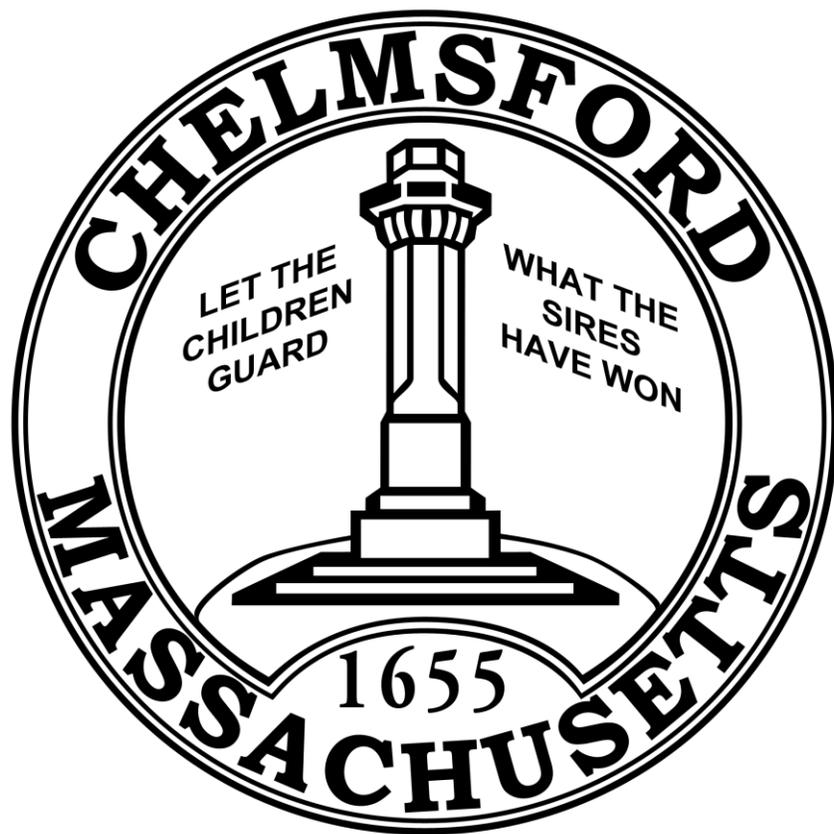


Select Board Policies and Procedures



Town of Chelmsford

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1 THE ROLE OF THE SELECT BOARD AND TOWN MANAGER

1-1 MISSION STATEMENT

The mission of the Select Board is to ensure the highest possible quality of management and leadership with regard to the community's use of its human, physical and fiscal resources. To achieve its mission the Select Board shall employ a Town Manager and shall maintain a working relationship according to the highest possible standards of Town leadership and development. The Board shall set policy and strategic direction for the community, and the Manager shall implement Board policy through town employees. The Board shall hear all appeals and special problems which have not been resolved at management levels and shall render decisions based on the best interests of the community as a whole. The Board shall also function as the licensing authority of the Town and render decisions regarding the issuance of all licenses based on the best interest of the community as a whole.

1-2 THE SELECT BOARD'S ROLE

The Select Board members are the highest elected officials of the Town. The Board is primarily responsible for the governance of the Town through the following major functions, all to be served in the best interests of the Town:

The Board is authorized to hire, manage, and terminate the Town Manager in accordance with the Town Charter. The Board is responsible for:

- a. Identifying and presenting clear and understandable goals, direction, and expectations of the Town Manager,
- b. Evaluating the Town Manager on a regular basis; no less than once annually,
- c. Presenting the Town Manager with feedback from the residents and businesses of the Town to the relative management procedures and decisions,
- d. Approving the Town Manager's proposed appointments in accordance with the Town Charter, and
- e. Providing reasonable general support to the Town Manager in their professional conduct in managing the town affairs, including relations with employees, collective bargaining units, elected and appointed boards, and the businesses and residents of the Town.

1-2.1 Election and Responsibility of Officers

The Chair, Vice Chair, and Clerk shall be elected annually at the first Board meeting following the Annual Town Elections. The term shall be for one year. Each officer shall be elected by a majority vote of the Board, and can be removed by a majority vote of the Board at any time.

If a vacancy occurs during the term of any officer, it will be filled at the next meeting of the Board.

Responsibilities of Chair:

- a. Preside at all meetings of the Board
- b. Sign official documents for the Board
- c. Call Special Meetings in accordance with Open Meeting Law
- d. Prepare meeting agendas in consultation with the Town Manager
- e. Prepare and manage Board budget lines; periodically report budget status to the Board
- f. Serve as spokesman for the Board at Town Meeting
- g. Assign Board members as Liaisons to other boards/committees

Responsibilities of Vice Chair:

- a. Act in place of the Chair in the Chair's absence

Responsibilities of Clerk:

- a. Record minutes for all Executive Sessions of the Board, unless otherwise assigned by the Chair
- b. Annually review all unreleased Executive Session meeting minutes to determine if they can be released, unless otherwise assigned by the Chair
- c. Maintain and update master version of Policies handbook as needed, unless otherwise assigned by the Chair

1-2.2 Setting of Policy and Strategic Direction

The Board shall set policy and strategic direction in the best interests of the Town as a whole. Accordingly, the Board shall:

- a. Adopt policies which incorporate consistent and fair management practices,
- b. Adopt policies which promote change and development or will result in increased enhancements of the Town's resources,
- c. Encourage Town employees and volunteers to strive for efficient and productive use of resources within the town,
- d. Adopt policies which will enhance the community and environment,
- e. Adopt policies and procedures which will yield fiscal responsibility,
- f. Represent the Town in all official capacities,
- g. Accord the Town Manager sufficient responsibility to effectively implement the Board's policies with proper management, and,
- h. Ensure that the Town Manager is given full support and latitude to adequately perform their duties in the best interests of the Town in accordance with the Town Charter.

1-2.3 Resolution of Problems and Appeals

The Board shall seek to resolve those appeals and special problems not previously resolved at

lower levels. Accordingly, the Board shall:

- a. Support procedures and rules which direct appeals and special problems through standardized administrative channels,
- b. Assist the Town Manager in resolving disputes upon request, and,
- c. Hear appeals brought to the Board and seek to provide fair and just resolution based on existing laws, regulations, policies, or accepted past practice.

1-2.4 Hearing of Appeals

It shall be the policy of the Chelmsford Select Board that time will be granted and hearings held for all individuals and/or entities that request such action so long as the subject matter to be discussed is properly before the Board by virtue of jurisdiction as defined by the Chelmsford Home Rule Charter or applicable state law.

1-2.5 Licensing Authority

The Board shall be the licensing authority of the Town and shall render decisions regarding the issuance of all licenses based on the best interests of the community as a whole.

1-2.6 Contract/Bid Review

When a bid solicitation (contract, RFP, etc.) is issued by the Town, the Town Manager shall provide the following information to all Board members via email:

- a. Purpose of the bid solicitation
- b. Date issued
- c. Date of bidders' conference, if any
- d. Date/time/place of bid opening
- e. Expected date of bid award

Board members may request an electronic copy of the contract/bid solicitation for review, if desired.

1-2.7 Agenda Procedures

Agendas for regular meetings shall be completed no later than Thursday prior to a scheduled Monday meeting. The Board Chair and Town Manager shall coordinate the agenda items and sequence. Board members may submit agenda requests to the Chair for inclusion. A draft agenda shall be made available electronically to all members of the Board by the close of business on Wednesday before the scheduled meeting. Board members should notify the Chair and Town Manager of any requested modifications to the draft agenda by 12:00PM Thursday.

Any written materials or other documentation from outside parties, to be discussed during a regular meeting, must be submitted to the Town Manager's office no later than 12:00PM on Tuesday prior to the scheduled meeting. If supporting documentation is not provided in such a timely manner, the Board may defer action on that agenda item.

The agenda shall normally consist of:

- a. Call to Order
- b. Public Service Announcements
- c. Public Input
- d. General Board business (hearings, licenses, administrative items, reports, presentations, etc.)
- e. Town Manager Reports
- f. Select Board Reports/Referrals
- g. Press Questions
- h. Adjournment
- i. Executive Session (if needed)

The agenda shall be available to the public pursuant to requirements of Mass. General Law.

1-2.8 Public Input Segment of Regular Meetings

The Select Board welcomes public comment. Accordingly, the Board makes available a maximum 30-minute period at its regular meetings for persons in the audience to address the Board for no longer than 5 minutes. At the Chair's discretion the 30-minute period may be extended. Written material of any length may be submitted.

Preference will be given to persons who seek to address the Board on specific agenda items for the upcoming Board meeting. Agendas for upcoming Board meetings are generally posted prior to the meeting at the Town website. Persons wishing to speak are encouraged, but not required, to submit their request before the day of the meeting; contact information is provided below. If time permits, the Chair will allow members of the public who have not contacted the Town Manager's office in advance to speak in the public comment period. All speakers will be asked to provide name and address to ensure proper information for the record.

The Chair may limit the number of speakers due to time constraints and may increase or reduce the time allocated per speaker. While there is no requirement to submit written testimony, a speaker who elects to do so should submit testimony prior to or at the meeting for distribution to Board members and the Town Manager.

Requests to address the Board, written testimony, and other inquiries may be transmitted by mail, e-mail, fax, or telephone to: Chair, Chelmsford Select Board, 50 Billerica Road, Chelmsford, MA 01824. Telephone, fax, and email contact information can be found on the Town's website.

1-2.9 Preparation of Town Meeting Warrant

The Board shall prepare the Warrant for the Annual Town Meeting(s) and any and all Special Town Meetings. The Board is responsible to schedule the date, time, and location of the Town meetings, and to present the proper legal notice in accordance with state laws and the Town Charter. Furthermore, the Board shall also have the authority and shall perform all duties identified and required by the Chelmsford Home Rule Charter.

1-2.10 Voting on Recommendations of Articles for Town Meeting

The Board may request to hear from the proponent of any article that is included in a Town Meeting warrant. At the first meeting after the deadline for submission of citizen petition articles, the Board may schedule those petitioners to present their article to the Board at a regular meeting.

The Town Manager shall provide a proposed list of articles for inclusion in the Town Meeting warrant approximately two months prior to a scheduled Town Meeting.

The Town Manager shall provide the actual wording of each Town Meeting motion prior to the Board voting on recommendations for such motions.

1-3 APPOINTMENTS

It shall be the mission of the Select Board to ensure that the highest possible quality of individuals are chosen to represent the Town on all of the Select Board's appointed boards. To help the Select Board achieve this goal, it shall be the policy of the Board to invite all interested applicants to come before the Board one meeting prior to the Select Board's vote on the appointment for the purpose of presenting themselves and their credentials to the Select Board. This policy shall only be applicable when more than one applicant has applied for the position. However, failure of the Select Board to adhere to this policy shall not preclude the Board from voting on any such appointment nor invalidate vote so taken.

1-3.1 Committee Appointment, Advertising, Posting

Standing Committees: Terms of appointment for Select Board-appointed standing committees will coincide with the Fiscal Year (end on June 30). Unless specified otherwise, all such standing committee appointments shall be for three-year terms. Appointments will be made during a Regular Meeting in June. Vacancies and committee openings will be noted during a Regular televised meeting in May, and will be posted on the Town's website at least three weeks prior to the appointments. The names of all applicants shall be forwarded to the full Board on a weekly basis.

Ad hoc committees: In situations when the Board or Town Manager creates an ad hoc committee, its purpose and proposed composition will be announced during a Regular televised meeting. Notice will also be posted on the Town's website, and local press will be asked to publicize the committee openings.

Applications will be accepted for a minimum of three weeks after the announcement. All applicant names for Select Board-appointed committees will be forwarded to the full Board on a weekly basis. If sufficient applications are not received by the posted deadline, that deadline will be extended at least two weeks, and outreach expanded.

Upon receipt of a sufficient number of applications, the Board will schedule the date for making

appointments to the committee. Applicants will be given the opportunity to address the Board before appointments are made.

1-3.2 Liaisons

Assignments: Liaison assignments are generally made by the Chair of the Board as soon as practical after the annual town election but preferably before town meeting. Each committee/board shall be notified as to their Board liaison by the Select Board.

It is requested that each committee/board which has been assigned a liaison include the Select Board liaison in the distribution of all general meeting correspondence (meeting agendas, minutes, etc.). This will make for a more effective liaison assignment. Each committee/board which has an assigned liaison should use that person as the first point of contact to the Select Board.

Temporary assignments: The Chair shall appoint a liaison to each ad hoc committee created by the Board. The Chair may also make temporary liaison assignments to other committees, boards, or groups if so requested, or if a majority of the current Select Board votes to make such an assignment.

Expectations: Each Board member will maintain some level of communication with each committee/board to which he/she is assigned. Attendance at every meeting is not required. However, regular updates to the full Board are expected. It is especially important to keep Board colleagues informed of critical issues. Liaisons are encouraged to invite committee/board members to report to the full Board as deemed necessary.

It is not the responsibility of the liaison to report Select Board activities to assigned committees/boards.

Participation: The Select Board liaison is not considered a member of each assigned committee/board. He/she should not actively participate in meetings unless invited to do so or as needed to provide or obtain information and feedback.

1-3.3 Community Engagement and Recognition

The Select Board recognizes that the success of community involvement and participatory governmental processes relies heavily on the many residents who dedicate many hours every year to volunteer service to the town.

The Board is committed to acknowledging the efforts of residents in service to the community. All recognition, naming rights, etc. shall be held by the Board.

1-4 THE TOWN MANAGER'S ROLE

The Town Manager is the Town's chief executive officer responsible for the overall planning, operation, and performance of the municipal system. The Town Manager provides staff support for the Select Board and heads the municipality's senior leadership team.

1-4.1 Primary Duties

The primary duties of the Town Manager are to:

- a. Work closely with the Select Board, and with the Board Chair as appropriate, to develop and to sustain the working relationships implied in the Board's mission statement;
- b. Establish programs and practices for a constructive relationship of the Town organization structure with the community;
- c. Direct planning and implementation of Town services which will ensure the highest possible effectiveness levels of each department;
- d. Direct planning and implementation of business related functions to enable the Town to support service delivery in an efficient and cost effective manner;
- e. Organize and lead the Town's senior leadership team responsible for strategic Town planning, and implement a leadership development program for all managers and supervisors within the Town system;
- f. Develop and implement a high quality program of staff selection, training, supervision, evaluation, and compensation;
- g. Develop and implement a performance monitoring system to measure service delivery in quantitative and qualitative terms;
- h. Ensure that all Town operations meet legal requirements and local policy requirements;
- i. Oversee and conduct contract negotiations and administration; and,
- j. Perform all other duties consistent with the Board's mission statement, this job description and the Chelmsford Home Rule Charter.

1-4.2 Quarterly Reports on Annual Goals

It shall be the policy of the Town of Chelmsford Select Board and Town Manager that the Manager shall report to the Board on a quarterly basis the status of annual goals. The reports shall provide the Board with information relative to implementation of goals including progress made, completion, problems limiting achievement, etc.

1-5 CODE OF CONDUCT

Select Board members and the Town Manager shall make every effort to understand the duties, authority, and responsibilities of each position as defined in the Town Charter.

Select Board members and the Town Manager must recognize that action at official legal meetings is binding. They cannot make statements outside of those meetings that may attempt to bind the Board. They shall not make comments or promises regarding matters before the Board prior to having the opportunity to weigh the merits of an issue during a public meeting. They shall refrain from communicating the position of the Board, or other members, without a Board vote, or other authorization.

Select Board members and the Town Manager shall be respectful of each other, and individual

opinions.

Select Board members shall respect the administrative chain of command by refraining from instructing or requesting assistance from Town Department heads, without full coordination with the Town Manager. Concerns regarding staff performance and/or behavior shall be conveyed to the Town Manager through private conversation.

Select Board members and the Town Manager shall always uphold the confidentiality of Executive Session.

2 FINANCIAL POLICIES

2-1 FINANCIAL MANAGEMENT

It is the policy of the Town of Chelmsford that financial management be conducted with the objectives of providing municipal service in an efficient, effective, and consistent manner that aligns with public policy goals as set forth by the Select Board.

To help ensure the Town's financial stewardship, an established program of managing the Town's finances becomes essential. To this end, the Select Board seeks policies and procedures that are financially prudent and in the Town's best economic interest. The Select Board promulgates these Financial Policies consistent with its responsibilities in the Chelmsford Home Rule Charter.

2-1.1 Objectives

In adherence to this policy, the Town shall pursue the following objectives:

- a. to set forth operational principles that minimize the cost of government and minimize the growth of property taxes, to the extent consistent with services desired by the public and that minimize financial risk;
- b. to continue effective financial management within the Town that conforms to generally accepted accounting principles;
- c. to simplify, clarify and modernize the financial systems of the Town as the need occurs;
- d. to provide increased public confidence in public financial management;
- e. to protect and enhance the Town's credit rating and prevent default on any municipal debts;
- f. and to provide safeguards to ensure the quality and integrity of the financial systems.

2-1.2 Method

In order to obtain the above objectives, the Select Board adopts the following policies:

2-1.3 Accounting, Auditing and Financial Planning

- a. The Town will utilize accounting practices that conform to generally accepted accounting principles (GAAP) as set forth by the Government Accounting Standards Board (GASB).
- b. An annual audit will be performed by an independent public accounting firm.
- c. A Management Letter, a by-product of an annual audit, shall be provided by the independent public accounting firm no later than March 1. Additional findings and recommendations may be communicated in a separate letter to be provided no later than April 1.
- d. A five-year financial forecast shall be prepared annually by the Town Manager in accordance with the Charter, Section 6-4, projecting revenues and expenditures for all operating funds. This forecast shall be used as a planning tool in developing the following year's operating budget and capital improvements plan.

2-1.4 General Fund

- a. The Town Manager shall present a balanced budget to Spring Town Meeting for approval. Current revenues will be sufficient to support current expenditures.
- b. Debt will not be used to fund current operating expenditures.
- c. Reserves, such as the Stabilization Fund, should be maintained between 5 and 10 percent of general operating revenues. Reserves shall be used to provide for temporary financing for unanticipated or unforeseen extraordinary needs of an emergency nature; for example, costs related to a natural disaster or calamity, an unexpected liability created by Federal or State legislation, immediate public safety or health needs, revenue shortfalls, opportunities to achieve long-term cost savings, or planned capital investments and related debt service. Reserves will not be used to fund recurring budget items.

Funds shall be allocated from Reserves only after an analysis and utilization plan has been prepared by the Town Manager and presented to the Select Board. The analysis shall provide sufficient evidence to establish that the remaining balance is adequate to offset potential downturns in revenue sources and provide a sufficient cash balance for daily financial needs. The analysis and utilization plan shall strive to maintain net non-exempt debt at 3 percent of the tax levy, deducting for project reimbursements such as the School Building Assistance funds from the State.

Funds shall be allocated each year in the budget process to replace any use of Reserve funds during the preceding fiscal year to maintain the balance of the Reserves between 5 and 10 percent of budgeted expenditures.

The amount the Town has in its Reserves balance plays a major role in the Town's bond rating. A sudden decline in Reserves may be temporary or a planned event but a constant decline or reduction below the 5 percent floor may indicate a problem in meeting current expenditures and revenue targets, subsidizing the current operating budget, planned capital investments, or utilizing reserves for purposes not planned.

- d. Free Cash in excess of the goal reserve amount should be used for non-recurring emergency expenditures or appropriated to a Stabilization Fund for future capital projects and equipment purchases or used to provide property tax relief.
- e. The year-to-year increase of actual revenue from the levy of the ad valorem (property) tax shall generally not exceed 2.5 percent (Proposition 2 ½):
 - 1. excluding the value gained through new construction;
 - 2. excluding expenditure increases funded outside the tax limit cap
- f. Property values shall be re-appraised or re-certified every year.
- g. The Tax Collector shall follow an aggressive policy of collecting property tax revenues. An average collection rate of at least 95 percent of current levy shall be maintained.
- h. Charges for service and other revenue shall be examined annually and adjusted as deemed necessary to respond to changes in cost of service.
- i. An adequate level of maintenance and replacement will be funded by at least 5 percent of the general fund operation budget each year to insure that all capital facilities and equipment are properly maintained as needed and tied to proper repair and maintenance procedures.
- j. The Town will avoid budgetary procedures that balance current expenditures at the expense of meeting future year's expenses, such as delaying expenditures until the next fiscal year or rolling over short-term debt.

2-1.5 General Obligation Debt

- a. The requirements for debt financing shall be an expenditure of at least \$25,000 and a useful life in excess of five (5) years.
- b. The term of long-term debt generally shall not exceed the expected useful life of the capital asset being financed and, in no case, shall it exceed twenty years. Long-term debt should not be incurred without a clear identification of its financing sources.
- c. The ratio of Net Debt (Total outstanding Town of Chelmsford General Obligation debt less reimbursements) to Total Assessed Valuation shall not exceed 1.5 percent. This excludes debt of overlapping jurisdictions.
- d. The General Fund Non-exempt Debt Service shall not exceed 10 percent of General Fund Revenues.
- e. Excess appropriated bond issues shall remain in the Capital Projects Fund at the end of a project completion until appropriated out by Town Meeting vote. The recaptured funds shall only be used to 1) make bulk principal paydowns against

general bond debt or 2) pay down the principal on any bond issue at the time of refinancing or 3) to fund new capital projects.

- f. Betterments will be assessed on all capital projects where applicable (e.g., sewer, sidewalks, etc.).
- g. The Town will attempt to maintain a long-term debt schedule so that at least 50 percent of outstanding principal will be paid within ten years.

2-1.6 Offset Receipts and Enterprise Funds in General

- a. The Town shall establish and maintain offset receipts and enterprise funds pursuant to MGL Chapter 40, Section 39 and Chapter 44, Section 53, respectively, wherever possible in order to ensure annual operation and maintenance needs are met and such services are financed in an equitable manner.
- b. The term of debt for offset receipts and enterprise funds generally shall not exceed the useful life of the asset and in no case shall the term exceed thirty years.
- c. Short-term debt, including tax-exempt commercial paper, shall be used when authorized for interim financing of capital projects. The term of short-term debt shall not exceed five years. Total short-term debt shall generally not exceed 10 percent of outstanding long-term debt.
- d. Ongoing routine, preventive maintenance should be funded on a pay-as-you go basis.
- e. All offset receipts and enterprise funds shall maintain a working capital reserve, defined as Cash and Investment Pool Equity in Current Assets, which is equivalent to 30 days of budgeted operations and Maintenance expense.
- f. Rates for offset receipts and enterprise funds shall be designed to generate sufficient revenues to support the full cost (direct and indirect) of operations and debt and provide debt service coverage, if applicable, and to ensure adequate and appropriate levels of working capital. Fees should be reviewed annually in relation to the cost of providing the service.

2-1.7 Gifts and Grants

- a. All grants shall be managed to comply with the laws, regulations and guidance of the grantor and all gifts and donations shall be managed and expended according to the wishes and instructions of the donor.
- b. All gifts and grants shall be evaluated for suitability and consistency to Town policies. They shall also be formally accepted by both the Town Manager and the Select Board.

2-1.8 Trust Fund Management

It is the policy of the Town of Chelmsford that trust fund management be consistent with the legal requirements, including Town ordinances, and spirit of each respective trust document and, to the maximum extent possible, realize the purpose the trusts were intended to achieve.

Trust fund management will be conducted with the primary objectives of:

- a. Conformance to each trust document's specified purpose, legal requirements, and administrative guidelines;
- b. Adherence to the Town of Chelmsford General Ordinance providing for the Administration of Town trusts;
- c. Preservation of capital;
- d. Maintenance of security of trust funds and investments;
- e. Maximization of total return for each trust fund;
- f. Efficient disbursement of funds on an equitable basis; and
- g. Effective collection of all due monies.

2-1.9 Investment Policy

I. The Investment of General Funds & Other Operating Funds

A. Legal References

Massachusetts General Law Chapter 44, Section 55
Massachusetts General Law Chapter 44, Section 55A
Massachusetts General Law Chapter 44; Section 55B

B. Authorization

The Treasurer has authority to invest Town funds, subject to the statutes of the Commonwealth Massachusetts General Law Chapter 44 Section 55, 55A, & 55B.

C. Scope

These guidelines apply only to short-term operating funds such as general funds, special revenue funds, and enterprise funds. The investment of trust funds and other long-term funds are dealt with in Section II, "The Investment of Trust Funds, Stabilization and Other Long-Term Funds."

D. Objectives

Massachusetts General Laws, Chapter 44, section 55B requires the municipal treasurer to invest all public funds except those required to be kept available for purposes of immediate distribution. Modern banking systems enable the public treasurer to maintain even these funds in an interest-bearing account until the date a disbursement order clears through the banking system.

State law further requires that invested funds are to be placed at the highest possible rate of interest reasonably available, taking into account safety, liquidity, and yield. These guidelines are intended to further the objective of securing the highest return that is consistent with safety of

principal, while meeting the daily cash requirements for the operation of Town business.

- **Safety** of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital through the mitigation of credit risk and interest rate risk. These risks shall be mitigated by the diversification and prudent selection of investment instruments, and choice of depository. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of the security will fall due to changes in general interest rates.
- **Liquidity** is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the treasurer shall carry out investment activities in a manner that provides for meeting unusual cash demands without the liquidation of investments that could result in forfeiture of accrued interest earnings, or even, in some cases, loss of principal.
- **Yield** is the third, and last, objective. Investments shall be undertaken so as to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

E. **Investment Instruments**

The Treasurer may invest in the following instruments:

- a. Massachusetts State pooled fund: **Unlimited amounts** (Pool is liquid)
The Massachusetts Municipal Depository Trust (MMDT) Cash Portfolio, an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer and currently managed by Fidelity Investments. It invests in Bankers Acceptances, Commercial Paper of high quality, Bank Certificates of Deposit, Repurchase agreements (Repos), and U. S. Treasury Obligations. It has Federal Deposit Insurance Corporation (F.D.I.C.) pass-through insurance on the CDs and takes delivery on the Repos and Treasuries. Under Government Accounting Standards Board Regulation (GASB III), it is not considered an uncollateralized product.
- b. U. S. Treasuries that will be held to maturity: **Unlimited amounts (Up to one year maturity from date of purchase)**
- c. U.S. Agency obligations that will be held to maturity. **Unlimited amounts (Up to one year maturity from date of purchase)**
- d. **Bank deposits** of any kind such as other checking, savings, or money market accounts, or Certificates of Deposit, Certificate of Deposit Account Registry Service (CDARS), or Repurchase Agreements. These investments are subject to the following limitations: These investments will be **limited to no more than 5% of a financial institution's assets**. Their credit worthiness will be tracked by Veribanc, or other bank credit worthiness reporting systems.

F. Restrictions

Chapter 44, Section 55 sets forth several restrictions that the Treasurer must be aware of when making investment selections.

- a. A Treasurer shall not at any one time have on deposit in a bank or trust company an amount exceeding 60% of the capital and surplus of such bank or trust company, or banking company, unless satisfactory security is given to it by such bank or trust company, or banking company for such excess.
- b. The Treasurer shall not make a deposit in any bank, trust company or banking company that he is associated as an officer or employee or has been the same for any time during the three years immediately preceding the date of any such deposit.
- c. All securities shall have a maturity from date of purchase of one year or less.
- d. Purchases under an agreement with a trust company, national bank or banking company to repurchase at not less than original purchase price of said securities on a fixed date shall not exceed ninety days.

II. The Investment of Trust Funds, Stabilization, and Other Long-Term Funds. Purpose

This section outlines the investment guidelines for:

- a. The Town's **Trust Funds**, including Cemetery Funds and Library Funds, as well as a number of other types of trust funds.
- b. The **General Stabilization Fund and OPEB (Other Post-Employment Benefits) Stabilization Fund**.
- c. Sewer Betterment and the Sewer Capital Improvement Funds.

Trust Funds

A. Legal References and Authorization

Mass General Law, Chapter 44, Section 54 Mass
General Law, Chapter 44, Section 55A Mass
General Law, Chapter 44, Section 55B

Massachusetts General Law **Chapter 44, Section 54** pertains to the investment of Trust Funds, which falls under the purview of the Town Treasurer.

B. Objective

Massachusetts General Laws, Chapter 44, section 55B requires the Town Treasurer to invest all public funds except those required to be kept un-invested for purposes of immediate distribution.

This section also requires that invested funds are to be placed at the highest possible rate of interest reasonably available, taking account of safety, liquidity and yield. Therefore, these guidelines are intended to further the objective of securing the highest return that is consistent with safety of principal while meeting the daily cash requirements for the operation of the entity's business.

- **Safety** of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital through the mitigation of credit risk and interest rate risk. These risks shall be mitigated by the diversification and prudent selection of investment instruments, and choice of depository. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of the security will fall due to changes in general interest rates.
- **Liquidity** is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the treasurer shall carry out investment activities in a manner that provides for meeting unusual cash demands without the liquidation of investments that could result in forfeiture of accrued interest earnings, and loss of principal in some cases. *(Note: The concept of liquidity is less crucial to the investment of trust funds than it is to general funds, since the expenditure of trust funds may be more of a planned event, which may be taken into consideration when the funds are invested.)*
- **Yield** is the third, and last, objective. Investments shall be undertaken so as to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

C. Investment Instruments

M.G.L. Chapter 44 section 54 states that money should be deposited into savings bank, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invested in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine, or in a paid-up shares and accounts of and in co-operative banks, or in shares of savings and loan associations or in share or savings deposits of federal savings and loan associations doing business in the commonwealth.

Additionally the Town of Chelmsford may invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided, that not more than fifteen percent of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than one and one-half percent of such funds be invested in the stock of any one bank or insurance company. See attached the Commonwealth of Massachusetts List of Legal Investments (MGL Chapter 167, Section 15A)

The Treasurer may invest in the following instruments:

- a. U. S. Treasuries that maybe sold prior to maturity: **Unlimited amounts** (With no limit to the length of maturity from date of purchase)
- b. U.S. Agency obligations that may be sold prior to maturity. **Unlimited amounts** (With no limit to the length of maturity from date of purchase)
- c. Bank accounts or Certificates of Deposit (CDs), or CDARS. **Unlimited amounts** (With no limit to the length of maturity from date of purchase).
- d. Massachusetts State pooled fund: **Unlimited amounts** (Pool is liquid)

The Massachusetts Municipal Depository Trust (MMDT) Short-Term Bond Fund, an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer and currently managed by Fidelity Investments. The Fund invests in a diversified portfolio of high quality investment-grade fixed-income assets that seeks to obtain the highest possible level of current income consistent with the preservation of capital and liquidity.

- e. Common and preferred stock that are listed in the *List of Legal Investments*.
- f. Investment Funds that are listed in the *List of Legal Investments*.

All other items not separately identified here that are listed in the *List of Legal Investments*.

D. Diversification

Diversification should be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The Treasurer shall work with the Investment advisor to avoid an over concentration of maturities as well as concentration in a specific issuer, with the exception of U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies. The Treasurer shall not invest more than 5% of the Town's long-term funds in securities of any non-U.S. Governmental Agency issuer.

III. Relationship with Financial Institutions/Investment Advisors

Financial institutions should be selected first and foremost with regard to safety. The Town of Chelmsford will subscribe to Veribanc, or a similar recognized bank rating service. Brokers should be recognized, reputable dealers.

When using the Veribanc rating service, the Treasurer shall only invest in such banks that show a green rating in a particular quarter. If a bank that the Town has assets invested in drops to a yellow rating, the Treasurer should contact the banking institution and request an explanation of the change in rating and the expected timetable for it to be changed to green.

If for a second quarter the banking institution's rating has not returned to green, the Treasurer shall remove all funds that are not collateralized or covered by some form of depositors insurance.

The Treasurer shall require any brokerage houses and investment advisors wishing to do business with the Town of Chelmsford, to supply the following information to the Treasurer:

- a. Audited financial statements
- b. Proof of National Association of Security Dealers certification
- c. A statement that the dealer is aware of and will comply with the Town's investment guidelines.
- d. Proof of credit worthiness (minimum standards: at least five years in operation and a minimum capital of 100 million dollars).

Any management fee that will be paid by the Town for investment services shall be specifically stipulated in any contract or other agreement between the Town and the fund manager.

On a quarterly basis, the investment advisor will meet with the Treasurer, to review the investment portfolio, to discuss the performance of the funds, and to determine planned deposits into and/or disbursements from the funds for the coming year.

E. Ethics

The Treasurer and Assistant Treasurer shall refrain from any personal activity that may conflict with the proper execution of the investment program, or which could impair or appear to impair ability to make impartial investment decisions. The Treasurer and Assistant Treasurer shall disclose to the Town Manager any material financial interest in financial institutions that do business with the town. They shall also disclose any large personal financial investment positions or loans that could be related to the performance of the town's investments.

F. Reporting Requirements

Semi-annually, a report containing the following information will be prepared by the Treasurer and presented to the Town Manager by February 1 for the first half of the fiscal year through December 31 and by August 1 for the fiscal year ending June 30. The report will include the following information as a minimum requirement:

- a. A listing of accounts held at the end of the reporting period and bank ratings, if applicable.
- b. A summary of the income earned on a year-to-date basis.
- c. A brief statement of general market and economic conditions that may affect the Town's investments.

2-1.10 Fraud Risk Assessment Policy

Applicability

This Policy applies to all employees of the Town of Chelmsford.

Fraud

Fraud can cover many activities; however, this Policy is directed primarily at financial matters. It may include, but is not limited to:

Misappropriation of Assets

- a. Forgery, alteration or misappropriation of checks, drafts, promissory notes or securities
- b. Unauthorized use, or disposition of funds or property (for example, misuse of town owned computer hardware, software, data and other records; use of town owned equipment, vehicles or work time for non-town purposes)
- c. Embezzlement
- d. Theft
- e. Falsifying time sheets or payroll records
- f. Falsifying travel or entertainment expenses and/or utilizing town funds to pay for personal expenses or for personal benefit
- g. Fictitious reporting of receipt of funds

Fraudulent Financial Reporting

- a. Improper revenue recognition
- b. Improper expense/expenditure recognition
- c. Overstatement of assets
- d. Understatement of liabilities

Expenditures and Liabilities for Improper Purpose

Payments in money or other property, including but not limited to such things as jobs for families and friends, discounted or free services in exchange for benefits and other things of value, bribes and kickbacks. Prohibited or improper conduct for municipal employees is more fully defined in Town Bylaw Article XIII Code of Ethics.

General Policy and Responsibilities

The Town will investigate any suspected acts of fraud, or misappropriation of property. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the Town of any person, group or organization reasonably believed to have committed fraud. Each Department head is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriation, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

The Town Manager has the primary responsibility for overseeing the investigation of all suspected fraudulent acts defined in this policy. The Town Manager will immediately notify the Chair of the Select Board.

All department heads or individuals, upon discovery of any violation of this policy, must notify the Town Manager of the violation. If it is determined that corrective action may be provided for internally within the department, the department head or individual will notify the Town Manager as to the steps taken to correct the violation.

Upon conclusion of the investigation, the results will be reported to the Town. All significant findings will be reported to the Chair of the Select Board. Where there are reasonable grounds to believe that a fraud may have occurred, the Town Manager may report the incident to the appropriate authorities, which shall include the Chair of the Select Board, in order to pursue appropriate legal remedies. The Town Manager will pursue every reasonable effort to obtain recovery of the assets.

Procedures for Reporting

Any employee who has knowledge of any occurrence of fraudulent conduct, or has reason to suspect that a fraud has occurred, shall immediately notify the Town Manager in writing. The written report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. In cases where the employee has a reason to believe the Town Accountant and/or Finance Director may be involved, the employee shall immediately notify the Town Manager unless the Town Manager is also believed to be involved, then the Chair of Select Board should immediately be notified. However, in certain circumstances, it may be appropriate for employees to report suspected instances of fraud or irregularity directly to the Chief of Police.

Investigation

Upon notification or discovery of a suspected fraud, the Town Manager shall immediately investigate the fraud. The Town Manager will make every reasonable effort to keep the investigation confidential.

When deemed necessary, the Town Manager shall coordinate the investigation with the internal auditor and/or appropriate law enforcement officials. Legal Counsel will be involved in the process, as deemed appropriate.

Security of Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. Such actions may include, but are not limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records shall be adequately secured until the investigation is complete.

Confidentiality

All participants and all persons questioned in a fraud investigation shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of

privacy. The individual will be notified of their right to inform the Union President about the findings of the investigation.

Personnel Actions

If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal and appropriate legal action, shall be taken by the Town Manager.

Whistle-Blower Protection

No employee of the Town or person acting on behalf of the Town in attempting to comply with this policy shall:

- a. be dismissed or threatened with dismissal;
- b. be disciplined, suspended, or threatened with discipline or suspension;
- c. be penalized or any other retribution imposed, or
- d. be intimidated or coerced,

Violation of this section of the Policy may result in a disciplinary action, up to and including dismissal.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If, however, the allegations were made in bad faith or without a justifiable basis, appropriate disciplinary action up to and including termination from employment may be taken against the individual making the erroneous allegation.

2-2 TAX POLICY

It is the policy of the Town of Chelmsford to ensure that all taxpayers are taxed equitably and as required by law. The Select Board shall establish appropriate methods and procedures to achieve that objective.

2-2.1 Information Gathering Relative to Dual Tax Rate

The Board, as provided by law, shall request that all information and data as they may deem relevant to the establishment of a dual tax rate, be provided to them prior to the annual public hearing on the question of the setting of the current Fiscal Year tax rate. Such information shall be in the form normally provided to the Massachusetts Department of Revenue prior to certification. The Board shall designate a Board member to serve in the capacity of Liaison for the purpose of ensuring that all requirements for supplying information under this Policy shall be completed in an organized and timely fashion. The Liaison shall call upon the Town Manager directly, to assist in the provision of such information as the Board may require. Such information and data shall include, but may not be limited to:

- a. A report indicating the level of compliance achieved by personal property owners relative to the annual submission of personal property data including the number of forms sent and

received;

- b. An accounting of the number and value of properties in each class by Use Code and Use showing the number of sales, sales amount, proposed valuation, difference, and sales ratio for each property Use Code for the prior fiscal year;
- c. An accounting concerning the number and amounts of abatements granted in each property class, together with a listing of pending appeals, for the prior fiscal year;
- d. A Statement of Tax Rate Impact from the Assessor, setting forth general guidelines for the Board's use relative to the calculation of the minimum residential factor and the calculation of the tax rate;
- e. A twenty-year historical view of Value Shares and Levy shares by fiscal year showing the effect on levy totals and tax rates for each class for all years, and the percentage amount of tax shift, if any;
- f. A projected view of the effect on the tax rate, the levy, and the levy totals for each class by proposed percentage for tax shift;
- g. An opinion by the Town Manager concerning the impact on the town's services relative to the prior fiscal year's levy share by the commercial/industrial property class.

2-2.2 Reviews

The Board shall annually review assessment policies, procedures, and methods, no later than fourteen (14) days prior to the occurrence of the Public Hearing, if possible. The Board shall work with the Assessor to assure the integrity and adequacy of current assessment practices and methods. If, during the course of their review, the Board shall have reason to doubt that the application of existing methods and practices will lead to full and fair cash valuations as required by law, the Board shall require the Town Manager to engage the Board of Assessors and provide such assurances to the Board as may be required. Deficiencies in process, if any, shall be addressed and corrected by the Board of Assessors who shall communicate their findings to the Town Manager and Board. The Board shall take all steps necessary to conform to this policy, and to ensure its use on a yearly basis to address issues that may develop with respect to the annual assessment of the town's residential, commercial and industrial properties.

2-2.3 Consideration of Fair Market Value Increases Relative to Split Tax Rate

The Board shall, in its deliberations concerning the implementation of a split tax rate, consider the effect of any annual disproportionate increases in fair market value within the property classes upon the levy shares of both residential and commercial properties, and shall attempt to determine to what extent, if any, the commercial and industrial property classes obtain value for municipal services in excess of the amounts for which they are taxed for those services.

2-2.4 Enforcement

The Board shall support and assist the Assessor in their attempt to enforce compliance relative to the collection of information from commercial and industrial property owners as required by law; and shall support efforts to establish a regional data bank that may be used to assist in the valuation of commercial and industrial properties for tax purposes.

The Board shall receive regular reports regarding the compliance of commercial and industrial property owners to submit annual income and expense reports to the Assessor as required by law. Owners that fail to meet the legal requirement of providing such information shall be fined in accordance with statute.

The Board shall support legislative proposals that seek fair and equitable valuations for commercial, industrial, and personal property.

3 LICENSING

3-1 LICENSE PERMITS VS. TAX DELINQUENCY

It shall be the policy of the Town of Chelmsford to deny the application for any license or permit to any individual, business or corporation that is in tax delinquency with the Town. The Town Manager, their administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

Furthermore, it shall be the policy of the Town of Chelmsford not to renew any license or permit previously granted to any individual, business or corporation that is in tax delinquency with the Town. Again, the Town Manager, their administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

3-2 APPROVAL OF NEW OR TRANSFERRED ALCOHOL BEVERAGE LICENSES

The Chelmsford Select Board recognizes that paramount among its responsibilities as the licensing authority for the issuance of alcohol beverage licensing for package stores and restaurants is the preservation of public safety, while at the same time reflecting due concern for the convenience and needs of Town residents. In furtherance of this responsibility, the Board recognizes that after a public hearing on license applications, additional information might be required and/or new information might become available which would necessitate the Board's consideration prior to any formal vote.

Therefore, with respect to its consideration for approval of any application filed with the Board for the issuance of a new or transfer of ownership of an existing alcohol beverage license, whether for a package store or restaurant, the Select Board shall, as a matter of policy, postpone any final vote on the application until the next meeting of the Board. The Board may waive this policy at its discretion.

This policy shall be attached to the Town of Chelmsford's application forms so as to place all

applicants on notice of the Board's policy.

3-3 PETITIONS TO REVIEW CONDITIONS PLACED ON ALCOHOLIC BEVERAGE LICENSES

Prior to amendment of any condition or restriction placed on an alcoholic beverage license, the Petitioner shall notify the abutters, in the same manner as required for an original application for license, of the time and place of the hearing specifying the substance of the petition.

3-4 PACKAGE STORE LICENSE APPROVAL

The Chelmsford Select Board recognizes that paramount among its responsibilities as the licensing authority for the issuance of the licensing of package stores is the preservation of public safety while at the same time reflecting due concern for the convenience and needs of Town residents.

With respect to its consideration of any application filed with the Board for the issuance or transfer of any license for the retail sale of alcohol (package store), the Board shall be required to consider, and make specific findings of fact with respect to, the following factors:

- a. Experience of the prospective licensee and manager in the responsible distribution of alcoholic beverages to the public;
- b. Safeguards that the prospective licensee commits to install in its premises as a condition of licensure to guard against the sale of alcoholic beverages to minors or to persons already under the influence of alcohol;
- c. Whether the specific area of Town in which the prospective licensee seeks to locate its license premises is already served by other licensed premises.

3-4.1 Mixed Use Package Store Licenses

It shall be the policy of the Chelmsford Select Board not to issue any alcohol licenses to establishments which are defined by law as "food stores" including but not limited to retail vendors such as convenience stores, grocery stores, supermarkets, shops, clubs, outlets, or warehouse type sellers, that sell food to consumers to be eaten elsewhere.

3-5 CARRY-IN ALCOHOL CONSUMPTION

Anyone requesting permission to allow patrons to bring their own alcohol on premise must submit an application, and schedule a public hearing in the same manner that a Restaurant Alcohol License requires.

The holder of this license may apply for a One Day Beer and Wine License for special events, in which case the rules for that license take precedence.

License renewal will follow the same rules and schedule as other alcohol license requirements.

The annual fee for this license shall be 25% of the fee charged for a Restaurant Beer & Wine License.

3-6 PUB BREWERIES LICENSES

For the purposes of this policy, the definition for a pub brewery shall use that provided in Mass. General Law and/or ABCC Regulations which cover them.

The annual Restaurant alcohol license fee will be waived for the first three years the establishment maintains a license in Chelmsford.

The establishment shall follow all regulations as set out by other departments, and existing policies, including any requirement by the Board of Health regarding the availability of food on-premises during operating hours.

The Select Board will “reserve” two (2) Restaurant alcohol licenses for this type of establishment. However, that does not preclude more than two being licensed.

4 INFRASTRUCTURE

4-1 TRAFFIC CALMING

Like other communities, the residents throughout the Town of Chelmsford are often concerned about what they perceive as undesirable traffic volume, high travel speeds, and other unsafe traffic activities and practices.

The Town retains the responsibility for its roads and rights-of-way, and has the sole authority to decide whether or not any physical or regulatory changes will be implemented to address traffic issues. In the absence of an immediate safety problem, the Board will provide notification of proposed traffic control techniques at least one month prior to implementation, in order that neighborhood feedback can be received, and all implications reviewed. Notification will be made at a regular televised Board meeting. Residents will be invited to provide comments before any decisions are rendered.

Process

Any resident or business owner may submit a letter to the Select Board describing a perceived traffic problem. Among the concerns that may require action are:

- a. Volume of traffic
- b. Speed of traffic
- c. Type of traffic (large trucks, etc.)
- d. ‘Blind’ intersections, driveways, etc.
- e. Consistent reckless/inappropriate actions
- f. Parking

The Board will request that the Town Manager conduct a preliminary investigation to determine the extent of the traffic issue, and report to the Board. The Town Manager may request specific information from other departments, including traffic counts, tickets issued, accident reports, citizen complaints, school bus routes, recent road maintenance, etc.

The Town Manager may make a recommendation to alleviate traffic concerns. In some cases, it will be necessary to conduct further reviews prior to implementing specific traffic calming methods. The Chair of the Board may appoint a Board member who will be responsible for coordinating meetings in the community, and conduct any follow-up with public safety, public works, and school departments, and others, as needed.

Techniques

The Town of Chelmsford shall utilize Traffic Calming methods which will be guided by the Manual on Uniform Traffic Control Devices (MUTCD), a national standard for the design and installation of traffic control devices. Traffic calming methods and devices include:

- a. Modified striping, including edgelines, center lines, etc., which make the roadway appear narrower, and are consistent with the Road Line Striping policy.
- b. Islands/Circles/Chokers, which slow drivers by forcing them to maneuver around an object in the roadway
- c. Multi-way STOP signs
- d. Diverters, which prevent certain movements from being made at an intersection
- e. One-way/Do Not Enter Traffic Patterns
- f. Rumble Strips
- g. Speed Humps
- h. Raised Crosswalks/Intersections
- i. Roundabouts
- j. Reduced speed limits
- k. Vehicle restrictions
- l. Enhanced signage
- m. Enhanced enforcement

Traffic calming devices will be installed only after review by the Chelmsford Police Department, Chelmsford Fire Department, and Department of Public Works to assure that they will not impose an undue hardship on the operation of the fire trucks, school buses, trash trucks, or snow plow equipment, or cause other negative impacts to the area being addressed.

Implementation

Implementation of the specified Traffic Calming Plan will occur after vote of the Select Board in accordance with powers granted under Massachusetts General Law. Implementation shall occur as funds are available within the budget of the Department of Public Works.

4-2 LINE STRIPING

The following streets/roads shall be striped:

A – All roads that meet the MUTCD requirements for dimensions and vehicular volume for paved rural roads (currently 18 feet wide with Average Daily Traffic of 3,000).

B – All numbered routes, and arterial and collector roads as identified by the Massachusetts Department of Transportation.

C – Roadways in industrial and commercial zones that connect to arterial and collector roads.

D – Other roads as identified by the Select Board in consultation with the Department of Public Works, the Town Manager, and Public Safety officials. Roads under consideration to be striped for the first time will be announced at a regular meeting of the Board at least one month prior to the striping, in order that residents may provide additional input.

All roads that are designated for striping will be striped in their entirety, subject to required dimensions.

E – Scenic Roads will not be striped.

For reference, following are the streets that currently fall in each category. Note that some streets that may fall into more than one category (scenic roads indicated with *):

Type A Roads

Davis Road
Hunt Road
Richardson Road

Type B Roads

Acton Road
Academy Street
Bartlett Street
Billerica Road
Boston Road
Carlisle Street
Chelmsford Street
Concord Road
Dalton Road
Drum Hill Road
Dunstable Road
Edson Street
Golden Cove Road
Gorham Street
Graniteville Road
Groton Road
Littleton Road
Main Street
Maple Road

Middlesex Street
Mill Road
North Road
Old Westford Road
Parkerville Road
Parkhurst Road
Princeton Street
Riverneck Road
School Street
Stedman Street
Tuttle Road
Turnpike Road
Westford Street
Worthen Street*

Type C Roads

Alpine Lane
Brick Kiln Road
Fletcher Street
Meeting House Road
Summer Street
Technology Drive

Other Lined Roads (Type D)

Crooked Spring Road*
Garrison Road*
High Street
Hunt Road
Locke Road
Manning Road
Meadowbrook Road
Park Road
Parker Road*
Pine Hill Road
Smith Street
Warren Avenue
Wilson Street

5 ENVIRONMENTAL PROTECTION AND DEVELOPMENT

5-1 POLICY TO MAINTAIN, PRESERVE, AND ENHANCE RESOURCES

The community of Chelmsford includes many resources, including those that are historical, cultural, natural, and technological. The Town recognizes that these resources contribute to the quality of life which we enjoy. Accordingly, the Town adopts the following policies in order to maintain, preserve and enhance these resources:

- a. Historical – The Town of Chelmsford seeks to maintain our historical heritage through the preservation of the Town’s historical resources including buildings artifacts, writings, and tales. The dynamic process of change in the community shall consider the effects of and on our historical heritage.
- b. Cultural – The Town of Chelmsford seeks to promote local cultural resources in art, music, performing arts, literature, and others through the support of the Cultural Council, the School Cultural programs, and local artisans. The Town will seek to educate and entertain the community through the encouragement of local cultural events.
- c. Natural – The Town of Chelmsford has many natural resources including, forest lands, woodlands, open lands, farm lands, freshwater lakes, ponds, rivers, and streams. The Town also has a large and important underground aquifer it uses for drinking water and fire protection. Other vital natural resources exist within the Town’s limits. The Town seeks to maintain and preserve these resources while encouraging our residents to use and enjoy these areas of natural beauty and wonder. Further, the Town shall enact bylaws and regulations considering the maintenance of our natural resources.
- d. Technological – Our society has enjoyed tremendous technological advances to which the Town of Chelmsford has contributed significantly through the efforts of its residents and businesses. The Town recognizes the benefits of these technological changes and supports education about and enhancement of technological advances.

5-2 OPEN SPACE

The Town of Chelmsford seeks to encourage the dedication of land as open space and/or for conservation purposes by accepting donated land, supporting the open space development concept of Section 4700 of the Zoning bylaws, supporting the creation of conservation easements or restructured deed covenants on private land, supporting the purchase of land or developmental rights with the use of grants, available funds, or bond issues, and to support the Chelmsford Land Conservation Trust. In addition, the Town will develop and implement a long range open space objective through the creation of an Open Space Committee to be appointed by the Town Manager. This committee will be charged with determining a long-term strategy for the encouragement and enhancement of open space within the Town.

5-3 TRAILS

The Town of Chelmsford seeks to maintain and develop trails limited to non-motorized travel throughout the Town with the hopes of connecting a cross-town trail network, but without infringing on the private property rights of trail abutters. Any new trails developed within the Town for common use shall require a Public Hearing before the Select Board with two weeks prior notice by certified mail to all abutters and advertisement in a local newspaper to be made and paid for by the proponent.

5-4 TREES

The Community of Chelmsford is concerned with preserving its natural resource of trees. Each year the Town must remove trees that are within the Town's control, either due to the health of the tree or the tree's location to a Town capital project. The Select Board recognizes the value of this important resource, both from a quality of life standpoint, as well as the long-term importance of trees to the environment. Accordingly, the Town adopts the following policy in order to maintain, preserve and enhance this resource:

The Town of Chelmsford shall seek to replace on a one-for-one basis all trees removed from Town land due to disease/death of the tree or its removal in relation to a capital project performed by the Department of Public Works, or that person's designee, to determine the type and size of the replacement tree. While it should be a goal under this policy to have a tree replanted in the same location as the removed tree, it may be replaced in an alternate location if extenuating circumstances arise.

5-5 YARD WASTE

It shall be the policy of the Select Board to comply with the Massachusetts ban on the disposal of yard waste (grass, leaves, brush, branches, etc.). All residents serviced by the Town's solid waste collection program are not allowed to dispose of their yard waste along with their regular household waste. If yard waste is placed with regular household solid waste for collection, the Town's solid waste collection contractor will be instructed not to pick up yard waste, or any household solid waste that is commingled with the yard waste.

5-6 PURCHASE OF FUEL EFFICIENT VEHICLES

The Town of Chelmsford shall purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable. Whenever possible, purchases of motor vehicles shall be alternative fuel, flexible fuel, or hybrid vehicles. New motor vehicles shall be the most fuel efficient within their vehicle class. Purchases shall be in accordance with state regulations.

6 LOCAL INITIATIVE PROGRAM

6-1 PROMOTE AND DEVELOP LOW AND MODERATE INCOME HOUSING

It shall be the policy of the Town of Chelmsford to pursue and promote the development of low and moderate income housing pursuant to current applicable federal and state regulations. Further, the Select Board (Board) shall actively encourage the development of low and moderate income housing through the Local Initiative Program (LIP) pursuant to the Comprehensive Permit Law, M.G.L. Chapter 40B, ss. 20-23. Chapter 40B requires that municipalities provide low and moderate income housing equal to 10% of the community's housing stock. Low and moderate income housing units developed through the Local Initiative Program that meet applicable regulatory requirements are eligible for inclusion on the Subsidized Housing Inventory and count toward Chelmsford's 10% requirement.

6-2 SUBMITTAL REQUIREMENTS

Any developer seeking to obtain the Board's LIP endorsement shall submit the information described below. Application materials shall be filed not less than two weeks prior to the anticipated meeting of the Board. The actual date of the meeting will be determined by the Board. Supplemental materials and materials showing any changes to the project shall be provided not less than 7 days prior to the Board meeting in order to facilitate distribution to Board members and municipal staff.

6-2.1 Plans

Site Plan(s) showing all existing and proposed structures, driveways, parking areas, landscape areas, and site amenities, such as courtyards or play areas shall be provided. Plans shall show the distance of proposed structures to property lines and shall depict buildings on abutting properties.

Architectural plans consisting of building elevations and floor plans shall be provided. Architectural plans shall note the length, width, and height of all structures. Building height shall be shown in two measurements: as defined in the Chelmsford Zoning Bylaw and as measured to the highest point of the roof.

6-2.2 Project Narrative: The Developer shall provide a Project Narrative describing the proposed project, including the proposed affordability component. The Narrative shall describe the affordable and market rate unit components in sufficient detail to establish unit quantity, type, placement within the project, and proposed pricing. The Board shall normally require a higher percentage of affordable units than is required by statute and developers are encouraged to propose the maximum feasible percentage. The Narrative shall also clearly describe the existing conditions of the land, the proposed project, number of units, gross density, effective density (the density when land unsuitable or unavailable for development such as wetlands, floodplains, or land encumbered by easement is subtracted from the overall acreage), and distance of structures on abutting properties to the property and to proposed structures.

6-2.3 Community Outreach/Notification to Abutters: A design process that includes public involvement early in the process will assist in garnering community support, thereby saving developers significant time and expense. The Board shall not consider any proposal under this Policy without evidence that the Developer has actively solicited input from all project abutters in a timely and sufficient manner.

6-2.4 Exceptions/Waivers: The developer shall submit to the Select Board a list of waivers required to develop the project. The list shall indicate what is required under local regulation.

6-2.5 Narrative of Need/Benefit to the Community: The Development Team shall provide a narrative on how the project will benefit the community and its consistency with the Town's Planned Production Plan. Conformance with DHCD's LIP Guidelines shall also be clearly stated.

- 6-2.6 List of Abutters:** The Developer shall provide a list of abutters and abutters to abutters within 300 feet of the property, said list to be prepared by the Assessors Office. The Developer shall notify all parties on the list by regular mail not less than 7 days in advance of the Board’s initial Public Hearing LIP review meeting.
- 6-2.7 Project Budget/Pro Forma:** The Developer shall submit a project budget/pro forma detailing anticipated expenses and revenues of the project.
- 6-2.8 Fee:** A certified or cashier’s check in the amount of \$50 per unit with a minimum of \$1,000 shall accompany the Developer’s initial application for LIP endorsement. This fee is intended to defray the cost of staff review associated with LIP endorsement requests and is in addition to any other fees that may be charged by the Town or other agencies.

6-3 STAFF INPUT

Prior to filing with the Board, the Developer shall initiate discussions with relevant municipal departments in order to identify and address potential issues. Municipal departments must include the Community Development Department, Fire Department, Police Department, DPW – Sewer Division, DPW – Engineering Division, Conservation Commission, and Board of Health. The Developer is also encouraged to contact the relevant water district.

6-4 CHELMSFORD HOUSING AUTHORITY INPUT

The Developer shall review the Project’s affordable component with the Chelmsford Housing Authority. The review shall include a determination of pricing of the affordable units, affordable unit location, and the type of housing proposed. The Chelmsford Housing Authority shall provide its comments and recommendations to the Board relative to the affordable housing proposed.

6-5 ADDITIONAL REQUIREMENTS

The Board reserves the right to require the Developer to provide additional information to assist the Board in making a decision.

6-6 SELECT BOARD ACTION

The Board may grant, grant with conditions, or deny its endorsement of any LIP under consideration.

7 COMMUNITY RELATIONS

7-1 POLICY TO SUPPORT THE PRIVATE BUSINESS COMMUNITY

The Town of Chelmsford recognizes the importance of the private business community as an integral part of the Town. Local businesses provide employment to our residents, taxes to our coffers and character to our community. The Town will also make every legal and lawful effort to assist and support the private business community especially in occupying all of the existing

commercial space within the town.

7-2 NOTIFICATION TO ABUTTERS – SALE OF REAL PROPERTY

A. OBJECTIVE

The Chelmsford Select Board recognizes that the authorization to enable the Board to sell town-owned real estate requires the prior approval of town meeting. Furthermore, the Board believes that notification to abutters, while not legally required, is desirable and appropriate, and reflects the preference of the Board that disclosure be provided to direct abutters who, as property owners, may have a heightened interest in the real estate to be sold.

B. POLICY

It shall be the policy of the Town of Chelmsford Select Board that the Town Manager shall notify direct abutters to any parcel of Town-owned real estate being considered for sale by the Board. A direct abutter is defined as any property that adjoins the property line of a parcel of Town-owned land, including any parcels across a public or private way. Such notice shall be provided by certified mail, return receipt requested, to direct abutters upon each of the following two occasions:

1. Within two business days following approval by the Board to post any town meeting warrant which contains an article requesting the approval of Town Meeting to authorize the Board to sell any parcel of Town-owned real property.
2. Upon the solicitation of bids for the sale of Town-owned real property, regardless of the requirement for a formal solicitation of proposals under Massachusetts General Laws Chapter 30B, Section 16. This will provide direct abutters with a formal notice of the opportunity to purchase the parcel of Town-owned land.

This policy is not intended to restrict the authority of the Select Board regarding the disposition of Town-owned real property.

7-2 PROCLAMATIONS AND RESOLUTIONS

Groups and individuals seeking to have the Select Board issue a Proclamation or Resolution shall provide a draft document for review at least one Board meeting prior to the date on which the proclamation/resolution is requested to be voted on and/or signed.

The Board may refer the proclamation/resolution back to the requestor for changes prior to approving, signing, and reading the proclamation/resolution at a public meeting.

For a proclamation that is expected to be repeated on a regular, or annual basis, this approval process shall only be required the first time it is brought before the Board.

This procedure is not required for requests by individual Board members for proclamations that recognize significant events, such as milestone birthdays, retirements, anniversaries, etc.

8 INTRA-BOARD POLICIES

8-1 EXPENSE REIMBURSEMENT

Board members are eligible for reimbursement of expenses incurred during the execution of Town business in accordance with current town policies.

Board members shall submit an expense reimbursement form on a monthly basis. Reimbursement shall not be made for expenses incurred for a Board member's spouse. No reimbursement will be made for alcoholic beverages. The Town Manager shall approve all expense reports which are charged to the Select Board budget.

9 FLAG PROTOCOLS

9-1 FLAGS AT HALF-STAFF

In addition to proclamations issued by the Governor and/or President for lowering of the flag to half-staff, these protocols shall also be followed:

- a. If a sitting Select Board member dies, the flag shall be lowered immediately upon notification of the death, and shall remain lowered until the day of the Select Board member's funeral.
- b. If a former Select Board member dies, the flag shall be lowered on the day of the Select Board member's funeral.
- c. If a current full-time employee of the Town dies, the flag shall be lowered on the day of that person's funeral.
- d. If a sitting member of a Town-wide elected board/committee dies, the flag shall be lowered on the day of that person's funeral.
- e. The lowering of the flag may also be ordered in special circumstances as determined on a case-by-case basis by the Chair of the Select Board and/or Town Manager.

9-2 DISPLAY OF FLAGS ON TOWN PROPERTY

The only flags that are allowed to be flown on Town property are: the flag of the United States; the flag of the Commonwealth of Massachusetts; the flag of the Town of Chelmsford; the POW/MIA flag; and any departmental-specific flag.

10 VISION AND VALUES

10-1 VISION AND VALUES ACKNOWLEDGEMENT

The Select Board has adopted a Vision and Values Statement to set an objective framework for the Town and to establish guiding principles for our community and the Town's municipal operations.

Select Board members shall sign the designated acknowledgment of the Vision & Values

statement upon election and commit to upholding its parameters.

All newly appointed committee and commission members shall also be asked to sign the acknowledgment, indicating that they have read the statement, and agree to work towards its goals for the community. This includes committees and commissions appointed by the Select Board, Town Manager and Town Moderator.

All Town of Chelmsford employees shall sign the Acknowledgement. New employees shall sign the acknowledgement form as part of the onboarding process.

Members of other elected bodies are encouraged to sign the acknowledgment.

10-2 VISION AND VALUES REVIEW

The Select Board will review the Vision and Values statements on a periodic basis at least once every 10 years.

11 OPEN MEETING AND MINUTES POLICIES

11-1 POLICY ON POSTING MEETING NOTICES, AGENDAS AND MINUTES

The Town Manager is responsible to manage the distribution and compliance with this section of the Policy for all appointed and elected town officials.

Posting a Meeting

Meeting Notices and Agendas must be posted forty-eight (48) hours in advance of the meeting excluding Saturdays, Sundays, and legal holidays in accordance with the Open Meeting Law. Please keep in mind the Town Clerk's hours of operation and make necessary arrangements to be sure your posting is made in an adequate amount of time. The Town Clerk requires that agendas be sent no later than 1:00 pm on the day it is required to be posted. Call the Town Clerk's Office for accommodation if the requested deadline cannot be met.

Meeting Postings must contain the following information:

- The name of the public body that is meeting
- The date and time of the meeting
- Where the meeting is being held (location, room, address)
- A list of topics that are reasonably expected to be discussed at the meeting in sufficient details to advise the public of the general issues to be discussed. Any revisions to the posting should be made as soon as possible, and no later than one hour prior to the meeting.

24 hour / 7 day a week Access

The Open Meeting Law requires twenty-four (24) hour / seven (7) day a week access to meeting schedules and agendas. Each meeting will be posted online on the Official Meeting Calendar at www.chelmsfordma.gov.

Receiving and Filing Postings & Agendas

Although you may use any of the following means to communicate your postings with the Town Clerk's Office, email is the preferred method.

- Email: townclerk@ChelmsfordMA.Gov
- In Person: Town Clerks Office – Town Hall, 50 Billerica Road

PLEASE DO NOT email postings to a specific staff person in the Town Clerk's Office. Email to townclerk@ChelmsfordMA.Gov as that account is shared by all Town Clerk's Office staff. You should check the website to be sure your meeting was posted correctly. If your meeting was not posted correctly, please contact the Town Clerk's Office as soon as possible.

Public Hearings

If you are a member of a public body such as the Select Board, Planning Board, Board of Health, Zoning Board of Appeals, or Conservation Commission (etc.), periodically you will be required to hold a public hearing in accordance with Massachusetts General Law. In most cases where notice of a public hearing is required, notice shall be given by publication in a newspaper of general circulation in the town for a specified period of time. It is also necessary to post such notice in a conspicuous place in the Town Hall for a specified period of time. For specifics, please reference the specific governing statute. Written notices, the initiation of the hearing and the written conclusions of the public hearing may have strict legal time limitations that vary with the character of each board.

Cancelled, Postponed, or Relocated Meetings.

If a meeting is cancelled or moved to another location, the Town Clerk shall be informed, so that the Official Meeting Calendar may be revised. It is suggested that a sign be posted on the meeting room door and on the entrance door to the building informing the public of the changes.

Meeting Minutes

Importance of the Record- Many matters before public bodies are reviewable by a court on an appeal. In many of these matters, the appeal is based on the record developed before the public body. Thus, it is very important to adequately develop

a record which is going to reflect accurately what went on and most importantly, support your decision.

Public bodies shall create and maintain accurate minutes of all meetings, including executive sessions. Minutes are not intended to be a transcript of the meeting, but rather an accurate recording of the meeting logistics, topics discussed, and actions taken by the public body.

Meeting Minutes as set forth by law must include the following information:

- State the date, time, (location, room, address)
- List all members present and all members absent
- Summarize each topic discussed by the public body
- Exact wording of all motions, including who made and seconded the motion
- The decisions made and actions taken, including a record of all votes. (Votes in executive session must be recorded in the minutes by a roll call)
- A list of documents and other exhibits used by the body at the meeting and where such exhibits or documents may be reviewed by the public.

List of Documents and other Exhibits

Documents, emails, and other exhibits, such as photographs, recordings, or maps (etc.), used by the body at an open meeting or executive session shall be part of the record of the session.

While public bodies are required to retain these records in accordance with records retention laws, the documents and exhibits listed in the minutes need not be physically stored with the minutes. Care should be taken to ensure these documents and/or exhibits are properly filed to facilitate retrieval as required.

Public Record

The records of all public body non-executive session meetings minutes are public and permanent records and must be available for public inspection. Records of any executive session remain closed to the public only as long as publication may defeat the purposes of the executive session.

Meeting notes and Draft minutes are considered public record until official Minutes are produced and voted on. Any secretarial notes, if not destroyed once the official minutes are accepted, are considered a public document under the public records law.

Once Minutes are Accepted by Public Body Vote

Upon confirming that the final minutes document reflects what was approved, the public body designee responsible for the minutes shall email the final minutes in Word or PDF format to townclerk@ChelmsfordMA.Gov for posting on the town website.

Timely Fashion

Chapter 30A, section 22C of the Open Meeting Law requires minutes to be produced in a timely fashion. For public bodies which meet monthly or more frequently, the goal is to have minutes drafted, approved, and releasability determined within the requirement of 30 days or three public body public body meetings, whichever is later unless the public body can show good cause for further delay. Public bodies, which meet less frequently, shall designate a representative from the public body to review and approve the minutes.

The law does, however, state that in the event someone requests minutes from a meeting, such minutes must be provided to them within 10 days.

Executive Session Minutes

Minutes from an executive session may be withheld if the lawful purpose for conducting an executive session would be defeated. Such minutes should be withheld from public disclosure unless and until the reason for convening the executive session no longer exists. However, they should be approved by the public body in a timely manner.

The public body chair or other appropriate designee shall, from time to time, but in no circumstances less frequently than every six (6) months, review the purpose for having entered into executive session to determine whether continued non-disclosure of minutes is warranted. Such reviews shall be documented and should not be unreasonably delayed in that there is a policy for release of executive session documents as soon as the reasons for executive privilege have lapsed. If the Chair or other designee determines that continued non-disclosure is no longer warranted, the full Board shall review such minutes and either confirm the decision or determine that continued non-disclosure remains warranted. This review and determination must be included as a topic discussed in the minutes of said meeting. Once disclosure would no longer defeat the lawful purpose for the executive session, the minutes must be disclosed unless they are otherwise exempt from the Public Records Law, G.L. c. 4 §7, cl. 26 or are subject to attorney-client privilege. Case law has dictated that public bodies are entitled to attorney-client privilege but the Attorney General has offered an opinion that the privilege is not absolute. Town Counsel should be contacted to determine whether the privilege applies. Members of public bodies must refrain from disclosing any matter discussed within an executive session unless and until the executive session minutes are released.

After review of executive session minutes has been conducted, the public body shall make an announcement at its next open session as to which executive session minutes were determined to be subject to release, and which executive session minutes were determined to require continued non-disclosure.

11-2 SELECT BOARD MINUTES – DETAILED GUIDANCE

Public Session Minutes

The Recording Secretary will initiate the draft minutes from in-person attendance or from the Chelmsford Telemedia recording (or equivalent) of the public Select Board meetings.

The draft minutes will be forwarded to the Support Services Coordinator who will distribute the draft minutes to the Select Board Members.

The Select Board will be expected to review and provide edits back to the Support Services Coordinator in track changes one week from distribution of the draft minutes.

The Support Services Coordinator will consolidate all edits into one document while maintaining traceability of changes. When possible, the time point in the Telemedia recording of the meeting related to the proposed edit(s) should be provided to improve the verification and editing process. Duplicate edits (if any) will be edited out.

If clarification etc. is required, this will be coordinated with the Select Board Clerk or designee. In the Clerks absence, this can be accomplished with the Select Board Chair.

The final document with edits will be maintained and a final version will be prepared for inclusion into the next Select Board Meeting packet for review and approval.

If the Support Services Coordinator does not receive edits after a week has passed, it will be assumed that no edits are forthcoming. When vacations or other personal situations arise, a Select Board member may request a time-bound extension to complete the review process. We ask that those situations be infrequent and coordinated in advance of the deadline with the Support Services Coordinator.

The goal is to have minutes completed, approved, and releasability determined within the requirement of 30 days or three Select Board Meetings, whichever is later unless the public body can show good cause for further delay.

Executive Session Minutes

For each Select Board Executive Session, minutes will be drafted by the Clerk or designee. If multiple topics are addressed during a session, the topics will be broken out into segments which will create separate documents for each segment. Minutes / Segments must accurately include the date, start time, place of the meeting, and a list of the members present or absent and a notation of any participants that may have attended remotely. Minutes / Segments will also include the specific agenda topic posted, a summary of the discussion, as well as an accounting

of the motions made, and votes taken.

Draft Executive Session minutes will be included in the next Select Board Executive Session meeting packet, prepared by the Support Services Coordinator. In certain circumstances, the Clerk or designee may distribute draft minutes to Select Board members directly and communicate such to the Support Services Coordinator.

Note: Draft executive session minutes should not be distributed to a Select Board member that has recused themselves from a subject contained in the draft minutes.

The minutes shall clearly document the purpose for the Executive Session meeting or segment (see Appendix 1). During the review of the draft minutes during Executive Session, the Clerk will gather edits (if required) and amend the changes into the minutes as agreed to by the Select Board. A motion to approve the minutes as well as roll call votes shall be taken and recorded at the end of the original minutes / segment with a statement that reflects the date of the vote, the motion, and the votes taken. This section of the record documenting the minutes approval will be confirmed by the Chair and Clerk for accuracy. The Select Board will then determine if the Executive Session minutes / segment will be released for public disclosure or held. Once a determination has been made by the Select Board, the motion(s) and vote(s) on approval and releasability of Executive Session Minutes will be noted at the end of the original approved minutes / segment with a statement that reflects the date of the vote, the motion, and votes taken. This section of the record documenting releasability will be confirmed by the Select Board Chair and Clerk for accuracy.

After minutes are completed and approved, determinations of releasability for each approved set of minutes / segments will be communicated to the Support Services Coordinator by the Chair or Clerk. Based on the Select Board determination for releasability, the final minutes / segment will either be distributed to the Support Services Coordinator for public release or to be held. When certain sensitive issues (such as certain personnel matters) require distribution to a secure box to maintain a higher level of confidentiality, the Select Board Clerk or the Chair shall direct such activity as appropriate. There shall be two members of the Select Board (the Chair and the Clerk or their designees) who have access to the secure box.

Minutes / Segments that have been finalized through the above process will have an agenda item added to the next available Select Board public meeting agenda by the Support Services Coordinator. This agenda item will be an Announcement on Determination of Releasability of Executive Session Minutes for each set of minutes / segments. This agenda item will be coordinated with the Select Board Chair and/or Clerk.

Audit of Held Minutes – Process

The Select Board Chair or appropriate designee shall, from time to time, but in no

circumstances less frequently than every six (6) months, review held minutes to determine whether continued non-disclosure of minutes is warranted. When reviewing held minutes, consideration will include if a given matter reviewed at executive session is no longer ongoing. If the subject matter is no longer ongoing and there remains question on releasability due to attorney-client privilege or one or more of the exemptions under Public Records Law, the subject matter and minutes should be reviewed by Town Counsel to gain a determination as to whether the minutes should continue to be held. Such reviews shall be documented and should not be unreasonably delayed in that there is policy for release of executive session documents as soon as the reasons for executive privilege have lapsed (See Appendix 1).

The Select Board Chair or appropriate designee shall summarize the review of held minutes in a fashion that will not disclose the Confidential nature of any of the topics. An agenda item will then be placed on the next public meeting agenda to announce the completion of the review.

Those minutes deemed potentially releasable by the Select Board Chair or designee shall be placed on the next executive session agenda and the Select Board shall either confirm the decision or determine that continued non-disclosure remains warranted.

If the Select Board determines the minutes can be disclosed, the motion and vote on releasability of Executive Session Minutes will be noted at the end of the original minutes / segment with a statement that reflects the date of the vote, the motion, and votes taken. This section of the record documenting releasability will be confirmed by the Chair and Clerk for accuracy.

Appendix 1

The definitions in this appendix are for reference and should be periodically checked for updates at www.mass.gov/ago/openmeeting.

A public body may meet in executive session only for the following purposes:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
 - ii. to have counsel or a representative of [their] own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
 - iii. to speak on [their] own behalf; and iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense. The rights of an individual set forth in this paragraph are in addition to the rights that [they] may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
 - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and (ii) no action shall

be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

Executive session minutes, as well as all documents used during an executive session, must be disclosed once publication will no longer defeat the purpose for having entered into executive session unless they are exempt from disclosure under the public records law or because of attorney client privilege.