

TOWN OF HARVARD

SELECT BOARD

POLICIES & PROCEDURES

PURPOSE

In May 2018 the electorate endorsed adoption of the Town of Harvard, Harvard Charter, 2018 ("Charter") which, among other features, expanded the role and responsibilities of the Select Board. The Select Board, recognizing the need to revise the existing Policies and Procedures to reflect these changes and to codify the working relationships among the members of the Board, between the Board and the Town Administrator, and the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby adopts the following operating procedures, Select Board Policies and Procedures.

NATURE OF POLICIES & PROCEDURES

These policies and procedures contain items relating to topics that cannot be addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation are not addressed in this format. However, roles and responsibilities identified in the Charter are cited where appropriate.

When one of these policies or procedures prohibits taking action on a specific item at a meeting, the Board may suspend it by unanimous consent. This will only be done when it is necessary to act upon the item at that meeting and there are no conflicts with any other law or regulation.

PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES

Draft policies and procedures will be placed on the agenda for any regularly scheduled meeting of the Board. Drafts will be in writing, and may be introduced only by a member of the Board or the Town Administrator. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary.

The Board will not vote on a policy at the same meeting that it is first introduced. A unanimous vote of a three member board or four votes of a five member board is necessary for adoption.

The Town Administrator will be responsible for implementation of all policies and procedures.

AUTHORITY

The Select Board is an elected Board and derives its authority and responsibilities from the Town Charter, the statutes of the Commonwealth of Massachusetts and the By-Laws of the Town of Harvard.

ELECTION AND QUALIFICATION

In accordance with the Town Meeting vote of November 21, 1992, the Board consists of five duly elected members. Before assuming official duties, each newly elected member shall be duly sworn in by the Town Clerk.

VACANCIES ON THE BOARD

When a vacancy occurs in the membership of the Select Board, the Board or its remaining members shall call a special town election to fill the unexpired term or terms in accordance with the Massachusetts General Laws, and as set forth in Article 3 of the Charter.

ROLE OF THE SELECT BOARD

The Board is responsible for policy development, and review for compliance, as more specifically defined in Sections 2-4, 2-6, and 3-2, and Article 6 of the Charter. The Board may establish liaisons with other Town boards and committees to facilitate communication. Day-to-day operation of town administration and oversight of town departments is the responsibility of the Town Administrator. Therefore, concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Administrator. In addition, the responsibility for addressing these issues is carried out through the Town Administrator. Select Board members may be called upon to resolve disputes that are unable to be resolved on the staff level. The Select Board may also follow up on concerns or issues addressing these approved policies.

ROLE OF THE TOWN ADMINISTRATOR

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer as set forth in Article 4 of the Charter. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in said Charter and the position's job description. The Town Administrator will also assist and work under the direction of the Select Board in the formulation of policy.

The Town Administrator must maintain a close working relationship with all members of the Board. He/she shall regularly brief the Board on all important issues.

In order to provide the Town with continuity of management, the Select Board shall enter into an employment agreement with the Town Administrator that delineates his/her responsibilities and condition of employment as permitted by statute.

BOARD POLICIES AND STANDARDS OF CONDUCT

1. A member of the Select Board, in relation to the community should:
 - a. Realize that his or her basic function is to carry out its mandated responsibilities and develop Town policy related thereto, with administration delegated to the Town Administrator.
 - b. Realize that he or she is one of a team and should abide by board decisions once they are made.
 - c. Be well informed concerning the duties of a board member on both local and state levels.
 - d. Remember that he or she represents the entire community at all times.
 - e. Accept the office of Select Board member as a means of unselfish service, not benefit personally or politically from his or her board activities.
 - f. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
 - g. Abide by the ethics established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
2. A member of the Select Board, in his or her relations with administrative officers of the Town, should:
 - a. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.

- b. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 - c. Give the Town Administrator appropriate responsibility for discharging his or her disposition and solution.
 - d. Members of the Select Board may only access legal counsel with the approval of the Chair or the Town Administrator. All other Town officials, board members and employees may only access legal counsel with the approval of the Town Administrator.
3. A member of the Select Board, in his or her relations with fellow board members, should:
- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board outside of such meetings.
 - b. Reserve any final decision on matters that will come before the board until he or she had had an opportunity to hear the pros and cons of the issue.
 - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - d. Make decisions only after all facts on a question have been presented and discussed.
 - e. Treat with respect the rights of all members of the board despite differences of opinion.

ORGANIZATION OF THE BOARD

The Chair shall be elected annually at the first regular meeting following the Strategic Planning Session. The Board may remove the Chair at any time. The Chair may serve up to two consecutive terms. A majority vote shall constitute an election. Nominations require no second. The immediate past Chair shall preside as Chair pro-term until the Chair is elected. If there is no immediate past Chair, the senior member in terms of current service shall serve as Chair pro-term. In the case of members with the same amount of seniority, the member receiving more votes in the most recent election shall serve. If a vacancy occurs in the office of Chair, the Board shall elect a successor. The Board shall further appoint a Vice-Chair and Clerk under the same provisions stated for the Chair.

RESPONSIBILITIES OF THE CHAIR

The Chair of the Board shall:

1. Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
2. Sign official documents that require the signature of the Chair.
3. Call special meetings in accordance with the Open Meeting Law.
4. Prepare agendas with the Town Administrator and Executive Assistant.
5. Arrange orientation for new members.
6. Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chair.
7. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair.
8. Make liaison assignments and assign overview responsibilities for project and tasks to Board members unless otherwise determined by the Board.
9. Conduct an annual review of the Town Administrator by the end of March each fiscal year, unless the TA contract is set to be renewed that year and requires the review to be completed earlier in the calendar. The Chair and Vice Chair should solicit individual feedback from each Select Board member, send structured feedback questions to key personnel the Town Administrator interacts with (e.g., department heads, key Town Hall staff, chairs of volunteers), draft the review, discuss it with the Town Administrator

in a meeting with the Vice Chair, and share it with other Select Board members at a public meeting for their input.

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

RESPONSIBILITIES OF THE VICE-CHAIR

The Vice-Chair of the Board shall act in the place of the Chair during his/her absence at meetings. Should the Chair leave office, the Vice-Chair shall assume the duties of Chair until the Board elects a new Chair. By vote of the Select Board, the Vice Chair may be authorized to sign official documents in the Chair's absence. The Vice Chair should also participate in the annual review of the Town Administrator, as described under the responsibilities of the Chair.

RESPONSIBILITIES OF THE CLERK

The Clerk shall be responsible to ensure meeting minutes are properly kept in accordance with applicable portions of Massachusetts General Law.

REGULAR BOARD MEETINGS

Regular Board Meetings are held the first and third Tuesdays of each month unless changed by the majority of the Board. The Board shall not meet on days designated legal holidays.

SPECIAL MEETINGS

A meeting called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called provided that a majority of the members agree to meet and all Board members are notified.

WORKING MEETINGS

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

STRATEGIC PLANNING SESSION

The Board shall conduct a Strategic Planning Session by its second regularly scheduled meeting in June. The session shall be conducted for the Board to determine and develop its goals for the upcoming year, which shall be published within 60 days of the Annual Town Meeting as a Statement of Goals for the Board, as set forth in Section 3-2 (b) of the Charter. The Statement of Goals shall be the basis of the Select Board's Annual Report to the Annual Town Meeting as set forth in Section 2-4 of the Charter.

MEETING PROCEDURES

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

A quorum shall consist of three members of the Board, or as per section 1-9 (i), a majority of the members of an agency then in office, not including any vacancies that might then exist. As a practical courtesy, action on critical or controversial matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes will be identified by name.

The Town Administrator is expected to be in attendance at all meetings of the Board, as per Article 4-2 (d) of the Charter. The Town Administrator shall attend in order to keep the Board informed and advised and recommend in all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his jurisdiction, as defined in Article 4-2, 4-3, 4-4, and 4-5 of the Charter.

ABSENTEE MEMBER PARTICIPATION.

Any member may participate remotely according to the Massachusetts General Laws currently in effect. Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Additionally, a quorum of the Board, including the chair or, in the chair's absence, the person chairing the meeting, must meet quorum standards currently in effect under Massachusetts General Law; members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and All votes taken during a meeting in which a member participates remotely must be by roll call vote.

Where a Select Board member is participating in an executive session remotely, the member must state at the start of the executive session that no other person is present or able to hear the discussion at the remote location. The Board may authorize, by a simple majority vote, the presence and participation of other individuals at the remote participant's location.

EXECUTIVE SESSION

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter Executive Session the reason the session sought. A majority of the members present must vote to enter Executive Session by roll call vote. The motion must state whether the Board will reconvene into open session to adjourn or to continue in open meeting.

AGENDA PROCEDURES

The responsibility for coordinating and planning the bi-weekly agenda is that of the Chair and Town Administrator. Each of the Board Members and the Town Administrator may place items on the agenda. The Town Administrator, in consultation with the Chair, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda must be submitted to the Town Administrator by 9:00 a.m. on the Wednesday preceding the meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered at the Chair's discretion and the agenda updated by noon the Monday before the meeting.

Agenda items normally include:

1. Call Meeting to Order
2. Accept Minutes
3. Scheduled Appointments (resident/committee presentations)
4. Public Communication
5. Staff Report
6. Action Items (appointments, licensing, permits)
7. Issues and Discussion Items
8. Select Board member reports
9. Executive Session as needed.
10. Adjournment

Members of the Board, staff, Town Administrator, or others who prepare background material for the meeting should make an effort to have such material available no later than Thursday noon, provided the Chair has been notified of the matter and it has been included on the agenda. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda shall be available to the public 48 hours prior to the meeting excluding Saturday, Sunday and legal holidays and posted on the town website and with the Town Clerk. Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

The Board shall not begin discussion of or act on an agenda item after 10:00 p.m. of a regularly-scheduled meeting. This rule may be waived by a unanimous vote of a three or four-member meeting and four votes of a five-member meeting.

MINUTES

In the event the Executive Assistant is not present at a meeting the minutes will be produced by viewing the HCTV taping of the meeting.

Minutes circulated to members of the Board on or before any Friday shall be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections. Minutes will be circulated to members of the Board for their input and a final version will be included with the agenda packet.

Minutes must include the date, time, place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes. Approved minutes shall be recorded in a Minutes Book which shall be bound when filled to capacity. Minutes of Executive Sessions shall be separately kept and recorded in accordance with the above procedures. Minutes (other than of executive sessions) are open for public inspection.

APPOINTMENTS

The Select Board makes numerous appointments each year, most of which require a majority vote. Section 3-2 (b)2 of the Charter, however, requires the Board to appoint by no fewer than 4 members, the following: Planning Board, Board of Health, Cemetery Commission, Community Preservation Committee, Constable, Historical Commission, Park and Recreation Commission, and Tree Warden. Appointments are generally made for one or three years in length. Appointments shall not be made for more than three years unless specifically allowed by State Law. Appointments generally are made by June 30th of each year. In the case of appointments, no second to the nomination or motion will be required prior to Board action.

Whenever possible, the Board will seek to appoint members from diverse backgrounds and fields of expertise, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable. Vacancies could be advertised in the local paper as well as on Cable TV. Appointments should be based on merit and qualifications.

The Select Board liaison will as needed:

1. Assist the committee/board in developing criteria for the vacant position.
2. Assist the committee/board in balancing institutional knowledge while encouraging involvement of new volunteers.
3. Assist with succession planning and or term limits

The Executive Assistant shall:

1. Provide by February 1st a list of the positions up for reappointment and any current vacancies to be filled to the Select Board members.
2. Notify the SB liaison and Chair of the appropriate board or committee regarding reappointment or the filling of vacancies.
3. Notify incumbents and request their statements of intent regarding reappointment by March 15. Advertise annual appointments on town website.
4. Notify Committee/Board Chairs recommendations and any new volunteer forms are due by May 1st to accommodate the annual appointment process in June.

If a vacancy occurs on a Board or Committee appointed by the Select Board or a newly formed committee is created the following procedures will be used to fill the vacancy. (It is the responsibility of the Chair of the Board or Committee to notify the Select Board of all vacancies.)

1. The vacancy shall be posted on the town website and announced during the Select Board members' reports at the next regularly scheduled Select Board meeting; notice of the vacancy with a 30 day deadline for the submission of applications to fill the position(s) will be sent to the Town Clerk, local media outlets, and shall be posted on the Town's website and posted on the cable access bulletin board.
2. Residents who wish to be considered to fill a vacancy must complete a "Volunteer Application" (available on the town website) with all requests being delivered to the Executive Assistant or Town Administrator either in writing or by email. The application should contain all of their contact information including an email address, the name of the board they are interested in joining, why they are interested and provide a brief personal background/outline.
3. The Town Administrator's office will distribute copies of the Applicant's "Volunteer Application" to all Select Board members and to the Chair of the prospective Board or Committee for their review. The Select Board will schedule time on the agenda of their next regular meeting to act on the applications it has received.

4. The Select Board shall interview new Applicant(s) (interviews may be requested by the Select Board, but are not required, for re-appointments or for candidates who have previously served on a Committee or Board). All interviews/appointments shall appear on the agenda of a regularly scheduled Select Board meeting. It is the responsibility of the office of the Select Board to notify the Applicant(s) and the Chair of the prospective Board or Committee, of the time and place for the interview/appointment. With the exception of reappointments, the candidate(s) and a representative(s) of the prospective Board or Committee shall be present at the Board interview as may be necessary to facilitate the appointment.
5. The Select Board will review/discuss all nominees in public session, make the appointment(s) and notify the following parties of their selection: the applicant(s), the Board or Committee to which they are appointed, and the Town Clerk. Appointment criteria will focus on relevant expertise relating to the committee/board mission, recommendation of committee/board and stated interest in committees' purpose and activities. All appointments shall run until June 30th in the year that the term expires, unless otherwise noted at the time of appointment or in the case of an elected office which shall expire at the time of the next town election.
6. In the event a vacancy is not filled within the required 30 days applications will be considered on a rolling basis until the position is filled.

ADVISORY COMMITTEES OF THE SELECT BOARD

Select Board members are permitted to serve as a voting member(s) on other boards or committees appointed by the Select Board.

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

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Select Board. Each committee must report at least semi-annually to the Select Board. The charge of an advisory committee shall indicate if it is to be disbanded upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and compliance with the Open Meeting Law.

The Select Board shall engage in an ongoing review of all committees and determine whether a committee is a permanent (i.e., standing) committee, or an ad-hoc advisory committee. The charges and membership of advisory committees shall be reviewed periodically (annually at a minimum) to assess the necessity and desirability of continuing the committee. Reappointments shall be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement, relevant expertise, institutional knowledge, and the changing needs of the committee and the town.

It is the policy of the Select Board to appoint qualified citizens representing a broad representation of the town all to such advisory committees.

RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS

The Select Board is aware that coordination and cooperation is needed among the town's major boards, committees and commissions not only in the day to day operations of government but also to (a) set town wide goals and priorities, (b) identify and anticipate major problems and working together towards their resolution, and (c) develop a process for dealing with state government.

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

1. Annually schedule meetings ideally before the budget process, with the chairpersons of major boards and committees to carry out functions (a)-(c), listed above.
2. Regularly schedule meetings of the Select Board with Harvard's State Legislators to discuss legislative issues which affect Harvard.
3. The Town Administrator is responsible for inter-board communication in the day-to-day operations of government. The Town Administrator will develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and commissions with common interest, which will include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects such as housing needs, revitalization of the center.
4. Appoint members of the Select Board to act in a liaison role with boards and committees. The responsibility of a liaison is to maintain communication with his/her assignees on behalf of the Select Board. The liaison should periodically call upon the Chair of the committee to review goals and objectives. The liaison should carry back to the Board and the Town Administrator concerns or requests that the assignee may have. A liaison acts on behalf of the Select Board and will not interject personal opinion or requests. A liaison shall refrain from giving direction on administrative or procedural matter.

RELATIONS WITH CITIZENS

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

1. An individual citizen or group of citizens may request an appointment before the Board by contacting the Town Administrator, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible, so that all parties involved can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Board's meeting packet.

2. Persons who will be directly affected by proposed Board discussion and/or action will be notified by the Executive Assistant of the date and time of meeting at which the matter will be discussed or acted upon by the Board.
3. If the Board in considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration during public communication or, at the discretion of the Chair or upon request of any member of the Board, during discussion of the matter.
4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of the Select Board will be answered promptly by the Chair, after consulting with the Board, or at the discretion of the Chair, the Town Administrator. Those needing prompt attention by the Board should be referred to the Chair for inclusion in the next meeting agenda.
5. All other questions and all complaints are to be referred to the Select Board's Office for action or recommendations. In those instances where common sense dictates that the Board member receiving the complaint deal directly with a department head, the Board member shall inform the Town Administrator of the issue and its disposition.
6. It shall be the policy of the Select Board to provide timely responses to questions and/or comments made to the Select Board via the Town of Harvard website, email or letter. As such, the Town Administrator or the Assistant Town Administrator, if designated by the Town Administrator, will respond promptly to the originator. Depending upon the nature of the questions/comments, the designated responder will provide requested information (if readily available or direct the originator to the proper source); directly take action (if appropriate); or bring the originator's questions/comments to the Board. If the question/comments cannot be responded to promptly, the responder will notify the originator of receipt of communication and indicate when an answer will be available. The responder will tell the originator if their questions/comments are being provided to all Board members and indicate to the originator if an individual member may follow up on their questions/comments.

EMPLOYEE GRIEVANCES

These are to be handled as delineated in the Town's Personnel By-Law and Policies and Procedures. Under the Personnel By-Law, the personnel practices are formulated by the Personnel Board with the approval of the Select Board. As per the current Personnel Policies and Procedures, the Personnel Board shall constitute a board of appeals for the grievances of Town employees who are not covered by a formal collective bargaining agreement. The appeals procedure is outlined in the Problem Resolution Procedure contained in the Town's *Personnel Policies and Procedures Manual*. If employee grievances are brought to the attention of a Board member, it shall be Board policy to proceed as follows:

- (a) Direct the employee to the administrative procedures for dispute resolution (supervisor → appointing authority → 2 weeks with no resolution, Personnel Board → within 30 days, action by the Personnel Board)
- (b) If the employee has exhausted the administrative procedures and wishes to appeal the decision made by the Personnel Board, an appeal may be filed with the Select Board.

HEARINGS BEFORE THE BOARD

1. NOTICE. Verify with Town Administrator that adequate notice of the hearing has been given to the applicant and to the public. (Notice will vary depending on legal requirements and in no case will less than 48 hours, excluding Saturdays, Sundays and legal holidays, notice be acceptable.) Notice of public hearings must be posted outside the meeting room. The Select Board is prohibited from holding a public hearing for which notice has not been posted.
2. CALL THE HEARING TO ORDER. The Chair will open the hearing by stating the purpose of the hearing, reading the hearing notice aloud, and explaining the rules to be followed during the Hearing.
3. INTRODUCTION OF THE APPLICANT AND THE MATTER BEFORE THE BOARD. The Chair will introduce the Applicant and the Applicant will state his/her name and address for the record and then describe the matter to the Board and the public.
4. QUESTIONS. No questions will be permitted until after the speaker(s) for the applicant has finished the presentation. Questions will be accepted first from Board members and then from the public. Parties in interest (i.e., persons entitled by law to notice other than by legal ad) shall be heard first followed by other persons. All public questions will be addressed through the Chair. Questioners will identify themselves (Name and Address) to the Chair, state their questions, and specify to whom they are addressed. Any disagreement with answers is restricted to Public Participation In Favor or In Opposition.
5. PUBLIC PARTICIPATION IN FAVOR. At the conclusion of #4 the Chair will open the hearing to those of the Public who wish to speak in favor of the matter. Individuals shall state their name and address for the record and if they are representing someone other than themselves, they shall identify the person(s) whom they are representing.
6. PUBLIC PARTICIPATION IN OPPOSITION. Once members of the public have spoken in favor, the Chair will then open the hearing to those members of the public who wish to speak in opposition to the matter. Individuals will have to state their name and address for the record and if they are representing someone other than themselves, they shall identify the person(s) whom they are representing.
7. WRITTEN COMMUNICATIONS. The Chair will have any written communication received from the public read into the record at this time. Any such written communications received after the hearing is closed will not be accepted as part of the hearing record.
8. CLOSE THE PUBLIC PARTICIPATION PORTION OF THE HEARING. At the conclusion of the reading of the written communication the Chair will ask for a vote to close the public participation portion of the hearing.
9. BOARD DELIBERATIONS. Once public input is received via 4,5,6 and 7 above the Board will then begin deliberations regarding the proposed plan/project. The Board may wish to begin deliberations immediately or continue the hearing to a date and time specific in the future. During the deliberations portion of the hearing the Board may ask clarifying questions of the applicant.

10. BOARD DECISION. The final act by the board will be a call for a vote followed by the Board voting in favor or against the matter. The Board's decision may be based only upon information received during the hearing and matters of common knowledge to the Board.

PROCEDURE FOR CONDUCTING DOG HEARINGS

A written complaint must be filed with Select Board. The complaint should describe and name the dog and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

Upon receipt of a request for a hearing, the hearing will be included in the agenda for a regular meeting. The Executive Assistant will notify the Dog Officer and all involved persons.

Hearings will be held in open session. The procedure for conducting a hearing is as follows:

1. Read complaint - fully identify and describe dog, present picture when available. Note: that the hearing is being conducted under Chapter 140 of the MGL's.
2. Swear in the complainant that all information and statements are the whole truth and nothing but the truth.
3. Hear reports from dog officer and/or health officer make sure dog are fully identified here.
4. Take testimony from complainants - directly question as to why dog is considered vicious or dangerous. Are they fearful of dog? Is there excessive barking, etc.?
5. Take testimony from owner and/or others speaking on his behalf.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.
7. Unless requested by the Board, the dog shall not attend the hearing.

TOWN MEETINGS

Town Meeting serves as the legislative branch for local government. The Select Board is responsible for developing the warrant indicating the subject matters to go before the Town Meeting (as set forth in Section 2-5 of the Charter), providing leadership by presenting said requests to Town Meeting and assuring that presentations on those requests are made by the proponents. It is the responsibility of each Board member to assure prior to each presentation that the Board has taken a position, by vote, on the intent of the article. The Board shall be in session during Town Meeting and will be consulted when an issue or question arises which dictates a response on the floor.

Annual Town Meetings

The Town Meeting warrant is the Select Board's warrant by Statute. The Select Board may insert articles in the warrant in accord with the process defined in the Charter, Section 2-6. . It has been the practice of the Town of Harvard to hold its Annual Town Meeting on a Saturday of a weekend or weeknight that does not conflict with spring school vacation. Section 2-1 of the Charter requires that Annual Town Meeting be held before June 30th. The Select Board may the call the Annual Town Meeting for any time allowed by the Massachusetts General Laws.

Special Town Meetings

The Select Board will call a Special Town Meeting when deferment of the particular matter(s) proposed for inclusion on the warrant for the Special Town Meeting will not serve the interest of the Town. The Board must call a Special Town Meeting if they receive a written request, signed by two hundred (200) registered voters. It is generally the practice of the Town of Harvard to address major issues at the Annual versus a Special Town Meeting.

Warrant Articles

Section 2-6 of the Charter specifies the process by which articles for inclusion on the warrant are submitted and accepted, including: articles submitted by any Town officer, Town Board, or Committee; by 10 or more registered voters for an Annual Town Meeting; and/or by 100 or more registered voters for a Special Town Meeting, with the exception of Capital Articles. The BOS shall place articles originated by a body appointed by the Board by majority vote and indicate on the warrant "Inserted by the Select Board for the (name of board)". The board, committee, or department requesting the article shall speak to it at Town Meeting, and if needed, Capital Planning and Stabilization Committee will also address the article.

It shall be the policy of the Select Board to take a position on each warrant article unless, by majority vote, the Board chooses to take no position. When the Board takes a position on an article, a member of the Select Board will state the Board's position on and their vote for/against the article at the Town Meeting.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters the Select Board will strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Select Board may consult with other town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted for each Town Meeting.