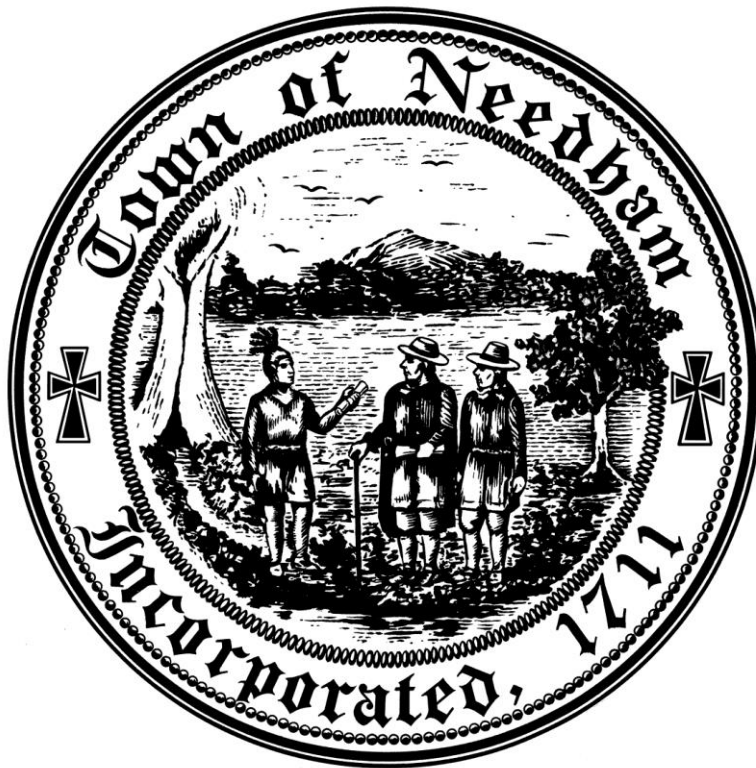


TOWN OF NEEDHAM



Select Board Orientation Guidebook

Current as of February 2024

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SECTION 1: SELECT BOARD ORGANIZATION AND HISTORY

1.1 Select Board Responsibilities

The Select Board serves as the executive branch of Needham's municipal government. This board consists of five members elected for three years, with overlapping terms. Its primary functions include:

- Establishing policies and town-wide goals.
- Appointing the Town Manager and Town Counsel.
- Making appointments to those town boards and committees under its jurisdiction.
- Convening the annual town meeting in May and any special town meetings that may be required and preparing the Warrant (listing of articles) for Town Meeting consideration.
- Licensing all food and liquor establishments and transportation companies.
- Representing the interests of town residents in business dealings, legal affairs, and inter-governmental cooperation with other municipal, county, state, and federal agencies.
- Approving appointments recommended by the Town Manager for the positions of Deputy Town Manager/Director of Finance, Deputy Town Manager, Fire Chief, Police Chief, and Director of Public Works.
- Approving collective bargaining agreements negotiated by the Town Manager.
- Exercising other powers and duties vested by Massachusetts General Laws or by vote of the town.
- Having general supervision over all matters that are not specifically delegated by law or vote to some other officer or board.

A full copy of the Town's General By-Laws and Charter can be found on the website.

Reference 1a: Needham General By-Laws and Charter -

<http://www.needhamma.gov/DocumentCenter/View/1859/General-By-Laws-2019-PDF?bidId=>

1.2 Current Board Members

Marianne Cooley

- Elected in 2013
- Term expires in 2026
- Currently serves as Chair

Kevin Keane

- Elected in 2021
- Term expires in 2024
- Currently serves as Vice Chair

Heidi Frail

- Elected in 2022
- Term expires in 2025
- Currently serves as Clerk

Marcus Nelson

- Elected in 2021
- Term expires in 2024

Cathy Dowd

- Elected in 2023
- Term expires in 2026

See Reference 1b – Meet the 23-24 Select Board.

1.3 Roles on Select Board

The Select Board votes annually, generally following the Town election in April, to select a Chair, Vice-Chair, and Clerk. The following are basic duties of each officer:

Chair:

- Presides at all meetings, decides questions of order.
- Calls meeting dates and times.
- Sets agenda topics.
- Represents the board before the appointing authority, other Town bodies and the public, as required.
- Exercises control over public meetings and hearings, ensures that the proper decorum is maintained and that such meetings and hearings are conducted in an orderly and appropriate manner.
 - The Chair may determine members, participants, and audience out of order and take action(s) to maintain order and decorum. Such action may include ordering an unruly party to cease speaking, dismissing an unruly party, or recessing a meeting until order is restored.

Vice-Chair:

- Acts as Chair in the absence of the Chair.
- Interviews applicants for Board/Committee appointments and makes final recommendations to the full Select Board.

Clerk:

- Signatory responsibilities for certain official documents

The Chair and Vice Chair meet regularly with the Town Manager to prepare agenda items for upcoming Board meetings and to confer on matters that can be disposed of administratively.

Select Board members also serve as members of or liaisons to other Town Boards and Committees (e.g. Memorial Park Trustees, Needham Unite Against Racism Initiative, Affordable Housing Trust Fund) and various working groups that are established to align with that year's priorities (e.g. Working groups focused on Needham's housing plan, tree preservation strategies, Ridge Hill, etc.). Select Board

members communicate their preferred assignments to the Town Manager with final decisions made by the Chair of the Select Board.

1.4 Five Most Recent Select Board Members

Matt Borrelli (2012-2023)

Dan Matthews (1995-2022)

Lakshmi Balachandra (2021)

John Bulian (2003-2021)

Moe Handel (2008-2021)

SECTION 2: SELECT BOARD GOALS

2.1 Goal Setting Process

The Select Board meets annually (generally in the summer) to set town-wide goals and establish priority initiatives for the two upcoming fiscal years. Those goals and initiatives inform budget requests and staff workplans across Town departments. Goals also inform changes in town policies through new or amended Select Board policies and/or Town Meeting warrant articles.

The Town Manager is responsible for administering the goals and for updating the Select Board on progress throughout the year. The Board may meet midway through the year or when there is a change in the composition of the Board to review the goals and make any needed adjustments. The Select Board often confers with other Town Boards and Committees to understand their goals and to discuss any priorities that fall under multiple jurisdictions.

2.2 Current Goals (FY 2024)

The Select Board voted Fiscal Year 2024 (July 2023 – June 2024) goals at their September 26, 2023 meeting. A status update was provided at their meeting on January 23, 2024.

See Reference 2a – Final SB Goals FY2024 with Updates.

SECTION 3: SELECT BOARD CODE OF CONDUCT & PROFESSIONAL DEVELOPMENT

3.1 Code of Conduct

In 2022, the Select Board formed a subcommittee to develop a code of conduct for its members. After several public meetings in 2023, the subcommittee submitted a draft of the code to the Board for approval at its March 14th, 2023 meeting. The Board voted unanimously in favor of the self-enforcing code and ordered its inclusion into this handbook. Each new member of the Board is encouraged to sign their name to the code upon entering office.

See Reference 3a – Select Board Code of Conduct:

<https://needhamma.gov/DocumentCenter/View/43257/Needham-Select-Board-Code-of-Conduct-3142023?bidId=>

3.2 Professional Development

Members of the Select Board are encouraged to pursue professional development opportunities offered to them by non-partisan civic organizations. A primary example of such an opportunity is attendance at the Massachusetts Municipal Association Annual Meeting, which provides Board members the opportunity to meet and learn from peer local elected officials, professional managers, and other local government experts.

Reference 3b – Massachusetts Municipal Association – Select Board Handbook.

3.3 Massachusetts Public Ethics/Conflict of Interest Laws for Municipal Employees

Under the State conflict of interest law the term "employee" includes full and part-time municipal employees as well as elected officials (paid or unpaid), committee and board appointees (paid or unpaid), and individuals under a contract or on a consultant basis. This does not include charter commission members or Town Meeting Members. Municipal employees are required annually to acknowledge receipt of the summary of the law and complete the online training program. The Town Clerk provides this information to all municipal employees. More information is available here:

<http://needhamma.gov/2418/Conflict-of-Interest-Education-and-Train>

The State Ethics Commission also maintains a website which details all aspects of the Law. That site may be accessed at <http://www.mass.gov/ethics/>. Board and committee members should familiarize themselves with the general rules, as they may face civil and criminal penalties for taking prohibited actions. Many aspects of the law are complicated, and there are often exemptions to the general rules. Board members who have any concerns about potential conflict should consult with the Town Clerk or Town Manager, who will relay the question to Town Counsel if warranted. Alternatively, board members may seek legal advice from the State Ethics Commission.

Reference 3c - Summary of the Conflict of Interest Law for Municipal Employees (PDF)

3.4 Public Records Laws

The Commonwealth of Massachusetts broadly defines what constitutes a public record. The public records law includes nearly all documentary materials or data of any form generated, received or maintained by the Town, its employees, boards, committees, and commissions. In order to protect certain privacy and security interests, there are certain narrowly defined statutory exemptions prohibiting particular public records, or portions thereof, from disclosure. The Town Clerk is the Records Access Officer for the Town of Needham.

Any written communication by Board members regarding Town business, regardless of media (inclusive of personal email accounts, text messages, etc.), is considered public record and must be maintained. At no time shall public records be destroyed without appropriate permission.

Requests for public records are handled through a defined process that is led by the Town Clerk.

More information can be found at: <http://needhamma.gov/4489/Public-Records>

Reference 3d – Needham PRL 2021 Training

SECTION 4: PUBLIC COMMUNICATION

4.1 Email

4.1.1 Member Town Email Account

Each member of the Select Board is granted access to an official Town email account from which to conduct official business. These accounts serve as the primary means of written communication between Town staff and members to ensure compliance with public records law. In addition, official business taken by members in writing is now primarily accomplished via these accounts. Emails sent and received by members via their official Town email are archived by the Town and satisfy public records rules.

4.1.2 SelectBoard@needhamma.gov

The Select Board has a centralized email address - selectboard@needhamma.gov - used by residents and other individuals to contact the Board in a centralized manner. This account also receives messages generated by individuals who use the “Email the Select Board” feature on the Town website.

Office of the Town Manager staff check this email daily and forward any time-sensitive messages for the Board to each member’s individual account, as well as the Town Manager and any other relevant department head (if applicable). At the end of the week, staff send each member a shared folder containing the entirety of the week’s mail, as well as a two-week look ahead calendar.

4.2 Phone Calls

Members of the Select Board are not issued cellular phones. In a manner similar to the centralized email address, individuals who wish to contact the Select Board by telephone are directed to the Office of the Town Manager, where staff take their calls. Time-sensitive messages are transcribed into an email for members, and also included in the Select Board’s weekly email.

4.3 Letters

In a manner similar to the centralized email address, individuals who wish to contact the Select Board by mail are directed to a mailing address delivered to Office of the Town Manager staff. Time-sensitive letters are scanned into an email for members, and also included in the Select Board’s weekly email. Hard copies are available for pickup in a member’s individual mailbox within the Office of the Town Manager.

4.4 Invitations to Public Events

Public and private organizations often invite members of the Select Board to events. If mailed to the centralized email account or delivered by letter, these invitations are sent via email to each member the day of receipt. Of note, ethics rules prohibit members from accepting gifts valued at more than \$50, which may come into effect if invitations come with tickets included. It is the Board’s historic practice that at least one member attend official Town events, ribbon cuttings, etc. Please reference the Code of Conduct for more details on this topic.

4.5 Issue Resolution

Individuals who contact the Select Board with issues requiring attention by Town departments have their concerns relayed by Office of the Town Manager staff to the appropriate agencies, with the Select

Board copied. While Town staff may work the details of the resolution or response internally, the Select Board is copied on the eventual response to the individual.

If numerous individuals contact the Select Board on a single issue, the Town Manager often coordinates with Select Board Chair and Vice Chair to inform them of the issue and craft a path forward, to include communication strategy in concert with related Town staff.

4.6 Social Media - Town Accounts

The Town operates four major social media accounts: Facebook, Twitter, Instagram, and YouTube. Each account provides residents and interested persons access to public information about the Town in an accessible, mobile friendly manner. The Town Public Information Officer manages these accounts. Individuals who contact the Town via these sites with issues relevant to the Select Board most often be directed to the Town website to use the “Email the Select Board” feature, or have their message passed along by the PIO via the Select Board email process. In addition, the Town publishes a periodic newsletter – *The News You Need(ham)* –

Reference 4a – Links to Town of Needham Social Media Sites

<https://www.facebook.com/TownofNeedham>

<https://www.instagram.com/townofneedhamma/?hl=en>

https://twitter.com/TownofNeedham?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwqr%5Eauthor

<https://www.youtube.com/user/TownofNeedhamMA>

SECTION 5: MEETINGS

5.1 Select Board Meeting Schedule

The Select Board meets biweekly between September and June on the second and fourth Tuesday of the month. In July and August, the Board meets once a month. Traditionally, the Board moves the second Tuesday meeting in April to the second Wednesday to accommodate the annual election. Meetings are rescheduled if they conflict with a holiday, election, or other major event.

Special Meetings may also be called at the discretion of the Chair. These may take place at any time (e.g. on another day of the week, before business hours, etc.), but are subject to the same public meeting notice requirements.

Executive Sessions of the Select Board must start in an Open Session, which are likewise subject to public meeting notice requirements.

5.2 Select Board Calendar

The Select Board has historically handled recurring annual items at the same time annually, either to meet statutory requirements of the items at hand or at the discretion of the Board to facilitate efficiency of administrative requirements. Below is a brief overview of items covered over the course of the Fiscal Year (1 July to 30 June):

(Future addition – this section in development)

5.3 Public Hearings

5.3.1 Common Hearings

Public hearings are certain items on the Select Board's agenda that require public input, either by statute or by Board policy. Many, but not all items require additional public notice, often in the form of a legal notice in a local newspaper (either the Needham Times or Hometown Weekly), abutters notification, or both.

Examples of common public hearings are:

- Grants of Location: Permit public utilities to access and run infrastructure to/from conduits in the public way (usually under roads and sidewalk)
- Tax Classification: Discussion on and adoption of tax rates
- Certain Contracts and Licenses: Some contracts that the Board enters into agreements on behalf of the Town, for example cable licenses
- Certain Alcohol License Actions: Initial granting of ABCC licenses, transfer of license, and alteration of premises are the most common alcohol-related public hearings
- Fuel Storage: Granting of fuel storage licenses, which are required for new tanks with over 1000 gallons of storage

5.3.2 Scheduling Factors

Public hearings must start at or after the time advertised in any legal notice posted to newspapers. This often involves scheduling multiple public hearings at the starting time of a meeting if the meeting has multiple public hearings.

SECTION 6: MEETING AGENDAS, PACKETS, AND MINUTES

6.1 Open Meeting Law

Open Meeting Law training is required for all members. The Town Clerk manages this training.

6.1.2 Posting Requirements

Public meeting law dictates that the Select Board (as with any other public body) must publish meeting times and full agenda at least 48 business hours before the meeting. If changes occur, they must be published as a revision. Office of the Town Manager staff ensures that these laws are complied with in concert with the Town Clerk.

Reference 6a – M.G.L Part I, Title III, Section 30a, Section 20:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30A/Section20>

Items not on a published agenda may not be addressed during the meeting in order to ensure that interested members of the public do not miss an opportunity to discuss or hear the Board discuss the item.

6.1.3 Quorum

The Board must have a quorum of over 50% of its membership to reach quorum. Without quorum, the Board cannot open its session or discuss business before the Board.

The Board is currently operating under a Hybrid meeting model, allowing for virtual/in-person meetings. This is authorized by statute until April 2022. As such, unless all members are present in the room, a roll-call vote is required for each motion.

Reference 6b – FAQs About Open Meeting Law: <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law>

6.1.4 Executive Session

The Board may move to executive session to discuss certain, legally covered items that the Board membership deems necessary to discuss out of the public eye. Such topics usually center around ongoing litigation, labor negotiations, land purchase negotiations, and other like topics. Executive Sessions must be entered into from an Open Session.

Reference 6c – FAQs About Executive Session Exemption (PDF)

6.2 Agenda & Packet Items

In preparation for each Select Board meeting, Office of the Town Manager staff build and post an agenda, and associated packet, that are published to the Board and the public. The packet contains all items and supporting documentation (except for executive session materials) that will come before the Board at said meeting. Packets can often be hundreds of pages long, consisting of relevant background information on the items before the Board. Members may request a paper copy of the full packet for the meeting.

In addition to the packet, the Board also receives a “signature packet” for use during the meeting to sign documents associated with the agenda.

6.3 Consent Agenda

The Consent Agenda is an item featured on most Select Board meetings and consists of relatively minor or administrative items that the Board chooses to adopt as a single item, usually without debate. Common items on consent agenda are include:

- Approving minutes of past meetings
- Accepting donations to the Town
- Approving non-alcohol licenses
- Approving license renewals

6.4 Appointments

The Select Board manages appointments to a majority of the Town’s appointed Board and Committees. For some Committees (e.g. Needham Committee for Arts and Culture) it appoints all members, while for others it shares appointment of seats with other elected or appointed bodies (e.g. Council on Aging).

The Vice Chair of the Select Board leads the annual appointment and reappointment process for Select Board-appointed seats, which takes place in various phases from April through June, culminating in the appointment of members to fill seats on July 1st. Office of the Town Manager staff assist the Vice Chair in confirming vacancies and projected vacancies, coordinating interviews with Committee chairs and applicants, and placing appointments on the agenda.

Select Board members are notified of the Vice Chair's intention to nominate applicants before publication of the agenda, giving each member an opportunity to discuss the proposed nomination with the Vice Chair before nominations are made public.

For appointments of Select Board members to committees on which the Board is entitled seats for its members, the Chair will usually lead a discussion during an open meeting, after which the Board will vote to assign its representatives.

Reference 6d – List of all Town Committees: <http://needhamma.gov/1223/All-Committees>

Reference 6e – Appointment Protocol: <http://www.needhamma.gov/DocumentCenter/View/11561/SB-ADMIN-003-Appointment-Protocol?bidId=>

6.5 Posted Agendas, Minutes, and Packets

6.5.1 Public Meetings

Agenda, minutes, and packets are posted to the Town website as required by open meeting law. Minutes are published only upon approval of the Board, though may be posted in draft (this is uncommon).

Reference 6f– Town Website Meeting Archive: <http://www.needhamma.gov/Archive.aspx>

Starting during the COVID-19 pandemic, recordings of meetings have been made and posted to the Town YouTube page.

Reference 6g – Town YouTube Page: <https://www.youtube.com/user/TownofNeedhamMA>

6.5.2 Executive Session

Minutes from Executive Session are sealed after the conclusion of such sessions. Current policy mandates review of these minutes three years following an Executive Session, at which point minutes may be unsealed if the topic discussed is no longer deemed sensitive. Minutes not unsealed are reviewed annually under the same criteria.

Reference 6h – Select Board Policy: Executive Session Minutes
<http://www.needhamma.gov/DocumentCenter/View/42854/SB-ADMIN-002-Executive-Session-Minutes?bidId=>

SECTION 7: SELECT BOARD POLICIES AND REGULATIONS

7.1 Policy Creation/Updating Process

Policies are created or updated on an as-needed basis for the areas over which the Select Board has authority, to include government administration, personnel policy, procurement, health and safety, licensing, public works, certain financial activities (budget authority lies with Town Meeting), and use of/displays on Town property.

At this time, during each as-needed policy update, staff updates policies to the refer to the Select Board by its current name and remove gendered language, in addition to the content updates.

7.2 Location of Current Policies

A list of all current Select Board Policies is located on the Town website.

Reference 7a – Town Website, Select Board Policies: <http://www.needhamma.gov/512/Select-Board-Policies>

SECTION 8: SELECT BOARD LICENSING/PERMITTING

8.1 Types of Licenses

The Select Board issues a wide array of licenses, from dining, to taxis, to pool tables. A full list of licenses and associated fees can be found on the Town webpage.

Reference 8a – Fee Schedule: <https://needhamma.gov/DocumentCenter/View/1948/Select-Board-Fee-Schedule?bidId=>

8.2 Licensing Cycles

The Select Board has historically moved through a spring and fall license renewal schedule. The fall schedule tends to be the more intensive of the two, as restaurants and alcohol licenses are renewed at this time, in line with ABCC renewal schedules. License renewals are usually conducted on the Consent Agenda at the first meeting in December.

8.3 ABCC Licensing

8.3.1 Quota

The Town is able to issue liquor licenses up to quota established by the state based on 2020 Census data. The current quota is:

- 34 all alcohol, on premises
- 7 wine and malt, on premises
- 7 all alcohol, off premises
- 7 wine and malt, off premises

Prior to the 2023, this number was limited by a Home Rule Petition that was overturned by voters in the 2023 Annual Town Election.

8.4 Permits

Permits approved by the Select Board are usually for items relating to use of public property for an event or indoor display and are usually added to the consent agenda. In a minority (but not uncommon) number of cases, processing of late applications may be delayed, causing approval for these events to be made at a following meeting – a process referred to as ratification.

Unattended displays of private property are prohibited on Town Property by the Select Board Display Policy.

Reference 8c – Select Board Display Policies: <http://www.needhamma.gov/3646/BOS-Policies-Section-A-DISPLAY>

SECTION 9: SELECT BOARD’S RELATION TO TOWN GOVERNMENT

Massachusetts cities and towns share some common governmental structures and functions. For example, each local governmental body has a person or group of persons in the executive role, the tax assessment role, the tax collection role, the record-keeping role, and the health role. Through specific

local needs, and with the vote of Needham residents and Town Meeting Members, other elected positions and committees have been established over time as found in our General By-Laws and Charter.

9.1 Town Meeting

The Legislative body of Needham's Town government is Representative Town Meeting. This is a unique form of government in New England that sets it apart from most other sections of our country. The Town is divided into ten precincts, and each precinct votes for 24 representatives to the Town Meeting. There are a total of 240 elected Town Meeting Members. In addition, there are Town Meeting members at large, each of whom shall have the right to vote in said meeting. These members are: (a) any resident member of the General Court from the Town, whose state legislative district is wholly within the town; (b) the moderator; (c) the Town Clerk; (d) the members of the Select Board; (e) the chair of each other elected board of the Town, except the Housing Authority and the Commissioners of Trust Funds.

The Annual Town Election is held on the second Tuesday in April of each year, and the Annual Town Meeting for the transacting of business begins on the first Monday in May of each year. If the business is not completed that day, an adjournment shall be taken to the next following Wednesday. If any business shall then remain unfinished, adjournment shall be taken to the next following Monday, with successive adjournments to the next following Wednesdays and Mondays until all business is completed, unless otherwise voted at one of the scheduled meetings. Special Town Meetings may be called by the Select Board as needed – this often occurs in the fall. Town Meeting is usually conducted at Town Hall. The Needham Cable Channel broadcasts Town Meeting live on the local government channel.

Reference 9a - List of 2023 Town Meeting Members:

<https://needhamma.gov/DocumentCenter/View/1718/TMMembers2000-B?bidId=>

Reference 9b - General Town Meeting information, including a history of Needham's Town Meeting and the Town Meeting Handbook created by Moderator Michael Fee:

<http://www.needhamma.gov/2045/Town-Meeting>

Reference 9c – A Citizen's Guide to Town Meeting, Secretary of State (PDF)

9.2 Local Elected Officials

- Five Select Board for a term of three years.
- Seven members of the School Committee for a term of three years.
- A Moderator for a term of three years.
- A Town Clerk for a term of three years.
- Five members of the Park & Recreation Commission for a term of three years.
- Two Constables for a term of three years.
- Three Assessors for a term of three years.
- Three Commissioners of Trust Funds for a term of three years.
- Seven Trustees of the Needham Public Library for a term of three years.
- Five Trustees of Memorial Park for a term of three years.
- Five members of the Board of Health for a term of three years.
- Five members of the Planning Board for five-year terms.

- Three members of the Needham Housing Authority for five-year terms. One member is a NHA tenant appointed by the Select Board and a fifth member is appointed by the Governor.
- In all cases, except for the Planning Board and Housing Authority, where three or more members of a board or commission are to be elected for terms of more than one year, as nearly 1/3 as possible, shall be elected annually.

Reference 9d - Descriptions of elected positions: <http://needhamma.gov/1098/Local-Elected-Officials>

Reference 9e – List of 2022 Elected Officials (most current published):

<https://needhamma.gov/DocumentCenter/View/1723/Town-of-Needham-Elected-Officials2022?bidId=>

Reference 9f - 2024 Election Calendar (most current published):

<https://needhamma.gov/DocumentCenter/View/42615/2023-Annual-Town-Election-Town-Meeting-Calendar>

9.3 Appointed Bodies

Town boards, commissions, and committees consist of citizens who contribute their time for the benefit of Needham. These committees work toward solving complex issues and recommending policy that helps to shape the kind of community in which we live. Needham is fortunate to have many volunteers whose skill and technical knowledge can be applied in the Town Government.

Boards, commissions, and committees are created through the town by-laws. For non-elected bodies, members are largely appointed by the Town Moderator, the Select Board, or a mix of appointing authorities. There are various temporary committees that may be created for a specific period of time or for a specific purpose that are established by the town manager or one or more of the permanent committees. Terms of office vary from one to three years.

Reference 9g: Organizational Chart of Boards & Committees (PDF)

Reference 9h - List of committees and descriptions: <http://needhamma.gov/1223/All-Committees>

9.4 Town Manager

The Town Manager is appointed by the Select Board and serves as the chief executive officer of the Town. The Town Manager is responsible for day-to-day administration, appointing and supervising most Town employees, and implementing policies set by the Select Board and Town Meeting. The primary duties and responsibilities of the Town Manager are spelled out in the Town Charter Part 3, Section 20.

Reference 9i – Town Manager Employment Agreement:

<http://www.needhamma.gov/DocumentCenter/View/8584/town-manager-contract-thru-2022?bidId=>

SECTION 10: TOWN DEPARTMENTS AND ORGANIZATIONAL STRUCTURE

10.1 Town Department Organizational Chart

Needham has roughly 30 Town Departments responsible for providing core municipal services and advancing the Town's priorities. The Town Manager, Assistant Town Manager/Director of Finance and Assistant Town Manager/Director of Operations serve as the leadership management team for the Town. The Superintendent of Schools leads the Needham Public School district, reporting to the School Committee.

Reference 10a: Town of Needham Organizational Chart (PDF)

In Fiscal Year 2022, the Town had roughly 1,175 full time equivalent employees. 841 (or 68%) of these served in the Needham Public Schools with the remaining 393 staff (32%) supporting all additional municipal services. The Town also employs a number of part-time, seasonal and temporary staff. The Town of Needham (excluding the school district) has six represented employee groups.

Reference 10b – Represented Employee Groups: <https://www.needhamma.gov/403/Represented-Employee-Groups>

The Town Manager will schedule introductory meetings for new Select Board members with Department/Division Managers to learn more about each area of responsibility and Needham's staff.

Reference 10c - Town Buildings and Department Locations <https://www.needhamma.gov/56/Town-Departments>

10.2 Office of the Select Board/Office of the Town Manager Staff

The Office of the Select Board/Town Manager executes the day-to-day operations and special projects associated with both the Select Board and the Town Manager. This includes the coordination of licensing and permit activities and public hearings related to liquor, fuel storage, public utilities, Class I and II, common victualler, outdoor dining on public property, taxi, bowling licenses, entertainment, sale of second-hand goods, lodging, automatic amusement, and mobile food vehicles. This office also serves as a United States Passport Acceptance Facility, a rental and event planning resource for James Hugh Powers Hall, and a staff liaison to various Select Board appointed committees. The Office also provides oversight of the Town's website, Twitter and Facebook official Town activity. The Annual Town Report, and Annual and Special Town Meeting warrants are also produced from this office. The Office also includes the Deputy Town Manager, Human Resources Department, Director of Communication and Community Engagement, and Economic Development Manager.

Current OTM employees (February 2023):

- Town Manager – Kate Fitzpatrick
- Deputy Town Manager– Katie King
- Director of Human Resources – Tatiana Swanson
- Assistant Director of Human Resources – Taylor Donaldson-Jhurani
- Human Resources Operations and Benefits Administrator – Justine Hunt
- Human Resources Administrative Coordinator – Ellen Reulbach
- Director of Communication and Community Engagement – Amy Haelsen
- Economic Development Officer – J.P. Cacciaglia
- Support Services Manager – Myles Tucker
- Administrative Specialist – Emily Meyer
- Department Assistant – Louise Kempt

SECTION 11: BUDGET AND FINANCE

11.1 Budget Approval Process

The Town Manager, the Finance Committee, the Select Board, and the School Committee all play different and important roles in the budget process. The General By-laws of the Town of Needham provide for the following process:

The Town Manager shall issue budget guidelines and instructions for all Town departments to submit their spending requests for the ensuing fiscal year. The Town Manager shall consult with the Finance Committee prior to the issuance of said guidelines and instructions. The Town Manager and School Superintendent will provide the Finance Committee with copies of their respective departmental spending requests on or before the 2nd Wednesday of December. Following receipt of these spending requests, the Finance Committee may begin its consideration of same, including the commencement of budget hearings. The Town Manager, after consultation with the Select Board and School Committee, shall not later than the 31st day of January, present to the Finance Committee a balanced budget recommendation in the form of an executive budget, which shall include the spending priorities of all Town departments for the ensuing fiscal year, including in addition thereto, the voted School Committee budget request if different than that contained in the proposed balanced budget. The Town Manager's executive budget recommendation shall not be binding on the Finance Committee. Said executive budget recommendation shall include the estimates of Town revenues and proposed expenditures of all Town departments, including debt service and other amounts required to be raised for the ensuing fiscal year. The Town Manager may amend or otherwise revise revenue estimates as may be warranted. All such revisions shall be provided in writing to the Select Board, School Committee and Finance Committee.

As covered earlier, the Legislative body of Needham's Town government is Representative Town Meeting. No budget or fiscal appropriation can be made without the approval of Town Meeting Members at either the Annual Town Meeting, held the first Monday in May each year, or at a Special Town Meeting, held in the spring or fall of each year, or as otherwise needed. The Town Manager presents a proposed annual budget to the Finance Committee for its consideration, and the Finance Committee then forwards its proposed budget to the Annual Town Meeting for appropriation. The final budget voted by Town Meeting constitutes the legal budget authority which ultimately governs the manner and amount of local funding expended during the fiscal year. This document presents information on the General Fund, and two Enterprise Funds, all of which must be appropriated by Town Meeting in accordance with State law.

11.2 Budget Calendar

July 1

- Start of current Fiscal Year

September

- Capital improvement plan guidelines are released for upcoming Fiscal Year
- Town Manager budget consultation with the Select Board
- Town Manager budget consultation with the Finance Committee

October

- Budget guidelines released for upcoming Fiscal Year
- Capital requests are due from Departments
- Town Manager budget consultation with the Select Board
- Special Town Meeting

November

- Town Manager reviews Department spending requests
- Town Manager budget consultation with the Select Board

December

- Department spending requests are due to Finance Committee from the Town Manager and School Superintendent
- Select Board votes Capital Improvement Plan (CIP) recommendation

January

- 5-year Capital Improvement Plan is released
- Town Manager budget consultation with the School Committee
- Town Manager's Proposed Annual Budget is released

February

- Warrant articles for the Annual Town Meeting are due to the Select Board
- Finance Committee's draft budget is due to the Town Manager

March

- Finance Committee's budget recommendations are due for inclusion in the Annual Town Meeting Warrant

May

- Annual Town Meeting

11.3 Operating Budget

The Proposed Annual Budget is more than estimates of revenues and expenses; it is a reflection of the Town's values, priorities and goals. The budget document serves as a policy document, a financial guide, and a communication device. The FY2025 proposed budget and overall spending plan was based on a revenue projection of \$233.7M, which is \$10.6M or 4.5% greater than the adjusted estimate for FY2024.

Reference 11a: Annual Budget Documents <https://needhamma.gov/4092/Budget-Documents>

Reference 11b: May 2023 Annual Town Meeting Warrant, including FY2024 budget recommendations.
<https://needhamma.gov/DocumentCenter/View/43542>

11.4 Capital Improvement Plan

The Town Charter requires that the Town Manager, after consultation with the Select Board, submit in writing to the Board a careful, detailed estimate of the recommended capital expenditures showing specifically the amount necessary to be provided for each office, department and activity and a statement of the amounts required to meet the debt service requirements or other indebtedness of the Town. This plan includes the proposed Capital Budget for the upcoming Fiscal Year, which is

recommended to the Finance Committee and ultimately to Town Meeting for consideration. The overall Capital Improvement Plan presents 5 years of projects, which reflect an assessment by municipal departments and the School Committee of future capital needs and are primarily shown for planning purposes. While many of these projects may ultimately be recommended for funding, the plan is a fluid one, and projects may be added and deleted from the list as circumstances change.

Reference 11c: FY2025-2029 Capital Improvement Plan <https://needhamma.gov/5495/FY2025-2029-Capital-Improvement-Plan>

SECTION 12: DIVERSITY, EQUITY, AND INCLUSION

12.1 Needham Unite Against Racism Initiative (NUARI)

The Town is committed to ensuring that all residents of Needham are safe and free from racism, discrimination, and hate. In July 2020, the Select Board launched the [Needham Unite Against Racism Initiative](#) (NUARI) to foster a dialogue about racism in Needham and produce actionable strategies to ensure Needham is a welcoming and inclusive community. This included a listening session for community members who wished to share with Town officials their personal experiences with racism in Needham, their concerns, and suggestions for improvement. The Select Board also appointed a NUARI Working Group charged with:

- Articulating a recommended vision for racial equity in Needham and guiding principles that will inform future actions.
- Establishing protocols and practices for getting community feedback, with a specific focus on engaging Black, Indigenous, and people of color (BIPOC), and others who have been marginalized due to their race or ethnicity. Strategies should be identified to keep Needham's racial equity work informed by BIPOC input but owned by Town leadership and the broader community.
- Setting up communication structures to ensure the sustainability and accountability of the Initiative.
- Discussing and prioritizing other recommendations that have been submitted to the Select Board.
- Making recommendations to the Select Board about future action.

The NUARI Working Group created a vision statement for racial equity (see below) and made a number of interim recommendations to the Select Board, as outlined in a report to the May 2021 Annual Town Meeting

Reference 12a – NUARI Interim Report
<https://www.needhamma.gov/DocumentCenter/View/23594/NUARI-Interim-Town-Meeting-Report-04262021?bidId=>

12.2 Town of Needham's Vision Statement for Racial Equity Statement

Needham will be a community free of racism, racial bias, prejudice and discrimination. Our residents, schools, businesses, organizations and government will work together to identify barriers to racial equity and create solutions, opportunities, resources and support for removing them.

- We will work collaboratively and democratically toward a just, equitable, antiracist community.
- We will work to identify and change current policies, procedures, practices, and cultural norms in Needham that prevent meaningful access to opportunities because of race.
- We will create opportunities for the community to confront unpleasant truths and seek solutions that always amplify values of racial equity.
- We will intentionally create spaces for respectful dialogue and difficult conversations toward racial amity.
- We will actively engage with those who feel the impact of racism most directly, seeking their input, guidance, and honoring the wisdom of their experience.
- We will commit as individuals to be intentional in our efforts to learn and practice anti-bias and antiracism, transforming our thinking, attitudes and behaviors.

This statement is accompanied by a list of guiding principles and intentional practices that individuals and organizations can take to help Needham realize this vision. This vision statement was adopted by the Needham Select Board on March 23, 2021 and by the May 2021 Annual Town Meeting. A list of other Town Boards and Committees and community-based organizations in Needham who have adopted this vision statement are listed on the NUARI site: <https://www.needhamma.gov/4942/NUARI--Needham-Unite-Against-Racism-Ini>

Reference 12b – NUARI’s Vision Statement, Guiding Principles and Intentional Practices (PDF)
<https://www.needhamma.gov/DocumentCenter/View/23259/NUARI-Vision-Guiding-Principles-and-Intentional-Practices-Adopted?bidId=>

REFERENCE MATERIAL

- 1a: Town of Needham General By-Laws and Charter
<http://www.needhamma.gov/DocumentCenter/View/1859/General-By-Laws-2019-PDF?bidId=>
- 1b: Meet the Select Board (PDF)
- 2a: Select Board Goals (PDF)
- 3a: Select Board Code of Conduct
<https://needhamma.gov/DocumentCenter/View/43257/Needham-Select-Board-Code-of-Conduct-3142023?bidId=>
- 3b: Massachusetts Municipal Association – Select Board Handbook
Link: https://www2.mma.org/_IVXNkRgY9gRAFR
Password: MSA2020
- 3c: Summary of the Conflict of Interest Law for Municipal Employees (PDF)
- 3d: Needham PRL 2021 Training (PDF)
- 4a: Links to Town of Needham Social Media Sites
<https://www.facebook.com/TownofNeedham>
<https://www.instagram.com/townofneedhamma/?hl=en>
https://twitter.com/TownofNeedham?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor
<https://www.youtube.com/user/TownofNeedhamMA>
- 6a: M.G.L Part I, Title III, Section 30a, Section 20:
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30A/Section20>
- 6b: FAQs About Open Meeting Law: <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law>
- 6c: Reference 6c – FAQs About Executive Session Exemption (PDF)
- 6d: List of all Town Committees: <http://needhamma.gov/1223/All-Committees>
- 6e: Appointment Protocol: <http://www.needhamma.gov/DocumentCenter/View/11561/BOS-ADMIN-003-Appointment-Protocol?bidId=>
- 6f: Town Website Meeting Archive: <http://www.needhamma.gov/Archive.aspx>
- 6g: Town YouTube Page: <https://www.youtube.com/user/TownofNeedhamMA>

- 6h: Select Board Policy: Executive Session Minutes:
<http://www.needhamma.gov/DocumentCenter/View/42854/SB-ADMIN-002-Executive-Session-Minutes?bidId=>
- 7a: Town Website, Select Board Policies: <http://www.needhamma.gov/512/Select-Board-Policies>
- 8a: Fee Schedule: <https://needhamma.gov/DocumentCenter/View/1948/Select-Board-Fee-Schedule?bidId=>
- 8b: Select Board Presentation on Quota: <https://www.youtube.com/watch?v=g7er7H3KqZk>
- 8c: Select Board Display Policies: <http://www.needhamma.gov/3646/BOS-Policies-Section-A-DISPLAY>
- 9a: List of 2023 Town Meeting Members
<https://needhamma.gov/DocumentCenter/View/1718/TMMembers2000-B>
- 9b: General Town Meeting information, including a history of Needham's Town Meeting and the Town Meeting Handbook created by Moderator Michael Fee
<http://www.needhamma.gov/2045/Town-Meeting>
- 9c: A Citizen's Guide to Town Meeting, Secretary of State (PDF)
- 9d: Local elected official descriptions
<http://needhamma.gov/1098/Local-Elected-Officials>
- 9e: Elected Officials
<https://needhamma.gov/DocumentCenter/View/1723/Town-of-Needham-Elected-Officials2022?bidId=>
- 9f: Election Calendar
<https://needhamma.gov/DocumentCenter/View/42615/2023-Annual-Town-Election-Town-Meeting-Calendar>
- 9g: Town Boards and Committees (PDF)
- 9h: List and descriptions of Committees:
<http://needhamma.gov/1223/All-Committees>
- 9i: Town Manager Employment Agreement:
<http://www.needhamma.gov/DocumentCenter/View/8584/town-manager-contract-thru-2022?bidId=>
- 10a: Town of Needham Organizational Chart (PDF)
- 10b: Represented Employee Groups
<https://www.needhamma.gov/403/Represented-Employee-Groups>

10c: Town Buildings and Department Locations

<https://www.needhamma.gov/56/Town-Departments>

11a: Annual Budget Documents

<https://needhamma.gov/4092/Budget-Documents>

11b: May 2023 Annual Town Meeting Warrant Article, including FY2024 budget recommendations.

<https://needhamma.gov/DocumentCenter/View/25538/2022-Final-Annual-Town-Meeting-Warrant?bidId=>

11c: FY2025-2029 Capital Improvement Plan

<https://needhamma.gov/5309/FY2024---FY2028-Capital-Improvement-Plan>

12a: NUARI Interim Report

<https://www.needhamma.gov/DocumentCenter/View/23594/NUARI-Interim-Town-Meeting-Report-04262021?bidId=>

12b: Racial Equity Vision Statement, Guiding Principles and Intentional Practices (PDF)

<https://www.needhamma.gov/DocumentCenter/View/23259/NUARI-Vision-Guiding-Principles-and-Intentional-Practices-Adopted?bidId=>

Other Important Items:

Town Maps: <https://www.needhamma.gov/2389/Town-Maps>

Town of Needham Community Profile (PDF)

Board, Committee, and Commission Member Handbook:

<http://www.needhamma.gov/DocumentCenter/View/11692/COMMITTEE-MEMBER-HANDBOOK--8-21-2015?bidId=>

NEEDHAM SELECT BOARD

APRIL 2023—APRIL 2024

To reach all Select Board members, please email selectboard@needhamma.gov



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Member

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Select Board Goal Statement
Adopted September 26, 2023
Status Update January 18, 2024

PURPOSE

The purpose of the Select Board Goals is to effect positive change, set policy direction for Town government, and guide the development of the budget.

GOAL #1: Healthy and Socially Thriving – Needham residents enjoy plentiful recreational, cultural, and educational opportunities in an environment that upholds human rights, celebrates diversity, and fosters a sense of connection among neighbors, thus strengthening their bond to the community they proudly call home. Needham:

- Cultivates a wide range of recreational, cultural, educational, civic, and social opportunities for all socioeconomic and age groups;
- Supports the physical and mental well-being of its community members;
- Fosters inclusion, diversity, and equity in order to become a culturally responsive, anti-racist, and anti-biased community; and
- Values public art.

FY2024-2025 Initiatives	Description	Status
1	Identify ways to institutionalize community conversation around race, diversity, equity, and inclusion, to build relationships and a stronger understanding of different perspectives and lived experiences.	The Human Rights Committee is currently developing a program to work towards this goal.
2	Make intentional efforts and identify creative ideas for community outreach to diversify the candidate pool for all appointed Boards and Committees; measure progress.	A survey will be integrated into the 2024 committee recruitment efforts and distributed to current members for benchmarking. Surveys will be ongoing for applicants and administered annually for members. Results will assist outreach efforts to community groups for recruitment and engagement.
3	Complete the Equity Audit, clarify objectives, and determine next steps.	The Town received a \$50,000 Community Compact Grant for this project. The project will kick off during Q1 CY2024.
4	Conduct Board and Committee member orientation sessions to	Staff are drafting a curriculum for this program. The roll out for newly

	include the Town's race equity vision statement and NUARI principles.	elected officials is planned for Spring 2024 for elected officials and Fall 2024 for appointed officials.
5	NUARI: Conduct Board and Committee member orientation sessions to include the Town's race equity vision statement. (Included in Initiative 1.4)	Included in Initiative 4.
6	Hold a public hearing and determine if the Town will change Columbus Day to Indigenous People's Day.	Hearing held 11/28/2023, vote to change held 12/5/2023.
7	Invite various identity network groups to meet with the Select Board and introduce the work they do and the community they serve.	Staff will use data gleaned from surveys and committee recruitment outreach to engage with identity network groups, with the intent of using these conversations as segues to Select Board meeting discussions.
8	Develop a plan for a community observance of Juneteenth. (Deferred to Future Fiscal Years)	Deferred.
9	Implement Valor Act and consider aligning the administrative process for both the Valor Act and the Senior Corps programs. (Operationalized FY 2023-24 Initiative)	Staff will make a proposal in FY2024 Q4 for the Board's consideration.
10	Conduct focus groups with BIPOC community members to identify strategies for ensuring that all members of the community feel welcome as outlined in the NUARI vision statement and guiding principles. (Operationalized FY 2023-24 Initiative)	Focus groups were held in Fall 2023.

GOAL #2: Economically Vital – Needham welcomes investment in local businesses and has a thriving local economy that contributes to a growing local tax base to support desirable community amenities and programs. Needham:

- Has a growth mindset and encourages business development and redevelopment;
- Supports an environment for creativity, innovation, and entrepreneurship;
- Promotes a well-educated, skilled, and diverse work force that meets employers' needs;
- Fosters a collaborative and resource-rich regional business climate;

- Attracts, sustains, and retains a diverse mix of businesses, entrepreneurs and jobs that support the needs of all community members; and
- Supports financial security and economic opportunity.

FY2024-2025 Initiatives	Description	Status
11	Evaluate Chestnut Street Redevelopment (Deferred to Future Fiscal Years)	Deferred.

GOAL #3: Livable— Needham values diversity and a broad spectrum of housing options. The community is supported by well-maintained public infrastructure and desirable amenities that accommodate a variety of community needs. Needham:

- Promotes and sustains a secure, clean, and attractive place to live, work and play;
- Supports an increase of housing, including a variety of types and price points;
- Provides high-performing, reliable, affordable public infrastructure and Town services;
- Encourages and appropriately regulates sustainable development; and
- Supports and enhances neighborhood livability and accessibility for all members of the community.

FY2024-2025 Initiatives	Description	Status
12	Work with the Planning Board on next steps related to the MBTA Community Housing Guidelines and the update to the Town's Affordable Housing Plan. Review updated demographics and impact on anticipated transit-oriented development and schools.	The HONE Advisory Group is active and continuing outreach efforts to gain community input. The first of 3 community meetings was held on November 9th. The next meeting is January 18th.
13	Identify funding for School Master Plan projects and participate in the planning process.	The MSBA approved an Invitation for Eligibility for the Pollard project on December 13, 2023. Funding for feasibility is included in the FY2025 Capital Budget.
14	Evaluate RTS Service Delivery Model to guide long-term investment and review operational efficiencies in the short-term.	After failing to receive bids within the allocated budget, DPW is working with a firm to conduct a survey. Once results are complete, viable options will be

		evaluated by a consultant. The goal of completion is June 2024.
15	Evaluate next steps for use of the Stephen Palmer Building.	Background research in preparation for stakeholder and community outreach is on-going.
16	Evaluate expansion of off-leash dog areas.	Staff will provide concept plans based on the ARA Working Group recommendations by August 2024.
17	Support for the Needham Housing Authority redevelopment project.	The Select Boad appointed the Town-Financed Community Housing Oversight Committee (T-CHOC), which is actively meeting. The Select Board and Planning Board are both advancing articles for May Town Meeting that the project requires.
18	Evaluate the role of the Affordable Housing Trust. (Deferred to Future Fiscal Years)	Deferred.
19	Begin the Ridge Hill/Nike Assessment Phase 2 Project, including working with the Community Farm to decide on the long-term plan for the farm at the side as well as considering potential future uses of the site. (Deferred to Future Fiscal Years)	Deferred.
20	Create a voluntary local historic district under Chapter 40C for the property of Elizabeth and Maurice Handel at 3 Rosemary Street, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and the 11th oldest in Needham. (Operationalized FY 2023-24 Initiative)	The Final Report is complete and awaiting adoption by the Committee on January 17, 2024. This item will be included on the warrant for the 2024 Annual Town Meeting.
21	Upgrade Town Seal to improve graphic quality and historical accuracy. (Operationalized FY 2023-24 Initiative)	The Needham Branding and Town Seal Committee was appointed by the Board and has been meeting since the fall. A scope of services has been drafted and procurement is on-going. The Governor has cut the funding allocated for this project in half under the 9C cuts.
22	Identify opportunities for expanded active and passive recreation facilities	The construction of the reconstructed and expanded NHS tennis courts

	including but not limited to an action sports park and additional boat ramps. (Operationalized FY 2023-24 Initiative)	project is recommended in the FY2025 Capital Budget. The Active Recreation Feasibility Study has been awarded to CHA Solutions Company. Their process will begin early in 2024 and run through the summer in order to deliver their suggestions before budget season in the Fall of 2024. Their focus is to find the best location for a skate park and pickleball courts. Once we receive their recommendation, we will move forward with the design step of one or both of these projects.
23	Maintain/repair the barn at Ridge Hill. (Operationalized FY 2023-24 Initiative)	The revised License for use of the barn by Needham Community Theater is complete (Select Board endorsement approved on 12/19/2023). Emergency repairs are on-going – discussions on the future of the property will be scheduled in 2024.
24	Improve trailhead access to ensure clear and accessible access; consider creating a trails app. (Operationalized FY 2023-24 Initiative)	The Conservation and Park & Recreation Departments have reestablished the Town's Trail Stewards Program and have engaged Tighe & Bond to design uniform trail markers before the end of FY2024.

GOAL #4: Accessible and Connected – In Needham, people can easily and affordably travel to their desired destinations without relying solely on cars. Needham:

- Supports a balanced transportation system that reflects effective land use, manages congestion, and facilitates strong regional multimodal connections;
- Offers and encourages a variety of safe, comfortable, affordable, reliable, convenient, and clean mobility options;
- Applies Complete Street principles to evaluate and prioritize bicycle and pedestrian safety;
- Coordinates with state and federal leaders to ensure access to safe, reliable, and efficient public transit;
- Provides effective infrastructure and services that enables people to connect with the natural and built environment; and
- Promotes transportation options to remain an age-friendly community.

FY2024-2025 Initiatives	Description	Status
25	Update parking payment technologies to allow for credit card and/or app-based payments	The procurement of an app-based payment option began in Q3 FY2024, with availability to the public anticipated in Q4.
26	Ask the Planning Board to update parking requirements in zoning at May 2024 Town Meeting	The Planning Department has requested FY2025 funding for technical assistance to inform a Planning Board zoning amendment for May 2025 Town Meeting.
27	Pilot converting some on-street parking spaces for more active curb use (e.g., short customer visits, active loading areas)	Deferred until after the app-based payment technology is in place and additional data has been collected.
28	Update the Town's parking regulations and permit program (including permit rules, time/day regulations, and pricing)	Deferred until after the app-based payment technology is in place.
29	Seek funding for noise reduction/Quiet Zone feasibility, design, and construction.	The Working Group was constituted, the scope of services was completed, and no responses were received after two procurements. GPI has been hired and begun the background work for the feasibility study. The Working Group is scheduled to meet on 1/22/2024 to get an update on GPI's progress. Funding for the project has been included in the Capital Improvement Plan.
30	Evaluate and make a final determination of the appropriate plan for Downtown Redesign Phase 2.	The Director of Public Works has solicited design concepts from consulting engineers. A presentation has been scheduled for February 13, 2024.
31	Evaluate expansion of snow removal efforts, including sidewalk plowing strategies.	The Town is continuing the Downtown Pilot program this year and will be meeting with business and other stakeholders this Spring to evaluate the program and make recommendations for future implementation.

32	Evaluate funding options for the Rail Trail extension from High Rock Street to Needham Junction. (Deferred to Future Fiscal Years)	Deferred.
33	Evaluate future use of the rail corridor between Dover and Newton. (Deferred to Future Fiscal Years)	Deferred.
34	Evaluate the feasibility of a shared use way between Needham Heights and the City of Newton. (Deferred to Future Fiscal Years)	Deferred.
35	Implement the Parking Study. (Deferred to Future Fiscal Years)	Deferred.
36	Prioritize Funding for the Central Ave/Center St Bridge (Operationalized FY 2023-24 Initiative)	Funding for this project is included in the amended FY2025 TIP. Dover is taking the lead on designing a new bridge and has contracted with TEC to work the TIP process. It is anticipated this project will be approximately 5 years out and will have to be coordinated with MassDOT's project at Chestnut St.

GOAL #5: Safe – Needham is a welcoming and inclusive community that fosters personal and community safety. Needham:

- Provides public safety in a manner consistent with community values;
- Provides comprehensive advanced life support level care;
- Plans for and provides equitable, timely and effective services and responses to emergencies and natural disasters;
- Fosters a climate of safety in homes, businesses, neighborhoods, streets, sidewalks, bike lanes, schools, and public places; and
- Encourages shared responsibility, provides education on personal and community safety, and fosters an environment that is welcoming and inclusive.

FY2024-2025 Initiatives	Description	Status
37	Actively monitor progress on the law enforcement recommendations that NPD Chief Schlittler presented to the Select Board on June 8, 2021. (Operationalized FY 2023-24 Initiative)	The Police Chief will attend the February 27, 2024 Select Board meeting to present the 2023 Annual Report.

GOAL #6: Responsibly Governed – Needham has an open and accessible Town government that fosters community engagement and trust while providing excellent municipal services. Needham:

- Models stewardship and sustainability of the Town’s financial, human, information, and physical assets;
- Invests in making Town-owned buildings safe and functional;
- Supports strategic decision-making with opportunities for engagement and timely, reliable, and accurate data and analysis;
- Enhances and facilitates transparency, accuracy, efficiency, effectiveness, and quality service in all municipal business;
- Supports, develops, and enhances relationships between the Town and community and regional partners;
- Proactively reviews and updates Town policies and regulations and ensures compliance;
- Promotes collaboration between boards and committees;
- Values the local government workforce;
- Identifies and implements strategies to hire, support and retain diverse staff at every level of the organization; and
- Prioritizes acquisition of strategic parcels.

FY2024-2025 Initiatives	Description	Status
38	Evaluate the need for a flag policy.	The policy was approved at the 11/28/2023 Select Board meeting.
39	Evaluate the possibility of developing a Community Master Plan. Develop an inventory of Town long-range plans and identify overlaps and conflicts, including other Boards of jurisdictions.	Pending
40	Establish process to do regular by-law charter review updates.	The Select Board appointed a working group on 1/9/2024 to develop a proposal for Town Meeting. The Working Group will meet in February.
41	DPW phased renovation/construction.	Phase I of this project is recommended in the FY2025 Capital Budget.
42	Capital Facilities: CATH upgrades (including additional parking) and Library phased renovations.	Projects requests were submitted in the FY 2025-2029 CIP. Design of the Library’s Young Adult project is recommended in the FY2025 Capital Budget. Rental of 13 additional parking spots from the MBTA next to the CATH

		is recommended for FY2025 operating budget.
43	Evaluate ways to increase minority and women-owned business participation in construction, building maintenance projects, and other Town programs.	The PPBC will meet or exceed the MSBA standards for MBE & WBE participation on the design and construction of the Pollard project.
44	Review and recodify the non-criminal disposition by-law (Operationalized FY 2023-24 Initiative)	The October 30, 2023, Special Town Meeting approved the By-law amendment that has been submitted to the Attorney General for review.

GOAL #7: Environmentally Sustainable – Needham is a sustainable, thriving and equitable community that benefits from and supports clean energy; preserves and responsibly uses the earth’s resources; and cares for ecosystems. Needham:

- Combats the climate crisis;
- Prioritizes sustainability, including transitioning from fossil fuels to clean, renewable energy;
- Encourages the efficient use of natural resources; and
- Protects and enhances the biodiversity and vitality of ecological systems.

FY2024-2025 Initiatives	Description	Status
45	Prioritize and implement the Climate Action Plan.	The CAPC presented a draft plan on 12/19/2023, and a public hearing was held on 1/9/2024. Staff are developing a composition and charge for a permanent committee. The Town hired a Sustainability Manager to help facilitate this process in December 2023.
46	Identify parcel acquisition to comply with Land and Water Conservation Fund requirements.	Pending
47	Evaluate adoption of net-zero building code; specialized opt-in code.	The October 30, 2023 Special Town Meeting approved the adoption of the code.
48	Sponsor a tree summit.	The Tree Summit is planned for 2/7/2024.
49	Explore development of a Town Electric Vehicle (EV) policy, i.e., the default position	Deferred. Pending CAPC recommendations.

	for fleet replacement should be EVs unless there is a compelling reason to use an alternative. (Deferred to Future Fiscal Years)	
50	Recommend community energy aggregation (Operationalized FY 2023-24 Initiative)	Public comment on draft plan held 12/6/2023 to 1/5/2024. Comments were compiled and submitted to the DPU. The draft plan was validated and approved for submission by the Town working group on 1/8/2024. A required meeting with DOER will occur on 1/16/2024, followed by the commencement of the DPU review process.
51	Review/establish electric vehicle charging rates (Operationalized FY 2023-24 Initiative)	The Select Board approved the rates at its 10/24/2023 meeting.



TOWN OF NEEDHAM

Office of the Town Clerk

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Mandatory Training Requirements - Summaries and Online Training

Mandatory educational requirements under the Ethics Reform Bill

- **Summary of the Conflict of Interest Law for Municipal Employees**

By December 28, 2009, and on an annual basis thereafter, all current municipal employees must be provided with this summary of the conflict of interest law. Municipal employees hired after December 28, 2009, should be provided with the summary within 30 days of the date on which they commence employment, and on an annual basis thereafter. Every municipal employee is required to sign a written acknowledgment that he/she has been provided with the summary.

- **Online Training Program**

www.muniprog.eth.state.ma.us - Under Education & Training Resources - Online Training Program – Municipal Employees Training Program

By April 2, 2010, and every 2 years thereafter, all current state, county and municipal employees must complete this training. Public employees hired after April 2, 2010 must complete this training within 30 days of beginning public service, and every 2 years thereafter. There is a new online program specifically for **municipal employees**. To complete the training program, click on the ethics website above. To ensure your ability to obtain an acceptable completion certificate please note the following:

- **Do not use the Google Chrome web browser; Use Internet Explorer, Firefox or Safari. Do not use a mobile device, such as a smartphone or tablet, to complete the training program.**
- **Turn off the pop-up blocker in your web browser.** You will not be able to print a completion certificate at the end of the program if you do not first disable the pop-up blocker. Upon completing the program, employees should print out the completion certificate; keep one copy for themselves, and one copy for the Town Clerk (municipal employees). If you are able to proceed through the entire program but your completion certificate does not include your name, position and municipality, you can temporarily disable the pop-up blocker by holding down the "Ctrl" key on your keyboard, and then click the "View Certificate" button on the program.
- **If you will need to print a completion certificate, make sure your computer is connected to a printer.**

After you have completed the Online Training, print out the "State Ethics Commission Receipt", and return with the receipt on Page 9 of this packet "Conflict of Interest Law".

Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation: A town administrator accepts reduced rental payments from developers.

Example of violation: A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation: A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation: A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation: A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation: A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation: A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation: A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation: A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example: A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation: An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

Regulatory exemptions. In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example where there is no violation: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation: A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation: A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example: A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation: A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation: A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example: A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

Example of violation: Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

Example of violation: A selectman buys a surplus truck from the town DPW.

Example of violation: A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

Example of violation: A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular

matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation: A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example: An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example: While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example: A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

* * * * *

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 7: Revised November 14, 2016

* * * * *

In accordance with Massachusetts General Laws, Chapter 28 of the Acts of 2009 I have been furnished a copy of the Conflict of Interest Law.

~ ACKNOWLEDGMENT OF RECEIPT ~

I, _____, an employee at _____,
(First and last name) *(Name of municipal dept.)*

hereby acknowledge that I received a copy of the summary of the conflict of interest law for municipal employees, revised November 14, 2016, on _____.
(date)

Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an email acknowledging receipt of the summary to the individual who provided them with a copy of it.

**Town of Needham
Theodora K. Eaton, MMC
Town Clerk
1471 Highland Avenue
Needham, MA 02492-0909**

Teaton@needhamma.gov

~ Online Training Completion Certificate ~

Print Name

Department / Office / Board / Committee

Address

City or Town, State & Zip

Phone

Email

Please sign and return to the Town Clerk's Office or email Teaton@needhamma.gov
as required by Chapter 28 of the Acts of 2009.
Return by April 7, 2017.

Signature

Date

Public Records Law

Basic Overview



MiyaresHarrington

Local options at work

PUBLIC RECORDS LAW

- ❖ *M.G.L. c.66, § 10* (Access and appeals)
- ❖ *M.G.L. c.4, § 7, cl.26* (Definition and exemptions)
- ❖ 950 CMR 32.00, et seq. (Regulations)
- ❖ Public Records Law Guide (Secretary of State's Guidance)

What records are subject to the PRL?

Applies to all “documents” made or received by a public officer or employee, regardless of format.

Government Property

- Town email address
- Text messages sent via Town provided phone
- Town Twitter/Facebook

Private property, but sent as a municipal official/business related

- Personal email
- Text messages
- Social Media (Joe Smith, member of ConsComm)

Are all records public?

Presumption that the record is public.



What are the exemptions?

Exemption A - Statutory

Exemption C – Privacy

Exemption D – Deliberative Process

Exemption N – Security

Exemption O – Appointed Official

Attorney Client

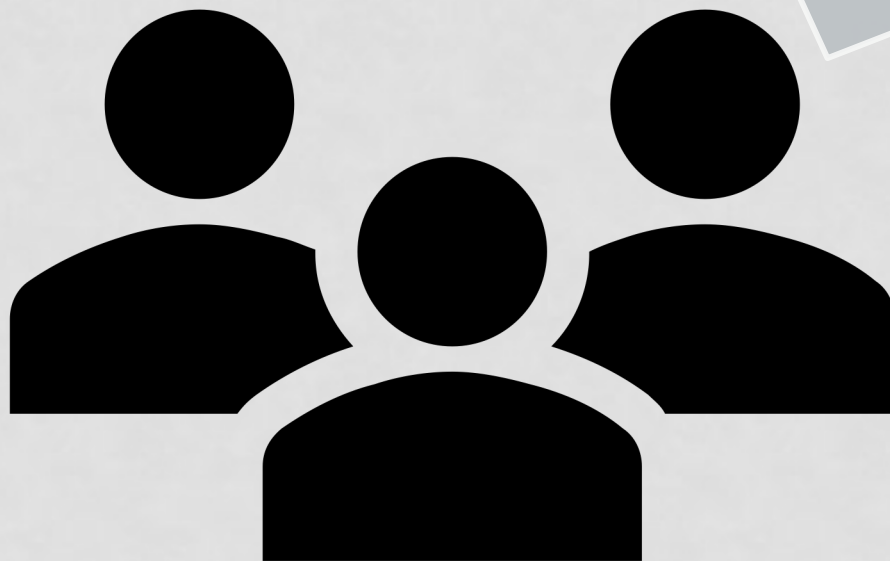


Just some. Ask
if concerned!

I have a request — I think — now what?

Formal request via Town Portal or email
e.g., Email to Town Manager referencing
PRL or FOIA.

Informal request
e.g., Can I see the building department
file?



Contact the RAO!

Responding to the Request

10 Business Days
to Respond

- ❖ Provide Records
- ❖ No Responsive Records
- ❖ Withhold Records
- ❖ Additional Time – 25 Business Days
- ❖ Modification
- ❖ Clarification
- ❖ Fee Estimate
- ❖ Fee Petition

Right to appeal must
be noted in response
letter

No responsive records



No Responsive
Records



No responsive
records plus
brief
explanation



Be Literal!

Withholding a Responsive Record



Letter **MUST** include:

- ✓ Description of document withheld
- ✓ Relevant exemption
- ✓ How the exemption applies
- ✓ A/C – privilege log
- ✓ Right to appeal

Additional Time

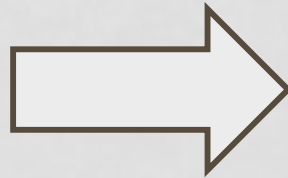


Detailed statement describing why the magnitude or difficulty of the request unduly burdens the other responsibilities of the Town

Provide notice that you will be assessing fees, if applicable

Modification or Clarification

All records related to or pertaining to the Cook Street development.



All emails sent or received by the Planning Director between January 1, 2021, and March 1, 2021, that refer to the development at 12 Cook Street.



Helpful to do a preliminary estimate

Fee Estimate vs. Fee Petition

Fee Estimate

Redactions
Required By
Law
Exemption (A)
Attorney Client

Searching
For
Pulling From
Files
File/Refile

Fee Petition

Redactions Not
Required By
Law
All others

Mixed
Redactions

How to Calculate the Fee

First two hours free

\$25 or lowest paid person capable of performing the task, whichever is lower

Don't start production until payment is received!

\$.05 per page for copies

Actual cost of production (large prints, USB, mailing)

Fee Petition

Charge for time to

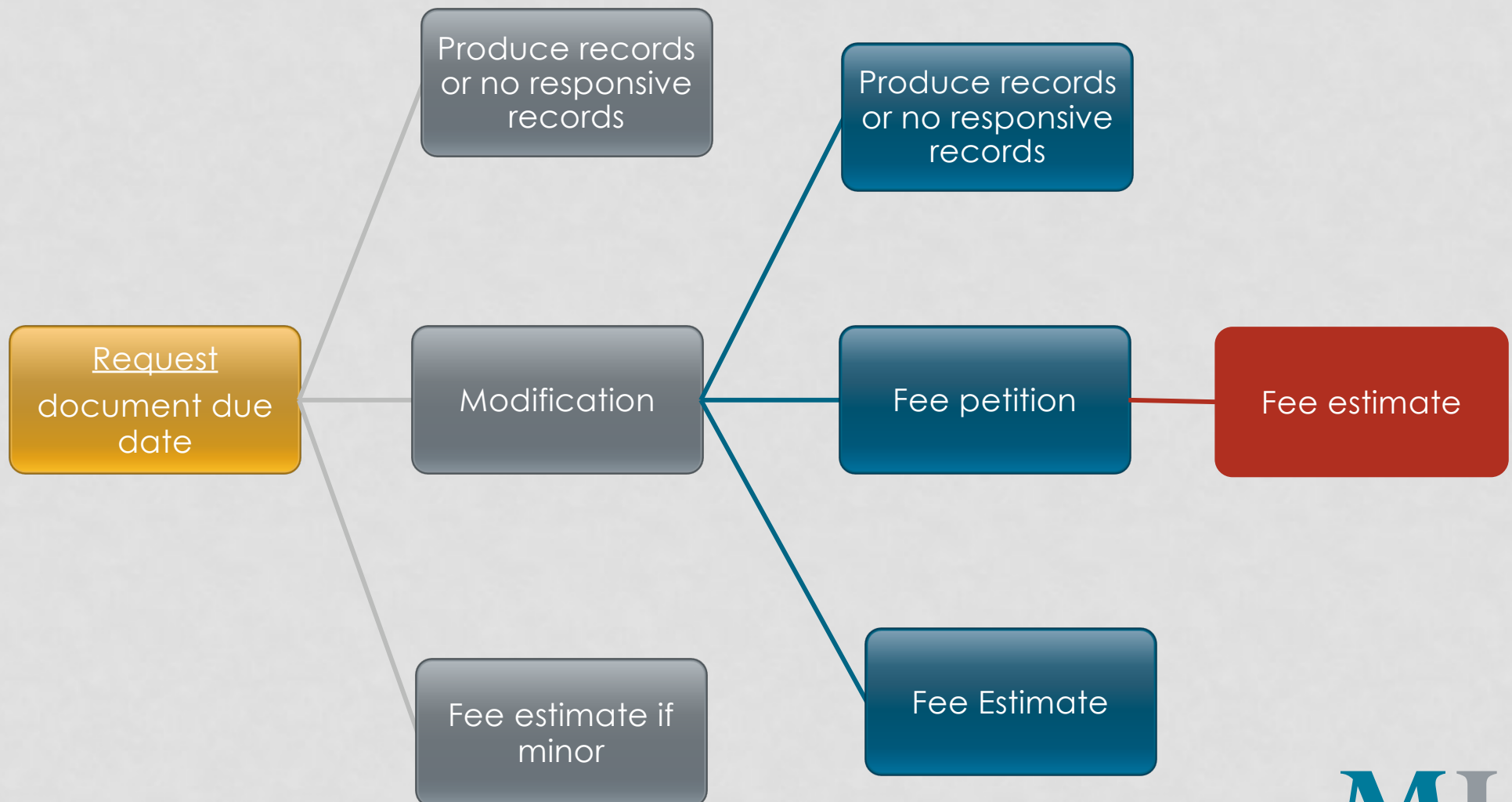
Increase in fee over

Relief from responding

Additional Time

Fee petition must be sent within 10 day window. If Sec. will respond after 10 days from receipt of request, need to send temporary fee estimate.

Overall Process



Things to Note!



Electronic
Version

Searchable PDF

Should this be
online?

Town's website “to the extent feasible”

Commonly Available Public Records

1. Final opinions, decisions, orders, or votes
2. Annual reports
3. Hearing notices
4. Winning bids for public contracts
5. Awards of grants
6. Minutes of open meetings
7. Budget
8. Any document of significant interest that the Town deems appropriate to post

Appeals



Identity of the Requestor

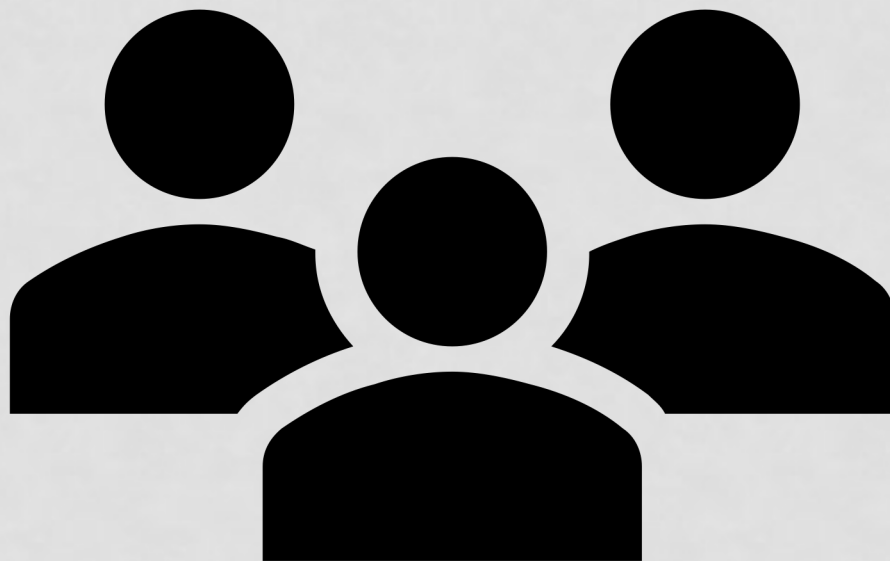


Retention

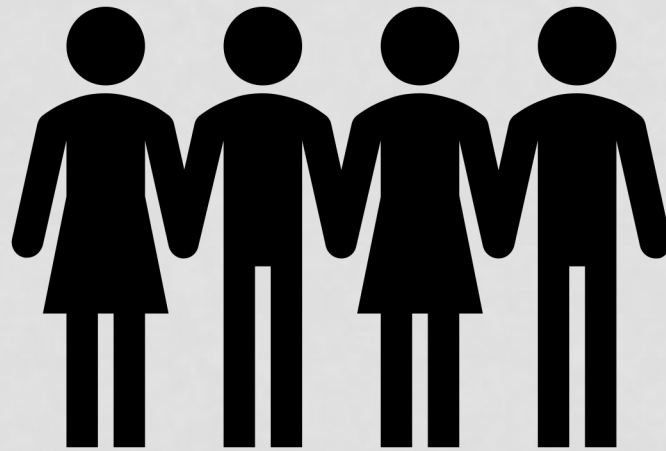


The Open Meeting Law

All meetings of a public
body must occur during a
posted meeting
(with some minor exceptions)



What is a Public Body?



All boards, commissions and
committees in Town,
including subcommittees

What is a Meeting?

A deliberation by a quorum of public body with respect to any matter within the body's jurisdiction, with certain express exceptions.



What is NOT a Meeting?

- ❖ On-site inspection provided no deliberations
- ❖ Attendance by a quorum at an event provided no deliberations
- ❖ Attendance by a quorum at a meeting of another public body provided no deliberations
- ❖ Town Meeting

What is a 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.



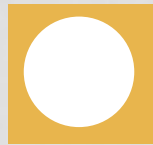
What is NOT a Deliberation?

- ❖ Less than a quorum, if not subcommittee
- ❖ Distribution of meeting agenda, scheduling or procedural information
- ❖ Distribution of reports or documents to be discussed – so long as no opinion of a member of the public body is expressed

Meeting Notices / Agendas



48 Hours (excl. weekend/holiday)



Location and Time

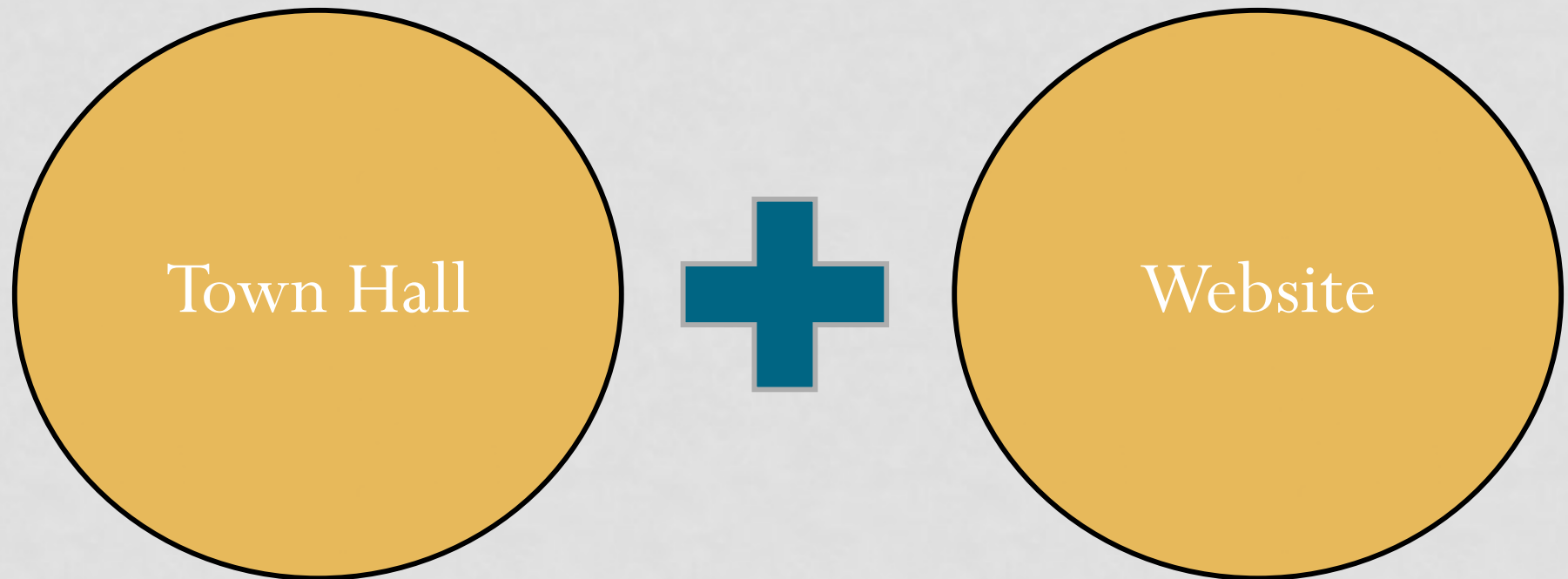


Reasonably Advise



If Executive Session is only topic,
must note Open Session before
Executive Session

Meeting Notices/Agendas



Minutes

- ❖ Date, time, place, and members present
- ❖ Identify those members participating remotely (roll call votes)
- ❖ Sufficient detail: Reasonably advise individuals not at the meeting of what transpired
- ❖ Decisions made and actions taken, including record of each vote (roll call where appropriate)
- ❖ List any documents and other exhibits used at the meeting



Approval of Minutes

30 Days or within 3
Meetings, whichever
comes later.

Requests for Minutes

A Trap for the Unwary!

- ❖ OML: Minutes, in either final or draft form, must be provided within 10 calendar days of a request.
- ❖ PRL: Documents, must be produced within 10 business days of a request

Remote Participation

- FULL REMOTE:

- ❖ Chapter 20 of the Acts of 2021 has extended the time to conduct fully remote (i.e. Zoom) meetings through April 1, 2022

Remote Participation

PARTIALLY REMOTE

❖ The Open Meeting Law allows for individual members to participate remotely provided:

- Physical attendance by the remote member would be unreasonably difficult;
- A quorum and the chair (or designee) are physically present;
- The chair announces the name of remote participant;
- All members (both physically present and remote) are clearly audible to each other; and
- All votes taken are by roll call.

❖ Requires authorization of the Select Board

Executive Sessions

- **Procedures:**
 1. Convene in Open Session.
 2. Motion to enter Executive Session.
 - Non-members must be invited into the meeting.
 3. Chair makes declaration, if required (purpose 3, 6, and 8).
 4. Specify whether public body will return to open session for reasons other than adjourning.
 5. Roll call vote taken on motions to enter ES and on all motions during ES.
- **Reasons:** Only 10 statutory reasons to enter into Executive Session.

Violations and Complaints

- ❖ Upon receipt of a complaint, the applicable Board must respond in writing within 14 business days
- ❖ If you believe that a violation occurred or if you received a complaint, contact our office. We can help!
- ❖ The AG looks positively on taking remedial actions

QUESTIONS?



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian Rossetti

Convening in Executive Session under the Open Meeting Law M.G.L. c.30A, §21(a)

Procedure for Convening an Executive Session

1. The Chair posts notice of the Executive Session at least 48 hours prior to convening (excluding Saturdays, Sundays and legal holidays). Such notice must state the purpose for convening in Executive Session (see reverse side).

If the Executive Session will be convened under Purpose 1, the individual in question must receive written notice 48 hours in advance of the Executive Session.

If the Executive Session could not have been reasonably anticipated by the Chair at the time of the posting of the meeting, the Chair must explain the circumstances that justify convening in Executive Session without having posted its intention to convene in Executive Session.

2. The Board or Committee convenes in an Open Session.
3. The Chair requests a motion to enter into Executive Session.
4. A majority of members vote (by roll call recorded in the minutes) to convene in Executive Session.

Model Motion for Convening in Executive Session¹

[CHAIR READS]: I request a motion that the Board vote to convene in Executive Session

1. For the purposes of [insert purpose as listed on reverse side modified to include all subjects that may be revealed without compromising the purpose of the Executive Session (for example, the motion should specifically identify of the union, the nonunion member, the litigation matter, or the property to be discussed)];
2. [For Purposes 3, 6, and 8] because the Chair declares that having such discussion in Open Session would have a detrimental effect on [insert language from specific Purpose, for example the Board's litigating or negotiating position];
3. To allow [name any nonmembers] to participate in the discussion; and
4. To (a) convene in Open Session after the conclusion of the Executive Session for the purpose of continuing on with the meeting in Open Session OR (b) adjourn at the conclusion of the Executive Session without returning to Open Session.

¹ Remote Participation: 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, unless presence of that person is approved by a simple majority vote of the public body.

Purposes for Convening in Executive Session

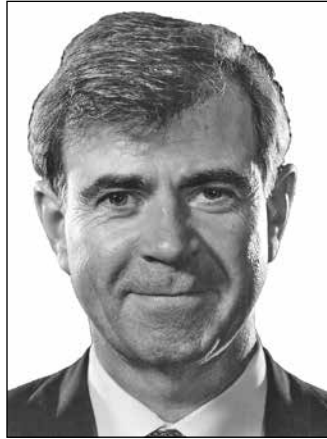
1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.²
2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union 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 or strategy regarding security personnel or devices, e.g., a sting operation.
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 estate, 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 by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.
9. To meet with a mediator regarding any litigation or decision; provided that (i) any decision to participate in mediation shall be made in open session and the parties disclosed and (ii) no action shall be taken with respect to the issues involved without deliberation and approval of the action at an open session.
10. To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if an open session will adversely affect conducting business relative to other entities making, selling or distributing energy.

² If the Board wishes to convene in Executive Session for these purposes, the individual in question has the right to receive written notice 48 hours in advance of the Executive Session; to be present at the Executive Session; to have counsel or another representative present to advise the individual, though not to actively participate in the session; to speak in his/her own behalf; to make an audio recording or transcription of the Executive Session; and to require that the discussion be held in open session.

Citizen's Guide to Town Meetings



Published by
William Francis Galvin
Secretary of the Commonwealth
Citizen Information Service



*An Important Message for all
Massachusetts Town Residents,*

The purest form of democratic governing is practiced in a Town Meeting. In use for over 300 years and still today, it has proven to be a valuable means for many Massachusetts taxpayers to voice their opinions and directly effect change in their communities. Here in this ancient American assembly, you can make your voice heard as you and your neighbors decide the course of the government closest to you. This booklet outlines the forms and procedures used in Massachusetts Town Meetings. As the Commonwealth's information officer, I urge you to read it and make use of it as you engage in the debates and votes that give shape to your Town Government.

William Francis Galvin

William Francis Galvin,
Secretary of the Commonwealth

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INTRODUCTION

Each town has a different way of running its Town Meeting, depending on its bylaws or charter. Sometimes the customs and traditions are written down; sometimes they are not. This guide is a general outline of the Town Meeting Basics, some of the procedures may be used in one town and not another. This guide is not intended to be an all inclusive text, but a broad overview designed to encourage you to find out more and attend your own Town Meeting. If you have any questions regarding the specific procedures employed by your town, please contact your Town Clerk or Town Meeting Moderator.

TOWN MEETING BASICS

What is a Town Meeting?

A Town Meeting is both an event and an entity. As an event, it is a gathering of a town's eligible voters, and is referred to as "the Town Meeting." As an entity, it is the legislative body for towns in Massachusetts, and is referred to simply as "Town Meeting." So you may say, "I went to the Town Meeting. Town Meeting approved the budget."

Do cities have Town Meetings?

No. A city's legislative body is called a city council or a board of aldermen. Citizens do not govern a city directly.

What's the difference between cities and towns? Size?

Municipalities decide whether to have a city or town form of government. Size is one factor in the decision. Towns with less than 12,000 inhabitants cannot adopt a city form of government.

Do all towns have Town Meetings?

Most but not all towns have Town Meetings. A few towns are governed by town councils. In sum, no cities have Town Meetings and most towns do have Town Meetings.

What does Town Meeting decide?

Town Meeting decides three major things:

- It sets the salaries for the elected officials.
- It votes to appropriate money to run the town.
- It votes on the town's local statutes, which are called by-laws.

OPEN TOWN MEETINGS AND REPRESENTATIVE TOWN MEETINGS

What's an open Town Meeting?

An open Town Meeting means that all of the town's voters may vote on all matters.

What's a representative Town Meeting?

In a representative Town Meeting, also called a limited Town Meeting, all of the town's voters may vote for what are called Town Meeting Members. After the voters elect the Town Meeting Members, the Town Meeting Members conduct and vote on the rest of the Town Meeting's business.

Other than who may vote, do open Town Meetings basically operate the same way as representative Town Meetings?

Yes.

How many Town Meeting Members does a representative Town Meeting have?

Apportionment of a precinct is based on Massachusetts General Law, town charter or a special act. The total elected representative Town Meeting membership can be as few as 45 or as many as 240. The actual number of the membership is calculated in approximate proportion to the number of inhabitants in each precinct to the total number of inhabitants in the town.

How is it determined whether a town has an open Town Meeting or a representative Town Meeting?

Towns with fewer than 6,000 inhabitants must have an open Town Meeting. Towns with more than 6,000 inhabitants may adopt either form of Town Meeting at their discretion.

How are Town Meeting Members elected?

Town Meeting members are elected within precincts by ballot at the Annual Town Election.

One-third of the Town Meeting Members are elected for 3 years, one-third is elected for 2 years and one-third is elected for 1 year at first election after adopting a representative Town Meeting or re-districting. Thereafter each member is elected for a 3 year term.

Are Town Meeting Members elected by party?

No, Town Meeting Members are not elected by party. Elections are nonpartisan. The party affiliation of a candidate for Town Meeting Member does not appear on the ballot distributed at the Town Meeting.

How do I run for Town Meeting Member?

Most towns hold general elections. Voters go to their usual polling places and vote for Town Meeting Members.

If you are interested in running, you need to circulate nomination papers before the Town Meeting. Consult your town clerk for more details. You cannot show up at the Town Meeting and decide then and there to run for Town Meeting Member.

What's a moderator?

Generally, a moderator's job is to run the Town Meeting. Specifically, the moderator declares the outcome of all voice votes. Some towns have detailed by-laws governing Town Meeting procedure. Other towns leave a lot of discretion to the moderator.

Moderators are usually elected at the Town Election at which voters go to their regular polling places. The term of office is one or three years. When the elected moderator is absent, a temporary moderator may be elected at the Town Meeting.

What's a selectman or selectwoman?

Selectmen are a town's executive officers. Voters elect them to the Board of Selectmen, which usually has three or five members. Selectmen are authorized to call a Town Meeting provided that they have posted a warrant. In small towns, the Board of Selectmen runs the town and supervises town workers. In larger towns, the Board of Selectmen picks and supervises a per-

son, who, in turn, runs the town and supervises town workers. Depending on the town, that person has various authority, duties, and title. That person is known as the town manager, town administrator, executive secretary, or administrative secretary.

What does the town clerk do?

At the Town Meeting, the clerk records all votes and takes minutes. Town clerks are elected or appointed. In the event of all of the selectman/selectwomen resigning, the town clerk is authorized to call a town meeting.

What is a town counsel?

The town counsel is a lawyer who either works for the town as an employee, or is a private lawyer who counts the town among his or her clients. The town counsel often prepares the warrant (the Town Meeting's agenda). During the Town Meeting, the town counsel answers legal questions that come up. He or she is appointed by the selectmen.

What are ex officio members?

Ex officio (pronounced "o-fish-ee-o") members of a representative Town Meeting are granted membership because of the office they hold. For example, a town's by-laws might state that selectmen are ex officio members of the Town Meeting. That means that selectmen do not have to run for election as Town Meeting Members; they are already members because they have been elected to the office of selectmen.

What's a select committee?

A select committee is assigned to investigate and report back to the Town Meeting on a certain subject, or to undertake a certain substantive task. The moderator frequently appoints its chairperson and members. Select committees are also called special committees.

What's a standing committee?

A standing committee is a permanent committee. A town might have standing committees for the following areas: public works, planning and zoning, recreation, and personnel. The most important standing committee is the finance committee.

What does the finance committee do?

The finance committee prepares the budget in the months before the annual Town Meeting starts. It also prepares financial articles (which are agenda items). Its recommendations are advisory. In some towns, the committee is known as the warrant committee or the advisory committee.

Depending on a town's by-laws, members of the finance committee are appointed by the selectmen or moderator, or elected by voters or the Town Meeting. In many towns, the finance committee's report is distributed to all residences.

ANNUAL AND SPECIAL TOWN MEETINGS

What's the difference between annual and special meetings?

Each town must hold an annual Town Meeting. Additional Town Meetings are called special meetings. They may be called as many times during the year as necessary.

When are Town Meetings?

Annual Town Meetings, unless otherwise provided by special law or charter, must be held in February, March, April or May. The Board of Selectman may delay the annual meeting, but it must be completed by June 30th.

What does it mean when a Town Meeting is divided into an election and a business meeting?

Most towns elect officers on one day, and begin conducting other business on a later day. Many towns wait a week or more between the election of officers and the business meeting. A few towns may elect officers as early as November of one year, and conduct the business meeting in the next year. The Town Meeting and Town Election may be called on the same warrant, but are separate events. In the past Town Meetings and Town Elections took place on the same day as a single event, but that is not the case today.

What does it mean that some towns have two business meetings?

A town may divide its business meeting into two meetings. Towns that do so hold one business meeting at the beginning of the year. The focus is primarily on the budget, finances, and taxes. The second business meeting is held in the fall. It is still part of the annual Town Meeting. The focus is on zoning, planning and by-laws.

In sum....

November: Some towns hold elections.

January, February, March, April, May, June: Some towns that held elections in November and December hold business meetings. Some towns hold both elections and business meetings.

Fall: Some towns hold second business meetings.

How do I find out when the annual meeting will take place?

Watch your local newspaper. Signs are posted around some towns. In some towns, every citizen is notified at home. Check your town's website, if it has one. And you may always call town hall, ask for the clerk's office, and ask when the annual meeting will take place.

How do I find out about special meetings?

Special meetings, by their very nature, are not held at the same time every year. Watch your local newspaper and watch for signs posted around some towns. Some towns will notify you at home. The towns with websites usually announce special meetings on-line.

Who calls special Town Meetings?

Generally, the selectmen call special Town Meetings.

May voters call a special Town Meeting?

Yes, voters may call a special Town Meeting. Two hundred registered voters or 20% of the total number of registered voters, whichever is less in number, may request a special Town Meeting. The special Town Meeting must be held no later than 45 days after the Board of Selectmen receive the request.

What's the procedure for voters calling a special Town Meeting?

The requisite number of voters must sign a written request for a special Town Meeting. The format of the written request is flexible. Voters should include their addresses after their signatures.

Voters deliver the written request to the Board of Selectmen. The Board of Selectmen must then call a special meeting within 45 days.

May a special Town Meeting be called for more than one reason?

Yes, a special Town Meeting may be called for more than one reason. For example, a special Town Meeting could be called to consider amending the zoning code and buying a new fire truck.

THE WARRANT

What's a warrant?

The warrant lists a meeting's time, place, and agenda. A warrant is also known as a warning. A Town Meeting's action is not valid unless the subject was listed on the warrant.

When is the warrant available?

A warrant is available at least 7 days before an annual meeting, and at least 14 days before a special meeting.

How do I see the warrant?

It depends on your town and its by-laws. Warrants are posted in public places, published in the local newspaper, delivered to every residence, or a combination of all three. Towns with websites may publish their warrants on-line. If a town's by-laws do not specify the manner in which a warrant can be posted, the town must vote or the Attorney General must approve the manner in which the warrant is posted.

Who makes up the warrant?

The selectmen, who "issue" it.

What are articles?

Articles are items on the warrant. Appropriations for each town function or department may be in separate articles. Or one article on the warrant may propose appropriations for all necessary town expenses.

May voters place articles on the warrant?

Yes, voters may "insert" articles in the warrant. They have to do it before selectmen "close" the warrant.

To insert an article in the warrant for an annual Town Meeting, at least 10 registered voters of the town must sign a written request. The written request of registered voters for the insertion of subjects in town meeting warrants 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. Voters do not have to include their addresses after their signatures, but it is a good idea.

If you want a sample of an article to use to draft your article, go to town hall and ask for a copy of the annual report, or check if your town has a website and publishes the annual report there. The annual report will have warrants from the previous year's Town Meeting, which you can use as samples. For further assistance, contact the town clerk or town counsel.

Citizens may insert an article in the warrant for a special Town Meeting. Selectmen shall insert in the warrant for every special town meeting all subjects which shall be requested by 100 registered voters or 10% of the total number of voters, whichever is lesser.

HOW TOWN MEETINGS OPERATE

What is the quorum for a Town Meeting?

In an open Town Meeting, the minimum number of voters who may conduct business is established by the individual town's by-laws. The quorum in some towns is zero; if only a single citizen appears, the Town Meeting may start and conduct business.

In a representative Town Meeting, a majority of the Town Meeting Members may conduct business.

Who may attend?

Any member of the public may attend a Town Meeting.

Who may speak?

All of a town's registered voters may speak in an open or representative Town Meeting. In a representative Town Meeting, a registered voter who is not a town meeting member has a right to speak subject to conditions prescribed by the meeting.

Non-voters may speak at the discretion of the moderator or Town Meeting.

Who may vote?

In an open Town Meeting, the town's voters may vote.

In a representative Town Meeting only Town Meeting Members may vote on business matters.

Is the warrant the agenda?

Yes, the warrant generally states the things to be voted on, but the moderator may interpret the articles liberally.

Usually, the Town Meeting considers the warrant's articles in order. However, the moderator or Town Meeting itself may change the order. Some towns decide the order of warrants by lottery.

How do I know which article the Town Meeting is considering?

The moderator summarizes each article or reads it entirely before starting debate.

How is the budget considered?

The selectmen or appointed budget committee must print and distribute information regarding appropriations at or before the annual Town Meeting. Different towns handle the budget article differently. Towns have three general ways:

First: The moderator: reads a budget item; calls for a recommendation from the finance committee on that item; calls for debate on that item; and calls for a vote on that item. Then the moderator does the same with the next budget item.

Second: The moderator reads each budget item, but doesn't stop for debate. If a voter wants to debate an item, he or she calls out, "Hold!", or a similar word, depending on the Town Meeting. The moderator will "lay aside" that item, and get back to it later. After reading all budget items, the moderator calls for a vote on all items that were not laid aside. Then the moderator takes up budget items that were laid aside. The moderator calls for debate, possible amendments, and a vote on each item.

Third: The moderator summarizes the budget article. The chairman of the finance committee moves that the Town Meeting appropriate the money recommended in the finance committee's report. Then the moderator entertains motions to amend the budget article. When the Town Meeting has voted on all amendments, the Town Meeting votes on the finance chairman's motion as originally presented or amended.

PARTICIPATING IN TOWN MEETINGS

How do I vote?

Voters in open Town Meeting vote by various methods.

Voice vote. Many Town Meeting votes are by voice. The moderator asks that all in favor (everyone voting "yes") say, "Yea" (which is pronounced "yay"). Then the moderator asks that all opposed (everyone voting "no") say, "Nay." The moderator listens and decides which side prevailed. Voters who are unfamiliar with the difference between "yea" and "nay" may find this reminder useful: "Yea" and "yes" both start with "y." "Nay" and "no" both start with "n."

Show of hands. The moderator asks that all in favor raise their hands. Then the moderator asks that all opposed raise their hands. The moderator looks at the number of hands in general and decides which side prevailed. Or hands are counted.

Roll call. Voters are called by name and answer "Yea" or "Nay."

Standing vote or rising vote. All in favor are asked to stand or rise. They are counted. Next, all voters who are opposed are asked to stand. They are counted. This form of vote is also known as dividing the meeting.

Secret ballots. When voters vote by secret ballot is determined by a town's by-laws. In some towns, the moderator can call for a secret ballot. In some towns, if a certain number of voters request it, a vote will be by secret ballot. In other towns, a vote will be by secret ballot if 25 % percent of the voters present and voting ask for it.

Does a representative Town Meeting use the same methods of voting?

Yes, a representative Town Meeting does use the same methods of voting. However, a representative Town Meeting can take a vote by secret ballot only if 2/3 of the Town Meeting Members present and voting approve it.

Are there votes that cannot be taken by voice?

Yes, there are votes that cannot be taken by voice. Suppose that a town's by-laws require that 2/3 of the voters, not a simple majority, vote to approve the budget for it to pass. Unless the voice vote is unanimous in favor of the budget, the moderator will find it hard to determine if more than 2/3 of the voters said "yea." A vote requiring a super-majority (more than a simple majority) is usually decided by a vote other than voice vote.

What if I think that the moderator did not decide correctly a voice vote or an informal show of hands?

Stand immediately and say one of the following: "I doubt it," "I doubt the vote," or "I question it." If at least six other voters stand with you, the moderator must count votes more formally. The moderator must then verify the vote by polling the voters or by dividing the meeting or by the method provided for by the municipal by-laws.

How do I speak in debate?

If you wish to speak, stand up and wait for the moderator to acknowledge you. When the moderator acknowledges you, state your name, your precinct if you know it, and your address.

Speak about the topic being discussed. Don't speak about a previous topic (unless there is a motion to rescind or reconsider).

Make your comments to the moderator, not to the Town Meeting or individual Town Meeting Members.

For example, do not say, "I have something to say to the Town Meeting," or "Mr. Smith, you said something as a Town Meeting Member that I want to respond to." Instead, say something like, "Mr. Moderator, these are my thoughts on this article."

You may attack a previous speaker's argument, but do not attack a previous speaker. For example, do not say, "The previous speaker is dead wrong." Instead, say something like, "I disagree with the argument we just heard."

Try to avoid referring to previous speakers by name. For example, try not to say, "I agree with Mr. Jones' argument." Instead, say something like, "I agree with the argument that we can afford this budget item."

Since you make your comments to the moderator, you may not directly debate or ask questions of a previous speaker. For example, do not say, "Mr. Johnson, you say that we should make another exception to the zoning law. I'm asking you: When do we draw the line and stop making exceptions?"

Instead, say something like, "Mr. Moderator, we have heard the argument that we should make just one more exception to the zoning law. But I say it's time to stop making exceptions."

PROCEDURE AND MOTIONS

Do I need to know “parliamentary” procedure to attend a Town Meeting?

No, you do not need to know “parliamentary” procedure to attend a Town Meeting. The moderator will take care of it.

Are Town Meetings run according to Roberts’ Rules of Order?

Some are; some are not. Please consult your town clerk.

Does the majority always rule?

No, the majority does not always rule. Sometimes a super-majority (more than a simple majority) is needed for votes on some specific issues. For example, authorizing selectmen to purchase or take land by eminent domain requires a 2/3 vote.

Are a town’s by-laws the final word on how the Town Meeting runs?

No, by-laws may be suspended in some circumstances. A town’s by-laws themselves explain how to suspend them. It might require a 2/3 vote or a unanimous vote to suspend a provision in the by-laws.

Are the moderator’s rulings final?

In some areas, yes, the moderator’s rulings are final. In other areas, it is unclear whether a moderator’s ruling can be appealed. It depends on the practice of the moderator and Town Meeting. In Town Meetings where a moderator’s rulings are appealed, here is the usual procedure.

A voter or Town Meeting Member makes a point of order. The moderator rules on the point of order. A voter or Town Meeting Member then says, “I appeal from the ruling of the moderator / chair.” Someone else seconds the appeal. The moderator then announces a vote on the question, “Should the decision of the moderator be reversed?”

What do the following terms mean?

The term...

means...

dismiss an article to defeat it

postpone an article indefinitely to defeat it

take no action on an article to defeat it

lay the question on the table to kill or postpone (depending on the town) a measure

table the question to kill or postpone (depending on the town) a measure

move the previous question to cut off debate and vote on the issue at hand

What does a motion to take from the table mean?

Tabling a motion or laying a question on the table generally means to kill it, but it does not mean to kill it finally. To take an issue from the table means to consider an issue that the Town Meeting previously tabled.

If I’m not familiar with making motions, how do I make one?

Rather than make a motion that may require the moderator to untangle and decode it, stand up and ask the moderator from the floor how to make a motion to achieve what you want to do.

How do I call for a vote?

Move the previous question, which means to call for a vote. Under the by-laws of many towns, you must make certain motions, such as those involving money, in writing.

What's the difference between reconsideration and rescission?

A vote to reconsider a previous vote temporarily postpones final action on that vote. A vote to rescind a previous vote cancels it.

What's the difference among adjourning, recessing, and dissolving?

Dissolving the Town Meeting means that it is over until the next Town Meeting, which must be called by a new warrant. If the Town Meeting has not dissolved, but is taking a break, and will resume on the same day, it has **recessed**.

“Adjourning” is an imprecise word. It is sometimes used to mean “dissolving”; sometimes “recessing”; and sometimes that one day of the Town Meeting has ended, and that the Town Meeting will resume on a later day.

What does it mean to adjourn without day?

Adjourning without day means that the Town Meeting has dissolved. Adjourning without day is also called adjourning sine day (pronounced “si-nee day” or “si-nee die”). In other words, the Town Meeting has adjourned without setting another day to reconvene. A new warrant is needed to reconvene.

AFTER THE REPRESENTATIVE TOWN MEETING DISSOLVES

Do I have control over the votes of Town Meeting Members?

Generally, yes. In some towns, the votes of representative Town Meetings do not take effect until a certain number of days after the Town Meeting expires. In other towns, only votes on certain subjects do not take effect immediately.

In all towns, votes on the following subjects do not take effect for seven days, not counting Sundays and holidays: special appropriations of \$20,000 or more; establishing, abolishing, or merging town boards or offices; establishing a term of office for town officers; changing the number of a town board's members; adopting a new by-law and amending an existing by-law.

To try to overturn decisions described in the previous paragraph, voters may circulate petitions within seven days after Town Meeting dissolved. The petition must be signed by at least 3% of the town's voters, with their names and addresses. The petition must be filed with the selectmen.

To try to overturn other decisions by a representative Town Meeting, voters should check their respective towns' by-laws yes or no. No action of a representative town meeting can be reversed unless at least 20% of the registered voters vote to do such.

Petitions to overturn representative Town Meeting decisions go to the Board of Selectmen. The Selectmen then schedule an election at which the following question appears on the ballot: “Should the town vote to approve the action of the representative Town Meeting whereby it was voted [brief description of the vote]?” Voters go to the polls and vote yes or no.

For more details, look at your town's by-laws.

Where do I find the statutes governing Town Meetings?

Go to your local library. Ask to see the Massachusetts General Laws, chapters 39 and 43A. Parts of other chapters apply to Town Meetings, but chapters 39 and 43A are the major ones. Check with your town clerk if your Town Meeting is governed by special act or town charter.

Where do I get my town's by-laws?

Call your town hall and ask the clerk's office. When you ask for the by-laws, also ask if the Massachusetts Legislature has passed any law that applies specifically to your town or if your town has accepted any specific Massachusetts General Laws.

Where do I get my town's charter?

Ask the clerk's office or check your town's website.

Can I see a video of a previous Town Meeting?

Some towns videotape their Town Meetings. If you want to get a sense of a Town Meeting before you attend, find out if a videotape exists. Contact the town clerk's office, your local library, or your local cable television company.

Is there anything else I should get?

Some towns publish policies or guidelines, similar to this primer, in print or on-line. In some towns, it is part of the warrant or of the finance committee's report. In other towns, the local newspaper publishes such a primer as a newspaper article. In still other towns, the local League of Women Voters publishes a primer.

Should I check my town's website?

Yes! Your town's website might contain the warrant, minutes of past meetings, notices of special meetings, and a primer, such as this one.

To find if your town has a website, call your town clerk, or log on to www.state.ma.us/cc

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Kenneth Bresler is a lawyer who lives in Newton, Massachusetts. He wrote Citizen's Guide to Drafting Legislation, which the Secretary of the Commonwealth also publishes.



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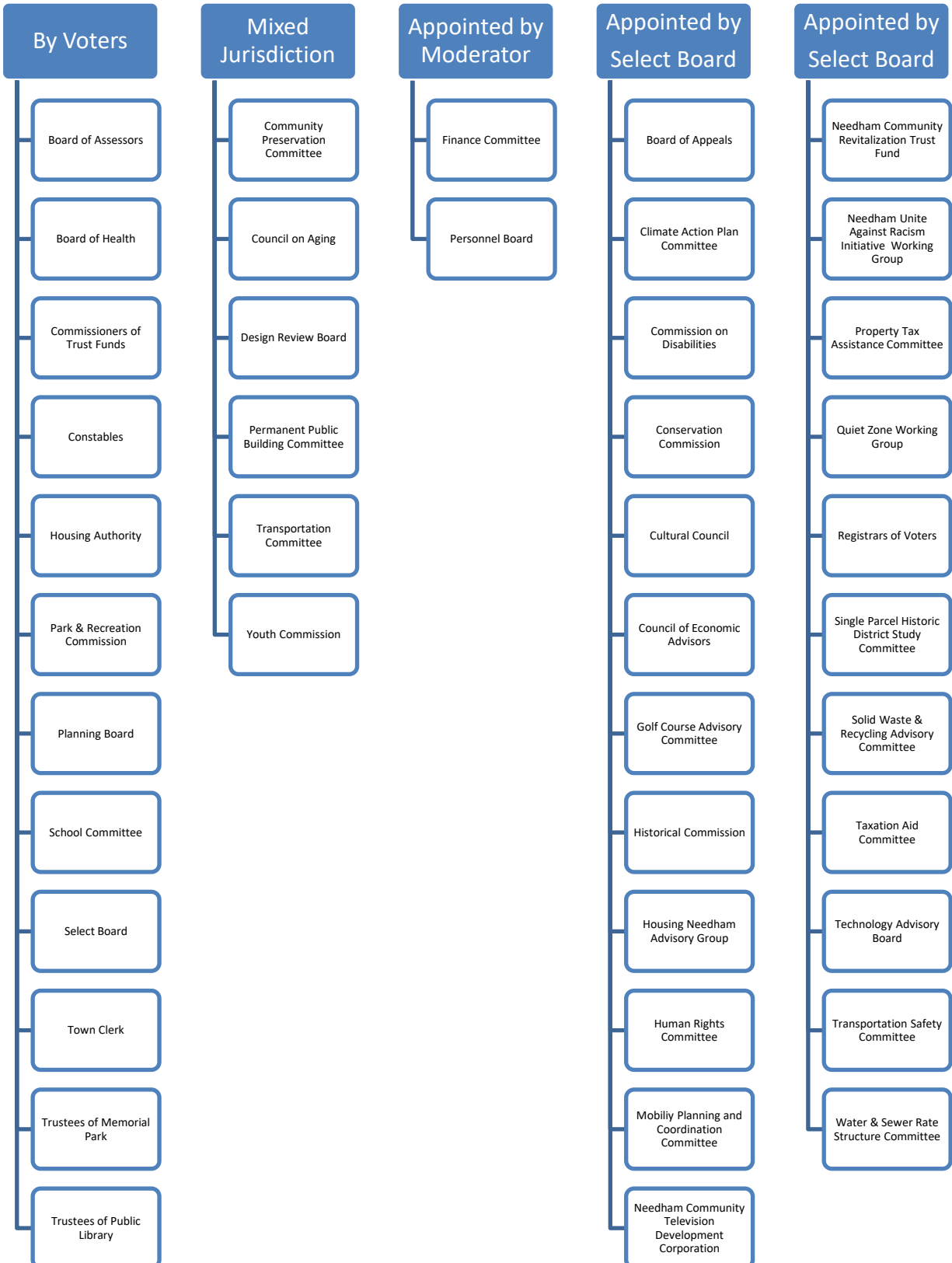
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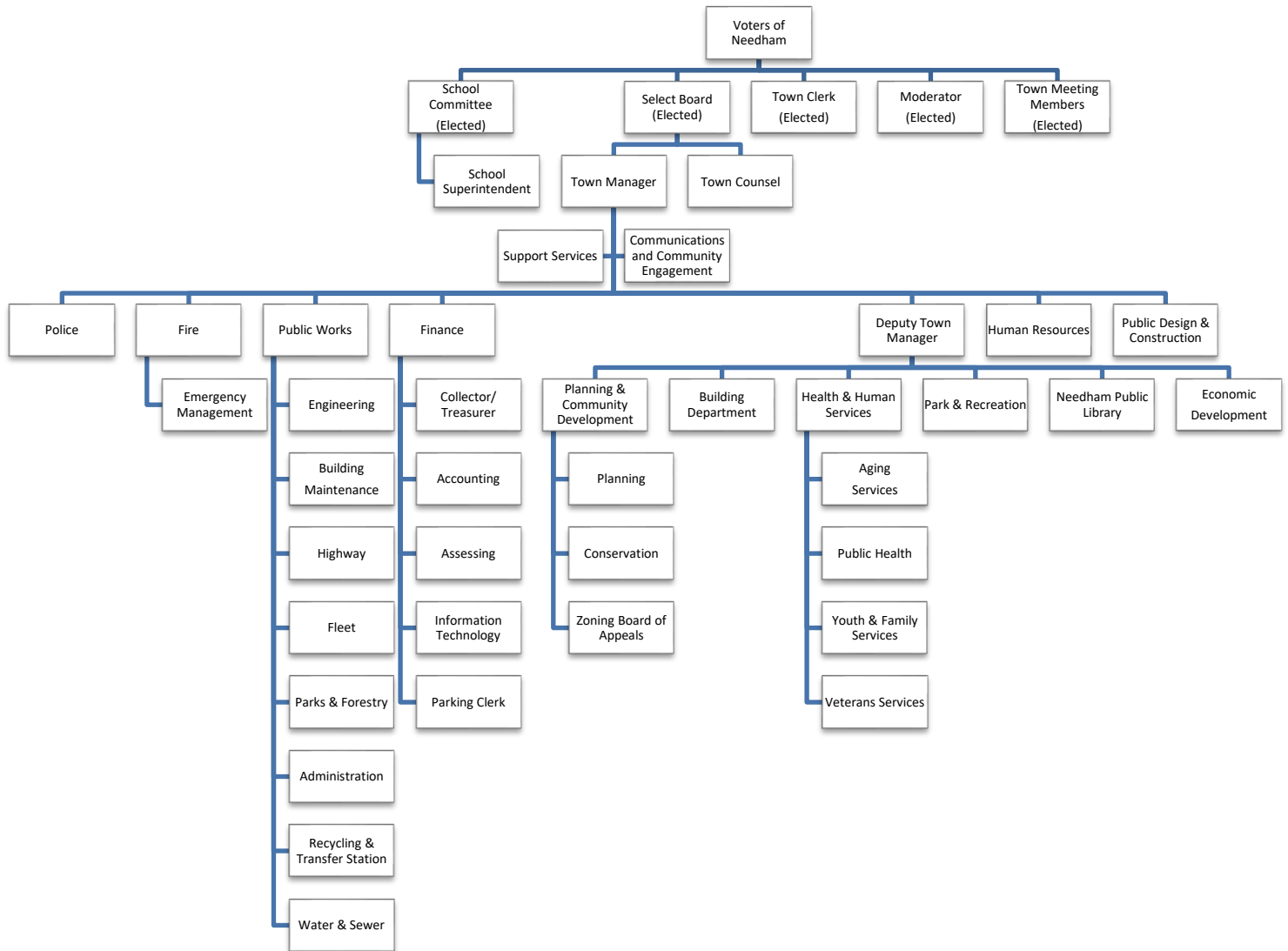
Website: www.state.ma.us/sec/cis

updated 3/9/08

BOARDS AND COMMITTEES



TOWN OF NEEDHAM ORGANIZATIONAL CHART



- The Select Board appoints the Town Manager, Town Counsel, and many members of Boards and Committees that can be found on the following pages.
- The School Committee appoints the School Superintendent.
- The Moderator appoints the Finance Committee and the Personnel Board.
- The Town Manager appoints, subject to the approval of the Select Board:
 - Police Chief
 - Fire Chief
 - Director of Public Works
 - Deputy Town Manager/Director of Finance
 - Deputy Town Manager
- The Town Manager appoints all other employees of the Town excluding the Executive Secretary to the Finance Committee and employees of the School Department.

NUARI Vision Statement, Guiding Principles, and Intentional Practices
Created & Approved by the NUARI Working Group, March 22, 2021
Adopted by the Needham Select Board, March 23, 2021

A RACIAL EQUITY STATEMENT FOR THE TOWN OF NEEDHAM...

Needham will be a community free of racism, racial bias, prejudice and discrimination. Our residents, schools, businesses, organizations and government will work together to identify barriers to racial equity and create solutions, opportunities, resources and support for removing them.

- We will work collaboratively and democratically toward a just, equitable, antiracist community.
- We will work to identify and change current policies, procedures, practices, and cultural norms in Needham that prevent meaningful access to opportunities because of race.
- We will create opportunities for the community to confront unpleasant truths and seek solutions that always amplify values of racial equity.
- We will intentionally create spaces for respectful dialogue and difficult conversations toward racial amity.
- We will actively engage with those who feel the impact of racism most directly, seeking their input, guidance, and honoring the wisdom of their experience.
- We will commit as individuals to be intentional in our efforts to learn and practice anti-bias and antiracism, transforming our thinking, attitudes and behaviors.

NUARI Vision Statement, Guiding Principles, and Intentional Practices
Created & Approved by the NUARI Working Group, March 22, 2021
Adopted by the Needham Select Board, March 23, 2021

GUIDING PRINCIPLES...

1. Racial equity in Needham means that the experiences of people of color are the same as those of the white majority – from day to day interactions, housing opportunities, interactions with the police and other first responders, employment, and educational opportunities, etc. On the path to racial equity...
 - a. People of color will see others of color in leadership roles in government, business, the school system, and civic groups.
 - b. Our community will have opportunities to learn a more complete version of American history and its relevance to today's challenges.
 - c. Students in schools will experience equity with regard to all aspects of their education (e.g. placement, acknowledgement, recognition, engagement, discipline, curriculum and co-curricular involvement).
 - d. People of color will feel safe, validated and treated equitably with respect to public safety (e.g. arrests, use of force, motor vehicle stops, traffic infractions, handcuffing, and criminal applications).
 - e. People of color will feel safe, validated, included and treated equitably in all Town-related activities (e.g. town meeting/government, services and events).
 - f. In the decision making process, the voices and experiences of people of color will be honored and respected as valid (e.g. equity in hiring, engagement and promotion, programs and events are inclusive and equity minded, intentional anti-bias efforts are employed in all considerations).
 - g. All races will want to live here – Needham will be a desirable community for everyone. The town will take proactive measures to support a more racially and economically diverse and inclusive population (e.g. housing access, mixed income and diversity of housing stock).
2. A healthy and equitable community recognizes the harm created by implicit bias, intolerance and racism and strives to embrace diversity and inclusion by using a racial equity lens to promote anti-racist behaviors and attitudes in all aspects of civic and inter-personal living.
3. We value lifelong/ongoing self and group learning and critical social analysis to acknowledge and to further understand the dominance of white culture and privilege throughout US history, and the importance of disrupting racial structures that perpetuate it.
4. Becoming anti-racist means that we must tackle our own implicit bias, intolerance and discriminatory lenses - thus, bringing about restorative justice, healing and reconciliation to truly bring together the community we live in.
5. All members of the community commit to engaging with good will and respect in order to repair and build healthy relationships.

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**SUPPORTING THE FOLLOWING INTENTIONAL PRACTICES WILL
HELP NEEDHAM REALIZE THE VISION FOR RACIAL EQUITY...**

- Seek to increase interactions and create/cultivate friendships across and among the various groups
- Commit to self-education to have a better understanding of and be more informed about race, racism, racial equity, race amity, and race relations.
- Foster safe environments for, and listen to residents who are, directly affected by racism and racial inequities.
- Engage in meaningful and productive conversations on racial issues with town/community members.
- Support those services, materials, expertise, scholarships, and organizations that advocate for racial equity.
- Stand up, speak out, and act against racism and racial injustice.
- Encourage vision, transformation and advocacy anchored in democratic action.
- Encourage and build public understanding of the need to eliminate racial injustice.



Name: Town of Needham

Incorporated: 1711

Total Area: 12.61 sq. miles

Elevation: The low elevation is 68 feet above sea level and the high is 298 feet above sea level.

Road Miles: 138

County: Norfolk

Population: 32,091
(2020 Census)

Form of Government:
Representative Town Meeting

School Structure: K-12

FY2024 Tax Rate:

\$12.52 Residential

\$24.57 Commercial

**FY2024 Average Single-Family
Home Value:** \$1,197,575

**FY2024 Average Single Family
Home Tax Bill:** \$14,994

Coordinates:

42° 16' 52" N 71° 14' 11" W

Town Hall Address:

1471 Highland Avenue
Needham, MA 02492

Website: www.needhamma.gov

Facebook: Town of Needham

Instagram: TownofNeedhamMA

Town of Needham

Community Profile

The **Town of Needham** is located on rocky uplands within a loop of the Charles River in Eastern Massachusetts. The town is bordered by Wellesley on the west and northwest, Newton on the north and northeast, the West Roxbury section of Boston on the east, Dedham on the southeast and south, and Westwood and Dover on the south. Needham is ten miles southwest of Boston, twenty-nine miles east of Worcester, and about 208 miles from New York City.

Needham is situated in the greater Boston area, which has excellent rail, air, and highway facilities. Principal highways are State Routes 128 (the inner belt around Boston) and 135, and Interstate Route 95, which shares the same roadway as State Route 128. Commuter rail service is available via four stations to Back Bay Station and South Station in Boston. Needham is a member of the Massachusetts Bay Transportation Authority (MBTA), which provides fixed bus route service between Needham Junction and Watertown Square.

