

ARTICLE 6. GENERAL PROVISIONS

(Amended ATM 2018.)

6.1. Scope. The provisions of this article apply to all Boards unless a specific provision of law otherwise provides.

6.2. Orientation. Each Board should adopt policies and procedures providing for the full orientation of new members to their duties, to the jurisdiction and authority of the Board, to the present activities and considerations of the Board, and to such other matters as are appropriate. It shall be the responsibility of the chair of the Board to carry out these policies and procedures. When a new Board is established, these provisions do not apply to the orientation of the initial members.

6.3. Staff Performance. Each Board is responsible for the faithful and competent performance of duties by persons employed or appointed by it. The Town Clerk shall have the same responsibility with regard to persons the Town Clerk employs.

6.4. Engineering. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Board of Public Works, no Board, Officer, or Official (except the Permanent Building Committee) shall incur expense for engineering services of the kind provided by the Department of Public Works.

6.5. Advisory Committees. Any Board, by vote of its members, may establish advisory committees. When such a committee is established, the appointing Board shall give to the Town Clerk and the Select Board written notice of the creation of the committee and the names and addresses of its members. The appointing Board shall give similar notice of the names and addresses of all subsequent persons appointed to the committee. Advisory committee members may assist and advise the appointing Board, but shall not vote or otherwise participate as full members of the Board.

6.6. Committee Life. Any committee established under Section 6.5 or established by Town Meeting shall terminate one year from the date on which it was established, unless the creating body annually continues it or fixes a definite termination date no more than three years from the date of its establishment.

6.7. Initial Meeting. For a committee created by Town Meeting, the Moderator shall designate one member to call the initial meeting. For committees created by a Board, the creating Board shall designate one member to call the initial meeting.

6.8. Organization, Policies, and Procedures. Each Board shall elect a chair, vice-chair, and secretary, inform the Town Clerk of those elected, and shall adopt policies and procedures governing the conduct of its affairs. These policies and procedures shall not conflict with the provisions of these bylaws or any other provision of law.

6.8A. Adjudicatory Hearing – Absent Member. A member of any Town Board when holding an adjudicatory hearing, shall not be disqualified from voting in the matter solely due to the 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 the member has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing herein shall change, replace, negate or otherwise supersede applicable quorum requirements. (Section added ATM 2007, Article 31)

6.9. Quorum. No Board shall take any action, except to set another meeting or to adjourn, unless a quorum of its members is present. A majority of the members of the Board shall constitute a quorum.

6.10. Majority Vote. An affirmative vote of a majority of those present shall be required for Board action.

6.11 Reserved for future use (2011).

6.12. Public Information. In accordance with G.L. c. 66, § 10, every Board and every person having custody of any public records (as defined in G.L. c. 4, § 7) shall make available copies of such records, including reports, data, background documents, and any material prepared for its use in accordance with G.L. c. 4. If such records and materials are kept in machine-readable form, copies thereof in machine-readable form shall also be made available. Reasonable fees may be charged for the costs of search and reproduction.

6.13. Public Comments. Each Board shall establish a procedure which allows members of the public to comment to the Board at each open meeting on matters within the jurisdiction of the Board. The procedure

shall require that any person who has a personal or financial interest in any matter before the Board shall disclose such interest either before, during or immediately after commenting on the matter to the Board with the timing of the disclosure to be at the choice of such person.

6.14. Staggered Terms. The terms of all Board members shall be arranged so that as equal a number of terms as possible shall expire each year.

6.15. Requests for Appropriations. Each Board and Official shall submit requests for appropriations in accordance with the provisions of Sections 11.11 through 11.13. Budgets are subject to review by the Department of Financial Services in the manner described in Section 24.1(e).

6.16. Capital Budgets. At least 90 days before the Annual Town Meeting, each Board shall submit to the Select Board estimates of the amounts *proposed and anticipated* by the Board for capital projects annually for a period of five years. An explanatory statement shall accompany each estimate and provide such additional information about the *proposed or anticipated* capital project as may be requested by the Select Board. (Amended ATM 2004.)

6.17. Conflict of Interest. No Officer, Official, member of a Board, or paid employee of the Town, or agent of any such person shall:

- a. Sell materials or supplies to the Town without the permission of the Select Board expressed in a vote which shall appear on the records of the Select Board with the reasons therefor;
- b. Receive any compensation or commission for work done for the Town, except for official salary and fees allowed by law, without the permission of the Select Board expressed in a vote which shall appear on the Select Board's records with the reasons therefor;
- c. Use their official position, influence, or vote in any manner so as to obtain for themselves in their private capacity or otherwise, either directly or indirectly, any commission, discount, bonus, present, advantage, or profit whatever;
- d. Engage in any conduct prohibited by G.L. c. 268A, the Commonwealth's conflict of interest statute.

6.18. Bonding. Any Officer, Official, or paid employee required by statute or the Select Board to be bonded shall be bonded in accordance with statute or in amounts determined by the Select Board.

6.19. Design Review. Before any Board, Officer or Official can construct, install, alter or remove any structure or portion thereof, work of art, ornament or decoration placed or to be placed on any public way, on Town lands other than cemeteries, or on or in Town buildings or make payments on account of any such work, the work shall be reviewed by the Design Review Board in accordance with the provisions of Section 46.3. of these Bylaws.