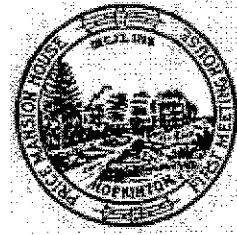


TOWN OF HOPKINTON BOARD OF SELECTMEN RULES OF PROCEDURE



Approved on October 14, 2009

SECTION 1: INTRODUCTION

The Hopkinton Board of Selectmen, hereinafter referred to as "The Board" consists of five members each of whom is elected at large for a three year term on a staggered basis. The Board, which is not paid, is supported by full time staff located at Town Hall, 18 Main Street, Hopkinton, Massachusetts. The office is open to the public Monday through Friday, except holidays, from 8:00 a.m. to 4:30 p.m.

These Rules of Procedure shall govern the operation of meetings and business before the Board in carrying out its duties and responsibilities as assigned to it by the Town's Home Rule Charter, the Town's Bylaws and the Massachusetts General Laws.

The Board Rules of Procedure is intended to provide a source of ready reference to interested citizens; to assure the orderly conduct of business at meetings of the Board of Selectmen, to provide the most efficient use of Board and staff's time, to facilitate the decision making process of the Board, and to assure everyone's right to participate and be heard.

These Rules of Procedure shall not confer any additional rights upon individual Board members, anyone attending meetings of the Board of Selectmen or anyone with business before the Board of Selectmen. Failure to adhere to these Rules of Procedure shall not invalidate any actions taken by the Board of Selectmen.

Should any provisions contained in this document conflict with the provisions of Chapter 39, Sections 23A, 23B, and 23C, of the Massachusetts General Laws (commonly referred to as the Open Meeting Law), or any other provisions of the Massachusetts General Laws, those aforesaid chapters and laws shall govern.

Recognizing that stewardship of the public interest must be their primary concern, Select Board members will work for the common good of the residents of Hopkinton and not for any private or personal interest, and they will assure fair and equal treatment of all persons and transactions coming before the Board.

SECTION 2: POWERS AND DUTIES

As extracted from the Town of Hopkinton Massachusetts Home Rule Charter, Section 3-2, paragraph b:

Powers and Duties – The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the Town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise, except those powers and duties assigned by this Charter, by bylaw or by other Town Meeting vote to the Town Manager. The Board of Selectmen:

1. Shall serve as the chief policy making agency of the Town

2. Shall be responsible for the formulation and promulgation of policy to be followed by all Town Agencies serving under it
3. Shall, in conjunction with other elected Town officers and multiple member bodies, develop and promulgate policy guidelines designed to bring all Town Agencies into harmony.

Nothing in this section shall be construed to authorize any member of the Board of Selectmen, not a majority of such members, to become involved in the day-to-day administration of any Town Agency.

SECTION 3: OFFICERS

- 1) The Board shall elect from its own membership, a Chair and a Vice Chair. Such election shall take place annually at the first regular meeting in which all five members are present, following the Town Election/Town Meeting.
- 2) The Chair, or in his/her absence, the Vice Chair, shall preside at meetings of the Board, and shall, subject to these rules, decide all points of procedure, unless over-ruled by the majority of the Board in session at the time. The Chair shall act as liaison between the Board and the Town Manager.
- 3) In the absence of the Chair, the duties of the Chair shall be performed by the Vice Chair.
- 4) A Board member may serve as Chair or Vice Chair for two (2) consecutive years, after which she/he shall not be eligible to be nominated for the same position until one year has passed. However, a majority vote of the Board can waive this provision.
- 5) At its first regular meeting after the resignation of the Chair or Vice Chair, the Board of Selectmen shall elect a member to fill the vacancy. The Board, by a majority vote, may declare the position of Chair or Vice Chair vacant. Such vacancy shall be filled in the manner provided for filling vacancies caused by resignations from that position.
- 6) Chair: Duties and Powers
 - a) The Chair shall preside at meetings and work with the town manager to establish the agenda, call emergency meetings and represent the Board in all matters unless other specific provision is established through a majority vote of the full board. In addition to responsibilities identified elsewhere in this document, the Chair shall make oral or written statements and agreements on behalf of the Board, as authorized by and within the limits of a vote, decision, or Board policy.

- b) The Chair, with the concurrence of a majority of the Board, shall have the power to appoint Board members to standing and special committees. The Chair may vote on all matters coming before the Board and may participate in debate.
- c) Working through Town Manager's Office staff, the Chair shall be responsible for: the preparation of all reports and correspondence; ensuring that minutes of each meeting are taken and prepared;

7) Vice Chair: Duties and Powers

- a) The Vice Chair shall carryout the duties and function of the Chair in his/her absence, and provide an orientation of the Board of Selectmen's functions to new members.
- b) Such other duties as deemed necessary or delegated by the Chair.

SECTION 4: MEETINGS

- 1) **General.** All meetings of the Board of Selectmen shall be conducted in accordance with Chapter 39, Section 23A, of the Massachusetts General Laws (Open Meeting Law).
 - 2) **Regular Meetings.** The Board of Selectmen and the Town Manager shall meet in Town Hall on the first and third Tuesday evenings of each month and at such other times as the Board may decide. Unless it is executive session, every meeting of the Board of Selectmen shall be open to the public and to the press.
 - 3) **Special Meetings.** Special meetings of the Board may be called by the Chair with the concurrence of a majority of the remaining members of the Board; however, the required statutory forty-eight hours public notice of such a meeting may not be waived unless specifically provided for by the Massachusetts Generals Laws.
 - 4) **Emergency Meetings.**
 - a) The Chair may call an emergency meeting of the Board in the event of a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.
 - b) Matters acted upon by the Board at emergency meetings shall become agenda items at the next regular meeting of the Board for the purpose of ratifying decisions rendered at emergency meetings.
 - c) Authority to act upon routine Board matters necessary for timely dispatch may be delegated to the Chair. Actions taken under the provisions of this subsection shall be ratified at the next regular meeting of the Board.
 - 5) **Executive Sessions.**
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- a) Executive session of the Board shall be conducted in strict accordance with Chapter 39, Section 23A, of the Massachusetts General Laws.
- b) Any member of the Board may make a motion to allow the Board to convene in Executive Session. However, the motion shall be made while in open session, and clearly state the purpose for executive session deliberations.
- c) A roll call vote shall be taken on all motions, which call for Executive Sessions, and such a roll call vote shall be duly recorded in the minutes of the open session at which the motion was acted upon.

7) Meeting Notice.

- a) Except in the case of an emergency meeting called pursuant to Section 4. Subsection 4 (above), a written notice of all scheduled meetings of the Board shall be filed with the Town Clerk at least forty-eight hours in advance of the meeting for posting on the official Town bulletin board.
- b) Copies of the meeting notices shall be made available to members of the media and the general public.

8) Public Participation During Meetings

- a) In accordance with the Open Meeting Law, all Board meetings shall be open to the public unless the Board shall vote to go into executive session.
- b) Pursuant to Chapter 39, Section 23C, of the Massachusetts General Laws, no individual shall address a meeting of the Board without leave of the Chair and all individuals shall, at the request of the Chair, conduct themselves in a civil manner. If, after warning from the Chair, an individual persists in disorderly behavior, the Chair may order him/her to withdraw from the meeting, and, if they do not withdraw, the Chair may order a constable, or any other person, to remove him/her and confine him/her in some convenient place until the meeting is adjourned.
- c) The Chair is obligated to open the floor to public comment only when the Board is discussing a matter requiring action or during a Public Hearing.

SECTION 5: AGENDA FOR REGULAR MEETINGS

1) The format for agendas for regular meetings shall be:

- a) Pledge of Allegiance
- b) Consent Agenda
- c) Public Statements/Open Forum/Accomplishments
- d) Public Hearing
- e) Appointments
- f) Requested Agenda Items
- g) Selectmen's Statements/Board Reports
- h) Correspondence
- i) Requests for future agenda items
- j) Town Manager's Report

Note: *The Board grants discretion to the Chair in setting the order of the "requested Agenda Items", such that public requests always precede staff requests, but exceptions may be made when the staff requests require immediate attention to meet statutory time requirements or minimal time.*

- 2) The agenda of a public meeting of the Board of Selectmen shall provide for statements by members of the public no later than the third item on the agenda.
- 3) Items requested for placement on the meeting agendas, other than from Board Members, shall be in writing, stating the subject matter, individuals expected to be present, and a concise statement as to the essence of the subject matter, in order to permit the Members of the Board an opportunity to review the statements prior to the meeting.
- 4) Agenda items may be received until 12:00 Noon of the Wednesday preceding the scheduled regular meeting.
- 5) Agenda items received after Noon on the Wednesday preceding the scheduled regular meeting, may, within time constraints and at the discretion of the Chair, be included under the appropriate agenda item, or scheduled at the next succeeding regular meeting, as appropriate.
- 6) Agendas for a regular scheduled meeting shall be posted and available to the general public and media no later than 5:00 P.M. each Friday preceding the meeting whenever possible.

- 7) Agendas for special and emergency meetings may be modified by the Chair to conform to the purpose(s) for which such meetings are called.
- a) The agenda shall be delivered to each member not later than the Friday preceding the regular Tuesday meeting. It shall indicate the subjects to be discussed and the parties interested. The Chair may deviate from the agenda with the concurrence of a majority of the Board members, the Chair included, in attendance.
 - b) Proponents requesting public hearings or meetings before the Board shall make an appointment with the Staff in the Town Manager's Office prior to submission of applications. A completed application and all required documentation, as outlined in the relevant Board Regulations shall be submitted to the Board, through the Staff prior to meeting with the Board.

8) Attendance of Meetings

- a) Any member who misses more than three (3) consecutive meetings, or is unable to attend more than 75% of the meetings, should consider resigning from the Board.
- b) Board Members shall come to a meeting prepared to review or to make informed decisions on matters before the Board. In order to assist members, Town Manager's Office staff will make the records available. Staff shall prepare and make available an agenda to each member of the Board, together with appropriate explanatory notes and copies of correspondence and/or other material relevant to the agenda on the Friday preceding the meeting, if available.
- c) To assist the Board in focusing on the business at hand, Board members shall refrain from interrupting other speakers, making personal comments not germane to the business of the Board, conferring privately or otherwise interfering with the orderly conduct of the meetings.
- d) Board members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

SECTION 6: PROCEDURES DURING MEETINGS

- 1) Proceedings during meetings shall normally be governed by Roberts Rules of Order except as revised by these procedures.
- 2) When deemed necessary and appropriate, the Chair may offer a motion, or second a motion.
- 3) No person shall address a public meeting of the Board without permission of the Chair or other designated presiding officer.
- 4) Items, which appear on the meeting agenda, shall be considered as properly before the Board of Selectmen without benefit of a specific motion to that effect. However, any Member of the Board may reserve the right to move that an agenda item be stricken from the agenda. Such a motion, if made, shall be subject to the actions of the other Members of the Board as would be appropriate to action on routine motions.
- 5) The Board of Selectmen may respond to speakers under public statements providing a majority of the board members present vote to do so. The board may take action on issues brought before the board if it is of a nature not deemed to require being placed on a subsequent agenda.
- 6) Each public speaker is limited to two (2) minutes speaking time when not speaking to specific agenda items. Members of the public speaking to specific agenda items as a representative of a committee, group or participant in a public hearing, will be granted the opportunity to speak for a longer period of time at the discretion of the Chair. All time limits will be enforced at the discretion of the Chair, and may be overridden by the vote of the majority of the Board.
- 7) Public Participation during Meetings.

The Open Meeting Law, Chapter 39, Section 23C, of the Massachusetts General Laws, provides the following language:

No person shall address a meeting of a public body without permission of the Chair, and all persons shall, at the request of the Chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the Chair, a person continues to disrupt the proceedings, the Chair may order the person to withdraw from the meeting and if the person does not withdraw, the Chair may authorize a constable or other officer to remove the person from the meeting.

- 8) Appointments with the Board of Selectmen.
 - a) Citizens wishing to meet with the full Board of Selectmen at a regular scheduled meeting may do so. However, it is the policy of the Board that the Town Manager's Office shall request sufficient information and work with citizens and interested groups when possible.

If a meeting is deemed necessary by the Town Manager and/or the Town Manager's Office Staff, as appropriate, in consultation with the Chair, the following procedure (i) shall be applicable:

- i) Persons requesting such a meeting shall contact the Town Manager's Office during regular office hours as far in advance as possible but not later than the Wednesday noon prior to the regularly scheduled Board of Selectmen meeting which they wish to attend. Requests received after that time shall be scheduled for subsequent meetings unless referral of such meeting is not in the best interests of the Town.
- b) Persons appearing at the Board of Selectmen Meeting without an appointment who wish to bring a matter before the Board may be given time, at the discretion of the Board.
- c) The Town Manager's Office Staff shall have the authority and responsibility to obtain such information as he or she deems necessary to provide the Board with and his or her understanding of the subject to be discussed.

SECTION 7: PUBLIC HEARING PROCEDURES

1) Scheduling Public Hearings

- a) Public hearings will be called for:
 - i) Street acceptances;
 - ii) Public Shade Act Tree Hearings;
 - iii) License Applications;
 - iv) Public hearings mandated by Town Charter and Massachusetts General; or
 - v) Request for a Dog complaint Hearing;
 - vi) Any action for which the Board of Selectmen determines a public hearing will be useful.
- b) Notice of hearings shall be advertised as required by the applicable provisions of the Massachusetts General Laws. A copy of the Notice shall be sent by mail, in a timely manner prior to the date of the hearing, postage prepaid, to the Applicant or Petitioner, to "parties of interest" as defined in applicable provisions of the Massachusetts General Laws and as they appear on the most recent tax list.
- c) All expenses associated with any public hearing which the Board is required to hold by law, shall be borne by the applicant.

- d) The Town Manager's office staff shall provide information about the public hearing notification process to any applicant or citizen requesting same.

2) Site Inspections For Public Hearings

- a) All Board members and Town Manager's office staff are expected to review all of the sites prior to the meeting.
- a) All site visits that are scheduled and required as part of the public hearing shall meet the Open Meeting Law requirements.

Preliminary Procedures

- 1) Principal speakers must identify themselves to the Chair prior to the start of the hearing.

Hearing Procedures

- 1) The Chair will open the hearing by identifying the purpose of the hearing, reading the hearing notice aloud, and explaining the rules to be followed during the hearing.
- 2) If testimony at the hearing must be given under oath, a five-minute recess will be taken to permit speakers to register with the Secretary to the Board. When the hearing is reconvened, the Chair will render the oath in front of all present.

Basic Hearing Format

- Arguments: Proponents
- Questions: Board of Selectmen
- Questions: Public
- Arguments: Opponents
- Questions: Board of Selectmen
- Questions: Public
- Rebuttal: Proponents
- Rebuttal: Opponents
- Closed to Public
- Board Deliberation
- Vote

- 1) No questions will be permitted until after the speaker has finished his/her presentation.
- 2) Questions will be accepted first from the Board Members and then from the public. All public questions will be addressed through the Chair. Questioners will identify themselves to the Chair, state their question, and specify to whom it is addressed. Any disagreement with answers is restricted to rebuttal statements.
- 3) At the completion of arguments, citizens may record themselves in agreement with the speaking side without making another presentation. (This provision is designed to reduce repetition.)

SECTION 8: MINUTES OF MEETINGS

- 1) The proceedings of all Board meetings shall be recorded. Tape recordings or videotape may not be used as a permanent record of meetings. Written minutes must be prepared as outlined in Section 7:2). Board approved minutes will be made available for inspection and copying upon request.
- 2) Written minutes of Board meetings shall be prepared in an abbreviated form; however, as a minimum, the written minutes shall record time and date of meetings, names of Board Members present and voting, names of Town personnel attending, and names of Members of other Town Boards, Committees and Commissions attending the meeting.
- 3) The record of exact motions made and votes taken shall be included in the written minutes. Written minutes shall not include verbatim or otherwise lengthy record of discussion on agenda items.
- 4) Written minutes shall be prepared as expeditiously as possible to allow the Board to act upon them at a subsequent regular meeting. Following the Board's approval, the written minutes shall be filed with the Town Clerk and become a permanent and official record of meetings.
- 5) Executive Session minutes will be written by the Clerk or Town Manager if requested. Minutes are to include motions made, actions taken thereon and a record of the roll call vote(s).
- 6) Minutes of Executive Sessions shall remain in the permanent possession of the Town Manager's Office /Secretary to the Board, in a secure place, and shall not be released unless authorized by a majority vote of the Board taken in open session, or upon an order issued by a court of law.

SECTION 9: PUBLIC RECORDS

1) Minutes and Agenda.

- a) The Board of Selectmen Regular Meeting, Public Hearing and Special Meeting Minutes and Agendas are kept in the Town Manager's Office, Town Clerk's office, and are located on the Town's official web-site (www.hopkinton.org).

2) Memoranda.

- a) Memoranda sent to the Board of Selectmen from the Town Manager Staff are kept in books at the Town Manager's Office. These memoranda are not considered a public record prior to discussion of the material contained therein at a Regular Board of Selectmen Meeting. After discussion by the Board of Selectmen, the memoranda become a public record unless the material is withheld for further consideration or revision.
- b) All other information on file at the Town Manager's Office is public record with the exception of personnel files and private notebooks or diaries.

3) Public Access.

- a) The Public Records of the Board of Selectmen are available for inspection during regular business hours.
- b) The Town Manager's Office is authorized to charge persons wishing to have copies of records an amount not to exceed the actual cost of the copy.
- c) The Town Manager's Office is authorized to charge persons requesting public records, or copies thereof, the cost of staff time in excess of 20 minutes at a rate of time at half hourly salary. Such monies shall be turned over to the Town Treasurer.

SECTION 10: FEES

1) Applicability

- a) The Board of Selectmen shall impose reasonable fees for the review of applications which come before it. The Board of Selectmen may impose Administrative Fees and Project / Application Review Fees as may be applicable. An Administrative Fee shall be assessed to offset the expense of review by the Board of Selectmen and its office with regard to all applications and shall be submitted to the Town Collector's Office at the time of the submittal of the application. In addition to an Administrative Fee, the Board of Selectmen shall impose a Project Review Fee on those applications which require, in

the judgment of the Board of Selectmen, review by outside consultants due to the size, scale or complexity of the project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval.

2) Fee Waiver

- a) The Board of Selectmen may waive or reduce any Administrative Fee, if in the opinion of the Board; unusual circumstances exist regarding the subject property or the Applicant.

2 Refund

- a) Once the review process has been commenced, the Board of Selectmen shall not refund Administrative Fees, including withdrawal of the application by the Applicant.

4) Schedule of Fees

- a) The Board of Selectmen may review and revise its regulations and fee schedule, from time to time, as it sees fit. Any new fee or amendment/alteration to the fee schedule shall be preceded by a public meeting and shall take effect upon filing a copy of the new or amended fee schedule with the Town Clerk.

SECTION 11: CONFLICT OF INTEREST

Board members are governed by statutory laws and shall conduct themselves in accordance with Conflict of Interest and Ethics Laws and Guidelines when dealing with the Board, applicants, and other Town Boards.

SECTION 12: INTERFACE WITH OTHER TOWN BOARDS

It is the policy of the Board of Selectmen to inform other Town agencies of Board of Selectmen policies and projects. This shall be done by exchange of minutes and informational memoranda; and by participation at periodic Interdepartmental or Joint Boards Meetings.

SECTION 13: INDEPENDENCE OF BOARD

Because of the value of independent advice of the Board to the policy and public decision-making process, members of the Board shall refrain from using their position to unduly influence the deliberations or outcomes of the Board proceedings.

SECTION 14: POSITIVE WORK ENVIRONMENT

Members shall support the maintenance of a positive and constructive work place environment for Town Manager's Office Staff and for residents and applicants dealing with the Board. Members shall recognize their special role in dealings with Town Manager's Office Staff to in no way create the perception of inappropriate direction to staff. Except as provided by the Town Charter, members therefore shall not interfere with the professional duties of staff nor shall they impair the ability of staff to implement Board policy decisions.

SECTION 15: USE OF PUBLIC RESOURCES

Board Members shall not use public resources unavailable to the public in general, such as staff time, equipment, supplies or facilities, for private or personal purposes.

SECTION 16: SUSPENSION OF PROCEDURES

These standing procedures may be suspended by an affirmative majority vote of the Board Members present and voting.

SECTION 17: RECONSIDERATION OF VOTES

Any vote taken may be reconsidered without limitations to time, given upon a proper motion before the Board and a favorable majority vote of the members present and voting, providing that the Selectman making the reconsideration motion voted in the majority on the original motion.

SECTION 18: REVIEW OF STANDING PROCEDURE

These standing procedures shall be reviewed annually, following the normal reorganization of each new Board of Selectmen, or, more often if necessary and dictated by changes in the Board's composition if occurring prior to the normal election process.

SECTION 19: AMENDMENTS TO STANDING PROCEDURES

- 1) These standing procedures may be amended by a majority vote of the members present and voting at a regular meeting provided, however, that the proposed amendment has been submitted to the Board of Selectmen's secretary and the Board of Selectmen in writing at least one week prior to the date the amendment is to be voted upon.
- 2) An amendment shall be construed to mean any addition of a new procedure or deletion or modification of an existing procedure.

SECTION 20: ROLE OF THE BOARD OF SELECTMEN

1. A MEMBER OF THE BOARD, IN RELATION TO HIS OR HER COMMUNITY SHOULD:

- a. Realize that his or her basic function is to make policy, with day-to-day management of the town delegated to the Town Manager;
- b. Realize that he or she is one of a team and should abide by and carry out, all Board decisions once they are made;
- c. Be well informed concerning the duties of a Board member at both local and state levels;
- d. Remember that he or she represents the entire community at all times;
- e. Accept the office as a means of unselfish service, not a means to benefit personally or politically from his or her Board activities;
- f. In all appointments, avoid political patronage by judging all candidates on merit, experience and qualifications only; and
- g. Abide by the ethics established by the State and not use the position to obtain inside information on matters, which may benefit someone personally.

2. A MEMBER OF THE BOARD, IN RELATIONS WITH TOWN MANAGER SHOULD:

- a. Endeavour to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community;
- b. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration; and

- c. Give the Town Manager full responsibility for discharging his or her disposition and solution.

3. A MEMBER OF THE BOARD, IN HIS OR HER RELATIONS WITH FELLOW BOARD MEMBERS, SHOULD:

- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings;
- b. Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting;
- c. Uphold the intent of executive session and respect the privileged communication that exists in executive session;
- d. Make decisions only after all facts on a question have been presented and discussed;
and
- e. Treat with respect the rights of all members of the Board despite differences of opinion.

SECTION 21: EFFECTIVE DATE

These standing procedures are effective October 14, 2009.

SECTION 22: DISTRIBUTION

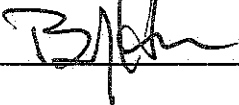
A copy of these procedures will be provided to each newly elected Selectman.

An electronic copy of these procedures will be made accessible to the public through a link on the official website of the Board of Selectmen.

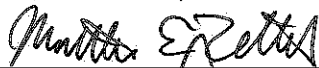
Members of the public may obtain a hardcopy of these procedures by request through the Office of the Town Manager, for payment of a reasonable fee.

The Honorable Board of Selectmen

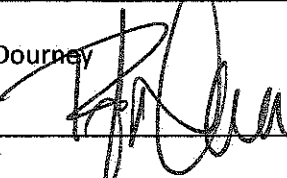
Brian J. Herr, Chair



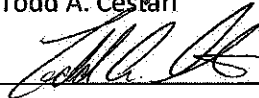
Matthew E. Zettek, Vice-Chair



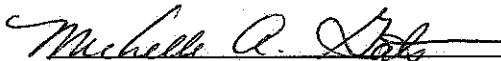
RJ Dourney



Todd A. Cestari



Michelle A. Gates



October 14, 2009