

# *TOWN OF SOUTHWICK*

## *SELECT BOARD*

### *Protocols*

Adopted: 4/29/13  
Revised: 11/13/23

#### ***PURPOSE:***

The Select Board of the Town of Southwick, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Chief Administrative Officer, 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 Select Board.

#### ***NATURE OF POLICIES & PROCEDURES:***

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

#### ***PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES:***

Draft policies and procedures will be placed on the agenda for any regularly scheduled meeting of the Board. Drafts will be in writing and may be introduced only by a member of the Board or the Chief Administrative Officer. 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 will 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 unanimous vote of a three-member board is necessary for adoption.

The Chief Administrative Officer will be responsible for the implementation of all policies and procedures unless designated for another Department Head.

#### ***AUTHORITY:***

The Select Board is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts and the By-Laws of the Town of Southwick.

#### ***ELECTION AND QUALIFICATION:***

The Board consists of three duly elected members. Before assuming official duties, each newly elected member shall be duly sworn in by the Town Clerk pursuant to MGL Chap. 54, S20.

#### ***VACANCIES ON THE BOARD:***

When a vacancy occurs in the membership of the Select Board, the Board or its remaining members shall call a special town election to fill the unexpired term or terms in accordance with the Massachusetts General Laws.

## ***ROLE OF THE SELECT BOARD:***

The Board is responsible for policy development, and review for compliance. Therefore, the Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. Authority to supervise these departments is delegated to the Chief Administrative Officer, and the Board will refrain from involvement in day-to-day operations. Concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Chief Administrative Officer. The responsibility for addressing these issues is thus carried out through the Chief Administrative Officer. The Select Board may be called upon to resolve disputes that are unable to be resolved on the staff level. The Select Board may follow up on concerns or issues addressing these approved policies. The Board operates under Town of Southwick Code Chap. 52.

## ***ROLE OF THE CHIEF ADMINISTRATIVE OFFICER:***

The Board appoints a Chief Administrative Officer who functions as the Town's Chief Administrative Officer. The primary duties of the Chief Administrative Officer shall be the day-to-day administration of the general government as outlined in the position's job description and Executive Order #1. The Chief Administrative Officer will also assist and work under the direction of the Select Board in the formulation of policy.

The Chief Administrative Officer must maintain a close working relationship with all members of the Board. He/she shall regularly brief the Board on all important issues, respond to requests for information and follow up.

In order to provide the Town with continuity of management, the Select Board is committed to maintaining an employment agreement as well as development of job descriptions and/or policy descriptions and development with the Chief Administrative Officer that delineates his/her responsibilities and condition of employment as permitted by statute.

## ***BOARD POLICIES AND STANDARDS OF CONDUCT:***

1. A member of the Select Board, in relation to his or her community should:
  - A. Realize that his or her basic function is to carry out its mandated responsibilities and develop Town policy related thereto, with administration delegated to the Chief Administrative Officer.
  - B. Realize that he or she is one of a team and should abide by 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 or she represents the entire community at all times.
  - E. Accept the office of Select Board as a means of unselfish service, not benefit personally or politically from his or her board activities.
  - F. In all appointments and employment processes, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
  - G. Abide by the ethics established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
2. A member of the Select Board, in his or her relations with Chief Administrative Officer of the Town, should:
  - A. Endeavor to establish sound, clearly defined policies that will direct and support the administration 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 Chief Administrative Officer appropriate responsibility for discharging his or her disposition and solution with resources and authority.

- D. All Town officials, with the exception of the Select Board, may only access Town Counsel with the approval of the Board of Selectmen notwithstanding MGL 268A Sec. 22.
- 3. A member of the Select Board, in his or her relations with fellow board members, should:
  - A. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board outside of such meetings.
  - B. Reserve any final decision on matters that will come before the board until he or she has had an opportunity to hear the pros and cons of the issue.
  - C. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
  - D. Make decisions only after all facts on a question have been presented and discussed.
  - E. Treat with respect the rights of all members of the board despite differences of opinion.

## ***ORGANIZATION OF THE BOARD:***

The Chairperson shall be elected annually at the first regular meeting following the Annual Town Election.

## ***RESPONSIBILITIES OF THE CHAIRPERSON:***

The Chairperson 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 Chairperson.
- 3) Call special meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the Chief Administrative Officer and Administrative Assistant. Any Board Member can request of the Chair to add an item to agenda.
- 5) Arrange orientation for new members.
- 6) Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairperson.
- 7) 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 Chairperson.
- 8) Make liaison assignments and assign overview responsibilities for project and tasks to Board members unless otherwise determined by the Board. The Chairperson shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

## ***RESPONSIBILITIES OF THE VICE-CHAIRPERSON:***

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

## ***REGULAR BOARD MEETINGS:***

Regular Board Meetings are held on Mondays of every week unless changed by the majority of the Board. The Board shall not meet on days designated legal holidays. The meetings may be modified for a summer schedule.

## ***SPECIAL MEETINGS:***

A meeting 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 provided that a majority of the members agree to meet, and all Board members are notified.

## ***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 as a part of the minutes of the following regular meeting.

## ***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 procedure 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 of definition.

A quorum shall consist of two members of the Board. As a practical courtesy, action on critical or controversial matters, 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 will be identified by name.

The Chief Administrative Officer is expected to be in attendance at all meetings of the Board. The Chief Administrative Officer shall attend in order to keep the Board informed and advised and recommend in 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.

## ***EXECUTIVE SESSION:***

The Board will comply with the most recent Open Meeting Law language. If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in the Executive Session. The mover must specify in the motion to enter Executive session the reason the session sought. A majority of the members present must vote to enter the Executive Session by roll call vote. The Chairperson must state whether or not the Board will reconvene into open session.

## ***AGENDA PROCEDURES:***

The responsibility for coordinating and planning the weekly agenda is that of the Chief Administrative Officer and Administrative Assistant, also in consultation with approval of the Chair. The Chief Administrative Officer, in consultation with the Chairperson, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda must be submitted to the Chief Administrative Officer by 12:00 p.m. on the Thursday preceding the meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "other business".

Agenda items normally include:

1. Call Meeting to Order
2. Accept Minutes
3. Public Communication & Select Board Reports

4. Scheduled Appointments (resident; committee presentations)
5. Chief Administrative Officer Report
6. Action Items (appointments, licensing, permits, contract signoffs, general business of the Board)
7. Issues and Discussion Items
8. Old/New Business & Information
9. Executive Session, if any required
10. Adjournment

Members of the Board, staff, Chief Administrative Officer or others who prepare background material for the meeting should make an effort to have such material available for Thursday afternoon. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Select 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 agenda shall be available to the public and the press at the Select Board's office, except in the cases of emergency, 48 hours in advance, excluding Saturdays, Sundays, and legal holidays. Notice of emergency meetings will be posted as soon as reasonably possible prior to the meeting. Notices shall also be timely posted to the Town Office bulletin board(s) and on the Town's 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.

## ***MINUTES:***

The Chief Administrative Officer shall electronically record all open meetings of the Board in the event the Administrative Assistant is not present. The Administrative Assistant or anyone covering for the Administrative Assistant shall draft minutes from for the meeting from hand and/or recordings.

Minutes circulated to members of the Board on or before any Friday 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 must include the date, time, place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including the record of all votes. Approved minutes shall be recorded in a Minutes Book.

Minutes of Executive Sessions shall be separately kept and recorded in accordance with the above procedures, except Executive Session minutes shall not be electronically recorded. Minutes (other than of executive sessions) are open for public inspection.

## ***APPOINTMENTS:***

The Board makes numerous appointments each year. 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 by June 30<sup>th</sup> of each year. In the case of appointments, no second to the nomination or motion will be required prior to Board action.

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 people, vacancies will be made public as far in advance of appointment as practicable. Vacancies will be posted on the Town Website, and could be advertised in the local paper as well as on Cable TV, and approved social media sites. Appointments will be based on merit and qualifications rather than political merit.

The Chief Administrative Officer/Administrative Assistant will provide the Board by June 1<sup>st</sup> a list of the appointment vacancies and/or expiring appointments to be filled by the Board.

If a vacancy occurs or is expected within 30 days on a Board, Commission or Committee appointed by the Select Board, the following procedures will also be used to fill the vacancy. Appointments to fill interim vacancies will be for the remaining term of the vacated position. (It is the responsibility of the chairperson of the Board, Commission or Committee to notify the Select Board and Town Clerk of all vacancies.)

1. The vacancies and expiring appointments will be announced during the Select Board reports at the next regularly scheduled Select Board meeting; notice of the vacancy along with a deadline for the submission of applications to fill the position(s) will be sent to the Town Clerk, local media outlets, posted on the Town's website and posted on the cable access bulletin board and may be posted on approved social media sites.
2. Individuals who wish to be considered to fill the vacancy must complete a Letter of Interest with all requests being delivered to the Administrative Assistant or Chief Administrative Officer either in writing or preferably on the Board and Commission Application form on the Town website or by email. The Letter of Interest should contain all their contact information including a telephone number and an email address, the name of the board(s) they are interested in joining, why they are interested and provide a brief personal background/outline or resume.
3. The Chief Administrative Officer's office will distribute copies of the Applicant's Letter of Interest to all Select Board and to the Chairperson of the prospective Board, Commission or Committee for their review and/or recommendation. The Select Board will schedule time on the agenda of a subsequent meeting to act on the applications it has received.
4. New applicants seeking to serve will be given the same consideration as members seeking reappointment. The Select Board will request an interview to meet all new Applicant(s) (interviews may be requested by the Select Board, but are not required, for re-appointments). All interviews/appointments will appear on the agenda of a regularly scheduled Select Board meeting. It is the responsibility of the office of the Select Board to notify the Applicant(s) and Chairperson of the prospective Board, Commission or Committee of the time and place of the interview/appointment.
5. The Select Board will review/discuss all nominees in public session, make the appointment(s) and notify the following parties of their selection: all Applicant(s), the Board, Commission or Committee to which they are appointed, and the Town Clerk. All appointments shall run until June 30th in the year that the term expires unless otherwise noted at the time of appointment or in the case of an elected office which shall expire at the time of the next town election.
6. Reappointments will be based on an evaluation of the members' contribution, the desirability of widespread citizen involvement and the changing needs of the committee and the Town. Members are not obligated to accept reappointments, nor is the Select Board obligated to offer such reappointments.
7. Subject to Massachusetts General Law, the Select Board, may elect to remove and/or replace a member appointed by the Select Board prior to their term expiration if it is determined to be in the best interest of the Board, Commission, or Committee and the Town. The remaining term will be filled in the manner above for other vacancies.

## ***ADVISORY COMMITTEES OF THE SELECT BOARD:***

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 will 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 Select Board. Each committee must report in writing at least annually to the Select Board. The Select Board Office will be sent copies of all committee agendas and minutes.

The Board will discharge committees upon the completion of their work.

The charges and membership of standing advisory committees will be reviewed periodically (at least annually) to assess the necessity and desirability of continuing the committee. Reappointments will be based on an evaluation of the members' contribution, attendance, the desirability of widespread citizen involvement and the changing needs of the committee and the town.

It is the policy of the Select Board to appoint qualified citizens representing all sections of the town to all such advisory committees. In order to attract qualified and interested people, vacancies will be made public as far in advance of an appointment as practicable.

## ***RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS:***

The Select Board is aware that coordination and cooperation is needed among the town's major boards, committees and commissions not only in the day-to-day operations of government but also 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 state government.

Therefore, as the executive board historically responsible for the overall leadership and coordination of town affairs, the Select Board will:

1. The Board may endeavor to meet with other Boards, Committees, Commissions and Department Heads to carry out functions 1-3 listed above.
2. Regularly scheduled meetings of the Select Board, finance committees and regional school committee with Southwick's State Legislators to discuss legislative issues which affect Southwick.
3. The Chief Administrative Officer is responsible for inter board communication in the day-to-day operations of government around common issues. The Chief Administrative Officer will develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and commissions with common interest, which may include 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.

## ***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 the Chief Administrative Officer, 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.
2. Persons who will be directly affected by the proposed Board discussion and/or action will be notified by the Administrative Assistant of the date and time of the meeting at which the matter will be discussed or acted upon by the Board.

3. If the Board 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 at the discretion of the Chairperson.
4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of the Select Board will be answered promptly by the Chairperson, after consulting with the Board, or at the discretion of the Chairperson, the Chief Administrative Officer. Those needing prompt attention by the Board should be referred to the Chairperson for inclusion in the next meeting agenda.
5. All other questions and all complaints are to be referred to the Select Board's Office for action or recommendations. In those instances where common sense dictates that the Board member receiving the complaint deals directly with a department head, the Board member shall inform the Chief Administrative Officer of the issue and its disposition.

## ***EMPLOYEE GRIEVANCES:***

These are to be handled as delineated in the Employee Handbook or Collective Bargaining Agreement:

Select Board 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 defer such meeting until other remedies have been exhausted.

## ***HEARINGS BEFORE THE BOARD:***

1. NOTICE. Verify with Chief Administrative Officer that adequate notice of the hearing has been given to the applicant and to the public. (Notice will vary depending on legal requirements and in no case will less than 48 hours, excluding Saturdays, Sundays and legal holidays, notice be acceptable.) Notice of public hearings must be posted outside the meeting room. The Select Board are prohibited from holding a public hearing for which notice has not been posted.
2. CALL THE HEARING TO ORDER. The Chair will open the hearing by stating the purpose of the hearing, reading the hearing notice aloud, and explaining the rules to be followed during the Hearing.
3. INTRODUCTION OF THE APPLICANT AND THE PROPOSED PLAN/PROJECT/COMPLAINT. The Chair will introduce the Applicant and the Applicant will state his/her name and address for the record and then describe the proposal to the Board and the public.
4. QUESTIONS. No questions will be permitted until after the speaker(s) for the applicant has finished the presentation. Questions will be accepted first from board members and then from the public. Parties in interest (i.e., persons entitled by law to notice other than by legal ad) shall be heard first followed by other persons. All public questions will be addressed through the Chair. Questioners will identify themselves (Name and Address) to the Chair, state their questions, and specify to whom they are addressed. Any disagreement with answers is restricted to Public Participation In Favor or In Opposition.
5. PUBLIC PARTICIPATION IN FAVOR. At the conclusion of #4 the Chair will open the hearing to those of the Public who wish to speak in favor of the plan/project/complaint. Individuals shall state their name and address for the record and if they are representing someone other than themselves, they shall identify the person(s) whom they are representing.
6. PUBLIC PARTICIPATION IN OPPOSITION. Once members of the public have spoken in favor the Chair will then open the hearing to those members of the public who wish to speak in opposition of the plan/project/complaint. Individuals will have to state their name and address for the record and if they are representing someone other than themselves, they shall identify the person(s) whom they are representing.



7. WRITTEN COMMUNICATIONS. The Chair will have any written communication received from the public read into the record at this time. Any such written communications received after the hearing is closed will not be accepted as part of the hearing record.
8. CLOSE THE PUBLIC PARTICIPATION PORTION OF THE HEARING. At the conclusion of the reading of the written communication the Chair will then close the public participation portion of the hearing.
9. BOARD DELIBERATIONS. Once public input is received via 4,5,6 and 7 above the Board will then begin deliberations regarding the proposed plan/project/complaint. The Board may wish to begin deliberations immediately or continue the hearing to a date and time specific in the future. During the deliberations portion of the hearing the Board may ask clarifying questions of the applicant.
10. BOARD DECISION. The final act by the board will be a call for a vote followed by the Board voting in favor or against the plan/project/complaint. The Board's decision may be based only upon information received during the hearing and matters of common knowledge to the Board.

## ***PROCEDURE FOR CONDUCTING DOG HEARINGS:***

A written complaint must be filed with the Select Board. 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 Administrative Assistant will notify the Dog 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 dogs? Is there excessive barking, etc.?
5. Take testimony from the 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 requested by the Board, the dog shall not attend the hearing.

## ***TOWN MEETINGS:***

Town Meeting serves as the legislative branch for local government. The Select Board is responsible for providing leadership by processing requests to Town Meeting. It is the responsibility of each Board member to assure prior to each presentation that the Board has taken a position, by vote, on the intent of the article and promises that will be made. The Board shall be present during the Town Meeting and will be consulted when an issue or question arises which dictates a response on the floor. The Board is to conform to MGL or Town Code where applicable.

1. Annual Town Meetings

The Town Meeting warrant is the Select Board warrant by Statute. The Select Board may insert articles in the warrant on their own initiative or by written petition signed by ten (10) registered voters for the Annual Town Meeting. It has been the practice of the Town of Southwick to hold its Annual Town Meeting on the third Tuesday of May. The Select Board may call the Annual Town Meeting for any time allowed by the Massachusetts General Laws.

## 2. Special Town Meetings

The Select Board 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 Select Board 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 Southwick to address major issues at the Annual versus a Special Town Meeting.

The Select Board may insert articles in the warrant on their own initiative or by written petition signed by one hundred (100) registered voters for Special Town Meeting. The Select Board 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 Select Board will 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 Select Board 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.