



# 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
7. The Massachusetts Conflict-of-Interest 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)
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## 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
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Capital	1 <sup>st</sup> Wednesday – CIC Presents Proposed Capital Plan to Select Board
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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)
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Appointments      Appoint registrar of Voters

## April

Budget	Ongoing Review of Final Recommended Annual Budget
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Capital	Ongoing Review of Proposed Capital Plan
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Warrant Election	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 approval, 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:** \_\_\_\_\_