



TOWN OF BERLIN

APPOINTED VOLUNTEERS’
HANDBOOK

JANUARY 11, 2021

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TOWN OF BERLIN APPOINTED VOLUNTEERS' HANDBOOK

January 11, 2021

Dear Reader:

If you are reading this message, it is because you have been appointed (or you are considering being appointed) to serve on a Town of Berlin Committee. Congratulations and thank you for giving your time.

The Town of Berlin employs professional staff for the day-to-day operations of the Town and relies on volunteers to make many of the higher-order policy decisions for the Town. Volunteer public bodies are often responsible for making decisions that affect over-all governance, educational development, planning, adherence to state and local regulations, and finances. As a member of a Committee, you are participating in preserving our democracy and building a better community.

This handbook is intended to assist your important contributions by making sure that the roles of Committee members are clearly defined and that state requirements regarding public bodies are clear and easily followed.

Please review the contents of this handbook carefully, as it contains helpful information. If you have any questions, please feel free to contact the Select Board's office at 978-310-5901 or me at 978-310-5919, and we can discuss issues of procedure.

Yours in service,

Margaret Z. Nartowicz
Town Administrator

1: Getting Started-Resources for Volunteers

1.1 Purpose

The Select Board provides this Appointed Volunteers' Handbook to assist the Town of Berlin's many volunteers to appointed boards, commissions, and Committees.

The Handbook provides a brief description of Berlin's procedures which may be known to some, but unfamiliar to others. It also provides information about important state statutes, such as the Open Meeting Law [MGL c.30A, §§18-25], the Conflict of Interest/Ethics Law [MGL c.268A], and the Public Records Law [MGL c.66] which need to be understood by all.

1.2 Additional Publications

This Handbook does not attempt to duplicate all the details given in other state and local publications. For a more thorough treatment of issues and rules affecting Committee service, please see:

1. General By-laws of the Town of Berlin at <https://www.townofberlin.com/town-clerk/pages/town-laws>
2. The State Ethics Commission Conflict of Interest Law for Online Training Programs at <https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees>
3. The State Ethics Commission Summary of the Conflict-of-Interest Law at <https://www.mass.gov/service-details/summary-of-the-conflict-of-interest-law-for-municipal-employees>
4. The Massachusetts Attorney General's Open Meeting Law Guide at <https://www.mass.gov/doc/open-meeting-law-guide-and-educational-materials-0/download>.
5. A Guide to the Massachusetts Public Records Law at <https://www.sec.state.ma.us/pre/prepdf/guide.pdf?PHPSESSID=6fb495f388f4e65ad16867c5292fef19>

New Committee members should read these important state and Town documents and educational materials and save them as references. In addition, new Committee members may wish to read past minutes and agendas, to better understand the Committee's activities.

New volunteers will be provided a copy of their Committee's mission and charge; all written information explaining the Committee's specific role, powers and duties; issues frequently encountered; and any specific rules and regulations pertaining to his/her particular Committee.

Newly established Committees, or a Committee without specific rules and regulations, will begin by drafting rules and regulations and Submitting them to the Select Board's office for approval and adoption. Individual volunteers, or a full Committee, may request training from state sources, Town staff, Town Counsel, or other sources, by making a written request to the Select Board's office, through the Town Administrator, at any time.

2: Forming Committees

2.1 Appointing Authority / Committee Formation

The Select Board appoints the majority of the Town's Committees; state statutes outline the powers and duties of many Committees; mission statements and Committee charges adopted by the Select Board further define the Committees' work. This handbook focuses primarily on Select Board appointments, but it is also applicable to appointments made by other Town of Berlin appointing authorities.

Available for you to review is the *Berlin Board and Committee Policies and Procedures* document. This document provides an overview of boards and Committees, appointing authorities, documents, re-appointments, vacancies and processes

The Select Board may appoint *ad hoc* Committees for advice on a specific issue; the Select Board will prepare a mission statement and charge detailing the function, composition, and volunteers' terms of service. The Select Board may meet with or receive reports and recommendations from the Committee. Such Committees, because they report to the Select Board **are** Subject to Open Meeting Law requirements (because they report to more than one individual).

The Town Administrator may create an *ad hoc* Committee and may appoint members. Such Committees report to the Town Administrator and, because they report to only one individual, such Committees are exempt from Open Meeting Law requirements. (However, the Town Administrator is obliged to report the activities, recommendations, or results of any Town Administrator-appointed Committee to the Select Board at a public meeting of the Board.)

2.2 Getting Appointed

The Select Board's office will publicize Committee vacancies. Before applying for a position, volunteers are encouraged to attend meetings of any Committee on which they desire to serve.

Generally, to be considered for appointment, an applicant must be a resident and registered voter in Berlin. [Volunteer Application Forms](#) are available on the Town's website. Completed application forms along with letters of interest for the specific Committee must be returned to the Select Board's Office. Your application packet should contain your contact information and a statement of qualifications that would make you a good member of the Committee.

Completed application packets must be returned either electronically at Selectmen@TownofBerlin.Com or in hard copy (Select Board, 23 Linden Street, Berlin, MA 01503) for consideration by the Select Board or appropriate Appointing Authority.

In addition to showing why the volunteer is suitable for appointment to the Committee (professional or volunteer experience, specific training or knowledge that would be beneficial, etc.), applicants should clearly explain any potential for conflict of interest or the appearance of conflict of interest [See Section 2.4, Conflict of Interest].

After receiving an application packet, the Select Board will invite the applicant to an open meeting. If there are no openings on the individual's chosen Committee(s), the application will be kept on file for one year, to be considered if an opening occurs. The Select Board will notify the applicant of the outcome.

For the most up to date listing of available volunteer opportunities, please visit <https://www.townofberlin.com/home/pages/volunteers>.

2.3 Considerations for Appointment

The Select Board's objective is to appoint qualified and interested Berlin residents who are broadly representative of the Town's demographics. The Select Board considers applications and suggestions from many sources, including, but not limited to verbal expressions of interest, work experience, personal references, etc. The Select Board also takes into account other relevant factors to ensure a wide-ranging representation of residents. Selection is based on current Committee composition, candidate qualifications, experience, personal and any relevant recommendations, Committee availability, and, if the applicant has previously served, on his/her previous attendance record, service, and performance record. Generally, a person finishing a successful first term is given preference for a second term, if desired. However, when appropriate, the Select Board will encourage turnover on Committees to maximize opportunities for citizen participation.

In general, the policy is for an individual to serve on no more than two permanent Committees simultaneously. Some Committees have voting, or non-voting representatives appointed through their home Committees. For example, the Community Preservation Act Committee [CPAC] has voting representatives appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Housing Partnership, the Recreation Committee, with two at-large members appointed by the Select Board. Each Committee Chair notifies his/her appointee and the Select Board in writing of the CPAC appointment. The Select Board notifies the Town Clerk. Committee members must be sworn in by the Town Clerk for the new Committee assignment prior to attending a Committee meeting as an official member.

2.4 Swearing In

At swearing in, the Town Clerk provides Committee members information on the Commonwealth's Open Meeting Law, the Conflict-of-Interest Law Summary, and a link to the required Ethics online training. All volunteers must return to the Town Clerk's Office, TownClerk@TownofBerlin.Com or by mail to Town Clerk, 23 Linden Street, Berlin, MA 01503, a signed acknowledgement receipt of the Conflict of Interest Law Summary within 10 business days after receiving it, and a printed copy of the Ethics Training certificate within 30 days after being sworn in. Annually thereafter, Committee members must be provided with the Conflict-of-Interest Law Summary and sign acknowledgement of receipt and must complete Ethics training every two years.

2.5 Reappointment

Reappointment is based on an evaluation by the Select Board of the Committee member's contribution to the Committee and their meeting attendance, the desirability of widespread involvement, and the changing needs of the Committee and the Town. Although there is no fixed limit on length of service it is normally limited to two (2) terms, one (1) to three (3) years in length each. In cases where special training or expertise is required or where statute governs term length, longer periods of service may be appropriate. A Committee member is under no obligation to accept reappointment, nor is the Select Board obligated to offer it.

2.6 Resignation

A Committee member no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be Submitted by email, US mail or hand-delivery to the Town Clerk's Office, the Select Board and the Chair of the Committee.

2.7 Associate Members

Some Committees have associate or alternate members. Appointments of associate or alternate members are made by the Select Board using the same process as regular members.

2.8 Charge and Plan of Action

A Committee's initial meeting will include a review of its established mission statement and its charge as prepared by the Select Board. The Committee, with advice from staff and the Appointing Authority, should develop a plan of action with goals and objectives. The plan should include major reporting milestones, so that the Committee and the Select Board may assess Committee progress.

2.9 Reporting to the Select Board

The Select Board requires periodic reports on a Committee's actions and plans through either the Chair or the Town Administrator according to a schedule established by the Select Board. That report will be incorporated in the operational report so all staff, Committees, and interested residents can be kept abreast of Committees' activities.

The Conflict-of-Interest Law found at M.G.L. Chapter 268A. Also, the State Ethics Commission Website: <http://www.mass.gov/ethics>, identifies permissible and non-permissible relationships for Committee members.

3: Handling Conflicts of Interest

3.1 Conflict of Interest Law Purpose

The “purpose of the conflict law is to ensure that public employees’ private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict. The law restricts what a public employee may do: (1) on the job; (2) after hours (or “on the side”); and (3) after leaving public service.” Under the law, Committee members, whether paid or volunteer, are considered “municipal employees,” and are held to that standard.

3.2 Conflict of Interest Law Provisions

The law prohibits a variety of actions, including bribery, extra pay, or receipt of gifts or privileges because of a Committee member’s official actions, and acting as an agent or attorney for anyone in a claim against or doing business with the Town. The Conflict-of-Interest Law prohibits all municipal employees from participating in a particular matter in which Committee members or any of the following have a financial interest:

- a. Immediate family
- b. Partner or business associates
- c. Business organization in which the Committee member serves as an officer, director, trustee, partner or employee (including a non-profit organization.)
- d. Any person or organization with whom the Committee member is negotiating or has any arrangement concerning prospective employment.

If a Committee member discloses a conflict of interest or an appearance of conflict in a matter before the Committee, he/she will not be counted in the quorum, nor be allowed to participate in any discussions or votes on that issue. It is advisable that the member excuse him/herself from the meeting during discussions and votes to ensure that no undue influence is felt by fellow Committee members. If a Committee member is concerned about a possible conflict of interest, he/she should contact the State Ethics Commission. [See: <https://www.mass.gov/how-to/request-advice-about-how-the-conflict-of-interest-law-applies-to-you>]. The Ethics Commission exists to provide protection for employees/volunteers. All communication with the Ethics Commission is kept strictly confidential on their part. However, individuals who seek information from the Ethics Commission are free to disclose that fact and the information given.

In some instances, a formal disclosure may be needed, or a special exemption could be granted by the Appointing Authority, so that the Committee member may continue service. [See: <http://www.mass.gov/ethics/disclosure-forms/municipal-employee-disclosure-forms/>]. Contact the Town Administrator, the Town Clerk, or the State Ethics Commission for information on applicable disclosures.

If after discussing a matter with the Ethics Commission Legal Division, the Legal Division advises a Committee member to seek specific advice from Town Counsel, or if a Committee member has any questions about their activities, they should file a written request with the Town Administrator who may consult with Town Counsel on the issue.

3.1 Who the Conflict-of-Interest Law Governs

3.1.2 Municipal Employees:

The Conflict-of-Interest Law regulates the conduct of state, county and municipal public officials and employees (referred to collectively in the law as “employees”). A **municipal employee** is anyone who holds an office, position, employment, or membership in a municipality. Such a person may be paid or unpaid, working full-time or part-time, serving as a volunteer, or as a consultant, or working only on an intermittent basis. For example, unpaid members of local town boards, Committees or commissions are municipal employees, as are private citizens serving on a special advisory Committee appointed by the Select Board to make recommendations on a specific issue.

3.2.1 “Special” Municipal Employees:

“The Select Board may vote to designate some Committees’ members as “Special” Municipal Employees based on the Committee requesting such designation. Being designated as a “Special” Municipal Employee is not common. Two sections of the conflict law apply less restrictively to special municipal employees. You are eligible to be designated as a special municipal employee provided that: (1) you are not paid; or (2) you hold a part-time position which allows you to work at another job during normal working hours; or (3) you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position which may be designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. For instance, one member of a school Committee may not be classified as a special unless all members are similarly classified.

4: Organization and Procedures for Meetings

4.1 Elections

Committees elect a Chair, a Vice-Chair and a Secretary/Clerk, upon formation. Generally, the first meeting of a new fiscal year is a good time to consider re-organization of the Committee, if members wish. The immediate past Chair will notify the Select Board's office of leadership changes. The staff will be responsible for updating the information on the Committee's web page.

4.2 Committee Chair

The Chair's primary responsibilities are the creation of meeting agendas, calling meetings, and facilitating legally appropriate Open Meetings (unless the Committee is an *ad hoc* Committee advising only one person).

The Chair presides at all meetings, decides questions of order, calls special meetings, and signs official correspondence. The Chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. However, Chair's often reserves their votes to either supporting a unanimous commitment of the Committee or to breaking a tie. The Chair must be mindful of the Chair's role in facilitating a full range of opinion from the Committee and, in a public hearing, from the public.

Duties overseen by the Chair include:

- a. Conducting meetings in an orderly fashion, normally according to a modified version of Robert's Rules of Order.
- b. Assuring the reservation of a meeting room through the Select Board's office.
- c. Legal posting of the meeting and agenda with the Town Clerk's Office at least 48 hours in advance of the meeting (weekends and holidays do not count toward the 48 hours).
- d. Assuring that the meeting and agenda are posted on the Town's web site or on [Berlin, MA \(mytowngovernment.org\)](http://Berlin, MA (mytowngovernment.org))
- e. Consulting with members and staff to prepare agendas.
- f. Ensuring that all needed materials are available to the Committee.
- g. Ensuring that any technology needs for the meeting are supplied.
- h. Establishing the calendar.
- i. Communicating regularly with the Select Board on Committee matters.
- j. Preparing and Submitting an annual report for inclusion in the Annual Town Report.

4.2 Vice-Chair

The Vice-Chair serves as the Chair whenever the latter is absent from meetings, along with performing other necessary duties.

4.3 Committee Secretary/Clerk

Each Committee must have a Secretary or Clerk. The Clerk shall be responsible for certification of the Committee's meeting minutes, observance of the public records law, maintenance of other records of the body and filing of minutes with the Town Clerk.

The Committee's staff liaison, if applicable, will generally complete the administrative tasks associated with the Clerk's responsibilities. In the absence of a staff liaison, the Clerk will be responsible for completing these tasks:

- a. contacting any persons needing to be notified of Committee actions.

- b. posting the approved and draft minutes.
- c. contacting any person needed for a presentation, etc. for the next meeting
- d. drafting and circulating an agenda for the next meeting.
- e. forwarding draft minutes to Committee members prior to the next meeting, following-up on any assigned tasks, etc.
- f. sharing pertinent information including agendas and minutes with other boards and committees.
- g. communicating information to the community of the Committee's official public meetings, forums, activities and events, utilizing all available and appropriate communication methods. The Town of Berlin External Official Communications Guidelines are included in the Appendix to this Handbook.

In order to improve communication of pertinent information between boards and committees, it is important to share the business items and actions of your board/committee by sending agendas and minutes, whether draft or approved, to the Chairs of other of relevant boards and committees. This will help to keep each board apprised and up to date on important actions that have been or may need to be taken by multiple boards and committees.

4.4 Rotating Clerk

A Committee may choose to have a rotating Clerk. The rotating Clerk holds the same identical responsibilities as the Clerk.

4.5 Annual Town Report

All appointed Committees must file an annual report of finances (if relevant), and of membership and activities with the Select Board's Office for the Annual Town Report according to the Select Board's Annual Town Reports Policy and Procedure. The Chair or Committee Clerk should be responsive when the request for Committee reports is issued at the end of each calendar year. The specific dates for Submission of the finance report is determined by the Select Board. The exact date may vary. Directions for the Annual report will be forth coming from the Select Board's office.

5: Guidelines and Procedures for Committees

5.1 Quorum

A quorum is necessary to conduct official business (the Zoning Board of Appeals is a special case, requiring all members of a three-member panel to be present for a hearing; regular quorum rules apply for ZBA administrative meetings). Generally, a quorum consists of greater than 50% of the full membership (i.e., a quorum for a six-member Committee is four; quorum for a seven-person Committee is also four). A meeting occurs at any time a quorum of the Committee (or Sub Committee) gets together to discuss or consider any public business or policy over which the Committee has some jurisdiction or advisory power. Under certain circumstances, members may participate in meetings from remote locations. These members can vote and participate in discussions, but remote participation cannot be used to count towards a quorum unless explicitly allowed by the Commonwealth (see section 5.10 and Appendix).

5.2 Staff Assistance

When possible, the Select Board may appoint a staff member to serve as liaison to each Committee. For some Committees, the liaison attends meetings. His/her responsibilities vary, depending on the charge of the Committee, but generally include providing technical and administrative support, and information. The staff liaison is an employee of the Town and in some cases is and in some cases is not answerable directly to the Committee or the Chair. In conjunction with the Committee Chair, he/she keeps the Select Board informed about the Committee's work, particularly policy issues, significant problems or developments, workload difficulties, or other significant items. The Board or official responsible for conducting annual performance reviews of the liaison may seek input from the Committee Chair prior to the annual performance review of the liaison. Requests for legal assistance from Town Counsel shall be directed to the Town Administrator through the Committee's Chair. Most administrative tasks will be performed by the Committee. However, if no Town staff is assigned to attend meetings, duties fall to the Chair or other designated Committee members.

5.3 Posting

It is the responsibility of the Committee (the Chair/Clerk) to list the Committee meetings' time, date, place, and draft agenda. Except for emergencies, meetings must be posted on the Town's web site 48 hours in advance by the Town Clerk. Saturdays, Sundays or legal holidays are not included in the 48-hour period [MGL c. 30A, section 20]. In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the body, and the body makes a written determination of the emergency), the 48-hour posting requirement is waived; however, the Town Clerk must be informed and the meeting posted as soon as possible. The Town Clerk is responsible for maintaining a current listing of all posted meetings on the Town's My Town Government site at <https://www.mytowngovernment.org/01503> and in a binder available at the Town Clerk's office working hours.

5.4 Prepare Agendas and Other Materials

The Committee's Chair and the Clerk or staff liaison prepare a formal agenda and compile all necessary supporting documents, including draft minutes of the prior meeting; for posting with the Town Clerk and on the Town's My Town Government site; and for distribution to Committee members at least 48 hours prior to the meeting date (with holidays and weekends not counted in the 48 hours). All documents Submitted must be in a Microsoft Word (.doc or .docx) format, a text file (.rtf), or in Portable Document Format (.pdf).

5.5 *Electronic Communication*

All Committee members are expected to be prepared to receive meeting materials and other communication electronically. If there are members who cannot access electronic copies, the Chair will make alternative provisions upon request of that Committee member. Committee members should remember that no electronic communications (e-mail, text, social media, etc.) concerning Committee work should take place among members. All communications concerning Committee work should occur publicly at the meetings. Emails and other electronic communications are considered to be subject to the Public Record Law.

5.6 *Meeting Space*

COVID-19 and the use of Zoom has greatly impacted this section of the document. Future amendments to the Commonwealth's Open Meeting Law may result from the COVID-19 pandemic.

The Select Board requires that most Committee meetings be held in the Town Offices, Library, or 1870 Town Hall. In circumstances where there is not sufficient room in the Town Offices, a Committee meeting may be held in other public and handicap accessible locations after confirming with the Town Administrator and ADA Coordinator that the location is public and accessible. Committees are expected to meet where their departments are located, e.g., Select Board (Town Offices) and the Library Board of Trustees (Library).

Committee meetings should never take place in private residences.

Meeting rooms should be reserved according to the regular meeting schedule and expected turnout. The Committee should identify a regular meeting day and time, and submit that information to the Select Board's office to reserve appropriate meeting space. If a special meeting is needed, or if the expected number of attendees requires a larger meeting space, the Select Board's office can alter the room reservation. Reserve all meeting spaces with the Select Board's office and post meetings with the Town Clerk before the meeting.

5.7 *Access to Town Offices*

The lobby doors to the Town Offices automatically lock at 10:00 p.m. All meetings shall be posted for and commence at an earlier time, and no meetings shall continue after 10:00 p.m. unless the public can continue to access the building to attend the meeting being held.

Only the Chairs of boards and Committees shall be issued a key fob to enter the Town Offices when the lobby doors are locked. Key fobs are issued by the Police department and must remain with the board and Committee Chair. The board or Committee must notify the Police department in writing whenever a change of Chair causes the key fob to be given to the new Chair. Key fobs must be returned to the Police department upon dissolution of a Committee.

5.8 *Meeting Schedule*

Meeting frequency depends on a Committee's workload. Most meetings are held weekly, bi-monthly, or monthly. In some cases, a Committee may only meet quarterly. The Chair calls each meeting except for the first one, which is called by the Appointing Authority. Electing a Chair and determining a regular meeting day, time and location, should be the Committee's first priorities. Except in cases of emergency, Committees do not meet on major religious or official holidays or if Town Hall is closed due to weather. Weekend meetings are discouraged unless they are required by specific event or circumstance. Meetings should also be discouraged on election days.

5.9 General Guidelines

Committees follow Robert's Rules of Parliamentary Procedure, <https://robertsrules.com>, or similar sets of procedural guidelines. Although most small Committee discussions may seem too casual to be called debate, it is still advisable for the Committee to observe generally accepted meeting procedures and adhere to the topics on the posted agenda.

Attentive guidance by the Chair and adherence to adopted procedures increase efficiency and maintain objectivity and order. A standard format agenda to guide the Committee's business is included in the Appendix to this Handbook.

The Chair should limit member discussion to concise, non-repetitive statements. In some cases, time limits may be advisable. All members who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the Committee to continue discussion until complete consensus is achieved. The Chair may choose to call for a vote, postpone until more information is available, or refer to a Sub Committee.

Careful preparation before meetings, e.g., organizing agenda items, distributing information in advance, posting all information online, and anticipating possible questions, can expedite discussion, facilitate action and avoid long and exhausting meetings. Good public process may include vigorous dissent with civil discussion and mutual respect among individuals of diverse points of view. Discussion in meetings includes the work of the Committee, not personal comments, which are **always** out of order. The Select Board reserves the right to remove Committee members for inappropriate personal attacks during meetings. Visitor participation in discussions or debates is at the discretion of the Chair. Please review the Code of Conduct and Ethics for Boards and Committees and the Select Board's Public Comment Guidelines included in the Appendix to this Handbook.

The Chair controls presentations and all meeting discussions. The Chair may need to remind speakers of time limitations and warn against repetition, and if a visitor refuses to be silent after a warning from the Chair, the Chair has the authority to order the visitor removed from the meeting by the Police, to call a recess, or to continue the meeting to another certain date and time. Remember that Committee members represent and serve the Town; visitors and Committee members should always be treated with courtesy and consideration.

The Select Board requires that all Committees reserve time on the agenda for public comment or participation in some form. Public participation is expected and desired during scheduled public hearings.

Often residents attending public meetings, especially when controversial topics are discussed, could be doing so for the first time. These attendees may not know the proper protocol for public meetings.

Here are some tips for keeping the meeting productive and orderly:

- 5.9.1 Establish ground rules at the beginning of the meeting, such as "no one is allowed to interrupt and personal insults are forbidden," and ask everyone to agree to the rules.
- 5.9.2 Make sure every speaker states his or her name and address before speaking, and if there is a non-resident speaker, the Committee should vote to allow (or not allow) that person to speak.
- 5.9.3 Remind the audience that a 2 or 3-minute time limit will be strictly adhered to for every speaker. Acknowledge a speaker's contribution, but if they're going on too long, interrupt

them tactfully.

- 5.9.4 Make sure everyone has had an opportunity to speak once before allowing a speaker to address the Committee a second time.
- 5.9.5 Emphasize the need for constructive comments at the start of the meeting.
- 5.9.6 Do **not** be drawn into a speaker's argument - respectfully acknowledge what they have said and move on.
- 5.9.7 Some attendees may be reluctant to speak. If appropriate, the Chair may provide the opportunity to submit written comments to the Committee and provide an email address for attendees to use. An email to the relevant Committee and selectmen@townofberlin.com is appropriate to use for this purpose. Make sure the Committee name is in the Subject line so the email can be forwarded to the proper Committee. Written comments may also be accepted in writing by US mail or hand delivery.

5.10 Remote Participation

On occasion, a member may not be able to attend a meeting, and the Chair may wish to allow the absent member to participate remotely. The Town of Berlin's Board of Selectmen voted on November 21, 2016 to adopt the provisions of 940 CMR 29.10 (Open Meeting: Remote Participation), included in the Appendix to this Handbook. It is expected that remote participation will be used rarely, with the exception of remote meetings legally allowed by the Commonwealth due to COVID-19.

6: Open Meeting Law Protocols

6.1 General Information

The Massachusetts Open Meeting Law requires all meetings of elected or appointed boards, Committees, or Sub Committees be open to the public, except in specific situations where Executive Session is permitted [MGL c.30A, §21; See also Section 8 below]. No votes taken in open session by a governmental body may be by secret ballot.

The law does not apply to chance meetings or social occasions, but such meetings cannot be used to circumvent the requirement of discussing and deliberating at public meetings.

The Open Meeting Law does not contravene other laws, such as the Privacy Act. If clarification is needed, particularly concerning Executive Session and the rights of individuals, the Committee Chair may request that the Select Board obtain advice on specific questions from legal counsel. The Select Board generally recommends cautious use of Executive Sessions since the vast majority of the public's business should be conducted publicly.

6.2 Recordings

Any person, after giving notice to the Chair and per OML, may record a meeting (with the exception of Executive Session) with audio and/or video equipment provided it does not interfere with the meeting. At the start of the meeting, the Chair is required to notify attendees of the recording.

7: Requirements for Handling Minutes

7.1 Transparency

Committees should strive for transparency, posting minutes as soon as they become available, but never later than the day after they are approved. State law requires that a Committee keep accurate records of its public meetings.

The Committee must vote to accept all minutes. Minutes are public information, and must be posted in electronic format and stored in an electronic archive via electronic procedures. It is the Chair's responsibility to ensure recording and posting of minutes although the task may be undertaken by another. All Committees are legally responsible for keeping and posting their minutes.

7.2 Content of Minutes

The Open Meeting Law states: "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"** and "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."

Minutes *must* include:

- a. the date, time and place of the meeting.
- b. the members present or absent.
- c. a brief summary of the discussions on each subject.
- d. a list of documents and other exhibits used at the meeting.
- e. the decisions made and the actions taken at each meeting, including the record of all votes.
- f. 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 maintained as part of the official record of the session.

Minutes *should* include:

- a. names of additional participants (not press or observers).
- b. name of recorder.
- c. time convened, and time adjourned.

Minutes *may* include a schedule of future meeting(s).

Minutes *do not need to include* the names of those moved and seconded motions.

7.3 Public Records Law

The Massachusetts Public Records Law [MGL c.66, §10] provides right of access to public records, broadly defined to include all documentary materials, except eleven that are specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. The minutes, informational data, memoranda, and circulating materials of any Town Board or Committee are mostly all public information. Since use of personal e-mail addresses could subject a member's personal emails to a records request, it is recommended that new Committee members create a new email address for themselves to use for Town and Committee business. Free accounts can be created through Gmail or other providers. The Committee should consult the Select Board, Town Administrator, or Town Clerk, or the staff liaison if applicable, if questions arise concerning freedom of information.

8: Guidelines for Executive Sessions

8.1 Conducting an Executive Session

Any Committee contemplating an executive session is advised to contact the Town Administrator's office prior to the meeting.

An Executive Session is closed to the public, but the Committee must first convene in an Open Session for which notice has been posted. A majority of the members must vote by roll call entered into the minutes, in favor of a motion to go into Executive Session.

The motion must specify the reason and state whether the Open Session will reconvene following Executive Session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. Attendees shall not discuss these matters with anyone. Accurate minutes of the executive session shall be maintained and shall be released to the public only when the purpose for the Executive Session no longer exists.

Executive Session may be held **only** for the purposes described in MGL c.30A, §21. The following are the **only** acceptable reasons for an executive session:

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, an employee, staff member, or individual. This exception carries with it very strict requirements which the Committee must adhere to. This reason for entering into Executive Session must be discussed with the Town Administrator on behalf of the Select Board prior to the meeting.
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.
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 MGL c. 233, section 23C, 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.

9: Conducting Public Hearings

9.1 Purpose

A Committee may be required to hold a public hearing, or a Committee may opt to hold a public hearing to take comment from the public. When conducting a public hearing, the Chair is responsible for running the meeting. Generally, the purpose of a public hearing is for Committee members to listen to comments from the public, and not to play a significant role in the hearing portion of the meeting.

9 General Guidance

9.1.1 *The Committee Chair, with help from the staff liaison if applicable, should ensure the following:*

- a. That electronic displays are in working order.
- b. That all materials being presented in the public hearing should be clearly visible to the public present.
- c. That a sound amplification system is in working order prior to the start of the hearing.
- d. That meeting minutes are being properly recorded.
- e. If required, that a certified stenographer/court recorder is present. (The instances requiring such a recorder are rare; arrangements can be made for this through the Select Board's office.)

9.1.2 Points to remember:

9.1.3 A public hearing is designed for the Committee members to listen to the public. Be prepared to receive passionate, sometimes angry speakers.

9.1.4 Generally, do not engage with speakers in any way. Simply listen and thank them for their input. If a procedural question is asked of the Committee, the Chair may opt to answer it. During the public comment portion of the hearing, the Chair should never answer questions concerning the merits of the application or proposal.

9.1.5 The Chair can remind the public that the hearing is for residents to comment on the proposal. Any questions will be recorded and if appropriate, will be answered later.

9.1.6 Committee members should seek any clarification through the Chair. If the Chair chooses to engage, he/she should make sure it is only to ask for clarification. No opinions should be forthcoming from the Chair or the Committee members.

9.1.7 Allow people to speak a second time only after all others have been given the chance to speak. The Chair may close the hearing once he/she is assured that all reasonably pertinent comments have been expressed.

9.2 Conducting Hearings:

If appropriate, require all attendees to sign-in with name, organization (if any), address, phone, and email.

Provide a separate sign-up form for those who wish to speak. This form "documents" (serves to record) participation in the hearing and provides an orderly process for speakers. It also provides the Chair with the ability to better control the meeting.

Open the public hearing by defining the purpose, objectives, legal requirements and any general

law or regulatory constraints. Generally reading the public notice into the record will satisfy this section.

Make the following announcements:

- a. Indicate that the meeting is being recorded and all participants should speak into the microphone.
- b. Clearly convey the process, expected conduct, and documentation provisions (e.g., Committee Clerk's notes, stenographer, recording, etc).
- c. Clearly articulate the hearing rules (a handout is always helpful).
- d. Set a time limit for each speaker (other than the applicant); three minutes is often used as a limit. Explain who will be keeping time.
- e. Provide the Town email and physical addresses for submissions.
- f. Make clear that the written comment period is open until a specific date and provide the e-mail address and physical address for submission. (The Committee name must be in the subject line). If there is no staff liaison, written Submissions can be viewed on the relevant Committee's webpage on www.townofberlin.com
- g. Explain how responses to public comments and questions will be handled (i.e., a specific response document; through formal meeting discussions; Committee consideration, etc.). If known, announce when a decision will be made once the hearing is closed.

The applicant/proponent is invited to give its presentation to the Committee. This presentation should not be interrupted by the members or the public. The Chair may Subject the presentation to a time limit. The Chair will invite public comment. Generally, speakers must use the microphone and announce their names and addresses.

Unless an order of speakers is otherwise stipulated, speakers should be called in the following order:

- a. Elected officials in order of elective office (i.e., federal, state, county, local).
- b. Town Officers.
- c. Public, with abutters given priority.
- d. Others, in the order they signed up.

Only close the hearing after all participants have been given a reasonable chance to speak. If the hearing needs to be continued, it should be continued to a date certain -- generally the next normal meeting time for the Committee. A hearing should be continued if its objectives have not been accomplished. For large, complex problems or issues, a series of hearings is often appropriate, with specific components or topics heard on specific dates. Once the hearing is closed, it is time for the Committee to decide.

Compile a concise set of issues raised by the public and the Committee members with both pro and con concerns. Conduct the Committee discussions under the modified Robert's Rules of Order. Discuss possible solutions to the issues in a public session(s). Put forward solutions with rationale via a formal process. Make sure to document discussions and decisions in the minutes with enough detail to document the substantive reasons for the decision.

Inform the project proponents of the Committee's decision through official written correspondence. Establish a set of all written correspondence, meeting materials, and minutes as the official record of the hearing. This set will be stored electronically and, when required, in paper form as part of the Town's archives.

10: Money Matters

10.1 Committee Budgets

In general, a Committee does not have a budget unless one is authorized by Town Meeting or by law. Any expenses requested to be incurred by a Committee in the coming fiscal year are submitted by the Committee each November to the Town Accountant, Town Administrator, Select Board, and Finance Committee for their recommendation to Town Meeting, and, if approved by Town Meeting, included in the Committee's annual appropriated budget.

10.2 Disbursements

If expenses are incurred by the Committee, the Committee (by vote) or the Committee's duly-voted designee promptly submits a signed bill schedule and original invoices to the Town Accountant, attaching all appropriate receipts, paperwork, etc. Bill schedules and other finance forms are available on the Town's website at <https://www.townofberlin.com/town-accountant/pages/forms>.

10.3 Purchases

Committees can only purchase items or services with the Committee's voted approval and in accordance with all applicable laws and Town policies. The Town does not pay sales tax on purchases made by a Committee, or reimbursed to any Committee member or employee from Town funds. Contact the Town Accountant about the Town's tax-exempt status or to obtain a tax-exempt form. If questions arise or a concerning situation occurs, contact the Town Administrator or Town Accountant for more particular direction.

10.4 Turnovers

Committees that receive payments for licenses, permits, services or for any other purpose, must promptly turn the payments over to the Town Treasurer using a completed Turnover Form not more than 5 business days after receipt of the payment. A copy of the completed Turnover Form being submitted to the Treasurer must be left in the Town Accountant's box. Turnover Forms are on the Town's website at <https://www.townofberlin.com/town-accountant/pages/forms>.

10.5 Other Financial Matters – Contracts & Agreements

Committees shall not enter into any contracts, service, lease, or maintenance agreements, or any other financial documents unless the Town Administrator or Town Accountant is first consulted, and written approval is granted.

10.6 Other Financial Matters – Use of Legal Counsel

Committees that wish to consult with the Town's legal counsel on a particular matter must first submit a request to Use Legal Counsel to the Town Administrator for approval. The Use of Legal Counsel Policy and Procedure and the Request Form are in the Select Board's Policy folder at <https://drive.google.com/drive/folders/18hAelVWTCZdlO-EKjaKB8AjcYYFr4Hu>.

Always feel free to ask the Select Board or Town Administrator if there are any questions concerning your Committee's work.

Thank you for commitment to volunteering on a Committee. We know your time is valuable and we appreciate the time you are giving.

APPENDIX CONTENTS

- **Town of Berlin Code of Conduct & Ethics for Boards, Committees and Commissions**
- **Berlin Public Comment Guidelines**
- **Town of Berlin External Official Communications Guidelines**
- **Sample Committee Agenda**
- **Sample Committee Minutes Form**
- **Department Contact Information**
- **Department Addresses and Phone Numbers**
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- **Town of Berlin Appointing Authorities**
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TOWN OF BERLIN

CODE OF CONDUCT & ETHICS FOR BOARDS, COMMITTEES AND COMMISSIONS

This Code of Ethics implies a basic understanding of it as it relates to the laws of the Commonwealth of Massachusetts, and the bylaws, policies, procedures, rules and regulations of the Town of Berlin.

The oath of office binds individual members to adherence to those state laws that apply to all areas of municipal government that comes under this jurisdiction.

This code of ethics delineates these areas of responsibility to all members of Boards, Committees and Commissions whether elected or appointed "Regular" or "Special Municipal Employees" as defined under Massachusetts General Laws, Chapter 268A (see definitions) at the end of this document.

1. Community Responsibility
2. Responsibility to Municipal Administration
3. Relationship to other Board, Committee or Commission Members, and employees
4. Prohibited Conduct

1. COMMUNITY RESPONSIBILITY. A member of any Board, Committee or Commission in relation to his/her community, shall:

- a) Realize that his/her basic function is to make policy, not administer it, unless otherwise empowered by the laws of the Commonwealth or the bylaws of the Town of Berlin.
- b) Realize that he/she is one of a team and should abide by, and carry out, all Board, Committee or Commission decisions once they are made.
- c) Be well informed concerning the duties of a Board, Committee or Commission member on both local and state levels.
- d) Remember that he/she represents the entire community at all times.
- e) Accept the appointment as a means of unselfish service, not benefit personally or politically from his/her Board, Committee or Commission activities.
- f) In making all decisions relative to individual appointments, he or she shall avoid political patronage by judging all candidates on merit, experience and qualifications only.
- g) Before any vote, he/she shall refuse to (shall not) vote on any matter involving an immediate family member (the employee, his/her spouse, parents, children, brothers and sisters) in which he/she has a financial interest.

2. RESPONSIBILITY TO MUNICIPAL ADMINISTRATION. A member of any Board, Committee or Commission, in his/her relations with administrative officers of the Town, shall:

- a. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of all people in the community.
- b. Recognize and support the administrative chain of command and refuse to act on complaints or take other actions as an individual outside the administration.
- c. Give the Town Administrator responsibility for discharging his/her duties pursuant to the Board of Selectmen/Town Administrator Act.

Therefore, all Boards, Commissions and Committees shall:

- a) Direct all problems or conflicts which cannot be solved in-house to the attention of the Town Administrator.

- b) Direct all legal questions or requests to Town Counsel through the Town Administrator or person designated by the Town Administrator.
- c) Direct all questions or concerns to the Town Administrator. Letters may also be addressed to the Board of Selectmen; however, an initial letter to the Town Administrator will expedite required actions and will deal most directly with an issue that needs attention. Please remember that the Town Administrator and Board of Selectmen do not have authority over other elected officials or committees/individuals appointed by the Moderator or Library Trustees.

3. RELATIONSHIP TO OTHER BOARD, COMMISSION OR COMMITTEE MEMBERS, AND EMPLOYEES. A member of any Board, Committee or Commission in his/her relations with fellow members, or with members of other Boards, Committees or Commissions, and employees shall:

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

4. PROHIBITED CONDUCT. A member of any Board, Committee or Commission, in accordance with Massachusetts General Law, Chapter 268A, shall:

- a. Not accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties.
- b. Not accept employment or engage in any business or professional activity which will require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority.
- c. Not improperly disclose confidential information acquired by him/her in the course of his/her official duties, nor use such information to further his/her personal interests.
- d. Not use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- e. Not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is unduly affected by the kinship, rank, position or influence of any party or person.
- f. Not pursue a course of conduct which will raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.
- g. Not be influenced in his/her performance of any official act or any act within his/her official responsibility.
- h. Not be influenced to commit, or aid in committing or to collude in, or allow any fraud, or make opportunity for the commission of any fraud on the Commonwealth or on a state, county or municipal agency.

- i. Not be induced to do or omit to do any acts in violation of his/her official duty.

In addition, a member of any Board, Committee or Commission shall treat all residents, non-residents, petitioners, other board, committee and commission members and Town employees with respect while performing the duties of the Board, Committee or Commission.

5. CODE OF CONDUCT - VIOLATIONS. Complaints, whether written or oral, and whether anonymous or sourced, which allege a violation of the Code of Conduct & Ethics, will be thoroughly investigated by the Board or a designee of the Board. The conduct of the investigation shall be at the discretion of the Board. In the event the complaint is substantiated, either in whole or in part, the Board reserves the right to take appropriate remedial action to address the alleged violation, up to and including the immediate removal of the Board/Committee member from the Board(s) and/or Committee(s) on which they serve, following notice and an opportunity to be heard pursuant to G.L. c. 30A, sec. 21(a)(1).

Massachusetts General Laws Chapter 268, Section 1 - Definitions

“Municipal employee,” a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution.

“Special municipal employee”, a municipal employee who is not a mayor, a member of the board of aldermen, a member of the city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter; provided, however, that a selectman in a town with a population of ten thousand or fewer persons shall be a special municipal employee without being expressly so classified. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be classified as a “special municipal employee” unless he occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, or unless he in fact does not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special municipal employee shall be in such status on days for which he is not compensated as well as on days on which he earns compensation. All employees of any city or town wherein no such classification has been made shall be deemed to be “municipal employees” and shall be subject to all the provisions of this chapter with respect thereto without exception.

Adopted by the Berlin Board of Selectmen: September 3, 2019

Amended: _____

See “Acknowledgement of Receipt”

TOWN OF BERLIN
CODE OF CONDUCT & ETHICS FOR BOARDS, COMMITTEES AND COMMISSIONS
Acknowledgement of Receipt

This CODE governing appropriate, respectful and professional conduct has been written to provide information and guidance for our board, committee and commissions. The Town reserves the right to change, add to or delete any part of this CODE, at any time, as it deems appropriate. The Town reserves the right to waive or vary any term of this CODE, as it deems appropriate at any time in order to achieve its desired goals, including mutual respect and zero tolerance for any form of inappropriate/unprofessional conduct by Town boards, committees and commissions.

If changes are made to this actual CODE by the Board of Selectmen, boards, committees and commissions will be notified as soon as possible. However, changes approved by the Board of Selectmen will be effective upon the date of approval.

This CODE does not, and may not be construed to, create a contract with any member of any public body.

With your signature below, you represent that you have read this acknowledgement, that you have received a copy of the Town of Berlin's CODE OF CONDUCT & ETHICS FOR BOARDS, COMMITTEES AND COMMISSIONS, and that you have read and understand this CODE.

I acknowledge that I have received and read the Town's CODE OF CONDUCT & ETHICS FOR BOARDS, COMMITTEES AND COMMISSIONS. I understand my responsibilities concerning the goals of the Town of Berlin to encourage civility in our local government and require respectful and professional behavior among all members of public bodies, employees, customers, vendors and visitors who interact with the Town.

Name of member [Print]: _____

Name of Board, Committee or Commission: _____

Signature of Member: _____

Date: ____/____/____

FILE THIS ACKNOWLEDGEMENT WITH THE SELECTMEN'S OFFICE

Date Adopted by Board of Selectmen: 8/19/2019

Date Amended: _____

Town of Berlin Board of Selectmen

PUBLIC COMMENT GUIDELINES

The Board of Selectmen shall reserve time for public comment on its open meeting agendas to allow members of the public to address the Board. Public Comment is not a discussion, debate, or dialogue between citizens and the Board. It is an opportunity to express an opinion on issues before the Board of Selectmen.

- Speakers will be allowed three (3) minutes to speak. The chair may permit extension of this time limit.
- The Board and/or the Town Administrator may not be prepared to directly respond to citizen questions posed. Therefore, if the Board believes that an issue requires further dialogue, the Board may schedule the issue as a future agenda item.

All discussion in open session shall be civil and respectful. The Chair has the authority under the open meeting law to interrupt and stop any person who behaves in an uncivil or disrespectful manner.

Anyone who wishes to make comments during an open meeting of the Board of Selectmen must comply with requirements set forth in the open meeting law, including:

- Persons may address the Board of Selectmen with permission of the Chair and must stop speaking upon request of the Chair.
MGL c.30A, §20(f)
- No person may discuss the reputation, character, physical condition or mental health of a particular individual. MGL c.30A, §21(a)¹
- No person may discuss the discipline or dismissal of, or complaints or charges against a specific public officer, employee, staff member or individual. MGL c.30A, §21(a)¹
- No person may discuss any other matters required to be discussed in Executive Session. MGL c.30A, §21(a)¹
- Basic rules of parliamentary procedure shall apply at all open meetings of the Board of Selectmen.

¹ Certain provisions of the Open Meeting Law pertaining to Executive Sessions apply.

OFFICIAL EXTERNAL COMMUNICATIONS GUIDELINES

Town of Berlin departments, boards and committees shall strive to utilize all available and appropriate communication methods to inform the community of official public meetings, forums, activities and events.

External communication methods for one type of event such as a regular meeting of a board or committee may utilize routine communication methods, whereas, communication methods for town-wide public forums and events are expected to utilize multiple available and appropriate methods to assure notice to as much of the community as possible.

Available official Town of Berlin communication methods include:

1. Town of Berlin Website “News” – request posting at selectmen@townofberlin.com
2. Town of Berlin Department, Board or Committee webpages – contact appropriate department, board or committee
3. Town of Berlin Social Media sites – request posting at selectmen@townofberlin.com and/or at relevant email address department, board or committee.
4. Town of Berlin My Town Government - official public body meeting notices posted by Town Clerk or authorized board and committee designees at <http://mytowngovernment.org/01503>
5. Berlin Cable Access Television Bulletin Board – request posting at cableaccess@townofberlin.com
6. Roadside LED Message Board – request posting of Town-sanctioned message at highway@townofberlin.com
7. CodeRED Reverse 911 communications system – This system is primarily reserved for emergency communications. All residents may sign up for CodeRED at <https://www.townofberlin.com/public-safety/pages/sign-codered-notifications>. Request outgoing official communication at chiefgalvin.pd@townofberlin.com.
8. Council on Aging Powderhouse News – This newsletter is published bi-monthly. Request posting at coadirector@townofberlin.com or coa@townofberlin.com
9. The Clinton Item – press releases, local news and legal notices. Boards and committees may publish legal ads and press releases relative to governmental matters under their jurisdiction. Request publication at clintonitem@yahoo.com or legalnotices@telegram.com. Fees apply to certain published notices.
10. Posting of Hard Copy Notices - Berlin Town Offices, Public Library, Post Office, and other public locations as appropriate. Departments, boards and committees are responsible for posting their own hard copy notices.

**Other statutory and bylaw notice requirements apply to various official Town of Berlin meetings such as town meetings and hearings conducted by public bodies.*

Select Board Approved: December 21, 2020

Amended:

SAMPLE COMMITTEE AGENDA

1. Announcements from the Chair
2. Approval of Minutes
3. General Public Comments
4. Hearings
5. Presentations
6. Staff Report
7. Sub Committee Reports
8. Old Business – List Items
9. New Business – List Items
10. Committee Comments
11. Executive Session (if necessary)
12. Adjourn

SAMPLE COMMITTEE MINUTES FORM

1. Call to Order: The meeting was called to order at _____ o'clock in the _____ ROOM of the Municipal Office Building or (specify other)
2. Committee Members in Attendance (mandatory)
3. Committee Members Participating Remotely (mandatory)
4. Committee Members Absent (mandatory)
5. Staff in Attendance (mandatory)
6. Others Participating (recommended)
7. Others in Attendance (optional)
8. Committee Agenda (mandatory)
9. Discussions – A Brief Description of any Discussion Items (summary mandatory)
10. Committee Action on Each Agenda Item by Vote or Consensus (mandatory)
11. Executive Session - Please note Executive Session purpose number and special protocol required for Executive Session
12. Adjournment (mandatory)
13. Voted unanimously to adjourn at _____ o'clock
14. Submitted by (mandatory)

Department Contact Information

Please refer to <https://www.townofberlin.com/contacts-directory> for most current contact information

Emergency - Fire, Police, Ambulance	911
Police Department	978-838-7355
Fire & EMS Department	978-838-2444
Select Board Email: selectmen@townofberlin.com	978-310-5901
Town Administrator Email: townadmin@townofberlin.com	978-310-5919
Town Accountant Email: accountant@townofberlin.com	978-838-0045
Animal Inspector	978-838-8126
Assessor Email: assessors@townofberlin.com	978-838-2256
Board of Health Email: boardofhealth@townofberlin.com	978-772-3335 ext. 304
Building Inspector Email: BuildingInsp@townofberlin.com Email: inspections@townofberlin.com	978-838-0046
Town Clerk Email: TownClerk@townofberlin.com	978-838-2931
Tax Collector Email: taxcollector@townofberlin.com	978-838-2765
Treasurer Email: treasurer@townofberlin.com	978-838-0046
Conservation Commission Email: conservation@townofberlin.com	
Council on Aging Email: coadirector@townofberlin.com Email: coa@townofberlin.com	978-838-2750

Department Addresses and Phone Numbers

[Home](#) » [Government](#)



Departments

Department	Address	Phone
Americans With Disabilities Act (ADA)		(978) 3105919
Assessors	Berlin Municipal Building 23 Linden Street Berlin, MA 01503	(978) 838-2256
Berlin 1870 Town Hall	1870 Town Hall 12 Woodward Ave Mailing address: 23 Linden Street Berlin, MA 01503	978-310-5922 Email: 1870TownHall@TownofBerlin.com
Berlin Public Library	Berlin Public Library 23 Carter Street Berlin, MA 01503	(978) 838-2812
Collector of Taxes	Berlin Municipal Building 23 Linden Street P.O. Box 41 Berlin, MA 01503	(978) 838-2765
Highway Department	Berlin Highway Department 112 West Street Berlin, MA 01503	(978) 838-2898
Inspectional Services	Berlin Municipal Building 23 Linden Street Room 216 Berlin, MA 01503	(978) 838-0046 office (508) 450-0158 cell
Public Records Request		
Public Safety	Berlin Municipal Building 23 Linden Street Berlin, MA 01503	Berlin Fire & EMS: (978) 838-2444 Berlin Police: (978) 838-7355
Town Accountant	23 Linden Street Berlin, MA 01503	(978) 838-0045
Town Administrator	Berlin Town Offices 23 Linden Street Room 209, 2nd floor Berlin, MA 01503	978-310-5919
Town Clerk	Berlin Municipal Building 23 Linden Street #8 Room 202 Berlin, MA 01503	(978) 838-2931
Town Treasurer	Berlin Municipal Building 23 Linden Street Berlin, MA 01503	(978) 838-0344
Veterans' Services	Berlin Town Offices 23 Linden Street Berlin, MA 01503	(978) 838-2560

Board Addresses and Phone Numbers

Home » Government



Boards

Board	Address	Phone
Agricultural Commission	Berlin Town Offices, Box #6 23 Linden Street Berlin, MA 01503	
Board of Assessors	23 Linden Street Berlin, MA 01503	(978) 838-2256
Board of Health	Berlin Town Offices 23 Linden Street Berlin, MA 01503	(978) 772-3335 Ext. 304
Cable Access Committee	23 Linden Street Berlin, MA 01503	
Cable Advisory Committee	23 Linden Street Berlin, MA 01503	
Capital Planning Committee	23 Linden Street Berlin, MA 01503	
Cemetery Commission	Berlin Town Offices 23 Linden St Berlin, MA 01503	(978) 838-2502
Community Preservation Act (CPA) Committee		
Conservation Commission	Berlin Town Offices 23 Linden Street Berlin, MA 01503	Inspectional Services Office (978) 838-0046 conservation@townofberlin.com Conservation Commission Member Walter Bickford: 978-838-2420
Council on Aging	Town Offices 23 Linden Street Lower Level Room 118 Berlin, MA 01503	General Inquiries: (978) 838-2750
Cultural Council	23 Linden Street Berlin, MA 01503	
Earthwork Advisory Committee	23 Linden St Berlin, MA 01503	
Economic Development Committee	23 Linden Street EDC@TownofBerlin.com Berlin, MA 01503	
Energy Committee	23 Linden Street energycomm@townofberlin.com Berlin, MA 01503	
Fence Viewers	23 Linden Street Berlin, MA 01503	
Finance Committee	Berlin Town Offices 23 Linden Street Berlin, MA 01503	
Historical Commission	23 Linden Street Berlin, MA 01503	
Housing Partnership	23 Linden Street Berlin, MA 01503	(978) 838-2931
Insurance Advisory Committee (IAC)	23 Linden Street Berlin, MA 01503	
Personnel Committee	23 Linden Street Berlin, MA 01503	
Planning Board	23 Linden Street Berlin, MA 01503	
Recreation Committee		
Select Board	Town Office Building 23 Linden Street Room 206 - 2nd floor (Mail Box #6) Berlin, MA 01503-1669	(978) 838-2442
Zoning Board of Appeals	23 Linden Street Berlin, MA 01503	(978) 838-0046 for ZBA Admin. Support

Town of Berlin Appointing Authorities

Board/ Committee/Official (*elected) Appointing Authority	Boards/Committees appointed	Number of Appointees	Terms*
MODERATOR*	Finance Committee	5 voters	3 years
	Capital Planning Committee	1 member	2 years
	Town Bylaws Article II - Town Meetings, the Warrants and the Town Reports: SECTION 10. <i>All Committees shall be appointed by the Moderator, unless otherwise specially directed by the meeting, and all Committee so appointed shall be directed to report within a definite time. If a Committee does not report within the time stated, or at the first annual town meeting held thereafter, it shall be considered discharged. The Moderator shall not be a member of any Committee appointed by him.</i> Adopted 3/12/1951 Approved by A.G. 8/8/1951		
SELECT BOARD*	Agricultural Commission	5 members	3 years
	Cable Access Committee	3 members?	1 year?
	Cable Advisory Committee	3 members?	1 year?
	Capital Planning Committee	2 members	2 years
	Community Preservation Act Committee	2 at-large members	3 years
	Conservation Commission (c.40, s.8C)	7 members	3 years
	Council on Aging	7 citizens	≤ 4 years
	Cultural Council (c.10, s.58)	≥5 and ≤22 members	3 years (2 consecutive term limit)
	Earthworks Advisory Committee	Building Insp + 2 at-large	One year
	Energy Committee	5 members	3 years
	Insurance Advisory Committee (c.32B, s.3)	7 members plus retiree	One year
	Historical Commission (c.40, s.8D)	3 to 7 members	3 years
	Housing Partnership	? (4 listed)	3 years?
	Personnel Committee	3 registered voters	3 years
	Recreation Committee	5 citizens	3 years
	Traffic Safety Advisory Committee	5 employees; TA non-voter	One year
	Zoning Board of Appeals	5 members, 3 associates	5 years
PLANNING BOARD*	Capital Planning Committee	1 member	2 years

	Community Preservation Act Committee	1 member	3 years
	Economic Development Committee	5 members	3 years
	Traffic Safety Advisory Committee	1 member	One year
BOARD OF HEALTH*	Earthwork Advisory Committee	1 member	One year
CONSERVATION COMMISSION	Community Preservation Act Committee	1 member	3 years
	Earthwork Advisory Committee	1 member	One year
HISTORICAL COMMISSION	Community Preservation Act Committee	1 member	3 years
HOUSING PARTNERSHIP	Community Preservation Act Committee	1 member	3 years
RECREATION COMMITTEE	Community Preservation Act Committee	1 member	3 years
FINANCE COMMITTEE	Capital Planning Committee	1 non-voting member	2 years
	Traffic Safety Advisory Committee	1 non-voting member	One year
CAPITAL PLANNING COMMITTEE	Traffic Safety Advisory Committee	1 member	One year

* **Terms** assumes general terms rather than those needed at the initial Committee establishment or to fill a Committee vacancy. Refer to each board or Committee's composition for staggered term requirements.

940 CMR 29.00: OPEN MEETINGS

940 CMR: OFFICE OF THE ATTORNEY GENERAL

Section 29.10: Remote Participation

Adopted by Berlin Board of Selectmen on November 21, 2016

29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating 940 CMR 29.10, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the M.G.L. c. 30A, §§ 18 through 25, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, § 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, § 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(g) Local Commissions on Disability. In accordance with M.G.L. c. 30A, § 20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location

shall be clearly audible to each other, as required by M.G.L. c. 30A, § 20(d);

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

(5) Permissible Reason for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), only if physical attendance would be unreasonably difficult.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

i. telephone, internet, or satellite enabled audio or video conferencing;

ii. any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, § 22.

(8) Further Restriction by Adopting Authority. 940 CMR 29.10 does not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies,

laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

SOURCES OF INFORMATION

1. MGL Ch. 4, Section 7 (Clause 26): Definition of a Public Record
<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>
2. MGL Ch. 30A, §§ 18-25: Open Meeting Law
https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials_revised%201-30-18.pdf
3. MGL Ch. 268A: Conflict of Interest <https://www.mass.gov/doc/summary-of-the-conflict-of-interest-law-and-acknowledgment-form-for-municipal-employees-0/download>
4. State Ethics Commission www.mass.gov/ethics/
5. By-laws of the Town of Berlin
<https://www.townofberlin.com/sites/g/files/vyhli4156/f/uploads/town-by-laws-10-15-2018.pdf>
6. Berlin Zoning Bylaw
https://www.townofberlin.com/sites/g/files/vyhli4156/f/uploads/zoning_bylaw_-_10-15-2018.pdf
7. Town of Berlin Board of Selectmen and Town Administrator Act
<https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter384>