



Town of Sudbury

Select Board
www.sudbury.ma.us/selectboard

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381
Fax: 978-443-0756
selectboard@sudbury.ma.us

HEARING POLICY

(Amended 5/10/76, 8/23/99)

Hearings before the Board of Selectmen shall be conducted in accordance with the following procedural outline. The Chairman of the Board of Selectmen, or in his absence a member of the Board, shall preside, and a record of the hearing shall be kept by or under the supervision of the Clerk of the Board of Selectmen.

All hearings shall be conducted as follows:

1. The presiding officer will open the hearing by reading the Notice of Hearing, by stating the type of service and posting made of the notice, by filing the notice and return of service (certified mail receipts, etc.) with the Clerk and by announcing (when applicable) that the proceeding is being recorded.
2. The presiding officer will announce that these rules will govern the conduct of the hearing.
3. The Board of Selectmen will receive written motions from any party and will rule upon all motions that require immediate action.
4. The presiding officer will request that all witnesses stand and will then swear in all witnesses.
5. The moving party will present his case. (If witnesses are used they shall be subject to examination by the Selectmen and cross-examination by the opponents or defending party.)
6. The enforcement official shall present his case or position. (If witnesses are used they shall be subject to examination by the Selectmen and cross-examination by the opponents or defending party.)
7. The defending party or opponents will present their case. (If witnesses are used they shall be subject to examination by the Selectmen and cross-examination by the moving party.)
8. The defending party shall have the right to make a closing statement.
9. The moving party shall have the right to make a closing statement.
10. The enforcement official shall have the right to make a closing statement.
11. The Board of Selectmen will receive written motions and memorandums from any party wishing to file such documents.

12. The Board of Selectmen shall either render a decision or continue the hearing until a time certain and then render a decision, which shall be included as a part of the official minutes for their meeting.

13. A copy of this procedure shall be made available to all parties to a hearing prior to or included with notice of hearing.

14. Checklist for compliance with the Open Meeting Law and holding executive sessions:

- a. Notice of meetings must be posted forty-eight hours in advance in the office of the Town Clerk, unless the meeting qualifies as an "emergency" meeting.
- b. An open session must be convened.
- c. A majority of the Board must vote by roll call to go into executive session.
- d. The presiding officer must state one of eight designated subject matters which the executive session will be convened to discuss or consider:
 - i. The reputation, character, physical condition or mental health rather than the professional competence of a particular individual.
 - ii. The discipline or dismissal of, or the hearing of complaints or charges brought against a public officer, employee, staff member or individual.
 - iii. Strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the government's bargaining or litigating position; strategy in preparation for negotiations with non-union personnel; or conduct of collective bargaining sessions or contract negotiations with non-union personnel.
 - iv. Deployment of security personnel or devices.
 - v. Charges of criminal misconduct or the filing of criminal complaints.
 - vi. The purchase, exchange, lease, or value of real property where open discussion may have a detrimental effect on the negotiating position of the governmental body.
 - vii. Matters required by statute or other law to be kept private.
 - viii. An initial screening and interview of applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants.
- e. The presiding officer must state whether the public meeting will reconvene after the executive session.

- f. The vote to go into executive session and purpose stated must be recorded in the minutes of the meeting.
- g. Votes taken in executive session must be recorded as roll call votes.
- h. When the reputation or discipline of an individual is discussed, the person must be notified in writing at least 48 hours in advance of the meeting. The individual has a right to be present, to have counsel or representative present to advise but not participate, to speak on his/her own behalf, and to request the meeting be held in open rather than closed session.