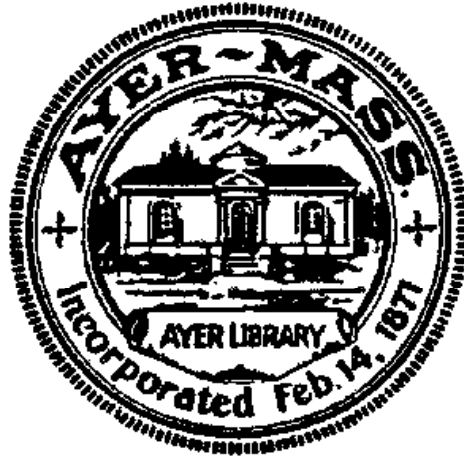


# TOWN OF AYER



## BOARD OF SELECTMEN

### GENERAL POLICIES & PROCEDURES

# RECORD OF CHANGES

<b>Rev</b>	<b>Date</b>	<b>Change Authority</b>	<b>Changes/Additions/Deletions Affected Sections</b>
-	2 September 2014	BOS Open Meeting	Global Update. Paragraph #s, Language,
A	17 July 2018	BOS Open Meeting	Global Update. CHANGE Town Administrator to Town Manager; CHANGE Asst to Town Administrator to Assistant Town Manager ADDED: Para 18.38 ADDED: Para 18.39

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#### **14-01: PURPOSE:**

The Board of Selectmen (BOS) of the Town of Ayer, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Manager (TM), Assistant Town Manager and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating procedures for the Board of Selectmen.

#### **14-02: NATURE OF POLICIES & PROCEDURES:**

These policies and procedures shall contain items relating to topics that are not addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation shall not be addressed in this format. These policies are not intended to be all-inclusive.

It should be understood that these policies and procedures represent the rules that govern the manner in which the members of the Ayer Board of Selectmen and their staff shall perform their respective functions. Accordingly, any violation of these policies and procedures may constitute grounds for either sanction or disciplinary action, whichever is appropriate.

#### **14-03: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES:**

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts shall be in writing, and may be introduced only by a member of the Board or the Town Manager. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary. A majority vote of the three member board is necessary for adoption.

The Town Manager shall be responsible for the maintenance of all policies and procedures.

#### **14-04: AUTHORITY:**

The BOS is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the bylaws of the Town of Ayer and from the citizens of the town.

#### **14-05: ELECTION AND QUALIFICATION:**

The Board shall consist of **three** duly elected members. Before assuming official duties, each newly elected member shall be sworn to faithful performance of official responsibilities by the Town Moderator and/or Town Clerk.

#### **14-06: VACANCIES ON THE BOARD:**

When a vacancy occurs in the membership of the BOS, the Board or its remaining members shall fill the unexpired term or terms in accordance with the Massachusetts General Laws.

#### **14-07: ROLE OF THE BOARD OF SELECTMEN:**

The Board is the chief executive body of the town. The Board sets the community's vision and provides the leadership required to assure that the mission is followed. The Board is responsible for appointing departmental head personnel on recommendation by the Town Manager, developing and implementing policy and reviewing for compliance with said policies. The Town Manager is the Town's Chief Administrative Officer and supports the Board on appointments and policy formulation, implementation and compliance.

The Town Manager is responsible for supervising the departments of the general government. Department heads shall receive policy direction from the Board through the Town Manager. Department Heads shall receive administrative direction for day to day operations directly from the Town Manager. Department Heads report to the board but do so through the Town Manager. This policy is not intended to limit or otherwise exclude a Department Head from expressing concerns or issues directly to the Board, but rather it is intended to provide a framework for an effective and efficient operation utilizing an appropriate chain of command. If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Manager as soon as it is practicable and shall work proactively with the Town Manager to address the concern or issue. Concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Manager, and the responsibility for addressing these issues is thus carried out through the Town Manager. Selectmen may be called upon to resolve disputes that are unable to be resolved on the staff level.

No individual Board member shall be allowed to direct a Department Head in the methods or manners in which the department's day to day business is to be conducted, however, this policy is not intended to limit or restrict the rights of an individual Board member to communicate his or her opinions regarding the implementation of an approved Board policy.

#### **14-08: ROLE OF THE TOWN MANAGER:**

The Board appoints a Town Manager who functions as the Town's Chief Administrative Officer. The primary duties of the Town Manager shall be the day-to-day administration of the general government as outlined in the position's job description and by Massachusetts State Law Chapter 79 of the Acts of 2018 (enacted on April 27, 2018). The Town Manager is authorized to review

and sign the Town's Accounts Payables and Payroll Warrants. The Town Manager is required to report all warrants reviewed and signed in his/her official bi-weekly Town Manager's Report to the Board.

The Town Manager is also authorized to hire and fire all non-department head level positions in consultation with the respective Department Head and in accordance with all applicable policies, procedures and or contractual terms per Chapter 79 of the Acts of 2018.

The Town Manager shall hire all Department Head level positions which MUST be approved/ratified by the Board of Selectmen or in consultation with the appropriate multi-member Board per Chapter 79 of the Acts of 2018.

The Town Manager is responsible for the Town's Personnel System per Chapter 79 of the Acts of 2018.

The Town Manager is the Town's Chief Procurement Officer.

The Town Manager is the Town's Americans with Disabilities Act (ADA) Coordinator.

The Town Manager is the responsible custodian of all Town property and grounds with the exception of the Library, School Buildings, and Conservation Lands per Chapter 19 of the Acts of 2018.

The Town Manager shall also assist and work under the direction of the Selectmen on appointments and in the formulation, implementation and compliance of policy. The Town Manager must maintain a close working relationship with all members of the Board. He/she shall regularly brief the Board on all important issues.

#### **14-09: ROLE OF THE ASSISTANT TOWN MANAGER AND SUPPORT STAFF:**

The Town Manager appoints an Assistant Town Manager subject to approval and ratification by the Board.

The Assistant Town Manager functions as the support staff for the Board and the Town Manager. The Assistant Town Manager must maintain a close working relationship with all members of the Board and the Town Manager. The Assistant Town Manager reports to and takes direction from the Town Manager.

The primary duties of the Assistant to the Town Manager shall be as outlined in the position's job description. He/she shall perform varied office administration functions as directed by the Town Manager

The Town Manager may delegate his/or authority to the Assistant Town Manager in accordance with the provisions set forth by Chapter 79 of the Acts of 2018.

The Town Manager may serve as the Interim/Acting Town Manager in accordance with the provisions Chapter 79 of the Acts of 2018.

**14-10: BOARD RULES AND ETHICS:**

1. A member of the Board of Selectmen, in relation to his or her community should:
  - A. Realize that his or her basic function is as it is listed in section 14-07 which is contained herein.
  - B. Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.
  - C. Be well informed concerning the duties of a board member on both local and state levels.
  - D. Remember that he/she represents the entire community at all times.
  - E. Accept the office of Selectman as a means of unselfish service and not benefit personally or politically from his/her board activities.
  - F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
  - G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
  - H. At all times carry and conduct him/herself in a manner that is appropriate and becoming of a Chief Elected Executive Official of the town of Ayer.
  
2. A member of the Board of Selectmen, in his/her relations with administrative officers of the Town, should:
  - A. Endeavor to establish sound, clearly defined policies that will direct and support the Board of Selectmen, for the benefit of the people of the community.
  - B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
  - C. Give the Town Manager full responsibility and authority for discharging his/her duties.
  
3. A member of the Board of Selectmen, in his/her relations with fellow board members, should:
  - A. Recognize that only an action taken at official and legal selectmen's meetings is binding, and that he/she alone cannot bind the board outside of such meetings.
  - B. Recognize that he/she should not make any representation to anyone on behalf of the board unless and until the board takes a formal position on the matter.
  - C. Should informal decisions by telephone consensus be required of the Board between meetings, all Board members shall be contacted prior to a majority decision being implemented.
  - D. Uphold the intent of executive session and respect the privileged communication that exists in executive session.



- E. Make decisions only after all facts on a question have been presented and discussed.
- F. Treat with respect the rights of all members of the board despite differences of opinion.
- G. Be responsible to address the concerns and complaints of the citizens in the town of Ayer and the employees of the government.
- H. Demonstrate leadership by raising issues and encouraging debate regarding said issues both within the Board and within the community at large.

**14-11: TOWN MANAGER RULES AND ETHICS:**

1. The Town Manager, in relation to the Board and the community should:

- A. Realize that his/her basic function is to carry out the policies of the Board through day to day administration of the town's business.
- B. Realize that he/she represents the Board and should abide by, and carry out, all board decisions once they are made.
- C. Be well informed concerning the duties of a Town Manager on both local and state levels.
- D. Remember that in representing the Board that he/she represents the entire community at all times and that he/she must treat the public in a courteous and respectful manner.
- E. Accept the office of Town Manager as a means of unselfish service and not benefit personally or politically from his or her activities.
- F. In recommendations for all appointments as well as the hiring of non-department head personnel, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
- G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
- I. Participate in discussion at Board Meetings and Town Meetings as requested by the Board.
- J. To speak on behalf of the Board only on accepted policies and accepted positions on issues.

2. The Town Manager, in his/her relations with other administrative officers of the Town should:

- A. Endeavor to establish sound, clearly defined policies that will support the Board of Selectmen for the benefit of the people of the community.
- B. Recognize and support the administrative chain of command.

3. The Town Manager, in his/her relations with the board members, should:

- A. Uphold the intent of executive session and respect the privileged communication that exists in executive session as well as all other confidential correspondence.

- B. Treat with respect all Board members.

**14-12: ASSISTANT TOWN MANAGER AND SUPPORT STAFF RULES AND ETHICS:**

1. The Assistant to the Town Administrator and Support Staff, in relation to the Board, the Town Administrator and the community should:
  - A. Realize that his/her basic function is to carry out the policies and directives of the Town Manager and/or the Board.
  - B. Realize that he/she represents the Town Manager and the Board and should abide by, and carry out, all Town Manager and Board decisions once they are made.
  - C. Be well informed concerning the duties of the Assistant Town Manager on the local level.
  - D. Remember that in representing the Town Manager and the Board that he/she represents the entire community at all times and that he/she must treat the public in a courteous and respectful manner.
  - E. Accept the office of Assistant Town Manager or Support Staff as a means of unselfish service and not benefit personally or politically from his or her activities.
  - F. In any participation in or comments on appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
  - G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
2. The Assistant Town Manager and Support Staff, in his/her relations with administrative officers of the Town, should:
  - A. At all times recognize and support the administrative chain of command.
  - B. This policy is not intended to limit or otherwise exclude the Assistant Town Manager and Support Staff from expressing concerns or issues directly to the Board, but rather it is intended to provide a framework for an effective and efficient operation utilizing an appropriate chain of command. If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Manager as soon as it is practicable and shall work proactively with the Town Manager to address the concern or issue.
3. The Assistant Town Manager and Support Staff, generally, should:
  - A. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
  - B. Treat with respect the rights of all members of the community and the government despite differences of opinion.

**14-13: ORGANIZATION OF THE BOARD:**

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. The Board at any time may remove the Chairman by a majority vote. Unless by a unanimous vote, the Chairman shall not serve two consecutive years in any given term. A majority vote shall constitute an election. Nominations require a second. The immediate past Chairman shall preside as Chairman pro tem until the Chairman is elected. If there is no immediate past Chairman, the senior member in terms of current service shall serve as Chairman pro tem. If a vacancy occurs in the office of Chairman, the Board shall elect a successor. The Board shall further appoint a Clerk under the same provisions stated for the Chairman.

#### **14-14: RESPONSIBILITIES OF THE CHAIRMAN:**

The Chairman of the Board shall:

1. Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
2. Sign official documents that require the signature of the Chairman.
3. Call special meetings in accordance with the Open Meeting Law.
4. Set agendas with the Town Administrator subject to acceptance of the board when the meeting convenes.
5. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman.
6. Make liaison assignments and assign overview responsibilities for project and tasks to Board member subject to acceptance of said assignment by the Board members.

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions and to vote thereon.

#### **14-15: RESPONSIBILITIES OF THE VICE CHAIRMAN:**

The Vice Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

#### **14-16: RESPONSIBILITIES OF THE CLERK:**

The primary administrative function of the Clerk is to sign the Board's minutes.

#### **14-17: REGULAR BOARD MEETINGS:**

Regular Board Meetings are held on a schedule voted by the Board. Unless in the case of an emergency, the Board shall not meet on days designated as legal holidays. Board Meetings will commence at the time posted on the agenda once a quorum of the Board is present. In the event of a quorum not present at the posted time of the agenda, the Board members present will announce that they will wait up to 15 minutes for a quorum to be achieved. In the event that a

quorum is not achieved by the time stated; the meeting is cancelled. The Town Manager will then work with the BOS to reschedule on a new night, or roll into next regularly scheduled meeting.

In the event of an emergency matter, the Board will reschedule in accordance with the provisions for emergency meetings in 14-19.

#### **14-18: SPECIAL MEETINGS:**

A meeting that is called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called by any member provided that a majority of the members agree to meet, all Board members are notified and the meeting is posted as is required by the Open Meeting Law.

#### **14-19: EMERGENCY MEETINGS:**

A meeting that is called for any time other than the regular meetings and that is called without the required forty-eight (48) hour posting shall be known as a "Special Emergency Meeting". The same rules as those established for regular meetings will apply. Special Emergency meetings may be called by any member provided that the subject matter is of an emergency nature, a majority of the members agree to meet, due diligence is used in notifying all Board members and the meeting is posted as is required by the Open Meeting Law.

#### **14-20: WORKING MEETINGS:**

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted in accordance with the Open Meeting Law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

#### **14-21: MEETING PROCEDURES:**

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedures be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification.

Although the public and the press have a right to be present at open meetings of the Board of Selectmen, they do not have the right to participate unless they are recognized by the Chair.

A quorum shall consist of **two** members of the Board. As a practical courtesy, action on critical or controversial matters, such as the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes, if any, will be identified by name.

The Town Manager and Assistant Town Manager are expected to be in attendance at all meetings of the Board. The Town Manager shall attend in order to keep the Board informed and advised on all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

#### **14-22: EXECUTIVE SESSION:**

Executive Sessions of the Board shall only be held in accordance with the provisions of Massachusetts General Law Chapter 30A, section 21A.

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting. It shall be the policy of the BOS to conduct Executive Sessions that only involve the BOS and/or internal Staff at the end of the open meeting. Executive Sessions involving Town Counsel will be scheduled before the open meeting to reduce costs. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter Executive Session and the exemption under which the session is sought. A majority of the members present must vote to enter Executive Session by roll call vote. The motion must state whether or not the Board will reconvene into open session.

#### **14-23: AGENDA PROCEDURES:**

The responsibility for coordinating and planning the meeting agenda is that of the Town Administrator in consultation with the Chairman. Each of the Board Members and the Town Administrator may place items on the agenda. The Town Administrator, in consultation with the Chairman, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda are expected to be submitted to the Town Administrator at least five (5) working days before any regularly scheduled meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "new business".

Agenda items normally include:

1. Call Meeting to Order
2. Approve Agenda
3. Public Input
4. Guests
5. Department Reports
6. Town Manager's Report
7. New Business/Selectmen's Questions
8. Approval of Meeting Minutes
9. Executive Sessions (if any)
10. Adjournment

Members of the Board, Town Manager, staff or others who prepare background material for the meeting should make an effort to have such material available at least two working days before any regularly scheduled meeting. All efforts will be made to have background material in the meeting packet. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The Board's meeting packet shall be compiled by the Assistant Town Manager. The agenda and all substantiating documents shall be made into a PDF and emailed to the board within three (3) working days of said meeting.

The agenda shall be available to the public and the press at the Selectmen's office at least two days before the meeting date and shall be posted at the exterior Town Hall bulletin board and on the Town Website.

Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

#### **14-24: MINUTES:**

The Assistant Town Manager shall record open meetings of the Board. The minutes of the Board of Selectmen constitute the official record of the Board under Federal, State and Local Law.

Minutes shall be circulated to the Town Manager and members of the Board on or before the seventh day after the meeting and shall be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes shall be signed by the BOS Clerk and recorded in a Minutes Book and posted to the Board of Selectmen Webpage.

Minutes of Executive Sessions shall be recorded by the Town Manager, approved by the board, signed by the Clerk and kept by the Town Manager in accordance with the above procedures.

Minutes are public records and are open for public inspection as provided for by law.

#### **14-25: APPOINTMENTS:**

The Board makes numerous appointments each year. The minimum requirements for the majority of appointments are Ayer residency and at least 18 years of age. Appointments are generally made for one or three years in length. In no case, may appointments be made for more than three years unless specifically allowed by state law. Appointments generally are made on or

before June 30<sup>th</sup> of each year. In the case of appointments, a second to the nomination or motion will be required prior to Board action.

Employee Appointments:

1. Non department head employee appointments are made by the Town Manager in consultation with the respective department head in accordance with the provisions of Chapter 79 of the Acts of 2018. The Town Manager shall report any personnel appointments under his/her authority to the Board in the bi-weekly Town Manager's Report.
2. Department head employee appointments are made on recommendation by the Town Manager and must be approved/ratified by the Board.

Committee Appointments: Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable. Vacancies may be advertised on the Town's website. Appointments should be based on merit and qualifications rather than political merit.

The Assistant Town Manager shall:

- a. Provide by June 1<sup>st</sup> a list of the appointment vacancies to be filled by the Board.
- b. Notify the chairman of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
- c. Notify incumbents and request their statements of availability regarding reappointment.

All candidates seeking appointment for the first time to a position shall submit a short written letter of interest or resume. This letter/resume shall be included in the Board agenda in advance of the meeting. The Board may consider reappointments to positions at their pleasure. A statement/resume will only be requested from a candidate seeking reappointment by specific request of a member of the Board.

The Board may interview candidates seeking an appointment for the first time to the following positions as well as all vacant elected positions being filled by them in accordance with the law:

- Ayer Cultural Council
- Cable Commission
- IT Committee
- Conservation Commission
- Council on Aging
- Director of Emergency Preparedness
- Gas and Electrical Inspectors
- Historical Commission
- Industrial Development Commission

- Industrial Development Finance Authority
- Montachusett Regional Planning Commission
- Montachusett Area Regional Transit Authority
- OPEB Board of Trustees
- Recycling Committee
- Water and Sewer Rate Review Committee
- Zoning Board of Appeals; and
- Any other board, committee or commission appointed by the Board of Selectmen

Notice of candidates being interviewed shall be included in the agenda provided to the Board. The Board may request that candidates for a position not listed above be interviewed. Candidates not being interviewed may, at the discretion of the Board, still be considered upon receipt of the resume/statement.

Appointments will be made when there is a quorum of the Board present. Appointments will be made by a majority vote of the Selectmen.

School Board Appointments (Joint Board Meetings):

Nashoba Valley Technical School: Requires quorum of the BOS, School Committee Representative and Town Moderator.

Ayer-Shirley Regional High School: Requires quorum of the BOS and School Committee Representative

**14-26: ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:**

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committee agendas and minutes. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law. This Committee Handbook should be reviewed every two (2) years.

The charges and membership of standing advisory committees shall be reviewed periodically -- at least annually -- to assess the necessity and desirability of continuing the committee. Re-appointments will be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement and the changing needs of the committee and the town.



It is the policy of the Selectmen to appoint qualified citizens representing all sections of the town to all such advisory committees. The Board will normally appoint no individual to more than one standing advisory committee at any one time.

In order to attract qualified and interested persons, vacancies will be made public as far in advance, but at least two weeks in advance, of an appointment as practicable.

#### **14-27: RELATIONS WITH TOWN BOARDS, COMMITTEES AND COMMISSIONS**

The Board of Selectmen is aware that coordination and cooperation is needed among the town's major boards, committees and commissions to:

- 1.) set town wide goals and priorities,
- 2.) identify and anticipate major problems and working together towards their resolution, and
- 3.) develop a process for dealing with federal and state government.

Therefore, as the executive board that is historically responsible for the overall leadership and coordination of town affairs, the Selectmen will require that the Town Manager to:

1. At the request of the BOS or at the request of a Town Board/Committee, the Town Manager will schedule a meeting of the BOS and respective Board/Committee to discuss the aforementioned or for any other mutual purpose.
2. Regularly schedule meetings of the Selectmen, Finance Committee and School Committee with Ayer's State Legislators to discuss legislative issues which affect Ayer.
3. On behalf of the Board, the Town Manager is responsible for inter-board communication in the day to day operations of government. The Town Manager shall develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and commissions with common interest, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects.

#### **14-28: RELATIONS WITH CITIZENS:**

The Board recognizes that it both represents and is accountable to all the citizens of the town. It is the Board's policy to make every effort to strengthen communications with citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the town meeting which will affect them. To this end the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Board by contacting a Board member or the Town Manager, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible, so that all parties involved can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Board's meeting packet. This policy is not intended to limit public participation for those people wishing to speak under the public input section of the board's agenda.
2. Persons who will be directly affected by proposed Board discussion and/or action will be notified by the Assistant Town Manager to the Board of Selectmen and Town Administrator of the date and time of meeting at which the matter will be discussed or acted upon by the Board.
3. In considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration under "Public Input" at the discretion of the Chairman or upon request of any member of the Board.
4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Town Administrator, after consulting with the Board. Those needing prompt attention by the Board should be referred to the Chairman for inclusion in the next meeting agenda.
5. All other questions and all complaints are to be referred to the Selectmen's Office for action or recommendations. In those instances deemed appropriate by a Board member, the Board member receiving the complaint may deal directly with a department head, the Board member shall subsequently inform the Town Administrator of the issue and its disposition.

#### **14-29: EMPLOYEE GRIEVANCES:**

Employee grievances are to be handled as delineated by the Town's Personnel Policies and Procedures and/or respective Collective Bargaining Agreement and/or Personal Services Contract of which the Town Manager is responsible for. If employee grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

Selectmen will not intercede or interfere with the process. The employee will be shown the administrative process to be followed. A meeting with the Board may be requested by any employee; the Board may, at their discretion, defer such meeting until other remedies available

to the employee under the current version of the Personnel Policies and Procedures Manual and/or the respective Collective Bargaining Agreement and/or Personal Services Contract have been exhausted.

#### **14-30: HEARINGS BEFORE THE BOARD:**

Hearings before the Board of Selectmen generally shall be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedure for conducting dog and utility hearings are hereinafter outlined:

1. Notice: The Assistant Town Manager and Town Manager will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.
2. Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.
3. The Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chairman will outline the procedure to be followed. All questions shall be addressed to the Chair.
4. The order of presentation will be:
  - a. Presentation by Proposer
  - b. Receipt of recommendations from any Town agency or officer
  - c. Statements by proponents
  - d. Statements of opponents
  - e. Rebuttal statements by proponents and opponents
  - f. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Board.
5. The Board may permit persons not desiring to speak to record themselves as in favor or against the proposal. In the discretion of the Board a show of hands may be taken.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

#### **14-31: PROCEDURE FOR CONDUCTING DOG HEARINGS**

A written complaint must be filed with Board of Selectmen. The complaint should describe and name the dog and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

Upon receipt of a request for a hearing, the hearing will be included in the agenda for a regular meeting. The Assistant Town Manager to the Board of Selectmen and Town Manager will notify the Animal Control Officer and all involved persons. Hearings will be held in open session. The procedure for conducting a hearing is as follows:

1. Read complaint - fully identify and describe dog, present picture when available. Note that the hearing is being conducted under Chapter 140 of the MGL's.
2. Swear in the complainant that all information and statements are the whole truth and nothing but the truth.
3. Hear reports from dog officer and/or health officer -- make sure dog is fully identified here.
4. Take testimony from complainants - directly question as to why dog is considered vicious or dangerous. Are they fearful of dog? Is there excessive barking, etc.?
5. Take testimony from owner and/or others speaking on his behalf.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.
7. Unless otherwise requested by the Board, the dog shall always attend the hearing.

## **14-32: TOWN MEETINGS:**

### **1) Annual Town Meetings**

The Town Meeting warrant is the Selectmen's warrant by Statute. The Board members shall jointly decide which articles on the warrant will be moved by which member of the Board at the town meeting. The Board of Selectmen may insert articles in the warrant on their own initiative by a vote of the Board or by written petition signed by ten (10) registered voters for the Annual Town Meeting. It has been the practice of the Town of Ayer to hold its Annual Town Meeting on the second Monday in May. The Selectmen may call the Annual Town Meeting for any time allowed by the Massachusetts General Laws. The warrant for the Annual Town Meeting shall be mailed to every house with a registered voter at least two (2) weeks prior to the Annual Town Meeting.

### **2) Special Town Meetings**

The Selectmen will call a Special Town Meeting when deferment of the particular matter(s) proposed for inclusion on the warrant for the Special Town Meeting will not serve the interest of the Town. The Selectmen must call a Special Town Meeting if they receive a written request, signed by two hundred (200) registered voters. It is the practice of the Town of Ayer to use a special town meeting only to address subjects of an urgent nature.

The Selectmen may insert articles in the warrant on their own initiative or by written citizen's petition signed by ten percent (10%) of the registered voters for Special Town Meeting. All Citizens Petitions are advisory. The Selectmen may also insert articles in the warrant upon request of another committee.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters the Selectmen shall strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Selectmen may consult with other town committees, officials, and staff as

appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted for each Town Meeting.

#### **14-33: TOWN HALL – SMOKING POLICY**

The Town of Ayer is a smoke free environment. Smoking is strictly prohibited in all Town Facilities and in all Town vehicles.

Complaints in regards to this policy shall be filed with the Town Manager.

#### **14-34: LICENSE FEES**

The Selectmen are designated the local licensing authority for most general projects and purposes. State law refers to over 50 types of licenses which may be issued by the Selectmen.

For procedural guidance for alcohol, common victualers, inn-holders, amusement, Sunday entertainment, motor vehicle (class I, II, III and junk), taxi and earth removal permits and/or licenses please see the existing policy in the Board office and or the relevant town of Ayer By-law.

Applications for licenses and permits will be made available in the Selectmen's Office in accordance with established policies. In the interest of all concerned, it is recommended that persons requesting the licenses or permits be in attendance at the Board meeting when the request is reviewed. The Assistant to the Town Administrator to the Board of Selectmen and Town Administrator will notify all interested parties of the date and time of such review. License applications shall not be considered by the Board until receipt of written confirmation from the Tax Collector and DPW that all taxes and utility bills are paid in full to date.

For a list of the current fees charged for licenses most frequently issued by the Ayer Selectmen, please see the Town of Ayer Webpage.

#### **14-35: RECORDS RETENTION**

The Town Manager is the Records Access Officer for the Town. The Police Deputy Chief is the Police Records Access Officer for the Town. All public records requests shall be facilitated by the Town Manager and/or his/her designee. The Town is legally required to comply with the Massachusetts Public Records Law which contains the records retention schedule. To destroy records included in this retention schedule, a letter must be submitted to the Supervisor of Public Records requesting approval with a copy transmitted to the Town Manager. Upon receipt of approval from the Supervisor of Records, records may be destroyed.

#### **14-36: INSPECTION OF PUBLIC RECORDS:**

The inspection of all Town of Ayer Public Records shall be in accordance with the provisions of the Massachusetts Public Records Law and shall be scheduled and facilitated by the Town Manager.

**14-37: DEPARTMENT HEAD WRITTEN REPORTS**

**Introduction:**

In an effort to keep the Board of Selectmen informed and to provide department heads with an opportunity to communicate departmental activities in a more efficient and formalized fashion, the Board of Selectmen requires the following:

**Written Reports:**

Each department head shall be required to submit a monthly written report to the Selectmen’s office. This report shall describe all activities undertaken by that department head and his/her department employees during the prior month. Particular attention should be paid to how the department head’s actions during the prior month fit in with the department’s annual goals and objectives. These written reports are intended to help keep the Board of Selectmen informed, to relieve department heads from the obligation of attending the meetings on a regular basis, and to free up valuable time at Selectmen’s meetings for non-routine matters.

These written reports shall be directed to the Town Manager, shall be due on the 20<sup>th</sup> of each month for the prior month and posted on the Town’s website.

**18-38: ANNUAL PUBLIC HEARINGS**

The following are the Annual Public Hearings held by the BOS:

Public Hearing/Town Meetings	Annual Schedule
Water/Sewer Rate Hearing	March
Tax Classification Hearing	November
Annual Town Meeting	2 <sup>nd</sup> Monday of May
Special Town Meeting	October
BOS/Finance Committee – Warrant Approval	1 <sup>st</sup> Tuesday in April

**18-39: BI-ANNUAL BOARD OF SELECTMEN REVIEWS**

At a minimum of every two (2) years the BOS shall review the following (starting CY2018):

Policy/License/Permit	Bi Annual Schedule
Liquor License Fees	February
Building Permit Fees	February
Credit Card Use Policy	

Domestic Violence Leave Policy	
Electronic Communication Policy	
Written Information Security Policy (WISP)	
Master Plan Implementation Schedule	

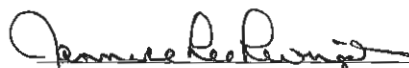
**Conclusion:**


While this policy is a requirement for all Board of Selectmen appointed department heads, it is also an open opportunity for other department heads, boards and commissions to keep the lines of communication open. Accordingly, the Selectmen would encourage all others to use this process.


## END OF POLICIES

### Authorization of Policies and Procedures:

The forgoing policies shall take full force and effect on the day of their approval or amendment. These policies and procedures shall not be amended without a vote of the Board of Selectmen. Any vote of change shall be committed to writing, signed, dated and attached hereto.

  
\_\_\_\_\_  
Jannice L. Livingston, Chairman

  
\_\_\_\_\_  
Christopher R. Hillman, Vice Chairman

  
\_\_\_\_\_  
Scott A. Houde, Clerk



## **Board Member or Employee Acknowledgement:**

I acknowledge that I have received a copy of the Town of Ayer Board of Selectmen General Policies and Procedures. I further acknowledge that it is my responsibility to become familiar with them and to abide by them.

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Board Member or Employee's Name

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Date