



TOWN OF WAREHAM COMMITTEE MEMBER HANDBOOK

This handbook has been prepared for use by appointed and elected committees involved in Town Government. It provides information concerning legal obligations, procedural matters, and advice for the effective operation of these groups. It is a general guide, and more specific requirements may apply to each appointment.

Town of Wareham
Select Board
<https://www.wareham.ma.us/select-board>
bos@wareham.ma.us
Wareham Town Hall
54 Marion Road
Wareham MA 02571



**TOWN OF WAREHAM
OFFICE OF THE SELECT BOARD**

54 Marion Road
Wareham, MA 02571

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PURPOSE AND GOALS

This handbook is intended to serve as a guide for the successful operation of the Town's many boards, committees, councils, commissions and authorities hereinafter referred to as "committees." It will provide an overview of the procedures and requirements of Town committees as recommended by the Select Board and required by the Town's By-Laws and Town Charter, in addition to State Laws and Statutes, such as the Open Meeting Law, Public Records Law and Conflict of Interest Law.

Attached to this handbook are several appendices with information regarding applicable State Laws, Town Policies and sample documents.

Standing committees, as established by the Charter and/or By-Laws, are expected to conduct themselves within the goals and purposes set forth by the Charter and By-Laws of the Town of Wareham and abide by Federal and State laws.

GENERAL INFORMATION

1.1 TYPES OF COMMITTEES

There are several types of committees, and depending on the purpose and/or function of the committee and local and state laws establishing the committee, it may be called a board, committee, council, commission or authority.

There are two types of appointed committees involved in the Town of Wareham Government; Permanent Committees– Those established by Town Charter, Town By-Law, vote of Town Meeting or State Statute. These committees are assigned specific responsibilities for certain functions within the Town.

Ad Hoc or Study Committees – These committees are established by Town Meeting vote or by a vote of a permanent body to study specific problems or opportunities facing the Town and to report recommendations to the establishing agency.

1.2 COMPOSITION

The composition of most committees is specified by State Statute, Town Charter, the Town By-Laws or Town Meeting vote. An exception is when the appointed body is an ad hoc or study committee in which instance the establishing authority, i.e. Town Meeting or permanent board, shall determine said composition and duration.

1.3 ATTENDANCE

The effectiveness of each committee depends upon the knowledge and dedication of its members and so it is critical that members plan to attend every meeting.



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1.4 APPOINTMENT/REAPPOINTMENT REQUIREMENTS

Committee appointees must be a citizen of the United States, a current resident of Wareham AND be eligible to be, or is registered to vote in the Town of Wareham.

Appointments and reappointments to committees in Wareham are made by one of several elected boards or positions with appointing authority, (hereinafter referred to as the Appointing Authority). The Appointee will receive formal written notification of his or her appointment from the Appointing Authority. New committee members, as well as reappointed members, must appear before the Town Clerk for swearing in to formalize their appointment.

In addition to Town requirements, the following requirements of the Commonwealth of Massachusetts must be fulfilled-

Newly appointed and reappointed members, within 2 weeks of appointment or reappointment, and prior to being sworn in, must submit to the office of the Select Board:

1. Acknowledgment receipt of the MA Summary of the Conflict of Interest Law* (See Section 1.5 Conflict of Interest Law and Ethics and Appendix A.),
2. Completion certificate confirming completion in an online training program offered by the State Ethics Commission** (See Section 1.5 Conflict of Interest Law and Ethics and Appendix A.)
3. Acknowledgment receipt of the MA Attorney General's Open Meeting Law Guide*** (See Section 2.1 The Open Meeting Law and Appendix B.),
4. Acknowledgment receipt confirming the Appointee has received and read the Discriminatory Harassment Policy of the Town of Wareham. (See Appendix G.)

All documents must be received in the office of the Select Board prior to taking the oath of office.

*As of January 2023, the Massachusetts State Ethics Commission requires that ALL committee members annually submit an acknowledgment receipt of the MA Summary of the Conflict of Interest Law for Municipal Employees.

**ALL Committee members must complete State Ethics Training every 2 years.

***A separate acknowledgment form must be submitted for each committee on which the member serves and a new certification(s) must be resubmitted upon reappointment.

1.5 CONFLICT OF INTEREST LAW AND ETHICS (See Appendix A.)

Committee members are deemed to be "municipal employees" under the provisions of the Conflict of Interest Law (MGL c. 268A, §1), and are subject to its requirements. All Municipal employees are required to acknowledge receipt of the State's Summary of the Conflict of Interest Law annually* and complete an online training program offered by the State Ethics Commission every two years** The training program can be accessed at

<http://www.muniprogram.state.ma.us/> and concludes by producing a certificate of compliance.

The summary acknowledgment receipt and completion certificate must be received in the office of the Select Board prior to taking the oath of office.



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*As of January 2023, Massachusetts State Ethics Commission requires that ALL committee members annually submit an acknowledgment receipt of the Summary of the Conflict of Interest Law for Municipal Employees.

**ALL Committee members must complete State Ethics Training every 2 years.

Members are advised to seek guidance before acting on any issue where a conflict may exist or be perceived, and to publically disclose any such conflicts or appearance of conflicts. In some cases a form should be filed with the Town Clerk to formally disclose conflicts.

1.6 REAPPOINTMENT

It is the responsibility of the chair to advise the appointing authority in advance of the expiration of the term of all appointments. The appointing authority may, at its discretion, choose not to reappoint a person to a committee, and shall so inform the person. No one has a right of reappointment.

1.7 RESIGNATION (See Appendix K.)

MGL c.41 §109 requires that all resignations be submitted in writing to the Town Clerk with an original signature. Resignations are not effective until received by the Clerk. A copy of the resignation should be forwarded to the appointing authority, as well as the committee to which the appointment was made, when the individual does not intend to continue to participate.

The Town Charter and Town By-Laws state that appointees who move away from Wareham to another community are no longer eligible to serve on a committee and must submit a letter of resignation within 30 days.

The committee chair must inform the appointing authority and the Town Clerk of any changes to membership as soon as possible.

See Appendix K for a sample resignation letter.

1.8 COMMITTEE OFFICERS

At a minimum, a chair and clerk/secretary should be chosen by vote of the committee. Because public bodies are required to adhere to MA State Laws (the Open Meeting Law, the Public Records Law, the Conflict of Interest and Ethics Law), as well as other laws and legal requirements of specific committees, these two roles work in tandem to ensure that the public body adheres to all.

A record of committee officers must be submitted annually, or when there are any changes in membership, in writing to the Appointing Authority, the Select Board's office and the Town Clerk.

The following is a summary of the responsibilities of each role:



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THE ROLE OF THE CHAIR:

The Chair schedules the meetings.

The Chair creates the meeting agendas.

The Chair ensures that needed materials are available to the members.

The Chair presides over all meetings.

The Chair works closely with the Clerk to follow the Open Meeting Law and Public Records Law.

The Chair promptly makes notification of important changes in membership.

The Chair is responsible for ensuring that all information on the Town website is up to date and accurate.

The Chair creates and submits an Annual Report.

The Chair notifies existing and potential committee members of Open Meeting Law violations.

THE ROLE OF THE CLERK:

The Clerk works closely with the Chair to follow the Open Meeting Law and Public Records Law.

The Clerk will read aloud the official notice of a public hearing whenever a committee convenes for a public hearing.

The Clerk is responsible for recording and transcribing the Committee's minutes. (See Appendix I.)

The Clerk files the minutes that have been approved by majority vote of the committee with the Town Clerk's Office and, ensures the posting of the minutes online.

The Clerk ensures that each member has received information, completed trainings and submitted receipts and certificates as required by law.

The Clerk should be aware of which members are due for renewal each year.

The Clerk ensures that the Annual Report has been filed by the deadline of July 31.

MEETINGS

2.1 THE OPEN MEETING LAW (See Appendix C)

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.

Votes and proceedings in Executive Session may be kept private, as long as privacy will serve the purpose for which the Executive Session was called. When the reason for Executive Session has been satisfied the minutes for Executive Session Meetings must be released. Committees should review all Executive Session minutes periodically and in public session release those no longer private.



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2.2 TIME, PLACE, FREQUENCY

In order to accomplish committee objectives, the committee Chairman shall establish regular meeting times and locations (a regular day and time for the meeting is advisable). By law, meetings must be conducted in a public building, and not scheduled for holidays, election days or Sundays. Committees are responsible for reserving their own meeting rooms.

2.3 USE OF TOWN BUILDINGS

Meetings must be held in public places that are accessible to all members of the public. Public meeting rooms are available for committee use in various Town Buildings, and reservations must be made in advance.

2.4 PUBLIC POSTINGS (See Appendix H.)

By law, public notice of all committee meetings and the meeting agenda must be posted with the Town Clerk a minimum of 48 hours before any meeting (excluding Saturdays, Sundays, and legal holidays). Postings are only accepted during the office hours of the Town Clerk.

Postings may be submitted in printed format to the Town Clerk's office or by email sent to meetings@wareham.ma.us. The Town Clerk's office will send a confirmation of receipt for postings submitted by email.

It is the responsibility of each committee Chair to ensure that posting requirements are satisfied. The Chair should consult with the Town Clerk if in doubt regarding posting requirements. See Appendix H for a sample agenda notice.

2.5 "OFF SITE" MEETINGS

Tours of "Off-Site" facilities for the purposes of obtaining direct information on a certain issue must be posted using the regular process of Meeting Notices and only that issue may be on the agenda.

2.6 QUORUM

Unless otherwise specified by statute, charter or by-law, a quorum is the majority of the number of seats available on a committee. All committees must have a quorum in order to conduct committee business.

2.7 FIRST MEETING OF A NEW COMMITTEE

The first meeting of a newly constituted committee will be called by the chair of the Appointing Authority. At that time it is advisable to review the By-Law Provisions, if applicable, or the charge of the committee so that all members understand the objectives of the committee. Copies of the charge shall be distributed to all committee members by the Appointing Authority, and a copy shall be placed on file with the Town Clerk.



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2.8 MEETING MINUTES (See Appendix I.)

A written record of each committee meeting is required by law and becomes part of the public record. According to the Open Meeting Law, minutes must contain all of the following:

The date, time and place of the meeting, names of members present and absent, all formal votes of the committee and a reasonable summary of discussion. Minutes must also contain a list of any documents relied upon for the discussion. Documents, exhibits and plans used at the meeting become a part of the permanent record of the meeting.

Minutes must be formally approved by a majority vote of the committee in a timely manner, generally considered to be within the next three public body meetings or within 30 days, whichever is later, before being sent to the Town Clerk. The Chair, or the designee, must maintain a copy of all approved minutes for public inspection. Committees which have no formal office space in a Town Building shall forward their minutes as soon as approved and signed to the Town Clerk's office. Minutes can be sent by email to meetings@wareham.ma.us.

2.9 JOINT MEETINGS

Whenever there are joint meetings between two (2) or more committees EACH body must create and post separate Agendas and Meeting Minutes.

COMMUNICATION

3.1 SOCIAL MEDIA (See Appendix E)

It is important to remember that everything posted on Town sponsored social media sites is public record. Committee members must be mindful of the requirements of the Open Meeting Law and the Wareham Select Board's Social Media Policy when participating in social media, in both personal and (where authorized) official capacities.

No committee is authorized use of the Town Seal. MGL c. 268, §35

3.2 EMAIL COMMUNICATION (See Appendix F)

It is important to remember that all email communication regarding committee business is public record. Each committee is assigned a town email address to be used by the chair or designated committee member. Email should never be used as a substitute for public discussion or deliberation on any matter within the committee's jurisdiction as that could be considered a violation of the Open Meeting Law. Email communications on committee business are prohibited except for housekeeping or administrative purposes or distribution of documents or relevant information. Confidential information should never be sent via email. Email received in the course of committee service related to committee matters shall be retained as a public record. (See Appendix B.)



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MISCELLANEOUS

4.1 COMMITTEE RECORDS

All documents concerning a committee's business, e.g. notebooks, schematic drawings, plans, deeds, minutes and postings, documents referred to in discussion, etc., are considered the property of the Town of Wareham and are public records. As such, it is important to make sure the Town Clerk's Office has access to all such documents. (See Appendix B.)

4.2 ACCESS TO TOWN COUNSEL (See Appendix D.)

Access to Town Counsel is governed by Select Board Policy 2023-02. Requests for consultation and/or use of Town Counsel shall be initiated by a vote of the majority of the committee and forwarded to the Select Board for approval and scheduling.

4.3 BUDGET REQUESTS

In general, an individual committee does not have a budget unless one is authorized by Town Meeting at the time of formation.

4.4 PROCUREMENT AND PUBLIC BIDDING REQUIREMENTS

The Town Administrator is the Town's Chief Procurement Officer. Only the Chief Procurement Officer, or such persons as the Chief Procurement Officer may designate in writing, are authorized to issue procurements or make purchases on behalf of the Town. Persons so designated will follow the applicable bidding laws, for example, MGL c. 30B (the "Uniform Procurement Act").

4.5 DISSOLUTION

After dissolution the committee must deliver to the Town Clerk all records for inclusion in the permanent records.

TOWN MEETING

5.1 SUBMISSION (See Appendix J)

The Select Board prepares the warrant for all Town Meetings. Except as provided for by law (e.g. citizen's petition), the Select Board determines which articles may be placed on a Town Meeting warrant, and no committee has a right to have any article included. Proposed articles may be submitted by a committee, acting after a majority vote of its members, with the approval of the Select Board. These proposed articles should be submitted in WORD to the Select Board's office prior to the deadline. Full documentation of the background and reasons for the proposed articles should accompany the article request.

5.2 DEADLINES

Committees which plan to request the placement of an article on the warrant must abide by the deadlines set by the Select Board for submitting warrant articles and motions.



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The requesting committee is responsible for acting so as to allow the Select Board time for adequate review and deliberation on the merits of the proposal. If the Select Board places the requested article on the warrant, the requesting committee must also be prepared to meet with the Finance Committee to explain the article.
Late submissions WILL NOT be accepted.

ANNUAL TOWN REPORTS

6.1 All appointed committees must file an annual report, in WORD, of committee operation which will appear in the Annual Town Report. The report should detail committee membership, including changes, and explain the major accomplishments of the committee over the calendar year and highlight plans for the ensuing year. The report is due to the Select Board's Office no later than July 31, following the completion of the previous fiscal year.

REFERENCES

www.wareham.ma.us/boards
www.wareham.ma.us/town-clerk/pages/town-laws
www.wareham.ma.us/town-clerk/pages/charter
www.wareham.ma.us/minutes-and-agendas
www.wareham.ma.us/human-resources/pages/policies
www.wareham.ma.us/town-clerk/pages/town-meeting-warrants
www.wareham.ma.us/board-selectmen/pages/town-reports
www.mass.gov/the-open-meeting-law
<https://www.mass.gov/regulations/940-CMR-2900-open-meetings>
www.mass.gov/info-details/massachusetts-law-about-freedom-of-information-and-public-records
www.mass.gov/orgs/state-ethics-commission
<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter268A/Section1>
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section109>



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APPENDIX A

**CONFLICT OF INTEREST LAW
AND ETHICS**

**COMMONWEALTH OF MASSACHUSETTS CONFLICT OF INTEREST LAW
and REQUIRED ETHICS TRAINING**

Committee members are deemed to be “municipal employees” under the provisions of the Conflict of Interest Law (MGL. c. 268A, s. 1), and are subject to its requirements. The following is a brief guide, but each committee member must familiarize him/herself with the law’s requirements in full.

A Committee member who believes he/she may have a conflict of interest must file a disclosure form with the Town Clerk to state such conflict and still be able to perform their duties. Such Conflicts can be discussed with Town Counsel prior to filing.

The State Conflict of Interest Law is very complex. It can be summarized as follows: No appointed committee member should do business either directly or indirectly with the Town of Wareham, or act in his or her own self-interest, or that of his or her immediate family or employer.

Each individual shall be responsible for his or her actions in this regard. Any individual having a question concerning his/her own individual position, should request an opinion from Town Counsel or the State Ethics Commission (see below for contact information.)

As stated above, all elected and appointed Committee members are deemed to be Municipal Employees even though uncompensated. All Municipal employees **are required** by State Law to acknowledge receipt of the Summary of the Conflict of Interest Law **annually and complete an online training program** offered by the State Ethics Commission. The training program can be accessed at <https://www.mass.gov/complete-conflict-of-interest-law-education-requirements>. The training must be completed **within 30 days of qualifying for your appointment**. The training program concludes by producing a certificate of compliance. Please file this certificate, either electronically or on paper with the Town Clerk. In addition **all Municipal Employees will be required to renew the training every two years**.

Request Legal Advice on Conflict of Interest Issues from the Commonwealth of Massachusetts- The State Legal Division gives advisory opinions pursuant to MGL. c. 268B, § 3(g) and 930 CMR 3.01.

For more information go to

<https://www.mass.gov/how-to/request-advice-about-how-the-conflict-of-interest-law-applies-to-you>.



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APPENDIX B

PUBLIC RECORDS LAW

(MGL c. 4, §7 (26) and MGL c. 66, §10)

OVERVIEW

(From “A Guide to the Massachusetts Public Records Law” prepared by the Massachusetts Secretary of State)

“The Massachusetts Public Records Law (Public Records Law) and its Regulations provide that each person has a right of access to public information. (MGL c.66, §10(a)) This right of access includes the right to inspect, copy or have a copy of records provided upon the payment of a reasonable fee, if any. (950 CMR 32.07)

The Public Records Law broadly defines “public records” to include “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee” of any Massachusetts government entity.”

All minutes, reports, correspondence, or other documents whether paper or electronic are public records and must be disclosed upon a proper request.

The full Guide to the Public Record Law can be found at
<https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>.



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**TEXT OF THE OPEN MEETING LAW
THE COMMONWEALTH OF MASSACHUSETTS
G.L. c. 30A, §§18-25
<https://www.mass.gov/the-open-meeting-law>**

* * *

This version of the law is current as of April 7, 2015.

*NOTICE: This is NOT the official version of the Massachusetts General Law (MGL). While reasonable efforts have been made to ensure the accuracy and currency of the data provided, do not rely on this information without first checking an official edition of the MGL. * * **

Section 18: [DEFINITIONS]

As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Deliberation”, an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that “deliberation” shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

“Executive session”, any part of a meeting of a public body closed to the public for deliberation of certain matters.

“Intentional violation”, an act or omission by a public body or a member thereof, in knowing violation of the open meeting law.

“Meeting”, a deliberation by a public body with respect to any matter within the body’s jurisdiction; provided, however, “meeting” shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate; (d) a



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meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or

(e) a session of a town meeting convened under section 9 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

“Minutes”, the written report of a meeting created by a public body required by subsection (a) of section 22 and section 5A of chapter 66.

“Open meeting law”, sections 18 to 25, inclusive.

“Post notice”, to display conspicuously the written announcement of a meeting either in hard copy or electronic format.

“Preliminary screening”, the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.

“Public body”, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that “public body” shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

“Quorum”, a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

Section 19. [Division of Open Government; Open Meeting Law Training; Open Meeting Law Advisory Commission; Annual Report]

(a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.



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(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;
- (3) the role of the attorney general in enforcing the open meeting law; and (4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

- (1) the number of open meeting law complaints received by the attorney general;
- (2) the number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) a summary of the determinations of violations made by the attorney general;
- (4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;
- (5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) the number of actions filed in superior court seeking relief from an order of the attorney general; and (7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

Section 20. [Meetings of a Public Body to be Open to the Public; Notice of Meeting; Remote Participation; Recording and Transmission of Meeting; Removal of Persons for Disruption of Proceedings]

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal



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holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website under the procedures established for this purpose and a duplicate copy of the notice shall be filed with the regulations division of the state secretary's office.

The attorney general may prescribe or approve alternative methods of notice where the attorney general determines the alternative methods will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. The authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) A local commission on disability may by majority vote of the commissioners at a regular meeting permit remote participation applicable to a specific meeting or generally to all of the commission's meetings; provided, however, that the commission shall comply with all other requirements of law and regulation.

(f) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any recordings.

(g) 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.



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(h) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated under section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

Section 21. [EXECUTIVE SESSIONS]

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

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

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session; iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

- 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
- 4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
- 5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
- 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;



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7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening; 9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

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

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

- 1. the body has first convened in an open session pursuant to section 21;
- 2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
- 3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- 4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
- 5. accurate records of the executive session shall be maintained pursuant to section 23.

Section 22. [Meeting Minutes; Records]

(a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.



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(b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

(f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such



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minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the nonexempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

Section 23. [Enforcement of Open Meeting Law; Complaints; Hearings; Civil Actions]

(a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.



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(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (c).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

Section 24. [Investigation by Attorney General of Violations of Open Meeting Law]

(a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity



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being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.

(f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

(g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the



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county in which the person served resides or has his usual place of business or in Suffolk county. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

Section 25. [REGULATIONS, LETTER RULINGS, ADVISORY OPINIONS]

(a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.

(b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.



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**SELECT BOARD POLICY STATEMENT
ACCESS TO TOWN COUNSEL**

Number 2023-02

Requests for opinion and/or use of services of town counsel by any town board, committee or commission will first be initiated by a vote of the majority of that body. The chair of that body will then forward such request to the select board, together with the reason for the request, as well as the minutes of the meeting when the vote occurred.

This policy shall not pertain to the select board as it has the right to access counsel either individually or collectively, for select board business.

Private citizens who seek to speak with town counsel generally are not granted access. Access may only be granted to private citizens with the express permission of the chair of the select board.

Requests for the initiation of litigation or in defense of litigation shall require the approval of the select board, or by the chair of the select board, in instances requiring expeditious action by the town.

Written inquiries to and opinions from town counsel by a board, committee or commission, the town administrator or a department head shall be filed with the select board, except in matters involving litigation of prospective litigation, which shall be marked "confidential", and forwarded to the town administrator.

Appointments to meet with town counsel will be scheduled through the office of the select board.

This policy shall not conflict with town officers entrusted to uphold and enforce the Massachusetts General Laws including, but not limited to the health agent, police, animal control officer, planning director, conservation agent, and the building inspector.

This policy shall take effect immediately.

Date adopted: January 3, 2023



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SELECT BOARD POLICY STATEMENT SOCIAL MEDIA POLICY FOR COMMITTEE MEMBERS

Number 2023-06

The Town of Wareham recognizes that members of boards, committees, commissions, councils and authorities (hereinafter referred to as “committees”) have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. That right is balanced against the legitimate concerns of the Town in promoting, accountability, responsible and mature judgment, and the efficiency of the public services it performs through its committee volunteers. This policy establishes guidelines for committee member’s personal use of social media. This policy applies to all committee members (elected and appointed) of the Town of Wareham. Nothing in this policy is designed to interfere with, restrain or prevent communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, Union Activities.)

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the Town of Wareham, as well as any other form of electronic communication.

Members of multi-member committees must be mindful of the requirements of the Massachusetts Open Meeting Law and Conflict of Interest Law when participating in social media, in both personal and, where authorized, official capacities. In addition, carefully read the Town of Wareham Harassment Policy (Appendix G) to ensure your postings are consistent with these laws and policies. Inappropriate postings that may include discriminatory remarks, harassment and threats of violence or similar inappropriate or unlawful conduct will not be tolerated.

Do not use Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

All media inquiries should be directed to the chair of the committee.

Ultimately, individuals are responsible for what they post online. Before creating online, consider some of the risks and rewards that are involved. SO, when posting on social media, please-

Be respectful Be honest and accurate Post only respectful and appropriate content

Adopted by the Select Board March 21, 2023



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SELECT BOARD POLICY STATEMENT EMAIL COMMUNICATION FOR COMMITTEE MEMBERS

Number 2023-07

Email is an expeditious and easy means of communication, but must be used carefully, both to avoid conflicts with the Open Meeting Law and the Public Records Law, and to insure that the public and members of committees can rely on the fact that deliberative discussions will always be held at public meetings. Email communications deprive the public of the chance contemporaneously to monitor a Committee's discussion. Therefore, the Select board has established the following policy, which is meant to augment and emphasize the importance of the laws of the Commonwealth of Massachusetts, especially The Open Meeting Law.

All Email use by the members of any committee of the Town of Wareham will comply with the requirements of the Open Meeting Law.

Email communications by, between, or among Committee members will not address substantive policy issues, decisions or deliberations. Email may not be used to discuss policy issues on an item coming before the committee for discussion, to make decisions, or carry on deliberations

Email communication by, between or among committee members may only be used to schedule meetings and send informative messages. The subject line or first line of the email should state "For information only" or "Do not respond" to avoid any potential violation of the Open Meeting Law.

The Town has established a committee group email address for receipt and sending of all Committee related email. All committee members must use this email address for email related to the Committee and may not create their own email list for Committee related correspondence. The Town will be responsible for retaining copies of these emails in accordance with the Public Records Law (see below). The Town cannot be responsible for retaining or producing any committee email which is sent using other than the group email address

The Town Administrator and/or the appointing authority may, from time to time, monitor email correspondence to insure this policy is followed.

PUBLIC RECORDS APPLICABILITY

The term "public records" is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employees of



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any agency or municipality of the Commonwealth, unless falling within a statutory exemption (MGL c. 4, § 7). Therefore, the Secretary of the Commonwealth advises that the public Records

Law clearly applies to government records generated or received electronically. All electronic mail sent, and all electronic mail received by principal addresses (not received as a “cc”) at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail.



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DISCRIMINATORY HARASSMENT POLICY OF THE TOWN OF WAREHAM

I. Introduction

It is the goal of the Town of Wareham to promote a workplace that is free of discriminatory harassment ("Harassment") of any type, including sexual harassment. Harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, race, color, national origin, ancestry, ethnicity, religion, age, disability, genetic information, gender identity, sexual orientation, military or veteran status, pregnancy and pregnancy related conditions, natural or protective hairstyle or participation in discrimination-complaint-related activities. The Town of Wareham will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance, or that creates an intimidating, hostile, or offensive work environment.

The Town of Wareham prohibits any conduct towards its employees that could be Harassment, to the extent that conduct occurs in the workplace, in connection with work-related travel, and/or at work-sponsored events. Further, the Town of Wareham prohibits retaliation against any individual who reported or complained about Harassment or assisted or cooperated with an investigation of potential Harassment.

Because the Town of Wareham takes allegations of Harassment and retaliation seriously, we will respond promptly to reports and complaints of workplace Harassment or retaliation. Where it is determined that inappropriate conduct has occurred, we will act promptly in a manner that is designed to eliminate the conduct, including corrective and/or disciplinary action as the Town of Wareham determines is appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of Harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment. This means that the Town of Wareham will take responsive action, including corrective or disciplinary action, where there is conduct that could contribute to Harassment in the workplace, without regard to whether the conduct rises to the level of "unlawful harassment."

II. Definitions

Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or



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- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment is prohibited.

The definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to either male or female workers could rise to the level of unlawful harassment and is therefore prohibited.

Hostile Work Environment

The legal definition of harassment other than sexual harassment is conduct based on a legally-protected category that has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or offensive work environment.

For purposes of this policy, "Harassing Conduct" means any conduct, whether verbal or physical, that is sexual in nature or based on a characteristic protected by law, without regard to the welcomeness, severity or pervasiveness of the conduct. In order to maintain an environment free of Harassment, the Town of Wareham prohibits Harassing Conduct in any work-related context. While it is not possible to list all those circumstances that may constitute Harassment, the following are some examples of prohibited conduct; in particular contexts, this conduct could rise to the level of unlawful harassment:

- Display or circulation of written materials or pictures that are sexual or degrading based on a legally-protected category.
- Verbal abuse, slurs, derogatory comments, or insults about a legally-protected category
- Unwelcome sexual advances-whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcoming leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about Harassment, and retaliation against individuals for cooperating with



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an investigation of a report of possible Harassment is prohibited and will be investigated and addressed.

III. Reporting Procedures

All employees, managers, and supervisors of the Town of Wareham share responsibility for avoiding, discouraging and reporting any form of Harassing Conduct and/or Harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town of Wareham's EEO or Civil Rights officer or his/her designee, who will administer the policy and procedures described herein.

If any of our employees have observed or been subject to conduct that could be Harassing Conduct, the employee has the right to file a report with our organization. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to Harassing Conduct or Harassment by a Town employee may file a report with our organization using the procedures described herein. Furthermore, employees may also file a complaint if they have been observed or been subject to Harassing Conduct or Harassment by residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of Harassing Conduct is in the best interest of our organization and is essential to a fair, timely, and thorough investigation. Accordingly, reports should be filed as soon as possible following the incident(s) at issue. If you would like to file a report you may do so by contacting Derek D. Sullivan, Town Administrator, Memorial Town Hall, 54 Marion Road, Wareham, MA 02571, telephone number (508) 291-3100 x 3110 or Dorene M. Allen-England, Esq., Assistant Town Administrator/HR Director, Memorial Town Hall, 54 Marion Road, Wareham, MA 02571, telephone number (508) 291-3100 x 3119. These individuals also are available to discuss any questions or concerns you may have and to provide information to you about our policy on harassment and our complaint process.

IV. Investigation

When we receive a report, we promptly investigate the issues in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will usually include private interviews with the person filing the report and with witnesses whose information would be helpful to a determination of what happened. We will usually interview the person alleged to have violated the policy. Everyone is required to cooperate with all aspects of an investigation. When we have completed our investigation, we will, to the extent appropriate, inform the reporter and the person alleged to have violated the policy of the outcome and, if appropriate, the responsive action, while maintaining privacy as appropriate on the details of specific employee information.



**TOWN OF WAREHAM
OFFICE OF THE SELECT BOARD**

APPENDIX G

54 Marion Road
Wareham, MA 02571

Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior or conduct which may violate this policy, regardless of whether an actual report or complaint is made.

V. Disciplinary Action

If after an investigation, the Town determines that one of our employees has violated this policy, we will take responsive action as we deem appropriate under the circumstances. Such action may range from counseling or training to corrective or disciplinary action, which may include termination from employment.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual or other discriminatory harassment or retaliation, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

The United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street, 10th Floor

Boston, MA 02114

(617) 565-3200

The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place, Room 601

Boston, MA 02108

(617) 727-3900

Springfield Office:

424 Dwight Street, Room 220

Springfield, MA 01103

(413) 739-2145

(508) 799-6379

Worcester Office:

22 Front Street, 5th Floor

P.O. Box 8038

Worcester, MA 01641

Revised Policy September 12, 2022

September 28, 2021



TOWN of WAREHAM

Board of Selectmen

Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmlzTzBLaG1teEJmakpZb2lsZz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

6. BOARD'S COMMENTS

7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

- a. Library Board of Trustees-term to expire June 30, 2024
 - i. Holli Van Nest
- b. Zoning Board of Appeals-appointment of one associate member-term to expire June 30, 2022
 - i. Christopher Conti
 - ii. Richard Semple

8. LICENSES AND PERMITS

- a. Application from 99 West, LLC d/b/a 99 Restaurant & Pub, 40 Rosebrook Place, Wareham, MA. for a Change of Officers/Directors under the provisions of M.G.L. 138.

9. TOWN BUSINESS

- b. Discussion and vote to name Claire Smith as Goodwill Ambassador for the Town of Wareham, England and approve signing of the Proclamation.
- c. Discussion and possible vote to approve the opt-out and reduction fee applications for Curbside Billing FY21 in the amount of \$638.75 (Abatement Recommendation 7).
- d. Discussion and possible vote to accept FY@@ Curbside Revenue in the amount of \$1,273,760.00.

- e. Discussion and possible vote on Borrego Solar PILOTS.
- f. Discussion and vote regarding two HCA amendments between Town of Wareham and Doobie Inc. to reflect change of location from 3 Tow Road to 10 Little Brook Road for cultivating and manufacturing.
- g. Ratify hiring of Morgan Mattioli-Natural Resources Officer-DNR.
- h. Discussion and vote to recommend articles for the 2021 Fall Town Meeting Warrant.

10. TOWN ADMINISTRATOR'S REPORT

11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: September 14, 2021.

13. ADJOURNMENT

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

15. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: September 28, 2021
 Date of Transcription: October 7, 2021
 Transcribed by: Cassandra Slaney

1. CALL MEETING TO ORDER BY CHAIRMAN

Remote meeting due to COVID 19

2. ROLL CALL

Selectmen Present: Judith Whiteside, Chairman
 Patrick G. Tropeano, Clerk
 James M. Munise
 Alan H. Slavin
 Peter W. Teitelbaum, Esq.

Also Present: Rich Bowen, Town Counsel

Not Present: Derek Sullivan, Town Administrator

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

Selectman Teitelbaum stated that the following articles have been approved:

- Sign Zoning Bylaw Amendment
- Definition of a 2 Family or Duplex Dwelling
- Marijuana Testing Lab Setback
- Ban Nip Bottle Sales
- Marijuana Delivery Operators Bylaw
- Updates to FEMA floodplain Bylaws
- Both Wetland Bylaw Amendments

Selectman Teitelbaum also stated that the following articles have been extended

- Amendment to Solar Bylaws
- Local Initiative Program

Selectman Whiteside stated that the Town Charter Chart 2 article is being reviewed by the Senate.

There are 56 confirmed cases of Covid, 4 probable cases, and no deaths.

5. CITIZEN'S COMMENTS

None.

6. BOARD'S COMMENTS

None.

7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS**a. Library Board of Trustees-term to expire June 30, 2024**

- i. Holli Van Nest

Present before the Board: Holli Van Nest

MOTION: Selectman Tropeano moved to appoint Holli Van Nest to the Library Board of Trustees to a term to expire no later than June 30, 2024. Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

b. Zoning Board of Appeals-appointment of one associate member-term to expire June 30, 2022

- i. Christopher Conti
- ii. Richard Semple

Present before the Board: Christopher Conti and Richard Semple

Discussion ensued pertaining to the recommendation by the Zoning Board of Appeals who should be appointed as a full member and associate member.

MOTION: Selectman Slavin moved to postpone the appointment to either individual until the following week upon receiving a final recommendation from the Zoning Board of Appeals. Selectman Munise seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

8. LICENSES AND PERMITS**a. Application from 99 West, LLC d/b/a 99 Restaurant & Pub, 40 Rosebrook Place, Wareham, MA. for a Change of Officer/Directors under the provision of M.G.L. 138.**

MOTION: Selectman Tropeano moved to approve the application from 99 West, LLC d/b/a 99 Restaurant & Pub, 40 Rosebrook Place, Wareham, MA. for a Change of Officers/Directors under the provision of M.G. L. 138. Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

9. TOWN BUSINESS**a. Discussion and vote to name Claire Smith as Goodwill Ambassador for the Town of Wareham, England and approve signing of the Proclamation.**

Selectman Teitelbaum read into record the Proclamation naming Claire Smith as Goodwill Ambassador for the Town of Wareham, England. (See attachment)

MOTION: Selectman Tropeano moved to approve signing the Proclamation naming Claire Smith as Goodwill Ambassador for the Town of Wareham, England. Selectman Slavin seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

b. Discussion and possible vote to approve the opt-out and reduction fee applications for Curbside Billing FY21 in the amount of \$638.75

(Abatement Recommendation 7).

MOTION: Selectman Tropeano moved to approve the opt-out and reduction fee applications for Curbside Billing FY21 in the amount of \$638.75(Abatement Recommendation 7). Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-no.

VOTE: 4-1-0 (Selectman Whiteside opposed)

c. Discussion and possible vote to accept FY22 Curbside Revenue in the amount of \$1,273,760.00.

MOTION: Selectman Tropeano moved to accept FY22 Curbside Revenue in the amount of \$1,273,760.00. Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

d. Discussion and possible vote on Borrego Solar PILOTS.

Present before the Board: Jacqui Nichols, Director of Assessing

Ms. Nichols is seeking approval to authorize Derek Sullivan, Town Administrator, to execute the three solar PILOTS that were passed at the June 12, 2021 Town Meeting.

MOTION: Selectman Tropeano moved to authorize Derek Sullivan, Town Administrator to sign the three solar PILOTS. Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-abstained, Selectman Teitelbaum-yes, Selectman Munise-present, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 3-0-1-1 (Selectman Slavin abstained, Selectman Munise present)

e. Discussion and vote regarding two HCA amendments between Town of Wareham and Doobie Inc. to reflect change of location from 3 Tow Road to 10 Little Brook Road for cultivating and manufacturing.

Present before the Board: Ericca Kennedy, Co-owner of Doobie, Inc.

MOTION: Selectman Tropeano moved to approve the two HCA amendments between Town of Wareham and Doobie, Inc. to reflect a change of location from 3 Tow Road to 10 Little Brook Road, Wareham for cultivating and manufacturing. Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

f. Ratify hiring of Morgan Mattioli-Natural Resources Officer-DNR.

MOTION: Selectman Tropeano moved to ratify the hiring of Morgan Mattioli-Natural Resources Officer for the DNR. Selectman Slavin seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

g. Discussion and vote to recommend articles for the 2021 Fall Town Meeting Warrant.

MOTION: Selectman Slavin moved to recommend the PEG Access Receipts to Wareham Community TV article to be included on the 2021 Fall Town Meeting Warrant. Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

10. TOWN ADMINISTRATOR'S REPORT

Nothing to report.

11. LIAISON REPORTS/INITIATIVE REPORTS

The Solar Bylaw Study Committee will be meeting September 29th at 3:00 p.m.

The total CARES act funds being awarded to the Town of Wareham is 3.5 million dollars.

Selectman Whiteside participated in the virtual meeting for the Library Board of Trustees and stated there was difficulty hearing the meeting. She urged that anyone having a Zoom meeting to make sure citizens can hear the meeting as well as participate.

12. CONSENT AGENDA

a. Authorization to sign bills and documents, etc.

b. Approval of meeting minutes: September 14, 2021.

MOTION: Selectman Tropeano moved to approve the meeting minutes for September 14, 2021. Selectman Teitelbaum seconded.

Roll Call: Selectman Slavin-abstained, Selectman Teitelbaum-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes.

VOTE: 4-0-1 (Selectman Slavin abstained)

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

15. ADJOURNMENT

MOTION: Selectman Slavin moved to exit the executive session meeting. Selectman Teitelbaum seconded.
 Roll call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Slavin moved to adjourn the executive session meeting at 8:14 p.m. Selectman Teitelbaum seconded. Roll call: Selectman Slavin-yes, Selectman Teitelbaum-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

Respectfully submitted
 Cassandra Slaney
 Department Assistant

The foregoing minutes were submitted to the Board of Selectmen on:

Attest: _____ Date Signed: _____
 Patrick G. Tropeano, Clerk

Documents reviewed and/or used in meeting.

Application of Holli Van Nest.

Application of Christopher Conti and Richard Semple.

Application of 99 West, LLC d/b/a 99 Restaurant & Pub.

Proclamation of Claire Smith as Goodwill Ambassador of Wareham, England.

Opt-out and reduction fee for Curbside Billing FY21.

FY22 Curbside Revenue.

Doobie Inc. change of location amendments.

Articles to be included on the 2021 Annual Fall Town Meeting warrant.

Meeting minutes of September 14, 2021.

Date sent to Town Clerk: _____



TOWN OF WAREHAM OFFICE OF THE SELECT BOARD

54 Marion Road
Wareham, MA 02571

APPENDIX J

PLACING AN ARTICLE ON A TOWN MEETING WARRANT

Any citizen who wishes to place an article on a Town Meeting warrant for consideration by Town Meeting members must follow the procedures listed below.

Please refer to the Town of Wareham By-laws for general Town Meeting procedures.

1 PREPARE YOUR STATEMENT

Prepare a written request (petition) with a clear statement of the intent of the petitioner for the proposed warrant article, specifically, the exact wording for which you seek Town Meeting's approval.

A clear statement with the required signatures is acceptable or, if you choose, a sample form is attached for your use. To view samples of previous articles to assist in drafting your article, view one of the Town's Annual Reports. Annual Town Reports may be found on the Town's website. <https://www.wareham.ma.us/board-selectmen/pages/town-reports>.

It is advisable that a private attorney review the proposed petition language prior to submittal.

2 COLLECT SIGNATURES

To insert an article in the warrant for an Annual Town Meeting, the petitioner must collect signatures from at least 10 individuals (100 signatures for Special Town Meeting) registered in the Town of Wareham. The lead petitioner should be the first signer. The petition shall not be valid unless the required number of registered voters not only sign their names, but also state their residence, with street and number, if any.

3 CONTACT INFORMATION

Please be sure the lead petitioner's contact information is indicated on the petition so that they may be informed prior to Town Meeting when their article will be discussed. Contact information and the article language should be **on each petition sheet** submitted in support of your proposed article.

4 SUBMIT TO THE SELECT BOARD OFFICE

Submit the original petition with required number of signatures to the Select Board's Office by the deadline established prior to Town Meeting, which is the date that the warrant closes. **A copy of the proposed Warrant Article must also be submitted in WORD.**

5 SIGNATURE VERIFICATION

The Select Board's Office will submit the signatures to the Town Clerk for verification and certification to the Town Clerk.



**TOWN OF WAREHAM
OFFICE OF THE SELECT BOARD**

APPENDIX J

54 Marion Road
Wareham, MA 02571

6 PRESENTATION

Prior to Town Meeting, petitioners will be contacted to present their articles to the Select Board and to the Finance Committee.

7 ATTEND TOWN MEETING

Petitioners will also be expected to attend Town Meeting to present their article and/or respond to questions.

8 BY-LAW CHANGE

If your petition recommends a by-law change, we advise that you meet with the Department Head whose department is involved in the by-law. If it entails a zoning change, you must present your article to the Planning Board. For a complete list of Departments with contact information please visit the Town website at www.wareham.ma.us.

Additional references

MGL c. 39, §10

<https://www.sec.state.ma.us/cis/cistwn/twnidx.htm> - Citizen's Guide to Town Meeting



**TOWN OF WAREHAM
OFFICE OF THE SELECT BOARD**

54 Marion Road
Wareham, MA 02571

APPENDIX K

SAMPLE LETTER OF RESIGNATION

All resignations must be submitted in writing to the Town Clerk in an original format, with an original signature. A scanned copy with an original “wet” signature may be emailed. A copy of the resignation should be forwarded to the appointing authority, as well as the committee to which the appointment was made, when the individual does not intend to continue to participate. Letters should be mailed to: Town Clerk, 54 Marion Road, Wareham, MA 02571 or emailed to clerk@wareham.ma.us.

Below is a sample of what should be included in a letter of resignation:

Town Clerk
Town of Wareham
54 Marion Road
Wareham, MA 02571

Today's date

Dear Town Clerk:

I, *print your name*, hereby resign from my position from the
Committee known as *print name of committee* effective as of *date*.

My reason for this resignation is *please state your reason(s) for resignation -for instance, relocation, personal or other - and any additional comments you wish to add*.

Sincerely,
Signature

Print your name
