



## **Guide to the Williamstown Select Board**

May 2021

Developed by the members of the 2016-2021 Select Board, with input from prior Select Board and community members

## History

Boards of Selectmen, a form of community governance found throughout New England, have their roots in pre-colonial days. When community issues could not be resolved at a town meeting, a few members of the community would be selected to investigate the matter and make a recommendation at a future town meeting. Later, colonial communities began to establish “Boards of Selectmen” to perform this role on ongoing basis. Beginning with Dorchester in 1633, towns across Massachusetts quickly adopted this unique form of government.<sup>1</sup>

In general, Selectmen were required to carry out and enforce the votes of the Town Meeting, but were often granted authority over other areas of Town government. Variations in town government models persist to this day. For example, some Towns give more authority to their Select Boards and employ a “Town Administrator” to oversee day-to-day implementation. Towns like Williamstown employ a “Town Manager” who has direct authority to implement Town Meeting decisions, to supervise all Town staff, as well as a range of additional responsibilities. In our “strong” Town Manager structure, the role of the Select Board is to oversee and give policy direction to the work of Town Manager.

Although the Board’s official name in the Town Charter is ‘Board of Selectmen’, the Williamstown Selectmen adopted the moniker ‘Select Board’ in 2016, asking the community to refer to it only as the Select Board going forward.

The 1956 Town Charter (attached) vests the Town Manager with the authority to manage town affairs that had previously been managed by the Select Board. The Charter gives to the Town Manager the authority to appoint many town officials (including the Chief of Police), to prepare budgets, to prepare warrants, and to generally supervise of the day-to-day management of the town. (See Charter sections 15 and 18-19.)

Among the duties of the Town Manager is to report to the Select Board all of the activities under his supervision as may be required by the Select Board, keep the Select Board fully advised as to the needs of the town, and to recommend to the Select Board the adoption of measures requiring action by it or by the town. (Charter section 15.)

The relationship is frequently described as the Town Manager is the Chief Executive Officer and the Select Board is the Board of Directors. The Select Board’s key responsibilities are to guide policy and to oversee the Town Manager’s performance. There must at all times be a good flow of information between the Board and the Town Manager. The Board should respect the Town Manager’s authorities and should advise as appropriate. The Town Manager should keep the Board informed of significant developments and decisions, and seek guidance in the performance of their duties. A protocol for ensuring that the Town Manager keeps the Board aware of significant developments is attached.

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<sup>1</sup> From about 1753 to 1765, the Williamstown colonial settlers’ form of government was conducted by proprietors. These meetings continued until about 1802 even after the incorporation of Williamstown in 1765. The minutes are in the Proprietors Books filed with the Town Clerk. It is unclear when Williamstown transformed to a Board of Selectmen. See *Origins in Williamstown*, Arthur Latham Perry, 1894.

## **Select Board Powers and Duties**

The primary sources of the Select Board authority are:

1. Massachusetts General Laws and Special Acts;
2. The Town Charter; and
3. Town of Williamstown Bylaws.

Within the Town Charter and the Town Bylaws, the following provisions are particularly critical in understanding the Board's duties and responsibilities:

- Guide Town policies.
- Hold hearings on regulatory matters under the Board's jurisdiction, for example, the regulation of parking.
- Working collaboratively with the Town Manager and Finance Committee, help steward overall fiscal goals and policy.
- Authorize the issuance of the warrant for each Town Meeting;
- Appoint the Town Manager, review the performance of the Town Manager, and if necessary, terminate the Town Manager.
- Appoint members to certain boards and committees;
- Exercise (limited) jurisdiction over public and private ways under the Town Bylaws; the Board authorizes the closure of streets for activities such as block parties and special events.
- Serve as the Licensing Board responsible for issuing and renewing licenses for operations such as common victualler, food vendor, and alcohol.
- Conduct hearings and impose penalties for local liquor license violations.
- Additionally, as outlined in the General Laws and through historical transfers of authority, the Board also possesses the duties and responsibilities of the following:
  - Cable Commissioners,
  - Water Commissioners,
  - Highway Commissioners,
  - Sewer Commissioners, and
  - Cemetery Commissioners.<sup>2</sup>

## **Representation**

Select Board members should work to advance the interests of the community as a whole. Each member should consider all issues with a broad view, avoiding personal bias or undue influence by strident community members. Board members do not run or serve as part of a political party and the Board generally does not discuss state or national politics, except for the degree to which such matters might affect Williamstown locally. We note that some Select Board candidates run for office by focusing on a particular issue. However once elected, that candidate must adopt a holistic approach which may or may not include action on policies they advocated during their campaign.

Board members may be called upon to serve on, or be a liaison to, other town committees or local, regional and state organizations. These assignments are reviewed periodically, most often during the

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<sup>2</sup> *Williamstown: The First Two Hundred Years 1753-1953 and Twenty Years Later 1953-1973*, 2d edition, Williamstown Historical Commission 1974 (Hereafter "Williamstown History"), discusses the origins of the Commissioners for water (236-242, 283-285), highways (136-7), sewer (244-248), and cemetery (234).

annual reorganization of the Board which takes place in the first meeting after the annual town election. Similarly, Board members may have training opportunities made available to them, the benefits of which should be reported back to the full Board.

## **Statutory Duties**

As elected officials, Select Board Members have a series of obligations under Massachusetts' "Conflict of Interest" statute, as well as Office of Campaign and Political Finance regulations. Moreover, the Board has obligations as a body to abide by a number of other important laws and regulations including the Open Meeting Law and Public Records Laws.

Select Board members must observe the prohibition on communications among a quorum of a public board on board matters outside of a properly noticed and posted public meeting. The Open Meeting Law defines deliberation as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." A communication among less than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that together constitute communication among a quorum of members. The expression of an opinion on matters within the body's jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds. A more detailed discussion of the OML can be found in the Attorney General's Guide.<sup>3</sup>

Distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings. These types of communications generally will not constitute deliberation, provided that, when these materials are distributed, no member of the public body expresses an opinion on matters within the body's jurisdiction.

## **Select Board Appointment Authorities**

Appointment of the Town Manager. The Board appoints the Town Manager in accordance with the Town Charter. Given Williamstown's form of government, the search for, and selection of, the Town Manager is one of the Board's most significant duties. The Board sets the Town Manager's compensation and other material conditions of employment they deem appropriate by written contract.

Direct Board Appointments. The Board is vested with the authority and responsibility to directly appoint a variety of Town officials pursuant to Charter section 4, town bylaws and state laws. Below is a non-exhaustive list of significant Board direct appointees.

- Registrars of Voters (the Town Clerk who also serves as a Registrar, but is appointed by the Town Manager);
- Members and associate members of the Zoning Board of Appeals
- Members of the Affordable Housing Trust (includes a Select Board representative)
- Members of the Agricultural Commission
- Members of the Mobile Rent Control Board
- Members of the Municipal Scholarship Committee
- Members of the Sign Commission
- Constables
- Fence Viewers
- Associate member of Planning Board (Bylaw 70-8.5)

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[https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials\\_revised%201-30-18.pdf](https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials_revised%201-30-18.pdf)

- Representative to Community Preservation Committee (in Select Board's vestigial capacity as Parks Commissioners)
- Representative to Berkshire Regional Transit Authority
- Representatives to Cultural Council of Northern Berkshires
- Representatives to the Hoosac Water Quality District
- Member of Mohawk Trail Woodlands Partnership Board
- Representative to Diversity, Inclusion and Racial Equity Committee (includes a Select Board representative)

Community members interested in being appointed should make such requests in writing to the Select Board by completing the Government Engagement Activity Form, which can be found on the Town website.

#### Creation of Special Purpose Committees.

In addition to specific statutorily authorized appointments, the Board may create committees or subcommittees for the purpose of advising the Select Board on specific issues. With input from the community and the Town Manager, the Select Board determines which community members to appoint to such groups, typically including a member of the Select Board to ensure good communication. These bodies are not authorized to create or establish policy but are expected to recommend policies to the Select Board for further action. The Board does not grant authorities to such committees, nor could it grant any authorities that are in conflict with responsibilities otherwise granted by MGL, the Charter or Town Bylaws. Such advisory committees are subject to the Open Meeting Law.

Recent examples of such advisory boards include the Affordable Housing Committee, the Economic Development Committee, the Public Safety Building Study Committee, the Spruces Land Use Committee, the Parks and Recreation Committee and the Diversity, Inclusion and Racial Equity Committee. Frequently, but not always, these committees are charged with a specified purpose and term and expire when the task has been completed or the term has ended.

Advisement of Appointments by the Town Manager. In accordance with the Charter, Massachusetts General Laws, and Town Bylaws, the Town Manager makes appointments to certain Boards, Committees and Commissions, including, but not limited to the following:

- Board of Health;
- Tree Warden;
- Forest Warden
- Health Inspector
- Historical Commission;
- Conservation Commission;
- Council on Aging;
- 1753 House Committee
- Board of Assessors
- Council on Aging
- Community representative to Community Preservation Committee
- Alternative delegate to Berkshire Regional Planning Commission (delegate appointed by Planning Board)

#### **Reviews of the Town Manager**

The Board should periodically formally review the performance of the Town Manager, typically on an annual basis and which may be specified in the Town Manager's contract. Informal feedback and suggestions may occur as needed. A procedure for conducting formal Town Manager reviews is **attached**.

### **Select Board Composition**

In Williamstown, Select Board composition is determined by the Town Charter, which was, approved February 9, 1956 (attached). The Williamstown Select Board comprises five elected residents who serve three-year terms,<sup>4</sup> elected on the following cycle:

- Two are elected one year;
- Two are elected the following year; and
- One is elected in the third year of a given Board election cycle.

Members serve until their successors are elected. If for any reason there is a vacancy on the Board, the remaining Members may appoint a qualified person to serve as a member until the next Town election, at which election the voters shall elect a person to serve for the unexpired portion, if any, of the original term.

### **Select Board Organization**

The officers of the Select Board consist of Chair, Vice-Chair and Secretary. Officers are elected annually from its members, and each serve a term of one (1) year. Traditionally, elections are held at the first regularly scheduled meeting after annual town elections, but could also occur at other points in the year. All five (5) members should be present to hold the annual Board election.

### **Duties of the Chair of the Select Board**

- Preside at all meetings to ensure that Board business is conducted properly, respectfully and efficiently. The Chair may cut off any inappropriate commentary, for example personal criticism directed at individual Board members.
- Act as the primary liaison with the Town Manager;
- Represent the Board at meetings, conferences, and other gatherings, or delegate the responsibility to another Board member;
- Create and review Board agendas in concert with the Vice Chair and the Town Manager;
- Arrange orientation for new Board members;
- Serve as the spokesperson of the Board at Town Meetings and presents the Board's position on Warrant Articles with recommended action voted in the majority.
- Prepare an annual report of the Select Board to be included in the Town's Annual Report.
  
- The Chair is the Select Board's public spokesperson. Their public comment on behalf of the Board should be limited to matters that have been discussed by the Board and for which there is clear consensus among Board members. To ensure consistency and clarity, other Board members should

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<sup>4</sup> Prior to 1956, there were only three Selectmen. *Williamstown History*, p. 446-447.

not represent the views of the Board to the press or to the community. Individual Board members, including the Chair, may publicly express their own perspective on any topic, but when doing so explain that they are expressing their own view and not necessarily that of the Board.

### **Duties of the Vice Chair of the Select Board**

If the Chair is absent, the Vice-Chair shall assume the responsibilities of the Chair until the Chair returns.

### **Duties of the Secretary of the Select Board**

The Secretary should ensure that appropriate minutes are kept of Select Board meetings. Minutes shall contain a statement of all actions taken by the Board and of the disposition of all proposals for action. Documents used must be identified. Discussions preceding action need not be detailed in the minutes. Customarily minutes are recorded by the administrative assistant to the Town Manager and reviewed by the Secretary prior to review and approval by the full Select Board. In the event any Board member desires to propose changes, the changes can be made at that time, or postponed for later approval of a revised version. Minor typographical or other corrections may be made without Board approval. Approved minutes should be recorded and filed consistent with Town Bylaws and Massachusetts Public Records Laws.

### **Select Board Meetings**

The Select Board conducts its work primarily at public meetings and public hearings. Meetings of the Board are regulated by the Massachusetts Open Meeting law, which sets requirements for notice and conduct of meetings and limitations on discussions outside of a public meeting (see above under Statutory Obligations).

Regular meetings of the Williamstown Select Board are traditionally held on the second and fourth Mondays of each month, commencing at 7:00pm. Meetings falling on a legal holiday are cancelled or rescheduled for another date at the discretion of the Board. Meetings and hearings of the Board may be scheduled at other times at the discretion of the Board regarding any matter within their jurisdiction. In recent years, the Board has not convened on the 4<sup>th</sup> Monday of December or August unless urgent business necessitates.

Unless otherwise specified, the location of meetings is in the Select Board's meeting room on the first floor of Town Hall. In 2020 and 2021, COVID precautions necessitated that the Board adopt a remote meeting format using videoconference technology. It is hoped that as COVID precautions become relaxed, the Board will resume in-person meetings at Town Hall.

Meeting notices must specify the date, time and location of the meeting including videoconference information. The Town Manager, on behalf of the Chair, is responsible for filing public notice of any Board meeting with the Town Clerk and post on the notice Board outside Town Hall at least 48 hours prior to a meeting. Saturdays, Sundays and legal holidays are not included, so a 7pm Monday meeting must be posted no later than 7pm Thursday (assuming that the Friday is not a legal holiday). The Board does not meet on legal holidays. Meeting notices must list topics that the Chair reasonably anticipates to be discussed at the meeting or hearing. The Select Board may post a revised agenda enumerating emergency or other authorized items added after the closing of the agenda, in advance of the meeting.

### **Meeting Agendas**

The Chair of the Board holds the responsibility for setting meeting agendas, customarily in collaboration with the Vice Chair and the Town Manager. Each of the members of the Board and the Town Manager may request items be placed on the agenda. The Chair holds ultimate authority over what items are to be placed on an agenda. Agenda items requested, but not placed on an agenda, by members of the Board

or the Town Manager may be raised at a Board during “new business”. Traditionally, the Chair, Vice Chair and Town Manager meet on those Thursdays to prepare the agenda, though occasionally other members may substitute in to increase participation and awareness. To the extent feasible, all materials to be considered by the Board should be made available at the same time.

Persons seeking action or approval from the Board such as license and permit applicants are advised to contact the Town Manager’s office well in advance of when they would like to appear, so that the requested item can be considered for inclusion on an upcoming agenda.

#### Common Routine Agenda Items.

- Approval of minutes
- Approve Water and Sewer Warrants – which is a notice to the tax collector to send out bills (a vestige of role as Water and Sewer Commissioners)
- Cemetery approvals – to grant permission to non-residents to be buried in one of the town cemeteries (a vestige of role as Cemetery Commissioners)
- Issuance and reissuance of various licenses, such as alcohol, one-day alcohol, common victualler, and changes in management. Includes power to suspend or revoke, subject to ABCC review
- Approval of utility changes such as location of telephone poles, electric stations, installation of fuel tanks (shared with Fire District)
- Annual items such as adopting tax rate, tax classification system (jointly with Fire District), financial audit report, and the Town Meeting warrant.
- Appointment or reappointment of town boards and Committees (usually in June)
- Town Manager’s Report, including updates from various departments
- Other business: topics from Board members not included in the agenda
- Petitioner’s Requests: topics brought forth by community members regarding various Town matters

The **Consent Agenda** is a tool for saving time when approving routine business items not usually requiring any Board discussion, such as approval of water and sewer warrants and minutes. If any member desires discussion on any item in the Consent Agenda, it will be pulled out for discussion and separate approval, while any remaining items can be approved as a group.

Occasionally, community members will present written **petitions or resolutions** for adoption by the Select Board. To ensure that the Board is well informed, we ask that these be presented in advance for inclusion on a meeting agenda. The Select Board has adopted a procedure to be followed that requires certain information to be presented, and an opportunity to consider differing opinions. The Board may adopt, modify, or decline to take the position presented. A copy of the procedure is attached.

#### **Special Meetings**

**Executive Sessions.** The Open Meeting Law allows the Board to meet in executive session, closed to the public, for a specified list of purposes. Only items allowed under the Open Meeting Law shall be included in Executive Session. An Executive Session shall not be held unless the Board has first convened in Open Session for which notice has been given. However, nothing herein shall restrict the Board from entering Executive Session at any time for any lawful purpose not previously reasonably anticipated by the Chair. A majority of the members must vote to go into Executive Session and the vote of each member must be by roll call recorded in the minutes. The mover must specify in the Open Meeting the grounds on which Executive Session is sought. Before the Executive Session, the Chair must state whether or not the Board will reconvene in Open Session. All votes taken in Executive Session shall be recorded roll call votes made part of the records of the Executive Session. Minutes of executive



sessions shall be separately kept and recorded in accordance with the above procedures. Under the Open Meeting Law, Executive Session records shall remain confidential only “so long as the publication may defeat the lawful purpose of the Executive Session, but no longer.” Thereafter they shall be open to the public. As such, the Board should periodically review its executive session minutes to decide whether to maintain confidentiality or to release such records for public review. This decision may benefit from review by town counsel.

**Retreats.** In most years, the Board will schedule a retreat shortly after the annual reorganization of the Board after town elections. Often these sessions focus on setting goals for the year, discussion of special projects, and general “brainstorming”. Retreats are technically open to the public, although they are traditionally viewed as an opportunity for the Board to have more exploratory discussions than might be held in public. Minutes are taken and made available to the public.

Although rare, **emergency meetings** of the Board may be called by the Chair or any member of the Board, so long as a majority of Board Members agree to convene. An “Emergency Meeting” is defined by law as a sudden, unexpected circumstance demanding immediate action. 48 hours advance notice is not required, however, a notice should be posted at the earliest possible juncture.

### **Meeting and Hearing Procedures.**

Select Board meetings conducted in accordance with generally accepted rules of parliamentary procedure, with reference to Robert’s Rule of Order. It is the Board’s practice to conduct meetings in an orderly manner but also with sufficient informality to encourage discussion. Although the Board frequently operates by consensus, disagreements are debated in a deliberative manner, and resolved by a vote if necessary.

Although only three members of the Board must be present for a quorum, action on critical or controversial matters, the adoption of key policies or the making of critical appointments should be taken, if possible, when the full Board is in attendance. Actions and decisions shall be by motion, second and vote. When any Board member participates remotely, votes are taken by roll call.

### **Citizen Participation at Select Board Meetings.**

There are differences between a public hearing and a public meeting. Citizens are entitled to comment at public hearings held by the Select Board, and are encouraged to do so. Public hearings are a special type of public meeting usually devoted to giving formal approval authority such as a license or permit. Examples of public hearing topics include new permits to serve alcohol, utility pole changes, or right-of-way grants to the gas utility. One or more public hearings may occur within the agenda of a regular Select Board meeting. Each public hearing is opened and closed by the Chair.

Most Select Board business is conducted at public meetings that are not public hearings, and citizens have the right to observe. Citizens wishing to comment at a regular Board meeting may do so only at the discretion of the Chair, or upon request of any member of the Board. This helps ensure that the Select Board can perform its business efficiently and on time.

The Williamstown Select Board has traditionally allowed public comment at public meetings, and its agendas include a segment for “Petitioner’s Requests”, when community members can address the Board on topics of their choosing. Citizens are welcome to raise new issues for future board agendas, identify community problems, or comment on past, present or future board agendas. Members of the public may present the Board with materials in support of their comments. Each speaker must first be recognized by the Chair before speaking and should identify themselves. All speakers should adhere to our commonly agreed upon standard of civility, specifically: treating others with respect, refraining from personal attacks, and avoiding disparaging remarks about any person or group, including Town employees. The Chair is responsible for maintaining orderly conduct and may curtail or limit disruptive

commentary. Moreover, the Chair may impose a time limit on any individual comments, for example during lengthy meetings or when a large number of individuals wish to comment.

### **Public Recording of Meetings**

Select Board Meetings are broadcast live and recorded by Willinet Community Television, which, within a few days of each meeting, provides free public access to the meeting recordings. However, audio and video recordings of meetings by members of the public are permitted under State Law so long as they notify the Chair before the meeting commences and that such recording does not interfere with the conduct of the meeting. The Chair must announce any such personal recordings as proscribed by law.

## **Town Meetings**

**Annual Town Meeting**<sup>5</sup> is the historic form of government for towns throughout the Commonwealth. In this format, all key decisions, including budget approvals, are made by voters. The voters are thus the Town's highest authority. Williamstown uses the Open Town Meeting format, meaning that every registered voter is entitled to vote.<sup>6</sup> This centuries-old meeting format remains an important example of democracy in action.

The Select Board serves several functions to prepare for the Annual Town Meeting: preparing the warrant, holding necessary hearings, and conducting public discussions of proposed warrant articles. The Board makes recommendations on articles, by vote, during its regular meetings in the weeks prior to Town Meeting. Select Board members should attend public hearings, read supporting documentation, and conduct their own inquiries to ensure they are fully informed of the issue at hand prior to the vote. Community members are encouraged to attend these Select Board meetings to comment on the proposed warrant articles. Such input during the Board's warrant review period provides the Board and the Town the opportunity to fully examine and debate the issues under discussion.

At its discretion, the Select Board may also recommend articles not under its jurisdiction, such as those from the Planning Board, Community Preservation Committee or Citizen's Petitions. In addition to any recommendations, the Warrant may include brief narrative texts for an article with further explanation of the article or the Board's position on it.

The Chair of the Select Board is the spokesperson for the Board at Town Meeting and presents the Board's recommendations. The Chair of the Finance Committee is the spokesperson for that committee and presents its recommendations, as is the Chair of Community Preservation Committee.

Town Meeting is convened at a time and place designated by the Select Board, usually at 7pm on the third Tuesday in May for consideration of all articles in the Warrant (except elections, see below). A single warrant calls for both the annual election and the annual town meeting, unless they are more than 35 days apart. M.G.L. c. 39 section 9A. The Town Moderator calls Town Meeting to order and presides over Town Meeting. The Moderator regulates the proceedings, resolves all questions of order, and declares the results of all votes. To accurately capture proposed amendments to warrant articles for the record, the Moderator has adopted the procedural rule that any proposed amendments to articles exceeding one sentence in length must be submitted in writing to the Moderator before the motion to amend can be heard. Further information on the conduct of Town Meeting may be found here:

<https://www.sec.state.ma.us/cis/cistwn/twnidx.htm>

**Special Town Meetings** occur outside of the schedule for the Annual Town Meeting and are held to consider topics of a timely nature. A Special Town Meeting may be called at the discretion of the Select Board through issuance of a Special Town Meeting Warrant. Alternatively, 200 registered voters may call for a Special Town Meeting by presenting a petition to the Select Board.

**The "Town Warrant"** is the instrument for calling a Town Meeting and must contain a list of all items – "Warrant Articles" - to be acted upon at Town Meeting with reasonable specificity. The Select Board reviews all articles to be included on the Town Warrant. Hence each warrant article, regardless of its

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<sup>5</sup> The first meeting of the Proprietors of West Hoosac, the predecessor of Williamstown, was held December 5, 1753. *Origins in Williamstown*, Arthur Latham Perry 1894 p. 396-7. Proprietors meetings continued until the last in 1802. Perry p. 466. The town of 'Williamstown' was incorporated in 1765 and the first town meeting held was July 15, 1765. Perry p. 470.

<sup>6</sup> Some other towns have a Representative Town Meeting, which means a limited number of people are elected to serve in and vote at Town Meeting. In 1961, Williamstown rejected a proposal to convert to a Representative Town Meeting. *Williamstown History* p. 449.

origin, must be submitted in writing and electronically to the Town Manager and Select Board before the deadlines specified by the Board. The Town Manager, an official Town board, commission, committee, or department head may request placement of an article on the Warrant.

**Citizens' Petitions.** Ten Registered Voters may submit by petition a warrant article to be considered at Annual Town Meeting. (Town Bylaw 4-3 and M.G.L. c. 39 section 10). Because such petitions must be published in the warrant as submitted, citizens seeking to put forth such a petition are strongly encouraged to contact Town Manager in a timely fashion in order to ensure that 1) the proposed article(s) seek action within Town Meeting's authority; 2) are provided to appropriate Town bodies for hearings; and 3) are constructed in such a way that they can be practically implemented should they be approved.

Citizen's petitions submitted for consideration at any Special Town Meeting must be submitted with the signatures and addresses of one hundred (100) registered voters rather than the ten (10) required for the Annual Town Meeting.

**Town Elections** are generally held on the second Tuesday in May, one week before Town Meeting. Town Election is called by the Select Board in the same Warrant that calls Town Meeting. While voters choose which candidates are elected to office, the Warrant serves to call for the election of Town officers as well as place appropriate ballot questions to the voters.

**Typical Calendar for Town Meeting and Elections.** The calendar for events leading up to town meeting and elections are established in January by predetermined periods of advance notice required before elections and town meetings. See MGL chapter 39, sections 9A and 10, MGL chapter 53, section 10 and Town Bylaws chapter 4. Below is the typical schedule (with illustrations of the dates using the original calendar for 2020 in parentheses).

Nomination papers available (February 3)

Nominations due: 49 days prior to election (March 24)

Last day for Warrant Articles to Select Board: 45 days prior to Town Meeting. Bylaw 4-3 (March 30)

Select Board signs warrant: about a month before Town Meeting to allow time for printing. Posting must be at least seven days before regular Town Meeting, and fourteen days before special town meeting. MGL c 39 section 10; Bylaw 4-1. (April 13)

Deadline to withdraw or object to nominations: 33 days prior to election (April 9)

Deadline to register to vote: 20 days prior to election (April 22)

Town election: Second Tuesday in May (May 12)

Town Meeting: Third Tuesday in May (May 19)

## **Other Town Boards and Regional Organizations whose members are elected by the voters**

**Moderator.** The Town Moderator is elected for a term of three years. The Moderator chairs the annual and special town meetings and appoints the nine members of the Finance Committee for staggered three-year terms. The Moderator is also an ex officio member of the selection committee which awards the annual Scarborough Salomon Flynt Community Service Award. For more information on the Moderator's powers and duties see MGL c. 30 section 14, the Charter section 5 and Bylaws 4-4 and 4-11.

**Planning Board.** There are five positions on the planning board, with one elected every year for a term of five years. Members used to be appointed by the Select Board until 2007, when Town Meeting voted to make the positions chosen by election. The Planning Board is responsible for overseeing the long term land use pattern of Williamstown through recommendations to Town Meeting to enact changes to the zoning Bylaws and to manage the town master plan. They retain some powers to grant specific types of special permits, but the most common special permits are within the jurisdiction of the Zoning Board of Appeals. As authorized by MGL C. 40A, § 9, the Select Board appoints one associate member of the Planning Board for a three-year term. The associate member can act on special permit applications, when the Planning Board is the special permit granting authority, when designated to do so by the Planning Board Chair, in case of absence, vacancy, inability to act or conflict of interest on the part of any member of the Board. Bylaw 70-8.5.

**Trustees of Milne Public Library.** The Library Trustees are elected to three year terms and oversee the activities and operations of the Milne Public Library. There are seven members of the Board of Trustees, elected according to 2010 Session Laws, Acts, c. 13 "An Act Increasing The Membership On The Williamstown Board of Library Trustees" approved by the Governor, January 21, 2010.

**Housing Authority.** The Williamstown Housing Authority (WHA) was established in 1974 and is governed by a five-member Board of Directors. Four members are elected and one is appointed by the Governor. All members serve a term of five years. The Authority is responsible for providing fair and safe housing to eligible families and individuals in specified buildings in accordance with MGL c. 67 public housing guidelines.

**Mt. Greylock Regional School District School Committee (for both Williamstown and Lanesborough).** There are seven members, with four from Williamstown and three from Lanesborough. Pursuant to the District Agreement, voters of both towns vote for representatives of both towns. Members are elected to four year terms, with elections held in November of every other year. Vacancies are filled by election at a joint meeting of the remaining school committee members and the Select Board members of both towns, moderated by the Moderator of the town having the vacancy.

**McCann Vocational.** One Williamstown representative is elected to a three-year seat on the Northern Berkshire Vocational Regional (McCann) School Committee.

**Williamstown Fire District.** The Fire District is a separate legal entity from the Town of Williamstown and is managed by a Prudential Committee of five members elected to three year terms. Its elections are held independently from the Town elections. The number of members was increased from three to five in 2019.

## **Appointed by the Moderator - Finance Committee**

The Finance Committee considers the relative need, impact, timing, of town expenditures and the effect each will have on the financial position of the Town. It reviews the annual budget prepared by the Town Manager and recommends a final budget for approval at the Annual Town Meeting. The Town Manager is to provide the budget to the Finance Committee by February 15<sup>th</sup>. Bylaws 14-1. The Finance Committee

has adopted a procedure for evaluating funding requests from charities and other non-governmental organizations. A copy is **attached.**

## CHARTER

[HISTORY: 1956 Acts and Resolves of the Commonwealth of Massachusetts, Chapter 55; approved 2-9-1956. Amendments noted where applicable.]

Section 1. Acceptance. This Act shall be submitted for acceptance to the qualified voters of the Town of Williamstown at the Annual Town Election or the biennial state election following the passage of this Act, whichever occurs first. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the following question which shall be placed upon the ballot to be used at said election: "Shall an act passed by the General Court in the year nineteen hundred and fifty-six, entitled 'An Act establishing the Selectmen-Manager form of government in the Town of Williamstown,' be accepted?" If a majority of the voters voting on this question vote in the affirmative, this Act shall take effect immediately in so far as it relates to the ensuing Annual Town Election, and shall take full effect upon the qualification of a majority of the Selectmen first elected as provided in this Act.

If this Act is rejected by the qualified voters of the town when first submitted it shall again be submitted to the said voters at the next following Annual Town Election, and if accepted by a majority of voters voting thereon it shall take effect as hereinbefore provided. If the majority of voters voting on this question when so further submitted shall vote in the negative, this Act thereupon shall become void.

Section 2. Bylaws. All laws, bylaws, votes, rules and regulations in force in the Town of Williamstown of the effective date of this Act, not inconsistent with its provisions, whether enacted by authority of the town, or any other authority, shall continue in full force and effect until otherwise provided by law, bylaw or vote; all other laws, bylaws, votes, rules and regulations, so far as they refer to the Town of Williamstown, are hereby repealed and annulled, but such repeal shall not revive any preexisting enactment.

Section 3. Election of Selectmen. At the first annual town meeting following the acceptance of this Act, the voters shall elect by ballot five Selectmen, of whom two shall serve for terms of three years, two for terms of two years and one for a term of one year. At each annual election thereafter there shall be elected, in place of those Selectmen whose terms are about to expire, a like number of Selectmen, each to serve for a term of three years. The Selectmen shall receive such compensation, if any, as the town may by vote determine. They shall serve until their successors are elected and qualified. If for any reason a vacancy shall occur in the membership of the Selectmen, the remaining Selectmen may at any time prior to the next Annual Town Election appoint a qualified person to serve as Selectman until such election, at which election the voters shall elect a Selectman to serve for the unexpired portion, if any, of the original term.

Section 4. Powers of the Selectmen. The Selectmen shall appoint and may remove a Town Manager, as hereinafter provided, the Registrars of Voters other than the Town Clerk, election

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officials, the Board of Appeals and the Clerk of the Selectmen unless otherwise provided by the vote of the town.

Section 5. Other elected officials. The town shall continue to elect a Moderator, School Committee and Library Trustees, and unless otherwise provided by law or bylaw, the Moderator shall continue to appoint a Finance Committee and such special committees as the voters may designate. The term of office of any officer, board or commission so continued shall not be interrupted.

Every other elective office, board or commission shall be terminated as hereinafter provided, any other provision of law to the contrary notwithstanding.

The term of office of any person elected to any office, board or commission existing at the time of such acceptance and terminated hereunder shall continue until such first town election and until the appointment and qualification of his successor, if any, and thereafter the said offices, boards and commissions shall be abolished, and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this Act, shall be conferred and imposed upon the Selectmen and exercised by the Town Manager to the extent hereinafter provided. They shall be sworn to the faithful performance of their duties by the Chairman of the Selectmen or by a Justice of the Peace.

Section 6. Membership, terms, powers, duties and responsibilities. The number of members of boards, commissions and committees appointed under this Act, the length of the term of each member thereof and of officers so appointed and the powers, duties and responsibilities of the same shall be as now or hereafter provided by any applicable law, bylaw or vote of the town, except as herein otherwise provided. Upon appointment and qualification of the various officials as provided in this Act, the term of office and all powers and duties of each person theretofore holding each such office shall cease and be terminated.

Officers, boards, commissions and committees appointed by the Town Manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof they shall be subject to the general supervision of the Town Manager. They shall be sworn to the faithful performance of their duties by the Chairman of the Selectmen or by a Justice of the Peace.

Section 7. Powers of the School Committee. All the powers rights, duties and liabilities now or hereafter conferred or imposed by law upon the School Committee shall be exercised and performed by the School Committee; provided, however, that said Committee may request in writing, to the Selectmen, the services of the Town Manager in the purchase of any supplies, materials or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of his office.

Section 8. Powers of the Library Trustees. All the powers, rights, duties and liabilities now or hereafter conferred or imposed by law upon the Library Trustees shall be exercised and



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performed by the Library Trustees; provided, however, that the said Trustees may request in writing, to the Selectmen, the services of the Town Manager in the purchase of any supplies, materials or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of his office.

Section 9. Powers of the Fire District. Nothing in this Act shall be construed to affect the powers and duties of the Fire District, as provided by law; provided, however, that the Prudential Committee, in behalf of the District, and the Selectmen in behalf of the town, may provide by a written agreement for the performance by the Town Manager of such services for the District as may be appropriate to the duties of his office, and for the reimbursement of any expense incurred therefor.

Section 10. Multiple offices. A member of the Board of Selectmen or of the School Committee, or of the Finance Committee shall, during the term for which he was elected or appointed, be ineligible either by election or appointment to hold any other town office. Any person appointed by the Town Manager to any town office under the provisions of this Act or of any general or special law shall be eligible, during the term of said office, to election or appointment to any other town office, except that the Town Accountant shall not be eligible to hold the position of Town Treasurer or the position of Town Collector. The Town Manager, with the approval of the Selectmen, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which he is authorized to fill by appointment, but shall receive no additional compensation therefor.

Section 11. Appointment of Town Manager. The Selectmen elected as provided herein shall appoint, as soon as practicable, a Town Manager, who shall be a person especially fitted by training and experience to perform the duties of the office. The Town Manager shall be appointed without regard to his political beliefs. He need not be a resident of the town or of the commonwealth when appointed, and shall not, during the 12 months prior to his appointment, have held any elective or appointive office in the Town of Williamstown, other than the office of Assistant Town Manager, if any. The Town Manager shall be a resident of the town during the term of his office. Before entering upon the duties of his office he shall be sworn to the faithful and impartial performance thereof by the Chairman of the Selectmen, or by the Town Clerk, or by a Justice of the Peace. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety as may be fixed or approved by the Selectmen.

Section 12. Appointment of Temporary Manager. Any vacancy in the office of Town Manager shall be filled as soon as possible by the Selectmen. Pending appointment of a Town Manager or the filling of a vacancy, the Selectmen may appoint a suitable person to perform the duties of the office.

Section 13. Removal of Town Manager. The Selectmen, by a vote of three or more members of the Board, may remove the Town Manager. At least 30 days before such removal shall become effective, the Selectmen shall file the preliminary written resolution with the Town Clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be

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delivered to the Town Manager. The Manager may reply in writing to the resolution and may request a public hearing. If the Manager so requests, the Board of Selectmen shall hold a public hearing not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if any, otherwise at the expiration of 30 days following the preliminary resolution, and after full consideration, the Selectmen by a vote of three or more members of the Board may adopt a final resolution of removal. In the preliminary resolution the Selectmen may suspend the Manager from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary and his salary for the next three calendar months following the filing of the preliminary resolution.

Section 14. Compensation of the Manager. The Town Manager shall receive such compensation for his services as the Selectmen shall determine, but it shall not exceed the amount appropriated therefor by the town.

Section 15. Powers and Duties of the Manager. In addition to the specific powers and duties provided in this Act, the Town Manager shall have the following powers and duties:

- (a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices of the town, except those elected by the voters, or appointed by the Selectmen or by the Moderator.
- (b) The Town Manager, in accordance with the provisions of this Act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary and, in so doing, may transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another.
- (c) Except as otherwise provided by this Act, the Town Manager shall appoint upon merit and fitness alone and, subject to the provisions of Chapter 31 of the General Laws where applicable, may remove a Town Accountant, a Town Clerk, a Town Collector, a Town Treasurer who may act as a Town Collector, a Town Counsel, a Welfare Agent and Assessors. He may in like manner appoint and remove such other officers and employees as he deems necessary to carry out the powers and duties imposed upon him by this Act. Permanent officers and employees not subject to Chapter 31 of the General Laws shall not be removed by the Town Manager except on ten days' notice in writing setting forth the cause of such removal.
- (d) The Town Manager shall fix the compensation of all town officers and employees appointed by him, subject to any applicable provisions of MGL C. 31 or of MGL C. 41, § 108A.
- (e) It shall be the duty of the Town Manager to attend regular meetings of the Board of Selectmen, except meetings at which his removal is being considered.
- (f) The Town Manager shall keep full and complete records of his office, and shall render as often as may be required by the Selectmen a full report of activities under his supervision.

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- (g) The Town Manager shall keep the Selectmen fully advised as to the needs of the town and shall recommend to the Selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.
- (h) The Town Manager shall have jurisdiction over and be responsible for the planning, construction, reconstruction, alteration, repair, maintenance, improvement, use and rental of all town property except as hereinbefore provided with respect to schools and library and except as otherwise specifically voted by the town.
- (i) Except as otherwise provided by this Act, the Town Manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments and activities of the town.
- (j) The Town Manager shall administer, either directly or through a person or persons appointed by him in accordance with this Act, all provisions of general and special laws applicable to the town, all bylaws and all regulations established by the Selectmen.
- (k) The Town Manager shall, with the approval of the Selectmen, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in his judgment it may be necessary.
- (l) The Town Manager shall perform such other duties consistent with his office, as may be required of him by the bylaws or by vote of the Selectmen.
- (m) The Town Manager shall have access to all town books and papers for information necessary for the proper performance of his duties, and may without notice cause the affairs of any department or activity under his control or the conduct of any officer or employee appointed by him to be examined.

Section 16. Acting Manager. The Town Manager shall, by a letter filed with the Town Clerk, designate a qualified officer of the town subject to the approval of the Selectmen, to perform his duties during his temporary absence or disability. In the event that the Town Manager should fail to make such a designation, the Selectmen shall so designate a qualified town officer to perform the duties of the Town Manager until he shall return or his disability shall cease.

Section 17. Annual budget. All officers, boards and commissions of the town shall submit to the Town Manager in writing detailed estimates of their appropriations required for the efficient and proper conduct of their respective offices and departments and such further information, in such form and at such times as the Town Manager may require. On or before the 15th day of December in each year, or such other date as the town may by bylaw prescribe, the Town Manager shall prepare and submit to the Finance Committee a budget for the ensuing year and all supplementary information in such form and detail as he may deem necessary or the town may require by bylaw.

Section 18. Approval of warrants. The Town Manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds, prepared by the Town Accountant, in accordance with the provisions of MGL C. 41, § 56, shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager shall be sufficient authority to

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authorize payment by the Town Treasurer, but the Selectmen shall approve all warrants in the event of the absence of the Town Manager or a vacancy in the office of the Town Manager.

Section 19. Investigation of claims. Whenever any payroll, bill or other claim against the town is presented to the Town Manager, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the Selectmen, who shall immediately investigate the facts and determine what payment, if any, should be made. Pending such investigation and determination by the Selectmen, payment shall be withheld.

Section 20. Certain officers not to make contract with the town. It shall be unlawful for any Selectman, the Town Manager or any other elective or appointive official of the town, directly or indirectly, to make a contract with the town, or to receive any commission, discount, bonus, gift, reward or contribution, or any share in the profits of any person or corporation making or performing such a contract, unless the official concerned, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify the Selectmen in writing of the contract and of the nature of his interest therein and shall abstain from doing any official act on behalf of the town in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the town, the contract may be made by another officer of the town duly authorized thereto by vote of the Selectmen. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the town.

Section 21. Existing contracts and proceedings. No contract existing and no action at law or suit in equity or other proceeding pending at the time this Act is accepted or at the time of revocation of such acceptance shall be affected by such acceptance or revocation.

Section 22. Investigations or surveys. For the purpose of making investigations or surveys, the Selectmen or the Town Manager may expend such sums for the employment of experts, counsel and other assistants, and for other expenses in connection therewith, as the town may appropriate for such purpose.

Section 23. Revocation. At any time after the expiration of three years from the date of acceptance of this Act, a petition signed by not less than 10% of the registered voters of the town may be filed with the Selectmen, requesting that the question of revoking the acceptance of this Act be submitted to the voters at the following Annual Town Election. The Selectmen shall thereupon direct the Town Clerk to cause the said question to be printed on the official ballot to be used at the next annual town election in the following form:

“Shall the acceptance by the town of Williamstown of an act passed by the General Court in the year nineteen hundred and fifty-six entitled ‘An act establishing the selectmen-manager form of government in the town of Williamstown,’ be revoked?” If such revocation is favored by a majority of the voters voting thereon, this Act shall cease to be operative on and after the next Annual Town Election, except as hereinafter provided. All General Laws respecting town administration and town officers, and any special laws relative to Williamstown, the operation

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of which has been suspended or superseded by the acceptance of this Act, shall be revived forthwith for the purposes of the next following election and shall be revived in their entirety on and after said election. Bylaws in force when such revocation takes effect, so far as they are consistent with General Laws respecting town administration and town officers and with special laws relating to said town, shall not be affected thereby, but any other bylaws inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section oftener than once in every three years thereafter.

**PROTOCOL FOR TOWN MANAGER REPORTING OF SIGNIFICANT EVENTS TO SELECT BOARD**

**Purpose.** This protocol sets forth the responsibilities of the Town Manager to report to the Select Board on operations of town government and events that are significant to the operation of town government. The purpose of this protocol is to ensure that the Select Board is sufficiently and promptly informed so it can carry out its obligations under the Town Charter and applicable laws.

**Authority Under Town Charter.** This protocol is in furtherance of the following Town Charter provisions, among others:

Section 15 (f) The Town Manager shall keep full and complete records of his office, and shall render as often as may be required by the Selectmen a full report of activities under his supervision.

Section 15 (g) The Town Manager shall keep the Selectmen fully advised as to the needs of the town and shall recommend to the Selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.

Section 15(k) The Town Manager shall, with the approval of the Selectmen, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in his judgment it may be necessary.

Section 19. Investigation of claims. Whenever any payroll, bill or other claim against the town is presented to the Town Manager, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the Selectmen, who shall immediately investigate the facts and determine what payment, if any, should be made. Pending such investigation and determination by the Selectmen, payment shall be withheld.

**Routine Reporting.** The Town Manager should communicate with each of his or her department heads on a weekly basis, to determine the status of operations, problems, and events which are or may become Significant Events. Unless otherwise agreed, the Town Manager shall meet with the Chair and Vice Chair of the Select Board before every regularly scheduled Select Board meeting to discuss a summary of the department head reports, and any other developments that may be of public interest. This should include any personnel matters, including upcoming new hires, contract renewals, departures and retirements. Normally, these meetings should occur no later than two business days before the next Select Board meeting, when the agenda for such meeting will be decided.

**Significant Events Reporting.** Whenever the Town Manager becomes aware of any developments that may have a significant adverse or positive effect on town operations, reputation or finances that should be discussed before the next regularly scheduled routine reporting meeting (“Significant Events”), he or she shall immediately notify the Chair and Vice Chair of the Select Board, who shall determine how and when to communicate the information to the rest of the Select Board, including whether to schedule an executive session. When in doubt, the Select Board expects the Town Manager to note any developments that may be or become a Significant Event. Significant Events include:

a. the threat, expectation or initiation of adverse legal proceedings to which the town or any of its boards or employees would be or is a party. Covered legal proceedings include those in any federal or state court, administrative body or agency and any appeals of town decisions.

b. adversarial personnel matters which includes any formal or informal complaint by or against a town employee and any imposition of discipline, all for any matters including discrimination or retaliation which may be prohibited by any applicable law.

c. accounting or financial matters which includes any mismanagement of funds, regardless of intent, and fraud.

d. significant physical damage to town property, any accident involving a town vehicle or equipment, and any damage to or failure of infrastructure that would cause a disruption of service.

e. threats to, or breaches of, cybersecurity.

### **Protocol for Annual Town Manager Review**

Due to some recent caselaw interpreting the Open Meeting Law (OML) as it applies to reviews of town manager performance, set out below is a proposal for conducting the annual review.

1. Each Select Board member should prepare their own evaluations of the Town Manager addressing the six categories we have used for the last few years. Members are free to consult with any relevant person (subject to OML) to solicit suggestions from the public or other town boards or departments.
  - a. General Management and Leadership
  - b. Personnel Management
  - c. Financial Management
  - d. Planning
  - e. Inter-Organizational Collaboration (includes Select Board)
  - f. Community Outreach
2. Town Manager should submit self-assessment to Board members within two weeks from start of process.
3. The Select Board Members should submit their evaluations, including pertinent information from any external input they decide to include, to the Chair (and not each other) by no later than three weeks from start of process.
4. The Chair will prepare a Chair's Proposed Evaluation based on comments received and the Chair's own thoughts. The Chair should discuss the document as a draft with the Town Manager before posting to resolve any issues. The Proposed Evaluation should consist of two parts: an executive summary to be posted and discussed in public, and a detailed section for the Town Manager's personnel file. The Chair's executive summary section of the Proposed Evaluation should be posted in the Select Board packet for the meeting four weeks from the start, so as to have it simultaneously available to the public and the board. The posting should not include the members' individual evaluations, should not be sent separately to the other Board members in advance and should not be discussed among a quorum of board members outside of public meeting. The Chair's executive summary section of the Proposed Evaluation will be discussed in public session at the next meeting, where it may be amended and adopted. The detailed section should be placed in the personnel file.

**The AG guidance below indicates the 'best practice', but apparently not required practice, is that the composite should be done by an administrative assistant if available. If not available, then a board member may prepare the composite. This protocol opts for the latter since any assistant ultimately reports to the town manager and should not be preparing the boards' evaluation of his/her own boss. Each board member's evaluation should go only to the Chair, so as to avoid a quorum seeing it.**

Here is the Attorney General's Office's response to an FAQ on this topic:

**May the individual evaluations of an employee be aggregated into a comprehensive evaluation?**



Members of a public body may create individual evaluations and submit them for compilation into a master evaluation to be discussed at an open meeting. As a best practice, to avoid the appearance of improper deliberation, members should submit their evaluations to someone who is not a member of the public body—for example, an administrative assistant or executive secretary. Where an administrative assistant or executive secretary is not available for such purpose, an individual member may receive and compile the evaluations. In either event, once compiled, the aggregated evaluation may not be circulated to a quorum the members prior to a meeting, for example by e-mail. The aggregated evaluation may only be distributed to a quorum of the members in one of two ways: (i) at a properly noticed open meeting, or (ii) via public posting to a municipal website in a manner that is also available to members of the public, as long as paper copies are also made available in the city or town clerk's office. See *Boelter v. Wayland Board of Selectmen*, 479 Mass. 233, 243-244 (2018). Even if the body posts the aggregated evaluation to a publicly available municipal website, a quorum of the members of the body may not discuss it outside of a properly noticed public meeting.

## **Information for individuals and groups who wish to present Resolution Requests to the Select Board**

The Williamstown Select Board will happily consider all concerns, issues, or points of view brought to us by any Town resident or Town group.

If you or your group wish to request that members of the Board sign a **Resolution** related to that issue, we invite you to consider the following suggestions.

1. The Board meets twice a month, usually on the first and third Mondays. To have your Resolution placed on the meeting agenda, please submit an electronic copy to the Town Manager's office by the morning of the preceding Thursday. Resolutions may also be brought spontaneously to the Board under the "Petitioner's Request" agenda item, but be aware that in such cases, the Board may need additional time to consider your Resolution.
2. At the meeting, the Board may choose to a) vote on your Resolution, b) defer a vote until the following meeting, or c) decline to vote. The Board may also take your Resolution under advisement for inclusion on the warrant for Annual Town Meeting.
3. Before approving your Resolution, the Board will ask a variety of questions. You should be prepared to answer such queries as:
  - What is the goal of your Resolution? What do you want it to achieve?
  - In what ways is your Resolution relevant and important to Williamstown?
  - Who will receive the Resolution and why?
  - Can you provide background information and further data regarding the subject of your Resolution?
  - What might be some of the other points of view on the subject of your Resolution?
4. The Board may choose to modify your Resolution for purposes of clarity, accuracy, adjustment of tone, or for other reasons.

The Board will endorse Resolutions only after they are nominated for approval and receive a majority vote by Board members. If a Resolution receives a majority approval, not all Board members are required to sign the Resolution.

If you have further questions, please contact the Town Manager's office at 458-3500.

Thank you,  
Williamstown Select Board

**Town of Williamstown**  
**Application for Support of Non-Profit Organization**

The Town of Williamstown receives occasional requests from non-profit organizations for partial funding in support of programs or projects that provide services for and benefits to town residents. This application form has been developed by the Finance Committee and the Select Board to assist in their evaluations of requests from non-profits seeking this support. The information collected will be used to consider whether or not requests for funding will appear on the warrant for Annual Town Meeting, and if action on these requests will be recommended by the Finance Committee and Select Board.

Projects for purposes addressed by the Community Preservation Act (open space, recreation, affordable housing and historical preservation) should follow procedures established by the Community Preservation Committee and should not use this application form and process.

Applications should be submitted each year to the Town Manager no later than January 15.

The application package must contain each of the following:

\_\_\_\_\_ Completed application

\_\_\_\_\_ A list of the current Board of Directors, indicating executive officers

\_\_\_\_\_ A copy of the most recent independent CPA audit, financial review, or compilation for each non-profit organization participating in the proposal, a financial report signed by the President and Treasurer of the organization showing all revenues, expenses and financial assets

\_\_\_\_\_ A copy of the most recent Massachusetts Form 3ABC filed and the 990 Tax Form, if such forms are required for the organization

## Application

Date: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Email Address: \_\_\_\_\_

Program or Project Name: \_\_\_\_\_

What is the benefit to Williamstown residents of the proposed project?

\_\_\_\_\_

Amount requested: \_\_\_\_\_

Has the Town of Williamstown funded your organization or program before, **including** payments for services or through the Community Preservation Act? YES\_\_\_\_ NO\_\_\_\_

If yes, please indicate the year and amount awarded (up to the past 3 years).

Year \_\_\_\_\_ Amount \_\_\_\_\_ Purpose \_\_\_\_\_

Year \_\_\_\_\_ Amount \_\_\_\_\_ Purpose \_\_\_\_\_

Year \_\_\_\_\_ Amount \_\_\_\_\_ Purpose \_\_\_\_\_

On a separate page, briefly describe your program or project including a budget for proposed use of the funds requested. Is this a new program? How will it benefit Williamstown residents? Include the total number of persons expected to be served by the program or project for which you are requesting funding. How many of those served are Williamstown residents? How do you determine residency of the people you serve? Identify those who will administer the program.

What percentage of your total organization budget would be covered by the request? \_\_\_\_\_

Would this grant enable your organization to obtain additional funding? \_\_\_\_\_

If yes, explain \_\_\_\_\_

\_\_\_\_\_

Are the funds to be used for purposes that fall within those covered by the Community Preservation Act (open space, recreation, affordable housing and historical preservation)?

YES \_\_\_ NO \_\_\_ If yes, explain \_\_\_\_\_

Please complete the information requested in the following table. Feel free to provide a separate page with an explanatory narrative where needed.

Item	Current year	Previous year
Total annual revenues of organization		
Total contributions received		
Total grants received from sources other than the Town of Williamstown		
Total grants and payments received from the Town of Williamstown		
Total dues, memberships, and other revenues received		
Total annual expenditures of organization		
Total salaries and employee benefits paid		
Combined balance of reserves, savings, CDs, endowments and other accounts		
Number of employees (Full Time Equivalent)		
Number of volunteers		
Total persons served by organization		
Total persons served by organization who are residents of Williamstown		

**Evaluation of success**

On a separate page, describe how and when you will evaluate the success of the program or project for which support is requested. Examples might include consumer/client survey, focus groups, or employee self-evaluations. Attach a copy of evaluation of effectiveness or success from most recent year available.

A funded project requires that the organization submit a report to the Town Manager by March 31 following the year in which the funding was received. This report should describe the status of the project and the use of funds awarded and include an evaluation of the program or project. Submission of this report is required in order to be eligible for future support.