



Select Board  
Regular Session Minutes  
Swampscott High School  
200 Essex Street, Room B129  
August 16, 2023 6:30 PM

David Grishman, Chair  
Katie Phelan, Vice Chair  
Mary Ellen Fletcher  
Peter A. Spellios  
Douglas Thompson

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**SELECT BOARD MEMBERS PRESENT:** DAVID GRISHMAN, MARY ELLEN FLETCHER, KATIE PHELAN, PETER SPELLIOS, DOUG THOMPSON

**MEMBERS ABSENT:** NONE

**OTHER TOWN OFFICIALS PRESENT:** SEAN FITZGERALD, TOWN ADMINISTRATOR, POLICE CHIEF RUBEN QUESADA, PETE KANE, ASSISTANT TOWN ADMINISTRATOR/HUMAN RESOURCES DIRECTOR, GINO CRESTA, DPW DIRECTOR, MAX KASPER, FACILITIES MANAGER

**OTHER:** NANCY SCHULTZ, HISTORICAL COMMISSION CHAIR

**A. TOWN ADMINISTRATOR'S REPORT:**

- i. KING'S BEACH – TA FITZGERALD HAS HAD A NUMBER OF MEETINGS WITH DEP AND EPA EMPLOYEES TO DISCUSS FEASIBILITY STUDIES TO ADDRESS BACTERIA. DEP IS MORE INCLINED TO LENGTHEN THE OUTFLOW PIPE & FEEL STRONGLY WE SHOULD BE ABLE TO MITIGATE KING'S BEACH PROBLEMS IN A SHORTENED TIME SPAN OF 24-36 MONTHS. THEY HAVE AGREED TO SHORTEN THE TIME REQUIRED FOR PERMITTING.
- ii. PARTICIPATED IN A WALK-THROUGH OF 10 NEW OCEAN AND 12-24 PINE ST. WITH ATA/HRD PETE KANE AND IS MEETING WITH GENERAL ANDREA BENNETT THIS WEEK TO DISCUSS HOW VETERANS' AFFAIRS CAN ASSIST IN THIS PROJECT.
- iii. ATTENDED A LUAU AT THE SENIOR CENTER.
- iv. THERE IS A WALK-TO-SCHOOL EVENT TENTATIVELY SCHEDULED FOR OCTOBER 4<sup>TH</sup> WITH THE POLICE DEPT.
- v. THE PLANNING BOARD IS HOSTING A PUBLIC MEETING AUGUST 29<sup>TH</sup> RE: REDESIGNING VINNIN SQUARE.
- vi. THE POLICE DEPT. IS WORKING ON PSAs FOR BACK-TO-SCHOOL SAFETY. THESE WILL BE ON CABLE AND IN NEWSPAPERS. RESIDENTS ARE ENCOURAGED TO SIGN UP FOR ROBOCALLS.
- vii. THE TEEN ROOM IS PROGRESSING ALONG AT THE LIBRARY. THE LIBRARY WILL BE EXPANDING OPERATING HOURS ON FRIDAYS AND SATURDAYS.
- viii. WE'VE FILLED A NUMBER OF POSITIONS AT THE LIBRARY AND HAVE A NEW ADMINISTRATIVE ASSISTANT AT THE FIRE DEPT.
- ix. THE FINANCE TEAM IS WORKING ON THE END OF YEAR WRAP UP AS WELL AS FY25'S CAPITAL IMPROVEMENT PLAN.
- x. WE HAD A NUMBER OF PROMOTIONS IN BOTH POLICE AND FIRE DEPARTMENTS.
- xi. DPW HAS COMPLETED PHASE II OF PAVING PROJECTS AND HAS BEEN RAKING KING'S BEACH EVERY MONDAY, WEDNESDAY & FRIDAY. GINO IS WORKING ON SYNCHRONIZING LIGHTS FROM WHOLE FOODS THROUGH VINNIN SQUARE AND IS WORKING ON SYNCHRONIZING LIGHTS WITH SALEM. THANKED JOHN McLAUGHLIN FOR HIS LANDSCAPING WORK THROUGHOUT THE TOWN.
- xii. NATIONAL GRID GAVE THE TOWN A \$1.6M INCENTIVE FOR OUR COMMITMENT TO ENERGY EFFICIENCY AND, ESPECIALLY, THE USE OF GEOTHERMAL HEATING & COOLING IN THE NEW ELEMENTARY SCHOOL. KUDOS TO MAX KASPER FOR LEADING THE WAY. MAX IS ALSO HARD AT WORK COORDINATING EFFORTS TO GET SCHOOLS OPENED IN A FEW WEEKS.
- xiii. THANKED THE RECREATION DEPT. FOR A GREAT BLOCK PARTY LAST SATURDAY. WE'VE RECEIVED A LOT OF POSITIVE FEEDBACK.
- xiv. MET WITH STEVE CUMMINGS REGARDING THE MISSION SEAWALL. THEY ARE WORKING ON PERMITTING AND WILL KEEP THE BOARD UP TO DATE.
- xv. THE HEALTH DEPT. IS OFFERING FREE NARCAN TRAINING AS WELL AS FREE NARCAN TO TOWN EMPLOYEES. SELECT BOARD MEMBERS ARE ENCOURAGED TO CONTACT NEIA OR JEFF AND SIGN UP FOR A TRAINING SESSION.
- xvi. THE CLERK'S OFFICE IS WORKING ON CLEANING UP VOTER ROLLS.

Ms. FLETCHER: 1) REP. ARMINI & SEN. CRICHTON FOR BRINGING IN \$4MM FOR SCHOOLS AS WELL AS \$65K FOR PEDESTRIAN SAFETY. 2) STATUS OF THE SENIOR CENTER KITCHEN: MR. KASPER: THE RE-BID IS DUE NEXT WEEK AND HE EXPECTS GOOD RESULTS. 3) ASKED ABOUT POLICE CANDIDATES HIRING. CHIEF QUESADA: WE'VE COMPLETED BACKGROUND CHECKS ON ALL APPLICANTS AND WILL BE FORWARDING TWO RECOMMENDATIONS TO THE TOWN ADMINISTRATOR. THEY WILL BE INTERVIEWED BY THE TA AND CHIEF WHO WILL THEN REVIEW THE INTERVIEWS AND MAKE A DECISION. THE SELECTED CANDIDATES SHOULD BE ABLE TO ATTEND THE OCTOBER 6<sup>TH</sup> POLICE ACADEMY ASSUMING THEY PASS THE PHYSICAL TRAINING.

Ms. PHELAN: 1) ASKED THAT PTOs BE INVOLVED IN THE BACK-TO-SCHOOL EVENT. 2) ASKED THAT THE POLICE INCLUDE BIKE SAFETY IN THEIR BACK-TO-SCHOOL PSAs. PER CHIEF QUESADA, THE TOWN HAS DOLLARS ALLOTTED TO BICYCLE SAFETY AND INTENDS TO USE ALL OF IT.

**B. PUBLIC COMMENTS:** MAURA LAU, OUTLOOK ROAD: 1) ASKED THAT THE NEWSLETTER BE PUT ON THE FRONT PAGE OF THE WEBSITE. 2) ASKED THAT THE KING'S BEACH CLOSURE INFORMATION BE MADE MORE VISIBLE ON THE WEBSITE. 3) THE MINI-Forest IS BLOCKING THE STREET WHEN TRYING TO TURN ONTO PARADISE RD. AND CREATING A BLIND SPOT. 4) ASKED THAT PUBLIC COMMENT ALWAYS BE HELD. 5) HOLDING EACH ACCOUNTABLE WOULD BE NEEDED AT SELECT BOARD AND TOWN MEETINGS.

**C. NEW & OLD BUSINESS:**

**1. TRAFFIC & PEDESTRIAN SAFETY:** CHIEF QUESADA: TRAFFIC ENFORCEMENT ALONE IS NOT THE PANACEA TO REDUCING TRAFFIC ISSUES. THE KEY ELEMENTS ARE EDUCATION, ENFORCEMENT AND INFRASTRUCTURE. AS POLICE CHIEF, HE HAS HEARD NOTHING BUT ISSUES REGARDING TRAFFIC AND PEDESTRIAN SAFETY. THE POLICE DEPT. IS WORKING ON TRAINING AND GRANTS. THEY'VE SPENT \$76,000 IN GRANT FUNDS ON TRAFFIC AND PEDESTRIAN SAFETY OVER THREE YEARS. THERE ARE TEN OFFICERS WHO ARE ADVANCED LEVEL CERTIFIED FOR DRUG AND ALCOHOL IMPAIRMENT. OFFICER WILSON IS WORKING ON CREATING A PSA WITH THE HIGH SCHOOL, INCLUDING POSSIBLY HOLDING A MOCK OUI EVENT; THEY'RE USING THEIR SEVEN SPEED BOARDS, ARE ADDRESSING SIGNAGE AND CROSSWALK MARKINGS. POLICE ARE ANALYZING TRAFFIC DATA BY IMPLEMENTING A NEW RISK TERRAIN MODELING SYSTEM.

Mr. CRESTA: DPW HAS ADDED RAPID FLASHING BEACONS, TEMPORARY SPEED BUMPS AND WILL BE WORKING WITH THE BETA GROUP TO DETERMINE WHAT IS BETTER (SPEED BUMPS, HUMPS, PILLOWS, TABLES) AND HOW FAR TO SPACE THEM. THEY'VE ALSO REPAINTED AND RESTRIPE CROSSWALKS AND ADDED CROSSWALK BUMP OUTS.

Mr. KANE: THE BETA GROUP WILL DETERMINE BY LATE AUGUST LOCATIONS AS WELL AS INFRASTRUCTURE CHANGES WHERE TRAFFIC CALMING MEASURES CAN BE USED. THE TOWN WILL REVIEW THEIR SUGGESTIONS AND GET COST ESTIMATES. WEATHER PERMITTING, CONSTRUCTION WILL START IN NOVEMBER. THE TOWN TRAFFIC GROUP WILL PUT TOGETHER A TRAFFIC CALMING POLICY IDENTIFYING IF AND WHERE THERE ARE ISSUES, WHAT ACTIONS NEED TO BE TAKEN, INCLUDING TEMPORARY MEASURES, ENGINEERING ASSESSMENTS AND, IF NEEDED, A PERMANENT INSTALLATION.

TA FITZGERALD DISCUSSED TRAFFIC CALMING MEASURES, INCLUDING ROADWAY INVESTMENTS AND A COMMITMENT TO PUBLIC SAFETY.

Mr. THOMPSON: APPLAUDED THE MULTI-FACETED TEAM APPROACH, THEY'RE WORKING URGENTLY AND CAREFULLY AND HE IS PLEASED WITH THE PROGRESS.

Ms. PHELAN: 1) WHERE TRAFFIC ADVISORY (TSAC) IS IN ALL OF THIS? Mr. KANE: TSAC DOESN'T HAVE A FULL BODY SO THERE IS NO QUORUM. TA FITZGERALD DISCUSSED ESTABLISHING POLICIES AND HAVING TSAC AND/OR STAFF INVOLVED, INCLUDING GETTING FEEDBACK FROM NEIGHBORHOODS. 2) ASKED ABOUT THE STATUS OF A TOWN PLANNER. TA FITZGERALD: WE'RE STILL ACTIVELY RECRUITING FOR A TOWN PLANNER. HE HAS HAD CONVERSATIONS WITH AREA MUNICIPALITIES ABOUT POSSIBLY REGIONALIZING THE POSITION AS THEY'RE ALSO HAVING PROBLEMS FINDING PLANNERS. 3) ASKED THAT THERE BE EDUCATION ON DISTRACTED DRIVING. CHIEF QUESADA: DISTRACTED DRIVING IS INCLUDED IN OUR GRANT FUNDING.

Ms. FLETCHER: HOW LONG DO YOU HAVE TO USE GRANT FUNDS? CHIEF QUESADA: UNTIL OCTOBER. LT. HENNESSEY IS WORKING ON NEXT YEAR'S GRANTS. 2) HOMEOWNERS FELT THE SPEED PILLOWS WERE DAMAGING THEIR HOMES AND I'M HOPING WE TAKE THAT INTO CONSIDERATION. 3) FEELS THAT GIVING DRIVERS WARNINGS AND TICKETS IS BETTER THAN EDUCATION. CHIEF QUESADA: WE CONTINUE ENFORCEMENT BUT THE SAME STREETS KEEP COMING UP. TICKETING IS NOT CHANGING BEHAVIOR WHICH IS WHY THEY'RE LOOKING AT EDUCATION, INFRASTRUCTURE & ENFORCEMENT. HE FEELS THEY'VE

BEEN LACKING IN EDUCATING THE PUBLIC. THIS IS A REGIONAL ISSUE. WE ARE WILLING TO TRY NEW THINGS TO ADDRESS TRAFFIC & PEDESTRIAN SAFETY. 4) BUSINESSES HAVE BEEN COMPLAINING THAT PARKING IS STILL AN ISSUE, THAT PEOPLE WHO PARK ALL DAY ARE NOT TICKETED. CHIEF QUESADA: HAS SEEN PARKING CITATIONS ISSUED AND CAN PROVIDE STATISTICS.

- 2. COMMUNITY PRESERVATION ACT:** TA FITZGERALD DISCUSSED THE COMMUNITY PRESERVATION ACT (CPA) AS A SMART GROWTH TOOL WHICH PROVIDES FUNDING TO PRESERVE OPEN SPACE, HISTORICAL PRESERVATION AND COMMUNITY HOUSING. ONLY COMMUNITIES WHO HAVE ADOPTED THE CPA ARE ELIGIBLE FOR MATCHING FUNDS FROM THE STATE. PER THE LAW, THE TOWN CAN CHARGE UP TO 3% ON OUR LOCAL REAL ESTATE PER RESIDENTIAL PROPERTY AND RECEIVE MATCHING FUNDS AT DIFFERENT RATES FROM THE STATE'S PRESERVATION TRUST FUND. UNDER CPA, COMMUNITIES CAN ALSO ISSUE BONDS AGAINST FUTURE CPA REVENUE STREAM. HE FEELS THE TOWN IS MISSING AN OPPORTUNITY. CPA FUNDS CAN HELP WITH PROJECTS SUCH AS BUILDING AFFORDABLE HOUSING OR ACQUIRING OPEN SPACE. CPA FUNDING CAN ALSO LEVERAGE ADDITIONAL FUNDS TO HELP FINANCE PROJECTS.

MS. PHELAN: ASKED WHY THE TOWN DIDN'T ADOPT THE CPA IN THE PAST. TA FITZGERALD: BELIEVES IT WAS BECAUSE THE TOWN WASN'T FISCALLY DISCIPLINED IN THE PAST AND THAT THE ANNUAL TAX RATE CONTINUED TO ESCALATE. THE BOARD HAS DEMONSTRATED FINANCIAL DISCIPLINE BUT DOESN'T FEEL WE CAN CONTINUE DOING BIG PROJECTS WITHOUT ENACTING THE CPA.

MS. FLETCHER ASKED THAT THE TA SEND INFORMATION FROM LIKE-MINDED COMMUNITIES, SHOWING WHAT THEY'VE DONE WITH THEIR CPA FUNDS.

- 3. PITMAN HOUSE:** MS. SCHULTZ AND MR. THOMPSON: THE HISTORICAL COMMISSION VIEWS THIS AS BOTH AN AFFORDABLE HOUSING AND A HISTORICAL PRESERVATION OPPORTUNITY. GIVEN THE SIZE OF THE TOWN, A PROJECT SUCH AS THIS WILL HELP THE TOWN REACH ITS AFFORDABLE HOUSING GOALS. THEY HAVE IDENTIFIED 7 HILLSIDE AVE., LOCATED .5 MILES FROM THE PITMAN HOUSE AND HAVE A QUOTE FROM A HOUSE MOVER. WINN HAS DEMOLITION SCHEDULED FOR SEPTEMBER 15<sup>TH</sup>. NEGOTIATIONS HAVE BECOME COMPLICATED. THE HABITAT FOR HUMANITY HAS AN OPTION TO PURCHASE 7 HILLSIDE AVE. BUT THEY ARE NOT READY TO MOVE FORWARD. THERE MAY BE SOME ZONING RELIEF NEEDED AS WELL AS FINANCING. THE AFFORDABLE HOUSING TRUST (AHT) WILL TAKE UP THE BUDGET NEXT WEEK AND VOTE TO MOVE FORWARD. THE TRUST WILL HAVE TO APPLY FOR ZONING RELIEF IN SEPTEMBER WITH THE HOUSE BEING MOVED IN MID-SEPTEMBER. A FRIENDLY 40B PROCESS WILL CREATE ADDITIONAL UNITS. THEY ARE SEEKING THE SELECT BOARD'S SUPPORT FOR THIS PROJECT. TEMPORARY SITING ISN'T FEASIBLE NOR IS STORING IT UNTIL A SITE CAN BE FOUND.

MS. PHELAN: 1) HOW LONG DOES THE AHT FEEL THIS WOULD TIE UP THEIR FUNDS? MR. THOMPSON DOESN'T KNOW. 2) IF IT BECOMES LESS FINANCIALLY FEASIBLE TO BE BOTH AFFORDABLE AND HISTORICALLY PRESERVED. IT'S A WORTHY PROJECT BUT SHE DOESN'T FEEL IT'S THE BOARD'S PLACE TO TELL THEM HOW TO SPEND THEIR MONEY. 3) WHERE DOES HABITAT COME IN? MR. THOMPSON: THIS IS ABOUT GETTING THE HOUSE MOVED AND ZONING RELIEF.

MR. SPELLIOS: ISN'T COMFORTABLE TELLING THE AHT HOW TO SPEND THEIR MONEY AND DOESN'T KNOW IF THIS IS A GOOD FINANCIAL DEAL FOR THEM.

MR. GRISHMAN: IF THE HOUSE IS MOVED TO HILLSIDE AVE, WHAT HAPPENS IF IT CAN'T BE DEVELOPED (ZONING ISN'T APPROVED OR THEY CAN'T GET FUNDING)? MR. SPELLIOS: THE BUDGET IS JUST TO RELOCATE THE HOUSE. THEY'LL NEED A DEVELOPER TO BUY IT AND CREATE A HISTORICALLY APPROPRIATE BUILDING. MR. THOMPSON: THE FUNDING STREAM WOULD BE THROUGH HOME GRANTS. AHT WILL HAVE OWNERSHIP AND THE TOWN WILL PURSUE GRANTS AND THE AHT WILL HAVE TO ENGAGE A DEVELOPER. AT A MINIMUM, WE'LL HAVE A SINGLE-FAMILY HOME. MR. GRISHMAN IS SUPPORTIVE OF THE PROJECT BUT NOT TELLING THE AHT HOW TO SPEND THEIR MONEY. HE IS SUPPORTIVE OF PUTTING IN PLACE THE CPA SO THEY HAVE A FUNDING SOURCE.

MS. SCHULZE: THE COMMISSION IS LOOKING FOR AN EXTERIOR RENOVATION INCLUDING REMOVING THE VINYL SIDING AND RESTORING THE PORCH AS SHOWN ON PAGE 2 OF THE PRESENTATION. IT WOULD BE SITUATED SIDEWAYS ON THE SITE AND ADDING A UNIT OR TWO IN THE BACK. THE AHT CAN APPLY FOR ZONING RELIEF.

Ms. FLETCHER ASKED ABOUT HOME FUNDS. TA FITZGERALD: THIS IS A FEDERAL GRANT AND IS RELATIVELY SMALL AND WON'T MAKE A SIGNIFICANT CONTRIBUTION. Ms. FLETCHER IS IN FAVOR AND WOULD LIKE TO SEE THE AHT LOOK CLOSELY AT THIS AND ASKED WHO WILL MOVE THIS FORWARD? TA FITZGERALD WILL HELP.

4. **HANDBOOKS:** THESE SHAPE GUIDELINES AND RULES FOR HOW WE ENGAGE. Mr. GRISHMAN WOULD LIKE TO RUN THROUGH THEM TO SEE IF THERE ARE RECOMMENDATIONS OR CHANGES. Ms. PHELAN: THERE ARE TYPOGRAPHICAL ERRORS AND GRAMMATICAL ERRORS. Mr. SPELLIOS: WOULD LIKE TO COME BACK WITH SPECIFIC COMMENTS. LAST YEAR THE BOARD VOTED TO SUPPORT IT AND HAVE BOARD MEMBERS SIGN IN SUPPORT. TABLED UNTIL SEPTEMBER 6<sup>TH</sup>.
5. **GOALS:** Mr. GRISHMAN WOULD LIKE TO REVIEW THE SELECT BOARD GOALS TO HOLD THE BOARD ACCOUNTABLE.
  - i. Mr. SPELLIOS: WILL RENEW HIS FIVE GOALS: KEEP CURRENT RESTRICTIONS IN PLACE TO MAINTAIN SERVICES & BUDGET; TALK ABOUT FINANCES SO RESIDENTS KNOW CHALLENGES THE TOWN IS FACING; START TALKING ABOUT THE HADLEY SO IT DOESN'T BECOME AN EYESORE; DISCUSS LONG & SHORT TERM USED FOR THE HAWTHORNE; WORK WITH CHARLIE PATSIOS TO ADDRESS THE LACK OF STATE FUNDING TO HOUSING AUTHORITIES. Mr. THOMPSON BRINGS UP GOOD POINTS. WE HAVE PLANS, SOME OF WHICH ARE BEING UPDATED. WE HAVE TO BE CONSCIOUS THAT WE HAVE VOLUNTEER CREATED PLAYBOOKS (MASTER PLAN, HARBOR & WATERFRONT) THAT WE SHOULD CONTINUE TO LOOK AT AND WE SHOULD BE BETTER ORGANIZED.
  - ii. Ms. PHELAN: 1) WOULD LIKE TO ADD A COMMUNITY FOR ALL AGES CENTER, FINDING FUNDING, CONTINUING PUSHING FOR IT, UNIFYING A COMMUNITY CENTER WHICH SUPPORTS ALL AGES; 2) FOCUSING ON HIRING A DEI MANAGER AND MANAGING ISSUES IN TOWN, CONTINUING TO EDUCATE TOWN EMPLOYEES SO WE CAN MEANINGFULLY CALL OURSELVES INCLUSIVE & DIVERSE. 3) WOULD LIKE TO SEE A BUSINESS ITERATION OF THE NEWSLETTER FOR LOCAL BUSINESSES.
  - iii. Ms. FLETCHER: 1) WANTS TO BE MORE PRESENT WITH TOWN STAFFING, GETTING POLICE TO THE LEVELS THEY SHOULD BE AT. (Mr. SPELLIOS: UNDER THE CHARTER, THE TA IS RESPONSIBLE FOR STAFFING.). 2) WOULD LIKE CLARITY ON HOW TO SPEND ARPA FUNDS. 3) PUT MORE FOCUS ON BEING MORE FINANCIALLY RESPONSIBLE, STAYING AT 2%. 4) REMOVE THE GOAL OF WORKING WITH SALEM OFFICIALS REGARDING THE GLOVER PROPERTY BECAUSE IT WAS NEVER ON THE ORIGINAL GOAL SHEET.
  - iv. Mr. THOMPSON: DURING HIS CAMPAIGN HE HEARD FROM PEOPLE THAT THEY WOULD LIKE TO SEE THE TOWN HAVE A CLEAR PLAN, WHERE IT'S BEEN, WHERE IT'S GOING. DISCUSSED HIS GOALS SUCH AS AFFORDABLE HOUSING, CLIMATE INITIATIVES, FINANCIAL EFFICIENCIES AND ARPA FUND USES AS WELL AS HAVING A PLANNING PROCESS, CREATING AN ORGANIZED TIMELINE, SHOWING THE RESOURCES AVAILABLE AND PRIORITIES.
  - v. Mr. GRISHMAN: CONTINUE TO WORK WITH THE STEERING COMMITTEE TO CLEAN UP KING'S BEACH, ADDRESS PUBLIC HOUSING. NO NEW PUBLIC HOUSING HAS BEEN CONSTRUCTED IN 50 YEARS. WE CAN DO BETTER FOR CURRENT AND FUTURE RESIDENTS. HE IS ADDING CPA.

THERE WAS A DISCUSSION ABOUT THE NEXT STEPS. Mr. SPELLIOS STATED THAT THE LIST IS TO DISCLOSE THAT THE BOARD ISN'T WORKING AT CROSS PURPOSES WITH EACH OTHER AND TO RECOGNIZE THE COMPLEXITY OF THE OPEN MEETING LAW. WE NEED TO TALK ABOUT PROGRESS ON THE BIGGER GOALS. Mr. GRISHMAN VIEWS IT AS ACCOUNTABILITY TO EACH OTHER AND TO THE PUBLIC. Mr. THOMPSON WOULD LIKE TO SEE TIMELINES. Ms. FLETCHER: WE CAME OUT LATE WITH THESE GOALS, THE TA'S GOALS ARE THE FISCAL YEAR. TA FITZGERALD: THE SELECT BOARD'S GOALS INFORM THE TA'S GOALS. WE HAVE TO PRIORITIZE OUR TIME AND EFFORTS. I SHARE THE BOARD'S GOALS WITH DEPARTMENT HEADS. Ms. PHELAN DOESN'T FEEL IT WOULD BE FAIR TO EVALUATE THE TA GIVEN THE SHORTNESS OF TIME.

#### **D. VOTES OF THE BOARD:**

1. APPROVAL OF THE CONSENT AGENDA

##### **CONSENT AGENDA ITEMS:**

1. MINUTES OF THE REGULAR MEETINGS OF AUGUST 2, 2023:

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY MARY ELLEN FLETCHER, IT WAS UNANIMOUSLY **VOTED** TO APPROVE THE CONSENT AGENDA AS PRESENTED: ALL IN FAVOR: YES. ANY OPPOSED: NO. **MOTION CARRIES.**

## E. SELECT BOARD TIME:

**Ms. FLETCHER:** 1) THANKED NATHAN KENT, DANIEL MORETZKY AND JOE DOUILLETTE; 2) SWAC WOULD LIKE TO COME BEFORE THE BOARD WITH THEIR SURVEY AND A PLASTICS BY-LAW. THEY'LL NEED TIME IN SEPTEMBER & OCTOBER; 3) CAPITAL IMPROVEMENT COMMITTEE IS MEETING. SHE WOULD LIKE TO SEE THE BOARD TALK ABOUT THE CIP; 5) SHE IS WORKING WITH JACKIE TO HAVE AMATEUR ENTERTAINMENT FROM 10:00-10:25 AT THE FARMERS MARKETS AND ASKED THAT PROSPECTIVES EMAIL HER DIRECTLY.

**Mr. GRISHMAN:** NOTHING TO ADD.

**Ms. PHELAN:** WOULD LIKE TO SEE A BUSINESS NEWSLETTER. THIS IS A BYPRODUCT OF THE BLOCK PARTY AND THE NEED FOR ADDITIONAL COMMUNICATION.

**Mr. SPELLIOS:** HEARD THE BLOCK PARTY WAS WONDERFUL, THANKED DANIELLE FOR HER EFFORTS, SHE REPLIED THAT SHE COULDN'T DO IT WITHOUT JACKIE, DEMONSTRATING LEADERSHIP.

**Mr. THOMPSON:** 1) WE ARE 80% TOWARD MEETING THE GOALS FOR REVISE'S COMMUNITY FIRST GRANT: 230 RESIDENTS HAVE DONE A HOME AUDIT, 80 HAVE DONE WEATHERIZATION AND 36 HAVE DONE HVAC UPGRADES. LYNN'S NUMBERS ARE LOOKING GREAT TOO.

UPON **MOTION**, DULY MADE BY MARY ELLEN FLETCHER, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO ADJOURN AT 9:00 P.M.: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

TRUE ATTEST,

*Dianne Marchese*

DIANNE MARCHESE, ADMINISTRATIVE ASSISTANT TO THE TOWN ADMINISTRATOR & SELECT BOARD

MINUTES APPROVED BY THE SELECT BOARD ON SEPTEMBER 6, 2023

ATTACHMENTS:

TA REPORT

TRAFFIC PRESENTATION

COMMUNITY PRESERVATION PRESENTATION

PITMAN HOUSE PRESENTATION

HANDBOOKS

2023 GOALS

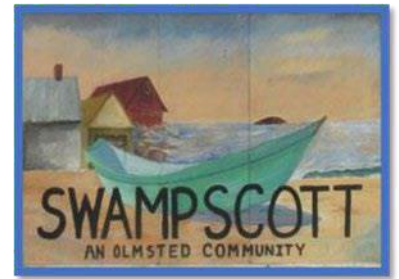


# Town of Swampscott

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## **RE: AUGUST 16<sup>th</sup> REPORT TO THE SELECT BOARD**

Dear Select Board:

I am pleased to be able to offer the following report on programs and initiatives that are on-going in the Town of Swampscott, as well as some updates on a variety of things that have happened since my last report.

### **KING'S BEACH**

I had a meeting with the DEP a few weeks ago. Much to my surprise, they favor an extension to the outfall pipe rather than UV Disinfection and have agreed to team with the Town in pushing permitting through and helping with financing. I have also followed up with Mayor Nicholson and he is eager to follow up with Undersecretary Cooper of EOEa to discuss our efforts to support the ongoing water quality issues at King's Beach once and for all.

Since my last meeting with Undersecretary Cooper, we have had several meetings with DEP staff from the Northeast Regional Office as well as US EPA staff and have had the chance to thoroughly discuss the work conducted by our coalition. We have concluded that there is broad support for wanting King's Beach to be safe for recreational use as soon as reasonably practicable. I am grateful for DEP's enthusiasm supporting a permanent long-term solution of an ocean outfall extension and our coalition is firmly in agreement that this solution will offer the most robust protection to human health with the lowest annual operating costs. We need a detailed schedule of how we will expedite the permits for the outfall over 24-36 months.

Additionally, we have also made it abundantly clear that both the City of Lynn and the Town of Swampscott fully embrace our source elimination programs, and we are eager to receive technical input from DEP and US EPA to enhance and make our existing programs more aggressive and effective.

We plan to continue to urge for the advocacy and support for this project to obtain the required state and federal financial capital. As the City of Lynn is an economically distressed environmental justice community, and the Town of Swampscott is a small municipality with limited resources and some environmental justice needs as well, this project cannot come to fruition without the strong support from State and Federal officials for the finances.

### **PINE STREET/VETERANS HOUSING**

This past week, I participated in a walk-through for developers interested in the RFP for veterans' affordable housing at 10 New Ocean Street & 12-24 Pine Street.

I will be meeting with General Bennet tomorrow to discuss the involvement of the VA and Department of Veteran Services.

### **SENIOR CENTER**

I had the pleasure of stopping into the Senior Center last week for their luau. It's good to see our seniors out & about and enjoying themselves.

Heidi Whear & Bob Powell are looking into starting a regional transportation program with Marblehead. Heidi has also submitted a grant for the Senior Center and High School to collaborate on an art project for individuals with dementia.

### **COMMUNITY DEVELOPMENT**

Marzie Galazka is working with the Police on a walk-to-school event tentatively scheduled for October 4.

Marzie & the Planning Board are starting discussions around design guidelines for the new Vinnin Square zoning district and are hosting a public meeting on Tuesday, August 29<sup>th</sup> at Swampscott High School. The time will be announced shortly.

### **POLICE**

Police are gearing up for the transition from summer to back-to-school. This includes putting back-to-school pedestrian safety awareness articles on social media and in newspapers, a recording aimed at school-aged children on how to cross the street safely, looking both ways, wait for the light, etc. is being produced in conjunction with our excellent cable TV staff.

If you haven't already, sign up for Town robocalls/emails/texts on Blackboard and Police Nixle notifications. Enrollment can be found here <https://www.swampscottma.gov/subscribe>.

### **LIBRARY**

I met with Jonathan Nichols this week and received an update that the teen room is progressing along, only waiting for the electrician to run data lines. People are already using the space and creating a buzz around it.

Starting Saturday, Sept 9, the library will be increasing its operating hours in order to comply with state aid requirements. It will be open Fridays from 9a-5p & Saturdays from 9a-3p.

### **HUMAN RESOURCES**

With the increased hours at the Library, Pete Kane is working with Jonathan to fill four part-time positions. Interviews have already begun with hopes of getting the positions filled by the end of the month.

I am pleased to report that Margaret Wile has been hired to fill the Administrative Assistant position for the Fire Department. Margaret has her master's in social work and has served in several extraordinary legislative positions at the Massachusetts State house.

### **FINANCE**

The end-of-fiscal year 2023 reporting is in full swing. As always Amy, Patrick, and the finance team are thinking ahead to FY25 & beyond. I have reached out to discuss the FY 25 CIC plan and will be meeting over the next few weeks with Department heads to finalize the plan this fall.

### **PUBLIC SAFETY**

This week, I had the pleasure of attending oaths of office for two Police Department and two Fire Department promotions. Police Officer Jonathan Loyte and Detective Candace Doyle, both acting sergeants were promoted to full-time Sergeants, Fire Lieutenant Jason Lozano was promoted to Captain and Firefighter Michael LeBlanc was promoted to Lieutenant!

We held two informal swearing-in ceremonies at Town Hall this week and we will schedule a formal swearing-in ceremony before the Select Board in the near future.

### **DPW**

DPW is hard at work as usual. Besides completing phase II of a \$1MM street paving project, they are raking King's Beach every Monday, Wednesday & Friday.

Gino Cresta is coordinating a meeting with Mass DOT to synchronize lights on the newly completed 1A from Whole Foods through Vinnin Square and possibly into Salem.

I'd like to give a shout-out to John McLaughlin for the beauty that surrounds us. With Gino's full support, John and his crew of (mostly) college interns, has really bumped up Town landscaping. It does not go unnoticed, and we get compliments all the time.

### **FACILITIES DEPARTMENT**

National Grid has provided us with the incentive offer of \$1,603,300 for the new elementary school! \$1.3M will be paid out at substantial completion of the project in June 2024. The Town's commitments to energy efficiency and to geothermal are the primary reasons the incentive is so high. Kudos to Max Kasper for leading the way in energy efficiency in a building this size!

Max Kasper is hard at work coordinating efforts to reopen schools in a few weeks. He is also continuously working on the new school. The Town received a \$65,000 earmark from the State for School pedestrian safety upgrades as well as over \$4M in additional funding to help with supply chain price increases.

Lastly, Max is working on the new Senior Center hood & Ansul system and had a recent walk through for interested contractors.

### **RECREATION DEPARTMENT**

Thanks to Danielle Strauss & Jackie Camerlengo, Police, Fire and Town Hall volunteers, the Humphrey St. Summer Fest Block Party will be a success! We are all looking forward to Swamptoberfest in September.

Danielle & Angelica are working on guidelines for beer gardens and should be presenting them to the Board in the next few weeks.

### **BUILDING**

Steve has spoken to the contractor on the Mission on the Bay seawall. They are submitting the permit application and plans for a permanent repair to the wall this month. He is going to follow up and keep myself and the Board informed as to the progress.

### **HEALTH DEPTMENT**

Neia is offering Narcan training & free Narcan kits to Town employees.

### **TOWN CLERK**

The Clerk's office is working on cleaning up the voter list and will start planning for State elections in 2024.

They are also asking that all board & commission members, volunteers or elected officials, complete the state ethics training as soon as possible. With the new platform, you do not need to send any certificate or inform the Town Clerk. The platform provides immediate reporting to the Clerk.

Respectfully Submitted,  
  
Sean R. Fitzgerald  
Town Administrator



# Swampscott Traffic Safety Update

Chief Ruben Quesada

Chief Graham Archer

Asst. TA/DPW Director Gino Cresta

Community and Economic Development Director Marzie Galazka



Swampscott  
Select Board  
August 16th, 2023

# OUR GOALS:

Swampscott (SPD, SFD, and DPW) is looking to move forward in the spirit of finding solutions and being on the cutting edge of safety



The Town's current efforts will work towards the development of "self-enforcing roadways" whenever practicable



The Town will enhance public information and engagement around pedestrian safety



The Town will advance critical infrastructure projects to support pedestrian and roadway safety

# OVERVIEW OF CONCERNS



Swampscott roads are congested



Vehicular speeds and driver safety are major resident concerns



Residents don't feel as safe as they should walking our town



Our schools are shifting in both location and density



Consistent and strong focus on police traffic stops works but is not enough

Enforcement has not satisfied resident concerns who do not feel the impact of these efforts and still feel unsafe and concerned for safety.

New thinking regarding enforcement of traffic law have dictated a shift in thinking about enforcement as Swampscott's primary response.

Enforcement WILL remain part of the pedestrian safety strategy. This will complement the strategic focus on infrastructure and public outreach / education.

# Key Elements of Pedestrian Safety



## EDUCATION

Signs, social media, press releases, forums, neighborhood meetings, park and walks, data review from sign board, etc.

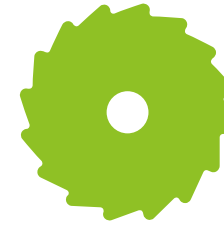
Least Costly



## ENFORCEMENT

Police presence and patrolling - labor intensive.

More Costly



## INFRASTRUCTURE

Most helpful as this is engineered for long-term safety.

Most Costly

DRAFT

# EDUCATION

## How Swampscott Currently Supports Roadway and Pedestrian Safety

### ► Police Dept:

- ARIDE Training to identify driving under the influence of drugs
- Posting for enforcement of referrals through the TSAC, and other public complaints
- Traffic reports based on speed data, accident data, and enforcement data used to target patrol activity
- Distributes free bicycle helmets
- Program to give kids seen wearing helmets a coupon for a free ice cream
- Press releases on safety efforts and enforcement grants

### ► Public Works:

- (3) Speed Boards: Located on Franklin Avenue, Salem Street, and Stetson Avenue

### ► Events:

- Senior Center, Farmers Market, and several Community Meetings in the past year
- Meeting people where they are- going to homes and businesses.
- Surveys
- Mock OUI Accidents
- Youth Academy

# EDUCATION

## How Swampscott Will Support Roadway and Pedestrian Safety

### ► Public Service Announcements (PSA):

- Collaborative effort with the High School
- First effort will focus on pedestrian safety, intended for a broad audience

### ► Educational Forums:

- Focus on vulnerable populations - very young and elders
- Coordinate with our schools through SRO
- Coordinate with Senior Center through our Elder Affairs Officer

### ► Others:

- Street signage and pavement markings
- Press highlights for MRS grant activities
- Public discussion



# ENFORCEMENT

## What We've Done

- ▶ Dedicated police traffic enforcement patrols have been utilized whenever possible
  - ▶ DUI Emphasis
  - ▶ High Visibility Emphasis for crosswalks
  - ▶ School Zone Emphasis
  - ▶ Traffic Motors
  - ▶ Patrol Officers
  - ▶ Dedicated Traffic Enforcement efforts
- ▶ Decoy Vehicles/Cruisers
- ▶ Locations for our enforcement are based on safety concerns and data as well as being responsive to resident concerns
  - ▶ This shifts focus from known “productive locations” to areas of need, regardless of the numbers of citations generated
  - ▶ When the focus is on “productivity” or citations, enforcement location choices can become disconnected from any real safety effect very quickly, in the pursuit of numbers
- ▶ By the numbers:
  - ▶ 2021                      1,211 citations issued. 124 criminal applications or arrests
  - ▶ 2022                      1,453 citations issued. Over 500 parking tickets issued.
  - ▶ 141 Motor Vehicle Accidents, with 32 resulting in injury

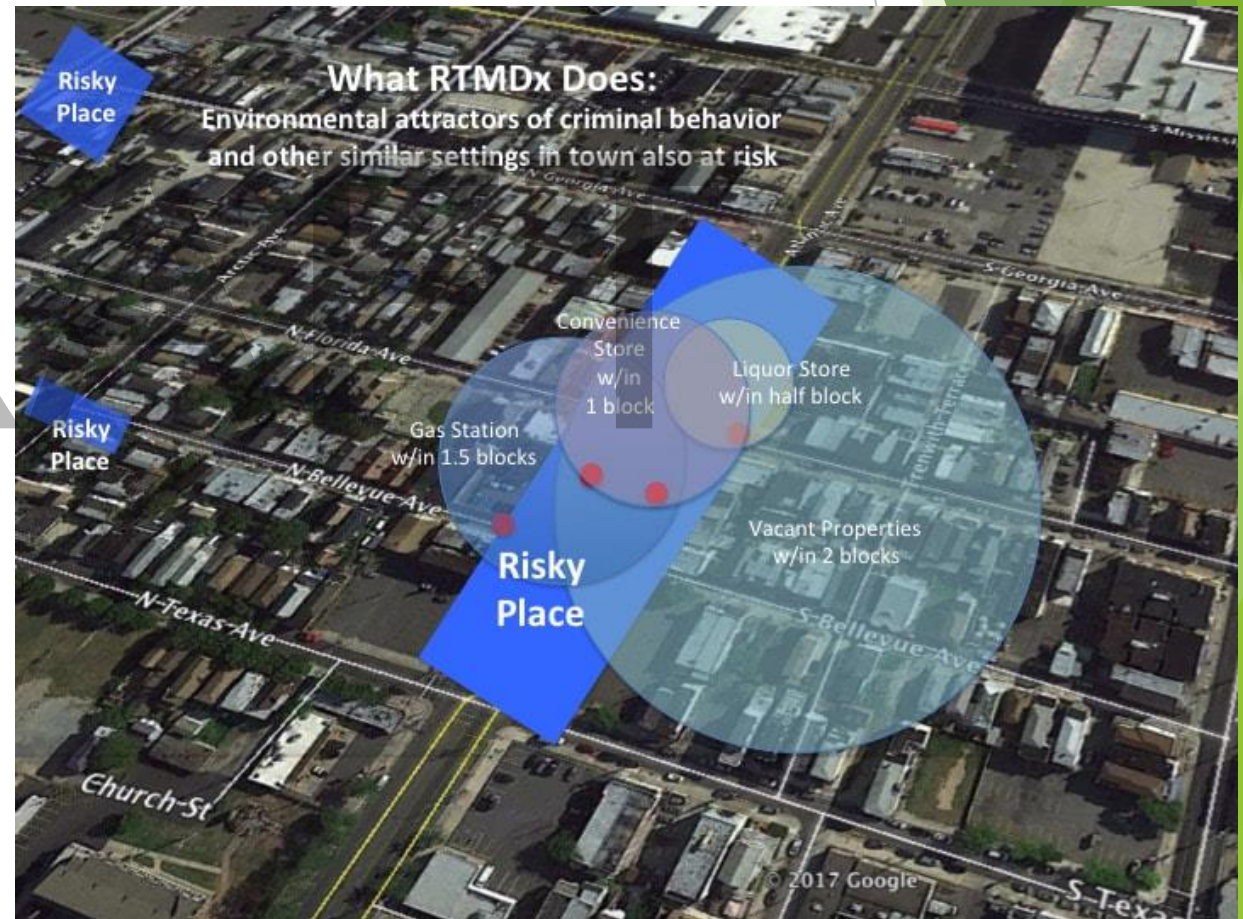
DRAFT



# ENFORCEMENT

## What We Plan To Do

- ▶ Implement new RTM (Risk Terrain Modeling)
  - ▶ Spatial data analysis will allow for improved location-based enforcement needs
  - ▶ Removes potential for bias
  - ▶ Developed at Rutgers University; deployed in Newark, NJ





# INFRASTRUCTURE

## What We've Done



Modeled intersection improvements with temporary lane markers



Installed 8 Sets of Rapid Reflecting Beacons



Crosswalk Improvements - Repaint & Striping



Crosswalk Bump Outs on Humphrey St, Orchard Rd, and Orchard Cir



Temporary Speed Bumps - Puritan Rd, Pine St, Stetson Ave, and Franklin Ave



Speed Signage Improvement - Humphrey St

# INFRASTRUCTURE

## Feedback on Temporary Elements

How have the recent temporary speed bumps been received by residents in and around Stetson Avenue?

- ▶ There has been general support
- ▶ Voices of concern have been heard in the neighborhood and by those driving down the street (encouragement to blow horns in protest while driving down Stetson Ave for example)
- ▶ True understanding of support levels will come after installation of the complete set of temporary speed tables and an appropriate time for public acclimation
  - ▶ There will be public comment and input meetings following receipt of engineering recommendations and a 30-day evaluation period for the temporary measures
  - ▶ Similar meeting will precede any efforts resulting from the traffic study to lower Humphrey St or the areas surrounding our schools

# INFRASTRUCTURE

## What We Plan To Do

### \$200,000 in Funding for Safety Improvements

- ▶ Current plan involves purchase of the equipment for 9 temporary speed tables.
- ▶ Awaiting engineering report
  - ▶ Initial focus on Stetson Ave, Lower Humphrey St, and school neighborhoods
- ▶ Once the engineering report is in, and the temporary tables have been deployed long enough to provide a comparative data set, we will move to installation of permanent elements.

### Grant Acquired by Office of Community Development

- Installation of sidewalk bump out at Kell's Kreme & Lincoln's Landing





# INFRASTRUCTURE Engineers Selected

## BETA's Traffic Calming Experience

- ▶ BETA designed and implemented traffic calming devices in:
  - ▶ Westwood, MA
  - ▶ Newton, MA
  - ▶ Lexington, MA
  - ▶ Lenox, MA
  - ▶ Hartford, CT
  - ▶ Framingham, MA
- ▶ Types of calming tools applied to projects:
  - ▶ Speed humps, speed tables, raised center medians, raised crosswalks, raised intersections, curb extensions, sloped curb with streetscape, imprinted/textured pavement, pavement markings, and signs

DRAFT

# INFRASTRUCTURE

## Next Steps/Schedule/Timeline

August	Evaluate the most appropriate type of and locations of traffic calming measures (speed hump, speed cushion, speed bumps...) for the project area(s).
Late August - Early September	Prepare preliminary concept plans and budgetary estimate
Mid September	Town review
Late September	Incorporate comments and prepare final plans, estimate, and bid documents
Late October	Notice to Proceed awarded to engineering group
Mid November	Construction/Installation - weather permitting

DRAFT

# REMAINING 2023 KEY PRIORITIES

## Traffic Study will also look at lower Humphrey St

### Area from Phillips Street to Fisherman's Beach

- Historically our most dangerous stretch of roadway for pedestrians
- Solar glare is a common and dangerous problem
- This is true even for designated crossing points

### Redesign Crosswalk at 90 Humphrey to be a priority

- Possible relocation
- Possible addition of bump out
- Possible Pedestrian Safety Island
- Other design options

# PROCESS GOING FORWARD

## Identify neighborhoods and roadways of concern

- Through public input and citation/accident data
- Enactment of Town traffic calming policy

## Evaluate Traffic Data

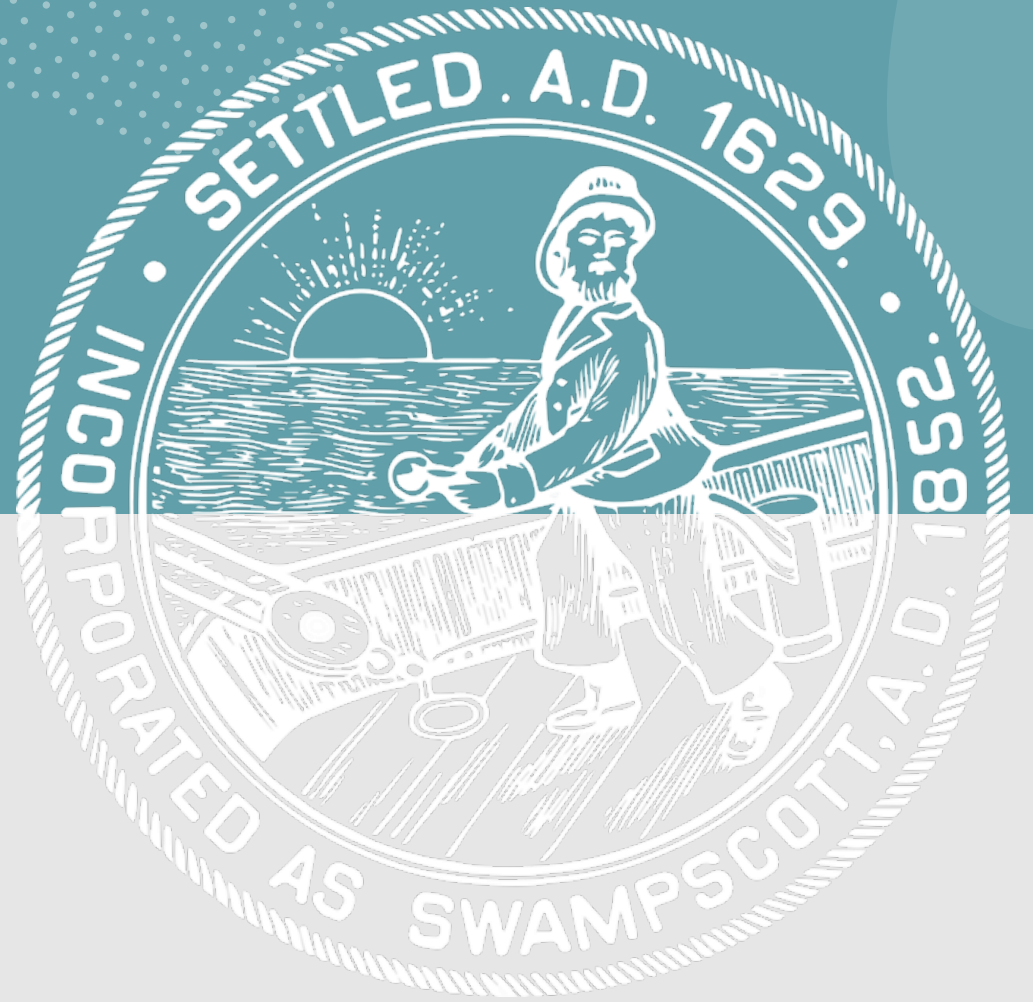
- Speed board data
- Traffic counts, Enforcement data, Public Outreach & Engagement

## If warranted

- Deployment of temporary measures (Speed Tables, targeted enforcement, etc.)
- Engineering assessment, along with community meeting/input
- Recommendations forwarded to Town Administrator for funding discussion (Grant/CIP/Budget)
- Recommendations then forwarded to Select Board / Commissioner of Streets for approval
- Permanent Installation of Traffic / Pedestrian Safety improvements

# Swampscott on the Move

Community  
Preservation Act  
for a Bold Future!





# What is the Community Preservation Act (CPA)



- The Community Preservation Act (CPA) is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities.
- CPA also helps strengthen the state and local economies by expanding housing opportunities and construction jobs for the Commonwealth's workforce, and by supporting the tourism industry through preservation of the Commonwealth's historic and natural resources.
- CPA is a state law passed in 2000 that allows Massachusetts communities to conduct a referendum to add a small surcharge on local property taxes.
- When combined with matching funds from the statewide Community Preservation Trust Fund, this dedicated fund is used to build and rehabilitate parks, playgrounds, and recreational fields, protect open space, support local affordable housing development, and preserve historic buildings and resources.



# Where Does CPA Funding Come From?

- 
- Cities and towns that adopt the Community Preservation Act (CPA) generate monies for their local Community Preservation funds through the implementation of a local CPA property tax surcharge of up to 3% and through the receipt of annual matching of funds, at variable rates, from a statewide CPA Trust Fund created by the Act.
  - Only communities that have adopted CPA are eligible to receive these matching funds each year.



# Locally Raised Revenue

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- Community preservation monies are raised locally through the imposition of a surcharge of not more than 3% of the tax levy against real property. Contrary to a common misconception, the CPA surcharge does not raise the tax rate for the adopting community; it assesses a surcharge on property tax bills after they have been calculated based on the community's current tax rate.
- Example: A home is assessed at \$380,000. After subtracting the first \$100,000 in residential property value (assuming the community has adopted this optional and very popular CPA exemption), the homeowner's net value to be surcharged equals \$280,000. After applying this sample municipality's tax rate of \$11.47 per \$1,000, the amount subject to the CPA surcharge would be about \$3,200.
- With a 1.5% CPA surcharge applied, the CPA surcharge for this homeowner would be approximately \$45 per year. This \$45 would be transferred to the community's Community Preservation fund by the City or Town Accountant or Tax Collector.

# Community Preservation Trust Fund



The CPA statute, signed into law in 2000 by then-Governor Paul Cellucci, created a statewide Community Preservation Trust Fund, administered by the Department of Revenue (DOR).



This Trust Fund provides matching distributions each year, at variable rates, (depending upon the amount of revenues collected that year, and the number of communities participating in the program) to communities that have adopted CPA.



All CPA communities are guaranteed a disbursement from the Community Preservation Trust Fund as an incentive for participating in the CPA program.

# MGL Ch. 44B

Considered a “smart growth” tool

Enables cities and towns in MA to raise funds and create a local dedicated fund to:

- Preserve open space
- Preserve historic sites and resources
- Create community housing
- Develop outdoor recreational facilities

Each community that adopts CPA is required to establish a Community Preservation Committee (CPC) to administer the program.





# Additional Funds through Bonding

- Under CPA, communities can also issue bonds against their future CPA revenue stream in order to fund large projects for which adequate CPA funds are not currently available.
- The authorization to bond CPA funds is in Section 11 of the Community Preservation Act (MGL c.44B), which states that CPA communities may issue general obligation bonds in anticipation of revenues to be raised through the local CPA surcharge.
- The downside to bonding, as with most loans, is that it is ultimately more costly due to the interest that is charged.
- Nonetheless, bonding can be a powerful tool to successfully achieve compelling community preservation projects that come with larger price tags.

# Town Meeting Warrant Article/Motion

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- ARTICLE: To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.
- MOTION: I move that the Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be [x%] of the annual real estate tax levy against real property commencing in fiscal year [20\_\_]; and that the Town [does not accept any of] [hereby accepts] the [following] exemption[s] from such surcharge permitted under Section 3(e) of said Act: [property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act] [class three, commercial, and class four, industrial, properties as defined in G.L. c.59, §2A] [\$100,000 of the value of each taxable parcel of residential real property] [\$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said Chapter 59].

# Leveraging

- Another method of obtaining additional funds to finance CPA projects involves engaging in the practice of leveraging.
- Taking advantage of the well-known adage that 'money follows money,' many communities make a practice of using their CPA funds, on a project by project basis, to leverage additional funds from state and federal grant programs, other local funds, non-profit organizations, and or private entities.





# The Role of the CPC

The CPC is primarily a source for recommending project funding, rather than an initiator of projects.

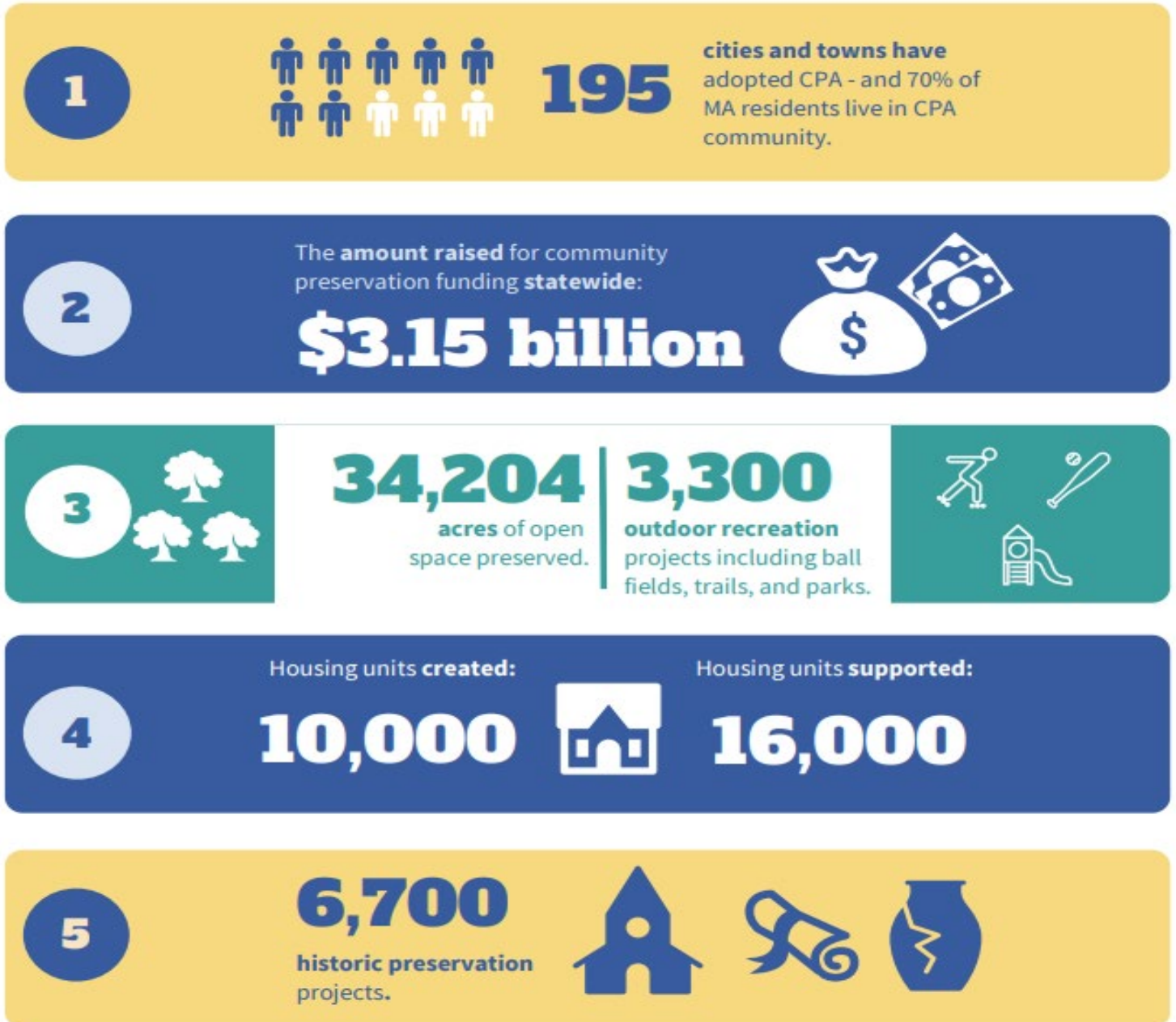
The Town's CPC's duties include:

- Assess Community Preservation needs of Swampscott
- Solicit input from city boards and commissions
- Hold an annual public hearing to solicit public input
- Submit a recommended annual budget to the Town Administrator/Select Board
- Prepare a Community Preservation Plan, which is updated annually
- Prepare application materials & set application deadlines
- Submit project funding recommendations to the Select Board after review of applications received by Town Administrator and Departments or non-profit agencies

# CPA—the FACTS!

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## 5 facts about CPA's statewide impact (as of May 2023):



# CPA Accomplishments To-Date

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- 195 communities have adopted CPA (55% of the Commonwealth's cities and towns)
- Of the total number of adopted communities, 35 are cities and 160 are towns
- 70% of Massachusetts residents live in a CPA community
- Over \$3.15 billion has been raised to date for community preservation funding statewide
- 15,069 CPA projects have been approved by local legislative bodies
- More than 10,000 affordable housing units have been created with an additional 16,000 units supported
- 34,204 acres of open space have been preserved
- Over 6,700 appropriations have been made for historic preservation projects
- Over 3,300 outdoor recreation projects have been initiated

# Historic Preservation Effort in Swampscott

The “Samuel Cloon Pitman House”

35 Pitman Road

Select Board Meeting

August 16, 2023





# 35 Pitman Road

## An Affordable Housing and Historic Preservation Opportunity

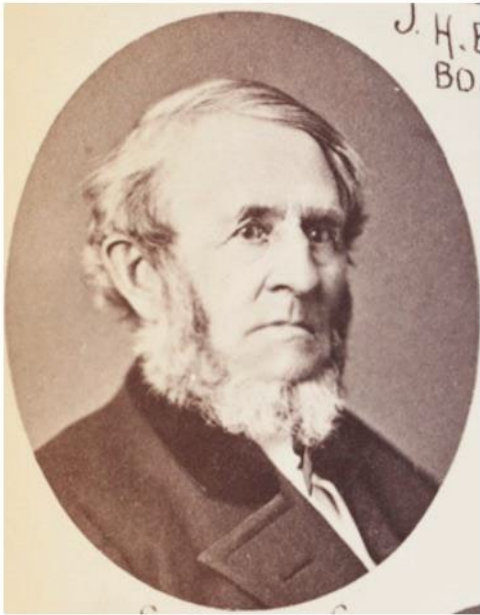
*“Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy.”*

---U.S. Department of Housing and Urban Development's (HUD's) Office of Policy Development and Research (PD&R) 2007



The Pitman Farm and house, northwest rear view, Essex Street, 1912

# Samuel Cloon Pitman, Town Founder



Born in Salem, MA 1811  
Married Caroline Stetson 1833  
Moved to "Upper Swampscott" farmhouse  
1847  
Swampscott separates from Lynn 1852  
Pitman drafts bylaws and serves as Selectman &  
Town Moderator  
Extolled for his prize-winning pears 1852  
Surveyor of Highways for over a decade  
Massachusetts House of Representatives 1877



Farmhouse built on site c. 1800



# Desired Parcel for Relocation

7 Hillside Ave, located 0.5 miles from 35 Pitman Road



# GOALS & CHALLENGES

\*Swampscott Historical Commission (SHC) is working to save the historic original portion of 35 Pitman Road

\*SHC deemed building “preferably preserved” on October 18, 2021.

\*Begins partnership with Essex County Habitat for Humanity to move oldest portion of the house for adaptive reuse as affordable housing.

\*After a lengthy process, Habitat for Humanity has an option to purchase 7 Hillside pending successful permitting of the project.

## Key Obstacles:

TIME: Friendly 40B process takes 15-18 months.  
*Demolition scheduled to begin September 15, 2023.*  
*Habitat not ready to take ownership now and take permitting risk.*

ZONING: 7 Hillside Ave lot may need zoning relief to ensure lot is buildable.

FINANCIAL RESOURCES: House Move, Lot Acquisition, Restoration, Etc..





# Next Steps

- \* Swampscott Affordable Housing Trust (AHT) votes on 8/21 to support project based on Sources and Uses Budget
- \* Habitat to transfer option to purchase 7 Hillside Ave to AHT
- \* AHT applies for zoning relief at next ZBA meeting
- \* AHT acquires 7 Hillside Avenue upon ZBA approval
- \* Engage house-moving company, prepare both sites and complete various other activities to move house in September
- \* Apply for HOME funds for renovation, historic preservation and climate friendly improvements
- \* Upon receipt of HOME funds, make building improvements
- \* Simultaneously, engage in potential friendly 40B process with Habitat or other development partner.
- \* Sell to development partner to create additional units under 40B or sell to individual owner as permanently affordable home to recover AHT funds

## Draft Budget

Sources	
Winn	\$20,000
Swampscott AHT	\$330,000
Fundraising	\$30,000
Total Sources	\$380,000
Uses	
Move	\$116,000
Site Acquisition	\$200,000
House separation	\$10,000
Site preparation	\$40,000
Miscellaneous costs	\$10,000
Total Uses	\$376,000
<ul style="list-style-type: none"><li>• AHT would recover most/all funds at sale</li><li>• Renovation funds provided through grants/development partner</li></ul>	

# Summary

Habitat for Humanity successfully renovated this historic house in Peabody for affordable housing.

Relocating and renovating the Pitman House would give us four affordable units and preserve an 1800 era house connected to an important town founder. *Time challenges make Pitman the most endangered historic house in Swampscott.*



*Renovation of 5 & 12 Park Street, demolition & construction of 14 Park St for a total of 8 affordable housing units*

The background features a light gray base with large, soft-edged organic shapes in muted red and olive green. A thin white line outlines a shape on the right. In the top left, there is a faint sketch of a leafy branch.

thank you



# The Town of Swampscott

## BOARD AND COMMITTEE HANDBOOK



AUGUST 24, 2022

*Dear Volunteer Citizen:*

Volunteer citizen participation is the backbone of local democratic government. This handbook has been developed to outline the operational and procedural standards expected of all volunteers in order to assist you in complying with standards required by state and local laws, regulations, and policies.

Please note that the term “committee” is used generically through this booklet but it is intended to be inclusive of all elected and appointed committees, commissions, boards, authorities, and the like.

This handbook is intended to help committee members focus their efforts on assigned tasks rather than on the technical details of procedure.



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## **ACKNOWLEDGEMENT**

## **CHAPTER 1: GENERAL INFORMATION**

### **A. Appointment Process**

The Select Board, Moderator and Town Administrator are the primary officials authorized to appoint municipal boards and committees. Newly appointed committee members will receive formal written notification of appointment, including term of office, from the appointing authority. Members will remain on a committee until a replacement is appointed by the appointing authority and sworn in by the Town Clerk, or until formal resignation.

Committee liaisons or citizens who assist committees, not officially appointed as members, do not have a right to vote in committee proceedings.

### **B. Applications**

Applications for committee appointments may be submitted to the Town Administrator's Office throughout the year and/or when vacancies for the committee have been advertised.

The applicable appointing authority will notify sitting members in writing when their terms are nearing expiration and, as applicable, inform the member(s) of the reappointment process.

### **C. Reappointments**

Committee reappointment is based upon the appointing authority's evaluation of the citizen's contribution to the committee, the desirability of widespread involvement, and the changing needs of the committee and the Town. In cases where special training or expertise is required, longer periods of service may be appropriate. A committee member is under no obligation to accept appointment nor is the appointing authority obligated to offer reappointment. Appointing authorities welcome and encourage recommendations or concerns regarding reappointment from the Chair of any committee.

### **D. Resignations**

Pursuant to M.G.L. c. 41, § 109: Resignation of Appointees or Elected Officials, no resignation is deemed effective unless and until it is filed with the Town Clerk. Upon such filing, the appointing authority shall act in accordance with applicable law to fill open positions. As a matter of courtesy, the resigning member should also send a copy to the committee Chair, appointing authority and Town Administrator's Office.

### **E. Types of Committees and Their Authority**

Except for advisory committee members, once appointed, Town boards and committees shall be free to act on their own without interference from the Select Board or their

appointing authority.

1. Standing Committees

Certain boards and committees are established by state statute, the Town Charter, the Town's General By-Laws and votes of Town Meeting, and must be maintained as provided therein. These types of committees are known as the Standing Committees. The Town's current Standing Committees are as follows:

Affordable Housing Trust	Article 6 Committee	Board of Assessors
Board of Health	Capital Improvement Committee	Commission on Disability
Conservation Commission	Council on Aging	Cultural Council
Finance Committee	Historical Commission	Historic Districts Commission
Housing Authority Board	Library Trustees	Planning Board
Recreation Committee	Registrar of Voters	Retirement Board
School Committee	Town Meeting Study Committee	Zoning Board of Appeals

In accordance with the Town Charter, General By-Laws and/or votes of Town Meeting, the members of the following Standing Committees are determined by Town election: Board of Assessors, Board of Health, Housing Authority Board of Commissioners, Library Trustees, Planning Board, School Committee, and Zoning Board of Appeals; the Town Moderator has the sole authority and discretion to appoint members to the Article 6 Committee, Capital Improvement Committee, Finance Committee, and the Town Meeting Study Committee; and the Select Board has complete or partial authority to appointment members to the remaining Standing Committees: Commission on Disability, Conservation Commission, Council on Aging, Cultural Council, Historical Commission, Historical Districts Commission, Recreation Committee, Registrar of Voters, and the Retirement Board.

2. Advisory Committees to the Select Board

The Select Board may create committees that serve under the Board to aid on matters under the Board's jurisdiction, particularly in technical areas. These committees handle a particular function or area, study it, and advise the Select Board on their findings. These types of committees are known as Advisory Committees.

It is important for members of Advisory Committees to understand that, while they are making recommendations, it is the Select Board that makes the ultimate decision. The Board will discharge Advisory Committees upon the completion of their work.

The following is a list of the Select Board's current Advisory Committees:

Andrews Chapel Restoration Committee	Athletic Field Advisory Committee	Earth Removal Advisory Committee
Hadley Elementary School Reuse Advisory Committee	Harbor & Waterfront Advisory Committee	Open Space & Recreation Planning Committee
Rail Trail Design & Construction Advisory Committee	Renewable Energy Committee	School Building Committee
Solid Waste Advisory Committee	Swampscott for All Ages Committee	Television Visioning Committee
Traffic Study Advisory Committee	Tree Committee	Water & Sewer Rate Review Advisory Committee

The Select Board has full authority to appoint members to each Advisory Committees.

### 3. Sub-Committees

Subcommittees are advisory committees created by the parent committee. They are subject to the Open Meeting Law's requirements. Sub committees are advisory only. They report all activity and make recommendations to the parent committee for any items requiring a formal vote or for the creation of an action item.



## **CHAPTER 2: APPLICABLE LAWS AND POLICIES**

### **A. State Statutes**

Town boards and committees shall be familiar with and must abide by all applicable statutes relating to their governance, which include but are not limited to:

1. Open Meeting Law;
2. Public Records Law; and
3. Conflicts of Interest Law

### **B. Local Regulations**

All boards and committees shall be familiar with, and abide by, all applicable local regulations, by-laws, and policies, which include but are not limited to:

1. The Town's Charter
2. The Town's General Bylaws
3. The Town's Zoning Bylaw
4. The Town's Code of Conduct Manual
5. This Board and Committee Handbook
6. The Town's Financial Guidelines Policy

The Town Clerk's Office shall have copies of all applicable laws and policies referenced herein available in print and .pdf form for distribution to any interested individual.

## **CHAPTER 3: ROLES & RESPONSIBILITIES**

### **A. Elected or Appointed Positions**

All newly elected and appointed members will receive materials from the Town Clerk and be required to affirm a written oath of office unless otherwise instructed. ***Formal voting by a committee member may be conducted only after the member has duly affirmed an oath of office.*** The newly elected and appointed members will be provided with the Town's Board and Committee Handbook and Code of Conduct for review and acceptance.

The entire process of affirming the written oath of office should take place as soon as practicable after the individual is appointed or elected, but in no event should this occur more than 30 days from the date of election or appointment. In the event an appointed or elected individual takes more than 30 days to officially affirm the oath of office, the appointing authority or Town Clerk and Town Administrator shall be notified to determine the next course of action.

New members to a committee or board should become familiar with the committee's charge, powers, and duties, as well as the rules, regulations and any issues frequently encountered by the board or committee. Such information may be provided by the appointing authority, committee chair, or a designee.

### **B. Purpose and Official Charge**

A committee is expected to formally document its goals and purpose on at least an annual basis. The chair of the committee should develop a precise mission statement which sets forth the committee's goals and seek the affirmation of the mission statement with the appointing authority. All committee members should understand the committee's formal charge.

Permanent committees should focus their efforts on the committee's mission statement, including the committee's goals, expectations and specific responsibilities. Periodically, these mission statements should be reviewed for relevancy to the changing needs of the Town and revised as appropriate, subject to approval of the appointing authority.

Committees that are statutorily mandated must be certain their mission statement is consistent with their legal responsibilities. Recommended changes from the mission statement should be forwarded to the appointing authority for review, comment and final approval.

### **C. Officers**

Committee members shall elect a Chair and Vice Chair annually with written notification made to the appointing authority and Town Clerk. Generally speaking, committees should rotate the Chair annually. Absent justifiable circumstances, no member should serve as

Chair for more than three consecutive years. A committee may at any time remove the Chair. A majority vote shall constitute an election or vote for removal of the Chair.

It is strongly recommended that each committee elect one of its members to serve as the clerk for the committee, which member shall have the responsibility of taking meeting minutes and ensuring the timely approval and proper filing of the same. Town staff members and Select Board members/liaisons shall not serve as clerks, even if they are voting members of the committee.

#### **D. Planning**

It is recommended that committees establish goals at the beginning of each fiscal year, with a copy provided to the appointing authority.

Each committee should follow a plan of action that details how the committee will accomplish its goals. Internal reporting milestones should be established so that the committee may monitor its progress towards its goals.

#### **E. Attendance**

Absent illness or other unforeseen circumstances, members are expected to attend every committee meeting. Excessive absenteeism may be cause for removal or non-reappointment. It is the responsibility of each committee Chair to discuss excessive absences with the member. If any problem is not resolved to the Chair's satisfaction, the problem should be referred to the appointing authority for review.

#### **F. Political Activity**

Citizens appointed to public committees are not subject to any restrictions concerning political activity in their individual capacities. All appointed citizens should seek to foster and preserve a sense of public trust irrespective of political inclinations.

#### **G. Finances**

##### **1. Purchases/Reimbursements**

A committee may incur expenditures only if money has been appropriated by Town Meeting and with prior approval of the Town Administrator. Purchases must be made in accordance with the Town of Swampscott Purchasing Procedures manual and subject to the approval of the Town Administrator or delegee. Information regarding purchasing may be obtained from the Town Administrator's Office.

##### **2. Compensation**

Committee members shall not be compensated for their services, which are voluntary, unless otherwise indicated by law or by the appointing authority, and an appropriation for

said services has been made by Town Meeting.

## **CHAPTER 4: BOARD and COMMITTEE RELATIONSHIPS**

### **Other Boards, Committees and Commissions**

The Town seeks to maximize coordination and communication between committees and boards on ongoing issues, projects, and priorities. Such coordination and communication will allow for reduced overlap, elimination of duplicative efforts, improved decision making and partnering to benefit citizens and volunteers alike. Committees should evaluate possible linkages and overlaps of functions. Opportunities for sharing of committee discussions and decisions should be maximized, including sharing of minutes. Joint committee discussions and meetings should be planned when beneficial to the project or issue at hand and to streamline efforts for persons and groups being served.

#### **A. Town Staff and Select Board Liaisons**

As between the boards and committees, the Town also seeks to maximize coordination and communication between committees and boards with Town staff regarding ongoing issues, projects and priorities.

Towards this end, every board and committee should have a Town staff liaison as well as a Select Board liaison. Communication with the liaisons should go through the chair of the committee. Care must be taken, especially by the chair of each committee, not to treat Town staff as its own staff; committees exist precisely to assist the Town's efforts to improve residents' quality of life by acting as an independent, yet still subsidiary, body.

Town staff and Select Board liaisons are not expected to attend the regular meetings of committees and boards unless that liaison is also a voting member of the same. The chair of the committee should only request liaison attendance when an agenda item requires the input of that liaison, and the issue cannot be reasonably addressed through an informal communication between the liaison and the chair outside of the regularly scheduled meeting.

#### **B. Relations with Town Counsel**

All Board and Committee members must consult with the Town Administrator, through the Chair of the committee, to request input from and/or contact with Town Counsel about any particular issue.



## **CHAPTER 5: PUBLIC MEETINGS**

### **A. Time, Frequency, and Place**

Each committee should establish a regular meeting schedule. Meetings should be frequent enough to ensure that the committee's charge is successfully met, but generally not less than monthly.

Meetings must be held in a place which is accessible to the public and accessible to the disabled in compliance with the Americans with Disabilities Act ("ADA"). Committees are urged to meet in a public building and/or a location authorized by the Open Meeting Law. The chair of each committee is responsible for arranging its meeting location by contacting the Town Clerk's Office and/or the Town Administrator's Office.

### **B. Agendas**

The chair of each committee shall be primarily responsible for preparing meeting agendas.

To comply with proper notice requirements, the agenda must contain the name of the committee and date, time, and location of the meeting.

The agenda should include the list of topics that the Chair reasonably anticipates will be discussed at the meeting. It is suggested that the Chair include discussion matters on the agenda as this will help to avoid inconvenience to the citizens who attend a meeting to hear the committee address a specific item on the agenda.

### **C. Notice**

The Open Meeting Law generally requires meeting notices to be publicly posted at least 48 hours in advance, which excludes weekends or legal holidays, before the scheduled meeting date and time. The Chair shall provide the agenda to the Town Clerk's Office for public notice as far in advance as possible of the 48-hour deadline to give the Town Clerk adequate time to post the meeting notice and agenda and balance the many other critical and time-sensitive duties of the Town Clerk's Office.

### **D. Minutes**

Committees must keep accurate written records of its public meetings and vote to approve all minutes in a timely manner. The records of each regular meeting are available to the public.

Each committee should determine the system by which accurate minutes of all meetings will be kept. As previously stated, it is strongly recommended that each committee elect one of its members to serve as the clerk for the committee, which member shall be responsible for taking meeting minutes and ensuring the timely approval and proper filing

of the same. Town staff members and Select Board members/liaisons shall not serve as clerks, even if they are voting members of the committee. Under no circumstances should Town staff or Select Board liaisons be expected to keep meeting minutes for any board or committee.

Minutes must include a record of the date, time, and place of the meeting; the members present and absent; documents reviewed and/or discussed; actions items formulated and assignments given; and votes taken, including which member made a motion, who seconded the motion. If a roll call vote is taken or required, the minutes should also record the individual votes of each member. The exact wording of all motions must be recorded in the minutes. Minutes should also include summaries of discussions, and may include a schedule of future meetings.

Committees must vote to approve the minutes of every meeting in a timely fashion. This will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. With the exception of executive session meeting minutes, outstanding minutes shall be voted on at a public meeting. Minutes shall be circulated to the committee in advance of the applicable meeting. At the request of any member, approval of minutes submitted shall be postponed until the subsequent meeting to enable such member to propose amendments. By vote of the committee, minor corrections may be made to minutes that are otherwise in order for approval without having to revote the amendment(s) at a future meeting.

Upon approval, the Chair must maintain a paper copy and an electronic version of all approved minutes for public record and file the same with the Town Clerk's Office in the manner required by Open Meeting Law. These minutes will form the basis for an annual report from each Town committee.

Once minutes are accepted by committee vote, they become the official record of the meeting and become a permanent public record. Any secretarial notes or shorthand, if not destroyed once the official minutes are accepted, are considered a public record under the Public Records Law. When applicable, minutes taken during executive sessions shall be separately kept and recorded in accordance with the above procedures. Minutes of an executive session shall be approved in an executive session called for the purpose of approving the same. Minutes of executive sessions shall be reviewed periodically by the committee chair for purposes of determining whether they can be made public; upon such a determination, the executive session minutes shall be placed on a public meeting agenda and voted on during the same, and thereafter be recorded with the committee's regular meeting minutes.

It is the opinion of the Secretary of State that any video or audio proceedings, once made, are public records (unless done in executive session) and may be subject to disclosure despite the adoption of official minutes. Therefore, it is recommended that any tape recordings which the board itself has made should be deleted or reused once the official minutes have been accepted by the board or committee.

### **E. Quorum Requirement**

Committees must establish a quorum in order to conduct business, which must be, at a minimum, a majority of the committee membership.

### **F. Remote Participation**

Absent a public health crisis or other justifiable cause, boards and committees should endeavor to hold their meetings in person, and not remotely.

#### **1. Fully Remote Meetings**

When an in-person meeting is not possible or practicable, boards and committees should first try to adjust the date and/or time of their scheduled meeting to work around the conflict causing the need for remote participation. If such conflict cannot be resolved, committees may elect to hold that meeting remotely instead. On such an occasion, the committee shall comply with the following rules and restrictions:

- The Chair must announce at the beginning of the meeting that the meeting is being recorded (as applicable). An automatic virtual announcement of such recording is not sufficient.
- Remote members must introduce themselves or be introduced.
- Cameras of board members should remain on to the extent possible.
- When holding a remote executive session, each member must state that no person is present or able to hear the executive session except for the member, unless the board approves otherwise.
- If live streaming stops, the meeting must similarly stop until the streaming continues. If live streaming does not resume, the meeting must be continued to a date that is at least two (2) business days later in order to meet proper notice and posting requirements.
- If a member has a conflict of interest in an agenda item, that member should be moved to the virtual audience for that matter; simply turning off the camera or muting the member's microphone is not sufficient.
- Any "chat" functions should be disabled so as to avoid inadvertent violations of the Open Meeting Law.

#### **2. Individual Remote Participation**

A member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), only if physical attendance would be unreasonably difficult.

##### **a. Procedures for Remote Participation**

- i. Any member who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of that member's request and the reason for the same.
- 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 made by roll call vote.
- iv. A member participating remotely may participate in an executive session, but 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 a simple majority vote of the board or committee.
- v. Whenever feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants in advance of the meeting, copies of any documents or exhibits that that the chair reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting and identified in the meeting minutes.

b. Minimum Requirements for Remote Participation

- i. Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;
- ii. 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;
- iii. Members of the committee who participate remotely may vote and shall not be deemed absent.

c. Technology

- i. Remote participants may use any form of technology that allows for their audio and, as possible, video participation.
- ii. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- iii. The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged wherever possible to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by

all persons present 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 shall be noted in the meeting minutes.

## **G. General Rules of Parliamentary Procedure**

The chair directs the meeting and the rulings of the chair must be followed. Any time a new chair is appointed, or by vote of the committee, committees shall determine the specific rules of parliamentary procedure by which they intend to conduct their meetings. This procedure shall be followed consistently, unless temporarily suspended by a majority vote. Regardless of the chosen parliamentary procedure, boards and committees must also adhere to the following guidelines:

- The Board must act as a body.
- Whenever practicable, action on critical or controversial matters shall be taken only when all members are in attendance.
- Members must be recognized by the Chair in order to speak.
- Every member must have an equal opportunity to participate.
- First-time speakers should be recognized before those who have already spoken.
- The Board may discuss a matter prior to presenting a motion on said issue.
- Any member, except the Chair, can make a motion.
- Seconds are required for a motion.
- With the exception of 3-member committees, the Chair shall not second any motion.
- Once seconded, any member may speak and vote on a motion (presuming no conflict of interest or other prohibition).
- A substitute motion can be made, or an amended motion can be made.
- The Chair shall conduct votes on each motion and declare the results.
- The Board should conduct meetings in the most efficient manner possible.

## **H. Citizen Participation**

Board meetings are public meetings, which are distinct from public hearings, unless specifically noticed as such. The public and the press have a right to be present at any open meeting, but they do not have the right to participate unless the Chair recognizes them.

### **1. Generally**

The Board may set aside a resident comment period before, during, or at the end of regular meetings. When applicable, the Board should adhere to the following guidelines



for public comment:

- Before sharing their substantive comments, residents should state their names, addresses and, if known, voting precinct.
- Each speaker should be limited to speaking once for a maximum of three (3) minutes.
- Residents may raise new issues for future board agendas, identify community problems, and comment on past, present or future board agendas.
- Absent extraordinary circumstances, the Board should not respond or react to the issues raised, and they should not be discussed or debated at that time.
- Request residents speak respectfully and refrain from criticizing or disparaging individual committee members, Town staff, or other resident group(s) or individual(s).
- Request residents refrain from making comments that contain political statements or include commentary, criticisms or other statements about any Town staff.
- Individuals may speak only at the discretion of the Chair.

If the Board or committee is considering matters of resident concern as a specific agenda item, the chair (or by majority vote of the committee) may allow such residents to ask questions or make statements relative to the matter under consideration, whether at the scheduled period for public comment or at the time the committee addresses that specific agenda item.

## 2. Removing Disorderly Persons

State law permits the Chair to order a person to leave a public meeting for unruly conduct and, if that individual does not comply, to order a constable or other officer of the law to remove the person from the meeting. *See* G.L. c. 30A, §20(g). The chair shall remove a person only under dire circumstances. The first step should be to take a recess. A police officer may be called in to speak to the person about being disruptive. When all else fails, the committee should consider adjourning the meeting to another date.

## **CHAPTER 6: EXECUTIVE SESSIONS**

### **A. Purpose**

The purposes for which an Executive Session may be convened are set forth in the Open Meeting Law, G.L. c.30A, §21(a). An Executive Session is a committee meeting that is closed to the public. Most business can and should be conducted in open session. Executive Sessions should be the exception, not the rule.

Prior to a committee posting notice for an executive session, the Chair should consult with Town Counsel, through the Town Administrator's Office, to confirm the lawful purpose, scope, and notice requirements of said meeting.

### **B. Scheduling**

To the extent practicable, Executive Sessions should be scheduled at the beginning or the end of an open meeting. Only items clearly allowed under the State's Open Meeting Law shall be included in Executive Session. An Executive Session shall not be held unless the board or committee has first convened in Open Session for which notice has been given. A majority of the members must vote to go into Executive Session, and the vote of each member must be by roll call recorded in the minutes. The mover must specify in the Open Meeting the grounds for the Executive Session. Before the Executive Session, the chair must state whether or not the board or committee will reconvene in Open Session following conclusion of the Executive Session. While in Executive Session, the board or committee can only discuss matters that fall within the reason(s) stated for the Executive Session.

### **C. Voting in Executive Session**

All votes taken in Executive Session shall be recorded roll call votes made part of the records of the Executive Session.

### **D. Minutes of Executive Session**

Committees must maintain accurate records of Executive Sessions. At a minimum, the records must set forth the date, time, place, members present or absent and action taken.

Minutes of an Executive Session are not subject to public disclosure as long as publication may defeat the purposes of the Executive Session. The board or committee should periodically review its Executive Session meeting minutes to determine whether they can be made public. Releasing the minutes to the public is completed by majority vote of the appropriate committee, along with review of any necessary redactions under the Public Records Law, as applicable.

### **E. Confidentiality and Recordkeeping**

Topics discussed in Executive Session are confidential. Attendees shall not discuss these matters with anyone until the purpose for calling the Executive Session no longer exists.

#### **F. Rights of Individuals**

When a governmental body wishes to discuss the reputation, character, physical or mental health, discipline, or dismissal of any individual, it must notify that person in writing at least 48 hours in advance of the meeting. If an executive session is held, the individual has the right to be present during discussion that pertains to him or her, to have counsel or a representative of choice present, and to speak on his or her own behalf. The individual also may request that the meeting be held in open session.

#### **G. Procedures for Convening Executive Session**

Boards and committees must abide by the following general procedures for convening an Executive Session:

- Notice of the executive session must be posted according to the same procedure as that of any public meeting.
- The Notice must include an open meeting with the Executive Session listed as an agenda item.
- The committee must first convene in an Open Session before voting to enter Executive Session.
- The Chair announces the purpose of the Executive Session, and the motion must specify the reason for entering Executive Session, including when applicable a declaration by the Chair that a meeting in open session would have a detrimental effect on the public body's position.
- The majority must vote in recorded roll call to enter into Executive Session.
- The Chair announces whether the meeting will reconvene in open session.
- Votes taken in Executive Session must be recorded roll call votes.
- At the close of the meeting, a majority must vote in recorded roll call to exit the Executive Session.

## **CHAPTER 7: PLANNING AND REPORTING**

### **A. Reporting to Appointing Authority**

Generally speaking, committees should expect that, at least annually, the chair of the Select Board may invite the chair of each committee, or its delegee, to present an update of that committee's progress towards its goals and actions taken, and to request assistance to further its efforts from the Town and Select Board, as applicable. Such coordination should take place through the Chair of the Select Board.

As needed, the Chair may request a meeting with the appointing authority to resolve any issues and report progress.

### **B. Town Report**

Pursuant to the Town's General By-Laws, all committees are required to file a brief annual report of committee operations to appear in the Annual Town Report. The report should detail committee membership, activity over the past year, projected activity for the ensuing year, and challenges facing the committee that may benefit from Town assistance.

## **CHAPTER 8: WARRANT ARTICLES**

The Annual Town Meeting is typically held on the third Monday in May. If a relevant article is on the warrant or if the committee's charge specifies a report to Town Meeting, the committee should prepare for Town Meeting accordingly. The committee should make reports or presentations clear, concise, and brief, keeping in mind the volume of articles generally included on a Town Meeting warrant.

Warrant articles for the Annual Town Meeting are to be submitted by a date set by the Select Board preceding the annual meeting. Warrant articles for a Special Town Meeting are to be submitted according to the schedule dictated by the Select Board.

Board and committees may submit non-monetary articles for the warrant directly to the Select Board. The Select Board will decide whether to place the request on the warrant. Financial articles must be timely submitted to the Town Administrator for review.

## **ACKNOWLEDGEMENT**

Your signature below acknowledges that you have read the Board and Committee Handbook and agree to the terms outlined herein.

Your signature below further signifies that, upon your official appointment/election, you have returned or will return the following documents to the Town Clerk's Office:

1. A signed copy of the receipt of Open Meeting Law Materials;
2. A signed Oath Affirmation (found at the bottom of the appointment confirmation letter sent by the Town Clerk);
3. A Certificate of Completion confirming online Ethics training; and
4. A signed copy of the Town of Swampscott's Board and Committee Code of Conduct.

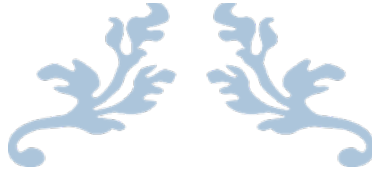
**NAME:** \_\_\_\_\_

**BOARD/COMMITTEE:** \_\_\_\_\_

**TERM OF OFFICE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_





# The Town of Swampscott

## BOARD AND COMMITTEE CODE OF CONDUCT



AUGUST 24, 2022

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## **ACKNOWLEDGEMENT**

"Democracy is a means of living together despite our differences. Democratic deliberation is an alternative to physical violence. It is predicated on the assumption that it's possible to disagree agreeably, that it's better to laugh than cry, that one can vigorously contest the position of one's adversary without questioning his or her personal integrity or motivation, and that parties to a debate are entitled to the presumption that their views are legitimate if not correct."

*--Thomas Mann*

## **CHAPTER 1: General Information**

### **A. Purpose**

This policy covers all actions and communications of elected and appointed officials except for members of the School Committee. The Town strongly encourages its elected and appointed officials to maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town, and members of the public by striving to treat every person fairly and with respect regardless of any differences of opinion. Towards that end, the purpose of this policy is to establish a centralized standard of conduct for all elected and appointed officials in the Town.

### **B. Applicability and Scope**

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written, including but not limited to public meetings and forums; all electronic communications; social media communication; and any other official interactions.

### **C. Distribution & Education**

The Town Clerk shall provide a copy of this policy to every recently appointed and elected official, whether newly appointed/elected or re-appointed/re-elected.

Prior to engaging in any official business related to the appointed or elected position, each official shall sign a statement that the individual has read this policy and will comply with all requirements set forth herein. New officials shall file one written copy (electronic or hard copy) of the Policy with the Town Clerk's office and keep another copy for themselves. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

The Town Clerk shall keep copies of this Policy on file for immediate distribution to any interested member of the public.

## **CHAPTER 2: Applicable Laws, Policies & Regulations**

### **A. State Laws**

All elected and appointed officials shall comply with all applicable federal and state statutes and regulations, including but not limited to the following, which frequently arise in the context of their duties:

1. Open Meeting Law (M.G.L c.30A)
2. Public Records Law (M.G.L. c. 66, §§ 5A,10,14)
3. Conflict-of-Interest Law (M.G.L. c. 268A)

### **B. Town Policies and Regulations**

All elected and appointed officials shall comply with the Town Charter and all applicable Town policies, which primarily include but are not limited to the following:

1. The Town's Anti-Discrimination and Anti-Harassment Policy
2. The Town Charter
3. The Town's Board and Committee Handbook
4. The within Code of Conduct

## **CHAPTER 3: Conduct Within Official Capacity**

Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard for their responsibilities, the interests of the Town, and the welfare of its residents.

Town officials shall refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator, and Town Staff.

Finally, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

The following sections provide an overview of the expectations of the conduct of Town officials in various scenarios. This is by no means an exhaustive analysis, but is meant to serve as useful guidance for what is considered acceptable behavior of both appointed and elected officials.

### **A. Conduct in Official Capacity**

Conduct while acting in an official capacity includes verbal and written communications, including emails, letters and any other forms of written communication.

Members should conduct themselves professionally and in a manner so as to maintain public confidence in them, their local government, and in their performance of the public trust.

Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.

Acting as a Town official is a means of unselfish public service that is not intended to benefit the individual personally, professionally or financially. Officials must recognize that the chief function of local government at all times is to serve the best interests of the Town.

Town officials are expected to be well informed concerning the duties of their respective boards or committees.

Members should conduct themselves in such a manner so that it is clear that they cannot be improperly influenced in the performance of their official duties.

Officials should not disclose to others or otherwise use confidential information acquired by them in the course of their official duties to further their personal interests.

Consuming and/or using alcohol, non-prescribed narcotics, or controlled substances is prohibited while acting in an official capacity.



## **B. Conduct in Public Meetings**

Town officials should participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust. Towards this end, elected and appointed officials should treat the members of the committee on which the official serves with respect despite differences of opinion. Professional respect does not preclude sharing honest differences of opinion but requires respect within those differences. With that said, Town officials should take care to make decisions only after all facts on a question have been presented and adequately discussed.

Town officials must recognize their responsibility to attend all meetings on time and for the duration of the meetings. Officials should also come prepared to meetings, to the extent practicable, by reviewing the agenda items and any materials provided in advance of the meeting so as to maximize their ability to contribute to the committees' respective purposes.

Town officials must recognize that any action at official legal meetings is binding and that no one individual can bind the committee to any decision. Town officials must also recognize that their board or committee cannot take any action outside of a duly posted meeting.

## **C. Social Media Communication**

Town officials should be aware that anything they post on social media reflects on the Town of Swampscott and that records relating to official Town business are considered public records. Town officials may have "official" social media profiles that are not limited to their own personal social media accounts, subject to the following rules and considerations:

- All of the terms of the within Code of Conduct apply to social media communications.
- Town social media posts are public records. Therefore, information posted by Town officials may be subject to the Massachusetts Open Meeting and Public Records Laws and use of social media accounts must conform to all applicable state, federal, and local laws, regulations, and policies, including this Policy and the Municipal Records Retention.
- Social media posts may not be used to circumvent or violate Massachusetts Open Meeting Laws.
- No Town official shall make any post representing the Town in an official capacity without prior authorization from the Town Administrator or the Town official's board or committee.

- Any externally linked content must be explained clearly.
- Care must be taken to avoid "endorsing" a product, service, or political cause on social media.

## **CHAPTER 4: Conduct Outside Official Capacity**

Town officials should conduct their personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

## **CHAPTER 5: Conduct with Town Officials, Staff & Residents**

### **A. Conduct in Relation to other Town Officials**

Town officials should treat the members of all other boards and committees with respect despite potentially conflicting roles and differences of opinion. Professional respect does not preclude sharing honest differences of opinion but requires respect within those differences.

Town officials are encouraged to not publicly criticize another Town official. Concerns about the conduct of another official should be privately directed to the chair of that committee or Select Board chair, or, where appropriate, to the Town Administrator.

### **B. Conduct in Relation to the Town Administrator**

Pursuant to the Town Charter, the Town Administrator is the chief administrative and financial officer of the Town and is directly responsible to the Select Board for the administration of all Town affairs not specifically reserved to another elected body. The Town Charter sets forth the powers and duties of the Town Administrator. Town officials shall not interfere in the Town Administrator's discharge of the duties of that position.

Town officials must recognize and support the administrative chain of command by:

- Refraining from giving orders or directions to the Town Administrator as an individual board/committee member.

Refraining from providing information that concern public policy matters or issues that will be considered by the Board that the Board member would not be willing to share with other Board or committee members.

- Directing any complaints or other concerns brought to the attention of the official to the Town Administrator and/or the committee or board chair. Individual Town officials have no authority to take action on their own.

### **C. Conduct in Relation to Town Staff**

Town officials must treat all staff as professionals and respect the abilities, experience, and dignity of each individual.

Town officials must understand that Town staff do not take direction from any individual official on any matter. Therefore, officials should refrain from giving instructions to or requesting assistance from Town staff. All such requests should only go through the chair of the official's committee to Town Administrator or (the chair of) the official's appointing authority.

Town officials are encouraged to not publicly or directly criticize a member of Town staff or a Town department as a whole. Concerns about staff performance should be communicated to the Town Administrator or Select Board chair through private communication.

#### **D. Conduct in Relation to the Community**

Town officials must demonstrate respect for residents that they serve. Towards this end, Town officials should:

- Be well informed concerning the duties of the Town official's board or committee.
- Encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
- Town officials should never purport to represent the opinion of their respective boards or committees except when specifically authorized by a recorded vote to do so.
- Safeguard confidential information.
- Officials must refrain from making statements or promises as to how they will vote on quasi-judicial matters that will come before the committee until they have had an opportunity to hear the evidence presented during a public hearing.
- Never give preferential treatment to any citizen based on personal preference.
- Officials must never use their position to harass or intimidate any person or entity.

## **CHAPTER 6: Enforcement**

### **A. Generally**

A violation of any aspect of this policy can damage the integrity and harm the reputation of the Town, Town Staff and Town officials. The Town is fully committed to reviewing and/or investigating, as necessary, any and all reported incidents. The purpose of these rules is to provide a reasonable process for investigating and determining whether a member has violated the code, and to afford each individual member who is the subject of an investigation, the respondent, a full and fair opportunity to be heard throughout the process.

### **B. Reporting**

Town officials may have separate reporting requirements under the Massachusetts Ethics Law depending upon the board or committee on which they serve. The Town Administrator and the chairs of all boards and committees must be aware of the relevant reporting and disclosure requirements.

Generally speaking, Town officials who are victim to or become aware of inappropriate conduct should report said allegations to the Town Administrator and, as applicable, the appointing authority. The Town Administrator's Office shall document the incident forthwith.

### **C. Investigations**

Immediately after receiving a complaint, the Town Administrator and appointing authority shall determine the next course of action.

Credible allegations of discrimination or harassment by an elected or appointed official **shall** be investigated. Allegations of a violation of any other provision of this Code of Conduct **may** be investigated in accordance with the procedures outlined herein.

If a complaint is made against a person who was a member at the time the alleged violation occurred, but who is not a member at the time the complaint is made, the complaint will be processed under these procedures only if the former member agrees in writing. Outstanding or unresolved complaints against an individual for conduct that occurred while formerly a member of a Town board or committee may disqualify that individual from appointment to any Town boards or committees in the future.

If a Town official resigns from the official role before the conclusion of an investigation, the investigation may nevertheless continue to a conclusion.

If a governmental agency or body is conducting an investigation of any alleged wrongful behavior of a Town official, the Town Administrator and appointing authority may defer any investigation until the agency investigation is complete.



No investigation shall be required if (a) the respondent admits to the violation in an initial response, or (b) the respondent has already entered a guilty plea or has been found guilty and has exhausted all appeals, in a criminal case involving the same conduct.

#### **D. Investigatory Process**

When a matter is determined to require investigation, the Town Administrator shall provide the Town official with written and detailed notice of the alleged violation and anticipated procedures relative thereto.

The Town Administrator has the discretion to (a) personally investigate the complaint and issue a report in compliance with the procedures outlined here; (b) assign the investigation to the Human Resources Director for investigation and reporting in compliance with the procedures outlined herein; or (c) refer the matter to a disinterested outside firm or other individual qualified to investigate the alleged conduct.

The individual or firm to whom the complaint is assigned shall promptly investigate the matter and draft a report with findings of fact and recommendations supported by reliable and relevant evidence. The respondent shall be given fifteen (15) days within which to respond in writing to the complaint or information, to provide any further information or material the respondent considers relevant to the allegations, and to meet with and/or answer any specific questions asked by the investigator. The Town official may appear at such a meeting personally and may be accompanied by a representative.

The investigation and reporting process shall be completed no more than sixty (60) days after the date of notice to the responding Town official. When the matter is being investigated by the Human Resources Director or a disinterested outside firm, a reasonable extension to the above specified timeframes may be granted by the Town Administrator. If the Town Administrator fails to complete the investigation and reporting process within 60 days, the Town Administrator must refer the matter to the Human Resources Director or a disinterested outside firm.

#### **E. Discipline**

Once completed, the investigator shall produce the final report to the appointing authority and, as applicable, the Town Administrator. The report shall be reviewed by the appointing authority and, as applicable, the Town Administrator in executive session and shall remain confidential. .

If the written report supports a violation of this policy, the Town Administrator and, as applicable, appointing authority, shall discuss possible disciplinary action in accordance with the terms outlined herein.

Disciplinary situations shall be reviewed on a case by case basis. Disciplinary action need not be progressive and may take any form authorized by law and recommended by the Town Administrator, which may include the following:

- No official disciplinary action is issued;

- Request that the Town official issue a personal apology to the complainant;
- Request that the Town official issue a public apology;
- Censuring of the Town official through public or written notice that the official has violated the Code of Conduct, which may include the nature of the violation, and that, if the conduct is repeated in the future, it may be cause for a further sanctions; or
- The appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.
- Removal, consistent with and to the extent allowed by any applicable law, charter provision or bylaw.

The Town Administrator's recommendations must be approved by a majority vote of the applicable board or committee except that no current or former member may be censured without the unanimous approval of the same.

When applicable, the Town Administrator's recommended and/or the committee's approved disciplinary action may be less restrictive, than the recommendations made in the Human Resource Director's or independent investigator's report. The Town Administrator and, as applicable, the appointing authority should always consult with Town Counsel when making determinations about disciplinary action.

Once a determination is made, the Town Administrator's Office shall immediately send, by registered mail, a copy of the written decision to the Town official.



## **ACKNOWLEDGEMENT**

Your signature below acknowledges that you have read the within Code of Conduct and agreed to the terms outlined here.

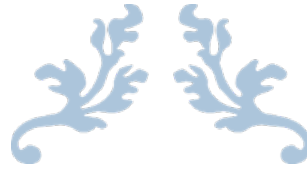
**NAME:** \_\_\_\_\_

**BOARD/COMMITTEE:** \_\_\_\_\_

**TERM OF OFFICE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

812757/SWAM/0001



# Swampscott Select Board

## PROCEDURES, POLICIES AND REGULATIONS MANUAL



AUGUST 24, 2022

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## **CHAPTER 1: The Select Board's Authority**

This Handbook is intended to clarify and standardize the responsibilities and procedures of the Swampscott Select Board set forth in and reasonably inferred from the legal authorities outlined herein. To the extent that any of the provisions of this Handbook may conflict with the Town's Board and Committee Handbook, the Select Board should default to the terms stated herein.

### **A. Legal Authority**

The Select Board is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the General By-Laws of the Town of Swampscott, and the Town Charter.

The legal authority of the Swampscott Select Board is limited to actions taken by the Board at a properly noticed public meeting with a quorum of the Board present.

### **A. Roles & Responsibilities**

Under the Town Charter, the Select Board is designated as the chief policy making agency of the Town and is responsible for the formulation and promulgation of policy directives and guidelines, including those relating to financial matters, to be followed by all Town agencies serving under it. The Select Board is also responsible for the development and promulgation of policy guidelines for elected Town officers and multiple member bodies not serving under the Board, in conjunction with those officers and bodies.

The Select Board serves as the appointing authority for the Town Administrator and numerous Town commissions, committees and boards and also serves as the Town's licensing board and issues licenses in accordance with the General Laws and Town Bylaws. . The Select Board is responsible for the preparation and approval of the final Town Meeting warrant and recommendations to Town Meeting for approval, disapproval or other appropriate action on each article contained in such warrant presented to Town Meeting.

## CHAPTER 2: Procedures

### A. Election & Qualification

Candidates for and members of the Select Board must be residents of the Town of Swampscott.

Once elected, the Select Board member(s) must make arrangements to receive essential documents from the Town Clerk and will be required to affirm a written oath of office (unless otherwise instructed). ***Formal voting by a Select Board member may be conducted only after the member has duly affirmed the oath of office.*** Affirming the oath of office shall include review and acceptance of the Town's Select Board Handbook, Board and Committee Handbook, and Code of Conduct.

After being sworn in, Board members should become familiar with Town government, meet Town employees as appropriate and necessary, and learn the logistics of serving as a Select Board member.

New Select Board members are advised to gather a number of resource materials, including but not limited to:

- The Town's Charter
- The Town's General Bylaws
- The Town's Zoning Bylaw
- The Massachusetts Open Meeting, Public Records and Conflict-of-Interest laws
- Swampscott's Code of Conduct Manual
- Swampscott's Board and Committee Handbook
- The Town Financial Guidelines Policy
- The current fiscal year's Budget Book
- The current fiscal year's operating and capital budgets as approved by Town Meeting
- The Town's most recent Annual Report

In addition, new Select Board members should obtain the following:

- A list of key Town officials and their phone numbers
- The phone number of each Board member
- An organizational chart of Town staff and officials

### B. Organization of the Board

The Chair of the Select Board shall be elected annually at the first regular meeting of the Board

after the adjournment of the Annual Town Meeting. Board members shall elect a Chair and Vice Chair annually. The Board should rotate the Chair position at least biannually. Absent extenuating circumstances, no Board member should serve as Chair for more than three (3) consecutive years. The Board may at any time remove the Chair upon a majority vote of the same. If a vacancy occurs in the office of Chair or Vice Chair, the Board shall elect a successor or designate an acting Chair or Vice Chair.

**C. Responsibilities of the Chair**

The Chair of the Board shall:

- Preside at all meetings of the Board.
- Sign official documents that require the signature of the Chair.
- Prepare agendas with the Town Administrator or delegee of the same.
- Serve as spokesperson of the Board at Town Meetings and present the Board's position, unless otherwise determined by the Board or delegated by the Chair.
- Represent the Board at meetings, conferences, and other gatherings, unless otherwise determined by the Board or delegated by the Chair.

**D. Leaving Office**

Select Board members may end their term of service voluntarily, by moving out of Town, or if they fail to be re-elected when their term expires. Occasionally, a Select Board member may be recalled in accordance with the process outlined in the Town Charter. A Select Board member who chooses to leave office must submit a formal resignation in writing to the Town Clerk for it to become official.

**E. Vacancies on the Select Board**

When a vacancy or vacancies occur in the membership of the Select Board, the Town shall follow the statutory procedure outlined in M.G.L. Chapter 41, § 10 and any amendments thereto.

**F. Other Relevant Procedural Laws**

Members of the Select Board shall adhere to the provisions of the following laws and policies:

1. The Town Charter
2. The Town Bylaws
3. The Town Zoning Bylaws
4. Swampscott's Board and Committee Handbook
5. Swampscott's Code of Conduct Manual
6. The Massachusetts Open Meeting and Public Records laws

## **CHAPTER 3: Board Meetings**

### **A. Types of Meetings**

#### **1. Public Meetings**

Most business of the Select Board can and should be conducted in open session in compliance with the Open Meeting Law.

#### **2. Executive Sessions**

Executive Session, which are closed meetings, may be convened only for specific purposes set forth in the Massachusetts Open Meeting Law pursuant to G.L. c.30A, §21(a). Executive Sessions should be the exception, not the rule. Town Counsel should be consulted for guidance prior to scheduling an Executive Session and for proper phrasing of the meeting agenda once determined.

Details about the specific procedural requirements for Executive Sessions are outlined in the Town's Board and Committee Handbook.

#### **3. Emergency Meetings**

As set forth in the Open Meeting Law, in certain circumstances, an "Emergency Meeting" may be called. An emergency is defined as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action." See G.L. c.30A, §20. Notice of an Emergency Meeting shall be posted with as much in advance notice of the meeting as possible. Such a meeting may be held even though notice was not posted in accordance with the requirements for regularly scheduled meetings.

#### **4. Special Meetings**

A meeting called for any time other than the regular meetings shall be known as a "Special Meeting". The Chair, through the Town Administrator, may call special meetings provided that all members are properly notified and a majority are available and agree to meet. The same procedural rules as those established for regular meetings apply to Special Meetings, including the Open Meeting Law.

### **B. Schedule**

The Select Board's regularly scheduled meetings shall be held at least bi-weekly, in person, on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday evenings of every month starting promptly at 6:00 P.M. unless otherwise determined by a majority vote of the Board. All reasonable efforts should be made to

select a regularly meeting schedule that works for all members of the Board.

The Board shall not meet on days designated as Legal Holidays or days on which federal, state or local elections are being held.

Any special meetings of the Board shall conform insofar as practical to the agenda for the regular meetings.

## C. Agendas

### 1. Responsibility

The Chair of the Select Board, in collaboration with the Town Administrator's Office, is responsible for creating the meeting agendas. Board members and the Town Administrator may place items on the agenda at the Chair's discretion. Generally, the Chair should honor the request of any Board member to have an item included on the agenda. If such a request is denied, however, the member can call for a vote of the Board to request the Chair to include the item on the agenda of an upcoming meeting.

### 2. Preparation

Massachusetts Open Meeting Law requires posting of "a listing of topics that the chair reasonably anticipates will be discussed at the meeting" *See* G.L. c. 30A, §20(b). Topic descriptions must be specific enough to advise the public of the issues to be discussed.

### 3. Timing and Delivery

To the extent feasible, all items for the agenda shall be submitted to the Town Administrator's Office by twelve noon at least seven (7) days prior to the scheduled meeting.

The Town Administrator's Office shall ensure that the agenda and, to the extent feasible, all supporting documentation and pertinent information to an item that will appear on the agenda is provided to the Board by close of business at least three (3) business days prior to the scheduled meeting. If the supporting documentation is insufficient or requires more time to process, any Board member may request tabling the item to allow careful study of the material presented. The matter shall be tabled upon a majority vote of the Board.

Additional copies of the agenda shall be available in sufficient quantity to distribute to those requesting a copy and attendees at the meetings.

#### 4. Format and Content

Generally, the agenda should include the following:

- Calling meeting to order
- Pledge of Allegiance
- Public Comment
- Town Administrator Report (to include specific items which will be reviewed)
- New & Old Business (including specific items which may be vote on)
- Consent Agenda (items of no controversy)
- Select Board Time

Where an agenda item is the responsibility of a particular member of the Board or has been requested to be placed on the agenda by another board or committee or citizen, the name of that individual should be noted next to the agenda item to the extent feasible.

#### **D. Notice**

The Town Administrator's Office, on behalf of the Chair of the Board, is responsible for filing a notice of the meeting with the Town Clerk in accordance with the Open Meeting Law and any other applicable laws or procedures.

#### **E. Motions**

The Board may only take official action by a successful motion. Any member, except for the Chair, can make a motion. Motions must be seconded in order to move to a Board vote. The Chair may not second a motion. Once seconded, any member may speak and vote on a motion (presuming no conflict of interest or other prohibition).

#### **F. Attendance at Board Meetings**

##### 1. The Town Administrator

The Town Administrator is expected to be in attendance at all regular meetings of the Board. The Town Administrator's Office shall be responsible for keeping records of the Board's proceedings and coordinate the implementation of any actions approved by the Board.

##### 2. Town Staff

The Town Administrator's Office shall timely notify Town staff or officials who are directly involved in the matter(s) to be discussed by the Select Board, making note of the tentative time at which said matters(s) will be considered. This shall include items to be discussed under the



Town Administrator's agenda.

3. Town Counsel

At the request of the Board, Town Counsel may attend meetings to provide legal direction, give consultation, advice and opinions on legal matters pertaining to the Town business at hand.

**G. Citizen Participation**

Select Board meetings are public meetings, which are distinct from public hearings, unless specifically noticed as such. The public and the press have a right to be present at any open meeting, but they do not have the right to participate unless the Chair recognizes them.

1. Generally

The Board may set aside a public comment period before, during, or at the end of regular meetings. When applicable, the Board should adhere to the following guidelines for public comment:

- Before sharing their substantive comments, individuals should state their names, addresses and, if known, voting precinct.
- Each speaker should be limited to speaking once for a maximum of three (3) minutes.
- Speakers may raise new issues for future board agendas, identify community problems, and comment on past, present or future board agendas.
- Absent extraordinary circumstances, the Board should not respond or react to the issues raised, and they should not be discussed or debated at that time.
- Request residents speak respectfully and refrain from commenting, criticizing, or otherwise disparaging the Select Board or any of its individual members, any member of Town Staff, or other resident group(s) or individual(s).
- Request residents refrain from comments that contain political statements or include commentary, criticisms or other statements about any Town Staff.

If the Board is considering matters of resident concern as a specific agenda item, the Chair (or by majority vote of the Board) may allow such residents to ask questions or make statements relative to the matter under consideration, whether at the scheduled period for public comment or at the time the Board addresses that specific agenda item.

Individuals may speak only at the discretion of the Chair.

2. Removing Disorderly Persons

State law permits the Chair to order a person to leave a public meeting for unruly conduct and, if that individual does not comply, to order a constable or other officer to remove the person from the meeting. *See* G.L. c. 30A, §20(g). The Chair shall remove a person only under dire

circumstances. The first step should be to take a recess. A police officer may be called in to speak to the person about being disruptive. When all else fails, the Board should consider adjourning the meeting to another date.

#### **H. Correspondence**

The Select Board is not required to acknowledge, read, or take up at a meeting every request for action or piece of correspondence it receives. The Chair has the discretion to sort the important correspondence from the trivial for purposes of the public meeting. Alternatively, the Chair may choose to adopt a policy of summarizing any correspondence received.

The Board may vote to authorize the Chair, or a delegee of the same, to draft appropriate correspondence on behalf of the Board. A delegee may include another member of the Board, the Town Administrator, or other appropriate Town staff.

#### **I. Minutes**

The Town Administrator's Office is responsible for recording the minutes of Select Board meetings. Minutes shall contain a statement of all actions taken by the Board, the disposition of all proposals for action, and otherwise comply with the requirements of the Open Meeting Law.

The Board must vote to approve the minutes of every meeting in a timely manner. A "timely manner" will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. With the exception of Executive Session meeting minutes, outstanding minutes shall be voted on at a public meeting. Accordingly, minutes shall be circulated to the Board as part of the packet for the applicable meeting.

At the request of any Select Board member, approval of minutes submitted shall be postponed until the subsequent meeting to enable such Select Board member to propose amendments. By vote of the Board, minor corrections may be made to minutes that are otherwise in order for approval without having to revote the amendment(s) at a future meeting.

Upon approval, the Town Administrator's Office shall save an electronic copy of the minutes and also file the same with the Town Clerk's Office in the manner required by Open Meeting Law. Minutes (other than executive session minutes) are open for public inspection.

Minutes of executive sessions shall be separately kept and recorded in accordance with the above procedures. Minutes of executive sessions shall be reviewed routinely for purposes of determining whether they can be made public and/or whether any redactions are necessary, and upon such determination, shall be recorded with the regular minutes.



## **CHAPTER 4: Annual Goals and Timelines**

### **A. Operational Goals**

#### **1. Goal Setting**

The Select Board annually sets goals that can influence the community for many years. In setting goals, the Board must think of short-term and long-range needs, as well as the future implications of those decisions. Goals should be established that will sustain the excellence that citizens demand.

Goal setting is typically done annually in July and is done collaboratively between the Board and the Town Administrator. By setting goals in July for that fiscal year, the Town Administrator has direction that will serve as a guide through budgeting and the preparation of articles for Town Meeting in May. The goals should be prioritized and adopted after public review.

Since the goals have far-reaching implications, the Board should seek broad participation in the development of the goals. The following should be included in developing the operational goals:

- Each Board member should be asked to submit proposed goals.
- The Town Administrator should be asked to submit proposed goals.
- Department Heads should review the proposed goals and inform the Town Administrator as to whether or not the goals can be attempted or accomplished. Department Heads may also suggest additional goals.
- Review prior year's goals and include any not met that should be continued.

Once adopted, the goals of the Board should be made generally available to the public. To facilitate sharing of the goals, the adopted goals may be distributed to the chairs of all the other boards and committees, posted on the website, published in local newspapers, or otherwise publicly shared.

#### **2. Policy Development**

The Select Board shall develop policies to serve as guidelines to the Town Administrator, Town boards and committees, and residents on a variety of issues. Adoption of new policies and revision of existing policies of the Select Board may only be adopted by affirmative vote of a majority of the Select Board at a duly noticed meeting of the Select Board.

All Town policies adopted by the Select Board shall be recorded in the same form. Said form shall include the name of the policy, the date approved by the Select Board and the signature of

the Chair of the Select Board. To the extent feasible, each policy shall contain the following sections: I. Background, II. Purpose & Scope, III. Application and IV. Reference. Physical and electronic copies shall be kept on file in the Town Clerk’s Office.

3.     Voting on New Policies and Contracts Which Require Board Approval

Absent a majority vote of the Board to the contrary, the Board shall have two (2) separate readings of any proposed policies, contracts which require the Board’s approval and any other matters that require a Board vote. Absent a majority vote of the Board to the contrary, said readings should be separated by at least two (2) weeks.

**B.     Calendar of Annual Responsibilities**

Unless otherwise recommended by the Town Administrator and/or majority vote of the Board, the Select Board shall make every effort to comply with the timelines of the following calendar of annual responsibilities:

**January**

- Licensing             Town Administrator presents licensing requests for the calendar year and recommendation; the Board votes on the same.
- Budget                Distribute Recommended Fiscal Year Budget (4<sup>th</sup> Friday)

**February**

- Budget                1<sup>st</sup> Wednesday – Town Administrator Presents Preliminary Recommended Annual Budget (not incl. school department budget) to Select Board
- Budget                3<sup>rd</sup> Wednesday – Town Administrator Presents Final Recommended Annual Budget (incl. school department budget) to Select Board

**March**

- Warrant               1<sup>st</sup> Wednesday – Town Administrator Releases Initial Town Meeting Warrant
- Budget                1<sup>st</sup> Wednesday – Review of Final Recommended Annual Budget
- Capital                1<sup>st</sup> Wednesday – CIC Presents Proposed Capital Plan to Select Board
- Warrant                3<sup>rd</sup> Wednesday – Select board Opens Town Meeting Warrant
- Capital                3<sup>rd</sup> Wednesday – Review of Proposed Capital Plan
- Elections             Vote of Polling Location and Early Voting (if applicable)
- Appointments        Appoint registrar of Voters

**April**

- Budget                Ongoing Review of Final Recommended Annual Budget

Capital Warrant Election	Ongoing Review of Proposed Capital Plan 3 <sup>rd</sup> Wednesday – Close Annual Town Meeting Warrant Last Tuesday in April
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## **May**

Town Meeting	Third Monday in May
Votes	Vote to Elect Chair & Vice Chair
Liaisons	Vote to Appoint Liaisons to Boards & Committees

## **June**

Appointments	Vote to reappoint members of Boards & Committees
Appointments	Town Administrator Review
Budget	Vote on End of Year Transfers (no later than July 15)

## **July**

Budget	Vote on End of Year Transfers (no later than July 15)
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## **August**

Utilities	Vote on Annual Water and Sewer Rates
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## **September**

Fees	Annual Review of Town Fees
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## **November**

Tax Rate	Tax Rate Recap & Tax Classification Hearing
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## **December**

Licensing	Approve Annual Licenses, including Liquor, Common Victualler, Class II Car Dealership & Entertainment Licenses
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### **C. Quarterly Reports**

The Select Board shall review the following items in open session on a quarterly basis every year:

- Operating Budget Year-to-Date
- Enterprise Funds Year-to-Date
- Capital Improvement Project Year-to-Date, including status of such projects

## **CHAPTER 5: Licensing and Permitting**

### **A. Public Hearings (including Utility Hearings)**

Public hearings before the Select Board generally shall be conducted in accordance with the following procedures:

1. Scheduling: The Town Administrator's Office receives any requests for public hearings. When such requests are received, the Town Administrator's Office shall promptly notify the Select Board regarding the request. The Chair of the Board shall coordinate with the Town Administrator's Office to timely include the public hearing on the agenda for a regularly scheduled public meeting. Hearings shall be held in open session unless otherwise permitted under the Open Meeting Law and then voted by the Board.
2. Notice: The Town Administrator or delegee will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chair in the absence of statutory requirements. Town Meeting members whose precincts may be affected should be notified of the public hearings.
3. Hearing: The Chair will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chair will outline the procedure to be followed. The Chair will determine the procedures that the Board will follow in conducting the hearing.

### **B. Licenses and Permits**

#### **1. Scope**

The Select Board is the public body responsible for issuing licenses and permits, which include but are not limited to:

- Alcoholic Beverages (*Chapter 138*)
- Common Victualler (*Chapter 140 § 2*)
- Entertainment (*Chapter 140 § 183A*)
- Hawking & Peddling & Door to Door Solicitation (*Chapter 101*)
- Class I, II and III Car Dealership License (*Chapter 140 § 59*)
- Removal or replacement of a fuel storage tank (*Chapter 148 § 37B*)
- Dance permit (*Swampscott Bylaw Article XI*)
- Earth Removal (*Swampscott Bylaw Article XIII*)
- Marijuana Establishment Host Community Agreement (*Swampscott Bylaw Article XXVII*)
- Billiard, Pool, Sippio table, or Bowling Alley permit (*Chapter 140 § 177*)
- Automatic amusement device (*Chapter 140 § 177A*)
- Junk dealers (*Chapter 140 § 54*)
  - Auctioneer (*Chapter 100 § 1*)
  - Block Parties
- Road Races



- Banners
- Boarding and Lodging Houses (*Chapter 140 § 23*)
- Cable Television (*Chapter 166A § 3*)
- Roller skating, carousels, inclined railways, Ferris wheels, and exhibitions of firefighting (*Chapter 140 § 186*)
- Food vehicles, lunch carts (*Chapter 140 § 186*)
- Shellfish (*Chapter 130 § 152*)

The Select Board reserves the right in certain cases to designate the Town Administrator as the permitting authority for Banners and Block Parties unless otherwise prohibited by Massachusetts General Laws or Town Bylaws.

## 2. Licensing Procedures

Applications for licenses and permits are available in the Town Administrator's Office, which Office is responsible for processing all applications.

The Town Administrator's Office will coordinate with the Chair of the Select Board to timely schedule a review of any applications at a regularly scheduled public meeting, unless a separate hearing is required by law or requested by the applicant with the approval of the Chair.

The Town Administrator's Office will notify all interested parties of the date and time of such meeting or hearing. It is recommended that persons requesting licenses or permits attend the Board meeting or hearing when the request is reviewed.

As part of the hearing, a license applicant may be required to produce records, documents, and other evidence to show that he or she is qualified to hold the requested license and that the activity and location of the proposed use are consistent with the applicable standards for issuing the license or approving the activity.

## 3. Violations

If an alleged license or permit violation is brought to the Select Board's attention, either through an inspection or a complaint, the Board may vote to hold a show cause hearing to determine whether a violation occurred and what, if any, disciplinary action is warranted. In such event, the Board shall provide the license holder with written notice that sets out the specific facts relating to the violations and the date, time and place of the public hearing regarding the alleged violation.

The Board shall act in accordance with the authority granted in the Town Charter, General By-Laws, and any other applicable law or regulation.

The Board may consult with Town Counsel prior to issuing a decision on disciplinary action.

## CHAPTER 6: Board and Committee Appointments

The Town Charter, General By-Laws, and certain other state laws and regulations, provide for both permanent and temporary boards, committees, and commissions.

### A. Types of Committees

#### 1. Standing Committees

The following boards, committees, and commissions are established by statute, the Town Charter, or the Town's General By-Laws and must be maintained:

Board of Assessors	Board of Health	Capital Improvement Committee
Commission on Disability	Conservation Commission	Council on Aging
Cultural Council	Finance Committee	Historic Districts Commission
Historical Commission	Housing Authority Board	Library Trustees
Planning Board	Affordable Housing Trust	Recreation Committee
Registrars of Voters	Retirement Board	School Committee
	Zoning Board of Appeals	

In accordance with the Town Charter and General By-Laws, the Select Board has authority to appoint members of all committees *except for* the Capital Improvement Committee, Finance Committee, Board of Health, Board of Assessors, Housing Authority Board of Commissioners, certain members of the Retirement Board, Planning Board and School Committee.

#### 2. Advisory Committees to the Select Board

The Select Board may create advisory committees that serve under them to aid on matters under the Board's jurisdiction, particularly in technical areas. Such advisory committees must comply with the Open Meeting Law, as applicable. These committees handle a particular function or area, study it, and advise the Select Board on their findings. It is important for members of those committees to understand that while they are making recommendations, it is the Select Board that makes the ultimate decision.

Charges to advisory committees shall be in writing and shall include the tasks to be undertaken,

the time in which they are to be accomplished, and the procedures for reporting to the Select Board. The charges and membership of standing advisory committees shall be reviewed periodically, and at least annually, to assess the necessity and desirability of continuing the committee.

The Board will discharge committees upon the completion of their work.

By way of example, the following is a list of the Select Board’s current advisory committees:

Andrews Chapel Restoration Committee	Athletic Field Advisory Committee	Earth Removal Advisory Committee
Harbor & Waterfront Advisory Committee	Open Space & Recreation Planning Committee	Rail Trail Design & Construction Advisory Committee
Renewable Energy Committee	Solid Waste Advisory Committee	Swampscott for All Ages Committee
Television Visioning Committee	Traffic Study Advisory Committee	Tree Committee
	Water & Sewer Rate Review Advisory Committee	

## **B. Appointment Process**

### **1. Goals for Appointments**

The Select Board should consider the following goals when fulfilling its duty of appointing residents to certain Town boards and committees:

- To appoint volunteers that offer unique and/or specialized skills and/or knowledge that will be helpful to the work of that board or committee;
- To sure that board and committees have a diverse membership, including such considerations as gender identity, age, race, ethnicity, sexual orientation, and religion;
- To ensure that boards and committees have members residing in as many of the voting precincts as possible; and
- To ensure that boards and committees are comprised of a mix of first-time, newer, and more experienced volunteers.

### **2. Process**

The Select Board shall ensure that the Town Administrator's Office establishes and complies with a set process by which:

- a. vacancies for volunteer positions are recorded;
- b. application forms for said vacancies are developed and maintained;
- c. notice of said vacancies are published on the Town website and, as feasible, in other forms of local media, for a minimum of 30 days (absent extenuating circumstances);
- d. application forms can be accessed and completed electronically or in print;
- e. the electronic and physical locations for submitting application forms are clearly identified on the Town website and other applicable media sites as well as on the application form itself;
- f. an electronic and physical filing system is developed;
- g. each application is reviewed by the Town Administrator or designee;
- h. selected candidates are interviewed by the Town Administrator or designee;
- i. the Town Administrator's recommended candidates are presented to and interviewed by the Select Board;
- j. the Town Administrator or designee responds to each applicant in writing after an application is submitted;
- k. other related processes and procedures are created that are necessary to establishing the appointment process outlined herein; and
- l. a reasonable timeline for completion of the above-cited procedures is established.

### 3. Vote

Appointments to fill an unexpired term shall promptly take place after the Board has been formally notified by the Town Clerk that a vacancy exists and in accordance with the applicable provisions in the Town Charter and state law.

Otherwise, at least annually, the Town Administrator will present the list of the appointment vacancies to the Board along with the Town Administrator's process and recommendations for the same.

Appointments shall be made by a majority vote of the Board, unless otherwise provided by law.

## **CHAPTER 7: Financial Management**

Pursuant to the Town Charter, the Select Board serves as the chief policy making board and, by statute, as the chief executive officer of the Town. As such, the Select Board plays a major role in formulating financial policy. Each member of the Select Board should read and have a basic understanding of the Town's Financial Guidelines and Procedures Manual.

The Town Administrator's Office and, as applicable, Town staff shall oversee the Town's day-to-day operations and finances. Notwithstanding, the Board should:

- Participate in broad policy development on issues that will have a major impact on Town finances (e.g., major expenditures such as financing a new school, authorization of debt, use of stabilization funds, etc.);
- Participate in the budget process by developing and reviewing existing budget guidelines, reviewing budgets, and evaluating proposals for the expenditure of funds;
- Ensure the development and updating of the Town's capital improvement plan;
- Monitor the Town's financial performance in accordance with the schedules outlined herein.

The Select Board also has authority over many other financial matters as outlined in the Town Charter and General By-Laws. Such authority includes, but is not limited to:

- Signing bonds or notes when the Town issues debt;
- Classifying property by use for taxation purposes;
- Setting the Town's annual tax rate (including votes related thereto);
- Setting the annual water and sewer rates;
- Setting the rates of other fees;
- Placing a proposed override, debt exclusion vote, or other general referendum on the ballot.

## **CHAPTER 8: Town Meeting**

The Select Board's authority to prepare, publish, and distribute Town Meeting warrants is outlined in the Town Charter and General By-Laws, and the Board shall act in accordance with the authority and procedures outlined therein. As further guidance, the Select Board should observe the following additional procedures:

### **A. Annual**

The Chair of the Select Board or designee of the same should meet with Town Counsel, the Town Moderator, and the Town Administrator to establish the preliminary order of the articles, taking into account subject matter and efficient utilization of staff. The wording of articles should also be reviewed.

Consistent with the requirements of the Town Charter, the Select Board shall make a recommendation to Town Meeting on whether to approve, disapprove, amend, or postpone action on each warrant article before Town Meeting.

Town Counsel reviews the final wording of articles that will be included on the Warrant in consultation with the Moderator and as necessary Town staff, boards and committees.

By law, properly submitted citizen petition articles must be included on the Warrant exactly as submitted.

### **B. Special Town Meeting**

The Select Board may call a Special Town Meeting at any time but must call one if properly petitioned in accordance with MGL c.39, §10. Such a meeting must be held not later than 45 days after the receipt of such a written request. The warrant must include all subjects requested by said petition. The Select Board must follow the same procedures for Special Town Meeting as it does for the Annual Town Meeting.

### **C. State and Federal Elections**

Wording for state and federal elections generally comes from the state. The Town Clerk's Office shall provide the Select Board with a draft warrant. The Town Administrator's Office is responsible for preparing the warrant, securing the signatures of the Select Board, and distributing the same with the required time periods.



## **CHAPTER 9: The Town Administrator**

### **A. Hiring**

The Select Board shall appoint a Town Administrator in accordance with Chapter 6 of the Town Charter.

### **B. Powers and Duties**

The Town Administrator shall have the powers and duties as set forth in the Charter and as required by the applicable provisions of the General Laws. These powers and duties shall not be abrogated or abridged by the Select Board. The Town Administrator shall perform such other duties that, from time to time, may be requested by vote of the Board and which are not inconsistent with the General By-Laws, the Town Charter, or any other applicable laws or regulations.

### **C. Relationship to the Town Administrator**

The primary role of the Select Board is to set policy. The Town Administrator is responsible for implementing that policy. The Select Board should work through the Town Administrator to achieve its goals. The Town Administrator shall provide the Select Board with all information, facts, and reports necessary to establish or modify policies. The Town Administrator may request guidance on matters of operation from the Board at any time but generally is not required to do so.

Although the Select Board establishes policies that guide and support the Town Administrator, the Select Board, and the individual members thereof, shall not overstep its bounds by getting involved in the day-to-day operations of the Town Administrator, Town staff, or individual Town departments.

Consistent with the General By-Laws and Town Charter, the Select Board, and the individual members thereof, must respect and support the authority of the Town Administrator and the chains of command within the administration. Similarly, the Select Board, and the individual members thereof, must respect the Town Administrator's decisions relative to all matters of employment, discipline, and termination of administrative personnel.

Board members should speak with the Town Administrator in private regarding any concerns or questions relating to the decisions or performance of the Town Administrator. If an issue cannot be resolved privately, a Board member may ask the Chair to include discussion of the issue at a Board meeting, which discussion may occur in open session or executive session depending on the nature of the issue.

#### **D. Evaluations**

The Select Board shall evaluate the Town Administrator's service annually. It is the policy of the Board to conduct the evaluation in June.

As a foundation for said evaluation, the Select Board shall work with the Town Administrator to develop measurable and specific goals against which the Town Administrator's performance shall be evaluated throughout the year.

The Chair of the Board shall be responsible for distributing an evaluation form to all Board members in May shortly after the Annual Town Meeting. Each member shall individually submit a written evaluation on or before June 10 each year. Individual evaluations shall become part of the Town Administrator's personnel file and shall not be available for public viewing, to the extent permitted by law.

The Chair will draft a composite report, which shall accurately reflect the general feedback and tenor of the individual Board members' written evaluations. The Chair and Town Administrator shall discuss the comments prior to the public presentation. The Chair should consider the Town Administrator's feedback when finalizing the composite report thereafter.

Once finalized, the Chair shall present the composite report at a regularly scheduled meeting, which shall take place at or around the second regularly scheduled meeting in June. The final composite report is a public document, and it shall be made a permanent part of the Town Administrator's personnel file, which shall be maintained in the Town Administrator's Office.

#### **E. Legal Action**

In collaboration with the Town Administrator, and in accordance with the Town's General By-Laws and Town Charter, the Select Board shall authorize the Town to institute, prosecute, defend, and compromise any and all claims, actions, and proceedings on behalf of or against the Town or in which the interests of the Town are or may be involved.

When appropriate, upon a majority vote, the Board may delegate one or two of its members to represent the Board's position in legal matters.

## **CHAPTER 10: Board Relationships**

### **A. Relations with Other Boards, Committees and Commissions**

#### **1. Generally**

Coordination and cooperation is necessary among the Town's boards, committees, and commissions; not only in the day-to-day operations of government, but also to: (a) set Town-wide goals and priorities; (b) identify and anticipate major problems and plan for their resolution; and (c) develop a process for dealing with state government.

#### **2. Liaisons**

As the Select Board has been historically responsible for the overall leadership and coordination of Town affairs, the Select Board shall annually vote to appoint members to act as liaisons to each of the Town's board, committees, and commissions in accordance with the calendar provided herein. Consideration should be given to Board members' respective interests and availability when determining liaison appointments. After discussion, the Chair shall generate a proposed list of liaison appointments for final discussion and vote at a regularly scheduled meeting.

Liaisons should strive to keep updated on the goals and actions of the committees to which they have been appointed. Towards this end, liaisons should intermittently communicate with the relevant committee's current chair. Liaisons should feel free to attend the relevant committees' public meetings, but attendance is not required and should not be expected.

#### **3. Attendance at Other Committee Meetings**

The Select Board should cultivate an atmosphere of mutual respect for the responsibilities and authority of the Town's boards, committees, and commissions. With the exception of advisory committee members, Town boards and committees must be free to act on their own without interference from the Select Board. Towards that end, when attending the meetings of other boards and committees, Board members and liaisons should be careful not to usurp the prerogative of the chair and shall generally respect the committee's autonomy.

#### **4. Board and Committee Updates**

Generally speaking, liaisons should keep the Select Board advised of significant developments and activities of the committees and boards to which they have been assigned through updates at regularly scheduled meetings.

At least annually, the chair of the Select Board shall invite the chair of each Town board and committee to present an update of that committee's goals and actions and to learn if and how the Select Board could assist to further its efforts.

## **B. Relations with Town Staff**

Consistent with the Town Charter and General Bylaws, the Town Administrator is the only employee of the Town of Swampscott that reports directly to the Select Board. The Town Charter and General Bylaws outline the specific and limited authority granted to the Select Board to approve or disapprove recommendations of the Town Administrator with regard to the hiring, firing and discipline of certain Town employees. However, Town staff report only to the Town Administrator, whether directly and indirectly – not to the Select Board. Maintaining this proper chain of command between the Select Board, the Town Administrator, and Town staff is critical to the proper functioning of Town government. Pleasantries aside, and except in extraordinary circumstances, the Select Board, and its individual members, should only communicate with Town staff through and with prior permission of the Town Administrator. A Board member may seek to obtain an existing public report or other public work product from a member of Town staff without prior permission from the Town Administrator; however, such request shall be made via email and the Town Administrator shall be copied on all related correspondence. No member shall request any Town staff to undertake or complete any task or attend any meeting unless such request is explicitly approved in advance by the Town Administrator and with the approval of the Select Board.

All concerns, questions, or comments about the performance of any member of Town staff shall be directed only to the Town Administrator and/or Human Resource Director and not directly with the staff member or any other member of Town staff.

Likewise, if any member of Town staff approaches any member of the Select Board to raise a concern about the Town Administrator or another staff member, the Board member should refrain from such discussion and promptly direct that individual to the Human Resources Director and/or the Town Administrator.

## **C. Relations with Town Counsel**

### **1. Selection of Town Counsel**

Town Counsel shall be selected in accordance with the procedure outlined in the Town Charter. A majority vote of the Board is required for appointment.

### **2. Contact with Town Counsel**

In order to control costs and to have effective local administration, Select Board members shall consult with the Town Administrator and Chair prior to contacting Town Counsel about any particular issue.

#### **D. Relations with Residents**

Measures will be instituted to increase resident participation, encourage resident input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board, Town Meeting and the Town Administrator which will affect them. To this end, the following steps will be taken:

- The Select Board shall make an effort to periodically hold a regular meetings at various areas in the Town. Although regular Board business will be covered, time will be allotted and special attention given to the issues and concerns of the residents present.
- An individual resident or group of residents may request an appointment before the Board by making a request in writing to the Town Administrator's Office precisely stating the reason for the appearance and the action desired and naming a spokesperson for the group. Subject to the matter being placed on the agenda, residents shall be given reasonable opportunity to make a presentation, through the spokesperson, as applicable; express opinions; and ask for pertinent information.
- The Board shall ensure that all resident communications and complaints are answered promptly. Questions and concerns relating solely to the Select Board shall be answered promptly by the Chair or at the Chair's direction. Communications that require the attention of the entire Board should be referred to the Chair for inclusion on a future meeting agenda. All other communications and complaints may be referred to the Town Administrator's Office for further reply or other action.

## ACKNOWLEDGEMENT

Your signature below acknowledges that you have carefully read this Select Board Handbook and agree to comply with the terms outlined herein.

**Name:** \_\_\_\_\_

**Term of Office:** \_\_\_\_\_

**Date of Signature:** \_\_\_\_\_

# FY2023 Draft Town Administrator Goals

## **1. TA PROFESSIONAL DEVELOPMENT**

- 1) Improve responsiveness to requests for information, ensure all email and phone calls receive a response within 24 hours.
- 2) Attend at minimum 3 training programs on subjects such as conflict/dispute resolution, DEI training, and HR training.
- 3) Attend at least 6 monthly MMA meetings and training programs.

## **2. IMPROVE COMMUNICATIONS & COMMUNITY ENGAGEMENT**

- 4) Update Town website and increase Town Social Media presence and interaction.
- 5) Improve transparency and community outreach on Town projects and initiatives.
- 6) Develop communications plans for Town Departments.

## **3. ONGOING INVESTMENTS IN PUBLIC FACILITIES & TOWN PROPERTIES**

- 1) Advance the construction of the New Elementary School.
- 2) Advance efforts to redevelop the Hadley School.
- 3) Seek state and federal funds to advance the development of Antony's Hawthorne.
- 4) Continue to advance strategies to fund and clean up Kings Beach.
- 5) Finalize the acquisitions of the Hawthorne and Archer Street properties.

## **4. SUPPORT AND PROMOTE AFFORDABLE HOUSING DEVELOPMENT**

- 6) Continue to work with the VFW and Veterans Crossing Group to expand services and support for affordable Veteran's Housing Units and programs.
- 7) Explore ways for the Town to support increased affordable housing development.

## **5. CONTINUE IMPROVEMENT OF TOWN FINANCES**

- 8) Enforce strong financial policies and internal controls to improve transparency and to continue Swampscott's work towards a secure and stable financial path.
- 9) Provide budgetary and financial information that reflect the financial activity of each department including promoting the use of online tools for Financial Transparency

## **6. STRENGTHEN HUMAN RESOURCES & STAFF SUPPORT**

- 10) Reach agreement with Fire Department Union on a three-year Collective Bargaining Agreement
- 11) Have an adequate compensation system that retains and attracts talent and boosts retention and morale for Town Staff
- 12) Update the HR Handbook and job descriptions of all positions
- 13) Expand professional development opportunities for all positions.
- 14) Analyze staffing space and storage space needs.
- 15) Streamline onboarding process for new employees.
- 16) Continue to prioritize Diversity Equity and Inclusion in the Workplace and Community.

## **7. ADVANCE CLIMATE RESILIENCY EFFORTS**

- 17) Work to support the work of the Climate Action Plan Committee and their goals.
- 18) Seek funding and resources and expand efforts for increased Coastal Resilience and Environmental Sustainability Planning.

## **8. SUPPORT PUBLIC HEALTH & MENTAL HEALTH PROGRAMMING**

- 19) Implement new mental health programming being led by the Board of Health and Swampscott Senior Center.
- 20) Launch a barrier elimination fund for Swampscott Recreation and youth activity grant programs.
- 21) Support existing Town operated community events.
- 22) Increase citizen access to and use of public spaces
- 23) Increase community events by supporting 5 additional Town Wide, no-cost, low cost events that build community.

## **8. OTHER PROJECTS**

- 24) Continue the Advocacy with MassPort to mitigate the impact of the new flight path.
- 25) Continue the efforts to advocate and advance the Town's interest with AI regulations.
- 26) Develop a Master Plan and development strategies for Vinnin Square to maximize new growth and enhanced quality of life.

# 2023 Select Board Goals

## **NEAL:**

- *DEVELOPMENT & COMPLETION OF A CLIMATE ACTION PLAN*
- *ARPA FUNDS USES*
- *HAWTHORNE & HADLEY SCHOOL FUTURE USES & STEPS TO GET THERE*

## **MARY ELLEN:**

- *BETTER COMMUNICATION RE: TOWN'S FINANCIAL POSITION. SHE WOULD LIKE TO SEE A FULL, UPDATED FINANCIAL PLAN, FINANCES FOR ANNUAL BUDGET REVIEWED IN NOVEMBER.*
- *RECEIVE BUDGET ONE MONTH BEFORE THE ANNUAL TOWN MEETING SO MEMBERS HAVE A CHANCE TO REVIEW EVERYTHING*
- *USE OF TOWN'S WEBSITE TO IMPROVE COMMUNICATIONS*
- *CAPITAL PLAN – BRING UP FRONT AND MAKE IT MORE PROMINENT IN BUDGET DISCUSSIONS*
- *DO A BETTER JOB WITH BOARDS/COMMISSIONS – GETTING INFORMATION TO THEM*
- *BY-LAW TO LIMIT THE LOSS OF COMMERCIAL PROPERTY IN SWAMPSCOTT*
- *RE-EVALUATE WORKING WITH SALEM OFFICIALS TO DEAL WITH THE GLOVER PROPERTY INCLUDING PASSIVE RECREATION USES*
- *A LONG-TERM VISION FOR VINNIN SQUARE WITH A LOOK AT THE POTENTIAL FOR VETERANS' AND SENIOR HOUSING*
- *FUTURE VISION OF VINNIN SQUARE*
- *SENIOR CENTER KITCHEN*

## **DAVID:**

- *ADDITIONAL INFRASTRUCTURE GOALS INCLUDING THE CLEAN-UP KING'S BEACH*
- *ADDRESS PUBLIC HOUSING & AFFORDABLE HOUSING, INCLUDING IMPROVEMENTS TO PUBLIC HOUSING AND MORE FUNDING FOR THEM. ASKED TA FITZGERALD TO MAKE IMPROVING PUBLIC HOUSING A GOAL OF BOTH HIS AND THE SELECT BOARD*
- *IMPROVE SENIOR CENTER FUNDING: WE NEED TO DO A BETTER JOB ENGAGING AND INTERACTING WITH SENIORS*
- *IMPROVEMENTS IN INVESTMENTS IN VETERANS AND IN VETERAN'S SERVICES INCLUDING AFFORDABLE HOUSING FOR VETERANS, IMPROVEMENTS TO VETERANS CROSSING*
- *INVEST IN MORE NO/LOW-COST RECREATION EVENTS. HE WOULD LIKE TO SEE A FULL CALENDAR OF EVENTS TO BRING THE COMMUNITY TOGETHER INCLUDING VETERANS, PTOs, SCHOOLS FOR LARGE-SCALE EVENTS*

## **KATIE:**

- *HAWTHORNE & HADLEY SCHOOL: WOULD LIKE TO REVISIT HADLEY USES NOW THAT THE TOWN OWNS THE HAWTHORNE. PRIORITIES/USES MAY HAVE CHANGED*
- *COMMUNITY ENGAGEMENT ISSUES: LEAD FOLKS WHO ARE LESS OR UNENGAGED IN TOWN GOVERNMENT INTO THESE CONVERSATIONS AND GET THEM INVOLVED*

## **PETER:**

- *KEEP CURRENT RESTRICTIONS IN PLACE SO SERVICES & BUDGET CAN BE MAINTAINED*
- *TALK ABOUT FINANCES SO RESIDENTS KNOW WHAT CHALLENGES AND CHOICES THE TOWN IS FACING*
- *HADLEY SCHOOL – NEED TO START TALKING ABOUT THIS BEFORE IT BECOMES AN EMPTY, BLIGHTED PROPERTY*
- *HAWTHORNE – DISCUSSION FOR LONG- AND SHORT-TERM USES*
- *WORK WITH CHARLIE PATSIOS TO ADDRESS THE LACK OF STATE FUNDING TO HOUSING AUTHORITIES*