

# TOWN OF OAK BLUFFS MASSACHUSETTS



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## HANDBOOK FOR BOARDS, COMMITTEES AND COMMISSIONS

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Adopted by the Board of Selectmen - October 22, 2019

# INTRODUCTION

This handbook describes the duties and responsibilities of the members of the Town's Boards and Committees. Many citizens have served the Town of Oak Bluffs since it was officially incorporated in 1880 as Cottage City and later re-incorporated as Oak Bluffs in 1907.

Through service as a government board, commission or committee member, you have a great opportunity to learn about the workings of local government and to have a positive impact on Oak Bluffs' present and future.

Effective Town government requires active and informed citizen participation and Oak Bluffs relies on its boards and committees for much of the Town's business.

The Board of Selectmen appreciates your time and effort dedicated to the improvement of our community. We hope you find this handbook informative and useful.

Please keep in mind that the term "committee" is used generically through this booklet to be inclusive of elected and appointed committees, commissions, boards.

Suggestions for improvements and/or additions to this handbook, may be sent to:

Assistant Town Administrator:      Email: [wbrough@oakbluffsma.gov](mailto:wbrough@oakbluffsma.gov)

Tel:      508 693 3554 ext: 149

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## I. RESPONSIBILITIES AND TYPES OF COMMITTEES

### **RESPONSIBILITIES**

Committees serve many vital functions in Town Government. The roles of committees include advisory, regulatory, investigative and planning functions. While the specific role of each committee may differ, committees may have overlapping responsibilities and jurisdiction. The Board of Selectmen expects that committees will cooperate and coordinate activities so that all decisions reflect that which is in the best interest of the Town.

The following are the general responsibilities of committees:

#### ***Community Responsibility***

A member of any Board, Committee or Commission in his/her relations with the community shall:

- Protect and act in the best interest of the Town;
- Understand the laws and regulations related to the committee's function and purpose;
- Adhere to the laws that guide procedures and decision making;
- Actively seek effective solutions to the problems and dilemmas that confront the Town;
- Represent all the Town's residents, not just a segment;
- Accept the appointment as a means of unselfish service, and not for the purpose of personal or political benefit from his/her board activities;
- In making all decisions relative to individual appointments, he or she shall avoid political patronage by judging all candidates on merit, experience and qualifications only;
- As a member of a committee, he/she should abide by, and carry out, all board decisions once they are made.

#### ***Responsibility to Municipal Administration***

A member of any Board, Committee or Commission, in his/her relations with administrative officers of the Town, shall:

- Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people in the community;
- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration;
- Recognize that binding decisions of the committee are enforced by the administrative officers;
- Understand that no member of a committee has direct authority as individuals over any Town employee or department, and that questions or concerns should be directed to the Chair, then the Department Head, then to the Town Administrator, and if necessary to the Board of Selectmen.

### ***Relationship to other Committee Members***

A member of any Board, Commission or Committee, in his/her relations with fellow board members, shall:

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

### ***Prohibited Conduct***

A member of Committee, in accordance with Massachusetts General Law, Chapter 268A shall:

- Not accept gifts or other consideration or engage in any business or professional activity which might appear to impair his/her independence of judgement in the exercise of his/her official duties.
- Not improperly disclose confidential information acquired by him/her in the course of his/her official duties, and not use such information to further his/her personal interests.
- Not use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- Not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is unduly affected by the kinship, rank, position or influence of any party or person.
- Not pursue a course of conduct which will raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.
- Not participate in any matter before the Board, Commission, or Committee in which he/she has a direct financial interest, or an immediate family member has a direct financial interest.

**The Summary of the Conflict of Interest Law can be found on the Town’s website under “Information for Boards, Commissions and Committees”.**

If you have a question concerning a potential conflict, you should contact the Town Administrator or the Assistant Town Administrator for guidance.

The State Ethics Commission also will provide guidance on whether a disclosure statement should be filed concerning any potential conflict of interest. **State Ethics Commission’s website:** [www.mass.gov/ethics](http://www.mass.gov/ethics) or call the **Attorney of the Day** hotline (617) 371 – 9500.

## **TYPES OF BOARDS AND COMMITTEES**

### ***Policy***

The five-member Board of Selectmen serves as the primary executive policy setting entity in Town government, articulating the priorities and goals of the Town. This includes providing direction that other municipal entities, such as appointed Committees, are encouraged to follow. The statutory authorities and obligations of the Board of Selectmen are established in state law. As an elected board, members of the Board of Selectmen are directly accountable to the citizens of Oak Bluffs.

The Board of Selectmen is responsible for appointing members to most non-elected Town boards and committees

### ***Statutory Boards and Committees***

State statutes outline the powers and duties of statutory boards and committees, some of which are more commonly known as “regulatory boards”. The Town by-laws, the Board of Selectmen and appointing authorities may further define the work of these committees. This includes the Board of Assessors, Board of Health, Conservation Commission, Council on Aging, Historical Commission, the Planning Board and the Zoning Board of Appeals.

### ***Advisory and other Committees***

The Board of Selectmen may from time to time create advisory committees to aid the Board of Selectmen in the performance of its duties to the public. The Board of Selectmen is the appointing authority for advisory committees. The Board of Selectmen prepares the charge, sets the number of members and their terms, approves the membership, and receives the reports and recommendations of the advisory committee.

Advisory committees may be temporary for short term assignments or may have ongoing responsibilities. When a committee is appointed on a temporary basis, the members will serve until the Board of Selectmen determines the committee assignment has been completed. All advisory committees serve at the discretion of the Board of Selectmen.

*Appendix A has the full list of Town Committees, Boards and Commissions*

## **II. MEMBERSHIP**

### **APPOINTMENTS**

Members of Committees may be elected, appointed by the Board of Selectmen, or their appointment may be established in statute. Generally, most at-large committee appointments are made the Board of Selectmen, and boards may be elected or appointed.

#### **Dual Committee Appointments**

In general, the BOS shall make efforts to avoid appointing one individual to multiple committees. Exceptions shall be committees, which have representatives who, by law or specific committee charge, serves on another committee (i.e. the Planning Board representative on the Roads and Byways Committee), or joint committee formed from other committees.

The membership of some Committees requires a representative from another board or committee, or Town agency. Appointment of such board or committee members is made by the entity being represented. For example, the Land Bank Advisory Committee requires that a representative be appointed by the Planning Board.

### **APPLICATION PROCEDURES**

It is the policy of the Board of Selectmen is to appoint candidates whose qualifications and interests match the needs of the committee. However, applicants do not need to be an expert in any particular area to be appointed but should be open minded and interested in learning the appropriate requirements necessary to become a participating member of the committee.

The Board and Town Administrator will endeavor to develop a pool of candidates interested in serving on each such committee from the following sources:

- Advertising in the local weekly newspapers in the public notices section
- Listing on the Town's website
- Posting on Town Bulletin Boards

Applications for committee appointments will be accepted at the offices of the Town Administrator and the Board of Selectmen throughout the year and when vacancies for the committee have been advertised. Upon expiration of a member's term, or a member has resigned, the upcoming vacancy may be advertised, and applications will be collected from interested citizens.

Applications forms are available from the website or from the Board of Selectmen's office. Alternatively, letters of application including interest in appointment to the committee, and listing

education, work experience and outside accomplishments may be submitted. Applications should be sent to the Board of Selectmen's office or to the Committee making the appointment.

Applicants for elected positions must register with the Town Clerk and submit papers with more than 18 registered voters' signatures to be listed on the ballot. Successful candidates are expected to become educated in the requirements and processes of the appropriate committee so that they can positively contribute to the functioning of the committee.

## **RESIDENCY**

In most instances, committee members shall be residents of the Town of Oak Bluffs. There may be occasional exceptions when an individual's unique skills or experience support the appointment of a non-voting taxpayer or summer resident and would be beneficial to the committee's work.

Non -residents shall not be eligible for appointment to any board or committee responsible for exercising statutory or regulator authority.

Residents not eligible for appointment are:

- Town employees, unless their position with the Town is the reason for the appointment;
- Oak Bluffs School and MV Regional High School Administrators, and Town Department Heads (but may be eligible for ad hoc committees where such representation is required);

## **SELECTION PROCEDURES**

Board of Selectmen and Appointing Board appointments shall be made at regularly scheduled Board meetings and the appointee shall receive written confirmation of their appointment with the term of their membership. Appointments shall also be reflected in the minutes of the meeting.

Applicants should be interviewed by the Board before the Board reviews and votes on the appointment. Appointments by Municipal Officials, such as the Moderator, shall receive a written letter of appointment.

### **Criteria for Selection**

1. Level of applicant's interest in serving and interest in the work of the committee.
2. Prior background and experience.
3. The need for diversity on the committee, taking into account the educational and professional background of the applicant, as well as the need for diversity among all committee members in terms of neighborhood representation, gender, age, and other demographic characteristics.
4. Special needs of the committee.

## **OATH OF OFFICE**

Prior to serving on any board or committee, ALL newly elected and appointed board and committee members must present themselves with their appointment letter to the Town Clerk's office to be sworn in before undertaking their official duties.

Members of multiple committee must be sworn in for each committee they serve.

Members must be sworn at the beginning of each re-appointment term.

## **ORIENTATION**

Upon appointment, each committee member shall receive the Board and Committee handbook. Members shall also be emailed the link to the Town's website page "Information for Boards, Commissions and Committees" that included educational resources such as the Open Meeting Law, Public Records Law and Conflict of Interest Law.

The "Information for Boards, Commissions and Committees" webpage also has links to the following requirements:

1. Within two weeks of election or appointment or when the member took the oath of office (whichever is later), members must complete a "[Certificate of Receipt of Open Meeting Law Materials](#)". The certificate of receipt must be submitted to the Assistant Town Administrator
2. All municipal employees are required to take the [Conflict of Interest Law Online Ethics Training](#) within 30 days of beginning public service and every two years thereafter. Completion Certificates for this training must be submitted to the Assistant Town Administrator.

The committee's webpage on the Town's website will have additional relevant administrative rules and regulations.

It shall be the responsibility of the committee chair to provide for practical orientation of new members to familiarize the individuals with the work of the committee, current projects, and town operations in general, as they may impact the committee's work.

## **TERM OF OFFICE**

Unless prescribed by statute, Town Meeting vote, or specific committee charge, three years shall be the standard term of office. The Board of Selectmen may generally limit appointments to three consecutive three-year terms. If required, the Board of Selectmen may appoint additional terms.

All terms, unless prescribed by statute or by-law, shall terminate at the end of the fiscal year.

The terms of office shall be set on a staggered basis in the interest of fostering continuity of knowledge and experience on all committees. The appointing authority shall determine the year in which a given term expires at the time of appointment.

The term of an ad hoc committee will usually be for the time it takes to develop recommendations on a specific issue or upon completion of a project.

## **ATTENDANCE**

In general, committees meet regularly (i.e: weekly; bi-weekly, monthly). Members of a board or committee are expected to attend all regular meetings of the committee. It is the responsibility of each committee chairman to discuss excessive absences with the member. If any problem is not resolved to the chairman's satisfaction, the problem should be delegated to the appointing authority for resolution.

If an appointed board or committee member is absent from three (3) consecutive meetings, the appointing authority may consider the seat vacant and proceed to fill the position with another candidate in the manner provided by statute or by-law.

## **RE-APPOINTMENT**

If a committee member's term is expired, members shall serve at will; until re-appointment or a new appointment is made.

Committee members who wish to continue serving on a committee should re-apply to be reappointed to the Appointing Authority before the expiration of their term.

Reappointment is based on an evaluation by the Appointing Authority of the citizen's contribution to the committee, recommendation of the Committee Chair, record of attendance and the changing needs of the committee and the Town. A committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

## **RESIGNATION**

A board or committee member who is no longer able to serve, or who moves out of Town, should resign promptly so that the vacancy may be filled as soon as possible. A formal letter of resignation is required for the appointing authority to act on filling open positions. Any resignation should be submitted in writing to the Committee Chairman, the Town Clerk and the Board of Selectmen.

The Board of Selectmen may remove for stated cause any of the officers or members of town boards or committees appointed by them. Causes for removal include such matters as repeated non-attendance at meetings, failure to discharge the duties of office, violation of state or town statutes or for conduct that violates Town policies.

Appointments to fill vacancies will cover the remaining term of the vacated position.

## **OFFICERS**

Committees elect a chair, and in some cases a clerk usually at the first meeting after new terms begin in July. It is the responsibility of the chair to notify the appointing authority and the Town Administrator of changes in officers.

In the case of new committees, or committees that have become inactive, the Selectmen or Town Administrator may appoint a chairperson pro-tem to serve until the committee itself elects a chair person for the balance of the current year.

The chairperson shall be for a term of one year, preferring that the election of the chair is on a rotating basis

### ***Chair***

Responsibilities of the chair:

1. Presides at all meetings, starts all meetings and hearings on time. In doing so, he/she shall maintain order, recognize speakers, call for votes. The chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon;
2. Be familiar with procedures as it applies to public meetings;
3. If applicable, provide time in his/her schedule to consult with staff on the preparation of the agendas and meeting materials;
4. Sign official documents that require the signature of the chair;
5. Represent the committee at meetings, conferences and other gatherings unless delegated to another committee member;

6. Serve as spokesperson for the committee and present its position unless otherwise delegated by the chair;
7. Prepare the annual Town Report with administrative staff (if applicable);
8. Work with Town Management in the preparation of Town Meeting articles that the committee sponsors;
9. Be responsible for following up with committee members for excessive absences or for any behavior or prohibited conduct that violates the responsibilities and mission of the committee.

Some committees may also elect a vice chairperson, who may act in the absence of the Chair.

***Secretary or Clerk***

On some committees, there is an assigned secretary or clerk who is responsible for the following duties of the committee:

1. Take and transcribe minutes;
2. Prepare agendas and any other material;
3. Copy meeting materials;
4. Schedule meeting rooms with selectmen's office and post meeting with the Town Clerk;
5. Where applicable, process the accounts payable for the committee to the Town Accountant.

If committees do not have an assigned clerk, members may elect annually a clerk or accept volunteers from the committee for the duties of clerk.

### III. MEETINGS

Definition: A public meeting occurs at any time a quorum of the committee members get together to discuss or consider any public business or policy over which the committee has some jurisdiction or advisory power. In most cases, more than one-half of the committee's full membership constitutes a quorum and is necessary for conducting official business.

The Massachusetts Open Meeting Law requires that all meetings of elected or appointed boards, committees or subcommittees be open to the public except in eight specific situations where an Executive Session is permitted.

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.

Under the Open Meeting Law, the use of technology for communication may be considered a public meeting. The Open Meeting Law prohibits the use of email or telephone conferences by a quorum of a Committee to consider Committee business.

Email may be used to provide information, or to determine the availability of members for a meeting. However, members must refrain from commenting on information provided in an email. Comments on information provided via email should be reserved for a posted public meeting of a Committee. Committee members may not "reply all" to express an opinion on information that is shared via email.

For further information refer to the Open Meeting law guide found on the Town's website under "Information for Boards, Commissions and Committees" or directly from the Attorney General's website: <https://www.mass.gov/the-open-meeting-law>.

#### CONDUCTING A MEETING

A board or committee may adopt formal rules of order as it is advisable for the committee to observe a minimum of generally accepted parliamentary procedures. Guidance by the chair and adherence to customary parliamentary procedures or adopted rules of order can increase efficiency as well as maintain objectivity. Procedures to observe are:

- In most instances, a decision is made by a simple majority vote of those board or committee members present and voting at the meeting.
- No votes taken in open session by a governmental body may be made by secret ballot.

The current Open Meeting Law does not require that members of the public attending a meeting be allowed to speak at that meeting. A board or committee may, however, allow public comment on the matters under discussion during a specific time at the meeting. Members of the public should be allowed to speak at a board or committee meeting only with the permission of the chair.

Any person may record a meeting with a tape recorder or any other means of audio reproduction and/or videotape equipment provided he or she announces his intention to do so and there is no active interference with the conduct of the meeting

## **PUBLIC HEARINGS**

Many boards and committees (such as the Board of Selectmen, the Planning Board and the Zoning Board of Appeals) are required by Massachusetts General Laws to conduct formal public hearings on some issues that come before them. All formal public hearings must be conducted in accordance with Massachusetts General Laws and the Town By-Laws.

Written hearing notices, the initiation of the hearing and the conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the board or committee. For all hearings, the Chair or other designated person should state guidelines and time allowances before any testimony is taken. Detailed minutes must be kept. All questions should be directed to the Chair who, in turn, may ask for a response from board or committee members, staff or a member of the public.

It is the responsibility of the Chair to maintain order and decorum at the hearing. The Chair must be consistent and fair, but may put restrictions on the nature, number and frequency of individual's comments and questions.

It is recommended that each board/committee develop written guidelines that:

1. Set ground rules, time limits, direct all questions to chair, etc.;
2. During deliberations, findings of fact are noted;
3. Decision is written using notes of discussion, fact & findings;
4. Decision is filed in appropriate places.

*See Appendix C for Recommended Public Hearing Procedures.*

## **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.

***Executive Sessions may be held for the following purposes:***

1. To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual provided the individual is accorded notice and certain rights.
2. To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual provided that the individual is accorded notice and certain rights.
3. To discuss strategy with respect to collective bargaining or litigation strategy if open meeting may have a detrimental effect on the governments' bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct collective bargaining and contract negotiations with non-union personnel.
4. To discuss deployment of security personnel or devices.
5. To investigate charges of alleged criminal misconduct or to discuss filing criminal complaints.
6. To consider the purchase, exchange, lease, or value of real estate if open discussion may have a detrimental effect on the negotiating position of the governmental body.
7. To comply with the provisions of any general or special law or federal grant-in-aid requirements.
8. To review resumes and interview candidates for employment if an open meeting will have a detrimental effect in obtaining qualified applicants. Note that this section does not apply with respect to consideration of applicants who have passed a prior preliminary screening.

NOTE: Purposes #1 and #2 should be used with great caution and should ordinarily be discussed in advance with the Town Administrator and/or Town Counsel.

***Procedures for Convening Executive Session***

1. The session must be convened in open meeting for which notice of the meeting and executive session has been correctly given;
2. The Chair announces the purpose of the executive session as written in the previous section;
3. The majority must vote in recorded roll call to enter into executive session;
4. The Chair announces whether the meeting will reconvene in open session;
5. Votes taken in executive session must be recorded roll call votes;

Records of an Executive Session remain closed to the public only as long as publication may defeat the purposes of the Executive Session. Topics discussed in Executive Session are confidential. Those attending the Executive Session should not discuss these matters with anyone until the purpose for the Executive Session no longer exists and the minutes can be released to the public.

## **POSTING AN AGENDA**

An agenda of every meeting of a governmental body must be filed with the Town Clerk at least 48 hours prior to the meeting (MGL Ch; 30A § 20A), excluding Saturdays, Sundays and legal holidays. The Town Clerk will post the notice on the Town Bulletin board. Agendas must be posted by the committee on their Town of Oak Bluffs website page and e-subscriber notification sent out.

All board and committee meetings should be posted on the event calendar on the Town's website.

The Chair is usually tasked with preparing the agenda for a Committee meeting. If Town personnel are available to staff a Committee, then for practical reasons, the setting of an agenda for a Committee meeting is usually done in consultation with staff. Agendas for public meetings may vary slightly for a Committee; the agenda must state the date, time and place of the meeting and generally will include:

- Calling the Meeting to Order
- Approval of Minutes
- Committee Business
- Appointments
- New Business
- Old Business
- Adjournment

The Board chair is required to list in the meeting notice all matters that the chair "Reasonably anticipates will be discussed at the meeting". This provision is to give adequate public notice of the information to be discussed. All revisions to an agenda requires resubmission of the agenda to the Town Clerk and all agenda notices must reflect the changes.

If posting an executive session agenda item, the posting must include the purpose of the executive session as outlined under the executive session section on page 14.

All agendas can be either hand-delivered to the Town's clerk's office  
or mailed to Laura Johnston, Town Clerk, PO Box 1327, Oak Bluffs MA 02557  
or emailed to [ljohnston@oakbluffsma.gov](mailto:ljohnston@oakbluffsma.gov) or [cmorris@oakbluffsma.gov](mailto:cmorris@oakbluffsma.gov) .

## **MEETING SCHEDULE AND LOCATION**

To accomplish committee objectives, regular meeting times and locations should be established and some coordination with other boards and committees for meeting space may be necessary. Depending on committee workload, meetings may be held weekly, bi-monthly, or at least monthly. A regular schedule of meetings should be recorded by the committee on their website page.

Meetings must be conducted in a public building and not scheduled for holidays, election days or Sundays.

Meeting space for the Town Hall must be scheduled with the Selectmen's Office (508 693 3554).

## **MEETING MINUTES**

All Committees shall operate in accordance with the Open Meeting Law and shall keep minutes of their proceedings. The records of each regular meeting are public information. Minutes must include record of the date, time and place of the meeting, the members present and absent, documents discussed at the meeting, and any actions taken at each meeting, including executive sessions.

In addition, minutes should include the following:

- Assignments to committee members
- Statements of topics discussed, etc.
- Exact wording of all motions
- All votes, and abstentions, must be recorded
- Votes in executive session must be recorded by roll call

Prior to voting to approve the minutes, members of the Committee will be given the opportunity to review minutes of a previous meeting. A Committee may vote to correct minutes to ensure they accurately reflect the prior proceeding.

Minutes become the official record of a meeting only after they have been approved by the Committee and should be approved at the next regularly scheduled meeting. However, meeting minutes are considered a public record before they are formally approved by a Committee, and draft meeting minutes are subject to public records requests.

The chair, or designee, must maintain a paper copy and an electronic version of all approved minutes for public record. Within 30 days of approval, the chair, or designee must submit committee minutes in electronic format to the Town Clerk and post the minutes on the committee's agenda webpage.

It is the opinion of the Secretary of State that any video or audio proceedings, once made, are public records (unless done in executive session) and may be subject to disclosure despite the adoption of official minutes. Therefore, it is recommended that any tape recordings which the board itself has made should be deleted or reused once the official minutes have been accepted by the board.

## **PUBLIC RECORDS**

The Massachusetts Public Records Law (MGL Ch: 66, §10) provides the public with the right to access public records. What constitutes a public record is broadly defined and includes all documentary materials made or received by any Town official, Committee member, or employee.

There are specific exceptions for documents related to personnel and medical files, proposals and bids, and appraisals of property that are not subject to public records requests under the Public Records Law. All minutes, informational data, photographs, recordings, maps, memoranda, and circulated materials used by a Committee, including notes, recordings, or other materials used to prepare minutes, are part of the official record of the session and must be maintained.

Town Administrator or the appropriate Town personnel should be consulted if a Committee has a question concerning the public records status of a specific document. Committees should coordinate any response to a public records request with the Town Administrator.

For further information please refer to the “A Guide to MA Public Record Law” found on the Town’s website under “Information for Boards, Commissions and Committees” or directly at [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf)

## **IV. GENERAL INFORMATION**

### **REPORTING PROCEDURES**

#### ***Appointing Authorities***

The Board of Selectmen may require that the committee chair report regularly to the appointing authority about the committee’s actions and plans. The Town Administrator helps in maintaining communication between the committee, staff and appointing authority. If needed, the chair may request a meeting with the appointing authority to resolve problems and report progress.

#### ***Public Information Meetings***

The success of a committee’s endeavors often depends on effective communication with the public. The committee may hold public meetings and hearings when needed, both to inform citizens of work in progress and to gain public reaction and response. The committee might also want to issue press releases periodically to keep the public informed.

### ***Town Meeting***

If a relevant article is on the warrant or if the committee's charge specifies a report to the Town Meeting, the committee should make these reports clear, concise and brief, keeping in mind the large volume of materials town meeting members 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. The Board of Selectmen may reword articles upon advice from Town Counsel. All articles must be submitted to the Board of Selectmen c/o the Town Administrator, by the deadlines established by the Selectmen's Office. There are no exceptions to this policy.

### ***Annual Town Report***

All appointed and elected committees must file an annual report of committee activities for the Annual Town Report. The chair or other designated member should detail committee membership including changes, and a one to three paragraph explanation of major accomplishments and future plans. A request for committee reports is issued in January of each year.

## **ACCESS TO TOWN COUNSEL**

The Town recognizes that at times Committees and clerks may require the advice of Town Counsel, when a question comes up that may have potential legal repercussions for the Town. Accessing Town Counsel is encouraged, and the Town supports Committees who take the initiative to seek professional advice when there is doubt with a case or application of a by-law.

### ***Procedures for Accessing Town Counsel***

1. If any Committee/ Board Member or Board Clerk requires the advice of Town Counsel, all requests need to be approved by the Chair. This request can be submitted either directly to the Chair through email or in person, alternatively it can be requested during a Board meeting for discussion with the Board.
2. If the Chair approves this request, then the Board Chair must notify the Town Administrator for their approval. Written notification by email to the Town Administrator, or in cases when time is an issue, in person or a phone call with a follow up email is acceptable.
3. Upon receipt of approval from the Town Administrator either the Chair or the person requesting the advice, may contact Town Counsel.

## **USE OF TOWN EQUIPMENT AND FACILITIES**

Each board or committee is responsible for its own clerical work. However, with advance notice, the Town Administrator's office can provide assistance in coordinating photocopying, mailings, and other services. Town equipment and facilities may be used for official board or committee business. Most boards and committees are assigned a mailbox in Town Hall that should be checked on a weekly basis.

Board or committee mailing addresses should be the Oak Bluffs Town Hall, PO Box 1327, Oak Bluffs 02557.

Photocopying machines are available for official board or committee use during business hours, 8:30A.M. -4:00 P.M. Monday – Friday.

## **STAFF SUPPORT**

Some boards and committees have a staff person who serves as an administrative assistant or clerk. In such cases, the staff person provides assistance, rather than the duties that are expected of members. For instance, the staff administrative assistant may record minutes of meetings, prepare and circulate information for meetings and perform other administrative duties.

Please be aware that most staff persons have limited hours and boards and committees should not ask for more than can reasonably be accomplished in those hours. Some boards and committees have a professional staff person assigned as a liaison to the Town Administrator.

The responsibility of the staff member is to provide technical support and information. The staff person keeps the Town Administrator informed of the committee's work and any items of significance which may come up.

In all cases, the Town Administrator provides general management, direction and supervision to the staff members and their daily operations.

## **COMPENSATION**

With the exceptions of the Selectmen all members of boards and committees serve on a volunteer basis and receive no compensation for their service.

## **EXPENSES AND REIMBURSEMENTS**

In general, an individual board or committee does not have a budget. If a board or committee anticipates a need to expend funds, it can request funds through submission of a budget request, during the budget process in November.

Such a request is subject to a review and evaluation of need, availability of funds, and approval by the Town Administrator, Board of Selectmen, Finance Committee and Town Meeting vote.

The Town may pay some expenses for Committee members that are incurred while conducting Committee business, with prior approval. The types of expenses for which the Town may provide payment include travel expenses and the cost of seminars that are held off-island.

Any expenses the Town may pay are subject to the availability of funding and approval by the appropriate Town personnel. Approval for reimbursement must be sought prior to any expense being incurred. Department Heads supporting the operations of a Committee will decide if a reimbursement request will be approved. For any Committee that is not directly supported by Town personnel, the Town Administrator must approve any reimbursement request.

Reimbursements that are approved will be made consistently with the Town's reimbursement policy, which requires that receipts are provided for all expenses. Town policy also limits the level of reimbursement for certain per diem expenses such as meals. Any questions regarding reimbursement should be referred to Town Accountant.

## V. TOWN CONDUCT POLICIES

The Town of Oak Bluffs Sexual Harassment Policy, Harassment and Non-Discrimination Policy and the Code of Conduct policy pertains to all municipal employees and officials including elected and appointed Board, Commission and Committee members.

Please refer to the Town of Oak Bluffs website – under “Information for Boards, Commissions and Committees” for the entire policies.

For any questions regarding these policies and complaint procedures, contact the Assistant Town Administrator at [wbrough@oakbluffsma.gov](mailto:wbrough@oakbluffsma.gov) or Tel: 508 693 3554 ext: 149

### **SEXUAL HARASSMENT POLICY**

It is a basic policy of the Town of Oak Bluffs that all our employees be treated with dignity and respect. No employee should be subjected to any form of unlawful harassment by management, co-workers or those who have business dealings with the Town of Oak Bluffs. It is our goal to have a workplace that is free from harassment of all kinds including harassment of all kinds including sexual harassment. Sexual harassment of employees occurring while in the workplace or in connection with any other work-related environment or setting is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual complaining about sexual harassment or cooperating with the investigation of sexual harassment is similarly unlawful and also will not be tolerated.

We view allegations and concerns about sexual harassment very seriously and we will respond promptly and decisively to instances where complaints of sexual harassment are brought to our attention by use of the established procedures which are set out and explained in this written policy.

Where it has been demonstrated to our satisfaction that such harassment has occurred, we will promptly act to deal with and eliminate any harassment and/or other unlawful conduct. We will impose such corrective action as is necessary up to and including termination.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment. It should not be construed as preventing, limiting, or delaying the Town of Oak Bluffs from taking disciplinary action against any individual, up to and including termination, in circumstances where the Town of Oak Bluffs deems disciplinary action appropriate regardless of whether such conduct satisfies the definition of sexual harassment.

## DEFINITION OF SEXUAL HARASSMENT

In Massachusetts the legal definition of sexual harassment is as follows: Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment or as a basis for employment decisions; or
2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or sexually offensive working environment.

These definitions are broad and include any sexually oriented conduct, whether it is intended to harass or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to either male or female workers. The following are some examples of conduct which, depending upon the circumstances, including the severity of the conduct, may constitute sexual harassment.

This list is by no means intended to be exhaustive.

1. Unwelcome sexual advances – these do not necessarily have to involve actual physical touching;
2. Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increase, promotions, increased benefits or continued employment;
3. Assault or coerced sexual acts;
4. Use of sexual epithets; jokes, written or oral references to sexual conduct, discussion regarding one's own or somebody else's sex life; comments on an individual's sex activity, deficiencies or prowess;
5. The display of sexually suggestive objects, pictures or cartoons, and/or "pin-up" type pictures from "adult" magazines or calendars;
6. Unwelcome leering, whistling, brushing against the body, sexual gestures suggestive or insulting comments;
7. Inquiries into one's sexual experience.

## **HARASSMENT AND NON-DISCRIMINATION POLICY**

### **HARASSMENT**

Harassment encompasses all forms, whether sexual, religious or otherwise motivated. The Town of Oak Bluffs will not condone any behavior that promotes an intimidating or hostile working atmosphere for any of its employees. The inappropriate conduct of one employee should never have the purpose or effect of interfering with another employee's work performance or of creating an intimidating, hostile, or offensive work environment.

The following definitions of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

### **DISCRIMINATION**

No employee shall be discriminated against in training, job assignment, promotions, transfers, layoffs or discharge because of race, religion, creed, color, national origin, sex, sexual orientation, age or handicap, that does not affect the employee's ability to perform the essential functions of the job.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

The employees of the Town of Oak Bluffs should accept individuals and promote teamwork and cooperation rather than polarization and exclusion. Consequently, the Town upholds a strict code of conduct regarding harassment and discrimination and will take appropriate action against offenders.

Any behavior considered harassment or discrimination is a serious offense and will result in severe disciplinary action against both the offender and any Department Head that fails to take appropriate action to stop such activity when it is or should be known to him/ her.

The Department Head is responsible for all offensive conduct of which he/ she has knowledge either from personal observation or as a result of an employee coming forward; furthermore, the Town of Oak Bluffs may be liable if immediate corrective action is not taken once the transgression is known. This includes the conducts of employees, vendors and the public. Department Heads should immediately report such incidents to the Human Resources Administrator of Town Administrator.

## **RETALIATION**

No retaliatory action will be taken against those persons who file complaints of discrimination or harassment on the basis of race, sex, color, disability, religion, national origin, sexual orientation, or age or against individuals who cooperate in the investigation or serves as investigator of such a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy.

## **CODE OF CONDUCT POLICY**

Town employees are expected to act honestly, conscientiously, reasonably and in good faith in all Town dealings, comply with all by-laws/ regulations that govern the Town, maintain an ethical and professional work environment and comply with all Town policies.

Town employees and officials are required to consistently treat fellow employees, customers, vendors and visitors with respect, dignity, honesty, fairness and integrity while on the Town's premises and while representing the Town.

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## Appendix A

ELECTED BOARDS	CONTACT	EMAIL
Moderator	Town Clerk	<a href="mailto:ljohnston@oakbluffsma.gov">ljohnston@oakbluffsma.gov</a>
Board of Selectmen	Executive Secretary	<a href="mailto:abutler@oakbluffsma.gov">abutler@oakbluffsma.gov</a>
Board of Health	Health Agent	<a href="mailto:mlancaster@oakbluffsma.gov">mlancaster@oakbluffsma.gov</a>
Cemetery Commissioners	Highway Administrator	<a href="mailto:nmorey@oakbluffsma.gov">nmorey@oakbluffsma.gov</a>
Finance Committee	FinCom Chair	<a href="mailto:fincom@oakbluffsma.gov">fincom@oakbluffsma.gov</a>
MV Commissioners	MV Commission	<a href="http://mvcommission.org/commissioners">mvcommission.org/commissioners</a>
Parks Commissioners	Chair	<a href="mailto:abillings@oakbluffsma.gov">abillings@oakbluffsma.gov</a>
Constables	Town Clerk	<a href="mailto:ljohnston@oakbluffsma.gov">ljohnston@oakbluffsma.gov</a>
Tree Warden	Warden	<a href="mailto:rcombra@oakbluffsma.gov">rcombra@oakbluffsma.gov</a>
Land Bank Commissioner	Representative	<a href="http://www.mvlandbank.com/">http://www.mvlandbank.com/</a>
Planning Board	Planning Bd. Administrator	<a href="mailto:planningboard@oakbluffsma.gov">planningboard@oakbluffsma.gov</a>
School Committee	MV School Committee	<a href="http://www.mvyps.org/school-committee/">http://www.mvyps.org/school-committee/</a>
Wastewater Commissioners	Wastewater Administrator	<a href="mailto:lmerritt@oakbluffsma.gov">lmerritt@oakbluffsma.gov</a>
APPOINTED BOARDS		
Affordable Housing Committee	Board Clerk	<a href="mailto:ahc@oakbluffsma.gov">ahc@oakbluffsma.gov</a>
Board of Assessors	Principal Assessor	<a href="mailto:manderson@oakbluffsma.gov">manderson@oakbluffsma.gov</a>
Cape Light Compact	Representative	<a href="mailto:rtoole@capelightcompact.com">rtoole@capelightcompact.com</a>
Capital Program Committee	Town Administrator	<a href="mailto:rwritenour@oakbluffsma.gov">rwritenour@oakbluffsma.gov</a>
Community Preservation Committee	Administrator	<a href="mailto:mknight@oakbluffsma.gov">mknight@oakbluffsma.gov</a>
Conservation Committee	Conservation Agent	<a href="mailto:edurkee@oakbluffsma.gov">edurkee@oakbluffsma.gov</a>
Copeland Plan Review Committee	Building Administrator	<a href="mailto:buildingadmin@oakbluffsma.gov">buildingadmin@oakbluffsma.gov</a>
Cottage City Historic Commission	Building Administrator	<a href="mailto:buildingadmin@oakbluffsma.gov">buildingadmin@oakbluffsma.gov</a>
Council on Aging	COA Administrator	<a href="mailto:rcogliano@oakbluffsma.gov">rcogliano@oakbluffsma.gov</a>
Harbor Advisory Committee	Harbormaster	<a href="mailto:obmarina@comcast.net">obmarina@comcast.net</a>
Herring Run Com.	Shellfish Constable	<a href="mailto:cfisher@oakbluffsma.gov">cfisher@oakbluffsma.gov</a>
Historical Commissioner	Chair	<a href="mailto:pammelrose@gmail.com">pammelrose@gmail.com</a>
Land Bank Advisory Committee	Conservation Agent	<a href="mailto:edurkee@oakbluffsma.gov">edurkee@oakbluffsma.gov</a>
Library Trustees	Library Director:	<a href="mailto:amalik@clamsnet.org">amalik@clamsnet.org</a>
MV Cultural Committee	Representatives	<a href="http://mass-culture.org/Marthas-Vineyard">mass-culture.org/Marthas-Vineyard</a>
MVTV	Representative	<a href="mailto:bpintandem@gmail.com">bpintandem@gmail.com</a>
OB Affordable Housing Trust	Executive Secretary	<a href="mailto:abutler@oakbluffsma.gov">abutler@oakbluffsma.gov</a>
Personnel Board	Assistant Town Administrator	<a href="mailto:wbrough@oakbluffsma.gov">wbrough@oakbluffsma.gov</a>
Board of Registrars	Town Clerk	<a href="mailto:ljohnston@oakbluffsma.gov">ljohnston@oakbluffsma.gov</a>
Roads and Byways Committee	Highway Superintendent	<a href="mailto:rcombra@oakbluffsma.gov">rcombra@oakbluffsma.gov</a>
Shellfish Committee	Shellfish Constable	<a href="mailto:cfisher@oakbluffsma.gov">cfisher@oakbluffsma.gov</a>
Sign Review Committee	Building Administrator	<a href="mailto:buildingadmin@oakbluffsma.gov">buildingadmin@oakbluffsma.gov</a>
Steamship Auth. Port Council	Representative	<a href="http://steamshipauthority.com/about/history">steamshipauthority.com/about/history</a>
Veteran's Agent*	Dukes County	Tel: 508 693 6887
Zoning Board of Appeals	Zoning Administrator	<a href="mailto:cmorris@oakbluffsma.gov">cmorris@oakbluffsma.gov</a>

## Appendix B

### TOWN HALL PHONE NUMBER 508-693-3554

TOWN DEPARTMENT	CONTACT	TITLE	EMAIL	PHONE
Accounting	Deborah Potter	Town Accountant	<a href="mailto:dpotter@oakbluffsma.gov">dpotter@oakbluffsma.gov</a>	Ext. 207
Animal Control Officer	Grace Burke	ACO	<a href="mailto:aco@oakbluffsma.gov">aco@oakbluffsma.gov</a>	508 560 9127
Assessors	MacGregor Anderson	Assistant Assessor	<a href="mailto:manderson@oakbluffsma.gov">manderson@oakbluffsma.gov</a>	Ext. 201
BOS/ Town Administrator	Bob Whritenour	Town Administrator	<a href="mailto:rwhritenour@oakbluffsma.gov">rwhritenour@oakbluffsma.gov</a>	Ext.113
	Alice Butler	Executive Secretary	<a href="mailto:abutler@oakbluffsma.gov">abutler@oakbluffsma.gov</a>	Ext. 114
	Carrie Blair	Administrative Asst.	<a href="mailto:cblair@oakbluffsma.gov">cblair@oakbluffsma.gov</a>	Ext. 114
Building	Tom Perry	Building Commissioners	<a href="mailto:buildingofficial@oakbluffsma.gov">buildingofficial@oakbluffsma.gov</a>	Ext. 122
	Alexa Arieta	Office Administrator	<a href="mailto:buildingadmin@oakbluffsma.gov">buildingadmin@oakbluffsma.gov</a>	Ext. 123
Community Preservation	Margaret Knight	Administrator	<a href="mailto:mknight@oakbluffsma.gov">mknight@oakbluffsma.gov</a>	Ext. 131
Conservation	Liz Durkee	Conservation Agent	<a href="mailto:edurkee@oakbluffsma.gov">edurkee@oakbluffsma.gov</a>	Ext. 204
Council on Aging	Rose Cogliano	Administrator	<a href="mailto:rcogliano@oakbluffsma.gov">rcogliano@oakbluffsma.gov</a>	508 693 4509 ext. 3
Fire-EMS	John Rose	Fire-EMS Chief	<a href="mailto:jrose@oakbluffsma.gov">jrose@oakbluffsma.gov</a>	508 693 5380
	Patty Culkins	Office Administrator	<a href="mailto:pculkins@oakbluffsma.gov">pculkins@oakbluffsma.gov</a>	508 693 5380
Harbor	Todd Alexander	Harbormaster	<a href="mailto:obmarina@comcast.net">obmarina@comcast.net</a>	508 693 4355
Highway / Parks	Richie Combra	Superintendent	<a href="mailto:rcombra@oakbluffsma.gov">rcombra@oakbluffsma.gov</a>	508 693 0072
	Nicole Morey	Office Administrator	<a href="mailto:nmorey@oakbluffsma.gov">nmorey@oakbluffsma.gov</a>	508 693 0072
Human Resources	Wendy Brough	Assistant Town Administrator	<a href="mailto:wbrough@oakbluffsma.gov">wbrough@oakbluffsma.gov</a>	Ext. 149
IT	Travis Larsen	IT Director	<a href="mailto:tlarsen@oakbluffsma.gov">tlarsen@oakbluffsma.gov</a>	Ext. 206
Library	Allyson Malik	Library Director	<a href="mailto:amalik@clamsnet.org">amalik@clamsnet.org</a>	508 693 9433
	Nina Ferry	Head of Adult & Tech. Services	<a href="mailto:nferry@oakbluffsma.gov">nferry@oakbluffsma.gov</a>	508 693 9433
Oak Bluffs School	Dr. Megan Farrell	Principal	<a href="mailto:mfarrell@mvvps.org">mfarrell@mvvps.org</a>	508 693 0951
Planning Board	Kim Leaird	Administrative Asst.	<a href="mailto:planningboard@oakbluffsma.gov">planningboard@oakbluffsma.gov</a>	Ext. 154
Police	Erik Blake	Police Chief	<a href="mailto:eblake@oakbluffsma.gov">eblake@oakbluffsma.gov</a>	508 639 0750
	Patricia Mark	Office Administrator	<a href="mailto:pmark@oakbluffsma.gov">pmark@oakbluffsma.gov</a>	508 639 0750
Public Health	Meegan Lancaster	Health Agent	<a href="mailto:mlancaster@oakbluffsma.gov">mlancaster@oakbluffsma.gov</a>	Ext. 127
	Lorna Welsh	Administrative Asst.	<a href="mailto:lwelsh@oakbluffsma.gov">lwelsh@oakbluffsma.gov</a>	Ext. 127
Shellfish	Chuck Fisher	Shellfish Constable	<a href="mailto:cfisher@oakbluffsma.gov">cfisher@oakbluffsma.gov</a>	508 693 0072
Town Clerk	Laura Johnston	Town Clerk	<a href="mailto:ljohnson@oakbluffsma.gov">ljohnson@oakbluffsma.gov</a>	Ext. 119
	Colleen Morris	Assistant Town Clerk	<a href="mailto:cmorris@oakbluffsma.gov">cmorris@oakbluffsma.gov</a>	Ext. 120
Treasurer - Collector	Cheryl Sashin	Treasurer - Collector	<a href="mailto:csashin@oakbluffsma.gov">csashin@oakbluffsma.gov</a>	Ext. 102
	Sheetal Grande	Assistant Treasurer - Collector	<a href="mailto:sgrande@oakbluffsma.gov">sgrande@oakbluffsma.gov</a>	Ext. 130
Wastewater	Jim Monteith	Facilities Manager	<a href="mailto:jmonteith@oakbluffsma.gov">jmonteith@oakbluffsma.gov</a>	508 693 0343
	Lisa Merritt	Lab Tech/ Administrator	<a href="mailto:lmerritt@oakbluffsma.gov">lmerritt@oakbluffsma.gov</a>	508 633 0343

## Appendix C

### EXAMPLE OF PUBLIC HEARING PROCEDURES

Some boards and committees have statutory requirements for public hearings. This process may be used in addition to the legal requirements or may be used for committees that don't have statutory hearing definitions.

1. Chair states guidelines and procedures including time limits and decorum.  
Such as:  
*No questions will be permitted until after the speaker has finished his or her presentation.*  
*No one will be allowed to speak unless they raise their hand and are recognized by the Chair.*  
*The Chair may set time limits on testimony, which will be the same for both sides.*
2. Where necessary, Chair states background information.
3. Petitioner makes presentation.
4. Information presented from Town Officials and other boards or committees.
5. Board or committee members question petitioner.
6. Public directs questions and comments through the Chair.
7. The hearing may be continued to another session with a specific date, time and place announced at the hearing.
8. Once all facts, testimony, and opinions have been heard, the Chair closes the public hearing.
9. The board or committee begins deliberation in an Open Meeting session.

Motions may be made, and votes may be taken at the board or committee's discretion. The board or committee ultimately votes a decision on the application. The decision usually has a set deadline. A decision usually entails a vote of approval, disapproval, or approval with conditions.

Conditions and a rationale for the decision should be clearly spelled out and be based on information given at the hearing, state law, town reports and studies, and other town planning documents. Decisions may not be arbitrary and capricious or based on legally untenable grounds.

A copy of the decision will be forwarded to affected parties and filed with the Board/ Committee who held the Hearing.