

SUDBURY SELECT BOARD
POLICES & PROCEDURES REVIEW
SUBCOMMITTEE

FRIDAY SEPTEMBER 9, 2022
12:00 PM OPEN SESSION

Please click the link below to join the virtual Select Board Meeting:
<https://us02web.zoom.us/j/89700231477>

For audio only, call the number below and enter the meeting ID on your telephone keypad.
Call In number: **978-639-3366 or 470-250-9358**
Meeting ID: **897 0023 1477**

Item #	Time	Action	Item
	12:00 PM		CALL TO ORDER
1.			Reports from Subcommittee Members
2.			Citizen comments for items not on the agenda
3.			Review of existing policy set versions
4.			Discussion on Code of Conduct/Code of Ethics Policies
5.			Discussion/next steps on previously updated policies: Remote Participation Policy
6.			Discussion on enhancing display and organization of Select Board Policies & Procedures on Town website
7.			Review and approve Meeting Minutes
8.			Citizen comments
9.			Upcoming agenda items/next meeting planning/next steps

These agenda items are those reasonably anticipated by the subcommittee which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Selectmen Policies, Rules and Regulations

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It is recognized that in order to operate efficiently and as a unit, a board shall have a system of policies to direct its decisions and actions.

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Section 1. Procedural

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1. Code of Conduct of the Board of Selectmen

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1. A member of the Board of Selectmen, in relation to his or her community should:

- a. Realize that his or her basic function is to make policy, with administration delegated to the Town Manager.
- b. Realize that he or she is one of a team and should abide by, and carry out, all Board decisions.
- c. Be well informed concerning the duties of a Board member on both local and state levels.
- d. Remember that he or she represents the entire community at all times.
- e. Accept the role of a member is a means of unselfish service, not to benefit personally or politically from his or her Board activities.
- f. Abide by the ethics guidelines established by the State and not use the position of Selectmen to obtain inside information on matters that may benefit someone personally.

2. A member of the Board of Selectmen, in his or her relations with the Town Manager, should:

- a. Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
- b. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- c. Give the Town Manager full responsibility for discharging his or her disposition and solution.
- d. Not give instructions to or request assistance from Town department heads, but rather channel all such activities through the full Board and the Town Manager.

3. A member of the Board of Selectmen, in his or her relations with fellow Board members, should:

- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
- b. Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting.
- c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- d. Refrain from communicating the position of the Board of Selectmen to such entities as reporters or state officials unless the full Board has previously agreed on both the position and the language of the statement conveying the statement.
- e. Treat with respect the rights of all members of the Board despite differences of opinion.

4. A member of the Board of Selectmen, in his or her relations with Town staff, should:

- a. Treat all staff as professionals, with clear, honest communication that respects the abilities, experience, and dignity of each individual.

- b. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager, Town Counsel, Assistant Town Manager, Administrative Assistant to the Board of Selectmen, or Department heads. The Town Manager should be copied on all requests or correspondence.
- c. Refrain from criticizing ~~Never publicly criticize~~ an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.
- d. Limit requests for staff support, and insure that all requests go through the Town Manager.
- e. Insure that any materials or information provided to a Selectmen from a staff member be made available to all Selectmen.

First adopted by the Board of Selectmen May 10, 2000

DRAFT

~~2.~~ Code of Conduct for Town of Sudbury Committees Whose Members are appointed by the Sudbury Board of Selectmen or the Sudbury Town Manager

A member of any Committee who has accepted appointment by the Board of Selectmen or the Town Manager to a Committee position is expected to comply with the following code of conduct. Failure to adhere to this code will be considered by the Board and Town Manager when making re-appointment decisions.

1. Realize that your function is to follow the mission statement of the Committee.
2. Accept the role of a Committee member is a means of unselfish service, not to benefit personally or politically from his or her Committee activities.
3. Abide by the ethics guidelines established by the State.
4. Conflicts of interest: Refrain from participating as either a member of the Committee or as a member of the public in Committee matters in which you have a personal interest.
5. Abide by all policies established by the Board of Selectmen, including the email communications policy.
6. Realize that you are one of a team and should abide by all decisions of the Committee.
7. Be well informed concerning the duties and responsibilities of the Committee.
8. Remember that you represent the entire community at all times.
9. Request assistance from Town staff only through the staff person assigned to the Committee.
10. Not make statements or promises of how you will vote on matters that will come before the Committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
11. Refrain from communicating the position of the Committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language of the statement conveying the statement.
12. Treat with respect and courtesy all members of the Committee despite differences of opinion.
13. Treat with respect and courtesy any member of the public, including anyone they have brought to represent them, who comes before the Committee for any reason, but particularly in matters related to regulatory issues.
14. ~~Refrain from criticizing~~ ~~Never publicly criticize~~ an employee of the Town. Concerns about staff performance should only be made to the Town Manager through private conversation.
15. Insure that any materials or information provided to a Committee member from Town staff should be made available to all Committee members.
16. If circumstances change so that meeting attendance on a regular basis becomes difficult, the Committee member will offer his or her resignation to the Board, so that someone who can regularly attend meetings can be selected by the Board.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009.

~~December 4 June~~, 2018, Policy Draft

2. Meeting Policy

1. An organizational meeting shall be held at the first meeting following Town Meeting.
 - a. Elect Chairman.
The Chairman will approve the agenda for and conduct the Selectmen's meeting; coordinate the affairs of the Board with due concern that all members' views are heard and considered; and act as liaison to the Town Manager and the major departments under the Board of Selectmen.
 - b. Elect Vice-Chairman.
The Vice-Chairman will assume the duties of the Chairman in his absence. The Vice-Chairman is tasked with organizing office hours, the town forum and the Board of Selectmen newsletter.
 - c. Elect Clerk (Town Manager unless voted otherwise).
The Clerk will be responsible for (1) preparation for Selectmen's meetings and keeping complete and accurate minutes of Selectmen's meetings and ; and (2) is authorized to provide attested copies of Selectmen's votes and minutes as necessary.
2. Meetings shall start promptly at 7:00 p.m. on Tuesdays. ~~No new Formal~~ business will be introduced session shall adjourn no later than 10:00 PM. Unfinished business will be postponed until the next meeting unless the Board votes to extend the meeting. Meetings will be held twice a month, unless the need for a special meeting arises or the Board votes to hold fewer meetings.
3. Actions and decisions shall be by motion, second and vote. If the vote is not unanimous, the minutes shall reflect the vote of each Selectmen.
4. For the meeting, the Town Manager shall:
 - a. Provide Selectmen with pertinent explanatory or review material in brief form with agenda, sent prior to meeting.
 - b. Have on hand, all back-up data and files appropriate to a scheduled item of discussion. In addition, he shall provide any data, analyses and recommendations as appropriate.
 - c. Draft motions in advance of meeting.
 - d. Report highlights from meeting minutes of other boards and committees.

(Amended 05/10/76, 04/23/84, 10/29/84, 11/08/84, 07/08/96)

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4. Town Counsel Policy

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It is the intent of this policy to set forth general guidelines and expectations on the accessibility of Town Counsel to Town boards, commissions and committees, and employees, consistent with the Town of Sudbury general bylaws, the Town charter (the Board of Selectmen-Town Manager Act) and state law. It is not the intent of this policy to explicitly or implicitly deny anyone access to Town Counsel but rather to control and monitor accessibility to Town Counsel, thereby understanding and controlling the cost of legal services.

A. Boards, commissions and committees of the Town of Sudbury

1. Chairs of all boards, commissions or committees, other than the Board of Selectmen, shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of such board, committee or commission. Any member of a board, commission or committee may request a written opinion from Town Counsel, provided that said member obtains a majority vote of said board, committee or commission at a public meeting authorizing the request of such opinion. After obtaining a majority vote as set forth in the preceding sentence, said request shall be submitted to Town Counsel with a copy to the Town Manager for notification purposes.
2. Town Counsel will refer all requests for opinions received from individual members of boards, commissions or committee to the chair of said committee, who will schedule the request for a vote of the board, commission or committee on the matter of approving such a request at the next meeting of said committee, when feasible. Town Counsel will copy the Town Manager on all such requests.
3. Boards, commissions or committees may vote to authorize one member of the board, commission or committee to communicate directly with Town Counsel on a specific matter they have explicitly voted for that member to have responsibility for. For example, if a board appoints one member of the board to work on a policy item to be considered by the board, the board may include in their designation that this includes the ability to seek an opinion from Town Counsel as part of the work to be undertaken by that board member. Such vote of the board, commission, or committee must clearly reflect an authorization for the Town Counsel to speak directly with less than a quorum of the board, commission or committee on the specific matter. Such a vote must be filed with the Town Counsel and the Town Manager.
4. The chairs or vice-chairs of all boards, committees and commission shall have direct access to Town Counsel to request advice or assistance in preparation of the agenda for an upcoming meeting or for advice regarding chairing an upcoming meeting. They do not need to copy the Town Manager on such inquiries.
5. The chairs or vice-chairs of boards, committees or commission with the Town shall have direct access prospectively to Town Counsel to request opinions, advice or information concerning the **Open Meeting Law** codified at G.L. c. 39, section 23B or to receive guidance with respect to the rules governing responses to public records requests. They do not need to copy the Town Manager on such inquiries.
6. Officers of the Town, including all members of boards, commissions and committee requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

7. The Moderator shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, in relation to her/his duties as Moderator.

B. Board of Selectmen

1. The chair of the Board of Selectmen shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of the board. Any member of the Board of Selectmen shall have direct access to Town Counsel to obtain legal advice or request a written opinion. Such requests shall be submitted in writing to Town Counsel with a copy to the Town Manager and the chair of the Board of Selectmen for notification purposes. The chair of the Board shall ensure that other Board members are informed of such requests.
2. The chair of the Board of Selectmen shall have direct access to Town Counsel to request advice or assistance in preparation of the agenda for an upcoming meeting or for advice regarding chairing an upcoming meeting. The chair does not need to copy the Town Manager on such inquiries.
3. The chair or vice-chair of the Board of Selectmen shall have direct access prospectively to Town Counsel to request opinions, advice or information concerning the **Open Meeting Law** codified at G.L. c. 39, section 23B or to receive guidance with respect to the rules governing responses to public records requests. They do not need to copy the Town Manager on such inquiries.
4. All members of the Board of Selectmen requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

C. Town Manager and Town Employees

1. The Town Manager shall have direct access to Town Counsel at all times in relation to her/his duties as Town Manager.
2. Department heads and division heads are encouraged to set up meetings with Town Counsel during regularly established Town Counsel office hours, via an email to Town Counsel with a cc to the Town Manager.
3. Department heads, division heads and other employees shall have email or phone access to Town Counsel as needed for general advice on issues concerning the operation of their offices, but must copy the Town Manager on the request to Town Counsel. If the request involves generation of a written opinion from Town Counsel, Town Manager shall be notified of that request before the opinion is written.
4. Employees of the Town requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

D. Town Meeting Issues

1. Warrant articles for the Annual Town Meeting or Special Town Meetings sponsored by Town boards, committees, commissions or employees shall be drafted by the Town Counsel's office.

Sponsors of warrant article(s), excluding petition articles, shall submit draft wording for articles or general background information that Town Counsel will use to write the article, and send it back to the sponsor for signature before submission to the Board of Selectmen's Office.

2. Sponsors of petition articles for Annual or Special Town Meeting may submit draft articles to Town Counsel for legal review and guidance. Town Counsel will not draft articles for petitioners, but will be available for legal review and guidance. To obtain such legal review, draft petition articles must be submitted to the Board of Selectmen's office at least five days before the January 31 due date for article submission. Staff in the Board of Selectmen's office shall forward the draft petition article to Town Counsel for review.
3. Town Counsel's office will write all motions for all articles for Annual or Special Town Meeting, working with the sponsors of all articles as needed in the judgment of Town Counsel.

E. Confidentiality of Attorney-Client Communications

The attorney-client privilege shields from the view of third parties all confidential communications between a client and its attorney undertaken for the purpose of obtaining legal advice. As a matter of policy, the Board of Selectmen hereby requires that the confidentiality of communications between town officials, departments, boards, and committees, and Town Counsel and Special Town Counsel be maintained and preserved. The scope of privileged communications includes communications from Town officials, departments, boards or employees seeking legal advice, as well as opinions and advice received from Town Counsel or Special Town Counsel, whether in formal written opinions, email, in person, or by telephone. The attorney-client privilege belongs to the Town of Sudbury, acting through its Board of Selectmen. The Board of Selectmen is the chief policy making body of the Town and is responsible, in conjunction with Town Counsel, for managing the legal affairs of the Town. Accordingly, only the Board of Selectmen, acting as a Board at a duly noticed meeting, is authorized to waive the attorney-client privilege on behalf of the Town. Should any town official, department, board, or committee believe that it is in the best interests of the Town to waive the attorney-client privilege with respect to any privileged attorney-client communication received from Town Counsel or Special Town Counsel, they should request to discuss the matter with the Board of Selectmen in executive session to obtain a vote by the Board of Selectmen as to whether or not said privileged communication may be released. No town official, department, board or committee is permitted on his or her or its own volition to release any confidential attorney-client communications to third parties or otherwise purport to waive the Town's attorney-client privilege.

(Approved 9/8/2015)

5. Policy on Remote Participation

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PURPOSE STATEMENT

The Office of the Attorney General amended the Open Meeting Law regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the Open Meeting Law, M.G.L. c.30A, §§18-25.

ENABLING AUTHORITY- 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

ADOPTION OF REMOTE PARTICIPATION

In accordance with 940 CMR 29.10(2)(a), the Board of Selectmen, on December 15, 2015, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town. In accordance with 940 CMR 29.10(3), the Board of Selectmen may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and other public bodies regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.

A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of Article III, Section 8 of the Town General By-laws and M.G.L. c. 39, §23D.

Section 23D (a): Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing.

Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the express desire of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A Board member may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to one of the following extenuating circumstances: personal illness or disability; a family or other emergency; military service; geographic distance.

Due consideration should be given regarding associate members on Boards and Committees, Associate members should be utilized in the absence of members of Boards and Committees when deemed appropriate by the Chair. Any determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable.

The commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If the commission on disability utilizes remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law and this policy.

ACCEPTABLE METHODS OF REMOTE PARTICIPATION

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

- i. Telephone, internet, or satellite enabled audio or video conferencing.
- ii. Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible, clearly visible to all persons present at the meeting location.
- iii. If technical difficulties arise as a result of utilizing remote participation, the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

PROCEDURES FOR REMOTE PARTICIPATION

Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

- i. If the Chair approves the request for remote participation, he or she shall make any necessary arrangements with appropriate Town personnel to ensure that the required equipment is available and, to the greatest extent practical, provide access to all meeting materials. THE TOWN DOES NOT GUARANTEE AVAILABILITY OF REQUIRED EQUIPMENT AT ANY PARTICULAR TIME OR LOCATION.
- ii. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason for his or her remote participation. This information shall also be recorded in the meeting minutes.
- iii. All votes taken during any meeting in which a member participates remotely shall be by roll call vote. Members may participate remotely even if they are not qualified to vote.
- iv. Remote participants shall preserve the confidentiality of the executive session (where applicable). The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.
- v. The Town shall not be responsible for the reimbursement of any out-of-pocket costs associated with the remote participation of Board members.
- vi. Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity who could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.
- vii. The chair of any committee which has agreed to allow remote participation shall provide to the Board of Selectmen, no later than June 30 and December 31 of each year, a report that indicates the date(s) of any meetings for which remote participation was requested, the name(s) of individuals making the request, the determination of the chair for each request, and a summary of any logistical, technical and compliance issues related to remote participation.
- viii. Remote participation shall be limited to one member per scheduled meeting.
- ix. Remote participants shall not operate a motor vehicle or otherwise jeopardize personal or public safety while participating in a meeting.

(Approved 12/15/2015)

6. APPOINTMENT POLICY

For positions appointed by the Selectmen and the Town Manager

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1. Expiration date for appointments is ~~May 31~~ April 30stth, or until his successor is appointed and qualified, with the exception of the following:

- a. Historic Districts Commission, which, under G.L.Ch.40C, expire January 1st.
- b. Election Officers are appointed annually between July 15th and August 15th, in accordance with G.L.Ch. 54, s.12.
- c. Sudbury Cultural Council appointments may expire at varying times, depending upon date of appointment.

2. The Town Manager shall:

- a. Present, at the first regular meeting following Town Election, a list of appointments to be made by the Board.
- b. Notify incumbents and request their statement of availability regarding reappointment.
- c. Notify the chairman of the appropriate board or committee requesting recommendation for reappointment or filling vacancies.
- d. Actively seek volunteers for boards and committees and maintain a "Talent File" of same.
- e. Provide Chairmen of boards and committees with names of candidates from the Talent File and request recommendations from pertinent boards or committees to fill vacancies.

3. ~~Schedule~~ interviews for potential new appointees.

- a. Copies of applications shall be provided to the Selectmen and chairman of respective board or committee prior to interview.
- b. Invite chairman to join Selectmen in conducting the interview relating to his board.

4. Annual appointments shall be completed as soon as possible.

5. Updated lists of members will be provided to the office.

6. Retiring members will receive letters of thanks from the Town for their service.

(Approved 12/15/2015)

7. SELECTMEN'S LIAISON AND WORK ASSIGNMENTS

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As the executive board responsible for the overall leadership and coordination of town affairs, and in order to promote close cooperation among town groups, the Selectmen shall maintain close liaison with selected boards and committees, as well as the departments for which they are directly responsible.

This liaison function usually shall be performed by individual Selectmen as assigned.

The liaison and work assignments shall be made each year after board organization, as proposed by the Chairman and approved by the Board. The Chairman's assignments shall include Town Manager and Town Counsel.

The intent and scope of the liaison functions shall depend on the type of individual, board or committee assigned, as follows:

1. Official Appointed by Selectmen:

Advice and counsel; contact point for interpretation and explanation of board decisions; coordination of activities with Board and other town groups, as required; familiarity with objectives and activities; recommendations to Selectmen for changes.

2. Board or Committee Appointed by Selectmen:

Assistance to committee and coordination of activities, as requested; familiarity with objectives and activities; recommendations to Selectmen for changes.

3. Other Elected or Appointed Board, Committee or Official:

Coordination of activities, as required; familiarity with objectives and activities.

The Selectmen assigned to a liaison function shall keep the Board of Selectmen advised of significant developments and activities and specific Selectmen decisions or advice required or sought.

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

Citizen Comment Procedure

8.

The Chair will schedule a “Citizen’s Comment” timed agenda item for each meeting. The Chair of the Board has the discretion as to when to schedule this item on an agenda.

1. In order to facilitate the process, at the beginning of each meeting the Recording Secretary for the Board will ~~place~~ provide a sign-up sheet ~~at the rear of the meeting room~~. Residents are asked to write their names on the sign-up sheet and note the topic on which they wish to address the Board. Residents will be called to speak in the order of sign-up.

2. Upon being called up, the citizen shall approach a microphone and introduce him/herself clearly by name and address. This is intended to ensure that citizen input is fully audible to attendees of the meeting and people viewing the meeting via SudburyTV.

3. As the topic of a “Citizen’s Comment” may not be on the agenda as required by the 48 hour Open Meeting Law, the Board members may not be able to deliberate or take votes on the topic and may only listen, comment and ask questions during the “Citizen’s Comment” time. The Board may, at the Chair’s discretion, schedule the topic for a later Board meeting as an agenda item. The citizen who made the comment or suggestion shall be notified of the date of such meeting.

4. The Chair shall be sensitive to the subject matter under discussion and if it involves the performance of an official of the Town who has not previously been advised that a matter may be discussed, the citizen’s comments will be noted but further discussion may be curtailed. The Board may, at the Chair’s discretion, ask follow up questions and/or schedule the topic for a later Board meeting as an agenda item. The citizen who raised the performance issue shall be notified of the date of such meeting.

Citizens are encouraged to discuss employee performance with the Town Manager.

5. ~~If the citizen has comments about a Town employee’s performance, the citizen’s comments will be curtailed and the citizen will be directed to discuss this topic with the Town Manager outside of a Selectmen’s meeting.~~

6. ~~The Chair may, at his/her discretion, because of the lateness of the hour or time spent on a single item, close the Citizen’s Comment in order to finish the Board’s business meeting.~~

7. ~~Any citizen may also petition the Board to be given time on a future agenda to discuss a particular issue. Whether the citizen will be given such time and, if given, what information or material will be required to be submitted in advance, shall be at the discretion of the Chair.~~

8. ~~Citizens have the option of emailing the Board with their questions and comments. The Board’s email address is Selectmen@sudbury.ma.us. Please note that the Chair of the Board will endeavor to answer all emails sent to this address within 48 hours of receipt, but may not always be able to do so.~~

9. ~~Citizens have the option of attending one of the Board’s monthly “Office Hours” to discuss items with members of the Board. Please check the Board’s Sudbury webpage to see the next scheduled Office Hours session — <http://sudbury.ma.us/departments/BoardOfSelectmen>~~

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9. Sudbury Board of Selectmen's Office Hours

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The Board will begin offering monthly "Office Hours" where no more than two members of the Board will be at different sites in the Town. These office hours are not public meetings with an agenda, but rather a casual, open time for general discussions with Board members. The Board of Selectmen's Office Hours shall be posted on the Town's web site at least one week before each session.

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~~10.~~ **EVALUATION PROCESS FOR THE TOWN MANAGER**

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PREFACE

The Sudbury Board of Selectmen is committed to an evaluation process that is positive, constructive, and measurable in assessing performance. The BOS seeks to provide sound and regular feedback to the Town Manager. The purpose of the evaluation is to assist the Town Manager in reviewing her effectiveness in carrying out the duties of the position and in meeting the goals which the BOS and the Town Manager have mutually established. The evaluation should be a positive, constructive process, implemented with mutual respect for all involved, working toward the common goal of improving the Town of Sudbury.

PROCESS

The evaluation shall consist of:

SECTION 1: Annual Town Manager goals agreed upon by the Town Manager and the BOS.

SECTION 2: A self-evaluation completed by the Town Manager, addressing major areas of responsibility and progress in meeting the Town Manager's goals.

SECTION 3: Individual evaluations based on a checklist of the Town Manager's major areas of responsibilities including the Town Manager's progress in meeting the annual goals. All Selectmen will complete the checklist to evaluate each area.

PROCEDURE AND SCHEDULE

By September (?) each year, the BOS will establish or update goals for the Town of Sudbury

that may be annual for the fiscal year or multi-year objectives. Within the context of these goals, the BOS and Town Manager together will outline specific annual goals for the Town Manager. The Town Manager's goals for the next calendar year will be established by the end of **October**.

The individual Selectmen are encouraged to discuss progress toward goals and concerns about performance issues directly with the Town Manager throughout the year.

The Town Manager will submit a self-evaluation to the BOS by **February 1** each year. Each Selectman will complete the Section 3 checklist including comments and submit it to the Selectmen's office by **March 1**. The complete performance evaluation will consist of the Town Manager's annual goals, the Town Manager's self-evaluation, the individual Selectmen's Section 3 evaluations, and a composite scoring averaging the Selectmen's ratings. The composite scoring for each area will be an average of the Selectmen's ratings, with each Selectman's score weighted equally. The Selectmen will then discuss the evaluation with the Town Manager in a public meeting.

Originally approved 4/5/16; revised 5/1/18

Section 2. Board of Selectmen Financial Management Policies

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Introduction

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The Town of Sudbury has an important responsibility to carefully account for public funds, to manage municipal finances wisely, and to plan and provide for the adequate funding of services desired by the public and as required by laws, rules, or regulations, including the provision and maintenance of public facilities and improvements. The budget and financial goals and policies set forth by the Board of Selectmen in this document are intended to establish guidelines for the continued financial strength and stability of the Town of Sudbury. The Town Manager, per charter, is responsible for the financial management of the town, including budgeting.

Goals

Goals are broad, timeless statements of the financial position the Town seeks to attain. The financial goals for the Town of Sudbury are:

- To provide full value to the residents and business owners of Sudbury for each tax dollar by delivering quality services efficiently and on a cost-effective basis.
- To preserve our quality of life by providing and maintaining adequate financial resources necessary to sustain a sufficient level of municipal services, and to respond to changes in the economy, the priorities of governmental and non-governmental organizations, and other changes that may affect our financial well-being.
- To maintain our top level AAA credit rating
- To inform Town decision makers on management and policy matters which have significant fiscal importance.
- To set forth operating principles that balance the costs of government while supplying top rate services.
- To employ balanced and fair revenue policies that provide adequate funding for desired programs.
- To promote sound financial management by providing accurate and timely information on the Town's financial condition.
- To ensure the legal use of financial resources through an effective system of internal controls.

To achieve these goals, the Board of Selectmen adopts the following policies.

1- Operating Budget Policy

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Sound financial practice and the desire to maintain a strong credit rating dictate that our budgets be balanced, constantly monitored, and responsive to changes in service demands and available resources. With these concepts in mind, the Town of Sudbury has adopted the following budget policy:

- On or before December 1, cost centers shall submit a proposed preliminary budget to the Finance Director for review.
- On or before January 31 of each year, the Town Manager will prepare a comprehensive budget for the Town of Sudbury, covering all major cost centers, all spending plans and all anticipated

revenues. This comprehensive budget will be submitted to the Finance Committee and to the Board of Selectmen. (Bylaws Article IV Section 5)

- **Balanced Budget.** The annual operating budgets will be appropriated on a balanced basis, where operating revenues (estimated revenues) are used to fund operating expenditures (appropriations).
 - Operating revenues include property taxes, motor vehicle excises, charges for services, interest earnings, license and permit fees, fines and forfeitures, regularly recurring governmental aid, and transfers in from other funds established for operating purposes.
 - Operating expenditures/expenses include salaries and wages, employee benefits, equipment and improvements, materials, supplies, and contractual costs.
- Nothing in this policy shall prohibit the use of operating revenues for capital expenditures/expenses
- The Town will avoid relying on Free Cash to fund on-going operating expenses.
- To the extent possible, one-time revenues that are not required by law or agreement to be expended for a particular purpose will only be used for capital purposes, augmenting of Town reserves or emergency expenditures/expense.
- The Town Manager will annually estimate the costs of the Town's obligations for providing benefits for Town and Sudbury Public School employees as part of the preparation of the annual operating budget.
- The operating budget will not be subsidized by the Stabilization Fund.

2- Revenue Policy

Revenues determine the capacity of the Town to provide services. To ensure that revenues for the Town are balanced and capable of supporting desired levels of services, the Town of Sudbury has adopted the following revenue policy statements:

- The Town Manager and Finance Director are responsible for estimating revenues for the upcoming fiscal year. They will consult with other officials of the town as well as state officials and others with knowledge of state and local finance. (Town Charter)
- Revenue forecasts for local receipts and state aid shall be conservative, using generally accepted forecasting techniques and appropriate data. Revenue deficits will be avoided at all costs.
- The Town Manager and Finance Director will project revenues for the next three years as part of the three-year financial forecast.
- Each year and whenever appropriate, existing revenues will be re-examined and possible new sources of revenues will be explored to ensure that we are maximizing our revenue potential. All fees are reviewed and periodically updated, as necessary
- The Town will strive to be informed and aware of all grants and other aid that may be available to us. All potential grants and other aid shall be carefully examined for matching requirements (both dollar and level-of-effort) and restrictive covenants, to ensure that our participation in such grants will be beneficial and cost-effective.

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- Each year and whenever appropriate, intergovernmental revenues will be reviewed to determine their short and long-term stability, to minimize the impact of any adverse changes. Intergovernmental revenues shall be used as legally prescribed or otherwise set forth by policy.
- The Town will carefully and routinely monitor all amounts due the Town. An aggressive policy of collection will be followed for all receivables, including property taxes. A target of 98% property tax collection rate by fiscal year end will be achieved.
- Recreational user charges and fees will be set to recover approximately 100% of total direct costs generated by revolving fund recreation programs, plus all indirect costs for Town employees.
- Enterprise fund (Transfer Station, Atkinson Pool and Recreation Field Maintenance) user charges and fees will be set to recover all direct costs ~~and~~ associated with the activities of these funds as well as the indirect ~~costs~~.

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Commented [PB3]: What about recovery of capital costs (tennis courts, turf fields, grass fees)? How are capital replacement costs to be handled?

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3- Expenditure Policy

Expenditures are a rough measure of a local government's service output. While many expenditures can be controlled, emergencies, unfunded mandates, and unanticipated service demands may strain our ability to maintain a balanced budget. To ensure the proper control of expenditures and provide for a quick and effective response to adverse financial situations, the Town of Sudbury has adopted the following expenditure policy:

- Expenditures and purchase commitments will be made in a form and process that is legal, appropriate, funded, authorized and sufficiently documented.
- Expenditures and purchase commitments will be recorded in an accurate and timely fashion.
- The review and approval process for all vouchers shall be followed at all times. Properly completed claims must be prepared and submitted to the accounting department by the department responsible for originating the claim. A "properly completed claim" must include, but is not limited to, the vendor's name and address, date of claim, explanation, and accounts to be charged, department authorization signature and sufficient documentation. "Sufficient documentation" means that a person unfamiliar with the transaction could understand what was ordered, when, by whom, from what vendor, at what price, when the goods or services were delivered, who accepted delivery, and who authorized payment.
- The balances in appropriation accounts will be monitored regularly to ensure that the total of expenditures/expenses and purchase commitments do not exceed the authorized budget.
- Requests for competitive bids, proposals, formal and informal quotes, and other methods of seeking and encouraging vendor competition will be obtained as required by law and as otherwise established by the Town Manager or Town Counsel.
- Arrangements will be encouraged with other governments, private individuals, and firms, to contract out or cooperatively deliver services, in a manner that reduces cost and/or improves efficiency and effectiveness while maintaining service quality.
- All appropriations shall lapse at the close of the fiscal year to the extent that they shall not have been expended or encumbered.

4- Reserves and Risk Management Policy

A municipality's fiscal policies should include a plan for maintaining reserves. Operating reserves (or fund balance) are a prudent fiscal management tool and an important credit factor in the analysis of financial flexibility. The Town of Sudbury will maintain a level of reserves that protect the Town from emergency conditions, contribute to sufficient liquidity to pay all Town expenses, without short-term borrowing, and contribute to the high credit rating that the Town currently holds from Standard & Poor's (AAA). To provide for adequate levels of reserves to protect the Town's financial condition over the long-term, the Town of Sudbury has adopted the following financial reserves policy:

Risk Management

- The Town will maintain an effective risk management program that provides adequate coverage, minimizes losses, and reduces costs.
- The Town will annually work with the Town's insurance carrier to update all listings of Town owned assets and the value of such covered assets.

As the Town is self-insured for some of the benefits programs it offers, the Town will maintain adequate reserves for its Workers Compensation and Unemployment Compensation **B. Stabilization Fund**

- The Town of Sudbury shall maintain a Stabilization Fund to provide the reserves that are required to protect the financial condition of the Town.
- The Town will work toward the goal of maintaining in the Stabilization Fund an amount equal to five percent (5%) of the total projected General Fund operating revenues for the previous fiscal year.
- Interest earned on Stabilization Fund balances will be retained in the Stabilization Fund.
- Withdrawals from the Stabilization Fund will only be used for extraordinary events.
- Transfers shall be made at the Fall Town Meeting if free cash has been certified.

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5- Capital Budgeting and Planning Policy

Capital assets include land, improvements to land, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, construction in progress and all other tangible and intangible assets that are used in operations and have initial useful lives extending beyond a single reporting period. Infrastructure assets are long-lived capital assets that normally are stationary in nature and can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure assets owned by the Town of Sudbury include roads, bridges, culverts, dams and drainage systems. The Town of Sudbury has a capital planning and budget bylaw and process that require the following:

- Per Town Charter and Town By-Law, the Town Manager shall meet with Department Heads and compile a capital program and capital budget.

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- The Town Manager will submit a capital program to the Board of Selectmen. The proposed program will detail each capital project, the estimated cost, description and funding source.
- The Town will update and adopt annually a five-year capital improvement plan ("CIP"), including the upcoming annual capital improvement budget ("CIB") and a four-year projection of capital needs and expenditures, which details the estimated cost, description and anticipated funding sources for capital projects.
- The first year of the five-year CIP will be the basis of formal fiscal year appropriation request during the annual budget process.
- Per the Town's capital bylaw, the Capital Improvement Budget and Plan will generally address capital purchases/projects/improvement ~~with a value of more than \$50,000 and a useful life of over five (5) years as defined in Sudbury's Capital Planning Bylaw (Article XXV, Section 2)s.~~
- The Town will emphasize preventive maintenance as a cost-effective approach to infrastructure maintenance. Exhausted capital goods will be replaced as necessary.

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Per Town By-Law, the Capital Improvement Advisory Committee shall consider the merits of each project over \$50,000 and make its recommendation to the Finance Committee, Board of Selectmen and Town Meeting.

6 Debt Management Policy

Debt is an effective way to finance capital improvements or to even out short-term revenue flows. Properly managed debt preserves our credit rating, provides flexibility in current and future operating budgets, and provides us with long-term assets that maintain or improve our quality of life. To provide for the appropriate issuance and responsible use of debt, the Board of Selectmen of the Town of Sudbury have adopted the following debt management policies:

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- Long-term debt will be issued only for objects or purposes authorized by state law under Chapter 44, section 7 and 8. See <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44/Section7.->
- Short-term debt may be issued to finance current operating expenditures only in the event of extreme financial emergency.
- Debt maturity will not exceed the lesser of: the useful life (as established by the Town Treasurer-Collector), or the period of probable usefulness (as defined in Massachusetts State Local Finance Law), of the object or purpose so financed, whichever is shorter.
- Debt limits established by law and policy will be calculated by the Town's Finance Director/Treasurer-Collector at least once each year and whenever otherwise requested or appropriate (see Section 9 for further details).
- The Town will maintain good communications with bond rating agencies, bond counsel, banks, financial advisors and others involved in debt issuance and management.
- The Town's annual Town Report, Town Manager's Budget Request and annual town meeting warrant will give comprehensive summaries of the debt obligations of the Town.
- The Town will attempt to maintain a long-term debt schedule so that at least 50 percent of outstanding principal will be paid within ten years.

- The Town will attempt to vote all significant debt questions (over \$500,000) exempt from the limits of Proposition 2 1/2.

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7. Protection of Credit Rating Policy

Maintenance of the highest-level credit rating possible is important to the continued financial health of Sudbury as it reduces the costs of issuing debt. Credit rating firms consider management practices to be very important factors. Several management practices can inadvertently jeopardize the financial health of a local government. To be proactive in assuring the Town of Sudbury does not engage in these practices, the Board of Selectmen of the Town of Sudbury has adopted the following credit rating protection policies.

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- The Town will not rely on reserves to sustain operating deficits. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress, but then the Town will either reduce spending to within the limits of recurring revenues, or seek approval for additional revenues from the voters of the Town.
- The Town will not defer current costs to a future date. This includes costs such as pension costs or benefits costs. From time to time, the State offers municipalities the option of deferring payments to their pension system, or other costs, as a short-term way of balancing a fiscal year's budget. However, it is the intention of the Town of Sudbury not to rely on these options.
- The Town will analyze the full-life costs of multi-year decisions. For example, acquiring or construction of new buildings will be conducted with an assessment of the operating costs of the building. Lease agreements will be conducted with an assessment of future budgets and the ability to make annual payments. Labor agreements will be negotiated with an analysis of the full costs associated with the terms of the agreement. Cost estimates will include operating costs (including maintenance) and replacement costs. They will also include an analysis of the quality of service and the total (direct and indirect) costs of using town employees with the cost of outsourcing the service.
- The Town will follow the policies as outlined in this policy statement.

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8. Free Cash Policy

- To the extent the Town has certified free cash, the following guidelines should be adhered to:
- The Town should maintain a level of unallocated free cash equal to at least one-half of one percent (1/2%) of the current year's operating budget.
- Free cash should be used for capital projects, contributions to the OPEB trust and other reserves.
- Excess free cash should be used to replenish the general stabilization fund to the extent that the fund balance is below five percent (5%) of projected general fund operating revenues for the next fiscal year. This will help us maintain our reserves within DOR guidelines. A transfer to the stabilization fund is subject to a 2/3 vote at Town Meeting.
- To the extent there is surplus certified free cash remaining, the surplus may be used as voted on expenditures as voted by a majority at Town Meeting. However, use of free cash to fund shortfalls in the operating budget on an annual basis is generally discouraged.

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Section 3 Regulatory

+ Parade Policy

- a. Except for a Military or Funeral Parade, no person shall form or conduct any parade in any public street, public sidewalk or public way within the Town without first obtaining a written permit from the Board of Selectmen.
- b. The Chief of Police, after conferring with the Fire Chief, will determine the appropriate public safety requirements for this parade and the cost of such special duty officers, if any required, will be borne by the applicant.
- c. The Town of Sudbury requires a Certificate of Insurance of no less than \$1,000,000, naming the Town as an additional insured.
- d. All cleanup from parade will be completed by the applicant within 8 hours after the stated ending time, or applicant will be billed for the Towns cost to clean up, depending on size of the parade.

(approved 5/31/11, reviewed 6/13/18)

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2- Alcohol Rules and Regulations

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Overview:

The following guidelines and regulations, developed by the Board of Selectmen, are designed to provide Liquor License holders in the Town of Sudbury with a clear understanding of the expectations of the Board of Selectmen as the Local Liquor Licensing Authority.

Licensees are required to adhere to the provisions of these regulations, as well as other Federal, State and local laws and regulations. If the Local Licensing Authority (LLA) or its designated representative determines that there exists satisfactory proof of such a violation(s), the Local Licensing Authority, or its designated representative, may take, after appropriate public meeting or hearing, disciplinary action, which may include oral warning, written warning, suspension of license, modification of license, non-renewal of license and/or revocation, depending upon the seriousness of the offense(s) and the judgment of the Local Licensing Authority.

Any situation not expressly covered by these regulations shall be addressed in accordance with the latest publication, guidelines or advisories of the Alcoholic Beverages Control Commission, as deemed appropriate by the LLA and adjudicated on a case-by-case basis by the Issuing Authority.

All regulatory considerations shall serve as guidelines to the Board of Selectmen in their deliberations regarding liquor license matters in accordance with Chapter 138 of the General Laws of the Commonwealth of Massachusetts and the Regulations of the Town of Sudbury.

The Board of Selectmen, as Local Licensing Authority, reserves the right to follow or deviate from these general guidelines, when in the judgment of the Board of Selectmen, it is warranted in the interest of public safety.

General Considerations:

The Board of Selectmen, also referred to in this document as the Local Licensing Authority (LLA), has designated in matters of administrative filings, paperwork, and correspondence, the Selectmen’s office as its representative.

The Board of Selectmen also designates the Sudbury Police Department, Sudbury Fire Department, Sudbury Building Inspector, Sudbury Board of Health, and Town Manager to act as representatives regarding compliance of regulations.

Licensees should note that the LLA has directed that the Sudbury Police Department will, on regular occasion, and no less than once per year, conduct “*compliance checks*” of each establishment to ensure rules and regulations are adhered to. These include postings, licensure, and conduct of a licensee with regard to State and local regulations.

Violations of regulations will be reported to the LLA/Board of Selectmen by the appropriate town bodies and pursued in accordance with these guidelines. These compliance checks and the report of any violations should occur prior to the yearly licensing process.

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The LLA considers first and foremost the protection of Sudbury residents, and in particular Sudbury youths. Violations which relate directly to over-serving or serving of minors, whether reported through inspection or as a result of a criminal or safety complaint, may be considered with more gravity than those reported as administrative in nature.

Violations:

- A. Upon written notice from the Chief of Police or other source that an infraction has allegedly occurred at a licensed establishment or other matters that the Chief of Police, or designated representatives of the LLA, deems should be brought to the attention of the Board, the Board will consider in open session whether or not a public hearing should be held.
- B. If it is determined that a public hearing will be held by vote of the LLA, the Selectmen’s office shall send via certified mail or direct an agent to deliver a written notice to the applicant outlining the proposed hearing date/time. The licensee is obligated to acknowledge the receipt of same and confirm they will appear at the scheduled hearing.
- C. Any hearing will normally occur within the following two (2) scheduled meetings of the Board of Selectmen (LLA) after the vote of the LLA to conduct such hearing, unless the LLA determines there are extenuating circumstances necessitating a deviation from normal protocol.
- D. At the hearing, the LLA will first hear evidence from the Police Chief (or his/her designee) and his/her agents and/or witnesses or from other complaining party, as

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may be appropriate. Then the licensee and/or the licensee's counsel will have an opportunity to present their response and evidence.

- E. After all testimony has been given, the LLA reserves the right to question all witnesses and parties and, if necessary, take under advisement all facts and vote either to render their decision, or continue the hearing to a subsequent meeting of the LLA.

Disciplinary Remedies/General Approach:

- A. In matter of a first offense, the LLA, or their designee, may issue a verbal warning or letter of reprimand to the owner, licensed manager or managing employee present. If the violation is deemed particularly egregious or a public safety issue, the LLA may consider whether a suspension, revocation or any other action, to include re-training, is warranted at that time, given the nature of the offense.
- B. In matter of a second offense in a period of sixty (60) months, the LLA may consider imposing a suspension of 1 to 3 days, which can be deferred for up to a period of twelve (12) months, provided that during the period of suspension of this penalty, which shall be from the date of said vote until the end of the suspension period, the licensee shall not have engaged in any other conduct prohibited by Chapter 138 or the regulations promulgated herein. In considering the type of violation and the fact this is deemed a second offense, the LLA may consider revocation or any other action, to include re-training, given the nature of the offense.
- C. In matter of a third violation within sixty (60) calendar months, the LLA may consider the issuance of a suspension for a period of 3 to 14 days, the suspension or any part thereof, may be deferred for a period up to twenty-four (24) months, provided that during the period of suspension of this penalty, which shall be from the date of said letter until the end of the suspension period, the licensee shall not have engaged in any other conduct prohibited by Chapter 138 or the regulations promulgated herein. In considering the type of violation and the fact this is deemed a third offense, the LLA may consider revocation or any other action, to include re-training, given the nature of the offense.
- D. Additional violations within the sixty (60) calendar month window will be dealt with in a progressive manner commensurate with the violation.
- E. Any failure to comply with the stipulations contained within the entire policy may be considered a violation by the LLA.

- F. When a violation has been deemed to have occurred, the licensee shall provide a written explanation to the LLA of how the violation occurred and a detailed plan as to corrective measures.
- G. If an establishment incurs a violation and then remains violation free for a period of 60 months, the next following violation may be considered as a First Offense.

Other Causes for Revocation, Suspension & Modification/Inspections & Investigations:

- A. All licensed premises shall be subject to inspection by the Police Department of the Town of Sudbury and other duly authorized representatives of the LLA.
- B. Failure or refusal of the licensee to furnish or disclose any information required by any provision of the General Laws or by any rule or regulation of the Alcoholic Beverages Control Commission or any rule or regulation of the LLA, may be considered by the LLA a violation of the rules and regulations of the LLA.
- C. Any person who hinders or delays a police officer or other authorized agent of the LLA in the performance of the agent's duties, who refuses to admit or locks out any such agent from any place which such agent is authorized to inspect, or who refuses to give a designated agent such information as may be required for the proper enforcement of the General Laws, Chapter 138, shall be punished by a fine of not less than fifty (\$50) and not more than two hundred dollars (\$200) or by imprisonment for not more than two (2) months or both.
- D. Failure to pay Town real estate and/or personal property taxes or State meals and/or sales taxes may be considered by the LLA to be in violation of the rules and regulations contained hereunder.

Illegal Activity on the Licensed Premises:

- A. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licenses premises. Such efforts may include, but are not limited to:
 - 1) Calling for police and medical assistance as necessary to protect patrons against injury, to evict unruly patrons, to uncover unlawful conduct, or to give medical assistance and providing police with requested information.
 - 2) Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities.

- B. It is the affirmative responsibility of the Licensee to report any illegalities discovered on the premises.

Renewals & Modifications:

- A. The LLA reserves the right to obtain updated information about a renewal applicant/manager/owner at the time of renewal.
- B. Renewal or modifications of said licenses shall follow the separate fee schedule as established in the Selectmen's Policies and Procedures "Fee Schedule."

Posting & Signs:

- A. Licenses issued by the Board shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty or assistance of employees.
- B. All other licenses, permits and certificates affecting the licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover any part of the license issued by the Board.
- C. The posting or presentation of any photographs, signs, posters, drawings or other matter that is of an improper or objectionable nature in the public areas of the licensed premises is prohibited. The material presented must be suitable for view by members of the general public in the same manner as if it were located in other public areas such as public ways, public parks, government offices, or business offices.
- D. Failure to comply with any stipulations outlined in this section of the policy may be considered a violation.

Entertainment at Premises:

- A. No licensee may provide entertainment of any kind unless the licensee holds an entertainment license issued pursuant to the General Laws, Chapter 140, §183A.
- B. No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment is creating a nuisance and can be heard beyond the boundaries of the premises.
- C. No dancing by patrons is permitted except upon proper licensing pursuant to General Laws, Chapter 140, §183A, and confined to a particular dance floor area which has been approved by the Local Licensing Authority and which is not inconsistent with the entertainment license requirements.

- D. No licensee may permit any electronic games to be on the premises unless such machines are properly licensed pursuant to General Law, Chapter 140, §177A.
- E. Licensees shall not permit any games to be played at the premises for money, alcoholic beverages, or for any other prize. Games may be played for money at certain fundraising activities which have been approved by the appropriate authority and for which the licensee holds other appropriate licenses.

Hours of Operation:

- A. The licensee and his/her employees may be upon the premises during the time the establishment is closed to the public only for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food for the day's/next day's business or for opening/closing the business in an orderly manner.
- B. No alcoholic beverages shall be served except during those hours delineated on the license approved by the LLA, which establishes the outer parameters during which alcoholic beverages may be served.
- C. Not less than fifteen (15) minutes prior to the closing hour of the premises, the licensee or his employees shall advise all patrons of the time remaining to closing.
- D. At a time no later than the time designated as the closing hour on the Liquor License, all glasses, bottles and unconsumed drinks will be surrendered by patrons.
- E. Patrons shall not be allowed on the premises for more than fifteen (15) minutes beyond the closing time.
- F. Licensees shall ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner shall hire security personnel to supervise the leave-taking of the patrons at closing time.
- G. No patron shall be allowed to enter the premises during the time the establishment is required to be closed.
- H. The LLA, or its agents, may enter the premises during the hours it is open to the public and at such other times as any persons are upon the premises, for the purpose of inspecting the premises and enforcing these rules and regulations.

Code - Fire/Health/Capacity:

- A. No license shall be issued or shall be considered in good standing unless the licensed premises complies with all statutory requirements, including all applicable building codes, and fire, health, safety, trash and other government regulations and laws.
- B. All premises covered by the license shall be kept in a clean and sanitary condition.
- C. No outside area shall be used as a gathering place for patrons unless approved by the LLA and the ABCC, if alcohol is consumed.
- D. All public areas in licensed premises shall be lighted in a manner sufficient for the safety of the patrons and in a manner sufficient for the agents of the LLA to make observations at the premises without the need to identify themselves or seek assistance.

Service of Suspension Orders:

- A. When the Local Licensing Authority suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "Closed per order of the Licensing Board for the Town of Sudbury." Such an order shall be publicly displayed by the licensee in the following manner. The order shall be readily seen from the street by being affixed to the door of the entrance to the premises or a window facing the street upon which the door opens.
- B. Depending on the severity of the violation, the LLA may vote to implement the suspension in two ways:
 - 1. The licensee may be allowed to remain open for service of food only and must comply with the other stipulations delineated for suspension of their license.
 - 2. The licensee will be required to close in their entirety, not being allowed to continue with the sale of food and must comply with the other stipulations delineated for suspension of their license.
- C. Suspension orders of the LLA shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, obliteration of the order of suspension, or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the licensee and shall be cause for further suspension, modification or revocation of the license.

- D. Suspension periods may not be used as a time to make renovations at the licensed premises unless such renovations have previously been approved by the appropriate governing Board.
- E. No members of the public may be on the premises at any time during suspension periods, with the exception that restaurants may be able to continue to service patrons without serving alcohol with the approval of the Local Licensing Authority.

Other Business Responsibilities:

- A. Licensees shall immediately notify the Local Licensing Authority of any proceedings brought against them (or by them) under the Bankruptcy Act, or of any other proceedings, in court or otherwise, which may affect the status of the license.
- B. The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Rules and Regulations of the LLA and ABCC, and comply with all rules and laws.
- C. There shall be no alcoholic beverages brought onto or transported from the premises of a licensed establishment except for deliveries for the operation of the business as controlled by the laws, rules and regulations of the Commonwealth of Massachusetts, or regulations of the Town of Sudbury or as allowed for under 204 CMR 2.18 Resealing of Partially Consumed Bottles of Wine.

Employee Training:

- A. Any licensee holding an All Alcoholic, or Beer and Wine License shall participate in a program designed to train employees who engage in either package sales or pouring in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. This program will be based on the type of license issued.
- B. Listed below are programs currently available which meet the requirements of this policy:
 - 1) Techniques of Alcohol Management (T.A.M.), sponsored by the Mass. Package Store Association;
 - 2) Training for Intervention Procedures by Servers of Alcohol (TIPS), offered by Health Communications, and Alcohol Intervention Methods (AIM) Campbell/Trent;
 - 3) ServSave – recommended by the National Restaurant Association;

- 4) Any Insurance Industry approved and qualified program offered by a certified trainer and previously approved by the Board of Selectmen.
- C. All personnel shall be required to participate in a training program based on the type of license issued. Establishments shall comply with this policy by having all of its eligible employees trained and certified.
- D. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:

1. Employee name	5. Date valid
2. Employee date of birth	6. Date of expiration
3. Employee social security number	7. Date of hire
4. Type of training (license)	

All personnel shall be required to be re-certified once every three (3) years by an approved program, as noted above.

- E. Failure to comply with this policy may result in suspension or revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

Food Service:

A. Coinciding with the service of alcoholic beverages, licensees must serve food. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing. The proposed assorted items will be submitted to the LLA for approval upon request for the original license or renewal. The LLA will approve said items with the understanding that chips, pretzels, popcorn or similar snacks will not suffice.

B. Any deviation from the approved limited menu must be submitted to the LLA for approval.

Last updated 2013

3.1 Sale of Kegs

1. A deposit of \$50.00 is required when furnishing a keg of any size to any customer.
2. Before delivery to the customer, an appropriate, numbered band in a form approved by the Police Department must be placed on the handle of the keg.
3. Require positive identification and log the customer's name, address, date of birth and band number in a journal. The journal shall be available at all times for inspection by the Board of Selectmen and any Sudbury police officer.
4. Upon return of the keg, make a notation in the journal indicating whether it was returned with a band and the band number.
5. Inform all keg customers that, if the keg is returned WITHOUT the same numbered band intact, the \$50.00 deposit is forfeited.

(Approved 9/10/1990, Updated 7/1/1998)

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4- Fee Schedules

The Board of Selectmen is responsible for setting the fees for the issuance of certain permits, licenses and certificates. In doing so, the Board has the following objective: to set the amount of the fee so as to recover a reasonable approximation of the costs to the Town in processing the requested item. Further, the Selectmen require that staff annually review these fees and make recommendations to the Board before December 31 of each year if they believe an increase or decrease is warranted.

NOTE: The Town accepted Mass. General Laws Chapter 40, Section 22F in 1992, which allows statutory fee limits to be exceeded for the following permits with the exception of Alcoholic Beverages licenses, and state regulation of Alcoholic Beverages license fees have since been removed.

LICENSES	FEE ALLOWED BY STATUTE	FEE CHARGED BY TOWN	COMMENTS
Alcoholic Beverages:*			
Package Goods Store AA	Locally fixed	\$2,250	
Package Goods Store WM	Locally fixed	1,500	
Restaurant/Innholder AA	Locally fixed	3,500	
Restaurant/Innholder WM	Locally fixed	1,500	
Liqueurs	Locally fixed	300	
Club AA	Locally fixed	500	Veterans Post
Club WM	Locally fixed	200	
One-day AA	Locally fixed	35	
One-day WM	Locally fixed	25/day	
Auctioneer, resident		\$50/annual	
Must be resident for 6 mos. preceding appl., set by Permit Agent			
Auctioneer, non-resident		\$25/day	Fee set by Permit Agent
Automatic Amusement Devices*	\$20/machine, unless set by Town Meeting	\$20/machine Prorated	
Billiards*	\$2/minimum no maximum	\$25 + \$25 per table	Fee set by Selectmen collected by Clerk
Bowling*	\$2/minimum per alley	\$25 + \$25	Fee set by Selectmen collected by Clerk
Common Victualler*	\$25/maximum, unless set by Town Meeting	\$50	

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Entertainment -Wkday. \$100/maximum\$50 For live music, dancing,
radio, TV, etc.

Entertainment - Sunday \$400/maximum\$250 For live music, dancing,
\$20/single event \$20/single radio, TV, etc. #
Note: a Sunday Entertainment license for radio or TV is not necessary for
an innholder, tavern or common victualler licensee having an alcoholic pouring license.

(STATE annual Sunday Entertainment fee \$ 85/100 - payable to Dept. of Public Safety)

LICENSES	FEE ALLOWED BY STATUTE	FEE CHARGED BY TOWN	COMMENTS
Hawkers & Peddlers & 22 max. \$52)	(G.L.c.101,s.17	\$50	
Inflammable Storage* & Bylaw V.s.25)	(G.L.c.148, s.13	\$100	
Motor Vehicle:*			
Class I	\$100/maximum\$50		Mfg. Agent/used cars
Class II	\$100/maximum\$50		Dealer/used cars
Class III	\$100/maximum\$50		Dealer/junk cars
Outdoor Amusement - Wkdy.	\$100/maximum\$50		
Outdoor Amusement - Sun. \$20/single event	\$400/maximum\$250 20/single		
Taxi Drivers	\$20/operator		issued by Police Department
Taxi/Limo Operation*	(G.L.c.40,s.22)	\$50	
Transient Vendor	Tax Goods or fix fee	\$50	

5. Regulations for Temporary Business or Industrial Trailers

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The temporary business or industrial use of trailers for storage or office purposes under Section 2324 of the Sudbury Zoning Bylaw shall conform to the following requirements:

Commented [PB10]: Zoning Bylaw -- 2324. The temporary use of trailers or other structures for storage or office purposes is allowed where they conform to the procedural regulations adopted by the Board of Selectmen.

1. No trailer shall be put in place prior to the filing and approval of a request as follows:
 - a. Where the temporary use shall be for three months or less, the applicant shall file a request with the Building Inspector stating the name and address of the owner and lessee of the premises, the name of the company and a responsible official, the number, size and purpose of the proposed trailer(s), and the name and address of the owner/lessor of the trailer(s). A plan of the premises conforming to paragraph 5(b) shall also be filed. The Building Inspector may consider and approve the same with or without conditions or modifications, and shall notify the Selectmen's Office of such approval, or may, if he deems it appropriate in any case, refer the matter to the Board of Selectmen, stating his reasons for referral, and it shall then be handled under paragraph 1(b).
 - b. Where the temporary use shall exceed three months, the applicant shall file the request and plan described above with the Board of Selectmen who shall consider and approve the same at a regular meeting, with or without conditions or modifications. Such approval shall not authorize such use for a period exceeding twelve months.
2. The Building Inspector or Board of Selectmen shall consider the following factors in reviewing a request under these Regulations:
 - a. Whether the proposed placement is upon or obstructs access to parking areas, roadways, fire lanes, or building entrances/exits.
 - b. Where the proposed placement is visible from a public street, way or place, whether such placement is appropriate considering the intended use, or detrimental to the neighborhood.
 - c. Whether the proposed placement obstructs visibility affecting traffic flow or other safety considerations.
 - d. Whether the proposed time period, number or size of the trailers is reasonable in light of the intended use of the trailers.
 - e. Any other factor relating to the placement or use of the trailers which may affect the surrounding neighborhood or health or safety considerations.
3. The trailer(s) shall be removed from the premises prior to the expiration of the permitted time period unless an extension has been requested and received from the Board of Selectmen.

4. Request for an extension of time to permit the continued use or placement of trailer(s) shall be directed to the Board of Selectmen. Such request shall state the reasons for an extension and the additional time period desired.

5. A. A filing fee of \$50 is required under this procedure.

B. The plan submitted under this procedure shall be clear and legible, and drawn to an appropriate scale so as to show all buildings, parking areas, setback distances, dimensions, roadways and the proposed location of the trailer(s) on the premises. It need not be reproducible or professionally prepared.

C. The Selectmen may waive any one or more of the provisions of these regulations if, in their opinion, the application of the regulation would create a hardship or is not reasonable in the circumstances.

(Adopted 7/23/1983)

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6- LICENSING OF OUTDOOR AMUSEMENTS POLICY

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In accordance with Chapter 140, Section 181 of the General Laws, it is required that any outdoor theatrical exhibition, public show, public amusement or exhibition, to be held in the Town of Sudbury obtain a license from the Board of Selectmen for such show or amusement, and that such show or amusement cannot be held in a residential area.

Application for a license must be filed with the Board of Selectmen at least thirty days before the event and must indicate the name of the owner and the name and address of the firm involved, the sponsor, if any, the nature and extent of the show or amusement, the days and hours, amount of admission charge, and the exact location within the Town where the show or amusement is to be held.

It is the policy of the Board of Selectmen that, after May 1, 1971, no permit under the jurisdiction of the Selectmen shall be issued for the operation of a carnival or circus in the Town of Sudbury.

If food service is planned, notice shall be sent to the Board of Health allowing no less than two (2) weeks, prior to opening to the public, for inspection and issuance of a food service permit required by that Board.

(Adopted as amended 4/29/71, 5/10/76)

7 FLAG CODE

All orders for the raising or lowering of the flag shall issue from the Board of Selectmen.

The flag may be lowered to half mast on notification of the death of any past or present Town official as a mark of respect to the memory of such official. The flag shall remain at half mast until after the funeral services.

In time of war, the flag shall be flown from the time of opening to the time of closing of public buildings, in accordance with such orders that are issued by the proper authority.

In time of peace, the flag shall be flown from the time of opening to the time of closing of public buildings, but not before sunrise or after sunset unless ordered by the proper authority and properly illuminated.

Unless so ordered, the flag shall not be flown in inclement weather.

On Memorial Day, the flag shall be flown at half mast at the Town Hall, and at such other public buildings that are open, from sunrise to noon (12:00 p.m.) and at full mast until sunset.

Upon notification from the Selectmen's office, the flags on all public buildings are to be flown at half mast from the time of arrival, in Sudbury, of the body of a deceased veteran brought back from overseas, until after the funeral services.

The flag shall be flown at half mast on such occasions of local, state or national significance as may from time to time be determined by the Board of Selectmen or the Town Manager upon receipt of a specific request and/or recommendation from a Board, Committee, Commission, the Veterans Graves Officer, or from a duly authorized representative(s).

Flag laws and regulations shall be adhered to wherever appropriate, as adopted by the United States Congress.

(Adopted 7/23/79, 8/23/99)

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TRAFFIC CONTROL SIGNS POLICY

1. The Chief of Police is responsible for all matters relating to traffic control signs.
2. All requests for such signs will be submitted to the Chief of Police.
3. The Police Chief shall obtain approval from the Board of Selectmen as required when signs involve amendment to the Town of Sudbury Traffic Rules and Orders.
4. The Board of Selectmen shall solicit approval from the Massachusetts Highway Department for such signage and traffic regulations, as required by that agency.
5. The Town Clerk shall maintain the official record of the Town of Sudbury Traffic Rules and Orders. Amendments thereto shall be advertised in a newspaper with local circulation prior to their enforcement.
6. The Chief of Police will request such signs from the Department of Public Works.
7. The Department of Public Works shall erect and maintain such signs that the Chief of Police may request.

(Adopted 9/30/65, amended 5/10/76, 8/23/99)

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9. POLICY FOR USE OF FACILITIES

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1. Town Hall

a. General Meetings or Events

(1) Facilities may be used without rental fee, provided there is no charge to the public either by admission fee or sales, by:

- (a) Town, State or Federal departments.
- (b) Non-profit organizations whose functions are charitable, civic, or patriotic.
- (c) Community service groups, such as Scouts, youth recreational groups, etc.

(2) Facilities may be used with rental fee by:

- (a) Any organization charging admission or conducting sales.

(3) Rental fee Schedule – per date (each day):

Lower Town Hall	\$40
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(4) No use will be allowed if for private or personal financial gain.

(5) Reservations for all uses are subject to change on twenty-four (24) hour notice if a required official Town function conflicts, or upon orders of the Board of Selectmen.

(6) All reservations, including requirements for use of chairs, etc., will be made by the Town Manager. The group reserving the Hall will inform the Town Manager, at least twenty-four (24) hours in advance of all requirements for chairs, restrooms, or similar facilities. Custodial fees will be charged as necessary [see (7) below].

(7) Custodial charges will be made if it is determined by the Town Manager that an event requires custodial services and/or supervision. Such fees shall be determined by the Town Manager.

(8) During cold weather, users may be subject to a heating fee, to be determined by the Town Manager.

(9) The person signing Rental Application and Agreement is responsible for:

- (a) Restoring order and cleanliness of hall, including placement of all debris or waste materials in appropriate receptacles

Remove all decorations, put away chairs and tables user has put out, sweep area used, clean up any soda spills, etc., check bathrooms for cleanliness

- (b) Putting lights out when leaving
- (c) Locking door when leaving
- (d) Closing all windows when leaving
- (e) Turning heat down to 55 degrees when leaving (if not on automatic setback)
- (f) Lowering fire curtain on stage (if upper floor is utilized)
- (g) Returning key the following day

Note: Any clean-up not done by user will be charged to user, as verified by the Supervisor of Town Buildings.

(10) In case of an emergency, user is to notify the Fire Captain on duty at Central Fire Headquarters located on Hudson Road.

(11) Refreshments may be served in the Lower Town Hall, but not in the Upper Town Hall.

b. Stage Productions (Upper Town Hall)

(1) Regular productions with audience charge:

Rehearsals, tryouts	\$10.00 per date
Production dates	\$50.00 per date
(No charge for matinee if there is an evening performance.)	
Lower Town Hall	\$25
Police Paid Detail	Per collective bargaining agreement or contract.

(2) Workshop productions with token audience:

Rehearsals	\$10.00 per date
Production dates	\$25.00 per date
Lower Town Hall	\$10.00 per date
Police Paid Detail	Per collective bargaining agreement or contract.

(3) Workshop productions with no audience charge and limited public \$20.00 per date

(4) Dressing rooms shall be available for use for rehearsals and productions, and shall be cleaned by the user to the satisfaction of the Supervisor of Town Buildings following each rehearsal or production.

(5) All restrooms, dressing rooms and other facilities associated with the stage shall be available for use for dress rehearsals and productions, but must be cleaned after each use by the user to the satisfaction of the Supervisor of Town Buildings.

(6) All construction or other materials associated with stage productions shall be stored, at the conclusion of any work session, rehearsal or production, in such manner that the facility shall be available for other uses, except that sets and similar equipment installed for purposes of a production may be retained in place on stage throughout the course of the performance. Any construction work that can be done outside the premises should be. Construction and materials to be used must be approved by the Supervisor of Town Buildings.

(7) Any group utilizing the Town Hall for stage productions shall assign an individual, for each work session, rehearsal or production, who shall be responsible for compliance with procedure O.a.(9) above; the name of said responsible individual shall be given to the Town Manager's Office and the Building Department.

(8) Any group utilizing the Town Hall for stage productions shall notify the Town Manager at least twenty-four (24) hours in advance, of any changes in work session, rehearsal or production dates.

(Amended 9/20/76, 10/14/80, 7/10/89, 3/11/91, 8/23/99)

10 — SELECTMEN'S POLICIES AND PROCEDURES

FEE SCHEDULE

The Board of Selectmen is responsible for setting the fees for the issuance of certain permits, licenses and certificates. In doing so, the Board has the following objective: to set the amount of the fee so as to recover a reasonable approximation of the costs to the Town in processing the requested item. Further, the Selectmen require that staff annually review these fees and make recommendations to the Board before December 31 of each year if they believe an increase or decrease is warranted.

NOTE: The Town accepted Mass. General Laws Chapter 40, Section 22F in 1992, which allows statutory fee limits to be exceeded for the following permits with the exception of Alcoholic Beverages licenses, and state regulation of Alcoholic Beverages license fees have since been removed.

<u>LICENSES</u>	<u>FEE ALLOWED BY</u>	<u>FEE CHARGED</u>	<u>COMMENTS</u>
	<u>STATUTE</u>	<u>BY TOWN</u>	
<u>Alcoholic Beverages:*</u>			
Package Goods Store AA		Locally fixed \$2,250	
Package Goods Store WM		Locally fixed 1,500	
Restaurant/Innholder AA		Locally fixed 3,500	
Restaurant/Innholder WM		Locally fixed 1,500	
Liqueurs	Locally fixed	300	
Club AA	Locally fixed	500	Veterans Post
Club WM	Locally fixed	200	
One-day AA	Locally fixed	35	
One-day WM	Locally fixed	25/day	
Auctioneer, resident		\$50/annual preceding appl., set by Permit Agent	Must be resident for 6 mos.
Auctioneer, non-resident		\$25/day	Fee set by Permit Agent
Automatic Amusement Devices*	\$20/machine, unless set by Town Meeting	\$20/machine	Prorated
Billiards*	\$2/minimum no maximum per table	\$25 + \$25	Fee set by Selectmen collected by Clerk
Bowling*	\$2/minimum per alley	\$25 + \$25	Fee set by Selectmen collected by Clerk

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Common Victualler* \$25/maximum, \$50
 unless set by Town Meeting

Entertainment -Wkday. \$100/maximum\$50 For live music, dancing,
 radio, TV, etc.

Entertainment - Sunday \$400/maximum\$250 For live music, dancing,
 \$20/single event \$20/single radio, TV, etc. #
 # Note: a Sunday Entertainment license for radio or TV is not necessary for
 an innholder, tavern or common victualler licensee having an alcoholic pouring license.

(STATE annual Sunday Entertainment fee \$ 85/100 - payable to Dept. of Public Safety)

LICENSES FEE ALLOWED BY FEE CHARGED COMMENTS
STATUTE BY TOWN

Hawkers & Peddlers (G.L.c.101,s.17 \$50
 & 22 max. \$52)

Inflammable Storage* (G.L.c.148, s.13 \$100
 & Bylaw V.s.25)

Motor Vehicle.*

Class I \$100/maximum\$50 Mfg. Agent/used cars
 Class II \$100/maximum\$50 Dealer/used cars
 Class III \$100/maximum\$50 Dealer/junk cars

Outdoor Amusement - Wkdy. \$100/maximum\$50

Outdoor Amusement - Sun. \$400/maximum\$250
 \$20/single event 20/single

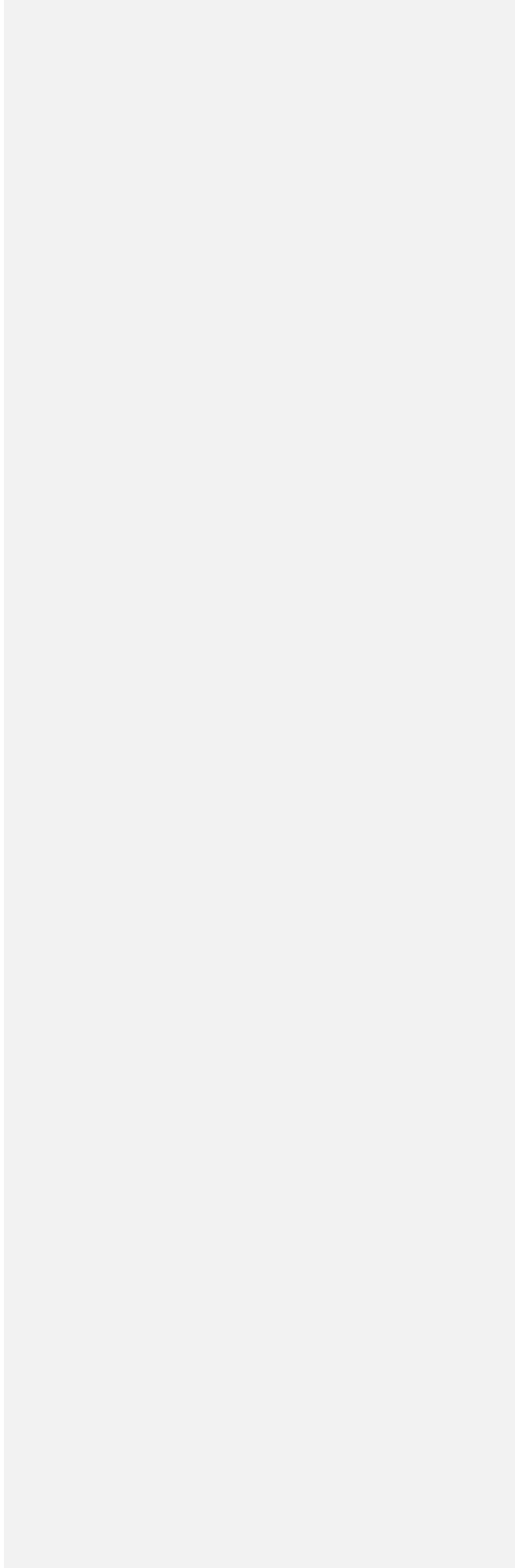
Taxi Drivers \$20/operator issued by Police Department

Taxi/Limo Operation* (G.L.c.40,s.22) \$50

Transient Vendor Tax Goods or fix fee \$50

* See below for application fees

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<u>APPLICATIONS</u>	<u>FEE CHARGED BY TOWN</u>	<u>COMMENTS</u>
Alcoholic Beverages Licenses	\$150/new applications, transfers, changes in premises. \$ 75/revision (mgr. chg., etc.) \$ 25/renewal	For processing notice to abutters, advertising, mailing costs, etc.
Auto. Amuse. Devices	\$20	
Billiards	\$25	
Bowling	\$25	
Common Victualler	\$50	
Inflammable Storage	\$50	
Innkeeper	\$50	
Motor Vehicle	\$25	
Site Plans: Original	\$ 25/1000 s.f. of Gross Floor Area [<u>\$500 Minimum Fee</u>]	
Minor	\$ 300	
Modification	\$ 250 (with public hearing) OR \$100 (without public hearing)	
Extension	\$ 50	
Taxi Business	\$ 25	

Section 4 Operational

+ Transfer Station

These rules and regulations govern the recycling and disposal of refuse at the Transfer Station area operated by the Town of Sudbury.

The Transfer Station is operated by the Board of Selectmen under the regulations established by it and the Board of Health and is intended to serve the residents of the Town of Sudbury only.

I. **DEFINITIONS** (As used in these Rules and Regulations)

- A. **Solid Waste:** Any unwanted or discarded solid material.
- B. **Refuse:** Putrescible or nonputrescible solid waste materials, consisting of combustible and non-combustible solid wastes including garbage and rubbish, but excluding sewage, construction and demolition wastes.
- C. **Recyclable:** Any waste material which may be processed or treated to be used again for which the Town of Sudbury provides recycling services.
- D. **Compost:** A mixture of decaying leaves and other nutritive matter which may be used to improve and fertilize soil.
- E. **Hazardous Waste:** A waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.
- F. **Special Waste:** Any waste material which can be accepted for disposal or recycling at the Transfer Station but requires special pre-approval because of unusual disposal problems or because it requires special handling, including but not limited to residential demolition and construction debris, and sewage.

II. **OPERATION**

- A. In general, the operation of the Transfer Station will be in accordance with the "Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station" as established hereunder.
- B. Only waste materials originating in the Town of Sudbury shall be placed at the Transfer Station site, and such placement shall be in accordance with the regulations and directions for recycling and disposal of designated materials in designated areas.

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C. The operation and supervision of the Transfer Station is under the direction of the Director of Public Works. The Board of Selectmen shall have the exclusive right to assess and collect reasonable fees for the issuance of permits, tickets, tokens, or licenses for use of the facility.

D. The owner, operator, or other person in charge of a vehicle transporting refuse to be deposited in the Transfer Station, as a condition of such use, shall present evidence and/or answer any reasonable questions concerning the place of origin of that material as the person in charge of the Transfer Station may request.

Failure to comply with these regulations or to furnish credible evidence when requested shall be sufficient cause for the Board of Selectmen or its authorized representative to revoke, suspend, or modify a license or permit for the use of the Transfer Station and/or enforce other authorized penalties as provided by these regulations.

E. The hours of operation shall be established for the convenience of the general public. Use of the facilities, except during designated hours of operation, is strictly prohibited. For current hours of operation, see Appendix A.

III. **PERMITS & FEES**

A. **Residents**

1. A permit for residential refuse shall be issued at a cost of \$170.00 for one year. The charge for a second vehicle is \$20. The permit shall consist of decal to be affixed to the lower left (driver's side) corner of the windshield.

2. All vehicles (except town-owned equipment) using the Transfer Station for disposal of refuse not requiring a special permit (Section V) nor prohibited (Section VI) shall have a permit. Residents bringing recyclables shall be required to have a permit. However, certain recyclables may only be deposited upon payment of the fee set forth in Appendix B.

3. Residential permits are issued at the Highway Department offices, 275 Old Lancaster Road, during normal business hours (Monday - Friday, 8:00 a.m. to 3:30 p.m.), or at other locations and times as determined by the Selectmen.

4. Residential permits shall be issued to Sudbury residents only. To be eligible for a permit decal, applicants must prove by appropriate documentation that they are residents of the Town and that the vehicles they want to use for delivery or refuse are registered under their name or the name of a member of their immediate household.

5. The Transfer Station will only accept the Pay-As-You-Throw disposal bags. A five pack of 15-gallon bags costs \$6.00 ; a five pack of 30-gallon bag costs \$12.00. The bags must be purchased in packages of five and are available at the following retail stores:

Brooks Pharmacy (423 Boston Post Rd.)

CVS Pharmacy (501 Boston Post Rd.)

Shaw's (509 Boston Post Rd.)

Sudbury Farms (439 Boston Post Rd.)

Sudbury Lumber (28 Union Ave.)

Town Line Hardware (84 Boston Post Rd.)

6. Residents who want to use their company's vehicle for delivery of their household's refuse must prove by appropriate documentation that they are residents of the Town and that the vehicle is principally garaged in the Town.

7. If additional vehicles are to be provided with decals, the necessary application card may be obtained at the Highway Department offices. A separate application shall be required for each vehicle. Each additional decal shall be issued at a cost of \$20.00 per year.

8. If the decal is lost or damaged, a new decal may be obtained at the Highway Department offices. The original permanent record of the decal will be updated with the new decal number.

9. The decal must be removed upon sale of the vehicle. The buyer, provided he/she is a Sudbury resident, may apply for a new identification decal for the vehicle.

B. Fee Waiver

A waiver will be granted, upon request and the completion of a form for such purpose, of 50 percent of the Transfer Station fee for those individuals 65 years of age or older who demonstrate hardship, for those persons living in subsidized housing, and for those other persons with demonstrated hardship situations.

C. Business

Commercial disposal of solid waste and disposal of solid waste by local businesses is prohibited at the Transfer Station.

D. Town Business and Vehicles

1. Contractors employed by the Town, when operating on Town business, will be required to obtain permits, but no fee will be charged.

2. Town departments, operating Town-owned Equipment, may use the Transfer Station without permit or charge.

E. Special Permits

A special permit is required for all residents depositing special wastes at the Transfer Station. Special permits are issued at the Transfer Station during normal business hours. A special permit shall consist of a slip for each load and shall be surrendered to the Transfer Station operator at the time of depositing the waste material. Permits for multiple loads may be obtained in advance at the discretion of the Transfer Station Agent. For current Schedule of Fees, see Appendix B.

IV. **UTILIZATION**

A. All recyclable materials shall be placed in accordance with the regulations and directions for recycling of designated materials in the designated areas.

B. Refuse not recyclable, compostable, or requiring special permit shall be deposited in the appropriate designated area or as directed by the Transfer Station operator. Such refuse shall be free from other materials not allowed in the designated area. Refuse shall be bagged and tied securely so that items in the bag are not blown around.

C. Scavenging is prohibited. The Board of Selectmen or its authorized representative may designate items available to the public such as mulching materials, wood chips, or "put & take" and the areas where they are available.

V. **MATERIALS REQUIRING SPECIAL HANDLING OR PERMITS**

A. Materials from the remodeling or repair of an occupied residence or the construction of an addition thereto or the repair or construction of a garage or outbuilding on such premises may be disposed of by either residents or commercial haulers providing a special permit is obtained.

B. Disposal of wood (other than stumps, brush and cut logs which are prohibited, and other than wood which is fabricated into a product) requires a special permit and is further subject to the following:

1. Milled lumber shall be free of pieces of metal, refuse, or other foreign matter and shall be placed in the designated area. All lumber shall be cut into a maximum length of thirty-six (36") inches.

C. Tires from resident vehicles and refrigerators from residents may be disposed of in accordance with the provisions of Section III.A.1. and Appendix B.

D. Materials, which cannot be contained within a 35-gallon container or bagged in plastic, for example, metal lawn or wooden furniture, bedsprings and mattresses require a special permit.

E. Other materials or substances may be designated as requiring a special permit by the Board of Selectmen or its authorized representative if the placement of such materials or substances in the Transfer Station requires special handling.

VI. **MATERIALS PROHIBITED AS REFUSE**

The Transfer Station operator shall reject and prohibit the placement of materials, which are considered to be detrimental to the operation of the Transfer Station and materials and items that are listed on the recycle chart or fee schedule. Materials prohibited as refuse shall include, but are not limited to, the following:

- A. Any substance or object likely to damage, injure, destroy or obstruct the usefulness or operation of the Transfer Station.
 - B. Any substance which may attack, damage, or alter by any means the equipment, employees, or citizens engaged in the use and operation of the Transfer Station.
 - C. Wood – Treated and untreated wood including wood waste.*
 - D. Yard Waste – Deciduous and coniferous, seasonal clean ups (e.g. leaves, grass clippings, weeds, hedge clippings, garden material and brush.)*
 - E. Any quantities of gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor or any material or substance which may generate or form a flammable, explosive, or combustible substance, fluid, gas, vapor or mixture.*
 - F. Any substance at a temperature above 100°F, or its burning point, or substance which, upon coming into contact with water, refuse or air will generate steam, vapor, fire, smoke, or toxic fumes.
 - G. Poisons, cyanides, asbestos, or any other substance likely to generate poisonous substances that may interfere with, constitute a hazard to, or be dangerous to human beings, wildlife, or domestic animals.
 - H. Containers filled with hazardous liquids.
 - I. Any waste containing animal tissues, entrails, offal, blood or other types of pathological wastes, including formaldehyde.
 - J. Any substance containing, or labeled as containing, radioactive wastes or explosive material.
 - K. Any refuse likely to cause damage, injury, or loss to other persons or to the property of other persons who are lawfully entitled to use the Transfer Station for the discarding or recycling of their refuse, or to any person or equipment engaged in the treatment and disposal of such refuse for the Town of Sudbury.
 - L. Any substance or material defined as hazardous waste. (From time to time the Town will accept certain hazardous waste material from Sudbury residents at a designated place in Town during designated "Hazardous Waste Collection Days.")
 - M. Refuse or materials from the following:
 - 1. The development of a building lot or the construction of any building or addition to any building thereon (exception: see Section V, A).
 - 2. The development of a subdivision.
 - 3. The construction, reconstruction, remodeling, repair, demolition or development of a business, industrial or commercial property.
-

- N. Commercial quantities of pharmaceutical or medical wastes.
- O. Tree stumps, cut or chipped logs or brush, leaves and all yard waste from commercial or residential sources.*
- P. Asphalt, pavement, brick and concrete.*
- Q. Fluorescent lighting fixtures and appliances, including, but not limited to, washing machines, dryers, stoves, dishwashers, freezers, refrigerators, hot water heaters, microwave ovens, wall ovens, air conditioners and cathode ray tubes (CRTs).*
- R. Metal – Ferrous and nonferrous.*
- S. Lead batteries.*
- T. Corrugated paper or cardboard and paperboard products.*
- U. Automobile and truck tires.*
- V. Glass bottles and jars.*
- W. Post consumer recyclable aluminum, metal and glass containers.*
- X. Tires.*
- Y. Single polymer plastics and recyclable paper.*

*NOTE: Certain materials which are prohibited in this section from deposit as refuse may be collected in the Recycling or other areas at the Transfer Station. Please refer to the attached Recycling Chart and Fee Schedule

VII. **PENALTIES**

A. **Revocation of Permits**

The Board of Selectmen or its authorized representative may at any time cancel, suspend, revoke or modify permits or privileges issued hereunder for cause. The suspension, revocation or modification of an existing permit or privilege shall not entitle the person holding such a permit to a refund of all or a portion of the fee collected, if any, for the issuance of such permit or privilege.

B. **Violation of Regulations**

The following schedule shall apply to violation of the rules and regulations governing the commercial use of the Transfer Station:

1st Violation Written warning from the Transfer Station Operator plus a disposal cost of twice the regular fee.

2nd Violation Suspension of use of the Transfer Station for one month plus a disposal cost of twice the regular fee, but in no case less than \$100 over the regular fee.

The penalty for violations committed subsequent to the 2nd violation shall be determined by the Board of Selectmen on a case-by-case basis.

C. **Right to Hearing**

Any person accused of violating these rules and regulations shall be notified of the alleged violation in writing via certified mail, return receipt requested, which shall set forth a date and time at which a hearing will be held before the Board of Selectmen or its designee in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without counsel, as the person shall choose.

VIII. **SEVERABILITY**

If any provision of these rules and regulations is, for any reason, declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions or sections of these rules and regulations.

These Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station will replace all prior rules and regulations and will become effective as of April 1, 2006.

Rev. 8/1/88

Rev. 10/17/88

Rev. 1/23/89, as amended 1/30/89

Rev. 5/1/89

Rev. 5/8/89

Rev. 4/23/90, fees effective 7/1/90

Rev. 12/3/90

Rev. 5/6/91, fees effective 7/1/91

Rev. 11/25/91, effective 1/1/92

Rev. 5/26/92, fees effective 7/1/92

Rev. 8/31/92, effective 12/31/92

Rev. 4/14/93, refrigerator fee effective 5/13/93

Rev. 2/8/93 & 3/31/93, fees effective 7/1/93

Rev. 11/7/94, effective 12/31/94

Rev. 12/20/99; effective 1/01/00

Rev. 8/13/03; effective 7/1/03

Rev. 3/16/06; effective 4/1/06

APPENDIX A

HOURS OF TRANSFER STATION OPERATION

OPEN

Tuesday, Thursday and Saturday 8:00 a.m. to 3:00 p.m.

CLOSED

Sunday, Monday, Wednesday, Friday

TRANSFER STATION SPECIAL PERMIT SCHEDULE

Fee 1/2 Cu. Yd.: \$16.00

1 Cu. Yd. \$32.00

FEES FOR RECYCLABLE MATERIALS FROM RESIDENTS

Fee for Each

Air conditioners \$20.00

Carpeting (approx. 9x12) 32.00

Computer Monitors 20.00

Couch (upholstered furniture) 16.00 to 32.00

Gas grills 5.00

Lawnmower 5.00

Mattresses

Twin, double, queen & king 16.00

Twin mattress & box spring 16.00

Double, queen & king (mattress & box) 32.00

Paint — Waterbase 4.00 per gal.

Refrigerators \$20.00

Ceramic 16.00

Stoves/Ovens 5.00

Television sets 20.00

Tires from Vehicles

Automobile 2.00

Truck 10.00

(All tires must be off the rim.)

Toilets 16.00

Washing machines/dryers 5.00

Water heaters 5.00

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Section 5. General

2. CITATIONS AND PROCLAMATIONS

a) Citations - Any member of the Board of Selectmen shall have a citation issued as a congratulatory message to any person or business in Sudbury upon request to the support staff. Citations will be signed by the member requesting the citation or by the Chairman upon request of the member.

b) Proclamations may be made on behalf of the Town of Sudbury by majority vote of the Board of Selectman in accordance with the following guidelines:

Proclamations are ceremonial documents signed by the Board of Selectman and issued for:

- Public awareness
- Charitable fundraising campaigns
- Arts and cultural celebrations
- Special honors

Proclamations will not be issued for:

- Matters of political controversy, ideological or religious beliefs, or individual conviction
- Events or organizations with no direct relationship to the Town of Sudbury

Other: The Board of Selectmen reserves the right to modify or deny any proclamation request. More than one cause can be proclaimed simultaneously. A person/organization does not have exclusive rights to the day, week or month of their proclamation. A citation is an alternative where proclamation criteria are not met.

Who can make a proclamation request?

- Request must be made by a Town of Sudbury resident to the Office of the Board of Selectmen.

How should a proclamation request be made?

- All requests must be made in writing. Requests can be mailed, faxed, or hand-delivered or e-mailed. If mailed or faxed, please call to verify receipt by our office.
- Requests should be made at least thirty days in advance of the date the document is needed. Exceptions to this rule may be made as required.

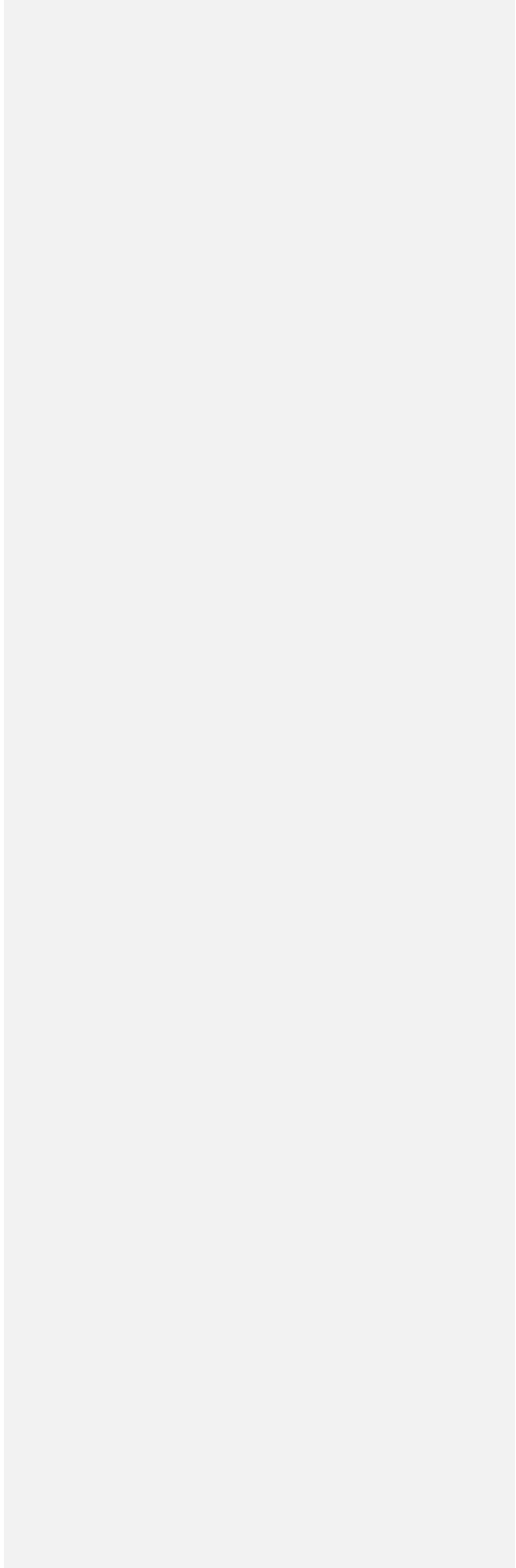
What must the request include?

- Contact person's first and last name, address, and telephone number
- A brief summary and/or background of the event or organization
- The name and date(s) of the day, week, month, or event to be proclaimed
- Draft text for the proclamation, including 4-6 "whereas" clauses

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3. Memorial Bench Program

- a. Memorial benches may be purchased through the Town of Sudbury for a fee of \$1,400. This fee covers the cost of a granite bench with a brass plaque or engraving, installation and perpetual care of the bench. Plaques may be inscribed with up to two lines of text.
- b. Installation of the benches will be completed by the Department of Public Works in a location deemed appropriate by the DPW director, Park and Recreation Director, Town Manager and Board of Selectmen. Perpetual care of the benches will include cleaning and repair of any bench as necessary.
- c. All requests for Memorial Benches shall be made to the Town Manager and should include the requested inscription. Bench requests may take as long as 8 weeks to be installed and remain the property of the Town of Sudbury.

(September 8, 2009)

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4. PURCHASE CONTRACTS

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The Town Manager is authorized to enter into purchasing contracts under \$25,000, without the approval of the Board of Selectmen on purchases defined in Section 10(d) of the Town Charter.

The Town Manager is authorized to approve, without specific vote of the Board, those contracts \$25,000 and over which are renewals of contracts, with current vendors, previously approved by the Board.

The Town Manager shall provide a list of such awards to the Board of Selectmen on an annual basis in January.

(Adopted 8/9/99, 6/10/02, 8/16/16)

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4. Community Event Signs on Town Property

From time to time, community groups request to put signs on Town property to let residents know of upcoming events. Such signs need prior approval from the appropriate Town officials, as described below.

I. Signboards at Fire Stations 2 and 3. The community Fire Station signboards at Route 117 and Route 20 are available for Sudbury Boards & Committees as well as non-profit organizations to publicize upcoming events. They may be reserved for one week. Groups wishing to reserve the signboards must complete a Fire Station Sign Use Application:

<http://sudbury.ma.us/departments/Selectmen/doc9177/SignRentalApplication.pdf>

II. Featherland Park, Concord Road. Up to two A frame type signs may be placed in the designated area for up to two weeks prior to an event by groups sponsoring events related to recreational activities in the Town, or by Town or School (SPS or L-S) booster groups. Permission for placing such signs shall be monitored by the Town of Sudbury Recreation Department.

III. Fire Headquarters, Hudson Road. Use of this site shall be at the discretion of the Sudbury Fire Chief, and shall be limited to Sudbury town boards or staff, or nonprofits wishing to publicize upcoming community events.

IV. Police Station, Boston Post Road. Use of this site shall be at the discretion of the Sudbury Police Chief, and shall be limited to Sudbury town boards or staff, or nonprofits wishing to publicize upcoming community events.

Any signs placed on Town property which does not meet these requirements may be removed by the Town and thrown away.

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Safe Community Policy

Adopted May 7, 2018

No town employee shall target, alienate, persecute or discriminate against any individual, including victims or witnesses or informants of domestic violence or any other crime, based on their age, citizenship, disability, ethnicity, gender, gender identity, immigration status, race, religion or sexual orientation. All people in Sudbury should feel safe reporting domestic violence or any other crime.

The Town Manager shall implement and educate town employees, residents and visitors regarding this policy. The Board of Selectmen upholds and reasserts its belief in basic human rights and the dignity of every human being. Nothing in this policy is intended to violate any federal laws or any laws of the Commonwealth.

<https://sudbury.ma.us/selectmen/safe-community-policy-may-7-2018/>

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Minutes Policy

Adopted April 5, 2010

<https://sudbury.ma.us/boardofselectmen/boardofselectmen-2010-04-05-minutes/>

It was on motion unanimously

VOTED: To approve two new Board of Selectmen policies: 1) the posting of all regular and executive session meetings of the Board of Selectmen on the Town website and 2) the approval of executive session minutes provides for subsequent review of said minutes at a meeting of the Board within 90 days of the one-year anniversary of the approval of the minutes to determine whether the purpose of the executive session still exists.

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Ballot Question Policy

Adopted February 7, 2017

Chapter 180 of the Acts of 1996 requires the Sudbury Board of Selectmen to provide registered voters the following information for any ballot question submitted solely to Town voters (other than a ballot pursuant to M.G.L. ch.53, §18A): (1) the full text of such question; (2) a fair and concise summary of such question; and (3) arguments for and against such question. See Attachment.

Further requirements include the following:

- The required information is to be sent to the voters at least 7 days before such an election.
- The Board of Selectmen, or when designated, Town Counsel, shall seek written arguments from the principal proponents and opponents of each question.
- The Board of Selectmen shall designate a date for receipt for such arguments and shall provide notice of such 14 days before the date arguments are to be received.
- The Board of Selectmen shall determine those best able to present the arguments for and against each question.
- If no argument is received within the time allowed, Town Counsel shall prepare such argument.
- No argument shall contain more than 250 words.

The requirements of this law will be implemented as follows for any ballot questions to be submitted for an Annual Town Election or a Special Town Election.

- Notice of proposed ballot questions and a request for written arguments for and against the questions will be posted on the Town website at least or 46 days before the election **plus additional days as needed to allow Board of Selectmen meetings for actions listed below.**
- The Board of Selectmen will determine those persons best able to present the arguments for and against each question in an open meeting. In the absence of submission, Town Counsel will prepare the argument.
- Written arguments for and against ballot questions will be reviewed by Town Counsel for legal compliance. Neither Town Counsel nor the Board of Selectmen will review or edit the written arguments for substance, opinion, or accuracy.

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<u>Days before election</u>	<u>Action</u>	<u>Purpose</u>
<u>46 + days for BOS meetings</u>	<u>Notice of proposed ballot questions and request for written arguments</u>	
<u>39 + days for BOS meetings</u>	<u>BOS decides authors for pro and con arguments</u>	<u>To allow 14 days before due to Town Counsel</u>
<u>35+ days for BOS meetings</u>	<u>Wording of final ballot questions to Town Clerk</u>	<u>To comply with state ballot law</u>
<u>25 + days for BOS meetings</u>	<u>Written arguments submitted to Town Counsel</u>	<u>To allow 7 days for Town Counsel review and submission to BOS</u>
<u>18 + days for BOS meetings</u>	<u>BOS approves final warrant</u>	
<u>18 days</u>	<u>Delivery to printer</u>	<u>To allow printer 7 days before mailing date</u>
<u>11 days</u>	<u>Delivery to Post Office</u>	<u>To allow 4 days for mail</u>
<u>7 days</u>	<u>Posting and receipt of warrant</u>	

Approved by the Board of Selectmen February 7, 2017.

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SAMPLE SOCIAL MEDIA POLICY

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I. INTRODUCTION

The [City/Town] of _____ permits departments to utilize social media sites and social networking sites (collectively “social media sites”) to further enhance communications with its residents and various stakeholders in support of [City/Town] goals and objectives. [City/Town] officials and [City/Town] departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official [City/Town] business. Social media sites facilitate further discussion of [City/Town] government business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official [City/Town] purposes. Questions regarding this Policy should be directed to _____ [insert title of appropriate official]. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the [City/Town] of _____.

II. DEFINITIONS

1. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as Del.icio.us.

2. A “social media identity” is a specific user identity or account that has been registered on a third party social media site.

3. A “blog” (an abridgement of the term web log) is a [City/Town] of _____ website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

4. A “moderator” is an authorized [City/Town] of _____ official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by the [City/Town] officials, employees and public commentators to be posted to a [City/Town] of _____ social media site or sites.

III. POLICY

1. All [City/Town] social media sites shall be:

a) approved by _____ [insert title of appropriate official]; and

b) published using social media platform and tools approved by the Information Technology Department (“IT”).

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2. The official posting for the [City/Town] will be done by _____ [insert title of appropriate official] or their designee.

3. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.

4. All [City/Town] social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable [City/Town] policies.

5. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in paragraph Numbers 10 or 11, or it is changed to fix spelling or grammar errors.

6. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.

7. Each [City/Town] social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official [City/Town] of _____ Internet site for forms, documents and other information.

8. Each [City/Town] social media site shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each [City/Town] social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the [City/Town].

9. All social media sites shall clearly indicate they are maintained by the [City/Town] of _____ and shall have the [City/Town] of _____ contact information prominently displayed.

10. The [City/Town] reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

11. [City/Town] social media content and comments containing any of the following forms of content shall not be allowed for posting:

a) Comments or content not topically related to the particular site or blog article being commented upon;

b) Profane, obscene, or vulgar language or content;

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c) Comments or content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status;

d) Comments or content that is threatening or harassing;

e) Sexual comments, content, or links to sexual content;

f) Conduct or encouragement of illegal activity;

g) Information that may tend to compromise the safety or security of the public or public systems;

h) Content that violates a legal ownership interest of any other party;

i) Protected health information;

j) Personnel information; or

k) Other information that is not public record or is otherwise privileged from public disclosure.

12. All [City/Town] social media moderators shall be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.

13. Where appropriate, [City/Town] IT security and/or computer use policies shall apply to all social media sites and articles.

14. Officials (elected or appointed) and employees representing the [City/Town] via social media sites must conduct themselves at all times as a representative of the [City/Town] and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the [City/Town] of _____ . See Section IV, Employee Guidelines for Use of Social Media Sites.

15. No [City/Town] or department social media site can endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders.

16. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

IV. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES

1. Electronic Communications and Computer Usage Policy. All employees are responsible for understanding and following the [City/Town]'s Electronic Communications and Computer Usage Policy, in addition to this Policy.

2. First Amendment Protected Speech. Although the [City/Town] can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the [City/Town] merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.

3. Copyright Law. Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote an excerpt of someone else's work without acknowledging the source, and, if possible, provide a link to the original.

4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.

5. Protect Confidential Information. Never post legally protected personal information that you have obtained from the [City/Town] (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the [City/Town]. Never post information about policies or plans that have not been finalized by the [City/Town], unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.

6. Consider Your Content. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media – so a great deal of thought needs to go into how you will use the social media in a way that benefits both the [City/Town] and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.

7. Handling Negative Comments. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive will be negative. Some effective ways to respond to negative comments include:

- a) Providing accurate information in the spirit of being helpful;
- b) Respectfully disagreeing; and
- c) Acknowledging that it is possible to hold different points of view.

8. Respect Your Audience and Your Coworkers. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Do not be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory— such as party politics and religion. Do not use your department's social media presence to communicate among fellow [City/Town] employees. Do not air your differences with your fellow [City/Town] employees on your department's social media's sites.

9. Use the Social Media Site or Identity Only to Contribute to your Department’s Mission. When you contribute to your department’s social media site or identity, provide worthwhile information and perspective that contribute to your department’s mission of serving the public. What you publish will reflect on the [City/Town]. Social media sites and identities should be used in a way that contributes to the [City/Town]’s mission by:

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- a) Helping you and your co-workers perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making the operations of your department transparent and accessible to the public; d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.

10. Mistakes. The [City/Town] policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so—do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the [City/Town] cannot change content that has already been published without making the changes clearly evident to users.

11. Media Inquiries. [City/Town] or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to _____ [insert title of appropriate official].

12. Personal Comments. Make it clear when you are speaking for yourself as a resident or stakeholder, and not on behalf of the [City/Town] of _____. If you publish content on any website of the [City/Town] and it has something to do with the work you do or subjects associated with the [City/Town], use a disclaimer such as this: “The postings on this site are my own and don’t necessarily represent the [City/Town’s] positions or opinions.”

13. Employee or Official Profile. If you identify yourself as a [City/Town] employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders.

14. Defamation. Be aware that employees acting in their individual capacity (not on behalf of the [City/Town]) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Avoid statements that may be interpreted as defamatory.

15. Records Retention. Social media sites will contain communications sent to or received by [City/Town] officials and employees, and are therefore Public Records. Ensure that the [City/Town] or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third party social media service provider's terms of service for its record retention practices. Note that while third party social media providers will

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most likely save your content for some period of time, they generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the [City/Town] or department should retain copies of social media posts such as by printing or otherwise storing periodic "snapshots" of the social media sites.

16. Open Meeting Law. Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

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SOCIAL MEDIA POLICY

This acknowledges that I have received and reviewed the Social Media Policy, with attachments, of the [City/Town] of _____ ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I

recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file.

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LANGUAGE POLICY

Adopted:

-

I. Purpose

The Board of Selectmen has determined that in order to remove stereotypes and advance a more inclusive gender-neutral policy, it is in the best interests of the Town to change how the members of the Board of Selectmen will be referred to in the future.

-

II. Policy

Upon the effective date of this Policy, Individual Selectmen shall be referred to as Select Board Member, Selectwoman, or Selectman, and the Chairman shall be referred to as Chair and the Vice Chairman shall be referred to as Vice Chair.

-

This Policy shall have no effect on the powers and authorities of the Board of Selectmen as provided in the Massachusetts General Laws or any special act applicable to the Town of Sudbury, the Town Charters, the Code of the Town of Sudbury, and any regulations of the Town.

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Town of Sudbury Donation Policy

Rev. 6/2014

I. Definition and Governance -

Donations subject to this policy include all monetary gifts, donations, grants, or bequests, and all donations of equipment, materials, or other donations in kind. Gifts and donations may be accepted by the Town from a charitable foundation, a private corporation, or an individual, or from the Commonwealth, a county or municipality or an agency thereof, pursuant to the provisions of M.G.L. Chapter 44, Sections 53A. These amounts may be expended without appropriation, however, must be spent in accordance with the provisions of the gift or donation. Considered a special purpose fund, the monies in a gift account may be held-over from year to year.

II. Acceptance of

Donations –

Monetary -

The Board of Selectmen recognizes and appreciates the benefits to the Town of donations of time, talent, and money in support of the Sudbury community. While the Board of Selectmen is grateful for donations for a variety of projects that can improve the quality of life in Sudbury, they reserve the right to decline donations for specific projects that might require extraordinary in-kind or monetary contributions from the Town or its staff to assist in planning, implementing or maintaining the project, or where the project would compromise the success of other efforts of the Town.

All donations accepted by the Board of Selectmen will be expended at the discretion of the Board of Selectmen or appropriate designee (e.g. responsible department, division, trustees, committee or individual associated with direct benefit

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of or expenditure authority for the gift).

Donations that are accepted by the Board of Selectmen will ordinarily be accepted without condition or restriction, unless requested and the Board approves a proposed condition or restriction as being in the interest of the Town.

Monetary donations will be placed in a separate account as needed and in compliance with applicable laws.

Tangible personal property –

The Board of Selectmen may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the Town from the federal government, a charitable foundation, private corporation, individual, or from the Commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, use said gifts, without specific appropriation

thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable.

Donations of time and personal services –

Donations of time and personal services by Sudbury residents shall not be subject to this policy. This exemption shall apply to individual volunteerism only, and shall not extend to donations of services by employees and agents of businesses or commercial entities, which shall be treated the same as donations of money or other contributions of economic value under this policy.

III. Rejection of Donations –

The Board of Selectmen reserves the right to reject any donation when it finds that the donation would not serve the best interests of the Town. The Board will consider the overall interests of the Town in reviewing each donation, but generally will not accept donations in the following circumstances:

1. The donation is incompatible with existing or planned services, programs, or goals of the Town.
2. The donation would result in an unreasonable inequity among Sudbury residents or groups of residents within the Town.
3. The donation may tend to result in a recurring cost to the Town such as the salary or benefits for a staff position, or ongoing maintenance or support of equipment or materials, or would create a cost to the Town to terminate or eliminate the staff, equipment or materials (e.g. unemployment.)
4. The donation may require special supplies, maintenance, or installation, or entail other significant costs not covered by the donation.
5. The donation would involve unreasonable advertising or promotion of a commercial interest.
6. The donation would support a program that has been discontinued or any program, equipment or materials, or a capital item that was proposed but not funded in the budget approved for the Town by

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the voters of the Town of Sudbury at a Town Meeting or Town Election.

iv. Exceptions to Requirement of Board of Selectmen—

None. While the Board of Selectmen does not need to authorize, accept or promote the actions of individuals or organizations to engage in fundraising, the proceeds of which may be given to the Town as a gift or donation, either in lump-sum, regular intervals or periodically into the future, all donations regardless of dollar amount or purpose must be accepted by the Board of

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Selectmen before being considered a revenue of the Town, expended or encumbered for any purpose.

v. Fundraising

Any group or organization that seeks to raise funds to support the Town, especially to support a particular program or initiative, should communicate with the Town to ensure its efforts are compatible with the Town's goals. Generally, communication and coordination with the Town is encouraged for any fundraising efforts. Donations from fundraising efforts are subject to the donation approval policy. The Board of Selectmen may choose not to accept donations from fundraising efforts in the absence of approval prior to the fundraising effort. Furthermore, individuals, commercial or private entities, or any other type of organization is prohibited from engaging in any fundraising efforts on behalf or in the name of the Town of Sudbury, without express prior permission.

Individuals, commercial or private entities, or any other type of organization that engage in fundraising are solely responsible for operating under all State and Federal mandates, including those governing charitable funds, fundraising, and non-profit activities. More details regarding charitable funds and fundraising may be obtained at the Mass. Attorney General's Office and the Internal Revenue Service.

Often times, separate fundraising efforts will warrant that the Town becomes involved as the permanent custodian or funding mechanism for a particular purpose. However, until the Town is legally designated through proper trust documentation or money is donated to an existing Town trust, or accepted by the Board of Selectmen for an established municipal purpose (or on behalf of and in accordance with established municipal committees or commissions (e.g. the LEPC, COA or the Cultural Council), such donations may not be considered revenue to the Town, subject to use or appropriation by the Town.

Any individual or organization that raises funds for any purposes may be prosecuted for misrepresenting or misusing the Town

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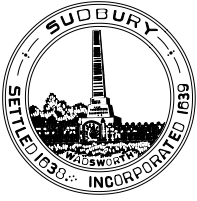
of Sudbury's Tax ID, State and Federal tax-exemption status or other determinations under IRS section 501(c)(3).

vi. An important notice regarding charitable gifts or donations made to local government entities

Charitable donations made directly to a local government *may* be tax deductible by donors but are not expressly granted or guaranteed under IRS section 501(c)(3) or any other tax regulations. For further details see IRS Publication #526, contact the IRS or consult with a tax professional regarding particular charitable contributions as well as the eligibility requirements for specific individuals (or entities) when claiming deductions for federal income, estate and gift tax purposes.

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Town of Sudbury

Code of Conduct for Town of Sudbury Committees

Whose Members are appointed by the Sudbury Select Board
or the Sudbury Town Manager

1. A member of any Committee who has accepted appointment by the Select Board or the Town Manager to a Committee position is expected to comply with the following code of conduct. Failure to adhere to this code will be considered by the Board and Town Manager when making re-appointment decisions.
 - a. A member of a Board or Committee in relation to their community should:
 - b. Realize that their function is to follow the mission statement of the Committee.
 - c. Accept the role of a Committee member is a means of unselfish service, not to benefit personally or politically from their Committee activities.
 - d. Abide by the ethics guidelines established by the State.
 - e. Conflicts of interest: Refrain from participating as either a member of the Committee or as a member of the public in Committee matters in which they have a personal interest.
 - f. Abide by all policies established by the Select Board.
 - g. Realize that they are one of a team and should abide by all decisions of the Committee once they are made.
 - h. Be well informed concerning the duties and responsibilities of the Committee.
 - i. Remember that they represent the entire community at all times.

2. A member of a Board or Committee in their relations with staff of the Town should:
 - a. Request assistance from Town staff only through the staff person assigned to the Committee.
 - b. Refrain from publicly criticizing an employee of the Town. Concerns about staff performance should only be made to the Town Manager through private conversation.
 - c. Recognize and support the administrative chain of command and refer all complaints.
 - d. Ensure that any materials or information provided to a Committee member from Town staff should be made available to all Committee members.

3. A member of a Board or Committee in their relations with fellow Board/Committee members should:
 - a. Not make statements or promises of how they will vote on matters that will come before the Committee until they have had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
 - b. Make decisions only after all facts on a question have been presented and discussed.
 - c. Refrain from communicating the position of the Committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language of the statement conveying the statement.
 - d. Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session.

- e. Treat with respect and courtesy all members of the Committee, attendees and staff despite differences of opinion.
 - f. Treat with respect and courtesy any member of the public, including anyone they have brought to represent them, who comes before the Committee for any reason, but particularly in matters related to regulatory issues.
4. If circumstances change so that meeting attendance on a regular basis becomes difficult, the Committee member will offer his or her resignation to the Board, so that someone who can regularly attend meetings can be selected by the Board.

[Adopted by the Select Board July 11, 2006; revised September 8, 2009; revised March 9, 2021. Please note: This code of conduct was originally developed based on similar codes used by other elected Boards and Committees in other communities.]

CODE OF CONDUCT AND ETHICS

TOWN OF LITTLETON, MA

Unanimously adopted by the Board of Selectmen, November 17, 2008

1. ENABLING AUTHORITY – MGL Chapter 268A, Section 23 (e)

A municipality may have a Code of Conduct, provided it is consistent with State law and that the Board of Selectmen, as the chief appointing officials for the Town, vote to adopt such policy.

MGL Chapter 268A, §23 (e): Nothing in this section shall preclude any ... head of such agency from establishing and enforcing additional standards of conduct.

2. PURPOSE STATEMENT

The intent of this policy is to establish a clear statement and guidelines to serve as the standard for achieving and maintaining a high level of public confidence, trust and professional respect with regard to how the Town and its officials conduct business. This policy will define and create a centralized policy with regard to conduct and ethical standards.

The Board of Selectmen recognizes the importance of professional standards at all levels of the government including those who volunteer their time and services on behalf of the Town. The Board encourages other boards and committees of the Town who are not appointed by the Selectmen to adopt this standard by reference thereby creating a **Unified Code of Conduct and Ethics for Town Officials** as a standard for expectations of public officials.

3. APPLICABILITY

This policy in all its sections shall apply to the boards, presiding officers, public officials, commissions and committees and other representatives appointed by the Board of Selectmen and those representatives appointed by the Town Administrator, more particularly defined below:

- The term “the Board” and “the Selectmen” shall apply to the Board of Selectmen
- The term “member” shall apply to those appointed by the Board of Selectmen or the Town Administrator
- The term “official” shall apply to a Board of Selectman member or a member appointed by the Board of Selectmen or Town Administrator
- The term “chair or presiding officer” shall apply to the chairperson of a committee/board/commission or the officer serving in the absence of the chair
- The term “appointing authority” shall apply to the Board of Selectmen or the Town Administrator

- All of the terms used herein including commission members, committee members, board members, representatives appointed by the Board or Town Administrator and other officials mentioned in this guideline are subject to this policy

4. CODE OF CONDUCT

These obligations and commitments shall be assumed by all members of the Board and other officials defined in the Applicability section:

- Be well informed concerning the local and state duties of a board/committee member whenever applicable
- Remember that he/she represents the Town of Littleton at all times
- Accept their position as a means of unselfish public service, not to benefit personally, professionally or financially from his/her board/committee position
- Treat all members of the board/committee with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people
- Honor confidential information, seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest
- Conduct themselves so as to maintain public confidence in their local government and in their performance of the public trust
- Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law (MGL Chapter 39, Section 23B)

5. CODE OF ETHICS

5.1 Purpose

This policy is issued for the purpose of ensuring that the Board and all other officials defined in the Applicability section comply with the provisions of MGL Chapter 268A, the Conflict of Interest Law, including disclosures made under Sections 19 and 23 and **more stringent policies adopted by the Board herein.**

5.2 Actual Conflict of Interest (MGL Chapter 268A)

The Board and all other officials defined in the Applicability section must understand that there may be times when actions they take could be inconsistent with Conflict of Interest laws of the Commonwealth. There may also be times when an appearance of conflict exists.

The official should be proactive in recognizing, disclosing and acting professionally; with the public trust and compliance of the laws at the forefront of their actions. It is the responsibility of each official to determine for themselves whether or not to make disclosures prior to acting on a particular matter where a conflict exists or might exist.

5.3 Procedure

- The official in question shall not participate in his/her official capacity in matters in which such participation is prohibited by the Conflict of Interest Law and the official in question shall disclose in writing the conflict of interest to their appointing authority and this disclosure shall be recorded into the minutes of the meeting
- The member shall leave the room for the duration of the discussion unless advised otherwise by Town Counsel or the State Ethics Commission
- When a conflict or appearance of conflict exists, the chair or presiding officer shall state the reason (s) for the conflict of potential conflict and will ensure that the member does not participate in the matter as a point of order
- The chair or presiding officer of the meeting shall ensure that the reasons for the conflict are clearly stated (as stated by the member in person) and this shall be recorded into the minutes of the meeting and made available for public view; if the member chooses to recuse himself from the meeting and is not present to state the reasons for recusal, then the presiding officer shall verbally enter the member's statement which will be recorded into the minutes
- The member shall re-enter the room only after the discussion has concluded and the chair or presiding officer of the meeting will state, upon re-entering the meeting by the member in question, that member has re-entered the meeting.
- This shall be repeated each time the subject in question is discussed at subsequent meetings
- All officials defined in the Applicability section should seek and adhere to advice from the Ethics Commission, their appointing authority and Town Counsel if necessary (Note: the State Ethics Commission offers free advice via phone or in writing)

5.4 Appearance of Conflict of Interest (MGL Chapter 268A, Section 23)

The Conflict of Interest Law provides that public officials and employees must avoid conduct that creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of kinship, rank, position or undue influence by any party or person.

MGL Chapter 268A, Section 23 allows public officials to act on certain matters, even if it creates the appearance of a conflict, if they openly admit all of the facts surrounding the appearance of bias prior to any official action.

MGL Chapter 268A, Section 23(b)(3):

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Under MGL Chapter 268A, Section 1 (definitions), an official may be classified as a “Special Municipal Employee” when such status is authorized by the Board of Selectmen. Such a status provides greater latitude for officials serving in multiple roles. However the Board’s designation of an employee as a Special Municipal Employee will not preclude the expectation that the official must and will avoid conduct which creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of financial interests, kinship, rank, position or undue influence by any party or person.

Irrespective of governing statute, the Board urges all members and officials to exercise due diligence with respect to preserving the public trust. At times, this may mean an official or member must not act or participate until the matter has been determined by Town Counsel, the State Ethics Commission or any other governing entity if applicable. That determination will also be made in writing and be made available for public view.

5.5 Procedure

- The member in question must fill out the appropriate disclosure form, available from the State Ethics Commission (www.mass.gov.ethics) or from the Town Clerk
- This form must be submitted to the appointing authority for review
- The member in question shall submit, in writing, all of the facts surrounding the potential conflict to their appointing authority
- The member in question shall not participate in the particular matter until and unless the approving authority has granted written permission specific to the disclosure and has filed a copy of such written permission with the Town Clerk
- The reason for the existence of the potential conflict, the granted permission and the compliance of these guidelines shall be stated by the member before participation and shall be verbally disclosed at the meeting and recorded into the minutes of the meeting
- This shall be repeated each time the subject in question is discussed in subsequent meetings
- It is the responsibility of the chair or presiding officer to oversee the procedure after initiation by the member in question; the chair or presiding officer shall also be

responsible for ensuring that these disclosures are entered into the minutes and are appropriately filed with the Town Clerk for public view

- The Town Clerk shall maintain a separate file of disclosure statements which shall be kept available for public view

6. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of this policy to all members as defined in the Applicability section upon its issuance and upon the subsequent appointment of re-appointment of any member
- The Town Clerk shall also maintain and distribute educational materials from the State Ethics Commission to members
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict of Interest Law and this policy
- The Town Clerk shall have each member sign a statement that they have read these policies and will comply with all requirements set forth in this policy; this form shall be available for public view

Code of Ethics vs. Code of Conduct: What's the Difference?

By Indeed Editorial Team

Updated February 14, 2022 | Published September 29, 2021

The Indeed Editorial Team comprises a diverse and talented team of writers, researchers and subject matter experts equipped with Indeed's data and insights to deliver useful tips to help guide your career journey.

Effectively written ethical and conduct codes can help companies promote long-term goals, establish their values and develop healthy workplace cultures. While codes of ethics and codes of conduct both provide important business and employee guidelines, there are several differences between the two. In this article, we explain what a code of ethics and a code of conduct are, outline their benefits and differences and offer tips to write effective codes for your company.

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Get recommendations for your resume in minutes

What is a code of ethics?

A code of ethics is a set of guiding principles businesses use to define their moral character, make important business decisions and establish clear moral expectations for those within their company. Ethical codes work to promote a company's values and inform the choices of its members. They can weigh their decisions against the code of ethics to determine if their actions support the overall mission of the company. Some industries, like healthcare, law and finance, have legal rules along with ethical guidelines. Sometimes companies within these industries incorporate legal compliance into their codes of ethics.

Here are some examples of items you might see on a company's code of ethics:

- **Kindness:** A company's code of ethics might remind employees to treat each other with respect and kindness, remembering their commitment to teamwork and mutual support.
- **Integrity:** The code of ethics could also include an article about its followers' moral character, saying those within the company should practice integrity in their actions and decisions.

- **Equality:** Companies with a commitment to equality might promote fairness in their work environments and aim to create welcoming spaces for everyone within their organization.

Read more: [Professional Code of Ethics: Definition and Examples](#)

What is a code of conduct?

A code of conduct is a set of enforceable rules companies use to communicate expectations and requirements for those within the company. The code of conduct clearly defines which actions or behaviors are unacceptable within their business. Most codes of conduct include policies related to dress codes, employee interactions and company property. Sometimes, companies include their code of conduct in the employee handbook or training resources offered to employees at the start of their employment. Some codes also define the consequences of code violations.

Here are some examples of items you might see in a company's code of conduct:

- **Dress professionally:** The code of conduct might specify attire expectations and restrict certain choices like ripped jeans, shorts or open-toed shoes.
- **Limit technology use:** Many codes of conduct include rules about technology, informing employees when it's acceptable to use their cellphones or restricting internet access to things like social media sites while on company computers or company time.
- **Attendance:** The code of conduct might explain consequences for repeat tardiness or for absences without notice.

Read more: [Code of Conduct Examples in the Workplace](#)

Differences between a code of ethics vs. a code of conduct

Here are several key areas where codes of ethics and codes of conduct can vary:

Enforceability

One area where the two codes vary is in their enforceability. Because codes of conduct often explicitly list rules and policies, it's typically easier to measure compliance. If an employee violates one of the company's conduct rules, they could face disciplinary action or risk termination. It's easier to enforce a code of conduct because the codes often specify policies along with corresponding consequences for code abuses. Conversely, the code of ethics focuses more on values and moral principles than on

specific actions. Therefore, it can be more challenging to identify code violations and enforce compliance.

For example, a company's code of conduct might specify expectations for employee behavior, saying they need to represent the company well in front of customers and behave professionally. If an employee violates this policy by using profanity in front of a customer, their supervisor could point to the code of conduct to illustrate the violation. With a code of ethics, a company might describe its commitment to sustainability or equality. An employee could make a decision that didn't support these initiatives, but because the code is often less explicit, values can be harder to enforce.

Related: [How To Create an Effective New Employee Orientation Program](#)

Applicability

Codes of conduct typically outline actual rules that have obvious applications. For example, a code of conduct might outlaw cellphone use, sharing of sensitive information or certain attire, like leggings. These rules directly apply to everyday actions and leave little room for interpretation.

In contrast, the items on a company's code of ethics are often more vague and idealistic. The code of ethics might encourage employees to act with intention, value equality or promote sustainability. While the company can use its code of ethics to support its values and ideals, the code itself might not apply to every business decision or action. For example, the company might make an overarching commitment to sustainability while still making smaller, cost-effective decisions that don't fully support that goal. Businesses can apply their code of ethics in theory, but they apply their code of conduct in practice.

Impact

The two codes can also differ in the impact they have on a company's culture and values. By following the code of ethics and promoting their company's values, employees can contribute to a culture that's in line with the organization's vision. Their actions can support the long-term vitality of the organization and consistently improve its ability to meet its goals. Codes of ethics can have a longer-term impact on a company and its culture.

The code of conduct has an immediate impact on a company. Because most codes of conduct comprise enforceable rules, its effect on individual employees can be more direct. While both codes can influence employees' daily actions and decisions, conduct codes often have a larger effect on the individual, and ethical codes often have a larger effect on the culture.

Policy on Remote Participation

PURPOSE STATEMENT

The Office of the Attorney General amended the Open Meeting Law regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the Open Meeting Law, M.G.L. c.30A, §§18-25.

ENABLING AUTHORITY- 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

ADOPTION OF REMOTE PARTICIPATION

In accordance with 940 CMR 29.10(2)(a), the Select Board, on December 15, 2015, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town. In accordance with 940 CMR 29.10(3), the Select Board may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, subcommittees and other public bodies regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.

A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

If the chair's physical presence is unreasonably difficult but they are able to participate remotely, the vice-chair shall take on the role of chair.

Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

Members of public bodies who participate remotely may vote and shall not be deemed absent for meetings or hearings for the purposes of Article III, Section 8 of the Town General By-laws and M.G.L. c. 39, §23D.

Section 23D (a): Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board,

committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the express desire of the Select Board that remote participation in meetings be an infrequent event, for both individual board members and Town boards, committees, and commissions as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A Board member may attend a meeting through electronic conferencing if their physical attendance would be unreasonably difficult or the physical location does not provide necessary accommodations.

Due consideration should be given regarding associate members on Boards and Committees, Associate members should be utilized in the physical absence of members of Boards and Committees when deemed appropriate by the Chair.

Any determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable. **What do people think this means? Discuss?(Is an example where a developer does not like an outcome of a permitting hearing and wants to appeal on the grounds that a remote member should or should not have been allowed to vote.) CHECK WITH TOWN COUNSEL on what this means and what we can legally say.**

The Commission on Disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If the Commission on Disability utilizes remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law and this policy.

ACCEPTABLE METHODS OF REMOTE PARTICIPATION

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

- i. Telephone, internet, or video conferencing.
- ii. Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible, clearly visible to all persons present at the meeting location.

- iii. If technical difficulties arise as a result of utilizing remote participation, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participants' ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

PROCEDURES FOR REMOTE PARTICIPATION

Any member of a public body who wishes to participate remotely shall at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of their desire to do so (if physical attendance is unreasonably difficult).

- i. If the Chair approves the request for remote participation, they shall make any necessary arrangements with appropriate Town personnel to ensure that the required equipment is available and, to the greatest extent practical, provide access to all meeting materials. THE TOWN DOES NOT GUARANTEE AVAILABILITY OF REQUIRED EQUIPMENT AT ANY PARTICULAR TIME OR LOCATION.
- ii. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.
- iii. All votes taken during any meeting in which a member participates remotely shall be by roll call vote. Members may participate remotely even if they are not qualified to vote.
- iv. Remote participants shall preserve the confidentiality of the executive session (where applicable). The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.
- v. The Town shall not be responsible for the reimbursement of any out-of-pocket costs associated with the remote participation of Board members.
- vi. Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity who could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.
- vii. Meeting minutes shall indicate which members participate remotely.
- viii. A quorum of a board, committee, commission must be present in person.

- ix. Remote participants shall not operate a motor vehicle or otherwise jeopardize personal or public safety while participating in a meeting.

ADDITIONAL REQUIREMENTS FOR CIRCUMSTANCES REQUIRING INCREASED REMOTE PARTICIPATION

Note: During the COVID-19 pandemic, boards, committees, and commissions have been permitted by **(Jen add law)** to meet remotely as a quorum through July 152022. The following requirements apply and will apply in a similar future circumstance:

1. All or any of the members of the public body may choose to participate in a public meeting via remote access. Meetings may be virtual, in their entirety.
2. If deemed necessary for public health, the public may not be allowed into a Board/Committee meeting, even where there are any members of the public body and/or [city/town] staff or official(s) physically present at the meeting location during the meeting. "Public comment" portions of meetings may be temporarily suspended.
3. However, the public will be provided with alternative access through which they can watch or listen to meetings "in real time," and meeting notices will specify the manner in which members of the public may access audio or video of the meeting as it is occurring.
4. If virtual meeting technology supports digital messaging (e.g. posting of text messages visible to individual member(s), all members, or all attendees), the commenter must be identified and a member of the board, committee, or commission or staff must read the comment aloud during public comment time.
5. Preferred messaging capabilities (e.g. Q&A feature in Zoom) will allow the body to take comment in an orderly and undistracting manner.
6. Verbal comments will be encouraged over digital for participants with the capability.
7. If a commenter cannot be identified, the comment does not need to be read aloud into the record.
8. Civility and decorum shall be exercised and encouraged in all communications. (should it apply to in-person as well?)
9. If, despite the Town's best efforts, technological capabilities do not adequately support public access to virtual or remote meetings, the Town will ensure that an audio or video recording, transcript, or other comprehensive record of the proceedings at the meeting is posted on the Town's website as soon as possible after the meeting.
10. Notices for public hearings will contain additional information about how the public may participate via electronic/technological means.
11. For executive session meetings, public access to the meeting will be limited to the open session portion(s) of the meeting only. Public access to any audio, video, internet or web-based broadcast of the meeting will be discontinued when the public body enters executive session.
12. Where individuals have a right, or are required, to attend a public meeting or hearing, including executive session meetings, they will be provided with information about how to participate in the meeting/hearing remotely. (This shall include instructions about how to be recognized and speak across a variety of mediums.)
13. Meeting notices will still be posted at least 48 hours in advance (not counting Saturdays, Sundays, or legal holidays), unless it is an emergency meeting as defined under the Open Meeting Law (in which event, the meeting notice will be posted with as much advanced notice as is possible in the circumstances). Minutes will still be taken.

14. Individual meeting agendas on the calendar or board/committee page on the Town's website, located at <https://sudbury.ma.us> shall be updated with the latest information regarding meetings, recognizing that each meeting may experience unique circumstances that may require last minute changes in protocol, including cancellation or rescheduling.

Draft

Sudbury Select Board

Policies and Procedures Subcommittee Virtual Meeting

Thursday, June 16, 2022

11:00 a.m.

Subcommittee Members Present: Lisa Kouchakdjian and Jennifer Roberts

Member Roberts called the Subcommittee meeting to order at 11:09 a.m. Member Roberts read the open meeting remarks. The Subcommittee did a roll call of all members. Both members Roberts and Kouchakdjian stated they were present for the meeting.

Member Roberts did not have opening remarks. Member Kouchakdjian asked about the process for public comment during the subcommittee meetings. Member Roberts stated that sometimes there is open dialogue from attendees in the meetings. Public comment is at the discretion of the members.

Citizens Comment:

No public comment from any community members.

Review of Policy Tracker File:

Member Roberts stated there are many policies that need attention. There may be some policies that need updates or we may need new policies.

Member Roberts discussed the policy tracker file and screen shared the document. The document shows the policies and when the policies were reviewed and the status of each policy. The document is how the subcommittee has tried to keep things organized. Member Roberts stated she would like to make the policies more transparent to the community once they are updated. Some policies have been prioritized based upon information had at the time.

Member Kouchakdjian mentioned she did some research about policy manuals other towns have. The subcommittee will include a review of other town policies at an upcoming subcommittee meeting.

Discussion Remote Participation Policy and Appointment Policy:

Member Roberts stated that she and Member Schineller addressed the appointment policy. The subcommittee will put the appointment policy on an upcoming Select

Board meeting. Member Roberts indicated the change was essentially one line. The other policy the subcommittee may want to take a look at is the remote meeting policy. The subcommittee incorporated recommendations from counsel regarding how to run remote meetings. Next step is to have town counsel review the policy. The Subcommittee agreed to wait to see what the Legislature does with regard to remote meetings to address this policy.

Code of Conduct/Code of Ethics Policies:

The Subcommittee referenced and discussed the Code of Conduct policy for all boards, committees and commissions appointed by the Select Board. Member Kouchakdjian will contact State Ethics to receive guidance and recommendations on what the town can do with regard to establishing an ethics policy for appointed and elected officials.

Discussion of Enhancement of Policies on Website:

The Subcommittee reviewed the town website regarding how other committees' policies and information are displayed and published to the community. Member Roberts will look into how we can publish the Select Board policies on the website. Member Roberts will speak with Mark Thompson about better display of policies and procedures.

Minutes:

The Subcommittee reviewed the minutes from January 14th. Member Kouchakdjian moved to approve the January 14, 2022 Minutes from the Policies and Procedures Review Subcommittee. Member Roberts seconded the motion. Motion passed 2-0 by roll call vote, Member Kouchakdjian and Member Roberts stating aye.

Member Roberts will prepare draft minutes from March 11, 2022 and April 27, 2022. Member Kouchakdjian will prepare draft minutes from the June 16, 2022 meeting.

Next meeting will be July 15th at 11:00 a.m.

Motion to adjourn by Member Kouchakdjian. Seconded by Member Roberts. Motion passed by roll call vote, stating aye. Meeting adjourned at 12:25 p.m.

Sudbury Select Board

Policies and Procedures Subcommittee Virtual Meeting

Thursday, August 4, 2022

4:00 p.m.

Subcommittee Members Present: Lisa Kouchakdjian and Jennifer Roberts

Member Roberts called the Subcommittee meeting to order at 4:10 p.m. Member Roberts read the open meeting remarks. The Subcommittee did a roll call of all members. Both members Roberts and Kouchakdjian stated they were present for the meeting.

Member Roberts did not have opening remarks. Member Kouchakdjian did not have any opening remarks.

Citizen Comments:

None.

Code of Conduct/Code of Ethics Policies:

Member Kouchakdjian provided an update regarding her research on the Code of Ethics. Member Kouchakdjian reported that she called State Ethics. She stated that Ethics is concerned about the conflicts of interest laws. State Ethics stated that Select Boards like ours can institute policies around behavior, conduct, and ethics. The response from State Ethics was there is no reason why the Board cannot. Member Kouchakdjian stated that the town would have to have counsel review whatever is drafted. State Ethics does not have any templates regarding such code of ethics.

Member Kouchakdjian reported that while at her MMA new member training she learned that members in attendance are considering similar ethics policies. Member Kouchakdjian offered to speak with the MMA and another Select Board member from western Massachusetts to collaborate and see what they are doing with regard to this issue.

Member Roberts would like to consider updating and revising the current Code of Conduct document. One issue the subcommittee considered is whether the current Code of Conduct pertains to the Select Board. The Subcommittee considered adding ethics to the Code of Conduct. Member Kouchakdjian stated that the

MMA may be able to guide the Subcommittee with regard to these issues and offered to contact the MMA to inquire.

Member Roberts likes the weight of the Code of Conduct. She suggested going through the Code of Conduct in detail and adding some language around ethics, no speaking mis-truths, an expectation of honesty, no bullying, and no intimidating for example. Member Kouchakdjian recommends that the Code of Conduct and Ethics pertain to the Select Board as well.

Member Roberts will look into whether the current Code of Conduct applies to the Select Board. Member Kouchakdjian agrees with combining the Code of Conduct with a Code of Ethics. Member Kouchakdjian will seek some guidance from the MMA.

Remote Participation Policy/Appointment Policy:

With regard to the appointment policy that was voted in April 2022, there is some additions and changes that need to be made. Member Roberts sent those changes to Member Russo so the Board can vote the correct version of the policy.

With regard to the remote participation policy, the Subcommittee was waiting to see what the State was going to do. Issues regarding the chat function will need to be reviewed in the remote participation policy. The Subcommittee reviewed the remote participation policy. Member Roberts discussed some work that she and Member Schineller did with regard to this policy. Both Members agree that more work needs to be done on this policy. Member Kouchakdjian will talk with the MMA about this issue. Member Roberts will research what other communities have done with regard to their remote policies.

Minutes:

Members reviewed minutes from March 11, 2022. Member Kouchakdjian moved to approve the minutes from March 11, 2022. Member Roberts seconded the motion. Motion passed 2-0 each member stating aye.

Members reviewed minutes from June 16, 2022. The Subcommittee made edits to the minutes. Member Kouchakdjian will make additional changes to the minutes and the Subcommittee will review the minutes again at the next meeting.

Citizens Comments:

None.

Next meeting will be Thursday, September 1st at 11:00 a.m.

Motion to adjourn by Member Kouchakdjian. Seconded by Member Roberts.

Motion passed by roll call vote, stating aye. Meeting adjourned at 5:16 p.m.