



# COMMITTEES, BOARDS AND COMMISSIONS

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## HANDBOOK

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# 2022

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Thank you for volunteering to serve on a board, committee, or commission for the Town of Manchester-by-the-Sea. Many of our municipal services simply could not be delivered without the efforts of people like you. Your dedication and willingness to serve your community are greatly appreciated.

The purpose of this handout is to assist you in understanding some of the laws, procedures and traditions associated with participating in municipal government in the Town of Manchester-by-the-Sea.

## REQUIREMENTS

Per the Town bylaws, to participate on a Town committee, board or commission, the applicant must be a resident of the Town of Manchester-by-the-Sea.

Throughout this handbook the term “Town board” applies to every board, committee, commission, or subcommittee that is represented as a governing body.

Residents interested in getting involved in the Town, should reach out to the Town Clerk or the Town Administrator. There is a volunteer form on the website under “How do I” [How Do I... | Manchester-by-the-Sea, MA](#)

All elected and appointed officials of any municipality are required to take an oath of office prior to participating in any Town Board action. There are also statutory requirements for these officials, such as the Open Meeting Law (OML) and the Conflict-of-Interest Law. Once elected or appointed, the Town Clerk will notify you of those details.

## BOARD COMPOSITION

All Town boards shall annually elect a Chair and other necessary officers. Each Town board has the discretion to elect their officers. The organization of the committee needs to be communicated to the Town Administrator’s office and be visible on the board’s page of the website.

## CHAIR

The Chair of each board has the same rights as other members to offer resolutions, discuss questions and vote thereon. However, their additional responsibility is the fair facilitation of meetings. The Chair presides at all meetings, decides questions of order, and calls special meetings and signs official documents that require the Chair’s signature. The Chair is also responsible for ensuring that the provisions of the OML are met, for preparing agendas and any other materials. The tentative agenda for the next meeting and minutes of the previous meeting should be prepared and available to each board member prior to each meeting. The Chair (or designated liaison) will schedule meeting space and submit agendas and final minutes to the Town Clerk.

## BOARD DUTIES

Many committees such as the Conservation Commission, the Historical Commission, Planning Board, Zoning Board of Appeals, Council on Aging, Board of Assessors, Board of Health, and Cultural Council have duties and responsibilities established by State law. Other Committees have charges prepared by the Select Board who appoint prospective members to the Committee.

New officials should research these duties, charges, responsibilities as soon as joining the Board if not before.

## FINANCIAL MATTERS

No board has a budget unless one is authorized by Town Meeting or at the time of its formation. If a Board anticipates a need to expend funds, it can request a budget for the next fiscal year through the Town Administrator and Town

Accountant by October 1 of the prior year. If funds are needed during the fiscal year the Town Administrator and Town Accountant should also be contacted. A Department Head liaison should be involved/contacted for any Town projects, budgets and payment facilitator.

#### FUND RAISING

The provisions of MGL. c. 44, § 53A and the written policy adopted by the Select Board, enable a Town committee to raise and disburse funds according to specific procedures.

All funds received by the committee go into the Town's General Fund and may not be spent without further appropriation by Town Meeting, unless approved by the Select Board for deposit into a special revenue account. Funds held in special revenue accounts may be dispersed without appropriation for special projects pursuant to the purpose for which the funds were originally received. The Town Administrator should be contacted by the committee for guidelines prior to commencing a special project.

#### STAFF SUPPORT ACCESS TO TOWN COUNSEL

Town boards may have access to staff support in a variety of situations. Some have staff clerical support. Others may inquire through the Town Administrator's Office for use of the Town supplies, copier and/or postage machine.

Board Chairs and/or designees shall have access to Town Counsel only after the request is approved by the Town Administrator.

#### MEETINGS

In all procedural matters, Town boards should follow Roberts Rules for meeting format and decorum, except as provided by the adoption of rules and regulations governing the conduct of adjudicatory hearings.

A public meeting occurs at any time a quorum of the Town board members gets together to discuss or consider any public business or policy over which the board has some jurisdiction or advisory power. Quorum is one more than half of the assigned members.

No quorum of a Town board shall meet outside a properly posted meeting for the purpose of deciding on or deliberating toward a decision on any matter.

No votes taken in open session shall be by secret ballot.

All meetings of a Town board shall be open to the public and any person shall be permitted to attend any meeting except under those circumstances listed in section Executive Session.

With permission of the Chair, any person may record a meeting (except for an executive session) with a tape recorder or any other means of sonic reproduction and/or videotape equipment, provided there is not active interference with the conduct of the meeting.

Unless otherwise stated, the OML requirements and procedures apply to all types of meetings including special meetings, workshops, emergency meetings, sub-committee meetings and public hearings.

#### EXECUTIVE SESSIONS

Deliberations and votes held in private sessions, commonly called Executive Sessions, are allowed only under strict circumstances as outlined in the OML. Executive Sessions may only be held after convening in an open, public session.

**All board members need to be acquainted with the complete and often revised Open Meeting Law which can be found here**

**<https://www.mass.gov/the-open-meeting-law>**

**The MA Code can be read here;**

**<https://www.mass.gov/files/documents/2017/09/25/New%20OML%20Regulations%20%28Clean%20version%29.pdf>**

#### LOCATION

Each Board establishes a regular meeting schedule to suit the needs and convenience of the members; however, they must be always scheduled in public locations and accessible to the disabled. Space is generally available at Town Hall. When the Board wishes to schedule a meeting, they must reserve their space and room through the Town Clerk's office by emailing [townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us)

#### PUBLIC HEARINGS

Those serving on certain boards such as the Select Board, Planning Board, Zoning Board of Appeals, Historical Commission, and the Conservation Commission will be required to hold public hearings in accordance with Massachusetts General Laws. Hearings are held for the purpose of gathering information from which to draw a conclusion and reach a decision.

Written notices, the initiation of the hearing, and the written conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the Board. Several procedures are common to all hearings. The chair or other designated person should run the hearing and state the guidelines and time allowance if restricted before any testimony is given. All questions should be directed to the chair who, in turn, may ask for a response from the floor. An important aspect of the hearing process is that a decision must be based on the testimony and evidence submitted at the hearing or, if written, entered into the record at the hearing. The decision must be based on facts and cannot be arbitrary. Emotions or information not presented or explored in the public hearing should not be considered.

#### POSTING AGENDAS

As per the OML, a completed meeting notice form stating the board name, day, date, time, place of the meeting including street address and an agenda of the meeting must be posted at a minimum of 48 weekday hours prior to the meeting. This does not include legal holidays, Saturday, or Sunday.

In Manchester-by-the Sea, a meeting notice must be sent electronically to the Town Clerk who will time & date stamp the notice. The Town Clerk will then post the agenda on the Town website and on the Town Hall bulletin boards.  
[townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us)

In MBTS, there is an official meeting posting template which can be emailed to the Town Clerk. The template is also available on the “How do I?” section of the website. Meeting notice (agenda) should be sent electronically to the clerk, [townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us). Please do not include your committee/board members on this email.

Once your meeting is posted, you will receive a confirmation email that will ask you to check the accuracy of your posting including the zoom room if necessary and to let the Town Clerk know if there are any discrepancies or changes to your meeting.

A meeting is not posted until the Town Clerk time stamps and posts it, so please be sure to allow for enough time for the Town Clerk’s office to do that. Here is a helpful chart:

Meeting Date	Meeting Time	Agenda to the Town Clerk no later than
Monday	AM	Wednesday evening
Monday	PM	Thursday Afternoon
Tuesday	AM	Thursday Afternoon Office is closed Friday
Tuesday	PM	Thursday Afternoon Office is closed Friday
Wednesday	AM	Monday AM
Wednesday	PM	Monday PM
Thursday	AM	Tuesday AM
Thursday	PM	Tuesday PM
Friday	AM	Wednesday AM
Friday	PM	Wednesday PM

**Please remember that Town Hall is closed on Fridays and take into account any weekends and HOLIDAYS when figuring out posting deadlines.**

Prior to scheduling a meeting, the board needs to request and receive confirmation of the room (zoom and/or actual room) from the Town Clerk’s office. This correspondence should be via email.

We have many entities scheduling many meetings and only a few locations and zoom rooms so following the process is the only way to make sure all meetings can be had as planned.

In the event of an emergency meeting, a notice shall still be given to the Town Clerk as soon as possible, the 48-hour guideline does not apply in emergency situations.

Please remember that all necessary information on posting meetings, agendas and executive sessions etc. is in the OML Guide which can always be found <https://www.mass.gov/the-open-meeting-law>

#### AMENDING AN AGENDA

A public body can amend a notice within 48 hours of a meeting but only to include a topic that was not reasonably anticipated by the chair. That topic does not necessarily have to be an emergency but could be an issue that arises, for example, the day of the meeting that the public body wishes to address. Although a public body may consider a topic that was not listed on the meeting notice if unanticipated, the Attorney General encourages public bodies to postpone in depth discussion and any action on topics that are controversial or may be of particular interest to the public if those topics were not listed in the meeting notice.

If you intend to post an amended agenda, be sure to notate that it is an AMENDED agenda on the posting before emailing it to [townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us) Best practice also suggests that the change is highlighted on the agenda.



# Manchester-By-The-Sea Meeting Posting

Notice of Public Meeting – (As required by M.G.L.Ch.30A §18-28)

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**Board/Committee:**

**Day & Date:**

**Time:**

**Location: VIRTUAL**

## **AGENDA**

10 Central Street, Manchester-By-The-Sea, MA 01944 – 978.526.2000 –  
[www.manchester.ma.us](http://www.manchester.ma.us)

## MINUTES

The OML requires that all boards keep accurate records of its public meetings referred to as “minutes”. These minutes are public records as soon as the meeting has concluded. Draft minutes may be requested. Minutes should be approved by the committee as soon as possible, ideally at the next scheduled meeting.

Each set of minutes must include the following: day, date, time and location of the meeting, name(s) of members who were present and those absent, summary of the discussions on which subjects, “exact wording” of motions, votes and official actions taken, and any additional materials that were presented and/or discussed.

While some regulatory boards such as Planning Board, Conservation Commission, Board of Health, and Zoning Board of Appeals have paid clerical support, all other boards are also responsible for complying with this aspect of the OML.

In MBTS, approved minutes need to be emailed to the Town Clerk, [townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us) The Office will maintain these final minutes for the Town’s archive and will post to the Town website.

## THE OPEN MEETING LAW (OML)

The Massachusetts OML, G.L. c. 30A §18-28, is one of the so-called "Sunshine Laws" enacted throughout the country designed to shed some light on the previously obscure area of government decision making. The law is based on the premise that the public is entitled to see the process of government and not simply its end result. Except on very specific cases spelled out in the law, the public and the press have the right to attend all meetings of government bodies. It is the responsibility of any Town official to be aware of the Law. Any and all people who work or volunteer for the Town need to follow the OML and are required to sign off on it at each appointment, election or hire. [The Open Meeting Law | Mass.gov](#)

## OPEN MEETING COMPLAINTS

Anyone can file an OML complaint against any board via the process set forth by the Attorney General. The complainant must use the complaint form found here <https://www.mass.gov/the-open-meeting-law>. The complainant must file the complaint with the board and the Town Clerk. The board has 14 business days to respond to the complaint. The board needs to meet to review the complaint and respond within that 14-business day period. If the complainant is not satisfied with the response by the board, they can report it to the Attorney General who will then investigate and issue a declination or a determination.

## PUBLIC RECORDS LAW

The Massachusetts Public Records Law (MGL c. 66, § 6A &10) provides right of access to public records, broadly defined to include all documentary materials made or received by any town official or employee, except eleven specific

exemptions such as personnel and medical files, proposals and bids, and appraisals of property. All minutes, informational data, memoranda and circulating materials of any Town board or committee are usually public information.

MBTS has its own guidelines and process which can be found on the website.

[Public Records Request | Manchester-by-the-Sea, MA](#)

Further information on the Public Records Law can be found through the Secretary of the Commonwealth's Supervisor of Records' website, [Public Records Division \(state.ma.us\)](#)

Every board should forward any requests for public records requests to the Records Access Officer, the Town Clerk [townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us) The Town Clerk will follow up on the request as needed.

#### APPOINTMENT PROCESS

The Selectmen, in carrying out their duties as prescribed by law and by the votes of Town Meeting, expend considerable time and effort to make logical appointments to the various boards of the Town by appointing qualified and interested residents who are broadly representative of the Town. During your appointment you will be working with many people who, like yourself, have volunteered to address specific problems and to bring back to the Selectmen or perhaps Town Meeting your recommendation for a course of action or solution that is best for the Town. State statutes outline the powers and duties of many Boards. The Bylaws adopted by Town Meeting, and the policies and charges to committees adopted by the Select Board further define the work of other boards and committees.

It is important to remember that as a Town official, the best interests of the Town, present or future, must always be your first and foremost consideration. It is equally important to remember that every board member represents the entire Town, and not only one segment. Single approach solutions to problems may be the best option for your board but may not be in the best interest of the Town in the broader sense. All plausible solutions need to be explored with many factors in mind. Your decision may have impact on other programs or plans.

The Annual Town Report and General Bylaws are excellent sources of information regarding the duties and responsibilities of individual boards. Citizens are encouraged to attend meetings of the board of interest to learn about it and its role in the community.

Openings and vacancies on all Town boards are posted on the website and announced at the Select Board's meetings which are usually held on the first and third Monday of each month.

All appointments made by the Select Board or other elected boards are made by majority vote in a regular open meeting. Interested applicants must submit a letter of interest to the Select Board via the Town Administrator's office. The

letter of interest could include a resume and/or background documentation illustrating any related experience and a brief explanation for their interest in the open position. Appointments are made at the sole discretion of the Select Board, who may request input from other boards or commissions. The candidates may be asked for an interview by one or more members of the Select Board before the full Select Board takes action to appoint.

The most common term of office for standing boards is three years, but others depend upon the need, vacancy and/or Town Meeting vote.

The appointment season is usually from May to July.

#### RE-APPOINTMENT PROCESS

Reappointment is based on an evaluation by the appointing authority of the citizen's contribution to the board, the desirability of widespread involvement and the changing needs of the board and the Town. It is the policy of the Select Board, wherever possible, to limit one-year term appointments to 5 consecutive terms, and 3-year appointments to two consecutive terms. A board member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

Prior to the expiration of all appointments, the Town Administrator's office will notify board members with expiring terms and request letters of interest for reappointment. Board members must submit their letters of interest to the Select Board via the Town Administrator's office to be considered. Failure to respond to these inquiries may result in non-reappointment.

#### APPOINTED? NOW WHAT?

The Select Board will make appointment decisions at one of their meetings. This information will be shared with the Town Clerk the following day. The Town Clerk will follow up with the appointee. The Town Clerk's notification will include all that is required of them, including information about taking one's oath of office and all OML and State Ethics requirements. The appointee shall be responsible to make an appointment to appear at the Office of the Town Clerk within 14 days of receiving notification of appointment to be sworn into their duties.

#### RESIGNATIONS

A board member who is no longer able to serve for whatever reason, including a change in residency, should resign promptly so that the vacancy may be noticed and filled in a timely manner. A written resignation letter should be submitted to the Chair of the board who should notify the Select Board and file the resignation with the Town Clerk.

The Chair of a board shall notify the appointing authority in writing when a vacancy occurs on the board. Whenever possible, the appointing authority, usually the Select Board, shall fill the vacancy within sixty (60) days of receipt of the notice of vacancy.

## CONDUCT FOR MEMBERS OF BOARDS

The conduct of members of Municipal Boards as well as employees is regulated by the provisions of the Conflict-of-Interest Law - Chapter 268A of the Massachusetts General Laws and enforced by the Massachusetts Ethics Commission. The statute assigns personal responsibility to regular and special municipal employees (including elected and appointed volunteers) in four general areas, as follows:

- A. Community Responsibility
- B. Responsibility to Municipal Administration
- C. Relationship to other Board Members
- D. Prohibited Conduct

## COMMUNITY RESPONSIBILITY

A member of any Board in their relations with the community shall:

- Realize that their basic function is to make policy, not administer it, unless otherwise empowered by state and/or local law.
- Realize that they are one of a team and should abide by, and carry out, all board decisions once they are made.
- Be well informed concerning the duties of a board member on both local and state levels.
- Remember that they always represent the entire community.
- Accept the appointment as a means of unselfish service, and not for the purpose of personal or political benefit from their board activities.
- In making all decisions relative to individual appointments, they shall avoid political patronage by judging all candidates on merit, experience, and qualifications only.
- Be aware any potential conflict of interest, as defined under the Massachusetts Conflict of Interest Law, G.L. c. 268A.

## RESPONSIBILITY TO MUNICIPAL ADMINISTRATION

Members of any Board, in their interactions with administrative officers of the Town, shall:

- Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people in the community.
- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Direct all questions or concerns to the Town Administrator. Concerns may also be addressed to the Select Board, however, initial contact with the Town Administrator will expedite any necessary action.

Please remember, however, that the elected officials are not controlled by the Select Board or Town Administrator.

## RELATIONSHIP TO OTHER BOARD MEMBERS

A member of any Board, in their relationships with fellow board members, shall:

- Recognize that action at an official legal meeting is binding and that they alone cannot bind the Board outside of such meeting.
- Not make statements or promises of how they will vote on matters that come before the Board until they have had an opportunity to hear the pros and cons of the issue during a board meeting.
- Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session.
- Make decisions only after all facts on a question have been presented and discussed.
- Treat with respect the rights of all members of the board, despite differences of opinion.

## PROHIBITED CONDUCT

A member of any Board, in accordance with Massachusetts General Law, Chapter 268A, shall:

- Not accept gifts or other consideration or engage in any business or professional activity which might appear to impair their independence of judgement in the exercise of their official duties.
- Not improperly disclose confidential information acquired by them in the course of their official duties, and not use such information to further their personal interests.
- Not use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.
- Not by their conduct give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any party or person.
- Not pursue a course of conduct which will raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.
- Not participate in any matter before the Board in which they have a direct financial interest, or an immediate family member has a direct financial interest.

If you have a question concerning a potential conflict, you should contact the State Ethics Commission, at [www.mass.gov/ethics](http://www.mass.gov/ethics) .