep a copy for yourself and provide a copy to the Town Clerk.

Both of these requirements must be completed within thirty days upon receipt of this letter.

If you have any questions, please call the Town Clerk's office.

OTHER QUESTIONS

If you have any other additional concerns or questions about your role as a New Board/Committee Member, please seek the advice of your Chairman or of the Town Administrator. They will be more than happy to help you settle in to your new position.

If you can think of any other information that can be added to this guide to assist the process of new town officials taking office, please provide your comments to the Town Administrator's Office.

CHECKLIST

A helpful list of “to-do’s” once you are elected/appointed

- _____ Get Sworn-In
Town Clerk’s Office
- _____ Get @ayer.ma.us email credentials from I.T. Department
I.T. Department 978-772- 8252
- _____ Review and Sign Electronic Communications Policy
(www.ayer.ma.us/sites/ayerma/files/uploads/ecp.pdf)
Return to I.T. Department
- _____ Complete Ethics/Conflict of Interest Requirements
Return proof of completion to the Town Clerk’s Office
- _____ Sign acknowledgment of this handbook (located on next page)
Return to Town Administrator’s Office

BOARD/COMMITTEE MEMBER ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the Town of Ayer's Board/Committee Member Handbook. I further acknowledge that it is my responsibility to become familiar with and abide by them.

Signature

Printed Name

Board/Commission Name

Date