

Town of
Shelburne Guide
to
Town Boards,
Committees, and
Commissions

SECTION 1: INTRODUCTION

Where do committees come from?

Committees, commissions, and boards are normally established under Massachusetts General Law, as in the case of the Zoning Board of Appeals or the Conservation Commission; by Town Meeting through a local bylaw or warrant article, as in the case of the Community Preservation Committee or Council on Aging; or by the Select Board under the powers given them such as is the case for the Technology Committee.

The formal powers and responsibilities under which a committee, commission, or board operates is referred to as its "charge". The town has a number of standing committees, plus ad hoc committees established to deal with specific issues of limited scope or duration.

Who is eligible to serve?

In general, any resident of the town is eligible to serve on a committee. The most important qualification is the willingness to work within a group setting to achieve the goals outlined in the committee's charge. A few committee positions may also require special qualifications or experience.

What is expected of committee members?

With committee membership there is an expectation that members will participate fully in the work of the committee. Depending on the committee's regular meeting schedule, a time commitment can range from a couple of hours a month to several hours a week. Applicants should determine the amount of time they are willing and able to contribute and keep this in mind when considering volunteer opportunities.

Do you think you might be interested?

We suggest you do a few things before applying to get a sense of how the committee functions:

- 1) Attend one or two meetings
- 2) Review the charge or mission of the board or committee
- 3) Talk to the Chair or any member of your chosen committee.

All meetings are open to the public and you are welcome to attend and observe at your convenience. Meeting agendas are posted on the bulletin boards at Town Hall and usually on the town's website. You can also ask the Town Clerk about the time and place of a specific committee's next meeting. Potential applicants are also encouraged to contact the Town Clerk or Town Administrator's Office staff to discuss volunteer opportunities.

SECTION 2: COMMITTEE MEMBERSHIP

Appointments

The Select Board makes appointments and reappointments at the beginning of each new fiscal year, which for Massachusetts cities and towns is July 1st. However, the Select Board can make appointments to committees on an on-going basis throughout the year when a vacancy occurs. The Select Board carefully considers applications and suggestions from many sources, including but not limited to verbal expressions of interest and comments or recommendations by Committees. After an appointment is made, a confirmation letter is sent to the appointee by the Town Clerk that must be returned as accepted or not. It is the goal of the Selectboard to appoint qualified and interested residents who are broadly representative of the Town. Selections are based on current committee composition, qualifications, experience, recommendations, available space and on attendance record and previous performance, if applicable. The general policy is to appoint an individual to no more than one permanent committee at a time though some exceptions are made.

Term Length

Most committee members are appointed for a term of up to three years, beginning on July 1st and ending on June 30th. There are some notable exceptions, such as an ad hoc committee that is appointed for a specific purpose. In that case, the members' terms will expire once the charge is completed. In other cases, the MA General Law sets the term, such as a five-year term for the Zoning Board of Appeals.

When an appointment is made to fill a vacancy created by a committee member's early resignation, the new appointment is made for the remainder of the unexpired term. This maintains the overlapping terms specified by the by-laws and ensures an even amount of turnover each year. The expiration date will be included on a member's appointment letter.

Membership Status

Several regulatory committees have both regular and associate members. Regular members vote on all matters that are before the committee. Associate members on the other hand, participate only if they are designated by the chair in matters where a regular member is either absent or has recused themselves due to a conflict of interest.

Swearing In

Prior to attending your first meeting of any appointment as an official member of any committee, you must be sworn in by the Town Clerk. This needs to be done every time there is a new appointment. Please contact the Town Clerk's Office to arrange a time or to confirm current office hours.

State Certificates and Compliance

Upon taking oath The Town Clerk will provide all committee members with information about the Open Meeting Law (M.G.L. Chapter 30, §18-25) and Conflict of Interest Law. The law requires the clerk to have the following on file within 30 days of appointment and held according to the state's retention schedule. Please complete these items within that timeframe to be in compliance with Mass General Laws for Civic Volunteers/Employees and avoid fines from the State.

- 1 hour online Conflict of Interest Training through state portal
- Receipt and understanding of Summary of Conflict of Interest Law Materials through state portal
- Receipt and understanding of Open Meeting Law Materials, print and sign

Getting Started

It is recommended that you review the previous minutes from your new board or committee so that you are better prepared for your first meeting and understand any relevant business that is already in the works. It's also important to review the mission of the board, gain an understanding of the structure of the committee and the scope of work that the committee does. Please reach out to your fellow board/committee members or check the town website for more information.

Attendance

Your attendance at meetings is important to the efficient operation of your committee. The concept of the committee structure is based on teamwork and participation as a member of a group. Attendance is also important to ensure that meetings can be conducted. To convene a meeting, a quorum of the full committee must be present at the meeting. This constitutes at least 50% of the board or committee present, meaning that if the committee is a five member committee, at least three members must be present for an official meeting to be held. Therefore, you must notify your chair of any upcoming absence.

Reappointment

Committee members may request to be considered for reappointment at the end of their term. Reappointments are at the sole discretion of the Select Board based on an evaluation of the individual's contributions to the committee, the changing needs of the town, the balance on the committee, and the pool of available candidates. A few boards, committees, or commissions only allow for a specific number of back-to-back appointments, such as in the case of the Shelburne Cultural Council. Second term appointments are generally given preference over new citizen volunteers, though a third term normally gives preference to a new citizen volunteer.

Resignation and Removal

If you need to resign from a committee position prior to the expiration of your term, a written letter of resignation must be submitted to the Town Clerk with copies to the Select Board's Office and the committee chair. Resignation letters should be submitted promptly so that the vacancy can be filled as soon as possible. If you move out of Shelburne, you must resign your position on most boards and committees (there are a few exceptions). Other terminations, in rare circumstances, such as continued, unexplained absences or conflict of interest could result in the appointing authority asking for a resignation or removing the individual from the appointment.

SECTION 3: COMMITTEE ORGANIZATION

Annual Reorganization and Election of Officers

The first order of business for all committees after around July 1st of each year is to vote on electing a chair, vice-chair, and clerk. Detailed explanations of the duties of each of these positions on the committee are provided below:

Chair

The chair presides over the meetings and ensures that the rules of order are observed and that meetings are conducted in accordance with the open meeting law. They have the same rights as other members to offer resolutions, make or second motions, participate in discussions and vote on any matter before the committee.

It is the responsibility of the chair to provide new members with guidance on committee procedures, including a review of the charge, so they will be able to participate actively and effectively in the work of the group. The chair should address problems or impediments to the group's progress, either with the group as a whole or with an individual if appropriate. It is usually a good idea to deal with a situation or potential problem in a proactive manner before it interferes with the ability of the committee to move forward.

Vice Chair

The vice chair fulfills the duties of the chair in the event of his or her absence and performs other necessary duties.

Clerk/Secretary

The duties of a committee clerk include all the following unless the committee has formally delegated some of these responsibilities to other members:

- Creation of and online post of agenda, sending agenda to Town Clerk for posting
- Maintain an up-to-date roster and contact information for all committee members.
- Reserve space for meetings through the Town Clerk's Office and post meetings with the Town Clerk at least 48 hours in advance in accordance with the Massachusetts Open Meeting Law (see Chapter 4, Committee Operations).
- Record the minutes of the meeting for review and adoption by the committee. Filing of minutes at Town Hall. The minutes are a record of the discussions and decisions made in a meeting and not amended unless an error is made. All decisions and commentary can be included in the minutes and are a public record.

Member Roster

As stated above, the committee clerk should maintain an up-to-date roster or mailing list of all members with phone numbers and emails, and notations as to the chair, vice chair, clerk, and alternate members, if applicable. The roster should be updated by the clerk after the annual reorganization in July, updated on the town website and submitted to the Town Administrator's office and Town Clerk's office.

Charge

A charge is the official description of the purpose, responsibilities, and goals of an appointed committee. The charge generally includes the purpose of the committee, membership composition, reporting requirements, itemized tasks or scope of activities and completion dates. Though there are no formalized charges in Shelburne it is a good idea to have one in place and reviewed regularly to maintain the progress of the committee.

SECTION 4: COMMITTEE OPERATIONS

All committee meetings are governed by the Massachusetts Open Meeting Law, Chapter 30A, §18-25. Committee members may be provided with a copy by the Town Clerk when they are sworn in otherwise there is a link on the towns' website, under the Town Clerk's page, for reference. It is mandatory that this law be reviewed, understood, and followed in the performance of your volunteer service. Receipt and understanding of the Open Meeting Law are required within the first 30 days of an appointment as mentioned in Section 3.

Meeting Schedule

Each committee should establish a regular meeting schedule designed to achieve committee objectives, though some committees, boards, or commissions only meet as needed. In most cases, meetings should be held no less than once a month. In some cases, the committee's workload dictates more frequent meetings. In addition to the regular meeting schedule, work meetings or special meetings can be called as needed. All meetings are public, except as otherwise provided by law.

Meeting Room

Meetings can be held in person, on Zoom, or a hybrid of both. Meetings are recommended to be held at the Town Hall, Shelburne Fire Station, or in the Arms Library, though occasionally other locations are used. Whatever the location, it is the responsibility of the committee or board to make sure it is accessible to the public. Committee chairs can arrange for a meeting room at Town Hall by contacting the Town Administrator at (413) 625-0300, x1. Meeting space is normally assigned on a first come, first served basis, and some flexibility is requested to accommodate everyone's needs.

Cancellation

In the event a meeting is cancelled for any reason, the person calling the meeting should notify the Town Clerk immediately so notice of the cancellation can be posted. If the Town Clerk or other town hall officials are not working at the time of cancellation the board or committee may be responsible for posting a notice of cancellation on the official posting location- the Bulletin boards in the foyer of town hall.

Meeting Agenda

Meeting agendas are required to comply with the Open Meeting Law guidelines, must be posted in a legible, easily understandable format and include:

- date, time, and place of meeting
- list all topics that the chair reasonably anticipates being discussed- These must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.
- List "Open Session"- Where there are no anticipated topics for discussion in open session other than the procedural requirements for convening an executive session, so the public is aware that it has the opportunity to attend and learn the basis for the executive session. Some committees always list "Open Session." The chair decides whether to accept public comment or questions while business is being conducted and may choose to permit public input at any time.
- Also consider listing a call to order, approval of prior meeting minutes, and/or "Topics not reasonably anticipated 48 hours in advance."

The Town Clerk has an agenda template available for suggested use and for consistency's sake. This will make it easier for the public to read and understand the agendas, though there is no requirement for its' use.

Posting Requirements

The Open Meeting Law requires that a notice of every meeting of any governmental body, including date, time and place and a detailed agenda shall be filed with the Town Clerk and be publicly posted forty-eight (48) hours prior to said meeting. The 48-hour notice does not include Saturdays, Sundays, and legal holidays. Therefore, a meeting that is scheduled for 2:00 pm on a Monday afternoon would have to be filed with the Town Clerk and posted no later than 2:00 pm on the previous Thursday to comply with the new notice requirements. Be mindful of the Town Clerk's office hours.

Upon posting, the Town Clerk's Office will write "Posted" with initials, date, and time listed on the upper right hand corner of the agenda and post it on the Town of Shelburne's official posting location, which is the bulletin boards in the entrance of Town Hall. If the meeting is well in the future the Town Clerk may choose to hold the agenda for posting at a later time to allow space for the most immediate meetings to be posted. The meeting agenda should also be posted on the town's website calendar under the appropriate Board or Committee whenever possible. If the clerk is unable to post before the meeting, board or committee members may need to make the post (making sure to write "Posted" with initials, date, and time in upper right corner).

If a discussion topic is proposed after a meeting notice is posted, and it was not reasonably anticipated by the chair more than 48 hours before the meeting, the public body should update its posting to provide the public with as much notice as possible of what subjects will be discussed during the meeting. The revised notice must conspicuously record both the date and time the original notice was posted as well as the date and time the last revision was posted. Recording the date and time enables the public to observe that public bodies are complying with the Open Meeting Law's notice requirements without requiring constant vigilance. Additionally, in the event of a complaint, it provides the Attorney General with evidence of compliance with those requirements. The revision should also be stated as such by writing "Revised" on the top and the amended/added item should be highlighted. The old posting can then be removed but should be retained by the Town Clerk. Although a public body may consider a topic that was not listed in the meeting notice if it was not anticipated, the Attorney General strongly encourages public bodies to postpone discussion and action on topics that are controversial or may be of particular interest to the public if the topic was not listed in the meeting notice, posted 48 hours or more in advance.

If there is a revision to the location of the meeting after its initial posting it is best to post a sign on the entrance of the original location with information about the new location, to redirect anyone that may not be aware of the change.

Meeting Procedures

A meeting is defined as a deliberation (oral or written communication among a quorum) by a public body (a multi-member board, commission, or committee created to serve a public purpose). The quorum requirement, which is a simple majority, is based on its full membership, not including associates. If a quorum is not met, then the meeting must be rescheduled. The meeting must not start before the posted start time, and the meeting is normally initiated by the chair. The meeting should proceed, with discussion, through the agenda, as listed. Any votes must be a quorum to approve/deny with no votes in committee meetings being taken by secret ballot. If any board members are participating by Zoom, or for any Executive Session, votes must be done by roll call and recorded as such in the minutes.

Public Information Meetings

Effective communication with the public is an important part of all town government activities, including the activities of committees, commissions, and boards. Committees should hold public informational meetings and hearings, when needed, both to inform citizens of work in progress and to gather public reaction and comment. The committee may also issue press releases periodically to keep the public informed.

Executive Session

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

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints
6. To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group, or entity, provided that:
 - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved, and purpose of the mediation shall be disclosed; and
 - (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided: in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to G.L. c. 164, § 1F.

Recording

Any person may record a public meeting with a tape or video recorder provided there is no active interference with the conduct of the meeting. The committee chair may provide reasonable direction as to the manner in which the meeting is recorded.

Shared Office

Members may use the copy machines at Town Hall for committee purposes only. Each committee has a designated mailbox located in the Town Hall where all mail and notices, are sorted. Your committee should have a procedure in place so that a member checks and empties the mailbox regularly.

SECTION 5: LEGAL ISSUES

Town Counsel

Chairs may occasionally require legal advice about some aspect of committee business. Shelburne's Town Counsel may be contacted only after approval of the Select Board.

Conflict of Interest

Chapter 268A of the General Laws governs your conduct as a public official or employee. The statutory definition of a public employee for these purposes is very broad. Everyone who performs services for, or holds an office or position with the town, is subject to the conflict of interest law. The purpose of the law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent situations which could result in a conflict of interest or give the appearance of a conflict. As previously discussed, Conflict of Interest training and understanding is required at the time of appointment.

The State Ethics Commission oversees enforcement of this law and its stringent standards. Severe personal penalties such as substantial fines or even jail sentences may be imposed on violators. Violations may also invalidate committee actions, such as the granting of a variance. It is important that every committee member understands and upholds the law.

When you believe there may be a conflict between your official and your personal interest, at a minimum you must disclose that conflict. Disclosure forms and instructions are available on the Ethic's Commission's website and must be put on file with the Town Clerk. You must abstain or recuse yourself from a matter under consideration by your public board if certain financial interests are affected. Doing this creates transparency and helps ensure accountability and impartiality. If you have a question or a concern that a conflict or appearance of a conflict may exist with respect to your town service, you are encouraged to either contact the State Ethics Commission or contact the Town Administrator's Office for guidance.

Public Records Law

Chapter 4, §7(26) of the General Laws provides right of access to public records, broadly defined to include all documentary materials except for eleven specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. The regular minutes, informational data, memoranda, and emails of a committee are all public information and must be kept according to the States' Records Retention schedule. This includes any correspondence on behalf of the committee, board or commission whether through town email, personal email, text, etc. As a Public Records Request can come in from anyone, it is important that the committee's official email is checked regularly.

The committee chair should contact the Town Clerk who serves as the Records Access Officer, if public records requests are filed and with any questions pertaining to the request. A response is required within 10 days of receipt of the request, with the requested information, if applicable.

SECTION 6: COMMITTEE REPORTING/COMMUNICATIONS

Meeting Minutes

All boards, committees and commissions are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes serve as a permanent record. The minutes, must include:

- the date, time and place of the meeting
- the members present or absent
- the decisions made, and actions taken, including a record of all votes- no secret ballots accepted, even in executive session, also all votes taken in executive session must be by roll call recorded as such.
- a summary of the discussions on each subject- transcript not required.
- a list of all documents and exhibits used at the meeting. The physical documents and exhibits are public records and must be retained as a permanent record, though they can be retained separately from the minutes, as needed, but the minutes must state where they are kept.
- the name of any member who participated in the meeting remotely.

The minutes must be created and approved within the next three meetings or 30 days from the date of the meeting, whichever is later. Boards and committees are encouraged to approve minutes at the next meeting whenever possible. The approved version of the minutes should be signed and dated by the committee clerk before it is filed in the appropriate board or committee binder at Town Hall (except in case of Library Trustees who house the minutes at the Library). Records may be subject to disclosure under either the Open Meeting Law or Public Records Law and must be furnished within 10 days of any request, regardless of whether approved or still in draft form. Meeting minutes are a log of the discussions and actions taken in meeting. Be mindful of this when meeting. Minutes can be amended if errors occur but are amended to eliminate any discussion or decision.

Annual Town Report

Yearly, committees submit a report for inclusion in the annual town report. The report is normally prepared by the chair with the approval of the committee and is typically submitted in February.

Warrant Articles

Warrant articles sponsored or proposed by a committee for any annual or special town meeting must be submitted to the Town Administrator's office on or before the deadline for "in-house" articles, normally two to three weeks prior to the deadline date for petition articles. Check with the Town Administrator's office if you are not sure which timeframe applies. Each article submitted must include a summary that contains information to help the voters make a decision. See past warrants for examples of what language to use when drafting an article. If presenting a change to the general or zoning bylaws or any other articles that may require council review, the deadline may be different.

Responsibility

It is each individual's responsibility to maintain the best interests of the town, uphold the laws of the Commonwealth, and bylaws of the town, and to move on anything they see as actionable. If you see something, say something.

Public Body Checklist for Creating and Approving Meeting Minutes

- Minutes must accurately establish the date, time, place of the meeting
- Minutes must list the members present or absent. If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely.
- Minutes must include an accurate summary of the discussion of each subject. The summary does not need to be a transcript but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions. Minutes should not be amended to eliminate any of what was recorded from the meeting though errors can be fixed.
- The minutes must include a record of all actions taken at each meeting, including a record of all votes. For any Zoom meetings or for entering Executive session, the vote should be done in roll call and results recorded as such.
- The minutes must include a list of all the documents and other exhibits used by the public body during the meeting, and list where these documents can be found, though do not need to be physically attached or stored with the approved minutes.
- The minutes must be approved in a timely manner. Generally, this should occur within the next three meetings or 30 days, whichever is later. It is suggested that meeting minutes are approved at the following meeting.
- An approved copy of the minutes must be sent to the Town Clerk. The Committee and or Board should also post their approved minutes on the town's website.

Public Body Checklist for Entering Into Executive Session

- Executive session must be listed as a topic for discussion on meeting notice, including as much detail about the purpose for the executive session as possible without compromising the purpose for which it is called.
- The public body meeting must be convened in open session first.
- The Chair must publicly announce the purpose for executive session, citing one or more of the 10 purposes found at G.L. c. 30A, § 21(a) and listed in Section 4 of handbook.
- Chair must state all subjects that may be revealed without compromising the purpose for which the executive session was called. For example, the Chair can identify with whom a public body may be negotiating or the litigation matter the public body will be discussing.
- The Chair must state whether the public body will adjourn from the executive session or will reconvene in open session after the executive session.
- For Executive Session Purposes 3, 6, and 8:
The Chair must publicly state that having the discussion in open session would have a detrimental effect on the public body's negotiating position, bargaining position, litigating position, or ability to obtain qualified applicants.
- A quorum of members of the body must vote by rollcall to enter into executive session, for any vote during executive session, or to come out of executive session.

Public Body Checklist for Posting a Meeting Notice

Content

- The notice contains the date, time, and location of the meeting.
- If the meeting is a joint meeting of several public bodies, the names of all bodies meeting are listed at the top of the notice.
- The notice should contain all the agenda topics that the chair reasonably anticipates will be discussed at the meeting including accepting past meetings' minutes. "Items not reasonably anticipated 48 hours in advance" can be listed though this should only be for topics needing immediate discussion and that are not hot ticket items. The topics should be sufficiently specific to reasonably advise the public of the issues to be discussed at the meeting, including executive session topics. Where there are no anticipated topics for discussion in open session other than the procedural requirements for convening an executive session, the public body should list "open session" as a topic, in addition to the executive session, so the public is aware that it has the opportunity to attend and learn the basis for the executive session.
- The notice must be printed in a legible, easily understandable format with large enough font to easily read.

Posting

- The Town of Shelburne's official posting location is the external bulletin boards in the foyer of Town Hall.
- The notice must be given to the Town Clerk to be posted at least 48 hours before the meeting, not including Saturdays, Sundays, and legal holidays. Please keep in mind that the Town Hall is closed on Fridays and check Town Clerk's hours to make sure they have it in time to post. If the clerk or other town hall worker is unable to post in the needed time, then a board member may need to make the posting or postpone the meeting.
- When posted it must state "Posted" along with initials of poster (person) and the date and time that the notice is posted in the top right corner.
- If the notice is amended, then the date and time that the meeting notice is amended must be listed, along with the original posting information. Please write "Revised" at the top of the notice and highlight whatever changes were made. The original can be removed but must be retained by the town clerk.
After posting the meeting new items can be added to the agenda if needed, however keep in mind that any hot ticket items really should wait till a later meeting where 48 hours' notice can be given.
- The meeting agenda should also be posted on the town's website calendar under the appropriate Board or Committee whenever possible.
- If there is a revision to the location of the meeting after its initial posting it is best to post a sign on the entrance of the original location with information of the new location, to redirect anyone that may not be aware of the change.