

# Town of Stow

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## Board of Selectmen Standard Operating Procedures

Approved July 20, 210. Revised as noted.  
Latest revision: January 24, 2012

### PURPOSE

The Board of Selectmen of the Town of Stow, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, and 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.

### AUTHORITY

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts and the bylaws of the Town of Stow. Pursuant to the Town Charter, the Board functions as the chief executive officer and primary policy-making entity of the Town.

### ORGANIZATION OF THE BOARD

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. A majority vote of those members present and voting shall constitute an election. The immediate past Chairman shall preside as Chairman pro tem from the annual town election until the new Chairman is elected. The Chairman shall not serve two consecutive years in any given term. The Board may remove the Chairman at any time. 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.

### RESPONSIBILITIES OF THE CHAIRMAN

The Chairman of the Board shall:

- 1) Preside at all meetings of the Board. In doing so, he or she shall maintain order in the meeting room, recognize speakers as appropriate, call for votes, and preside over the discussion of agenda items.
- 2) Sign official documents, as authorized by the Board, which require the signature of the Chairman.
- 3) Call special meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the administrative assistant and the Town Administrator.
- 5) Arrange for orientation for new members.
- 6) Represent the Board at meetings, conferences, and other events as appropriate.
- 7) Assign responsibilities for projects and tasks to Board members unless otherwise determined by the Board.

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

### RESPONSIBILITIES OF THE CLERK

The Clerk shall act in the place of the Chairman during his/her absence from meetings or should the Chair need to recuse himself or herself from discussion during a meeting. Should the Chairman leave office or be unable to serve, the Clerk shall assume the duties of Chairman pro tem until the Board elects a new Chairman.

The Clerk shall also be responsible for meeting minutes should the administrative assistant be absent from a meeting.

### MEETING PROCEDURES

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Massachusetts Open Meeting Law. Every meeting shall be open to the public, and any person, including the press, shall be permitted to attend. If the meeting room is too small and provisions are not made for all observers to listen in another room, the meeting will be adjourned to a new location and/or time when all can observe or listen. Although noise from other nearby meetings or conversations may affect the meeting, doors to the meeting room must remain open.

An open meeting is for citizens to witness the proceedings of the Board of Selectmen. An open meeting does not mean that it is open to comments and participation by the public. Members of the public may participate when recognized by the Chairman.

A public hearing, on the other hand, provides an opportunity for the public to comment on a specific issue. A public hearing requires posting and solicits public comments, and a hearing is required for proposed changes to bylaws, liquor licenses, earth removal permits, subdivision plans, special permits, and the like. A public hearing may also be used to solicit public comment on other projects and proposals. Public participation is allowed at a hearing, but again, individual members of the public may participate only when recognized by the Chairman.

A meeting quorum shall consist of a majority of the members of the Board then in office. Actions and decisions shall be by motion, second, discussion, and vote. In "split votes," the minutes will reflect how individual Board members voted.

The Town Administrator is expected to attend meetings of the Board in order to keep the Board informed and advised and aware of matters that fall within the jurisdiction of his or her office.

### AGENDAS – adopted 2007

#### Getting Items on Agendas

- The Administrative Assistant will ask each Board member to submit items to her by a specific date.
- Items may not appear on the next agenda, or at all, depending upon various factors; e.g., timing, other information known to the Town Administrator, etc. If an item needs to be delayed/deleted, the Administrative Assistant will contact the appropriate Board member directly.
- Board members should submit agenda items to the Administrative Assistant as they think of them; there is no need to wait for the Administrative Assistant's reminder.
- When Board members submit items to the Administrative Assistant, they should be sent to her only; copies of emails should not be sent to other members or the Town Administrator.

- The Town Administrator and the Administrative Assistant will develop a draft agenda.
- Several days prior to each meeting, the Chair will speak with the Administrative Assistant and the Town Administrator to review and finalize the draft agenda.
- The Administrative Assistant and the Town Administrator have the discretion to add/delete items after the review meeting if necessary as a result of late-breaking information or other developments.
- With the exception of times for visitors, agendas will not contain any time slots.

#### Preparation Before Meetings

- The Chair may send an email to the other members prior to a meeting to elaborate on certain agenda items; e.g., what specifically will be covered under "Selectmen's Master Planning."

#### Managing the Agenda During Meetings

- The Chair will use his/her best judgment to control the amount of time allotted to each item. If it is clear that further discussion is required, the Chair will request that the issue be raised again at the next meeting.
- At his/her discretion, the Chair may establish the time parameter for a given agenda item when it first comes up.

### COMMITTEE MANAGEMENT – adopted November 17, 2009

#### Background

The Selectmen appoint approximately 20 committees composed of 100 volunteers; however, there is little oversight once the appointments are made. In addition, we rarely lay out specific charges, deliverables, or deadlines when committees are first established. On the other hand, when the Selectmen have established various "task forces", they have been able to deliver on concrete, project-specific goals.

#### Objective

To make committees more effective, focused, and productive.

#### Actions Required

1. When possible, set up task forces rather than committees.
2. Do not appoint volunteers for "indefinite" terms. Instead, use staggered 3-year terms. For example, a 5-member committee/task force would begin with two people at one-year terms, two people at two-year terms, and one person at a three-year term. Upon expiration, each term would renew for three years.
3. Prepare a charge, deliverables, and deadlines for each new and existing committee/task force as needed. Committees and task forces may also do this on their own using guidance and suggestions from the Selectmen.
4. Inform each committee/task force that initial charges cannot be modified without Selectmen approval.
5. Provide annual goals when the expectations of a committee cannot be well-defined.
6. Require quarterly progress reports. Committees and task forces will be expected to adhere to the Open Meeting Law and also post their agendas and meeting minutes on the town website so that the Selectmen can follow progress between reports.
7. Make sure each potential appointee understands the expectations and is able to fully participate and contribute.
8. Require that the chairs of each committee/task force change annually.

9. Ensure that all committees/task forces follow the requirements for “multiple member bodies” as provided in the Stow Town Charter, Article V, Section 5-4, and Article VII, Section 7-8.
10. Recommend that other appointing boards in Stow adopt this same Standard Operating Procedure.

#### EMAIL RECORDS MANAGEMENT

As documented in the [Records Management Policy & System](#), adopted October 5, 2009, the recipient of email is responsible for saving correspondence unless it is received from another town employee, official, or an appointee or volunteer serving on a town committee or board. In these cases, the sender is responsible for retaining the correspondence he/she generates. Note that the sender may be the original author or a person who replies to an email or forwards it to other(s). The sender is always responsible for saving correspondence sent to anyone outside of town government. More information is in the [Records Management Policy & System](#).

#### MEETING PACKETS AND DISTRIBUTION – adopted August 14, 2007

The Board will adhere to the following process relative to the development and distribution of meeting packets:

1. Following the development of the meeting agenda (developed jointly by the Chairman of the Board, the Town Administrator and the Board's Administrative Assistant), the Administrative Assistant will:
  - Prepare the “meeting packet”
  - The packet will be emailed to all Board members ideally two business days prior to the scheduled meeting
  - The Administrative Assistant will also post the packet on the Town website 24 hours in advance of the meeting whenever possible
2. The meeting packet will include the following:
  - The meeting agenda, including a list of all correspondence received by the Office of the Board since the last meeting of the Board
    - The Administrative Assistant will make copies of any correspondence not included in the meeting packet for an individual Selectman upon request.
    - If after a review, an individual Selectman wishes to publicly discuss any correspondence that they requested, they can ask the Chairman to add it to the agenda for the next Selectman’s meeting.
  - All material pertinent, including any relevant correspondence to the actionable agenda items for the upcoming meeting
3. The Administrative Assistant will maintain a folder of all correspondence that can be reviewed at any time by a Selectman; the AA will make the folder available prior to and following each Selectmen’s meeting for review by the Selectmen. Any member of the public can request from the AA a copy of any correspondence at any time from the list appearing on the agenda.

#### COMPLAINT MANAGEMENT – adopted July 20, 2010

All citizen complaints are to be answered promptly. The complaint must be in writing and submitted to the Selectmen’s office, either in hard copy format or by email. The Selectmen’s administrative assistant will route the complaint to the appropriate representative, as specified

below, upon receipt. The Board will make good faith effort to respond to the complaint within a reasonable timeframe, not to exceed 45 days.

A complaint regarding a Town department in general or an employee will be directed to and acknowledged by the Town Administrator. A complaint regarding a Town board or committee will be directed to and acknowledged by the Board of Selectmen liaison or member. If a Town board or committee does not have a Board of Selectmen liaison or member, the Chairman will acknowledge the complaint.

If a complaint cannot be resolved by the appropriate representative or is serious enough to warrant discussion, the representative will forward the complaint to the Chairman and request inclusion on an upcoming meeting agenda, and the Board will determine how to address the complaint. If the citizen making the complaint wishes to speak before the Board, that request should be made in writing and submitted to the Selectmen's office. The Board will address complaints as part of its regular meeting and not as a public hearing.

#### **GUIDELINES FOR ACCEPTING DONATED BENCHES** – adopted July 26, 2011

Over the years, the Town of Stow has received several generous donations from citizens and community organizations. These guidelines specify conditions for the Board of Selectmen's acceptance of offers to donate benches for public use on Town-owned land:

1. Adequate funding will be provided to address both the cost of a bench as well as its installation:
  - a. Donations may be in the form of donor-provided purchase, delivery, and installation of the bench. This is the preferred option.
  - b. Alternatively, if a cash donation is made, the Board of Selectmen will determine if the cash donation is sufficient to cover:
    - The cost for the Town to purchase the bench
    - A memorial/honorary plaque, if requested
    - Bench delivery
    - Bench installation
  - c. If the donation is not sufficient to cover all costs, the Board of Selectmen will determine if sufficient Town services and funds are available to cover all implementation and costs before accepting the donation.
2. Donated benches will be of the Garden Memorial Bench model in Weathered Wood, available from Conversion Products Inc., or an equivalent model. An exception may be granted if existing benches for the specific location are of a different model: The goal would be to maintain consistency in design.
3. Installation standards will consist of concrete slabs under the benches for minimal landscape maintenance and anchoring devices for the benches.
4. Donations must be approved in advance by the sponsoring board or committee before they are presented to the Board of Selectmen for acceptance (Planning Board for placement on the Lower Village Common, Recreation Commission for placement on recreational land, Conservation Commission for placement on conservation and open space land, School Committee for parcels that contain schools, Town Administrator for other municipal land).
5. The proposal of a specific bench to the Board of Selectmen must identify the exact model, cost for purchase and installation, who will install the bench, the exact location of the bench installation, and the project manager.
6. Once the Board of Selectmen has accepted a donation for a public bench, the appropriate liaison will work with the sponsoring board or committee, the Highway

Department, and the designated project manager to oversee the acquisition and installation of the bench in the approved location.

7. Once the Board of Selectmen has accepted a bench, the Town of Stow has full ownership and may act on it without permission from the owner.

#### SELECTMEN'S GUIDELINES FOR THE ACCEPTANCE OF GIFTS – adopted January 24, 2012

Generally, a gift to the Town of money or tangible property can be accepted only by vote of the Selectmen, and a gift of real estate or an interest in real estate may be accepted only by Town Meeting, after a recommendation by the Selectmen (*MGL Chapter 44 Section 53A*). These guidelines cover the acceptance of or recommendations on such gifts. They do not apply to situations where other Town boards or departments may, by statute or other legal authority, be authorized to accept gifts without the approval of Town Meeting or a vote by the Selectmen.

*A. Communication with Donor.* When a resident donor offers a gift, the donor should be informed, preferably in writing, of the procedure for how the Town can accept the gift. The donor should be invited to all meetings at which the gift is discussed until acceptance or rejection, and generally kept informed of events. For example, a resident donor who offers a gift of real estate should be told that only Town Meeting can accept the gift, and invited to all meetings at which the Selectmen will discuss their recommendation. A resident donor who offers a tangible gift should be informed that the gift cannot be accepted until all considerations have been addressed, and the donor invited to participate. These Guidelines may be provided to prospective donors to illustrate those considerations.

*B. Considerations.* Gifts offered to the Town may be unrestricted or restricted. Restrictions include not only conditions that result in revocation ("for so long as the Library remains on the Upper Common . . .") or time limitations (funds to plant flowers for 20 years) but any specification for use (a bench for a certain place; a requirement that the gift be "displayed prominently"). In deciding whether to accept or reject a gift, the Selectmen should consider the following:

1. Whether the gift fills a present need of the Town, or a need anticipated in the near future;
2. Whether the gift is unrestricted or, if restricted, given in reasonably broad and flexible terms to maximize usefulness (a gift of money to purchase an ambulance may be useful; a gift to purchase an ambulance made only by a certain company with equipment that the Town may not need is less useful);
3. Whether the gift is revocable or irrevocable and, if revocable, the conditions under which it may be revoked and the consequences of revocation;
4. Whether the gift imposes an unwanted or unsustainable financial burden on the Town. In particular, implementation costs and operating expenses should be considered;
5. If the gift is restricted or entails ongoing expense, the Selectmen should consider:
  - a. Which Town board or department will be responsible for fulfilling the conditions or paying related expense. That department or board should be involved in the decision whether to accept the gift and they should make known their plans for implementing the gift as quickly as possible, and for maintaining or operating it;

b. Whether the terms of the gift allow the Town to apply the gift to related purposes in the event the designated purpose is no longer practical, needed, or able to be performed;

c. If the terms of the gift are such that acceptance appears unwise, the problem should be explained to the donor and the donor invited to consider whether other terms might be mutually acceptable.

If gifts are offered to other Town departments or boards that lack the authority to accept them, the gifts must be referred to the Selectmen for acceptance or rejection. In referring the offer of the gift, the department or board should address the considerations above, particularly how a restricted gift will be implemented.

6. Gifts may be rejected because they give the appearance of impropriety, e.g. if they appear to espouse a political or personal cause.

C. *Acceptance.* Gifts of money should be deposited with the Town Treasurer in such a manner that the interest accrues to the Town general fund, unless otherwise specified in the terms of the gift. The Selectmen or another Town department or board should acknowledge the gift in writing, and provide a receipt that can be used for tax purposes.

#### APPENDIX: OTHER RELATED DOCUMENTS

Performance Reviews [procedure](#), adopted November 18, 2008, and [form](#)

[Records Management Policy & System](#) (13 pages), adopted October 5, 2009

Stow Board of Selectmen [Statement of Ethics](#), adopted July 28, 2009

[Handbook for Massachusetts Selectmen](#) from the Massachusetts Municipal Association

[Open Meeting Law Guidelines and Law](#)

[Code of Massachusetts Regulations \(CMRs\) for Open Meeting Law](#)

[Conflict of Interest Law](#) from the State Ethics Commission

[Introduction to the Conflict of Interest Law](#)

[Public Records Division](#)

[A Guide to Massachusetts Public Records Law](#) (Mass. General Laws Chapter 4, section 7(26), Chapter 66) from the Office of the Secretary of the Commonwealth

[Municipal Records Retention Manual](#)

[Stow's Town Charter](#)