

# TOWN OF AVON

## A HANDBOOK FOR APPOINTED & ELECTED OFFICIALS



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## INTRODUCTION TO THE APPOINTED COMMITTEE HANDBOOK

### Purpose

Citizens serve on advisory boards because they want to improve the quality of life in their community, because they feel strongly about local issues, and because they feel they have something of value to offer. In order to have a board that is efficient, it is essential that board members be properly oriented, so they understand their duties and carry them out effectively. The Handbook provides a brief description of procedures which may be well known to many but less familiar to others. It also provides information about important state statutes, such as the Open Meeting Law and the Conflict of Interest/Ethics Law.

### Additional Publications

All committee members should read the Town of Avon General Bylaws and the Town Charter available on the town's website. These give the foundation of Avon government, including most boards and committees.

In addition, the Town of Avon Annual Report provides a summary of committee activities as well as other details of town activities for each calendar year (January thru December). Several years of Annual Reports are available on the town's website: [www.avon-ma.gov](http://www.avon-ma.gov), with hard copies of previous years available in the Town Clerk's Office and at the Avon Public Library.

New committee members should be provided with a copy of the mission statement or purpose and other written information about the committee's specific role, powers and duties, and rules and regulations, as well as any issues frequently encountered by the committee. Committees may request training from Town staff, Town Counsel and other sources by making a written request to the Town Administrator at any time.

See Appendices section of this Handbook for additional resources.

### Listing of Positions and Terms

ELECTED POSITIONS	Number of	
	Positions	Term
Assessors	3	3 years
Blue Hill Regional	1	3 years
Board of Health	3	3 years
Constables	2	3 years
Housing Authority	4	5 years
Library Trustees	3	3 years
Moderator	1	3 years

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Park and Recreation Commission	5	3 years
Planning Board	5	5 years
Redevelopment Authority	4	5 years
School Committee	5	3 years
Selectmen	3	3 years
Sewer Commission	3	3 years
Tree Warden	1	3 years
Town Clerk	1	3 years

#### **SELECTMEN APPOINTED POSITIONS**

	<b>Members</b>	<b>Term</b>
Bylaw Committee	5	3 years
Cable Television Advisory Committee	5	3 years
Capital Planning Committee	7	3 years
Conservation Commission	5	3 years
Council on Aging	7	3 years
Cultural Council	8	3 years
Historical Commission	4-12	3 years
Industrial Development Commission	5	3 years
Industrial Development Finance Authority	5	3 years
Registrars of Voters	3	3 years
Zoning Board of Appeals	5/2 Alt.	3 years

#### **MODERATOR APPOINTED POSITIONS**

Finance Committee	7	3 years
Personnel Board	5	3 years

## **FORMATION OF COMMITTEES AND MEMBERSHIP**

### Committee Formation

The Board of Selectmen is the appointing authority for the majority of boards and committees, with the exception of the Finance Committee and Personnel Board who are appointed by the Town Moderator. State statutes outline the powers and duties of most boards. The Town's General Bylaws, which is adopted by town meeting, may also provide for the appointment of a committee by approving an article for that purpose. Such committees may also report back at a future Town Meeting.

### Committee Vacancies

Notices about opening on committees are generally published on the town's website, newsletters and announced during Board of Selectmen meetings. Individuals interested in being considered for appointment should submit a letter of interest to the Board of Selectmen at 65 East Main St. Avon, MA.

Residents are encouraged to attend meetings of the committee of interest to learn about the committee's role in the community.

### Appointment

The goal of the appointing authorities is to appoint qualified and interested Avon residents who are broadly representatives of the town. The appointing authorities carefully consider applications and suggestions from many sources, including but not limited to letters of interest, verbal expressions of interest, recommendation by committees' chairs, etc. They also take into account as many relevant factors as possible and make a special effort to ensure representation of the town is made. Selections are based on current committee composition, qualifications, experience, recommendations, attendance record and previous performance, when available.

### Term of Office

The full term of office for most positions on committees is three years, ending on June 30<sup>th</sup> of each of the third year. If a vacancy occurs in the membership of an appointed committee, the appointing authority shall appoint a new member to serve for the balance of the unexpired term. Elected officials term end the day after the election day if not re-elected.

### Oath of Office

Written notification of appointment will be issued to newly appointed and reappointed committee members. Appointees must report to the Town Clerk's Office to be sworn to the faithful performance of their duties prior to taking any official action as a member of a committee (M.G.L. c. 41, §107). Members are required to sign an Oath of Office which will be kept on record by the Town Clerk's Office. The Town Clerk will give appointees information about Open Meeting Law, as required by M.G.L. c.39, §23B. In addition, the appointee is given information pertaining to *standards of conduct*, the "Conflict of Interest Law" and the *Harassment in the Workplace Policy (11/15/99)*. In addition, compliance with the State Ethics Summary acknowledgement is required and the online computerized test is mandatory. Failure to take the test will be considered cause for removal by the appointing authority. New appointees must complete the Ethics test within 30 days of appointment. Information for both is available on the town's website.

It is particularly important that all elected and appointed officials take the required oath of office to faithfully perform their duties. An appointed official is not qualified to take any official action until after he/she has taken the oath of office. In addition, his/her predecessor is still legally in office until this oath has been administered.

Each appointment has its own Oath of Office. If an individual serves on multiple committees in various capacities, whether related to his/her home committee or not, an Oath of Office must be signed, and the individual must be sworn in for each of those membership roles.

Each year, all municipal employees (which includes members of boards, committees and commissions) must be given a summary of the Conflict of Interest Law prepared by the Ethics Commission and, every two years, must complete an online training program prepared by the Commission. The online program is available at [www.muniprogram.state.ma.us](http://www.muniprogram.state.ma.us). Once you have completed the program online, you will be prompted to print a Certificate of Completion, which must be kept on file at the Town Clerk's Office.

#### Conflict of Interest Statute as It Applies to Committee Appointees

M.G.L. Chapter 268A, see also the State Ethics Commission Website:

<http://www.mass.gov/ethics/>

#### Purpose

According to *A Practical Guide to the Conflict of Interest Law for Municipal Employees* <https://www.mass.gov/service-details/summary-of-the-conflict-of-interest-law-for-municipal-employees> published by the State Ethics Commission, the "purpose of the conflict law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict."

"The law restricts what a public employee may do: (1) on the job; (2) after hours (or 'on the side'); and (3) after leaving public service."

Disclosure of Appearance of Conflict of Interest as required by MGL 268A §23(b)(3) Form (see Appendix)

Disclosure of Financial Interest by Municipal Employee and Determination by Appointing Authority Form (see Appendix)

#### Provisions

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

- Immediate family,
- Partner or business associate
- A business organization in which Committee member serves as an officer, director, trustee, partner or employee (including a non-profit organization)



- Any person or organization with which Committee members are negotiating or have any arrangement concerning prospective employment.

If committee members have a conflict of interest or an appearance of conflict in any matter before the board or committee, they should not be counted in the quorum nor participate in or be present for any pertinent discussions or votes. The law provides for the legal determination of conflict of interest status for any employee submitting a request to the appointing authority or State Ethics Commission. The law also provides for continued service in certain circumstances if full disclosure is made or a special exemption is granted by the appointing authority with advice from Town Counsel. If Committee members have any questions about their activities, they should contact the State Ethics Commission at 888-485-4766.

Recusal is the responsibility of the individual member and is not subject to request by members of the committee, or the public. When committee member recognizes that a potential conflict of interest exists, the member should announce recusal from all participation in the matter, i.e. from discussing, questioning, commenting and voting and should be reflected in the minutes of the meeting.

Municipal Employees: “The conflict law regulates the conduct of public officials and employees (referred to collectively in the law as ‘employees’) at the state, county and municipal levels of government. The term ‘employee’ at each level is defined expansively. You are considered a municipal employee if you hold any office, position, employment or membership in any municipal agency. It does not matter whether you are paid or unpaid or whether you serve full-time or part-time. People who work as consultants or on an intermittent basis are generally covered, as well. For example, unpaid members of local town or city boards or commissions are municipal employees, as are private citizens serving on a special advisory committee (emphasis added) appointed by the Board of Selectmen to make recommendations on specific issue.”

“Special” Municipal Employees: “Special’ municipal employee status may be assigned to certain municipal positions by vote of the Board of Selectmen, board of aldermen or city council. Two sections of the conflict law apply less restrictively to special municipal employees. You are eligible to be designated as a special municipal employee provided that: (1) you are not paid; (2) you hold a part-time position which allows you to work at another job during normal working hours; or (3) you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.” However, an entire board, and not a single individual receives the designation, which is why it is rarely granted.

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

Special Municipal Employees Designations and Dates:

1. Electrical Inspector, June 13, 2019
2. Alternate Electrical Inspector, June 13, 2019
3. Plumbing & Gas Inspector, June 13, 2019
4. Alternate Plumbing & Gas Inspector, June 13, 2019

#### Speaking for a Committee

An individual board member has a right to speak publicly as a private citizen but should not purport to represent the committee or exercise the authority of the committee except when

specifically authorized by a majority vote of the body to do so. If members identify themselves as members when speaking as a private citizen, it may be perceived that they are speaking for the committee. Such a perception should be avoided. An individual board member should clearly identify his/her self and state publicly that they are speaking as a private citizen authorized to speak on behalf of his/her board for the record.

#### Reappointment

Reappointment is based on an evaluation by the appointing authority of the citizen's contribution to the committee, the desirability of widespread involvement, and changing needs of the committee and the town.

In cases where special training or expertise is required, longer periods of service may be appropriate. A committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

#### Resignation

A committee member who is no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the chair of the committee with copies submitted to the Selectmen's Office and the Town Clerk.

#### Residency Requirement

No person shall be appointed to or serve on a board, commission or committee of the town unless such person is a resident of the town. Any person serving as a member of a board, commission or committee who, during the term of office ceases to be a resident, shall be deemed to have vacated such membership. This does not apply to ex-officio members (including any nonresident town officer, employee representing the town in such capacity). Avon General Bylaws Art. IV Sec.4-33

#### Other Terminations

In rare circumstances such as continued, unexplained absences, or conflict of interest, the appointing authority may ask for a member's resignation or, if necessary, revoke the appointment. Also, the appointment of a committee member who fails to attend three consecutive meetings without sufficient reason may be terminated. Written notification to the committee member will be given in the event of such action. Generally, before such action is required, the appointing authority should contact the member to see if the problem can be justified and/or corrected.

#### Mission and Plan of Action

The committee should review the mission statement by the appointing authority at an early meeting and periodically thereafter in order to keep its work focused and moving toward its goals. When the committee is established because of Town Meeting action, the appointing authority usually incorporates the purpose of the article within the mission statement. However, the Town Meeting vote is advisory and not legally binding.

The committee, with advice from staff and the appointing authority, should develop a plan of action to accomplish the objectives. The plan should include major reporting milestones so that the committee and the appointing authority may assess the committees progress.

## OFFICERS

### Elections

Committees should elect a new Chair, Vice-Chair and Secretary/Clerk annually; usually at the first meeting after new terms begin in July. It is the responsibility of the Chair to notify the appointing authority, Town Clerk and the Executive Assistant in the Selectmen's Office of changes in officers.

### Chair

The Chair's primary responsibility is the fair facilitation of meetings. The Chair presides at all meetings, assist with setting the agenda, decides questions of order, calls special meetings, and signs official documents that require Chair's signature. The Chair has the same and no more rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. Generally speaking, the Chair should allow other members to make and second motions and should be mindful in offering amendments to motions and in discussion since the Chair's primary role is to facilitate a full range of opinion from the committee and, in a public hearing, from the public.

The duties of the Chair typically perform include:

- a. Preparing agendas
- b. Assuring needed material will be available to the committee
- c. Assuring the lists of topics is posted in accordance with Open Meeting Law
- d. Establishing the calendar
- e. Reserving meeting space
- f. Notifying the appointing authority of important changes to the committee
- g. Submitting the Annual Report
- h. Approving request for remote participation

Depending on the committee, however, some duties may be performed by the Chair or by other elected officials of the committee or in some cases a recording secretary. He or she would:

1. Prepare agendas and other materials: Ideally, the tentative agenda for the next meeting, the minutes of the previous meeting and other necessary documents for the committee to discuss the topics. Materials should be emailed or mailed to the committee members, several days before the meeting whenever possible. The detailed agenda including a list of topics expected to be discussed, the meeting time and location, needs to be submitted to the Town Clerk's Office two or more business days (a minimum of 48 hours, excluding Saturday, Sunday and legal holidays) prior to the meeting. The information will then be posted in the town hall and included in the events calendar on the town's website.
2. Reserve meeting rooms and post meeting with the Town Clerk (at a minimum of 48 hours, not including weekends or holidays) before the meeting time.

### Vice Chair

The Vice-Chair serves as the Chair whenever the latter is absent or steps down from meetings and performs other necessary duties.

### Secretary/Clerk

If the committee has a Secretary/Clerk, he or she is responsible for taking and transcribing the Committee's minutes, recording any amendments and filing the approved minutes with the Town Clerk's Office.

In accordance with MGL c. 30A, § 22, town boards and committees shall create and approve minutes of all open sessions in a timely manner. Upon approval, said minutes shall, within 10 days, be filed with the Town Clerk; minutes of all open sessions, whether approved or in draft form, and will be made available upon request by any person within 10 days.

#### Recording Secretary

Some committees may have a Recording Secretary. The responsibilities of the Recording Secretary are identical to those of a committee appointed secretary/clerk. A Recording Secretary is a non-voting member of the committee who records and files the minutes for the committee.

### **MEETINGS**

#### Definition

A public meeting is a deliberation by a quorum of a public body. A quorum is necessary for conducting official business. A quorum consists of greater than 50% of the full membership: i.e., quorum for a 6-member committee is 4; quorum for a 7-person committee is also 4. When a board or committee meeting is posted and less than a quorum is available for the meeting, the following steps should be taken:

1. When this is known before the meeting the meeting should be cancelled. Contact the Town Clerk's office as soon as possible so the cancellation can be posted on the website and in town hall.
2. If the lack of a quorum becomes known as the members gather, the attending members should simply announce that due to a lack of a quorum a meeting cannot be held, and then the group should disband. In short, members of a board should not meet without a quorum of that board.

In certain instances, associate, alternate and ex officio membership may be used to fulfill a quorum of Committee meeting and votes when necessary. Town Counsel advice must be obtained prior to taking any vote using an associate, alternate or ex officio member.

#### Open Meeting Law (OML) – M.G.L. c30A, §§ 18-25

##### General Information

The Massachusetts Open Meeting Law (<http://www.mass.gov/ago/government-resources/open-meeting-law/>) requires that all meetings of elected or appointed boards, committees or subcommittees be open to the public except in ten specific situations where Executive Session is permitted (see Section 12a, OML, Executive Session; see Section below). No votes taken in open session by a governmental body may be by secret ballot.

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

The Open Meeting Law does not contravene other laws, such as the Privacy Act. If clarification is needed, particularly concerning Executive Session and the rights of individuals, the Committee Chair may request that the Town Administrator obtain advice on specific questions from Town Counsel.

### Recordings

Any person may record a meeting (with the exception of Executive Session) with audio and/or video equipment provided there is no active interference with the conduct of the meeting and with verbal permission of the Chair. The person wishing to do so must inform the chair. A committee cannot prevent a meeting from being taped or recorded if this process is followed.

The following is a sample of what the chair should recite if the meeting is being recorded:  
“This meeting is being recorded by local cable. It will be shown multiple times on Channel 9. Links to view the meeting are on the Avon Cable Access website, [avontv.org](http://avontv.org). Anyone wishing to record the Open Session must inform the Chairman so that such recordings can be properly announced.”

### General Guidelines

A committee may adopt formal rules of order, such as Robert’s Rules of Parliamentary Procedure. Although most small committee discussions may seem to casual to be called debate, it is advisable for the committee to observe a minimum of generally accepted procedures. Attentive guidance by the chair and adherence to adopted procedures can increase efficiency as well as maintain objectivity.

The chair should limit all participants to concise, non-repetitive statements. In some cases, establishing time limits may be advisable. All who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the committee to continue discussion until complete consensus is achieved. Other actions such as calling for a vote, postponing until more information is available, or referring to a subcommittee are options to a final vote.

Committees discuss the merits of issues; personal or uncivil comments are considered out of order. Visitors may be allowed to participate if recognized by the Chair; time constraints and agendas often require brevity (OML 20(f)). It may be advisable for the Chair to remind speakers of time and repetition limits. No one may speak at a committee meeting without permission of the Chair and should identify themselves and their address or residency before speaking. If a speaker refuses to be silent after a warning from the Chair, the Chair has the authority to order the speaker removed from the meeting by the Police. Nevertheless, all committee members represent and serve the Town. They should treat all visitors and other committee members with courtesy and consideration. It is strongly recommended to permit public participation in some form, such as a short period reserved for comment at each meeting or on a particular issue on the agenda. Public participation is expected during scheduled public hearings.

### Executive Session

An Executive Session is closed to the public, but the committee must first convene in an Open Session for which notice has been posted. A majority of the members must vote, by roll-call vote entered into the minutes, in favor of a motion to go into Executive Session. The motion must specify the reason including a statement that there would be a detrimental effect on the position of the governing body if the discussion were in open session and state whether or not the Open Session will reconvene following Executive Session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. Attendees do not discuss these matters with anyone. Accurate records/minutes of the executive session shall be maintained pursuant to Section 23 of the OML (Complaints and Remedies) and shall be released to the public only when the purpose for the Executive Session no longer exists by vote of the committee.

**OML SECTION 21a. [EXECUTIVE SESSIONS]**

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

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights; i. to be present at such executive session during deliberations which involve that individual; ii. To have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session; iii. to speak on his own behalf and iv. To cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense. The rights of an individual set forth in this paragraph are in addition to the right that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any right of the individual.
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining session or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have detrimental effect on the bargaining or litigation position of the public body and the Chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the Chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meeting of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet to confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that: (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the meditation shall

be disclosed and (ii) no action shall be taken by any public body with respect to those issues which are the subject of mediation without deliberation and approval for such action and open session; or

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability conduct business in relation to other entities making, selling or distributing electric power and energy. (b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that: 1. The body has first convened in an open session pursuant to section 21; 2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes; 3. Before the executive session, the Chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called; 4. The Chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and 5. Accurate records of the executive session shall be maintained pursuant to section 23.”

NOTE: Purpose (1) above for meeting in executive session should be used with great caution and should ordinarily be discussed with the Town Administrator and/or with Town Counsel and only if the individual has been served official written notice and an opportunity to have the matter discussed in open session.

#### Meeting Schedule

The frequency of meetings depends on a committee’s workload. Most meetings are commonly held weekly, monthly or bimonthly. The Chair calls each meeting. When possible, a regular meeting day, hour and location should be established. Except in cases of emergency, it is not encouraged that Town Committees meet if Town Hall is closed due to snow. It is strongly recommended that committees do not meet on Election Days or holidays. Public Hearings can not be held on Election Days or holidays.

The current list of official state holidays are:

New Year’s Day	January 1 <sup>st</sup>
Martin Luther King Jr. Birthday	Third Monday in January
Washington Birthday	Third Monday in February
Patriots Day	Third Monday in April
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>

Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving	Fourth Thursday in November
Christmas Day	December 25 <sup>th</sup>

#### Meeting Location

Meetings must be held in a place which is open to the public and accessible to the handicapped. Committees should meet in a public building because meetings held in private homes or restaurants may give the appearance of being secret and discourage the public from attending. A committee may reserve a room in a Town building by contacting the following:

Town Hall: 508-588-0414 (Selectmen's Office or Town Clerk)

Civic Center: 508-588-0414 x1055 (Park and Recreation)

Library: 781-320-1045 (Reference Line)

Council on Aging: 508-588-0414 x1051

School Buildings: 508-588-0230 (School Administration)

#### Remote Participation

Currently remote participation is not allowed. Remote participation must be adopted by the Board of Selectmen for all public bodies in a municipality.

#### Public Meeting vs. Public Hearings

All meetings of municipal boards, committees and commission are public meetings – meaning they are open to the public. The public is welcome to attend and observe; however, they do not have the right to participate unless they are invited to do so by the chairman.

A public hearing is held for the purpose of obtaining information from which the board can reach a determination, usually regarding the issuance of a license or permit or some other approval. Abutters are often required to be notified by certified mail and may attend to observe and participate in the public testimony portion of the hearing.

The Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission and Board of Health are sometimes required by state law or local regulation to hold public hearings.

Such hearings will typically have requirements and timeframes for advertising and posting public notice of the hearing, notifying abutters, rendering and filing a decision and the purpose for filing an appeal. These requirements vary depend on the type of hearing. It is the responsibility of the chairman is to assure that the requirements of the public hearing process are properly followed.

#### Posting

It is the responsibility of the committee (the Chair, Secretary or staff liaison) to give notice to the Town Clerk's Office of the committee's meetings with time, date, place and a list of topics to be discussed. Except for emergency meetings, meetings must be posted 48 hours in advance by the Town Clerk; not including Saturdays, Sundays or legal holidays (OML section 20b). In the case



of an emergency meeting (sudden, unexpected occasions which require immediate action by the body), the 48 hour posting requirement can be waived however, the Town Clerk must be informed and the emergency meeting posted as soon as possible. The Town Clerk is responsible by state law for maintaining a current listing of all posted meeting on the bulletin board at town hall and online at [www.avon-ma.gov](http://www.avon-ma.gov). The meeting notice/agenda should include all matters that the chair “reasonably anticipates will be discussed at the meeting”. This requirement is designed to give adequate public notice of the information to be discussed and specificity rather than generality is desired. Any changes to a posted agenda require a revision. All revisions to an agenda must be given to the Town Clerks office as soon as possible so that it can be updated on the website and posted in the town hall.

### Recordkeeping

State law requires that a committee keep accurate records of its public meetings. The committee must vote to approve all minutes. These records are public information, and Chairs, their designees or the staff liaison must provide a hard copy of approved minutes to the Town Clerk’s Office in which they will be posted on the town’s website. Committees should strive for transparency, posting minutes as soon as they become available.

OML Section 22 states:

“Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person with 10 days” and “The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure except in certain personnel evaluations.”

Minutes must include (see OML Section 22):

- The date, time and location of the meeting
- The members present or absent
- A summary of the discussions on each subject
- The decisions made and the actions taken at each meeting including the record of all votes.
- Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be maintained as part of the official record of the session.
- A list of documents and other exhibits used at the meeting

Minutes should include:

- Names of additional participants (not press or observers)
- Name of recorder
- Time convened and time adjourned

Minutes may include:

- A schedule of future meeting(s)

Minutes do not need to include:

- Who moved and seconded motions, although this information on the individual votes does add to the transparency

### Public Records Law

The Massachusetts Public Records Law – MGL Chapter 4, Section 7(26) and any amendments provides right of access to public records, broadly defined to include all documentary materials except eleven specific exemptions such as personnel and medial files, proposals and bids, and appraisals of property. The minutes, informational data, memoranda and circulating materials of any Town board or committee are mostly all public information. All public record requests should be forwarded to the Town Clerk or Town Administrator. Requests must be stamped in and distributed to the appropriate department or board of response. Copies of all public records request must be responded to within ten (10) days by statue. Copies of public meeting materials are \$.05 per page plus labor time, which is charged at half-hour increments at the hourly rate of the lowest compensated person capable of fulfilling the request. Please contact the Town Clerk with any questions on how to fulfill a public record request.

### Email, Texting, Telephone or Other Communication Technologies

A committee may only conduct administrative business, such as notifying members of a scheduled meeting and agenda, by email or phone. Substantive discussions or deliberations on public business involving a quorum of members that occur via email or telephone or other electronic technologies shall be deemed a violation of the Open meeting Law.

There is no distinction in law between written and electronic records. The ease by which text or email messages are sent and forwarded may inadvertently facilitate the improper discussion of a public policy issues. Boards and committee members should avoid replies to citizens that may become quorum discussions among the members that violate the Open Meeting Law.

Members are also advised that email or text messages written or received in the capacity of a board, committee or commission members are considered public records which must be made available for public inspection in the same manner as hardcopy documents. Use on one's own computer and personal email accounts for Town business does not exempt such communications. All electronic mail sent and received at a Town-issued email address is a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail.

### Complaint Procedure

Open Meeting law requires that complaints must first be filed with the committee that is alleged to have committed the violation, prior to filing a complaint with the Attorney General. The complaint must be filed within 30 days of the alleged violation or within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation. For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the Town Clerk where the alleged violation occurred. If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with Attorney General's Office more than 90 days after the alleged OLM violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

## **BUDGETS**

### Committee Budgets

In general, an individual committee does not have a budget unless one is authorized by Town Meeting. In the case of an ad-hoc committee, if the committee anticipates a need to expend funds, it should contact the Town Administrator.

### Disbursements

Expenditure vouchers must be completed, with all appropriate receipts attached and submitted to accounting for approval, processing and payment. All warrants should be submitted by noon on Wednesday to be processed that week.

### Purchases

Purchase orders must be completed for all purchases over \$1,000 signed by the committee chair and submitted to the Accounting Office. Purchases in excess of \$10,000 must go through the bid process and comply with Chapter 30B, the Uniform Procurement Act. A written contract is mandatory for any services over \$10,000. There are no exceptions to this requirement. For more information contact the Town Administrator. Any questions on procurement contact the Chief Procurement Officer.

### Receipt of Donations/Gifts

Gifts of donations received by a committee must be accepted by the Board of Selectmen. Please contact the Town Administrator if this occurs.

## **REPORTING PROCEDURES**

### Appointing Authority

The Board of Selectmen may require that the Committee Chair report to the appointing authority about the committee's actions and plans. The Town Administrator can be particularly helpful in maintaining communication between the committee and the appointing authority. Committees are encouraged to use the Town's website, Facebook and newsletters to educate, update and inform the public about its activities. Website and Facebook posts should be sent to the Town Clerks Office.

### Public Information Meetings

The success of a committee's endeavors often depends on effective communication with the public. The committee should hold public meetings and hearings when needed both to inform the residents of work in progress and to gain public reaction and response. Where appropriate, the committee might wish to share information on the town website to keep the public informed.

### Town Meeting

If a relevant article is on the warrant or if the committee's mission specifies a report to Town Meeting, the Committee should prepare information for Town Meeting. The committee should make these reports clear, concise and brief, keeping in mind the large volume of materials Town Meeting attendees receive.

A committee may request inclusion of an article in the Town Meeting Warrant by a letter to the Board of Selectmen from the committee if a majority of the committee consents to the submission. Articles may be reworded by the Board of Selectmen upon advice of Town Counsel.

All articles should be submitted to the Board of Selectmen's Office by the second Thursday in February (Article II, Section 5C).

#### Annual Town Report

All appointed committees must file an annual report of the committee's activities for the Annual Town Report. The chair or other designated member should detail committee membership, the mission of the committee, and an explanation of major accomplishments and future plans. Annual Reports cover the period beginning January 1<sup>st</sup> through December 31<sup>st</sup> and are due to the Board of Selectmen on February 1<sup>st</sup> (Article IV, Section I).

#### **Board and Committee Standards of Conduct**

1. A member of a board or committee in relation to his or her community should:
  - a. Realize that his or her basic function is to carry out the board or committee's 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 or committee decisions once they are made.
  - c. Be well-informed concerning the duties of board/committee members on both local and state levels.
  - d. Remember that he or she represents the entire community at all times.
  - e. Accept appointment as a means of unselfish service, not to benefit personally or politically from any board or committee activities in accordance with the law.
  - f. In all appointments or contract awards avoid political patronage by judging all individuals solely on merit, experience and qualifications.
  - g. Abide by the ethics established by the Commonwealth and not use the position to obtain inside information on matters which may benefit someone personally.
2. A member of a board or committee in his or her relations with administrative staff 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 the appropriate responsibility for discharging his or her disposition and solution.
3. A member of a board or committee in his or her relations with fellow board/committee members should:
  - a. Recognize that action at official legal meetings is binding and that he or she cannot bind the board or committee outside of such meetings.
  - b. Not make statements or promises of how he or she will vote on matters that will come before the board/committee until he or she has 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 and civility the rights of all fellow members, attendees and staff despite difference of opinion.

## **Harassment in the Workplace Policy (Avon Policy 11/15/99)**

### **General Statement**

The Town of Avon will not tolerate harassment based on race, color, religion, national origin, ancestry, sex, age, handicap (disability), participation in discrimination complaint-related activities (i.e. retaliation), sexual orientation, genetics, or active military or veteran status. All persons who work for the Town of Avon have a responsibility to help maintain a work environment that is free from all forms of harassment. Harassment is prohibited in any location that can reasonably be regarded as an extension of the workplace, such as any customer (residential or commercial) location, on or off-site business function, or any other Town of Avon facility where Town business is being conducted and discussed.

### **Definition of Sexual Harassment**

Massachusetts law defines “sexual harassment” as any sexual advances, requests for sexual favors and other verbal or physical conduct of a physical nature when submission to or rejection of such advances, requests or conduct affects a benefit such as terms and employment or when such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work by creating an intimidating, hostile, humiliating or sexually offensive work environment. M.G.L. Chapter. 1B, 1, para. 18.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms – subtle and indirect, or blatant and overt. For example,

It may be conduct toward an individual of the opposite sex or the same sex.

It may occur between peers or between individuals in a hierarchical relationship, or within customer/vendor/citizen interactions.

It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.

It may consist of repeated actions or may even arise from a single incident if sufficiently egregious.

This policy applies equally to harassment of and by homosexual employees.

### **Definition of Additional Forms of Harassment**

Harassment on any basis (race, sex, age, disability, etc.) exists whenever –

- Submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment.
- Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual.
- The conduct interferes with an employee’s work or creates an intimidating, hostile or offensive work environment. For example;

Verbal: Jokes, insults and innuendoes (based on race, sex, age, disability, etc.)

Non-Verbal: Display of degrading pictures, racist or other derogatory cartoons or drawings.

### **Sanctions for Policy Violations**

All employees, volunteers and other engaged in business with the Town of Avon are subject to this policy. Individuals who violate this policy are subject to discipline ranging from a written warning up to and including discharge or other appropriate sanction.

### **Procedures for Reporting Harassment**

Although employees may wish to pursue an informal resolution as more fully described below, employees are encouraged to report any act of harassment to the **Department Head** or the **Ad Hoc Compliance Officers**. Any employee wishing to pursue a complaint of harassment will put it in writing.

### **Prompt Attention**

Reports of harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends on the nature and gravity of the conduct reported, and may include intervention, mediation, investigation and the initiation of disciplinary processes as discussed more fully below. Where harassment has occurred, the Town of Avon will act to stop the harassment, act to prevent its recurrence, and discipline those responsible.

### **Confidentiality**

The Town of Avon recognizes that confidentiality is important. The department heads, compliance officers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of harassment to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the Town of Avon is required by law to disclose information (such as in response to legal process) and when disclosure is required by the employer's outweighing interest in protecting the rights of others.

### **Protection Against Reprisals and Frivolous Complaints**

It is unlawful to retaliate against any employee for filing a complaint of harassment. The Town of Avon will not tolerate reprisal against an individual whom in good faith reports or provides information in an investigation in an investigation about behavior that may violate this policy. Intentionally providing false information or filing frivolous complaints could be grounds for discipline and/or criminal prosecution.

Every employee has the right to report harassment without fear of reprisal. Acts of reprisal against an individual should be reported immediately. Reprisal occurs if someone threatens an employee or his or her career because the employee filed a complaint or discussed an issue with a supervisor, the compliance officer or an agency.

## **Investigations**

All reports and recommendations will be reviewed by the Personnel Board in Executive Session. If significant facts are contested, an investigation may be undertaken. The investigation will be conducted in a way that respects, to the extent possible, the privacy of all of the persons involved. In appropriate cases, professional investigators may be asked to assist in the investigation. The results of the investigation may be used in the third party intervention process or in a grievance or disciplinary action.

## **Employee Responsibilities**

### **The Recipient**

- Consider using an informal method of resolution. Notify the offending party of the specific behavior that is offensive and state that you would like the behavior to cease. Only use this method if you feel it will permanently stop the offensive behavior without reprisal and you feel the offender should be given a change.
- If the behavior is repeated, consider filing a formal complaint with the Department Head or the compliance officers if the incident and behavior is serious, absolutely unacceptable, or repeated (especially after telling the offender to stop). Serious behavior may include asking for sexual favors in return for a good performance appraisal.

### **The Offending Person**

- Stop the behavior immediately!
- If you feel you may have or someone perceives that you have harassed someone, take corrective action.
- Apologize. Ask another person or supervisor for advice and accompany you to the recipient, or intervene on your behalf.
- Talk to the recipient and discuss how we can communicate more effectively.
- If a formal complaint has been filed, seek legal counsel or assistance to understand your rights.
- Avoid any appearance of reprisal whether direct or indirect

### **The Friend or Co-Worker**

If you are approached by a friend or co-worker who feels he or she was discriminated against or harassed, take action.

- Encourage the recipient to approach the offending person directly or use other informal resolution methods as described in this policy.
- Offer to accompany the recipient to the offending person, the department head, or compliance officers to file a formal complaint.
- Take responsibility to see that harassment is stopped and there is no reprisal.

## **Department Head**

- If you observe or are approached about discrimination or harassment, take action immediately.
- Advise the offending person to stop immediately. If the offender is a department head, report it immediately to the ad hoc compliance officers and encourage the recipient to do the same.
- Act promptly and take corrective action if you supervise the offending individual.
- Warn all parties to immediately stop against behavior which may look like direct or indirect reprisal.
- Take responsibility to see that harassment is stopped and that there is no reprisal.

**If an informal resolution cannot be met to the satisfaction of the offended party, an immediate status report should be filed with the Personnel Board, which will attempt adjudication prior to litigation.**

## **EXAMPLES**

Sexual harassment or discrimination includes but is not limited to these elements:

- Physical Contact
- Unwelcome sexual advances
- Squeezing a worker's shoulder or putting a hand around his or her waist
- Gestures, such as puckering one's lips suggestively or making obscene signs with one's fingers or hands
- Telling off-color jokes
- Pictures
- Pin-ups; particularly those of scantily-clad individuals
- Comments
- Forms of address which the recipient considers to be demeaning, such as calling a co-worker "honey," "dear," "sweetheart," or some similar expression, the effect is the primary issue rather than the intent. Even if the person "means nothing to you" or you have "used the term for years," you should be aware that these expressions are inappropriate.
- Questionable compliments such as "Nice legs!" or "You look hot in that outfit!" Compliments like these can make individuals feel uncomfortable or worse. Even if the person who received the "compliment" is not disturbed by it, others may be.

Other actions which may result in hostile environment harassment, but are non-sexual in nature, include:

- Use of racially derogatory words, phrases, epithets
- Demonstrations of a racial or ethnic nature such as a use of gestures, pictures or drawings which would offend a particular racial or ethnic group
- Comments about an individual's skin color or other racial/ethnic characteristics
- Making disparaging remarks about an individual's gender that are not sexual in nature.



Revised 3/22/2021

Voted by BOS 3/18/2021

- Negative comments about an employee's religious beliefs (or lack of religious beliefs)
- Expressing negative stereotypes regarding an employee's birthplace or ancestry
- Negative comments regarding an employee's age when referring to employees 40 and over
- Derogatory or intimidating references to an employee's mental or physical impairment

## Public Body Checklist for Posting a Meeting Notice

Issued by the Attorney General's Division of Open Government – September 25, 2017

### Notice Contents

- ☐ The notice contains the date, time, and location of the meeting. G.L. c. 30A, § 20(b).
- ☐ If the meeting is a joint meeting of several public bodies, the names of all bodies meeting are listed at the top of the notice.
- ☐ The notice contains all of the topics that the chair reasonably anticipates will be discussed at the meeting. The topics are sufficiently specific to reasonably advise the public of the issues to be discussed at the meeting, including executive session topics. G.L. c. 30A § 20(b); 940 CMR 29.03(1)(b).
- ☐ The notice is printed in a legible, easily understandable format. G.L. c. 30A, § 20(b).
- ☐ The date and time that the notice is posted is conspicuously recorded on or with the notice. 940 CMR 29.03(1)(d). If the notice is amended within 48 hours of a meeting, not including Saturdays, Sundays, and legal holidays, then the date and time that the meeting notice is amended must also be conspicuously recorded on or with the notice. 940 CMR 29.03(1)(d).

### Notice Publication

- ☐ The notice is published at least 48 hours before the meeting, not including Saturdays, Sundays and legal holidays. G.L. c. 30A, § 20(b).
- ☐ The notice is posted with the proper authority:
  - Local public bodies – Filed with the municipal clerk, who must post it in a location conspicuously visible to the public at all hours in or on the municipal building where the clerk's office is located, or to the municipal website if adopted by the municipality as the official method of posting notices. G.L. c. 30A, § 20(c); 940 CMR 29.03.
  - State public bodies – Posted to a website, and a copy sent to the Secretary of State's Regulations Division. G.L. c. 30A, § 20(c).
  - Regional public bodies – Posted in every municipality within the region, unless the public body has adopted an alternative notice posting method. G.L. c. 30A, § 20(c); 940 CMR 29.03.
  - County public bodies – Filed with the office of the county commissioners and a copy of the notice is publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose, unless the county has adopted its website as the official method for posting notices. G.L. c. 30A, § 20(c); 940 CMR 29.03.

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. These checklists are updated periodically, so please check that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please visit [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).**

## Public Body Checklist for Creating and Approving Meeting Minutes

Issued by the Attorney General's Division of Open Government – September 25, 2017

- ☐ Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- ☐ Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- ☐ The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- ☐ The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely. 940 CMR 29.10(7)(b).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- ☐ Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- ☐ The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). A “timely manner” will generally be considered to be within the next **three** public body meetings or within **30 days**, whichever is later, unless the public body can show good cause for further delay. 940 CMR 29.11(2).

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## **Public Body Checklist for Entering Into Executive Session**

Issued by the Attorney General's Division of Open Government – March 12, 2013

- ☐ Executive session listed as a topic for discussion on meeting notice, including as much detail about the purpose for the executive session as possible without compromising the purpose for which it is called. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b).
- ☐ Public body convened in open session first. G.L. c. 30A, § 21(b)(1).
- ☐ Chair publicly announced the purpose for executive session, citing one or more of the 10 purposes found at G.L. c. 30A, § 21(a).
- ☐ Chair stated all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). For example, the Chair identified the party a public body may be negotiating with or the litigation matter the public body will be discussing.
- ☐ Chair stated whether the public body will adjourn from the executive session, or will reconvene in open session after the executive session. G.L. c. 30A, § 21(b)(4).
- ☐ For Executive Session Purposes 3, 6, and 8:
  - Chair publicly stated the having the discussion in open session would have a detrimental effect on the public body's negotiating position, bargaining position, litigating position, or ability to obtain qualified applicants. G.L. c. 30A, §§ 21(a)(3), (6), (8).
- ☐ A majority of members of the body voted by roll-call to enter into executive session. G.L. c. 30A, § 21(b)(2).

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please**

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	
Title or Position:	
Agency/Department:	
Agency address:	
Office Phone	
Office E-mail:	
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	
What responsibility do you have for taking action or making a decision?	
Explain your relationship or affiliation to the person or organization.	
How do your official actions or decision matter to the person or organization?	

<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	
<b>If you cannot confirm this statement,  you should  recuse yourself.</b>	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  ____ Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	

**Attach additional pages if necessary.**

**Not elected to your public position – file with your appointing authority.**

**Elected state or county employees – file with the State Ethics Commission.**

**Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.**

**Elected municipal employee – file with the City Clerk or Town Clerk.**

**Elected regional school committee member – file with the clerk or secretary of the committee.**

**Form revised July, 2012**

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST****AND DETERMINATION BY APPOINTING AUTHORITY****AS REQUIRED BY G. L. c. 268A, § 19**

	<b>MUNICIPAL EMPLOYEE INFORMATION</b>
Name:	
Title or Position:	
Municipal Agency:	
Agency Address:	
Office Phone:	
Office E-mail:	
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	<b>PARTICULAR MATTER</b>
Particular matter  E.g., a judicial or other proceeding, application, submission, request  for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter.
Your required participation in the particular matter:	Please describe the task you are required to perform with respect to the particular matter.

E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	
	<b>FINANCIAL INTEREST IN THE PARTICULAR MATTER</b>
<b>Write an X by all that apply.</b>	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it.
Employee signature:	
Date:	

## DETERMINATION BY APPOINTING OFFICIAL

	<b>APPOINTING AUTHORITY INFORMATION</b>
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	



Revised 3/22/2021

Voted by BOS 3/18/2021

Office E-mail	
	<b>DETERMINATION</b>
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

**Attach additional pages if necessary.**

**The appointing authority shall keep this Disclosure and Determination as a public record.**

**Form revised February, 2012**

## **INTERNET/COMPUTER USE POLICY**

### **GUIDELINES**

The use of Town supplied computer equipment and software requires the appropriate, efficient, ethical, and legal utilization of Town computer hardware and network resources. The use of computer hardware and resources must support the Town's objective and be consistent with the Town's mission. Users must abide by this policy. Employees must also follow any more specific internet/computer directives issued by the department by which the employee is employed. If a user violates any of the policy's provisions, his or her access to the computer network and use of computer equipment may be denied, and, in the case of Town employees, disciplinary action may be taken, up to and including dismissal.

Users and their Supervisors and Department Heads are jointly responsible for adhering to the provisions of this directive and monitoring the use of network resources to be consistent with assigned duties and responsibilities.

### **PROCEDURES**

- A. The Town's networks and computers may be used only for Town of Avon business related purposes, except as specified in Paragraph E., below. Users must abide by all federal, state and local statutes, bylaws, rules and regulations, including, but not limited to, provisions relating to copyright protection. Only town acquired, legally obtained software programs are to be installed and/or used on town computers. Use of Town computer equipment to run other than Town-acquired and authorized software is prohibited. Town-owned software shall not be copied for personal use.
- B. Computers and related equipment, other than assigned laptops, may not be removed from the workplace or moved to other locations within Town facilities, unless approved by the Department Head.
- C. The use of Town-provided computer equipment and network resources for an individual's participation in activities that are not work-related is prohibited. Brief personal use as detailed in Paragraph E., below, is permitted.
- D. All Town electronic information systems, hardware, software, temporary or permanent files and any related systems or devices created or stored on the Town's computers are public records that are the property of the Town and subject to public disclosure under the Public Records Law as described in M.G.L. C. 4. As disclosure of e-mail messages (or any other data files) is required under the Public Records Law, (despite the designation of any message as "private" and "confidential"), the Town shall hold all employees responsible for information the employee may have used for "personal" or non-Town sanctioned use that is request as a "public record". The Town shall not be liable for this disclosure in any way. These computer systems are provided for official Town business. The information in the computer and the employees' use of the computer is subject to the Town's review and control. Therefore, the Town reserves the right, what so ever, without notice, to have access to, review, download and/or monitor any Town Employee's data,

including materials stored on hard drives, permanent or temporary files, server information, all internet addresses, computers, computer related equipment, printers and stored memory in printer and any other related information. Users should not consider any of the material transmitted via network resources or stored in the Town's computer systems to be private or confidential. The Town's Information Technologist, or designer or any person authorized to act by the Board of Selectmen, or Town Administrator, shall provide detailed reports on town Employee internet use, including but not limited to "internet surfing", sites visited, sites accessed, sites requesting responses, or any of the like, and the duration of each visit. Reports and logs generated will be disbursed at the discretion of the Board of Selectmen or Town Administrator. These logs and reports will be reviewed on a regular basis to determine policy compliance. These reports may be subject to public disclosure and sanctions may apply.

- E. The use of Town computer equipment for personal purpose including sending e-mails and access to the Internet, requires department head approval and shall be limited to brief, infrequent usage to deal with personal family matters that can only be addressed during the workday. Such personal use shall be conducted in a way to make it clear that the employee is not representing the Town. Such use may be made only during the time an employee is relieved from duty, such as during breaks or lunch periods.
- F. Network accounts are to be accessed only by authorized user of the account. No employee is allowed to access e-mail or other data files except for purposes related to Town business. The confidentiality of passwords and user accounts shall be protected for security purposes. Passwords shall never be shared with others. Individual users will be held accountable for the use of their account by others, unless such use occurred through no fault of the user.
- G. Users are prohibited from downloading, viewing or transmitting any inappropriate material on or through any of the Town's Networks. Inappropriate material includes, but is not limited to, materials that: (a) is unlawful or illegal; (b) pornographic or obscene; (c) is threatening; (d) is abusive; is libelous or defaming; (f) offensive; (g) encourages or incites conduct that would constitute a criminal offense; (h) violated the Town's harassment policies; or adverse publicity for the Town, its officers and/or employees.  
The Town has the sole discretion to determine whether material is inappropriate. The Town also reserves the right to remove any inappropriate material from its software/hardware. If you receive an inappropriate e-mail message under these guidelines, you are to contact your Department Head or Town Administrator.
- H. Users may not attempt to circumvent user authentication or security of any host, network, or account. This includes, but is not limited to, accessing data not intended for the user, logging onto a server or account the user is not expressly authorized to access, or probing the security of other networks. Users may not attempt to interfere with service to any user, host, or network. This includes, but is not limited to: "flooding" of the networks, deliberate attempts to overload a service, and/or attempts to "crash" a host. Users may not use any kind of program/script/command, or send messages of any kind designed to interfere with another user's session, via any means, locally or by the internet. Users who violate network security may incur criminal and/or civil liability as well as disciplinary action.
- I. It is important to use care when sending e-mail messages from Town-owned equipment and from Town-supplied e-mail addresses. Messages should be polite and professional; be sure your messages are polite and professional. Don't write anything you wouldn't want repeated to others. The text of any e-mail should be appropriate to be sent as a signed letter on Town letterhead as noted in paragraph D., above, the confidentiality of electronic mail cannot be assumed. Any communication that needs to remain confidential should not be sent electronically.

- J. Computers and all related equipment are the property of the Town and must be treated with care. If you have a problem with computer equipment assigned to you, report the problem promptly to your department head. Do not attempt to resolve network problems, move computer equipment, or fix broken equipment without specific direction of your department head.
- K. All internet use must go through the Town's Network where applicable. Any exception, where applicable, requires the prior approval in writing of the Town Administrator.
- L. All employees will acknowledge in writing that they have received and read this directive. Such written acknowledgement shall be retained by the Town Administrator. Nevertheless, the failure to provide such written acknowledgement shall not in any way limit the Town's ability to enforce this directive.
- M. Town Employees must abide by all the terms and conditions set forth in this Internet/Computer Use Policy. Any Deviations, Violations or the like will result in disciplinary action, up to and including dismissal.

## **SOCIAL MEDIA POLICY**

The Town of Avon (“Town”) recognizes the importance of online social media networks as a communication tool. The use of social media presents certain risks and carries with it certain responsibilities. Social Media, while a relatively new form of activity, does not change the law or expectations around public service. The Town recognizes that employees and officials have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. However, that right is balanced against the legitimate interests of the Town in promoting accountability, responsible and mature judgment, and the efficiency of the public services it performs through its employees and officials. The goal is to ensure that use of social media advances, rather than impedes, the operation of government.

To that end, this policy establishes guidelines for employees’ personal use of social media, as well as for the official use of social media by Town employees and officials for government-related purposes.

The Policy applies to all employees, officers, and officials (elected and appointed) of the Town of Avon. Employees whose employment is governed by law or a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

This Policy is to be read in conjunction with all other applicable policies and rules of the Town, including but not limited to the Town’s Personnel Policies and Procedures. It may be amended from time to time and may be supplemented with additional administrative procedures and rules as may be issued.

Nothing in this Policy is designed to interfere with, restrain or prevent employee communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, Concerted, Protected activities). This policy is not intended to interfere with or supersede any employee rights Massachusetts General Laws Chapter 150E.

### ***DEFINITIONS***

The following definitions apply for the purposes of the Policy.

1. “Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication in which users participate in the exchange of ideas, messages or content.

2. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, exchange ideas, messages and opinions, including but not limited to tools such as: blogs; wikis; microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube or TikTok; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.
3. A “social media identity” is a specific user identity or account that has been registered on a third-party social media site.
4. A “blog” (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
5. A “moderator” is an authorized Town of Avon official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by Town officials, employees and public commentators to be posted to a Town of Avon social media site or sites.
6. “Town Systems” are any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, “smartphone”/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.
7. “Town social media site” is any official social media site established by or for a Town department, with the authorization of the Town Administrator.

#### ***GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA***

Although the Town recognizes that employees may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression is not free from limitation. That is, while the Town acknowledges its employees have the First Amendment right to free speech, that right is not absolute and extends **only to matters of public concern**. Therefore, employees must exercise caution with respect to comments they post in general, and especially those concerning the Town, a particular department of the Town, and/or the Town’s employees.

Employees violating the provisions of this Policy shall be subject to appropriate discipline, up to and including termination of employment.<sup>1</sup> The Town intends to follow each provision of this Policy, but reserves its right to change the terms of this Policy should circumstances warrant a change.

#### **A. Required Conduct**

1. Whenever the topic is one related to the functioning or operations of Town government, including any matter pending or reasonably anticipated to be pending before any Town board, committee, commission, or Town Meeting, Employees must post an express statement in the forum that “The postings on this site are my own and do not represent the views, positions or opinions of the Town” or similar disclaimer. Employees may express only their personal

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<sup>1</sup> Employees covered by Collective Bargaining Agreements and/or by the Civil Service Law shall be subject to discipline in accordance with the terms of those Agreements or Law.

- opinions and should never represent themselves as a spokesperson for the Town unless specifically designated by the Town. If the Town is a subject of the content created by an employee, the employee should be clear and open about the fact that he/she is an employee of the Town and should make it clear that his/her views do not represent those of the Town, fellow employees, suppliers, vendors, or any other agent of the Town. Users who publish blogs or other online posts related to the work they perform, or subjects associated with the Town must make clear that they are not speaking on behalf of the Town. Further, an employee's decision to express their personal opinions does not alleviate their responsibility as an employee to take appropriate action under the circumstances, which may include, but not be limited to, taking action themselves or reporting an issue to a supervisor.
2. Employees and officials should be mindful that social media activity that violates any of the Town's policies may result in disciplinary action, up to and including termination. Such policies include, but are not limited to, the Town's Information Technology Resources Use Policy, Anti-Harassment and Discrimination Policy as well as any other Personnel Policies and Procedures.
  3. Department heads and other employees or officials with policy-making authority must be mindful that there is greater risk that their comments or conduct while participating in social media may have a direct and negative impact upon the integrity of their board/committee or department and the public's perception of Town government as a whole. Furthermore, there is a greater likelihood that the public will view their conduct/comments as representative of an official position or policy of the Town, even when personal disclaimers are made.

## **B. Prohibited Conduct**

1. No Town Systems are to be used to make personal posts on any social media site or platform.
2. Town e-mail addresses may not be used to register on social networks, blogs, or other online tools utilized for personal use, and may not be used when setting up or establishing social media sites for personal use.
3. Per G.L. c. 268, §35, no employee or official shall post the Town Seal on any Internet site [i.e., social media network, website, blog site] or in any other Internet and/or social media communication or posting, with intent to give to such site or posting an official character which it does not possess, or unless authorized in writing in advance by the Town Clerk.
4. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, bullying, and/or threats of violence or similar inappropriate or unlawful conduct, will not be tolerated, even in cases where the postings do not contain the name of the Town or any of its employees.
5. Do not post or reveal internal reports, draft policies, procedures, or other internal confidential or privileged information or documents. Employees shall maintain the confidentiality of the Town's procedures for the development of policy and other such information exempt from the Public Records Law. Employees shall further refrain from posting any confidential information regarding other employees, town residents and town contractors. The state's Conflict of Interest Law [G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a

question about whether information is appropriately considered public or not, s/he should contact the Avon Town Administrator.

6. Do not post information about others that is protected from public disclosure by law, such as: Criminal Offender Record Information, HIPAA-protected information and any other personal medical information, information concerning allegations of domestic violence and abuse, information protected under student privacy statutes, and the like.
7. Employees and officials operating personal social media sites are subject to the same guidelines as above for the operation and administration of sites under their control, when focusing on topics relating to the functioning or operations of Town government. In order to avoid the appearance of being an official Town social media site, the site must clearly indicate their participation and carry a disclaimer that “The operation and administration of this site are my own and do not represent the views, positions or opinions of the Town”.
8. Members of multi-member boards, committees and commissions must be mindful of the requirements of the Open Meeting Law, when participating in social media, in both personal and (where authorized) official capacities. A quorum of a board/committee/ commission should avoid posting on social media sites discussing topics relating to the functioning or operations of Town government, or on topics relating to matters under that board/committee/commission’s jurisdiction, as doing so may violate the Open Meeting Law. Additionally, a series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.
9. Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.
10. The Town specifically acknowledges that police officers and firefighters may be required to use social media to perform their job duties and that such use, subject to the direction and authorization of the respective Chief, is permissible although such use may otherwise appear to violate this Policy. Such actions, however, will not be deemed to violate this Policy provided the police officer or firefighter acts within the scope of his Chief’s direction or authority.

### **C. Permitted Conduct**

Employees and officials may include, in their social media personal profiles, their job titles, as well as information about their personal participation in Town-sponsored events, including volunteer activities. Employees shall not include the official titles when posting personal statements as per the Guidelines for Personal Use of Social Media.

### ***USE OF SOCIAL MEDIA SITES FOR OFFICIAL PURPOSES***

The Town of Avon permits departments to utilize social media sites and social networking sites (collectively “social media sites”) to further enhance communications with its residents and various stakeholders in support of the department’s goals and objectives. Town of Avon officials and departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town of Avon business. Social media sites facilitate further



discussion of Town of Avon government business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. The Town has the ability to place limitations and restrictions upon the content of its website and social media sites. This section of the policy sets forth requirements that must be adhered to with respect to utilization of social media sites for official Town of Avon purposes, as well as explanatory guidance.

**A. General Requirements for Establishment and Maintenance of Official Town Social Media Sites**

1. All Town social media sites shall be:
  - a. approved by the Town Administrator with a documented letter of approval; and
  - b. published using a social media platform and tools approved by the Information Technology ("IT") Department.
2. Posting for the Town on such sites shall only be performed by the Town Administrator or his/her designee(s).
3. Subject to prior approval of the Town Administrator, departments have the option of allowing employees to participate in existing social media sites as part of their job duties or allowing employees to create social media sites as part of their job duties. Department Heads may allow or prohibit employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state and federal laws, regulations and policies, including, but not limited to, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Copyright Law, Campaign and Political Finance laws and rules, and other applicable Town policies.
5. Because the Public Records Law applies to social media content, all posts, once made, may not be deleted or amended, except to correct typographical errors, and a record shall be kept of any such modifications.
6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Avon Internet site for forms, documents and other information.
7. All Town social media sites shall clearly indicate that they are maintained by the Town of Avon and shall have the Town of Avon contact information prominently displayed, and, if possible, the Town Seal.
8. Town social media content shall not contain the following:
  - a. Profane, obscene, or vulgar language or content;
  - b. Comments or content that are denigrating, threatening, insulting, bullying or harassing;
  - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions, genetic information, active military status, or any other status protected by state or federal law;
  - d. Sexual content or links to sexual content;
  - e. Conduct or encouragement of illegal activity;
  - f. Information that may tend to compromise the safety or security of the public or public systems;

- g. Content that violates a legal ownership interest of any other party;
  - h. Protected health information;
  - i. Personnel data;
  - j. Other information that is not public record or is otherwise privileged from public disclosure.
- 9. All Town social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.
- 10. To the extent applicable, the Town's IT security policies shall apply to all social media sites and articles.
- 11. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including the Personnel Policies and Procedures) of the Town of Avon. Town employees, officials, board members and committee members shall not use a title unless they are posting in an official capacity or on an official Town social media site, with authority to do so.
- 12. No Town or department social media site may endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders. Employees may not engage in political activity during working hours. This includes, but is not limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.
- 13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

#### **B. Employee Use of Official Town Social Media Sites**

The following provides further explanation of the requirements for Town media social media site, set forth in Section A, above.

- 1. Information Technology Resources Use Policy. All employees are responsible for understanding and complying with the Town's IT Usage Policy.
- 2. First-Amendment Protected Speech. Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, or harassing, the Town cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those removed for specific legitimate reasons, as referenced above.
- 3. Copyright Law. Employees and officials must abide by laws governing copyright and fair use of copyrighted material owned by others, including written material, photography, videography and digital media. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original.
- 4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest in violation of the provisions of G.L. c. 268A.

5. **Protected Confidential Information.** Employees are prohibited from posting legally protected personal information that has been obtained during the course of performing official duties (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Conversations that occur amongst Town officials/employees outside public forums should not be published or reported on, unless authorized by the Town Administrator. Information about policies, rules, or plans that have not been finalized or officially adopted by the Town should not be posted unless explicitly approved in advance by the Town Administrator or relevant Department Head, for instance, where public comment or input is being solicited.
6. **Carefully Consider Content.** Town social media sites are not an appropriate forum for commentary about rumors, political disputes, and such comments are not permitted. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they still constitute official government communications. Social media sites will be sought out by mainstream media, and therefore, consideration needs be exercised to use social media in a way that benefits both the Town and the public.
7. **Handling Negative Comments.** Town Employees and Officials shall only post factual information as it relates to a Town related matter. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it is anticipated that some of the feedback received will be negative. Some effective ways to respond to negative comments include:
  - a. Provide accurate information in the spirit of being helpful;
  - b. Remain respectful; and
  - c. Notify the moderator to address the matter prior to any escalation.
8. **Respect the Audience and Town Employees and Officials.** Ethnic slurs, personal insults, obscenity, or any conduct that would not be acceptable in the workplace, are similarly prohibited on the Town's social media sites. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. The Town's social media presence shall not be used to communicate among Town employees for work purposes.
9. **Use Social Media Sites or Identities Only to Contribute to the Town or Department's Mission.** All postings should provide useful information and perspective that contributes to the Town's and/or Department's mission of serving the public. What is published on Town social media sites reflects on the Town and town government. Social media sites and identities should be used in a way that contributes to the Town's mission by:
  - a. Helping Town employees and officials perform their jobs better;
  - b. Informing citizens about government services and how to access them;
  - c. Making government operations transparent and accessible to the public;
  - d. Creating a forum for the receipt of candid comments from residents about how government can be improved; and
  - e. Encouraging civic engagement.
10. **Mistakes.** The Town's policy is that once something is posted on a Town social media site, it should remain posted. Only spelling or grammar errors may be made without making the change evident to users. If the decision is made to modify an earlier post, make it clear that this has been done - do not remove or delete the incorrect content; provide the correct information and where appropriate, apologize for the error. Ways to accomplish this include:
  - a. Strike through the error and correct; or

- b. Create a new post with the correct information, and link to it from the post that is being corrected or clarified. Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.
11. Defamation. Under Massachusetts law, defamation is established by showing that an individual published a false statement about another party that either caused the individual economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees must avoid statements that may be interpreted as defamatory.
12. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and therefore constitute Public Records. Officials must ensure that the Town or department retains a copy of the social media content in accordance with applicable Public Records Retention Schedules and in accordance with the Public Records Law.

### ***MEDIA CONTACTS***

Oftentimes, presence on social media can lead to inquiries from the press or media. Employees may not speak to the media on the Town's behalf, unless specifically authorized by the Town Administrator. All media inquiries shall be directed to the Town Administrator's Office.

### ***RETALIATION PROHIBITED***

The Town expressly prohibits the taking of any action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

### ***ADDITIONAL INFORMATION***

If you have questions or need further guidance regarding the Town's Social Media Policy, please contact the Town Administrator's Office.

### **SOURCES OF INFORMATION**

- “Open Meeting Law Guide,” Commonwealth of Massachusetts Office of the Attorney General. January 2018.  
[https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials\\_revised%201-30-18.pdf](https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials_revised%201-30-18.pdf)
- Massachusetts General Laws : <https://malegislature.gov/Laws/GeneralLaws>
  - Chapter 66: Public Records Law
  - Chapter 30A, §§18-25: Open Meeting Law
  - Chapter 268A: Conflict of Interest
  - Chapter 268A, Section 23: Standards of Conduct
- Massachusetts Conflict of Interest Law, State Ethics Commission, [www.mass.gov/ethics](http://www.mass.gov/ethics)  
Ethic Training Program: <http://www.muniprog.eth.state.ma.us/>
- Town of Avon Charter: [https://www.avon-ma.gov/sites/avonma/files/uploads/town\\_of\\_avon\\_charter.pdf](https://www.avon-ma.gov/sites/avonma/files/uploads/town_of_avon_charter.pdf)
- Town of Avon General Bylaws: [https://www.avon-ma.gov/sites/avonma/files/uploads/general\\_bylaws\\_2019\\_add\\_abandoned\\_buildings.pdf](https://www.avon-ma.gov/sites/avonma/files/uploads/general_bylaws_2019_add_abandoned_buildings.pdf)
- Town of Avon Zoning Bylaws: [https://www.avon-ma.gov/sites/avonma/files/uploads/town\\_of\\_avon\\_zoning\\_bylaws\\_2018\\_0.pdf](https://www.avon-ma.gov/sites/avonma/files/uploads/town_of_avon_zoning_bylaws_2018_0.pdf)
- Town of Avon website: [www. avon-ma.gov](http://www.avon-ma.gov)
- Town of Avon Harassment Policy – adopted 12/3/2009  
Town of Avon Harassment Policy Receipt