

LEXINGTON SELECT BOARD
 PROCEDURES, POLICIES AND REGULATIONS MANUAL
 TABLE OF CONTENTS

PROCEDURES..... 3

I. SELECT BOARD 3

 A. Authority for Select Board 3

 B. Election & Qualification 3

 C. Vacancies on the Board 3

 D. Organization of the Board 3

 1. Responsibilities of the Chair 3

 2. Responsibilities of the Vice-Chair 4

 E. Internal Operation 4

 1. Members Interaction 4

 2. Standard of Conduct 4

 F. Member’s Expense Reimbursement 5

 G. Conflict of Interest 5

 H. Ethics 6

 1. Purpose and Scope 6

 2. Applications 6

II. EMPLOYEES OF THE BOARD 8

 A. Town Manager 8

 1. Appointment 8

 2. Powers and Duties 8

 B. Town Comptroller 8

 1. Appointment 8

 2. Powers and Duties 8

 C. Town Counsel 9

 1. Appointment 9

 2. Powers and Duties 9

 D. Executive Clerk and Other Secretarial Staff 9

 1. Appointment 9

 2. Powers and Duties 9

 E. Evaluations 10

 1. Town Manager 10

 2. Town Comptroller 10

 3. Executive Clerk 11

 4. Other Administrative Staff 11

III. BOARD MEETINGS 12

 A. Schedule 12

 B. Notice of Meetings 12

 C. Procedures 12

 D. Staff Members in Attendance at Board Meetings 13

 E. Executive Session 13

 1. Executive Session Votes 13

 2. Executive Session Records 13

 F. Special/Emergency/Working Meetings 14

 1. Special Meetings 14

 2. Emergency Meetings 14

 3. Working Meetings 14

 G. Agenda Procedure 14

 1. Responsibility 14

 2. Timing 14

 3. Format and Content 14

 4. Posting and Delivery 15

5.	Notification of Interested Parties.....	15
H.	<i>Minutes</i>	16
I.	<i>E-mail Communications</i>	16
J.	<i>Open Meeting Law</i>	16
K.	<i>Operational Goals</i>	17
1.	Goal Setting.....	17
2.	Policy Development	17
L.	<i>Calendar of Annual Select Board Office Responsibilities</i>	17
IV.	STANDING COMMITTEES	20
V.	ADVISORY COMMITTEES OF THE SELECT BOARD.....	21
VI.	APPOINTMENTS AND APPROVAL OF MANAGER'S APPOINTMENTS	22
A.	<i>Select Board Appointments</i>	22
1.	Expiration Dates.....	22
2.	Criteria	22
3.	Process.....	22
B.	<i>Town Manager's Appointments with Select Board Approval</i>	23
1.	Qualifications	23
2.	Process.....	23
VII.	RESIGNATIONS	24
VIII.	RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS.....	25
A.	<i>Appearance at Regular Board Meetings</i>	25
IX.	RELATIONS	26
A.	<i>Relations with the Public</i>	26
B.	<i>Relations with Town Manager</i>	26
C.	<i>Relations with Staff</i>	27
X.	EMPLOYEE GRIEVANCES	28
XI.	HEARINGS BEFORE THE BOARD	29
A.	<i>Agenda</i>	29
B.	<i>Notice</i>	29
C.	<i>Procedures</i>	29
D.	<i>Utility Hearings</i>	29
XII.	LICENSES AND PERMITS.....	31
A.	<i>Scheduling</i>	31
B.	<i>Applications</i>	31
C.	<i>Processing</i>	31
D.	<i>Attendance</i>	31
XIII.	SPECIAL MUNICIPAL EMPLOYEES	32
XIV.	WARRANTS.....	33
A.	<i>Annual</i>	33
B.	<i>Special</i>	33
C.	<i>State and Federal Elections</i>	33
	POLICIES VOTED BY THE SELECT BOARD	35
	REGULATIONS VOTED BY THE SELECT BOARD.....	36
	APPENDIX A - CONFLICT OF INTEREST	37
	APPENDIX B - POLICY FORM	38
	APPENDIX C - SPECIAL MUNICIPAL EMPLOYEES	39

PROCEDURES

I. SELECT BOARD

A. Authority for Select Board

The Select Board is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the Selectmen-Town Manager Act of the Town of Lexington and the By-Laws of the Town of Lexington.

General Reference:

- Chapter 41, Massachusetts General Laws
- Chapter 753 of the Acts of 1968, Selectmen-Town Manager Form of Government, and as amended
- Handbook for Massachusetts Selectmen – Fourth Edition 2014; Massachusetts Municipal Association

B. Election & Qualification

In accordance with the Acts of 1922, Chapter I, the Board shall consist of five duly elected members. Before assuming official duties, each newly elected member shall be sworn to faithful performance of official responsibilities by the Town Clerk.

C. Vacancies on the Board

When a vacancy or vacancies occur in the membership of the Select Board, the remaining members of the Select Board shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except that if such a vacancy or vacancies occur less than 100 days prior to the annual election and not less than three members of such Board remain in office, the vacancy or vacancies shall remain unfilled until such annual election. (Selectmen- Town Manager Act)

D. Organization of the Board

The Select Board Chair and Vice-Chair shall be elected annually at the first regular meeting of the Board after the adjournment of the Annual Town Meeting. The Board may at any time remove the Chair or Vice-Chair. The Chair shall not serve more than three consecutive years. A majority vote shall constitute an election. Nominations require no second. The Executive Clerk shall preside as Chair pro tem until the Chair and Vice-Chair are elected. If a vacancy occurs in the office of Chair or Vice-Chair, the Board shall elect a successor.

1. Responsibilities of the Chair

The Board Chair shall:

- Preside at all meetings of the Board.
- Sign official documents that require the signature of the office.
- Supervise the Executive Clerk and Select Board staff.
- Prepare agendas with the Executive Clerk and Town Manager.
- Arrange orientation for new members.

- Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chair.
- Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair.

2. Responsibilities of the Vice-Chair

The Vice-Chair shall:

- Assume the responsibilities of the Chair in the Chair's absence.

The Chair and Vice-Chair shall have the same rights as other members to offer resolutions, to discuss questions and to vote thereon.

In the absence of the Chair and Vice-Chair, the Board shall designate an Acting Chair.

E. Internal Operation

1. Members Interaction

The Board functions as a body in all policy decisions and all other matters as required by law or determined by vote of the Board in formal session.

- Board members will report back to other members and the Manager on significant meetings or hearings which they have attended and especially on issues on which Board action will later be required.
- The Chair will notify Board members prior to the meeting if a particular strategy or approach has been suggested for dealing with potentially explosive agenda items.
- Board members will keep each other informed of all investigations they are conducting or issues they are pursuing that are of concern to the Board.
- Board members agree not to surprise each other by last minute agenda items about which others have no warning or knowledge except in the case of emergency items or those of a strictly routine nature which need action prior to next scheduled meeting.
- Board members who wish to take issue with another member's conduct, behavior, procedures, will do so first privately with the member concerned or will notify the member prior to first doing so at a public meeting.
- When individual members request information from the Manager of concern to the whole Board, the Manager will report back to the whole Board - not only the member raising the question.

2. Standard of Conduct

An individual member of the Board, including the Chair, may act independently only if specifically authorized by the Board.

Members of the Board will behave with civility and courtesy. The Chair will preserve decorum and prevent personal attacks. No one in attendance at the meeting will be allowed to make disparaging remarks about anyone including staff. The Chair will rule inappropriate comments out of order and issue warnings to the offending parties.

F. Member's Expense Reimbursement

Expenses in connection with in-state travel involving overnight accommodations or travel beyond 50 miles, round trip, may be reimbursed with the prior approval of the Board. Items may include transportation, meals, lodging, and registration fees. A voucher itemizing such expenses shall be submitted to the Executive Clerk in a form approved by the Comptroller within 10 days following completion of the travel.

Out-of-state travel by members of the Select Board should be approved only when the travel can unequivocally be shown to be in the best interest of the residents of Lexington.

Registration fees and other miscellaneous expenses incurred by members in their official capacity may be reimbursed by submission of said invoice to the Executive Clerk.

If a member of the Board travels as a member and does not seek reimbursement from the Town for expenses, the member shall disclose to the Board the source of funding for the trip (personal funds, reimbursement by an outside agency, business support, etc.).

G. Conflict of Interest

Members of the Select Board will strictly adhere to the provisions of the Conflict of Interest Law, G.L. Ch. 268A, during and after their terms of office as certain restrictions remain in perpetuity and can also affect a business partner.

Members should avoid the appearance of conflict in their words and actions, including in the making of appointments.

Without proper public disclosure members “may not take any action that would create an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.” (State Ethics Commission Introduction to the Conflict of Interest Law).

Individual members may not hire, promote, supervise, or otherwise participate in the employment of an immediate family member or their spouse.

Members may not ask for or accept gifts worth \$50 or more from anyone with whom the Board has official dealings.

Members may request legal advice about how the law applies in a particular situation. Advice is free, confidential, timely and binding. Call the State Ethics Commission's “attorney of the day” at

(617) 371-9500. Advice may also be sought from Town Counsel, whose conflict of interest opinions must be filed with the Commission for review.

Every 2 years, all members of the Board must complete the State Ethics Commission conflict of interest law online training program. Newly elected members must complete this training within 30 days of beginning public service, and every 2 years thereafter. New members of the Board may be briefed on the law's implications by either Town Counsel or by attending one of the State Ethics Commission seminars.

See Appendix A: Conflict of Interest - Articles and primers prepared by the State Ethics Commission.

H. Ethics

1. Purpose and Scope

This Code of Ethics expresses the basic understanding of the organization of the Select Board under the Selectmen-Town Manager Act and other statutes of the Commonwealth. The oath of office of a Select Board Member binds the individual member to those laws, since the Board operates under their authority.

2. Applications

This code applies to three areas of responsibility of Board members in addition to that set forth above: responsibility to the Community; relationships with fellow Board members; and responsibility in relation to the Town Manager.

- a. Board members in relation to the community should:
 - Be ever mindful that the basic responsibility is to the entire residents and that the members represent the entire community at all times.
 - Recognize that the basic function of the Select Board is policy making and not administration which is in the hands of the Town Manager.
 - Be well informed concerning the duties of a member.
 - Accept the office of Select Board Member as a means of unselfish service.
 - Realize that it is inappropriate to make promises or commitments of how the Select Board will vote upon matters which will come before the Board.

- b. A member in relation to other Board members should:
 - Treat fellow members respectfully and courteously.
 - Recognize that actions at official meetings of the Board are binding and that the individual member cannot bind the Board outside such meetings.
 - Uphold the intent of executive sessions and respect privileged communications that exist in executive sessions.
 - Make voting decisions only after all facts on a matter have been presented and discussed.

- c. A member in relation to the administration and particularly to the Town Manager should:
- Accord the Town Manager full responsibility for the conduct of that office and hold the Manager accountable for acceptable results.
 - Endeavor to establish sound and clearly defined policies which will guide and support the Town Manager.
 - Respect and support the administration chain of command and the authority of the Town Manager.
 - Respect and support the authority of the Town Manager in all matters of employment, discipline and termination of administrative personnel.

II. EMPLOYEES OF THE BOARD

The Select Board shall appoint a Town Manager, Town Comptroller, Town Counsel and an Executive Clerk to the Board, who with Board approval, shall appoint such other administrative support as are deemed necessary to carry out the responsibilities of the Select Board office.

A. Town Manager

1. Appointment

The Select Board shall appoint a Town Manager in accordance with the Selectmen-Town Manager Act. The Board shall set the Town Manager's compensation, subject to Town Meeting appropriation, and such other terms and conditions of employment that they may, from time to time, deem advisable. Such terms and conditions shall not be in conflict with the Selectmen-Town Manager Act, Town By-Laws or any other special or general laws.

2. Powers and Duties

The Town Manager shall have the powers and duties as delineated in the Selectmen-Town Manager Act and as required by those sections of the General Laws relating to towns with town manager form of government. These powers and duties may not be abrogated or abridged by the Select Board. The Town Manager shall perform such other duties that, from time to time, may be requested by vote of the Board. The Manager shall attend all meetings of the Board, shall keep the Board fully advised of the needs of the Town and shall recommend to the Board for adoption such measures requiring action by them or by the Town as the Manager may deem necessary and expedient.

The Town Manager is responsible for inter-board communication in the day-to-day operations of government. The Town Manager shall develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and commissions with common interests, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects such as housing needs and revitalization of the center.

B. Town Comptroller

1. Appointment

The Select Board shall appoint a Town Comptroller. The Comptroller shall be appointed in March of every third year for a three-year term from the first day of the following April. The Comptroller may be removed by the Board for cause and the vacancy filled by appointment for the remainder of the unexpired term in accordance with the Selectmen-Town Manager Act and Chapter 777 of the Acts of 1965 - "An Act Establishing the Office of Comptroller in the Town of Lexington".

2. Powers and Duties

The Town Comptroller shall have the following powers and duties: Perform a variety of

complicated, detailed professional accounting work including the direction and supervision of specialized and technical fiscal control functions; coordinate the accounting functions of other departments' accounting and auditing activities; be responsible for disbursement and receipt of all municipal monies and the maintenance of all records in coordination with the treasurer. The Comptroller shall develop, install, direct and supervise all accounting procedures and practices required by the Town; shall direct all accounting and financial activities of the Town; and shall review all payroll transactions, invoices for payments, statements of account, accounts receivable and accounts outstanding. The Comptroller shall be an ex officio member of the Appropriations Committee without vote. The Comptroller shall perform other duties as required by the applicable sections of the General Laws relating to Town Comptrollers and Town Accountants.

C. Town Counsel

1. Appointment

As specified in the Town By-Laws Chapter 90 section 24, the Select Board shall each year within thirty days after the annual election of Town Officers appoint an attorney at law as Town Counsel who shall serve a term of one year.

2. Powers and Duties

The Town Counsel shall have the powers and duties specified in the General By-Laws of the Town of Lexington.

D. Executive Clerk and Other Secretarial Staff

1. Appointment

The Board shall each year appoint an Executive Clerk to assist the Board and to perform such duties as the Board Chair may direct. The Executive Clerk with the approval of the Board, shall employ additional secretarial help as deemed necessary to carry out the responsibilities of the Select Board. The hiring, performance evaluations and salary reviews for these positions shall conform to the regular Town personnel practices and procedures.

2. Powers and Duties

They shall include but not be limited to:

- Complete, detailed set-up and follow-up (including minutes) of Select Board meetings, budget meetings and special meetings of the Board, including scheduling hearings as part of regular Board meetings.
- Answer correspondence addressed to the Board and assist the Chair and the Town Manager in answering the public's questions about the decisions and work of the Board.
- All administrative work for members of the Board, including processing requests for payments under Town Meeting Articles.
- Interface with the public on all personal, telephone, email, and online contacts.
- Prepare warrants for Annual Town Meeting, Special Town Meetings, and annual

- Election; arrange for printing and delivery of same.
- Process applications and issue licenses, i.e., limo/taxi, Class I, II and III, auctioneer, common carrier, common victualler, coin operated video games, entertainment, lodging houses all liquor licenses, theaters, etc.
 - Prepare list of annual appointments.
 - Schedule Board appointments and hearings on requests from utility companies for pole and conduit installations (all clerical work necessary prior to and following hearings to be handled by D.P.W.).
 - Prepare budgets for the Select Board Office, Legal Expenses and Fees.
 - Certify and notarize documents for the Select Board.
 - Purchase Board office supplies
 - File all Board correspondence
 - Certify the Board's Office payroll.

E. Evaluations

1. Town Manager

The Select Board shall evaluate the Town Manager's service annually. It is the policy of the Board to conduct the evaluation on the anniversary of the contract with a final public report prior to the end of the calendar year. This way all the members who have worked with the manager over a year can have input into the evaluation. The evaluation shall be in writing.

As a foundation for said evaluation, the Select Board shall work with the Town Manager to develop measurable and specific goals against which the Manager's performance shall be evaluated throughout the year. Ideally goals will be developed in May, after Town Meeting ends.

The Board Chair shall be responsible for distributing an evaluation form to all Board members. While the Board may change the form from time to time by a majority vote of the Board, at a minimum the Board shall measure the Manager's success in addressing the goals for the Manager. Each member shall individually submit a written evaluation to the Executive Clerk. The Executive Clerk will then produce a consensus report. The Manager shall discuss the report with the Board Chair prior to the public presentation.

The report shall be made a permanent part of the manager's personnel file. This file shall be maintained in the Select Board office.

Prior to the start of a new fiscal year, the Select Board shall set compensation for the manager based on the evaluation and in keeping with the financial condition of the Town.

2. Town Comptroller

By authority of the Selectmen-Town Manager Act and Chapter 777, Acts Of 1965, the Select Board is responsible for hiring and supervising the Comptroller. The Select Board shall evaluate the Comptroller's performance.

The Board Chair shall be responsible for working with the Select Board to determine a process for

evaluation. The final evaluation shall be in writing and placed in the Comptroller's personnel file as a permanent record of performance.

If the Comptroller also serves as the Finance Director, said file shall be maintained by the Town Manager; otherwise, the file shall be maintained in the Select Board Office.

The Select Board shall participate with the Town Manager in setting the compensation for the dual position, so long as such participation does not conflict with a collective bargaining agreement.

3. Executive Clerk

The Executive Clerk of the Select Board, per the Selectmen-Town Manager Act, shall be an employee of the Select Board. Supervision of the Executive Clerk is the sole responsibility of the Board Chair and they alone are responsible for performing an annual performance review. Such review will conform to the regular Town personnel practices and procedures. The personnel file of the Executive Clerk shall be kept by the Town Human Resources Director.

Compensation for the Executive Clerk shall be set by vote of the majority of the Select Board and reviewed annually. Said compensation shall be based on the evaluation and in keeping with the financial condition of the Town.

4. Other Administrative Staff

Additional administrative staff to the Select Board is the responsibility of the Executive Clerk. The Executive Clerk shall annually review administrative staff to the Select Board prior to the start of a new fiscal year. Said review will include meeting with the staff and submitting a written evaluation for the file. The personnel file for the administrative staff shall be by the Town Human Resources Director.

The Select Board shall set compensation for secretarial staff. Such staff shall be paid in a range similar to other municipal secretarial staff. The Executive Clerk shall recommend to the Select Board appropriate compensation based on the annual review.

III. BOARD MEETINGS

A. Schedule

Select Board Meetings are held in the Select Board Meeting Room of the Town Office Building, on Monday evenings unless otherwise determined.

The Board shall not meet on days designated as Legal Holidays. Meetings falling on a Legal Holiday are canceled or rescheduled at the discretion of the Board.

B. Notice of Meetings

The Executive Clerk of the Select Board, on behalf of the Chair, is responsible for filing a notice of the meeting with the Town Clerk at least 48 hours (not including Saturdays, Sundays or Legal Holidays) before the meeting is to take place and shall take all steps necessary to comply with the open meeting law.

C. Procedures

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. It is the practice that application of such procedure be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification or definition.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policies or the making of appointments shall be taken whenever practicable only when the full Board is in attendance.

Actions and decisions shall be by motion, second and vote. Split vote will be identified by name. When only three members of the Board are present or in the case of nominations, no second will be required prior to Board action.

Public Participation at Select Board Meetings

Unless directly involved in an agenda item, the public may only participate at a regular Board meeting at the discretion of the chair or upon request of any member of the Board.

Recordings. Any person in attendance at any Select Board open meeting may record the meeting by any means allowed by state law, provided that there is no interference with the conduct of the meeting.

A ten-minute Public Comment period may be scheduled at each meeting to hear concerns of the general public. The issues raised will not be debated during the public comment but may be scheduled for a future agenda if needed.

Rules for Public Comment section of the meeting:

- Public comments will be conducted in an orderly and peaceable manner.
- Before speaking, speakers should state their names, addresses, and any affiliations.
- Each speaker may speak only once for a maximum of 2 minutes.
- Speakers will not be allowed to disrupt others, and may be removed from the meeting if they do.

D. Staff Members in Attendance at Board Meetings

- The Executive Clerk of the Select Board and the Town Manager or their designees are expected to be in attendance at all regular meetings of the Board. The Executive Clerk or their designee shall attend in order to keep records of the proceedings, coordinate and carry out the actions of the Board relating solely to the Select Board Office.
- The Town Manager, as Chief Executive Officer of the Town, shall attend in order to keep the Board informed and advised and recommend in all matters that fall within the jurisdiction of the office. The Manager shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under the Manager's jurisdiction.
- The Town Counsel shall attend to provide legal direction, give consultation, advice and opinions on legal matters pertaining to Town business when requested by the Board.

E. Executive Session

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled to allow the open meeting to commence at the regular starting hour. Only items clearly allowed under the State's Open Meeting Law shall be included in Executive Session. An Executive Session shall not be held unless the Board has first convened in Open Session for which notice has been given. A majority of the members must vote to go into Executive Session and the vote of each member must be by roll call recorded in the minutes. The mover must specify in the Open Meeting the grounds on which Executive Session is sought. Before the Executive Session, the Chair must state whether or not the Board will reconvene in Open Session.

1. Executive Session Votes

During Executive Session, all votes shall be recorded through a roll call, and these votes will become a part of the Executive Session's records.

2. Executive Session Records

The Board must maintain accurate records of both Open Meetings and Executive Session. At a minimum, the records must set forth "the date, time, place, members present or absent and action taken". Executive Session records shall remain confidential only "so long as the publication may defeat the lawful purpose of the Executive Session, but no longer". Thereafter they shall be open to the public.

F. Special/Emergency/Working Meetings

1. Special Meetings

A meeting called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Notice for Special Meetings will be posted at least 48 hours prior to the meeting. The Chair or any member of the Board, through the Executive Clerk, may call special Meetings provided that all Board Members are notified and that a majority of the members agree to meet.

2. Emergency Meetings

In a situation where immediate action is deemed by the Board to be imperative, an "Emergency Meeting" may be called. In this case an emergency is defined by law as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action". Such a meeting may be held even though notice was not posted in time. Notice of an "Emergency Meeting", pursuant to MGL Chapter 30A, Section 20(b), shall be posted as soon as reasonably possible prior to such meeting. .

3. Working Meetings

The Board may conduct informal "Working Meetings" from time to time as the situation warrants. At such meetings, which will be posted in accordance with the Open Meeting law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

G. Agenda Procedure

1. Responsibility

The responsibility for coordinating and planning the meeting agenda is that of the Chair. Each of the Board Members and the Town Manager may request that items be placed on the agenda. The Executive Clerk, after consultation with the Chair, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business and shall confirm all appointments including time allotted. The Chair, in consultation with the Executive Clerk and the Town Manager, shall decide the meeting date on which an agenda item shall appear.

2. Timing

All items for the agenda packet must be submitted to the Executive Clerk by noon three business days before the preceding the meeting. Items not ready on time will be rescheduled except in extraordinary circumstances.

3. Format and Content

Agenda items include by way of example:

- Call meeting to order
- Executive Session (if needed)
- Public Comment
- Member Concerns and Liaison Reports
- Town Manager Report
- Items for Individual Consideration (sign notes for borrowing, hearings for licenses, permits, sign pole locations, appointments or approval of manager appointments, appointments with Town boards, committees, commissions, general business, Board policy action or review, reports of boards and committees, and other business)

Consent Agenda (items of no controversy)

The Chair will determine the order of the agenda.

Where an agenda item is the responsibility of a particular member of the Board or has been requested to be placed on the agenda by another board or committee or resident, their name will appear after the agenda item. Thus, a Board member seeking further information will know the name of the person to contact. Members are reminded that the Open Meeting Law prohibits substantive discussion of agenda items by a quorum of the Board outside a posted meeting.

All backup data, pertinent information, or an outline for discussion shall accompany all subject matters or items to appear on the agenda.

If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the originally posted packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

4. Posting and Delivery

The agenda shall be available to the public at the Select Board's office two business days before the meeting date and shall be posted in accordance with current posting requirements. As a courtesy, the agenda and notice of meeting shall be sent to town distribution email lists. Copies of all important reports and other pertinent background materials shall be included with the Board meeting packet.

The special meetings of the Board shall conform insofar as practical to the agenda for the regular Monday meetings. Distribution shall be as outlined above.

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

5. Notification of Interested Parties

The Executive Clerk shall notify persons who are directly involved in the issues to be discussed by the Select Board making note of the time their item will probably be considered. This shall include

items to be discussed under the Town Manager's agenda.

H. Minutes

- The Executive Clerk or designee shall record open meetings of the Board, shall draft minutes and shall distribute such minutes to each Board Member.
- Minutes to be approved at a meeting shall be included in the packet. If possible, the draft meeting minutes will be circulated to members of the Board as soon as they are available. On request of any member, approval of minutes submitted shall be postponed for one meeting to enable such member to propose amendments to the Executive Clerk. Revised minutes must be included in the meeting packet not later than the Friday preceding the meeting at which approval is sought.
- By unanimous consent, minor corrections may be made with respect to minutes otherwise in order for approval, without advance circulation of such corrections.
- Minutes shall contain a statement of all actions taken by the Board and of the disposition of all proposals for action. Discussions preceding action need not be detailed in the minutes.
- Approved minutes shall be recorded in a Minutes Book which shall be indexed when filled to capacity.
- Minutes of executive sessions shall be separately kept and recorded in accordance with the above procedures.
- Minutes of executive sessions shall be reviewed periodically for purposes of determining whether they can be made public, and upon such determination shall be recorded with the regular minutes.
- Minutes (other than of executive sessions) are open for public inspection.
- Recordings of open meetings shall be preserved three months after approval of the minutes at which time they will be destroyed unless otherwise voted by the Board.

I. E-mail Communications

E-mail is a convenient way to communicate with Boards and Committees. However, its use by members carries a high risk of violating the open meeting law. E-mails deprive the public of the chance to monitor discussions and exclude non-participating members.

In keeping with the Open Meeting Law and the District Attorney's interpretations, e-mail exchanges among a quorum of the Board should be limited to discussing procedural items regarding agendas and scheduling, etc. It shall not be used to debate policy or convey opinions. This policy shall apply to all Boards and committees and Select Board liaisons are responsible for informing their committees.

As a way of ensuring public access to e-mails, the Select Board shall maintain a record all Board e-mails. Said e-mails shall be available for public inspection at the Select Board office during regular hours. It is the responsibility of Board members to conduct public business using their Town of Lexington e-mail account.

J. Open Meeting Law

Each Board member shall be furnished with a copy of the Office of Attorney General's current Open Meeting Law. It is the Board member's responsibility to comply with the current Open Meeting Law.

Open Meeting Law available on web at <http://www.mass.gov/legis/laws/mgl/mgllink.htm> (Chapter 39, Section 23B)

The Attorney General's Division of Open Government guidelines are available on web at <https://www.mass.gov/the-open-meeting-law>

K. Operational Goals

1. Goal Setting

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

Goal setting is done collaboratively between the Board and the Manager. The goals should be prioritized and adopted after public review.

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

- Each Board member should be asked to submit proposed goals.
- The Town Manager should be asked to submit proposed goals.
- Town Boards and Committees are encouraged to recommend proposed goals for consideration.
- Senior managers should review the proposed goals and inform the Board of Town staff recommendations.
- Review prior year's goals and include any not met that should be continued.

Once adopted, the operational goals of the Board will be posted on the website.

2. Policy Development

Adoption of new policies and revision of existing policies of the Select Board may only be adopted by an affirmative vote of a majority of the Select Board at a duly noticed meeting of the Select Board.

All policies of the Select Board shall be recorded on the same form. Said form shall include the name of the policy, the date approved by the Select Board and the signature of the Chair of the Select Board. Each policy shall contain the following sections: I. Background, II. Purpose & Scope, III. Application and IV. Reference. A sample form is attached in Appendix B.

L. Calendar of Annual Select Board Office Responsibilities

January

Budget Select Board /School Committee Vote on Recommended Budget
Budget Collaboration Meetings
Files Change Files - retain 3 years
Licensing Annual License Information Form (ALIF) Report due to State 2/1
Warrant Prepare/Publish Warrant

February

Appointments Prepare for Registrar(s) of Voters Appt by 3/31
Budget Schedule Proposed Budget (White Book) Approval
Licensing Submit Annual Report letter to ABCC
Warrant Confirm Available Funds on Postal Permit

March

Appointments Registrar(s) of Voters by 3/31
Appointment Town Counsel (1-year term by 3/31)
Appointments Appointment of Comptroller (3-year term by 4/1)
Town Meeting Town Meeting Begins (Monday and Wednesday until completed)

April

Licensing Initiate renewal of Limo and Taxi Licenses in permitting system

May

Select Board Reorganization of Select Board (1st meeting after end of TM)
Appointments Select Board Liaison Assignments

June

Appointments Executive Clerk (1-year term by 6/30)
Appointment Keeper of the Lockup (1-year term by 6/30)
Appointment Town Celebrations Committee (1-year term by 6/30)

July

Appointment Election Workers by (1-year term by 8/15)
Licensing Initiate renewal of Theatre License in permitting system
Select Board Goal Setting & Goal Review

August

September

Appointment Annual Committee Appointments/Reappointments
Budget First Financial Summit

October

Licensing Send Liquor license renewal letters
Licensing Initiate renewal of Licenses with December exp in permitting system
Hearing Water/Sewer Rate Presentation/Hearing (coordinate with Comptroller)

Budget Continued Financial Summit

November

Appointment Send letters to nominating authorities for upcoming HDC term expirations
Budget Continued Financial Summit
Election Set date for Town Election
Town Meeting Set date for Annual Town Meeting
Town Meeting Set date to approve warrant for Annual Town Meeting
Hearing Tax Rate Presentation/Hearing (coordinate with Comptroller)
Rates Approve Water/Sewer and Tax Rates
Warrant Send Check to Postmaster for Postal Permit (for ATM Warrant)
Budget Begin Department Budget Presentations

December

Appointments Historic Districts Commission Appointments
Licensing Select Board Approval of Licenses with a 12/31 expiration, including
Liquor License Renewals
Warrant Send ATM rezoning proposals to Planning Board
Budget Department Budget Presentations

Flexible

Select Board Town Manager Evaluation & Goals (on contract anniversary)
Appointment Town Manager Contract Renewal (not to exceed 3 years)
Appointments Town Manager Appointments
Appointments Recruitment for Committee Vacancies
Select Board Executive Clerk Evaluation
Select Board Policy Review and Update
Select Board Approve and Release Executive Session Minutes
Select Board Review Advisory Committee charges as necessary
Vote of Intent Acceptance of Streets if needed (notify Planning Board)

IV. STANDING COMMITTEES

Standing committees are established by statute or by-law and must be maintained. They are: Affordable Housing Trust, Appropriation Committee, Board of Appeals, Board of Assessors, Board of Health, Capital Expenditures Committee, Commission on Disability, Community Preservation Committee, Conservation Commission, Council on Aging, Fence Viewers, Historic Districts Commission, Historical Commission, Lexington Housing Assistance Board (LexHAB), Permanent Building Committee, Recreation Committee, Registrars of Voters, Retirement Board, Tourism Committee, Town Celebrations Committee, Tree Committee, Trustees of Public Trusts, and Youth Commission.

As outlined in the Selectmen-Town Manager Act, or by statute or bylaw, the standing committees appointed by the Select Board are: Affordable Housing Trust, Board of Appeals, Community Preservation Committee, Fence Viewers, Historic Districts Commission, Lexington Housing Assistance Board (LexHAB), Registrars of Voters, one member of the Retirement Board, Tourism Committee, Town Celebrations Committee, Tree Committee, and Trustees of Public Trusts.

The Board of Health, Commission on Disability, Conservation Commission, Council on Aging, Historical Commission, Recreation Committee and Youth Commission are appointed by the Town Manager with approval of the Select Board.

The Manager appoints members to the Board of Assessors and Permanent Building Committee.

It is the policy of the Select Board to appoint qualified residents to the standing committees it appoints. The Board will normally appoint individuals to no more than one standing committee at any one time.

The Select Board shall not exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.

V. ADVISORY COMMITTEES OF THE SELECT BOARD

The Board may appoint advisory committees to aid on matters under the Board's jurisdiction, particularly in technical areas. The use of such advisory committees provides greater expertise and more widespread resident participation in the operation of government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Select Board. Each committee must report in writing at least annually to the Select Board. The Town Clerk must receive copies of all Committee charges, appointments and minutes. The Board will discharge committees upon the completion of their work.

The charges and membership of standing advisory committees shall be reviewed periodically with the Select Board liaison to assess the necessity and desirability of continuing the committee. Reappointments will be based on the desirability of widespread resident involvement and the changing needs of the committee and the Town.

In order to attract qualified and interested persons, vacancies will be made public as far in advance of an appointment as practicable. An application form will be available in the Select Board Office, the Town Manager's office, and on the Town website and newsletter so that any resident interested in participating in activities of this nature or in otherwise making a contribution to the town government may record their background, areas of interest and availability.

It is the policy of the Select Board to appoint qualified members of the public to the advisory committees.

VI. APPOINTMENTS AND APPROVAL OF MANAGER'S APPOINTMENTS

A. Select Board Appointments

1. Expiration Dates

For appointments to standing committees is September 30, or until a successor is appointed and qualified, with the exception of the following:

- Historic Districts Commission, expiration date December 31, in accordance with Ch. 447, Acts of 1956.
- Lexington Housing Assistance Board (LexHAB), expiration date May 31, in accordance with Chapter 521 of Acts of 1983.
- Registrars of Voters, expiration date March 31, in accordance with G.L. Ch. 51, s. 15.
- Town Celebrations Committee, expiration date June 30 (Town By-Law, Article XV)
- Election Officers between July 15 and August 15, in accordance with G.L. Ch. 54, s. 12.

2. Criteria

The Select Board will be generally guided in its appointments by the *Criteria for Committee Membership Policy*. Whenever possible, the Board will seek variety in socioeconomic and cultural backgrounds, interests, ages, race and gender, length of residence and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable.

3. Process

The Select Board will publish a list of the projected committee and board openings for the coming year, and the process for applying for Board or Committee Membership. A file of applications will be maintained throughout the year by the Select Board Office and Town Manager's Office, and made available to all town officials and employees who need to appoint members to committees or make use of resident talents and expertise.

The Select Board's Executive Clerk will:

- Present a list of the appointment vacancies to be filled by the Board.
- Notify the Chair of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
- Ensure candidates ethics training is up to date.

Select Board Members may meet with potential new appointees before making a final decision on the appointment. Appointments will normally be made only when all members of the Board are present. Nominees do not require a second. Appointments will be made by a majority vote of the Board.

Annual appointments should be completed by September 30 or the statutory expiration date.

After the Board has been formally notified by the Town Clerk that a vacancy exists, the Select Board will promptly recruit for candidates that meet the criteria above to fill an unexpired term.

B. Town Manager's Appointments with Select Board Approval

Under the Selectmen/Town Manager Act and other applicable laws, the Board must approve the Town Manager's appointments to: Board of Health, Commission on Disability, Conservation Commission, Council on Aging, Historical Commission, Recreation Committee, and Youth Commission.

1. Qualifications

Applications for Town Manager appointments shall be submitted to the Town Manager's Office.

2. Process

Individual members of the Board should feel free to suggest names of qualified residents to the Town Manager for the Boards and Committees appointed by him.

As a matter of procedure, appointments by the Town Manager shall be made in the following manner:

- a. The Town Manager shall notify members of the Board well in advance of the vacancy becoming effective, or term of appointment expiration.
- b. The Town Manager will publicize annual appointments and the filling of vacancies in the same manner to be followed by the Board in its appointment procedures. (see Section A.3 above)
- c. The Town Manager will submit nominees to the Board no later than one week prior to the regular Board meeting at which the Manager will seek Board approval.

Subsequent to step c, the Board will have on the agenda at a following Board meeting the matter of the appointment to be approved by the Board. In general, appointments will be acted upon only when all members of the Board are present. Approval will be by majority of the Board.

Annual appointments shall take place no later than the expiration of a term.

Appointments to fill an unexpired term should take place no later than six weeks after the Town Manager has been formally notified by the Town Clerk that a vacancy exists.

VII. RESIGNATIONS

Under statute, all resignations of Town Officers, Board and Committee members must be in writing and filed in the Town Clerk's office. In addition, the written resignation shall also be sent to the appointing authority.

VIII. RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS

The Select Board is aware that coordination and cooperation is needed among the Town's major boards, committees and commissions, not only in the day-to-day operations of government, but also to: 1.) set town-wide goals and priorities; 2.) identify and anticipate major problems and plan for their resolution; 3.) develop a process for dealing with state government.

Therefore, as the executive board historically responsible for the over-all leadership and coordination of town affairs, the Select Board will:

Cultivate an atmosphere of mutual respect for each others' responsibilities and authority.

Meet with the chairs of boards and committees to carry out functions 1-3 listed above.

Schedule meetings of the Select Board, finance committees and school committee with Lexington's State Legislators to discuss legislative issues which affect Lexington.

The Chair of the Select Board, in consultation with all members, shall appoint members of the Select Board to act in the liaison role defined above.

The Board member assigned to a liaison function shall keep the Select Board advised of significant developments and activities.

A. Appearance at Regular Board Meetings

Boards, committees and commissions of the Town may request an appointment with the Board by making the request in writing to the Executive Clerk of the Select Board, stating precisely the reason for the appointment and the action desired. Boards, committees and commissions are requested to forward a copy of all pertinent material related to the subject matter to be discussed to the office of the Select Board, by Wednesday 12:00 Noon prior to the scheduled appointment. The Executive Clerk of the Board will notify those requesting an appointment of the time at which their appearance will be scheduled.

IX. RELATIONS

A. Relations with the Public

The Board recognizes that it both represents and is accountable to all the residents of the Town. It is the Board's policy to make every effort to strengthen communications with the public. Measures will be instituted to increase resident participation, encourage public input into governmental decisions, and keep the public informed of all actions contemplated or taken by the Board, the Town Meeting, and the Town Manager which will affect them. To this end, the following steps will be taken:

- Regular Board meetings shall contain an agenda item that allows the public to bring issues to the attention of the Board.
- An individual or group may request an appointment before the Board by making a request in writing to the Executive Clerk of the Board stating precisely the reason for the appearance and the action desired and naming a spokesperson for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesperson to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible so that all parties involved can have a reasonable understanding of the subject matter.
- Persons who will be affected by proposed Board discussion and/or action will be notified by the Executive Clerk of the date and time of the meeting at which the matter will be discussed or acted upon by the Board.
- If the Board is considering matters of public concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chair or upon request of any member of the Board.
- All questions and complaints are to be answered promptly. Questions and concerns relating solely to the Select Board Office shall be answered promptly by the Chair or at the direction of the Chair, the Executive Clerk. Those needing attention from the Board should be referred to the Chair for inclusion in the next meeting agenda
- All other questions and complaints will be referred to the Manager's office for action or recommendations.

B. Relations with Town Manager

The Selectmen-Town Manager Act governs the relationship between the Select Board and Town Manager. Board members should be familiar with and abide by the terms of the Act.

The primary role of the Select Board is to set policy. The Town Manager is responsible for

implementing that policy. The Select Board will leave to the Town Manager all the powers and duties as outlined in the Selectmen-Town Manager Act.

The Town Manager will provide to the Select Board all information, facts and reports necessary to establish or modify policies. At any time, the manager may request guidance on matters of operation from the Board.

As a matter of courtesy, individual Board members should speak with the Town Manager in private about any concerns or questions the members intend to raise publicly, and the Town Manager should schedule a time to discuss Board member concerns or questions within a reasonable time of a Board member request.

C. Relations with Staff

The Selectmen-Town Manager Act vests in the Town Manager direction, supervision, and evaluation of members of staff. Board members must respect this allocation and work through the Town Manager when information requests result in follow-up action by staff. Board members may ask staff questions through the Manager or directly when authorized by the Manager. If the Board seek reports or other work product, they should discuss it with the Manager before contacting staff.

If Board members wish to take issue with a staff member's conduct or work product, they will do so privately with the Town Manager, not directly with the staff.

X. EMPLOYEE GRIEVANCES

These are to be handled as delineated in the Town's Personnel Policies and Procedures. Under the Selectmen-Town Manager Act, the personnel practices are formulated by the Town Manager with the approval of the Board. If employee grievances are brought to the attention of a Board member, it shall be Board policy to proceed as follows:

- Board Members will not intercede or interfere with the process. The employee will be shown the administrative process to be followed.
- A meeting with the Board may be requested by any employee through the Board's Executive Clerk; the Board may defer such meeting until the administrative process has been exhausted.

XI. HEARINGS BEFORE THE BOARD

Hearings before the Select Board generally shall be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedures for conducting hearings are hereinafter outlined:

A. Agenda

Upon receipt of a request for a hearing, the hearing will be normally included in the agenda for a regular meeting.

B. Notice

The Executive Clerk will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chair in the absence of statutory requirements. Abutters shall be broadly defined to include a reasonable circle of neighbors who may be affected by actions of the Board.

C. Procedures

Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.

The Chair will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chair will outline the procedure to be followed.

The order of presentation will be:

- Statements by proponents
- Receipt of recommendations from any Town agency, officer, or elected official.
- Statements by opponents
- Rebuttal statements by proponents and opponents
- Public comment

Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted from members of the Board.

The Board may permit persons to provide written comment.

At the conclusion of the hearing, the Board may render its decision or take the matter under advisement, announcing the intended date of the decision.

D. Utility Hearings

When a petition is filed by a utility company seeking permission to erect or construct a line or take any other action for which a public hearing is required by statute, the Department of Public Works, acting through its Engineering Division, will mail a notice on behalf of the Select Board notifying all owners of real estate abutting that part of the way upon, along, across or under which the line is to be constructed of the time and place of the hearing. It is the policy of the Board to expand notification to a reasonable area beyond immediate abutters. The notice shall be mailed at least seven days before the date of the hearing. The Chair of the Select Board may determine that notice should be sent to an expanded group of residents if it is determined that there are broader neighborhood considerations involved.

- The Chair will open the hearing at the announced time.
- Recognize representative of the utility company.
- Read recommendations from Director, DPW/Engineering.
- Take questions from the Select Board.
- Take questions from the public.
- Ask if anyone else is present in favor or in opposition:
- If opposition, take additional, if any, questions from the public.
- If opposition, take additional questions from the Select Board.
- Close hearing.
- Render decision or set date for a decision.

XII. LICENSES AND PERMITS

A. Scheduling

The Select Board's Executive Clerk will schedule licenses and permits. The Select Board issues the following licenses and permits: Alcoholic Beverages, Auctioneer, Automatic Amusement Devices (Video Games), Use of Battle Green, Beano, Common Victualler, Common Carrier, Entertainment, Fortune Telling, Garage/Yard Sale, Gasoline Storage, Innkeeper/Lodging House, Limousine, Parade, Sale of Second-Hand Motor Vehicles (Class I, II and III), Taxi/Hackney and Theatre.

B. Applications

Applications for licenses and permits will be available in the Select Board Office.

C. Processing

Upon payment of the appropriate fees, the Select Board Office will be responsible for processing all applications.

D. Attendance

In the interest of all concerned, it is recommended that persons requesting licenses or permits be in attendance at the Board meeting when the request is reviewed. The Board's Executive Clerk will notify all interested parties of the date and time of such review.

XIII. SPECIAL MUNICIPAL EMPLOYEES

Special municipal employee status under the Conflict of Interest Law, G.L. Ch. 268A, may be assigned to part-time or unpaid town officials by a vote of the Select Board. The Board vote applies to the position held by an individual or individuals and not to a specific individual. A position designated by the Board as having “special” status remains such unless the designation is rescinded by a majority vote of the Board. Certain sections of the Conflict of Interest Law apply less restrictively to those holding positions designated as “special” for Conflict of Interest purposes. See Appendix C for a definition of a Special Municipal Employee and a list of the positions currently listed as “Special Municipal Employees”.

XIV. WARRANTS

The Select Board has the statutory responsibility for calling town meetings and preparing, publishing, and distributing the warrant for them. The Board governs what appears in the warrant, as well as the order of the articles.

They insert articles on their own motion and, by tradition, all those submitted by official boards, committees and commissions. Under Massachusetts's law they must insert articles upon the written request of a specified minimum number of registered voters of the town filed by the warrant closing date (ten registered voters for an Annual Town Meeting and 100 registered voters for a Special Town Meeting).

A. Annual

Late November, early December the Board votes to call the Annual Town Meeting, stipulating the time and place of the meeting and the day the warrant will be closed for the submission of articles.

During January, the Chair of the Select Board, or their designee and the Town Counsel, Town Moderator, Town Manager and the Board's Executive Clerk meet to establish the preliminary order of the articles, taking into account subject matter and efficient utilization of staff. The wording of articles is also reviewed.

Town Counsel reviews the final wording of articles submitted by the Select Board and official boards, committees and commissions in consultation with the Moderator.

By law, citizen (????) articles must be worded exactly as submitted. Residents are encouraged to have the Moderator and Town Counsel review the language prior to obtaining signatures. Town Counsel may be contacted through the Board's Office.

B. Special

The Select Board may call a Special Town Meeting at any time, but must call one on petition of 200 registered voters of the town. Such a meeting must be held not later than 45 days after the receipt of such a written request. The warrant must include all subjects requested by said petition. When the Board votes to call the Special Town Meeting they stipulate the time and place of the meeting and the warrant closing date.

The process for drafting the warrant follows that outlined above in Section A, Annual Town Meeting.

C. State and Federal Elections

Wording for state and federal elections generally comes from the state. The Town Clerk's office shall provide the Select Board with a draft warrant. The Select Board Office shall prepare the warrant for Board signature and mail the warrant.

Procedures adopted on October 11, 1978.

Selectmen's Expense Section of Procedures Adopted November 13, 1978. Procedures revised October 2005. Approved by Selectmen on October 24, 2005

Updated by Select Board on August 8, 2023

POLICIES VOTED BY THE SELECT BOARD

REGULATIONS VOTED BY THE SELECT BOARD

APPENDIX A - CONFLICT OF INTEREST

APPENDIX B - POLICY FORM

APPENDIX C - SPECIAL MUNICIPAL EMPLOYEES