

**TOWN OF CHATHAM**

**Appointed Committees, Commissions  
& Boards**

**Rules and Regulations Handbook**

**May 31, 2011**

## **PREFACE**

**This handbook is designed to assist all Town Committees, Commissions and Boards in carrying out their respective functions. The Town of Chatham is very fortunate to have so many of its citizens volunteer their time and effort in service to the community.**

**The Selectmen, under the guidelines set forth by the Home Rule Charter, make every effort to select logical appointees to the various Committees, Commissions and Boards based on interests and qualifications. It is also the intention of the Selectmen to maintain communications and to work with the Committees whenever necessary to better serve the Town of Chatham.**

**It is important to remember that as one serves on a Committee, Commission or Board, he or she is but one voice of several and that decisions are made by the majority of the Committee, not just one member. These decisions should be based on the present and future best interests of the Town, not just one segment or special interest group. They must also conform to the rules, regulations and Bylaws of said Town Committees, Commissions or Boards.**

**We urge you to familiarize yourself with this Handbook so these policies can be implemented effectively. The Board of Selectmen thanks each and every citizen who serves on these Committees, Commissions and Boards. Your service to the Town of Chatham is greatly appreciated.**

### **Please note:**

**Town of Chatham Bylaws Chapter 7, Section 7001, Paragraph B, (amended 5/11/2009 ATM, Article 22; 5/10/2010 ATM Article 18) members of the Finance Committee, School Committee, Board of Selectmen, Board of Assessors and all boards, committees and commissions with regulatory powers shall be residents and registered voters of the Town. The Board of Selectmen may appoint non-resident property-owning taxpayers to the Council on Aging, Cultural Council and all Town advisory committees.**

**Town of Chatham employees may only be considered for a position on a volunteer board or Committee if that Board or Committee does not make recommendations specific to that employee's department. (amended 10/10/06)**

**Advisory**

**Affordable Housing Committee**  
**Aunt Lydia's Cove Committee**  
**Bikeways Committee**  
**Cable Advisory Committee**  
**Capital Projects Review Committee**  
**Committee for the Disabled**  
**Energy Committee**  
**Golf Advisory Committee**  
**Human Services Committee**  
**Main Street Design Advisory Committee to the Board of Selectmen**  
**North Beach Advisory Committee**  
**Personnel Advisory Committee**  
**Public Ceremonies Committee**  
**Shellfish Advisory Committee**  
**South Coastal Harbor Plan Committee**  
**Summer Residents Advisory Committee**  
**Traffic Study Committee**  
**Underground Wiring Committee**  
**Water & Sewer Advisory Committee**  
**Waterways Advisory Committee**

**Regulatory**

**Conservation Commission**  
**Board of Health**  
**Historic Business District Commission**  
**Historical Commission**  
**Local State Building Code Board of Appeals**  
**Planning Board**  
**Zoning Board of Appeals**

**Other**

**Airport Commission**  
**Board of Assessors**  
**Cemetery Commission**  
**Community Preservation Committee**  
**Council on Aging**  
**Cultural Council**  
**Finance Committee**  
**Land Bank Open Space Committee**  
**Parks & Recreation Commission**

**TOWN OF CHATHAM**  
**COMMITTEES, COMMISSIONS, BOARDS**  
**RULES AND REGULATIONS HANDBOOK**

**1.0 ORGANIZATION**

**1.1 TYPES OF COMMITTEES, COMMISSIONS AND BOARDS**

As specified in the Charter for the Town of Chatham, Committees, Commissions and Boards consist of the following:

- a) A Board of Selectmen and a School Committee which are elected by popular vote at a Town Election.
- b) Other Committees, Commissions and Boards which may be appointed by the aforementioned Board or Committee, the Moderator or Town Meeting, as provided for in Section 3-4 (b) and 5-1 (b) of the Charter; to be hereinafter referred to as “appointive body(ies),”
- c) The term “appointing authority” as hereinafter employed shall refer to that body authorized to make such appointment.
- d) Unless otherwise stipulated by Town Bylaw, Legislative Act or Town Meeting, the composition of appointive bodies shall be determined by the appointing authority.
- e) All Committees, Commissions and Boards shall be subject to applicable terms and conditions hereinafter stated, unless otherwise stipulated by the appointing authority, Town Bylaw or Legislative Act.

**1.2 APPOINTMENT PROCEDURES AND MEMBERSHIP**

An appointee shall receive formal written notification of his or her appointment from the appointing authority. The appointee must appear before the Town Clerk to be sworn in before taking a seat on the appointive body or voting on its matters.

Membership terms on all Committees, Commissions and Boards listed in Section 1.1 above shall be three (3) years unless otherwise specified by the establishing authority or Legislative Act.

**Chairmen of appointive bodies having vacancies occurring within the time frame of an incomplete term, shall so advise their respective appointing authority of such vacancies. The appointing authority, through the Town Manager's Office, shall announce said vacancies on Channel 18 and on the Town's Website. The appointing authority may, at their discretion, choose to withhold an immediate appointment if multiple applications from prospective candidates have not been received or if a vacancy should occur near the end of an appointee's term.**

**(See Paragraph 1.5 for details regarding the Talent Bank Form and information on candidates.)**

**The appointing authority will conduct interviews of candidates by whatever means is appropriate. The interviewers shall request the Chairman or his or her designee to provide information and to sit in and participate in the interview process. Interviews will be posted with agendas stating time and place as well as the boards under consideration.**

**The appointing authority will make appointments on the recommendation of the interviewers and with consideration of any input supplied to the appointing authority by the chairman of the board in question. If the appointing authority fails to fill a vacancy within forty-five (45) days of being so notified in writing, appointments will be made in accordance with Section 5-1 (c) of the Charter.**

**No one assisting, advising or functioning as an ad hoc, advisory or associate member shall be eligible to vote in appointive body proceedings unless so stipulated by the establishing or appointing authority. No citizen shall serve on more than one (1) regulatory committee, commission, or board at the same time, however, the Board of Selectmen may make exceptions in extenuating circumstances.**

**1.3 OFFICERS**

**Appointive bodies shall establish appropriate positions within the body. As a minimum, a Chairman, Vice-Chairman and Clerk shall be elected for a term of one (1) year to commence on July 1. A record of appointive body officers shall be submitted in writing to the Board of Selectmen, Town Clerk and the appointing authority.**

**After completion of four (4) years as Chairman, the express permission of the Board of Selectmen is needed to serve a fifth year as Chairman.**

**Ad hoc, advisory, associate or alternate members may not serve as officers. The Committee for the Disabled, the Conservation Commission, the Land Bank Open Space Committee, the Summer Residents Advisory Committee**

and the Zoning Board of Appeals have associate positions. Associates are allowed and even encouraged to participate in discussions but only associate members of the Zoning Board of Appeals may vote and only when a regular member is absent or recuses himself. The Historic Business District Commission has alternate members who are allowed and encouraged to participate in discussions, but who are only allowed to vote when regular members are absent or recuse themselves.

**1.4 REAPPOINTMENTS**

1. A letter is sent to all board members with expiring terms asking if they wish to be considered for reappointment.
2. The Board of Selectmen reviews the list of members seeking reappointment and determines whether to reappoint and/or interview each member.
3. Interviews are conducted only for those board members specified by the Board of Selectmen.
4. After interviews, the Board of Selectmen finalizes the reappointments.
5. Vacancies are determined and advertised on the website and Channel 18.
6. Interviews are scheduled and the Board of Selectmen makes appointments of new board members to fill vacancies. (amended 7/29/08)

**1.5 APPLICATIONS - TALENT BANK**

A Talent Bank Form, letter of interest and resume should be submitted to the appointing authority for assignment to the respective appointive body. If no vacancies exist, the application will be held on file for consideration until such time as an opening does become available.

The application should list education, work and other experience that will significantly contribute to the appointive body's work. Talent Bank Forms may be obtained from the Selectmen/Town Manager's Office.

**1.6 RESIGNATIONS**

All resignations should be addressed to the Town Clerk's Office with copies to the appointing authority. Copies of said resignations will be forwarded to the appointive body's Chairman and to the aforementioned appointing authority.

**1.7 COMMITTEE LIAISON**

Each member of the Board of Selectmen will be assigned to serve as liaison to the established Boards, Committees or Commissions. Such assignments will be made annually.

**1.8 COMPLAINT PROCEDURE**

In the event that members of the public have issues or concerns about the actions of a particular Committee or Committee member they are encouraged to communicate their concern to the liaison to the Committee who will then share this concern with the Chairperson of the Committee to seek resolution. Anonymous complaints will not be considered.

**2.0 MEETINGS**

**2.1 FIRST MEETING**

The first member appointed to a new appointive body shall serve as temporary Chairman and be responsible for calling the first meeting within a reasonable period of time. At that time, that body shall be advised by the appointing authority of its purposes and objectives. A permanent Chairman and other officers should be elected by the second meeting.

**2.2 TIME, PLACE AND FREQUENCY**

To accomplish the appointive body's objectives, regular meeting times and locations should be established. Depending on the workload, meetings may be held weekly, biweekly, monthly, or with any other frequency which is consistent with those objectives. A facility open to the general public is required and must meet American Disability Act (ADA) requirements. Meetings in private homes are forbidden.

**2.3 MEETING NOTICES**

All appointive body members shall be notified of each regular meeting as well as special meetings, including on-site reviews.

**2.4 MEETINGS WITH APPOINTING AUTHORITY**

Meetings with the appointing authority should be scheduled to resolve problem areas, expedite projects and provide progress reports. A written request for such meetings, detailing the subject to be discussed, should be forwarded in writing to that authority by the appointive body (or vice-versa) at least two (2) weeks preceding the meeting.

**2.5 INTER-APPOINTIVE BODY MEETINGS**

Inter-appointive body meetings should be requested as the need arises. They should be preceded by advising all concerned in writing of the subjects to be discussed at least one week in advance of the meeting.

**2.6 PUBLIC POSTING OF MEETINGS**

By law, public notice of all appointive body meetings must be posted with the Town Clerk a minimum of forty-eight (48) hours before the meeting, not including Saturdays, Sundays or legal holidays. The Town Clerk will ensure

that the notice is posted in a location that is conspicuously visible to the public at all hours. Notice forms are available from the Town Clerk and must contain the name of the body, date, time, place of the meeting and agenda at the time of the posting listing those matters the chair reasonably anticipates will be discussed at the meeting.

The forty-eight (48) hour requirement is waived in the event of an emergency meeting; however, the notice of the emergency meeting must still be posted as soon as reasonably possible prior to the meeting being held. "An emergency" is defined as a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

**2.7 CONDUCT OF MEETINGS**

The Chair of the Board, Committee or Commission is required to announce at the beginning of the meeting if anyone, including the body itself, is making a video or audio recording or transmission of the meeting and a person wishing to do so must inform the Chair. If a meeting is being broadcast to be shown on Channel 18 the Chairman says: "This meeting will be broadcast live and will be available shortly thereafter for scheduled and on demand viewing." Whether or not the meeting is being televised by the town, the Chairman should say: "Is there anyone recording this meeting? If so please let me know now." A member of the public may record the meeting as long as the chair and the public are made aware of it.

**2.8 MINUTES**

A written record of each appointive body meeting is required by law and becomes a part of the public record. Minutes must contain the date of the meeting, list of the members present, a summary of discussion on each subject and a record of any votes taken at the meeting. Any document or exhibit used at a meeting becomes part of the official record of the meeting. A listing of each document and exhibit used at a meeting must be included in the minutes. Minutes must be formally accepted by the body. The Chairman or his designee; i.e. the Clerk, must retain a copy of all approved minutes for public inspection. Copies of minutes must be forwarded to the Town Clerk.

**2.9 QUORUM**

An appointive body must have a quorum greater than 50% of the voting members in order to conduct business of any kind. All decisions must be voted on by a majority of the members present at the meeting. Because of the need to have a quorum to conduct business, a Chairman may request a member to resign if he or she has been absent from several meetings without reasonable explanation. The appointing authority will be notified of the request.

**2.9.1 A member of any Board/Committee/Commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, including an audio or video recording or a transcript of the missed session. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements. By ordinance or bylaw the Town may adopt minimum additional requirements for attendance at scheduled Board/Committee/Commission hearings. (amended 6/5/07)**

**2.10 OPEN MEETING LAW**

**All appointive body and sub-body meetings of the full body are required to adhere to the Open Meeting Law (M.G.L. Chapter 30A, Sections 18-25). The law can best be summarized as follows: All meetings shall be posted and shall be open to the public. This applies not only to the appointive body itself, but also to any sub-group of the full body or advisors thereto.**

**Executive or closed sessions are permitted only for a very limited number of specified purposes. Even then, the appointive body must first convene in open session and vote to go into executive session. The vote must stipulate the purpose of the executive session. The purposes for executive session are very limited and, for the most part, would not apply to most appointive bodies unless they are involved in personnel matters, litigation or collective bargaining. For guidance on these exceptions, contact the Town Manager or the Town Clerk.**

**3.0 FINANCES**

**3.1 SOURCE OF FUNDS**

**Appointive bodies may have funding specifically appropriated for its purposes when established by Town Meeting or through the adoption of the annual budget. Guidance on the use of those funds may be obtained from the appointing authority, the Town Manager or the Town Accountant.**

**Appointive bodies are encouraged to request funding, either within the Town Meeting Article establishing that body or during November of each year as a part of the annual budget request. If submitting requests through the budget, written notice should be made to the Town Manager outlining the amount of funds requested and their intended use. The request will be reviewed by the Board of Selectmen and the Finance Committee.**

Unless an appointive body has funds specifically appropriated to it, the body shall not spend or commit to the spending of any funds without first obtaining specific guidance from the Town Manager or the Town Accountant.

**3.2 PAYMENT OF BILLS**

Bills must be approved by a majority of the appointive body and submitted to the Town Accountant.

**3.3 PUBLIC BIDDING REQUIREMENTS**

Appointive bodies are required to adhere to the Uniform Procurement Act in certain cases. In general, their expenditures will not be large enough to require formal bidding. Written competitive quotes should be obtained from more than two (2) vendors when ordering supplies, obtaining printing services, etc.

Formal bidding must be followed when expenditures exceed certain dollar limits. The Chairman contact the Town Manager's Office for assistance and guidance for bidding and purchasing. Allow enough time to advertise bids and analyze bids received.

**3.4 CONTRACTS**

The Town Manager is required to award all contracts for the Town while the School Committee and/or Superintendent award all contracts for the School and groups appointed by the School. Appointive bodies should submit draft copies of all specifications and contracts for review and final approval to the Town Manager.

**4.0 ANNUAL REPORTS**

**4.1 TOWN REPORT**

All appointive bodies are required to file an annual report of their operations which will appear in the Annual Town Report. The report should detail appointive body membership, including changes and any major accomplishments for the year as well as any plans for the ensuing year. The report is due fifteen (15) days after the close of the calendar year.

**4.2 TOWN MEETING**

A general appointive body Article will be included in the Warrant for the Annual Town Meeting. Anyone wishing to make a verbal report of its activities to the Town Meeting may do so under this Article. The Board of Selectmen and the Moderator should be informed in advance of the Town Meeting of any such intended reports.

## **5.0 WARRANT ARTICLES**

### **5.1 DEADLINES**

Warrant Articles for the Annual Town Meeting are to be submitted in writing to the Board of Selectmen by January 15<sup>th</sup>. Articles for Special Town Meeting are to be submitted in writing immediately after the Special Town Meeting is called. Early submission is greatly desired. Full documentation of the background and reasons for the proposed Article should accompany the request. **Note:** It is the policy of the Board of Selectmen to encourage appointive body Articles to appear on the Annual Town Meeting Warrant rather than on a Special Town Meeting Warrant unless there is a specific reason why the matter cannot be held until the Annual Town Meeting.

## **6.0 CONFLICT OF INTEREST**

All elected officials, employees, board and commission members will be sworn in at the Town Clerk's office after appointment or election. Each person will receive a copy of M.G.L. Chapter 30A, Sections 18-25 "The Open Meeting Law" as well as the "Town of Chatham Charter", "Town of Chatham Appointed Committees, Commissions and Board Rules and Regulations Handbook" and "A Summary of the Conflict of Interest Law for Municipal Employees" (M.G.L. Chapter 268A, Sections 1, 2 and 17-23). Each person is required to sign an Acknowledgement of Receipt of these materials as well as a separate Acknowledgement of Receipt of the Conflict of Interest Law.

Within 30 days of receipt of the above material all committee, commission, board members, elected officials and municipal employees are required to complete an online training of M.G.L.A. Chapter 268A, Sections 1, 2 and 17-23 found at [db.state.ma.us/ethics/quiz](http://db.state.ma.us/ethics/quiz) or a link can be found at the Town Clerk's website [www.chatham-ma.gov/publicdocuments/chathamclerk/index](http://www.chatham-ma.gov/publicdocuments/chathamclerk/index), click on: State Ethics Online Training.

All questions or requests for opinions should be directed to the Chatham Town Counsel or State Ethics Commission.

Last amended: May 31, 2011

