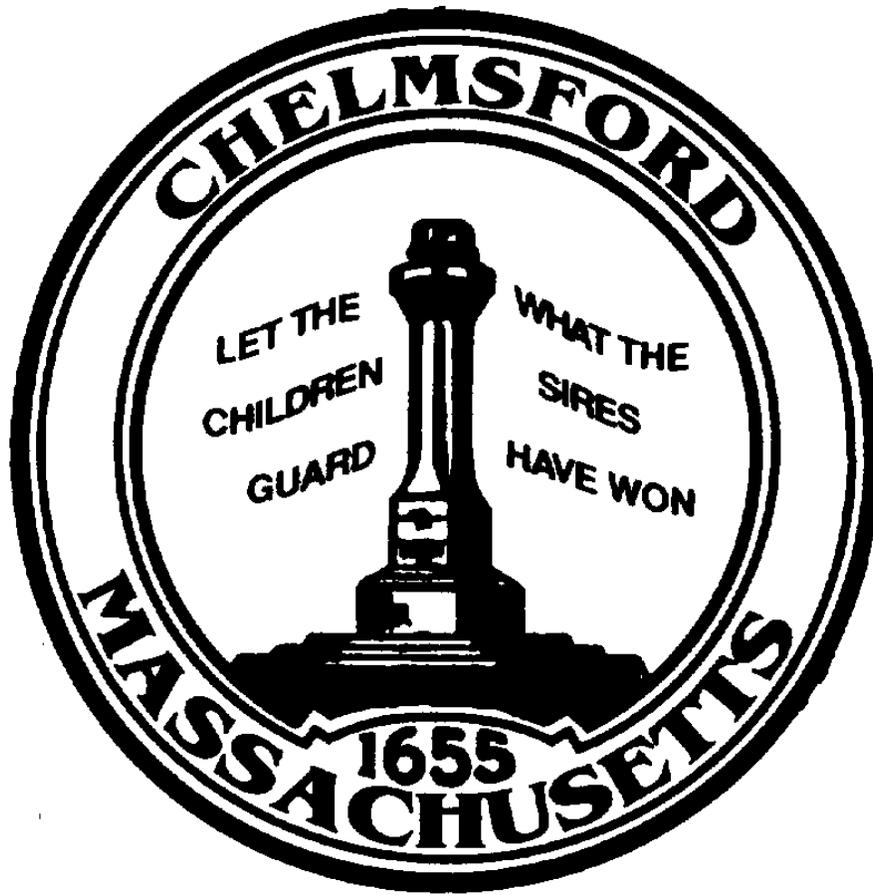


Board of Selectmen Policies and Procedures



Town of Chelmsford

Table of Contents (date adopted, if available)

Last updated 8/31/2015

1 The Role of the Board of Selectmen and Town Manager

1-1 Mission Statement

1-2 The Board of Selectmen's Role

- 1-2.1 Election and Responsibility of Officers (2010)
- 1-2.2 Setting of Policy and Strategic Direction
- 1-2.3 Resolution of Problems and Appeals
- 1-2.4 Hearing of Appeals (1991)
- 1-2.5 Licensing Authority
- 1-2.6 Contract Review (1997)
- 1-2.7 Agenda Procedures (2010)
- 1-2.8 Open Session Segment of Regular Meetings (2009)
- 1-2.9 Preparation of Town Meeting Warrant
- 1-2.10 Voting on Recommendations of Articles for Town Meeting (2010)
- 1-2.11 State Legislative Action Reports (1993)

1-3 Appointments

- 1-3.1 Committee Appointment, Advertising, Posting (2010)
- 1-3.2 Board of Selectmen Liaisons (2008)
- 1-3.3 Volunteer Recognition (2012)

1-4 The Town Manager's Role

- 1-4.1 Primary Duties
- 1-4.2 Quarterly Reports on Annual Goals

1-5 Code of Responsibility

2 Financial Policies

2-1 Financial Management (2002, amended 11/10/2014)

- 2-1.1 Objectives
- 2-1.2 Method
- 2-1.3 Accounting, Auditing and Financial Planning
- 2-1.4 General Fund
- 2-1.5 General Obligation Debt
- 2-1.6 Offset Receipts and Enterprise Funds in General
- 2-1.7 Gifts and Grants
- 2-1.8 Trust Fund Management
- 2-1.9 Investment Policy (2009)
- 2-1.10 Fraud Risk Assessment Policy (2009)

2-2 Tax Policy (2005)

- 2-2.1 Information Gathering Relative to Dual Tax Rate
- 2-2.2 Reviews
- 2-2.3 Consideration of Fair Market Value Increases Relative to Split Tax Rate
- 2-2.4 Enforcement
- 2-2.5 Tri-annual Review of Town's Tax Policy
- 2-2.6 Information on Tax Classification

3 Licensing

- 3-1 Submission of Maps (1993)**
- 3-2 Common Victualer Licenses and the Americans with Disabilities Act (1994)**
- 3-3 License Permits vs. Tax Delinquency (1991)**
- 3-4 Petitions to Review Conditions Placed on Alcoholic Beverage License (1990)**
- 3-5 Package Store License Approval (1997)**
 - 3-5.1 Package Store Supervision
 - 3-5.2 Mixed Use Package Store License (2006)
- 3-6 Closing Hour Policy for Establishments Serving Alcohol**
- 3-7 Carry-in Alcohol Consumption (2014)**

4 Personnel

- 4-1 Pro-service Attitude (1992)**
- 4-2 Standards of Conduct (1991)**
- 4-3 Safety**
- 4-4 Corrective Action and Discipline (1991)**
- 4-5 Conflicts of Interest**
- 4-6 Political Activity**
- 4-7 Classification and Compensation**
 - 4-7.1 Managerial and Supervisory Promotions and Compensations
 - 4-7.2 Employee Incurred Expenses and Reimbursement (1991)
- 4-8 Employee Performance (1991)**
- 4-9 Use of Town-owned Vehicles (1993)**
- 4-10 Recruitment (1993)**
- 4-11 Orientation and Evaluation (1993)**
- 4-12 Alcohol and Drug Testing (1996)**
 - 4-12.1 Purpose and Scope
 - 4-12.2 Applicability
 - 4-12.3 Definitions
 - 4-12.4 Policy
- 4-13 Smoking (1994)**
- 4-14 Harassment (1993)**
 - 4-14.1 Harassment Grievance Procedure
- 4-15 Sexual Harassment Policy (2015)**
 - 4-15.1 Introduction
 - 4-15.2 Definition of Sexual Harassment
 - 4-15.3 Complaints of Sexual Harassment
 - 4-15.4 Sexual Harassment Investigation
 - 4-15.5 Disciplinary Action
 - 4-15.6 State and Federal Remedies
- 4-16 Media Relations Policy (2011)**

5 Infrastructure (amended 1/26/2015)

- 5-1 Traffic Calming (2011)**
- 5-2 Line Striping (2011)**

6 Environment

- 6-1 Policy to Maintain, Preserve, and Enhance Resources (1994)**
- 6-2 Open Space (1994)**
- 6-3 Trails (1994)**
- 6-4 Trees (2001)**
- 6-5 Yard Waste (1999)**
- 6-6 Purchase of Fuel Efficient Vehicles (2009)**

7 Local Initiative Project Process (2007)

- 7-1 Policy to Pursue and Promote Low and Moderate Income Housing**
- 7-2 Submittal Requirements**
 - 7-2.1 Plans
 - 7-2.1.1 Site Plans
 - 7-2.1.2 Architectural Plans
 - 7-2.2 Project Narrative
 - 7-2.3 Community Outreach/Notification to Abutters
 - 7-2.4 Exceptions/Waivers
 - 7-2.5 Narrative of Need/Benefit to the Community
 - 7-2.6 List of Abutters
 - 7-2.7 Project Budget/Pro Forma
 - 7-2.8 Fee
- 7-3 Staff Input**
- 7-4 Chelmsford Housing Authority Input**
- 7-5 Additional Requirements**
- 7-6 Board of Selectmen Action**

8 Community Relations

- 8-1 Policy to Support the Private Business Community (1994)**
- 8-2 Notification to Abutters – Sale of Real Property (2007)**

9 Intra-Board Regulations

- 9-1 Expense Reimbursement (2010)**

1 THE ROLE OF THE BOARD OF SELECTMEN AND TOWN MANAGER

1-1 MISSION STATEMENT

The mission of the Board of Selectmen is to ensure the highest possible quality of management and leadership with regard to the community's use of its human, physical and fiscal resources. To achieve its mission the Board of Selectmen shall employ a Town Manager and shall maintain a working relationship according to the highest possible standards of Town leadership and development. The Board shall set policy and strategic direction for the community, and the Manager shall implement Board policy through town employees. The Board shall hear all appeals and special problems which have not been resolved at management levels and shall render decisions based on the best interests of the community as a whole. The Board shall also function as the licensing authority of the Town and render decisions regarding the issuance of all licenses based on the best interest of the community as a whole.

1-2 THE BOARD OF SELECTMEN'S ROLE

The Selectmen are the highest elected officials of the Town. The Board is primarily responsible for the governance of the Town through the following major functions, all to be served in the best interests of the Town:

The Board is authorized to hire, manage, and terminate for a cause a qualified Town Manager in accordance with the Town Charter. The Board is responsible for:

- a. Identifying and presenting clear and understandable goals, direction, and expectations of the Town Manager,
- b. Evaluating the Town Manager on a regular basis; no less than once annually,
- c. Presenting the Town Manager with feedback from the citizens and businesses of the Town to the relative management procedures and decisions,
- d. Approving the Town Manager's proposed appointments in accordance with the Town Charter, and
- e. Providing reasonable general support to the Town Manager in his professional conduct in managing the town affairs, including relations with employees, collective bargaining units, elected and appointed boards, and the businesses and citizens of the Town.

1-2.1 Election and Responsibility of Officers

The Chairman, Vice Chairman, and Clerk shall be elected annually at the first Board meeting following the Annual Town Elections. The term shall be for one year. Each officer shall be elected by a majority vote of the Board, and can be removed by a majority vote of the Board at any time.

If a vacancy occurs during the term of any officer, it will be filled at the next meeting of the Board.

Responsibilities of Chairman:

- Preside at all meetings of the Board
- Sign official documents for the Board
- Call Special Meetings in accordance with Open Meeting Law
- Prepare meeting agendas in consultation with the Town Manager
- Prepare and manage Board budget lines; periodically report budget status to the Board
- Serve as spokesman for the Board at Town Meeting
- Assign Board members as Liaisons to other boards/committees

Responsibilities of Vice Chairman:

- Act in place of the Chairman in his absence

Responsibilities of Clerk:

- Review all minutes prior to submission for Board approval
- Record minutes for all Executive Sessions of the Board
- Annually review all unreleased Executive Session meeting minutes to determine if they can be released
- Maintain and update master version of Policies handbook as needed

1-2.2 Setting of Policy and Strategic Direction

The Board shall set policy and strategic direction in the best interests of the Town as a whole. Accordingly, the Board shall:

- a. Adopt policies which incorporate consistent and fair management practices,
- b. Adopt policies which promote change and development or will result in increased enhancements of the Town's resources,
- c. Encourage Town employees and volunteers to strive for efficient and productive use of resources within the town,
- d. Adopt policies which will enhance the community and environment.
- e. Adopt policies and procedures which will yield fiscal responsibility,
- f. Represent the Town in all official capacities,
- g. Accord the Town Manager sufficient responsibility to effectively implement the Board's policies with proper management, and,
- h. Ensure that the Town Manager is given full support and latitude to adequately perform his/her duties in the best interests of the Town in accordance with the Town Charter.

1-2.3 Resolution of Problems and Appeals

The Board shall seek to resolve those appeals and special problems not previously resolved at lower levels. Accordingly, the Board shall:

- a. Support procedures and rules which direct appeals and special problems through standardized administrative channels,
- b. Assist the Town Manager in resolving disputes upon request, and,
- c. Hear appeals brought to the Board and seek to provide fair and just resolution based on existing laws, regulations, policies, or accepted past practice.

1-2.4 Hearing of Appeals

It shall be the policy of the Chelmsford Board of Selectmen that time will be granted and hearings held for all individuals and/or entities that request such action so long as the subject matter to be discussed is properly before the Board by virtue of jurisdiction as defined by the Chelmsford Home Rule Charter or applicable state law.

1-2.5 Licensing Authority

The Board shall be the licensing authority of the Town and shall render decisions regarding the issuance of all licenses based on the best interests of the community as a whole.

1-2.6 Contract Review

The Board of Selectmen shall be notified of and allowed to review all contract proposals, RFP's and bids at the Town Manager's Office at least five (5) working days prior to the bid award by the Town Manager.

1-2.7 Agenda Procedures

Agendas for regular meetings shall be completed no later than Thursday prior to a scheduled Monday meeting. The Board Chairman and Town Manager shall coordinate the agenda items and sequence. Board members may submit agenda requests to the Chairman for inclusion. A draft agenda shall be made available electronically to all members of the Board by the close of business on Wednesday before the scheduled meeting. Board members should notify the Chairman and Town Manager of any requested modifications to the draft agenda by 12:00PM Thursday.

Any written materials or other documentation from outside parties, to be discussed during a regular meeting, must be submitted to the Town Manager's office no later than 12:00PM on Tuesday prior to the scheduled meeting. If supporting documentation is not provided in such a timely manner, the Board may defer action on that agenda item.

The agenda shall normally consist of:

- Call to Order
- Public Service Announcements
- Open Session
- General Board business (hearings, licenses, administrative items, reports, presentations, etc.)
- Town Manager Reports
- Selectmen Reports/Referrals
- Press Questions
- Adjournment
- Executive Session (if needed)

The agenda shall be available to the public pursuant to requirements of Mass. General Law.

1-2.8 Open Session Segment of Regular Meetings

The Board of Selectmen welcomes public comment. Accordingly, the Board makes available a maximum 30-minute period at its regular meetings for persons in the audience to address the Board for no longer than 5 minutes. At the Chairman's discretion the 30 minute period may be extended. Written material of any length may be submitted.

Preference will be given to persons who seek to address the Board on specific agenda items for the upcoming Board meeting. Agendas for upcoming Board meetings are generally posted 2-3 business days prior to the meeting at www.townofchelmsford.us/Selectmen.cfm. Persons wishing to speak are encouraged, but not required, to submit their request before the day of the meeting; contact information is provided below. If time permits, the Chairman will allow members of the public who have not contacted the Town Manager's office in advance to speak in the public comment period. All speakers will be asked to provide name and address on a sign-in sheet provided at the podium, to ensure proper information for the record.

The Chairman may limit the number of speakers due to time constraints and may increase or reduce the time allocated per speaker. While there is no requirement to submit written testimony, a speaker who elects to do so should submit 6 copies of the testimony prior to or at the meeting for distribution to Board members and the Town Manager.

Requests to address the Board, written testimony, and other inquiries may be transmitted by mail, e-mail, fax, or telephone to: Chairman, Chelmsford Board Of Selectmen, 50 Billerica Road, Chelmsford, MA 01824, Phone: 978-250-5201, Fax: 978-250-5202, E-mail (care of Town Manager's Office): TMOffice@townofchelmsford.us .

1-2.9 Preparation of Town Meeting Warrant

The Board shall prepare the Warrant for the Annual Town Meeting(s) and any and all Special Town Meetings. The Board is responsible to schedule the date, time, and location of the Town meetings, and to present the proper legal notice in accordance with state laws and the Town Charter. Furthermore, the Board shall also have the authority and shall perform all duties identified and required by the Chelmsford Home Rule Charter.

1-2.10 Voting on Recommendations of Articles for Town Meeting

The Board may request to hear from the proponent of any article that is included in a Town Meeting warrant. At the first meeting after the deadline for submission of citizen petition articles, the Board may schedule those petitioners to present their article to the Board at a regular meeting.

The Town Manager shall provide a proposed list of articles for inclusion in the Town Meeting warrant approximately two months prior to a scheduled Town Meeting.

The Town Manager shall provide the actual wording of each Town Meeting motion prior to the Board voting on recommendations for such motions.

1-2.11 State Legislative Action Reports

It shall be the policy of the Town of Chelmsford to request that the State Senator and State Representatives attend the first session of the Annual Town meetings in April and October to give reports on any legislative actions pertaining to the Town.

1-3 APPOINTMENTS

It shall be the mission of the Board of Selectmen to ensure that the highest possible quality of individuals are chosen to represent the Town on all of the Selectmen's appointed boards. To help the Board of Selectmen achieve this goal, it shall be the policy of the Board to invite all interested applicants to come before the Board one meeting prior to the Board of Selectmen's vote on the appointment for the purpose of presenting themselves and their credentials to the Board of Selectmen. This policy shall only be applicable when more than one applicant has applied for the position. However, failure of the Board of Selectmen to adhere to this policy shall not preclude the Board from voting on any such appointment nor invalidate vote so taken.

1-3.1 Committee Appointment, Advertising, Posting

Standing Committees: Terms of appointment for Board of Selectmen-appointed standing committees will coincide with the Fiscal Year (end on June 30). Unless specified otherwise, all such standing committee appointments shall be for three year terms. Appointments will be made during a Regular Meeting in June. Vacancies and committee openings will be noted during a Regular televised meeting in May, and will be posted on the Town's website at least three weeks prior to the appointments. The names of all applicants shall be forwarded to the full Board on a weekly basis.

Ad hoc committees: In situations when the Board or Town Manager creates an ad hoc committee, its purpose and proposed composition will be announced during a Regular televised meeting. Notice will also be posted on the Town's website, and local press will be asked to publicize the committee openings.

Applications will be accepted for a minimum of three weeks after the announcement. All applicant names for Board of Selectmen-appointed committees will be forwarded to the full Board on a weekly basis. If sufficient applications are not received by the posted deadline, that deadline will be extended at least two weeks, and outreach expanded.

Upon receipt of a sufficient number of applications, the Board will schedule the date for making appointments to the committee. Applicants will be given the opportunity to address the Board before appointments are made.

1-3.2 Liaisons

Assignments: Liaison assignments are generally made by the Chair of the Board as soon as practical after the annual town election but preferably before town meeting. Each committee/board shall be notified as to their Board liaison by the Board of Selectmen.

It is requested that each committee/board which has been assigned a selectman as a liaison include the Board of Selectmen liaison in the distribution of all general meeting

correspondence (meeting agendas, minutes, etc.). This will make for a more effective liaison assignment. Each committee/board which has an assigned liaison should use that person as the first point of contact to the Board of Selectmen.

Temporary assignments: The Chair shall appoint a liaison to each ad hoc committee created by the Board. The Chair may also make temporary liaison assignments to other committees, boards, or groups if so requested, or if a majority of the current Board of Selectmen votes to make such an assignment.

Expectations: Each Board member will maintain some level of communication with each committee/board to which he/she is assigned. Attendance at every meeting is not required. However, regular updates to the full Board are expected. It is especially important to keep Board colleagues informed of critical issues. Liaisons are encouraged to invite committee/board members to report to the full Board as deemed necessary.

It is not the responsibility of the liaison to report Board of Selectmen activities to assigned committees/boards.

Participation: The Board of Selectmen liaison is not considered a member of each assigned committee/board. He/she should not actively participate in meetings unless invited to do so or as needed to provide or obtain information and feedback.

1-3.3 Community Engagement and Recognition

The Board of Selectmen recognizes that the success of community involvement and participatory governmental processes relies heavily on the many residents who dedicate many hours every year to volunteer service to the town.

The Board is committed to acknowledging the efforts of residents in service to the community. All recognition, naming rights, etc. shall be held by the Board. However, it shall rely on an appointed CIVIC Committee to maintain relevant data and make such recommendations as warranted.

1-4 THE TOWN MANAGER'S ROLE

The Town Manager is the Town's chief executive officer responsible for the overall planning, operation, and performance of the municipal system. She/he provides staff support for the Board of Selectmen and heads the municipality's senior leadership team.

1-4.1 Primary Duties

The primary duties of the Town Manager are to:

- a. Work closely with the Board of Selectmen, and with the Board Chair as appropriate, to develop and to sustain the working relationships implied in the Board's mission statement;
- b. Establish programs and practices for a constructive relationship of the Town organization structure with the community;

- c. Direct planning and implementation of Town services which will ensure the highest possible effectiveness levels of each department;
- d. Direct planning and implementation of business related functions to enable the Town to support service delivery in an efficient and cost effective manner;
- e. Organize and lead the Town's senior leadership team responsible for strategic Town planning, and implement a leadership development program for all managers and supervisors within the Town system;
- f. Develop and implement a high quality program of staff selection, training, supervision, evaluation, and compensation;
- g. Develop and implement a performance monitoring system to measure service delivery in quantitative and qualitative terms;
- h. Ensure that all Town operations meet legal requirements and local policy requirements;
- i. Oversee and conduct contract negotiations and administration; and,
- j. Perform all other duties consistent with the Board's mission statement, this job description and the Chelmsford Home Rule Charter.

1-4.2 Quarterly Reports on Annual Goals

It shall be the policy of the Town of Chelmsford Board of Selectmen and Town Manager that the Manager shall report to the Board on a quarterly basis the status of annual goals. The reports shall provide the Board with information relative to implementation of goals including progress made, completion, problems limiting achievement, etc.

1-5 CODE OF RESPONSIBILITY

In accordance with the Chelmsford Home Rule Charter, and the sections above, there shall be a Code of Responsibility which delineates the responsibilities of the Town Manager and the Board of Selectmen. Accordingly, the Town Manager shall respect the Board of Selectmen's policymaking role and the Board of Selectmen shall respect the administrative legal duties of the Town Manager. To this end the Board shall acknowledge and respect the supervisory responsibilities of the Town Manager over Town employees and municipal operation, and the necessity of preserving the integrity and efficiency of his supervisory responsibilities. The Selectmen shall recognize that the daily administration of the Town is the exclusive responsibility of the Town Manager; and the Board members shall whenever possible respect the legal chain of command by dealing directly with the Town Manager or designee regarding the administration of the Town.

2 FINANCIAL POLICIES

2-1 FINANCIAL MANAGEMENT

It is the policy of the Town of Chelmsford that financial management be conducted with the objectives of providing municipal service in an efficient, effective and consistent manner that aligns with public policy goals as set forth by the Board of Selectmen.

To help ensure the Town's financial stewardship, an established program of managing the Town's finances becomes essential. To this end, the Board of Selectmen seeks policies and procedures that are financially prudent and in the Town's best economic

interest. The Board of Selectmen promulgates these Financial Policies consistent with its responsibilities in the Chelmsford Home Rule Charter.

2-1.1 Objectives

In adherence to this policy, the Town shall pursue the following objectives:

- a. to set forth operational principles that minimize the cost of government and minimize the growth of property taxes, to the extent consistent with services desired by the public and that minimize financial risk;
- b. to continue effective financial management within the Town that conforms to generally accepted accounting principles;
- c. to simplify, clarify and modernize the financial systems of the Town as the need occurs;
- d. to provide increased public confidence in public financial management;
- e. to protect and enhance the Town's credit rating and prevent default on any municipal debts;
- f. and to provide safeguards to ensure the quality and integrity of the financial systems.

2-1.2 Method

In order to obtain the above objectives, the Board of Selectmen adopts the following policies:

2-1.3 Accounting, Auditing and Financial Planning

- a. The Town will utilize accounting practices that conform to generally accepted accounting principles (GAAP) as set forth by the Government Accounting Standards Board (GASB).
- b. An annual audit will be performed by an independent public accounting firm.
- c. A Management Letter, a by-product of an annual audit, shall be provided by the independent public accounting firm no later than March 1. Additional findings and recommendations may be communicated in a separate letter to be provided no later than April 1.
- d. A five-year financial forecast shall be prepared annually by the Town Manager in accordance with the Charter, Section 6-4, projecting revenues and expenditures for all operating funds. This forecast shall be used as a planning tool in developing the following year's operating budget and capital improvements plan.

2-1.4 General Fund

- a. The Town Manager shall present a balanced budget to Spring Town Meeting for approval. Current revenues will be sufficient to support current expenditures.
- b. Debt will not be used to fund current operating expenditures.

- c. Reserves, such as the Stabilization Fund, should be maintained between 5 and 10 percent of general operating revenues. Reserves shall be used to provide for temporary financing for unanticipated or unforeseen extraordinary needs of an emergency nature; for example, costs related to a natural disaster or calamity, an unexpected liability created by Federal or State legislation, immediate public safety or health needs, revenue shortfalls, opportunities to achieve long-term cost savings, or planned capital investments and related debt service. Reserves will not be used to fund recurring budget items.

Funds shall be allocated from Reserves only after an analysis and utilization plan has been prepared by the Town Manager and presented to the Board of Selectmen. The analysis shall provide sufficient evidence to establish that the remaining balance is adequate to offset potential downturns in revenue sources and provide a sufficient cash balance for daily financial needs. The analysis and utilization plan shall strive to maintain net non-exempt debt at 3 percent of the tax levy, deducting for project reimbursements such as the School Building Assistance funds from the State.

Funds shall be allocated each year in the budget process to replace any use of Reserve funds during the preceding fiscal year to maintain the balance of the Reserves between 5 and 10 percent of budgeted expenditures.

The amount the Town has in its Reserves balance plays a major role in the Town's bond rating. A sudden decline in Reserves may be temporary or a planned event but a constant decline or reduction below the 5 percent floor may indicate a problem in meeting current expenditures and revenue targets, subsidizing the current operating budget, planned capital investments, or utilizing reserves for purposes not planned.

- d. Free Cash in excess of the goal reserve amount should be used for non-recurring emergency expenditures or appropriated to a Stabilization Fund for future capital projects and equipment purchases or used to provide property tax relief.
- e. The year-to-year increase of actual revenue from the levy of the ad valorem (property) tax shall generally not exceed 2.5 percent (Proposition 2 ½):
 - 1. excluding the value gained through new construction;
 - 2. excluding expenditure increases funded outside the tax limit cap
- f. Property values shall be re-appraised or re-certified every year.
- g. The Tax Collector shall follow an aggressive policy of collecting property tax revenues. An average collection rate of at least 95 percent of current levy shall be maintained.
- h. Charges for service and other revenue shall be examined annually and adjusted as deemed necessary to respond to changes in cost of service.
- i. An adequate level of maintenance and replacement will be funded by at least 5 percent of the general fund operation budget each year to insure that all capital facilities and equipment are properly maintained as needed and tied to proper repair and maintenance procedures.

- j. The Town will avoid budgetary procedures that balance current expenditures at the expense of meeting future year's expenses, such as delaying expenditures until the next fiscal year or rolling over short-term debt.

2-1.5 General Obligation Debt

- a. The requirements for debt financing shall be an expenditure of at least \$25,000 and a useful life in excess of five (5) years.
- b. The term of long-term debt generally shall not exceed the expected useful life of the capital asset being financed and, in no case, shall it exceed twenty years. Long-term debt should not be incurred without a clear identification of its financing sources.
- c. The ratio of Net Debt (Total outstanding Town of Chelmsford General Obligation debt less reimbursements) to Total Assessed Valuation shall not exceed 1.5 percent. This excludes debt of overlapping jurisdictions.
- d. The General Fund Non-exempt Debt Service shall not exceed 10 percent of General Fund Revenues.
- e. Excess appropriated bond issues shall remain in the Capital Projects Fund at the end of a project completion until appropriated out by Town Meeting vote. The recaptured funds shall only be used to 1) make bulk principal paydowns against general bond debt or 2) pay down the principal on any bond issue at the time of refinancing or 3) to fund new capital projects.
- f. Betterments will be assessed on all capital projects where applicable (e.g., sewer, sidewalks, etc.).
- g. The Town will attempt to maintain a long-term debt schedule so that at least 50 percent of outstanding principal will be paid within ten years.

2-1.6 Offset Receipts and Enterprise Funds in General

- a. The Town shall establish and maintain offset receipts and enterprise funds pursuant to MGL Chapter 40, Section 39 and Chapter 44, Section 53, respectively, wherever possible in order to ensure annual operation and maintenance needs are met and such services are financed in an equitable manner.
- b. The term of debt for offset receipts and enterprise funds generally shall not exceed the useful life of the asset and in no case shall the term exceed thirty years.
- c. Short-term debt, including tax-exempt commercial paper, shall be used when authorized for interim financing of capital projects. The term of short-term debt shall not exceed five years. Total short-term debt shall generally not exceed 10 percent of outstanding long-term debt.
- d. Ongoing routine, preventive maintenance should be funded on a pay-as-you go basis.

- e. All offset receipts and enterprise funds shall maintain a working capital reserve, defined as Cash and Investment Pool Equity in Current Assets, which is equivalent to 30 days of budgeted operations and Maintenance expense.
- f. Rates for offset receipts and enterprise funds shall be designed to generate sufficient revenues to support the full cost (direct and indirect) of operations and debt and provide debt service coverage, if applicable, and to ensure adequate and appropriate levels of working capital. Fees should be reviewed annually in relation to the cost of providing the service.

2-1.7 Gifts and Grants

- a. All grants shall be managed to comply with the laws, regulations and guidance of the grantor and all gifts and donations shall be managed and expended according to the wishes and instructions of the donor.
- b. All gifts and grants shall be evaluated for suitability and consistency to Town policies. They shall also be formally accepted by both the Town Manager and the Board of Selectmen.

2-1.8 Trust Fund Management

It is the policy of the Town of Chelmsford that trust fund management be consistent with the legal requirements, including Town ordinances, and spirit of each respective trust document and, to the maximum extent possible, realize the purpose the trusts were intended to achieve.

Trust fund management will be conducted with the primary objectives of:

- a. Conformance to each trust document's specified purpose, legal requirements, and administrative guidelines;
- b. Adherence to the Town of Chelmsford General Ordinance providing for the Administration of Town trusts;
- c. Preservation of capital;
- d. Maintenance of security of trust funds and investments;
- e. Maximization of total return for each trust fund;
- f. Efficient disbursement of funds on an equitable basis; and
- g. Effective collection of all due monies.

2-1.9 Investment Policy

I. The Investment of General Funds & Other Operating Funds

A. Legal References

Massachusetts General Law Chapter 44, Section 55
Massachusetts General Law Chapter 44, Section 55A
Massachusetts General Law Chapter 44; Section 55B

B. Authorization

The Treasurer has authority to invest Town funds, subject to the statutes of the Commonwealth Massachusetts General Law Chapter 44 Section 55, 55A, & 55B.

C. Scope

These guidelines apply only to short-term operating funds such as general funds, special revenue funds, and enterprise funds. The investment of trust funds and other long-term funds are dealt with in Section II, "The Investment of Trust Funds, Stabilization and Other Long-Term Funds."

D. Objectives

Massachusetts General Laws, Chapter 44, section 55B requires the municipal treasurer to invest all public funds except those required to be kept available for purposes of immediate distribution. Modern banking systems enable the public treasurer to maintain even these funds in an interest-bearing account until the date a disbursement order clears through the banking system.

State law further requires that invested funds are to be placed at the highest possible rate of interest reasonably available, taking into account safety, liquidity, and yield. These guidelines are intended to further the objective of securing the highest return that is consistent with safety of principal, while meeting the daily cash requirements for the operation of Town business.

- *Safety* of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital through the mitigation of credit risk and interest rate risk. These risks shall be mitigated by the diversification and prudent selection of investment instruments, and choice of depository. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of the security will fall due to changes in general interest rates.
- *Liquidity* is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the treasurer shall carry out investment activities in a manner that provides for meeting unusual cash demands without the liquidation of investments that could result in forfeiture of accrued interest earnings, or even, in some cases, loss of principal.
- *Yield* is the third, and last, objective. Investments shall be undertaken so as to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

E. Investment Instruments

The Treasurer may invest in the following instruments:

- Massachusetts State pooled fund: **Unlimited amounts** (Pool is liquid)

The Massachusetts Municipal Depository Trust (MMDT) Cash Portfolio, an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer and currently managed by Fidelity Investments. It invests in Bankers Acceptances, Commercial Paper of high quality, Bank Certificates of Deposit, Repurchase agreements (Repos), and U. S. Treasury Obligations. It has Federal Deposit Insurance Corporation (F.D.I.C.) pass-through insurance on the CDs and takes delivery on the Repos and Treasuries. Under Government Accounting Standards Board Regulation (GASB III), it is not considered an uncollateralized product.

- U. S. Treasuries that will be held to maturity: **Unlimited amounts (Up to one year maturity from date of purchase)**
- U.S. Agency obligations that will be held to maturity. **Unlimited amounts (Up to one year maturity from date of purchase)**
- **Bank deposits** of any kind such as other checking, savings, or money market accounts, or Certificates of Deposit, Certificate of Deposit Account Registry Service (CDARS), or Repurchase Agreements. These investments are subject to the following limitations: These investments will be **limited to no more than 5% of a financial institution's assets**. Their credit worthiness will be tracked by Veribanc, or other bank credit worthiness reporting systems.

F. Restrictions

Chapter 44, Section 55 sets forth several restrictions that the Treasurer must be aware of when making investment selections.

- A Treasurer shall not at any one time have on deposit in a bank or trust company an amount exceeding 60% of the capital and surplus of such bank or trust company, or banking company, unless satisfactory security is given to it by such bank or trust company, or banking company for such excess.
- The Treasurer shall not make a deposit in any bank, trust company or banking company that he is associated as an officer or employee or has been the same for any time during the three years immediately preceding the date of any such deposit.
- All securities shall have a maturity from date of purchase of one year or less.
- Purchases under an agreement with a trust company, national bank or banking company to repurchase at not less than original purchase price of said securities on a fixed date shall not exceed ninety days.

II. The Investment of Trust Funds, Stabilization, and Other Long-Term Funds. Purpose

This section outlines the investment guidelines for:

- The Town's **Trust Funds**, including Cemetery Funds and Library Funds, as well as a number of other types of trust funds.
- The **General Stabilization Fund and OPEB (Other Post-Employment Benefits) Stabilization Fund**.
- Sewer Betterment and the Sewer Capital Improvement

Funds. **Trust Funds**

A. Legal References and Authorization

Mass General Law, Chapter 44, Section 54
 Mass General Law, Chapter 44, Section 55A
 Mass General Law, Chapter 44, Section 55B

Massachusetts General Law **Chapter 44, Section 54** pertains to the investment of Trust Funds, which falls under the purview of the Town Treasurer.

B. Objective

Massachusetts General Laws, Chapter 44, section 55B requires the Town Treasurer to invest all public funds except those required to be kept un-invested for purposes of immediate distribution.

This section also requires that invested funds are to be placed at the highest possible rate of interest reasonably available, taking account of safety, liquidity and yield. Therefore, these guidelines are intended to further the objective of securing the highest return that is consistent with safety of principal while meeting the daily cash requirements for the operation of the entity's business.

- ***Safety*** of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital through the mitigation of credit risk and interest rate risk. These risks shall be mitigated by the diversification and prudent selection of investment instruments, and choice of depository. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of the security will fall due to changes in general interest rates.
- ***Liquidity*** is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the treasurer shall carry out investment activities in a manner that provides for meeting unusual cash demands without the liquidation of investments that could result in forfeiture of accrued interest earnings, and loss of principal in some cases. *(Note: The concept of liquidity is less crucial to the investment of trust funds than it is to general funds, since the expenditure of trust funds may be more of a planned event, which may be taken into consideration when the funds are invested.)*

- *Yield* is the third, and last, objective. Investments shall be undertaken so as to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

C. Investment Instruments

M.G.L. Chapter 44 section 54 states that money should be deposited into savings bank, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invested in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine, or in a paid-up shares and accounts of and in co-operative banks, or in shares of savings and loan associations or in share or savings deposits of federal savings and loan associations doing business in the commonwealth.

Additionally the Town of Chelmsford may invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided, that not more than fifteen percent of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than one and one-half percent of such funds be invested in the stock of any one bank or insurance company. See attached the Commonwealth of Massachusetts List of Legal Investments (MGL Chapter 167, Section 15A)

The Treasurer may invest in the following instruments:

- U. S. Treasuries that maybe sold prior to maturity: **Unlimited amounts** (With no limit to the length of maturity from date of purchase)
- U.S. Agency obligations that may be sold prior to maturity. **Unlimited amounts** (With no limit to the length of maturity from date of purchase)
- Bank accounts or Certificates of Deposit (CDs), or CDARS. **Unlimited amounts** (With no limit to the length of maturity from date of purchase).
- Massachusetts State pooled fund: **Unlimited amounts** (Pool is liquid)

The Massachusetts Municipal Depository Trust (MMDT) Short-Term Bond Fund, an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer and currently managed by Fidelity Investments. The Fund invests in a diversified portfolio of high quality investment-grade fixed-income assets that seeks to obtain the highest possible level of current income consistent with the preservation of capital and liquidity.

- Common and preferred stock that are listed in the List of Legal Investments.
- Investment Funds that are listed in the List of Legal Investments.

All other items not separately identified here that are listed in the List of Legal Investments.

D. Diversification

Diversification should be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The Treasurer shall work with the Investment advisor to avoid an over concentration of maturities as well as concentration in a specific issuer, with the exception of U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies. The Treasurer shall not invest more than 5% of the Town's long-term funds in securities of any non-U.S. Governmental Agency issuer.

III. Relationship with Financial Institutions/Investment Advisors

Financial institutions should be selected first and foremost with regard to safety. The Town of Chelmsford will subscribe to Veribanc, or a similar recognized bank rating service. Brokers should be recognized, reputable dealers.

When using the Veribanc rating service, the Treasurer shall only invest in such banks that show a green rating in a particular quarter. If a bank that the Town has assets invested in drops to a yellow rating, the Treasurer should contact the banking institution and request an explanation of the change in rating and the expected time table for it to be changed to green.

If for a second quarter the banking institution's rating has not returned to green, the Treasurer shall remove all funds that are not collateralized or covered by some form of depositors insurance.

The Treasurer shall require any brokerage houses and investment advisors wishing to do business with the Town of Chelmsford, to supply the following information to the Treasurer:

- Audited financial statements
- Proof of National Association of Security Dealers certification
- A statement that the dealer is aware of and will comply with the Town's investment guidelines.
- Proof of credit worthiness (minimum standards: at least five years in operation and a minimum capital of 100 million dollars).

Any management fee that will be paid by the Town for investment services shall be specifically stipulated in any contract or other agreement between the Town and the fund manager.

On a quarterly basis, the investment advisor will meet with the Treasurer, to review the investment portfolio, to discuss the performance of the funds, and to determine planned deposits into and/or disbursements from the funds for the coming year.

IV. Ethics

The Treasurer and Assistant Treasurer shall refrain from any personal activity that may conflict with the proper execution of the investment program, or which could impair or appear to impair ability to make impartial investment decisions. The Treasurer and Assistant Treasurer shall disclose to the Town Manager any material financial interest in

financial institutions that do business with the town. They shall also disclose any large personal financial investment positions or loans that could be related to the performance of the town's investments.

V. Reporting Requirements

Semi-annually, a report containing the following information will be prepared by the Treasurer and presented to the Town Manager by February 1st for the first half of the fiscal year through December 31st and by August 1st for the fiscal year ending June 30th. The report will include the following information as a minimum requirement:

- A listing of accounts held at the end of the reporting period and bank ratings, if applicable.
- A summary of the income earned on a year to date basis.
- A brief statement of general market and economic conditions that may affect the Town's investments.

2-1.10 Fraud Risk Assessment Policy

Applicability

This Policy applies to all employees of the Town of Chelmsford.

Fraud

Fraud can cover many activities; however this Policy is directed primarily at financial matters. It may include, but is not limited to:

Misappropriation of Assets

- 1) Forgery, alteration or misappropriation of checks, drafts, promissory notes or securities
- 2) Unauthorized use, or disposition of funds or property (for example, misuse of town owned computer hardware, software, data and other records; use of town owned equipment, vehicles or work time for non-town purposes)
- 3) Embezzlement
- 4) Theft
- 5) Falsifying time sheets or payroll records
- 6) Falsifying travel or entertainment expenses and/or utilizing town funds to pay for personal expenses or for personal benefit
- 7) Fictitious reporting of receipt of funds

Fraudulent Financial Reporting

- 1) Improper revenue recognition
- 2) Improper expense/expenditure recognition
- 3) Overstatement of assets
- 4) Understatement of liabilities

Expenditures and Liabilities for Improper Purpose

Payments in money or other property, including but not limited to such things as jobs for families and friends, discounted or free services in exchange for benefits and other things of value, bribes and kickbacks. Prohibited or improper conduct for municipal employees is more fully defined in Town Bylaw Article XIII Code of Ethics.

General Policy and Responsibilities

The Town will investigate any suspected acts of fraud, or misappropriation of property. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the Town of any person, group or organization reasonably believed to have committed fraud. Each Department head is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriation and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

The Town Manager has the primary responsibility for overseeing the investigation of all suspected fraudulent acts defined in this policy. The Town Manager will immediately notify the Chairman of the Board of Selectmen.

All department heads or individuals, upon discovery of any violation of this policy, must notify the Town Manager of the violation. If it is determined that corrective action may be provided for internally within the department, the department head or individual will notify the Town Manager as to the steps taken to correct the violation.

Upon conclusion of the investigation, the results will be reported to the Town. All significant findings will be reported to the Chairman of the Board of Selectmen. Where there are reasonable grounds to believe that a fraud may have occurred, the Town Manager may report the incident to the appropriate authorities, which shall include the Chairman of the Board of Selectmen, in order to pursue appropriate legal remedies. The Town Manager will pursue every reasonable effort to obtain recovery of the assets.

Procedures for Reporting

Any employee who has knowledge of any occurrence of fraudulent conduct, or has reason to suspect that a fraud has occurred, shall immediately notify the Town Manager in writing. The written report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. In cases where the employee has a reason to believe the Town Accountant and/or Finance Director may be involved, the employee shall immediately notify the Town Manager unless the Town Manager is also believed to be involved, then the Chairman of Board of Selectmen should immediately be notified. However, in certain circumstances, it may be appropriate for employees to report suspected instances of fraud or irregularity directly to the Chief of Police.

Investigation

Upon notification or discovery of a suspected fraud, the Town Manager shall immediately investigate the fraud. The Town Manager will make every reasonable effort to keep the investigation confidential.

When deemed necessary, the Town Manager shall coordinate the investigation with the internal auditor and/or appropriate law enforcement officials. Legal Counsel will be involved in the process, as deemed appropriate.

Security of Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. Such actions may include, but are not limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records shall be adequately secured until the investigation is complete.

Confidentiality

All participants and all persons questioned in a fraud investigation shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy. The individual will be notified of his/her right to inform the Union President about the findings of the investigation.

Personnel Actions

If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal and appropriate legal action, shall be taken by the Town Manager.

Whistle-Blower Protection

No employee of the Town or person acting on behalf of the Town in attempting to comply with this policy shall:

- be dismissed or threatened with dismissal;
- be disciplined, suspended, or threatened with discipline or suspension;
- be penalized or any other retribution imposed, or
- be intimidated or coerced,

Violation of this section of the Policy may result in a disciplinary action, up to and including dismissal.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If, however, the allegations were made in bad faith or without a justifiable basis, appropriate disciplinary action up to and including termination from employment may be taken against the individual making the erroneous allegation.

2-2 TAX POLICY

It is the policy of the Town of Chelmsford to ensure that all taxpayers are taxed equitably and as required by law. The Board of Selectmen shall establish appropriate methods and procedures to achieve that objective.

2-2.1 Information Gathering Relative to Dual Tax Rate

The Board, as provided by law, shall request that all information and data as they may deem relevant to the establishment of a dual tax rate, be provided to them at least thirty (30) days prior to the annual public hearing on the question of the setting of the current Fiscal Year tax rate. Such information shall be in the form normally provided to the Massachusetts Department of Revenue prior to certification. The Board shall designate a Board member to serve in the capacity of Liaison for the purpose of ensuring that all requirements for supplying information under this Policy shall be completed in an organized and timely fashion. The Liaison shall call upon the Town Manager directly, to assist in the provision of such information as the Board may require. Such information and data shall include, but may not be limited to:

- a. A presentation in writing of the process and methods used to account for and value residential, commercial/industrial, and personal property within the town;
- b. A report indicating the level of compliance achieved by commercial/industrial property owners relative to annual submission of income and expense data including the number of forms sent and received;
- c. A report indicating the level of compliance achieved by personal property owners relative to the annual submission of personal property data including the number of forms sent and received;
- d. An accounting of the number and value of properties in each class by Use Code and Use showing the number of sales, sales amount, proposed valuation, difference, and sales ratio for each property Use Code for the prior fiscal year;
- e. An accounting concerning the number and amounts of abatements granted in each property class, together with a listing of pending appeals, for the prior fiscal year;
- f. A Statement of Tax Rate Impact from the Assessor, setting forth general guidelines for the Board's use relative to the calculation of the minimum residential factor and the calculation of the tax rate;
- g. A twenty year historical view of Value Shares and Levy shares by fiscal year showing the effect on levy totals and tax rates for each class for all years, and the percentage amount of tax shift, if any;
- h. A projected view of the effect on the tax rate, the levy, and the levy totals for each class by proposed percentage for tax shift;
- i. An opinion by the Town Manager concerning the impact on the town's services relative to the prior fiscal year's levy share by the commercial/industrial property class.

2-2.2 Reviews

The Board shall annually review assessment policies, procedures, and methods, no later than fourteen (14) days prior to the occurrence of the Public Hearing. The Board shall work with the Assessor to assure the integrity and adequacy of current assessment practices and methods. If, during the course of their review, the Board shall have reason to doubt that the application of existing methods and practices will lead to full and fair cash valuations as required by law, the Board shall require the Town Manager to engage the Board of Assessors and provide such assurances to the Board as may be required. Deficiencies in process if any shall be addressed and corrected by the Board of Assessors who shall communicate their findings to the Town Manager and Board. The Board shall take all steps necessary to conform to this policy, and to ensure its use on a yearly basis to address issues that may develop with respect to the annuals assessment of the town's residential, commercial and industrial properties.

2-2.3 Consideration of Fair Market Value Increases Relative to Split Tax Rate

The Board shall, in its deliberations concerning the implementation of a split tax rate, consider the effect of any annual disproportionate increases in fair market value within the property classes upon the levy shares of both residential and commercial properties, and shall attempt to determine to what extent, if any, the commercial and industrial property classes obtain value for municipal services in excess of the amounts for which they are taxed for those services.

2-2.4 Enforcement

The Board shall support and assist the Assessor in his attempts to enforce compliance relative to the collection of information from commercial and industrial property owners as required by law; and shall support efforts to establish a regional data bank that may be used to assist in the valuation of commercial and industrial properties for tax purposes.

The Board shall receive regular reports regarding the compliance of commercial and industrial property owners to submit annual income and expense reports to the Assessor as required by law. Owners that fail to meet the legal requirement of providing such information shall be fined in accordance with statute.

The Board shall support legislative proposals that seek fair and equitable valuations for commercial, industrial, and personal property.

2-2.5 Tri-annual Review of Town's Tax Policy

This policy shall be reviewed one year from the date of adoption and every three years thereafter.

2-2.6 Information on Tax Classification

It shall be the policy of the Town of Chelmsford that the Board of Selectmen shall receive information from the Town Manager and Board of Assessors relative to tax classification no later than fourteen (14) days before the public hearing used to vote on tax classification. Such information shall include, but not be limited to, anticipate tax rates based upon varying classification shifts, projected tax bills for average residential and commercial properties and aggregate information of values by property class.

3 LICENSING

3-1 SUBMISSION OF MAPS

It shall be the policy of the Board of Selectmen that all applicants for licenses from the Board shall submit a copy of the Assessor's map and a topographical map at the appropriate scale, but not larger than 11 inches by 17 inches as part of the application process.

3-2 COMMON VICTUALER LICENSES AND THE AMERICANS WITH DISABILITIES ACT

All applications for new transfer of the Common Victualer licenses shall be approved by the Board of Selectmen subject to the determination of mandatory handicapped accessible parking with proper signage by November 1, 1994, and submission of a plan of accessibility no later than December 1, 1994 and each December 1 thereafter.

Factors to be considered by the Board include, but are not limited to: mandatory handicapped parking with proper signage, handicapped-accessible bathrooms, and handicapped-accessible ramps and curb cuts which comply with the Americans with Disabilities Act (ADA) and the Architectural Access Board (AAB) laws. The Building Inspector shall verify adherence to this policy and be included on the checklist of necessary approvals on a Common Victualer's License Application. The Building Inspector shall report his/her findings to the Board in order for the Board to render its decision. Exceptions/waivers may be granted by the Board of Selectmen only if the Board feels that such access is architecturally impossible or economically unfeasible. Reasonable accommodation of services by the licensee must be made in order for the exception/waiver to be granted. Mandatory handicapped parking with proper signage cannot be granted an exception/waiver.

The Commission on Disabilities shall be informed of any licenses to which the Board of Selectmen has granted exception.

3-3 LICENSE PERMITS VS. TAX DELINQUENCY

It shall be the policy of the Town of Chelmsford to deny the application for any license or permit to any individual, business or corporation that is in tax delinquency with the Town. The Town Manager, his/her administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

Furthermore, it shall be the policy of the Town of Chelmsford not to renew any license or permit previously granted to any individual, business or corporation that is in tax delinquency with the Town. Again, the Town Manager, his/her administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

3-4 PETITIONS TO REVIEW CONDITIONS PLACED ON ALCOHOLIC BEVERAGE LICENSES

Prior to amendment of any condition or restriction placed on an alcoholic beverage license, the Petitioner shall notify the abutters, in the same manner as required for an original application for license, of the time and place of the hearing specifying the substance of the petition. The Board shall as a matter of policy postpone any vote on the petition to the next meeting of the Board of Selectmen following the closing of the public hearing.

3-5 PACKAGE STORE LICENSE APPROVAL

The Chelmsford Board of Selectmen recognizes that paramount among its responsibilities as the licensing authority for the issuance of the licensing of package stores is the preservation of public safety while at the same time reflecting due concern for the convenience and needs of Town residents.

With respect to its consideration of any application filed with the Board for the issuance or transfer of any license for the retail sale of alcohol (package store), the Board shall be required to consider, and make specific findings of fact with respect to, the following factors:

- a. Experience of the prospective licensee and manager in the responsible distribution of alcoholic beverages to the public;
- b. Safeguards that the prospective licensee commits to install in its premises as a condition of licensure to guard against the sale of alcoholic beverages to minors or to persons already under the influence of alcohol;
- c. Whether the specific area of Town in which the prospective licensee seeks to locate its license premises is already served by other licensed premises.

3-5.1 Package Store Supervision

It shall be the policy of the Board of Selectmen of the Town of Chelmsford that all Alcoholic Package Store and Wine and Malt Liquor package stores have an employee on the floor in the area of alcohol sales at all times that the establishment is open to the public.

3-5.2 Mixed Use Package Store Licenses

It shall be the policy of the Chelmsford Board of Selectmen not to issue any alcohol licenses to establishments which are defined by law as “food stores” including but not limited to retail vendors such as convenience stores, grocery stores, supermarkets, shops, clubs, outlets, or warehouse type sellers, that sell food to consumers to be eaten elsewhere.

3-6 CLOSING HOUR POLICY FOR ESTABLISHMENTS SERVING ALCOHOL

It is the responsibility of the manager of the licensed premises to ensure that every licensee complies with the following “closing hour” requirements available to all establishments:

- a. Premises must be cleared of all patrons and all employees other than managerial and cleaning employees not later than sixty (60) minutes after legal closing time.
- b. All outside signs or lights for the licensed premises must be extinguished.
- c. All bottles and glasses containing alcoholic beverages must be removed from tables and bars by fifteen (15) minutes after legal closing.
- d. No employee or owner shall consume alcoholic beverages in or upon the licensed premises before opening or after the closing hours.

3.7 CARRY-IN ALCOHOL CONSUMPTION

Anyone requesting permission to allow patrons to bring their own alcohol on premise must submit an application, and schedule a public hearing in the same manner that a Restaurant Alcohol License requires.

The holder of this license may apply for a One Day Beer and Wine License for special events, in which case the rules for that license take precedence.

License renewal will follow the same rules and schedule as other alcohol license requirements. The annual fee for this license shall be 25% of the fee charged for a Restaurant Beer & Wine License.

4 PERSONNEL

4-1 PRO-SERVICE ATTITUDE

It shall be the policy of the Town of Chelmsford to pursue a pro service attitude in interfacing with the citizens of Chelmsford. All, boards, committees, subcommittees, commissions, departments, consultants, contractors, subcontractors, and other such groups will adhere to this policy in their everyday dealings with the general public.

4-2 STANDARDS OF CONDUCT

All persons employed by the Town hold a position of public trust, and as a result, Town employees must present themselves in a professional and appropriate manner. Town employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to adhere to conduct established by any and all laws of the United States Government, the Commonwealth of Massachusetts, and the Town of Chelmsford. All employees may be subject to disciplinary action for acting in a manner that is not consistent with these standards of conduct.

4-3 SAFETY

The Town of Chelmsford is extremely conscious of the safety and welfare of its employees and that of our citizens. As an employer, we recognize our obligation to ensure the safest possible work place for our employees. As a governmental entity, we recognize our responsibility to provide a safe environment for the public we serve.

It is our belief that most accidents are preventable. In accordance with this belief we have allocated resources to administer an aggressive loss control program for our community.

Each department or service division head is responsible for the loss control activities within his or her department. Our Safety Coordinator has been appointed to coordinate our overall loss control effort. The coordinator, however, is not responsible for line functions which are normally that of department heads and supervisors. It is expected that department heads will complement the effort of the Safety Coordinator in showing that the efforts are taken to reduce accidents and provide for the safety of the public. These loss control functions are continuous and equal in importance with all other operational considerations.

All employees are responsible for cooperation with, and support of our loss control program and its objectives. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task.

Loss control is every employee's responsibility. Only with your help can we continue to maintain a safe environment for both our employees and the citizens we serve.

4-4 CORRECTIVE ACTION AND DISCIPLINE

The Town of Chelmsford maintains a corrective action and discipline procedure that is designed to be both fair and impartial. Our practice is based on the premise that corrective action and discipline is positive rather than punitive in nature.

The Town values its employees and believes that when an employee is given fair notice the employee will correct problems in performance or conduct. There will be, however, instances in which termination for problem behavior is unavoidable.

This policy is designed to ensure consistent and fair treatment for all employees within the corrective action and discipline procedure.

4-5 CONFLICT OF INTEREST

In accordance with Massachusetts General Law, Chapter 268A, and Chelmsford General Bylaw Article XIII, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to full perform job responsibilities or furnish products, materials, or services to the Town.

4-6 POLITICAL ACTIVITY

Employee participation in political activities is to be carried on outside of normal working hours. No political activities or solicitations will be conducted on town-owned property by employees.

4-7 CLASSIFICATION AND COMPENSATION

The Town, through the Town Manager in conjunction with the Personnel Board, shall establish, maintain and provide a uniform system for classifying all positions, and establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualification required to perform the job so that the same schedule of compensation may be applied to each class, ensuring equitable pay.

4-7.1 Managerial and Supervisory Promotions and Compensations

It shall be the policy of the Town of Chelmsford to compensate and promote Managerial and Supervisory personnel based on performance in his/her official capacity; including, but not limited to, fiscal responsibility. Furthermore, such policy will serve as the basis for recommending and approving salary increases as a result of any scheduled or unscheduled performance review.

4-7.2 Employee Incurred Expenses and Reimbursement

The Town will reimburse all legitimate expenses incurred by an employee as a result of that employee performing Town business related to the employee's work.

All incurred expenses must be documented by an acceptable receipt and approved by the employee's supervisor.

4-8 EMPLOYEE PERFORMANCE

The Town recognizes the need to establish and maintain a system of performance appraisal which is designed to provide constructive feedback to the employee about the employee's performance.

It is the intention of the Town that every employee be subject to an annual performance appraisal and that a satisfactory performance appraisal shall be required if any changes in an employee's rate of compensation, including step increases, are to be granted.

Furthermore, all newly appointed employees shall be subject to a performance appraisal prior to the completion of the evaluation period; such performance appraisal must be satisfactory if the employment is to be continued after the completion of the evaluation period.

4-9 USE OF TOWN-OWNED VEHICLES

It shall be the policy of the Town of Chelmsford that any Town-owned vehicles used by employees during the work day must be garaged at the place of business, must have the

Town seal and department displayed prominently, with exceptions to be granted by the Town Manager, with an annual report to the Board of Selectmen.

4-10 RECRUITMENT

The Town is an equal opportunity/affirmative action employer. Procedures relating to the recruitment and selection of employees shall be in accordance with the “Chelmsford Affirmative Action Plan for Employment.” The recruitment of employees shall also be in accordance with any appropriate civil service rules and regulations.

4-11 ORIENTATION AND EVALUATION

Performance of all new and promoted employees must meet acceptable work standards. An evaluation period shall be utilized to help new and promoted employees to achieve and effective performance level and to ensure that new employees are aware of their duties and responsibilities. The Town shall inform new employees of their rights, responsibilities, duties, and obligations.

4-12 ALCOHOL AND DRUG TESTING

4-12.1 Purpose and Scope

The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to alcohol and drug testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

4-12.2 Applicability

This policy applies to all safety-sensitive employees employed by the Town of Chelmsford (the “Town”).

4-12.3 Definitions

Words or phrases used in this Policy are defined in 49 CFR 382.107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

Safety-sensitive – For the purpose of this Policy, “safety-sensitive” shall refer to all employees required by the Town to obtain and retain a Commercial Driver’s License (“CDL.”)

4-12.4 Policy

- a. It is the policy of the Town to comply fully with the federal regulations mandating pre-employment (drugs, only), random, reasonable suspicion and post-accident alcohol and drug testing in accordance with regulations issued by the U.S. Department of Transportation.
- b. The performance of safety-sensitive functions is prohibited by employees having a breath-alcohol concentration of 0.02 percent or greater as indicated by an alcohol

breath test; by employees using alcohol or within four (4) hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.

- c. Use of controlled substances by drivers covered by the Policy is prohibited, except when the use is pursuant to the instruction of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- d. A driver is performing a safety-sensitive function at the following times:
 - 1. All time on Town property, public property, or other property waiting to be dispatched or to drive.
 - 2. All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
 - 3. All driving time.
 - 4. All time other than driving time in any commercial motor vehicle.
 - 5. All time loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded.
 - 6. All time spent performing driver requirements relating to accidents.
 - 7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

4-13 SMOKING

The Town of Chelmsford strives for the creation and maintenance of a safe and healthy work environment for its employees, and a secure environment for the citizens. Therefore, it is the policy of the Town to prohibit smoking in all public buildings.

4-14 HARASSMENT

It is the policy of the Town of Chelmsford to ensure that all our employees and persons having dealings with Town departments have the right to enjoy an environment free from discrimination and any harassment practices.

This policy refers to, but is not limited to, discrimination or harassment in the following areas:

- a. Age
- b. Race
- c. Color
- d. National Origin
- e. Sex
- f. Sexual Orientation
- g. Religion
- h. Handicap
- i. Veteran Status

Such practices include unsolicited remarks, gestures, or physical contact; display or circulation of written verbal materials or pictures degrading to either gender or to racial, ethnic, or religious groups; and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

In determining whether harassment has occurred, the nature of the offensive behavior and the context in which these acts were alleged to have been carried out must be carefully examined. Sexual harassment is defined as: advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on any basis shall not be limited to sexual harassment.

4-14.1 Harassment Grievance Procedure

Harassment investigations will be conducted on a confidential basis, and retaliation against an employee for filing a complaint will not be tolerated.

- a. Any employee who believes that he/she has been harassed should report the incident, as soon as possible, to the Department Head, the Town Manager, a Selectman or the Personnel Coordinator. The investigation shall be completed and the results communicated to the employee(s) involved within five (5) working days of the original complaint.
- b. The Department Head shall meet privately with the employee to discuss the complaint. At this time, the Department Head shall document the complaint. The employee shall prepare a written account of the occurrence as well. If the employee's Department Head is the source of the alleged harassment, the employee should then report the incident to the Town Manager, a Selectman, or the Personnel Coordinator, who will conduct the subsequent investigation.
- c. The investigator(s) will meet privately with the alleged harasser and inform him/her in writing of the complaint. The alleged harasser shall respond to the complaint and the investigator(s) will similarly question other employees who may have knowledge of the particular incident. Investigations should be conducted in a timely manner and should be completed within ten (10) working days. The Town Manager may grant an extension of up to thirty (30) days.
- e. Upon completion of the investigation, the investigator(s) will document his/her findings in an incident summary report. If the sexual harassment is found to have occurred, the appropriate corrective action (i.e. written or verbal warning) should be determined and applied, up to and including termination. If the complaint cannot be substantiated, no punitive action will be taken. However, both parties will be informed of the Town's policy on Harassment emphasizing that such activity will not be tolerated.

All documents related to the investigation of the harassment incident shall be submitted to a file separate from the employee's personnel file. If a complaint is

substantiated, the summary report shall be placed in the personnel folder of the harasser and maintained for two years.

- f. Any employee who feels that the Town of Chelmsford has not satisfactorily resolved his/her complaint may appeal to the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission.

When an employee or persons having dealings with Town departments believes that he/she has been subjected to harassment, he/she must document, to the best of his/her ability, the exact circumstances of the alleged offense(s). Employees claiming harassment should be willing and able to substantiate their claims.

The employee should communicate these circumstances to their Department Head., the Town Manager, a Selectman, or the Personnel Coordinator. If possible, resolution of the problem should occur at this level. If not, the legal provision governing grievances concerning sexual harassment are outlined in Title VII of the 1964 Civil Rights Act. A copy of this Act is on file at the Town Manager's office.

Harassment investigations will be conducted on a confidential basis, and retaliations against an employee for filing a complaint will not be tolerated and could lead to disciplinary actions.

Any behavior that is considered harassment is a serious offense and will result in severe disciplinary action and/or termination against both the offender and any Department Head who fails to take appropriate actions 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 the Department Head has knowledge. Furthermore, the Town of Chelmsford is liable if immediate corrective action is not taken once the transgression is known.

Training and awareness programs will be made available to employees, supervisors, and Department Heads on a periodic basis to ensure compliance with this policy. Any further questions regarding harassment or discrimination can be directed to the Personnel Coordinator at 250-5288.

4-15 SEXUAL HARASSMENT

4-15.1 Policy

I. Introduction

It is the goal of the Town of Chelmsford to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have

provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

This Policy may apply to conduct that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media), or during non-work hours. When the conduct complained of occurs outside of the workplace or during non-work hours, the Town of Chelmsford may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy;

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town of Chelmsford sponsored function;
- whether the conduct occurred during work hours;
- the context of conduct that occurs outside of normal work hours and whether there is any connection to the workplace;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Town of Chelmsford takes allegations of unlawful discrimination and harassment seriously, we will respond promptly to complaints and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this Policy sets forth our goals of promoting a workplace that is free of sexual harassment, the Policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.

4-15.2 Definition

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

“Sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,

- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. This can include conduct that is aimed at a person's sexual orientation or gender identity.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets, jokes, written, or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

4-15.3 Complaints

III. Complaints of Sexual Harassment

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting:

- Jeanne Parziale, Human Resources Director is designated the Town Offices Sexual Harassment Grievance Officer. She can be reached at 978-250-5288 or jparziale@townofchelmsford.us.
- John Sousa, Finance Director, Alternate Sexual Harassment Grievance Officer. He can be reached at 978-244-3390 or jsousa@townofchelmsford.us.
- Dr. Jay Lang, Chelmsford Public Schools Superintendent is designated the Schools Sexual Harassment Grievance Officer. He can be reached at 978-251-5100 x116 or langj@chelmsford.k12.ma.us.
- Michelle Cresta, School Business Officer, Alternate Grievance Officer. She can be reached at 978-251-5100 x113 or crestam@chelmsford.k12.ma.us.

These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

4-15.4 Investigation

IV. Sexual Harassment Investigation

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action.

4-15.5 Disciplinary Action

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

4-15.6 State and Federal Remedies

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 800-669-4000
TTY: 800-669-6820

2. The Massachusetts Commission Against Discrimination

Boston Office

One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196

Springfield Office

436 Dwight Street
Second Floor, Room 220
Springfield, MA 01103
Phone: 413-739-2145

Worcester Office

Worcester City Hall
455 Main Street, Room 100
Worcester, MA 01608
508-799-8010
508-799-8490 – FAX

New Bedford Office

800 Purchase St., Rm. 501
New Bedford, MA 02740
508-990-2390
508-990-4260 – FAX

4-16 Media Relations Policy

GOAL:

The Town of Chelmsford seeks to inform its residents, businesses and visitors by engaging in a pro-active communications program. This program recognizes that one of the most effective and quickest ways to communicate Town policies and activities to citizens is by working in partnership with the news media.

Policy Statement:

Only the Town Manager is authorized to provide an official statement on behalf of the Town of Chelmsford in relation to any significant incident or issue. This does not pertain to those matters that fall within the jurisdiction of elected officials of the Town. Department Heads must receive confirmation from the Town Manager before making any public statement on behalf of the Town. Confirmation to discuss one issue or incident

does not imply that the Department Head may discuss on behalf of the Town's other current or future issues that may arise, without further confirmation.

Points for Consideration:

Comments to the media regarding a police or fire investigation shall be directed to the Police or Fire Chief or their designee.

No employee shall allow himself or herself to be interviewed or make official statements on behalf of the Town about any significant Town issue to any media representative without the consent of the Town Manager.

If a member of the media is requesting statement of the Town's position from an employee, then that employee must politely direct the media representative to the designated Department Head and decline further requests to provide information. Where special circumstances exist, employees should be aware that all comments regarding those circumstances is to be referred to the Department Head or Town Manager. Under no circumstances are employees permitted to comment as an official position of the Town.

If you become aware of any newsworthy events or activities that may be developing in your area of responsibility, you should promptly inform the Town Manager.

The Town recognizes that individuals have the right to make public comment and publicly debate political and social issues. However, employees must make it clear that other than in the course of Town business or when giving evidence in court, they are neither making an official comment nor representing an official position of the Town.

Sensitive or Controversial Situations:

All television, radio, newspaper or other media inquiries regarding sensitive or controversial issues should always be referred immediately to the Town Manager. The Town Manager will notify the Board of Selectmen before any media response is provided. The Town Manager will coordinate a response including designating a spokesperson (if needed).

Members of Boards and Committees:

The Chairperson of an appointed Town Board or Committee, along with the Town Manager, shall be the primary interface to provide all information to the public on behalf of the Board or Committee (i.e. represent the Board or Committee in stating Board or Committee Positions). Each Board or Committee member shall recognize that it is the responsibility of the Town Manager and/or the Board or Committee Chairperson to speak for and on behalf of the Board or Committee. Any Board or Committee member may speak on behalf of the Board or Committee on a specific subject as long as he/she receives permission from the Board or Committee Chairperson. That being said, each Board or Committee member has the right to speak for/on his/her own behalf as long as s/he clearly identifies that is the case in any communications that are intended to be released to the public.

Public Safety Issues:

Because the Police and Fire Departments operate 24/7 and their work generates a high volume of media calls, those departments have designated sworn personnel as media spokespersons and follow specific guidelines when releasing information. Any media calls to other Town staff regarding a Police or Fire issue should be referred immediately to the Police Department or Fire Department, as appropriate. All information released to the media by the Police and Fire Departments should be provided immediately to the Town Manager's Office; and, when appropriate, the Town Manager should be contacted at the time of major incidents

Public Records Request:

As a local government entity, the Town may receive requests for information. While Most business conducted is open to the public; some pieces of information are not public record. In order to avoid confusion and facilitate the Town's commitment to transparent government employees should take the following steps when they receive a request for information:

1. Should a member of the media make a request to see something of public record, employees should notify:

- Town Manager
- Department Head

2. Should a member of the general public make a request to see something of public record, employees should notify:

- Town Manager
- Department Head

3. Town employees will not release any records until they have received verification from the Department Head or Town Manager that it is acceptable.

News Releases:

1. News releases should be submitted to the Town Manager for review, approval, and distribution with the exception of Police and Fire. The exception will be those events and situations that are an emergency or need immediate attention. The employee should advise the Department Head and the Town Manager of the news release.

2. Once approved, the Town Manager will be responsible for distribution to the news media. If necessity requires a department to distribute its own news releases, then a courtesy copy should be sent to the Town Manager as soon as possible.

3. All news releases issued should follow generally accepted media formatting.

Any other Communication – such as Brochures/Letters, etc.:

The staff will provide a copy of any insert, brochure or mass-produced letter to the Town Manager, prior to its release, in order for the town wide communication process to have a concise appropriate consistent message and appearance. All must be given to the Town Manager with a minimum notice of one week. Approval will be needed from the Department Head and the Town Manager prior to the distribution of the information. Most basic information will need only the Department Head's approval.

Social Media – such as Facebook, Twitter, My Space, Linked In, You Tube Blogs, etc.:
While all Town officials and/or employees are encouraged to participate in Social Media, we expect everyone who participates in online commentary to understand and to follow these simple but important guidelines. These Guidelines cover all social media platforms including but not limited to:

- Social Networking Sites (Facebook, Myspace, Foursquare, LinkedIn)
- Micro-blogging sites (Twitter)
- Blogs (including company and personal blogs as well as comments)
- Video and Photo Sharing Websites (Flickr, YouTube)
- Forums and Discussion Boards (Google Groups, Yahoo! Groups)
- Online Encyclopedias (Wikipedia, Sidewiki)

Town Related Discussion or Issues:

- If you have permission and plan to discuss Town related information across your personal social properties, you should disclose on your “About” page or bio that you are either a Town Official or employee and what your responsibilities include. Please also indicate that your opinions do not represent official positions of the Town of Chelmsford.
- Town of Chelmsford Confidentiality: Only disclose publicly available information. Don’t use your personal blog to break news about the Town or its confidential affairs.
- Discussing Town Employees: We ask you to remember that sharing personal information about town employees may affect them inside as well as outside of the office. All standard HR policies apply to interactions between colleagues across the social web.
- Be Responsive: If someone responds to something you’ve said, be responsive and follow-up quickly (e.g., 24 hours). If you say something in error, do not take down the post, simply go back and update it with the correct information.
- Be Yourself: Always be transparent about who you are and who you represent. Use your real name, identify what your Town role is. Provide your own unique and individual perspective.
- Know You’re Always “On”: You represent the Town of Chelmsford at all times and you must assume that your social media usage is visible to everyone. Be sure to manage what and with whom you are sharing. Keep in mind that while we all have the occasional frustration, Facebook and Twitter are not the best venues in which to air them as those comments are available to an unlimited audience.
- Think Ahead: Be smart about protecting yourself, your privacy, and the Town of Chelmsford’s confidential information. What you publish is widely accessible and will be around for a long time so consider the content carefully.

5 INFRASTRUCTURE

5-1 TRAFFIC CALMING

Like other communities, the residents throughout the Town of Chelmsford are often concerned about what they perceive as undesirable traffic volume, high travel speeds, and other unsafe traffic activities and practices.

The Town retains the responsibility for its roads and rights-of-way, and has the sole authority to decide whether or not any physical or regulatory changes will be implemented to address traffic issues. In the absence of an immediate safety problem, the Board will provide notification of proposed traffic control techniques at least one month prior to implementation, in order that neighborhood feedback can be received, and all implications reviewed. Notification will be made at a regular televised Board meeting. Residents will be invited to provide comments before any decisions are rendered.

Process

Any resident or business owner may submit a letter to the Board of Selectmen describing a perceived traffic problem. Among the concerns that may require action are:

- Volume of traffic
- Speed of traffic
- Type of traffic (large trucks, etc.)
- 'Blind' intersections, driveways, etc.
- Consistent reckless/inappropriate actions
- Parking

The Board will request that the Town Manager conduct a preliminary investigation to determine the extent of the traffic issue, and report to the Board. The Town Manager may request specific information from other departments, including traffic counts, tickets issued, accident reports, citizen complaints, school bus routes, recent road maintenance, etc.

The Town Manager may make a recommendation to alleviate traffic concerns. In some cases, it will be necessary to conduct further reviews prior to implementing specific traffic calming methods. The Chairman of the Board may appoint a Board member who will be responsible for coordinating meetings in the community, and conduct any follow-up with public safety, public works, and school departments, and others, as needed.

Techniques

The Town of Chelmsford shall utilize Traffic Calming methods which will be guided by the Manual on Uniform Traffic Control Devices (MUTCD), a national standard for the design and installation of traffic control devices. Traffic calming methods and devices include:

- Modified striping, including edgelines, center lines, etc., which make the roadway appear narrower, and are consistent with the Road Line Striping policy.
- Islands/Circles/Chokers, which slow drivers by forcing them to maneuver around an object in the roadway
- Multi-way STOP signs
- Diverters, which prevent certain movements from being made at an intersection

- One-way/Do Not Enter Traffic Patterns
- Rumble Strips
- Speed Humps
- Raised Crosswalks/Intersections
- Roundabouts
- Reduced speed limits
- Vehicle restrictions
- Enhanced signage
- Enhanced enforcement

Traffic calming devices will be installed only after review by the Chelmsford Police Department, Chelmsford Fire Department, and Department of Public Works to assure that they will not impose an undue hardship on the operation of the fire trucks, school buses, trash trucks, or snow plow equipment, or cause other negative impacts to the area being addressed.

Implementation

Implementation of the specified Traffic Calming Plan will occur after vote of the Board of Selectmen in accordance with powers granted under Massachusetts General Law. Implementation shall occur as funds are available within the budget of the Department of Public Works.

5-2 LINE STRIPING

The following streets/roads shall be striped:

A – All roads that meet the MUTCD requirements for dimensions and vehicular volume for paved rural roads (currently 18 feet wide with Average Daily Traffic of 3,000).

B – All numbered routes, and arterial and collector roads as identified by the Massachusetts Department of Transportation.

C – Roadways in industrial and commercial zones that connect to arterial and collector roads.

D – Other roads as identified by the Board of Selectmen in consultation with the Department of Public Works, the Town Manager, and Public Safety officials. Roads under consideration to be striped for the first time will be announced at a regular meeting of the Board at least one month prior to the striping, in order that residents may provide additional input.

All roads that are designated for striping will be striped in their entirety, subject to required dimensions.

E – Scenic Roads will not be striped.

For reference, following are the streets that currently fall in each category. Note that some streets that may fall into more than one category (scenic roads indicated with *):

Type A Roads

Davis Road
Hunt Road
Richardson Road

Type B Roads

Acton Road
Academy Street
Bartlett Street
Billerica Road
Boston Road
Carlisle Street
Chelmsford Street
Concord Road
Dalton Road
Drum Hill Road
Dunstable Road
Edson Street
Golden Cove Road
Gorham Street
Graniteville Road
Groton Road
Littleton Road
Main Street
Maple Road
Middlesex Street
Mill Road
North Road
Old Westford Road
Parkerville Road
Parkhurst Road
Princeton Street
Riverneck Road
School Street
Stedman Street
Tuttle Road
Turnpike Road
Westford Street
Worthen Street*

Type C Roads

Alpine Lane
Brick Kiln Road
Fletcher Street

Meeting House Road
Summer Street
Technology Drive

Other Lined Roads (Type D)

Crooked Spring Road*
Garrison Road*
High Street
Hunt Road
Locke Road
Manning Road
Meadowbrook Road
Park Road
Parker Road*
Pine Hill Road
Smith Street
Warren Avenue
Wilson Street

6 ENVIRONMENTAL PROTECTION AND DEVELOPMENT

6-1 POLICY TO MAINTAIN, PRESERVE, AND ENHANCE RESOURCES

The community of Chelmsford includes many resources, including those that are historical, cultural, natural, and technological. The Town recognizes that these resources contribute to the quality of life which we enjoy. Accordingly, the Town adopts the following policies in order to maintain, preserve and enhance these resources:

- a. Historical – The Town of Chelmsford seeks to maintain our historical heritage through the preservation of the Town’s historical resources including buildings artifacts, writings, and tales. The dynamic process of change in the community shall consider the effects of and on our historical heritage.
- b. Cultural – The Town of Chelmsford seeks to promote local cultural resources in art, music, performing arts, literature, and others through the support of the Cultural Council, the School Cultural programs, and local artisans. The Town will seek to educate and entertain the community through the encouragement of local cultural events.
- c. Natural – The Town of Chelmsford has many natural resources including, forest lands, woodlands, open lands, farm lands, freshwater lakes, ponds, rivers, and streams. The Town also has a large and important underground aquifer it uses for drinking water and fire protection. Other vital natural resources exist within the Town’s limits. The Town seeks to maintain and preserve these resources while encouraging our residents to use and enjoy these areas of natural beauty and wonder. Further, the Town shall enact bylaws and regulations considering the maintenance of our natural resources.

d. Technological – Our society has enjoyed tremendous technological advances to which the Town of Chelmsford has contributed significantly through the efforts of its residents and businesses. The Town recognizes the benefits of these technological changes and supports education about and enhancement of technological advances.

6-2 OPEN SPACE

The Town of Chelmsford seeks to encourage the dedication of land as open space and/or for conservation purposes by accepting donated land, supporting the open space development concept of Section 4700 of the Zoning bylaws, supporting the creation of conservation easements or restructured deed covenants on private land, supporting the purchase of land or developmental rights with the use of grants, available funds, or bond issues, and to support the Chelmsford Land Conservation Trust. In addition, the Town will develop and implement a long range open space objective through the creation of an Open Space Committee to be appointed by the Town Manager. This committee will be charged with determining a long-term strategy for the encouragement and enhancement of open space within the Town and will issue a comprehensive report to the Board of Selectmen by January 2, 1995.

6-3 TRAILS

The Town of Chelmsford seeks to maintain and develop trails limited to non-motorized travel throughout the Town with the hopes of connecting a cross-town trail network, but without infringing on the private property rights of trail abutters. Any new trails developed within the Town for common use shall require a Public Hearing before the Board of Selectmen with two weeks prior notice by certified mail to all abutters and advertisement in a local newspaper to be made and paid for by the proponent.

6-4 TREES

The Community of Chelmsford is concerned with preserving its natural resource of trees. Each year the Town must remove trees that are within the Town's control, either due to the health of the tree or the tree's location to a Town capital project. The Board of Selectmen recognizes the value of this important resource, both from a quality of life standpoint, as well as the long-term importance of trees to the environment. Accordingly, the Town adopts the following policy in order to maintain, preserve and enhance this resource:

The Town of Chelmsford shall seek to replace on a one-for-one basis all trees removed from Town land due to disease/death of the tree or its removal in relation to a capital project performed by the Department of Public Works, or that person's designee, to determine the type and size of the replacement tree. While it should be a goal under this policy to have a tree replanted in the same location as the removed tree, it may be replaced in an alternate location if extenuating circumstances arise.

6-5 YARD WASTE

It shall be the policy of the Board of Selectmen to comply with the Massachusetts ban on the disposal of yard waste (grass, leaves, brush, branches, etc.). All residents serviced by

the Town's solid waste collection program are not allowed to dispose of their yard waste along with their regular household waste. If yard waste is placed with regular household solid waste for collection, the Town's solid waste collection contractor will be instructed not to pick up yard waste, or any household solid waste that is commingled with the yard waste.

6-6 PURCHASE OF FUEL EFFICIENT VEHICLES

The Town of Chelmsford shall purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable. Whenever possible, purchases of motor vehicles shall be alternative fuel, flexible fuel, or hybrid vehicles. New motor vehicles shall be the most fuel efficient within their vehicle class, with a combined city and highway MPG no less than the following:

- 2 wheel drive automobile: 29 MPG
- 4 wheel drive automobile: 24 MPG
- 2 wheel drive small pick-up truck: 20 MPG
- 4 wheel drive small pick-up truck: 18 MPG
- 2 wheel drive standard pick-up truck: 17 MPG
- 4 wheel drive standard pick-up truck: 16 MPG

Diesel fuel vehicles shall be able to operate on a blend of at least five percent bio-diesel. Total fuel consumption shall be reduced by a minimum of five percent by 2014.

7 LOCAL INITIATIVE PROGRAM

7-1 PROMOTE AND DEVELOP LOW AND MODERATE INCOME HOUSING

It shall be the policy of the Town of Chelmsford to pursue and promote the development of low and moderate income housing pursuant to current applicable federal and state regulations. Further, the Board of Selectmen (Board) shall actively encourage the development of low and moderate income housing through the Local Initiative Program (LIP) pursuant to the Comprehensive Permit Law, M.G.L. Chapter 40B, ss. 20-23. Chapter 40B requires that municipalities provide low and moderate income housing equal to 10% of the community's housing stock. Low and moderate income housing units developed through the Local Initiative Program that meet applicable regulatory requirements are eligible for inclusion on the Subsidized Housing Inventory and count toward Chelmsford's 10% requirement.

7-2 SUBMITTAL REQUIREMENTS

Any developer seeking to obtain the Board's LIP endorsement shall submit the information described below. Application materials shall be filed not less than two weeks prior to the anticipated meeting of the Board. The actual date of the meeting will be determined by the Board. Supplemental materials and materials showing any changes to the project shall be provided not less than 7 days prior to the Board meeting in order to facilitate distribution to Board members and municipal staff.

7-2.1 Plans

- 7-2.1.1 Site Plan(s) showing all existing and proposed structures, driveways, parking areas, landscape areas, and site amenities, such as courtyards or play areas. Plans shall show the distance of proposed structures to property lines and shall depict buildings on abutting properties.
- 7-2.1.2 Architectural plans consisting of building elevations and floor plans. Architectural plans shall note the length, width, and height of all structures. Building height shall be shown in two measurements: as defined in the Chelmsford Zoning Bylaw and as measured to the highest point of the roof.
- 7-2.2 Project Narrative:** The Developer shall provide a Project Narrative describing the proposed project, including the proposed affordability component. The Narrative shall describe the affordable and market rate unit components in sufficient detail to establish unit quantity, type, placement within the project, and proposed pricing. The Board shall normally require a higher percentage of affordable units than is required by statute and developers are encouraged to propose the maximum feasible percentage. The Narrative shall also clearly describe the existing conditions of the land, the proposed project, number of units, gross density, effective density (the density when land unsuitable or unavailable for development such as wetlands, floodplains, or land encumbered by easement is subtracted from the overall acreage), and distance of structures on abutting properties to the property and to proposed structures.
- 7-2.3 Community Outreach/Notification to Abutters:** A design process that includes public involvement early in the process will assist in garnering community support, thereby saving developers significant time and expense. The Board shall not consider any proposal under this Policy without evidence that the Developer has actively solicited input from all project abutters in a timely and sufficient manner.
- 7-2.4 Exceptions/Waivers:** The developer shall submit to the Board of Selectmen a list of waivers required to develop the project. The list shall indicate what is required under local regulation.
- 7-2.5 Narrative of Need/Benefit to the Community:** The Development Team shall provide a narrative on how the project will benefit the community and its consistency with the Town's Planned Production Plan. Conformance with DHCD's LIP Guidelines shall also be clearly stated.
- 7-2.6 List of Abutters:** The Developer shall provide a list of abutters and abutters to abutters within 300 feet of the property, said list to be prepared by the Assessors Office. The Developer shall notify all parties on the list by regular mail not less than 7 days in advance of the Board's initial Public Hearing LIP review meeting.
- 7-2.7 Project Budget/Pro Forma:** The Developer shall submit a project budget/pro forma detailing anticipated expenses and revenues of the project.
- 7-2.8 Fee:** A certified or cashier's check in the amount of \$50 per unit with a minimum of \$1,000 shall accompany the Developer's initial application for LIP endorsement. This fee is intended to defray the cost of staff review associated with LIP endorsement

requests and is in addition to any other fees that may be charged by the Town or other agencies.

7-3 STAFF INPUT

Prior to filing with the Board, the Developer shall initiate discussions with relevant municipal departments in order to identify and address potential issues. Municipal departments must include the Community Development Department, Fire Department, Police Department, DPW – Sewer Division, DPW – Engineering Division, Conservation Commission, and Board of Health. The Developer is also encouraged to contact the relevant water district.

7-4 CHELMSFORD HOUSING AUTHORITY INPUT

The Developer shall review the Project's affordable component with the Chelmsford Housing Authority. The review shall include a determination of pricing of the affordable units, affordable unit location, and the type of housing proposed. The Chelmsford Housing Authority shall provide its comments and recommendations to the Board relative to the affordable housing proposed.

7-5 ADDITIONAL REQUIREMENTS

The Board reserves the right to require the Developer to provide additional information to assist the Board in making a decision.

7-6 BOARD OF SELECTMEN ACTION

The Board may grant, grant with conditions, or deny its endorsement of any LIP under consideration.

8 COMMUNITY RELATIONS

8-1 POLICY TO SUPPORT THE PRIVATE BUSINESS COMMUNITY

The Town of Chelmsford recognizes the importance of the private business community as an integral part of the Town. Local businesses provide employment to our residents, taxes to our coffers and character to our community. The Town will also make every legal and lawful effort to assist and support the private business community especially in occupying all of the existing commercial space within the town.

8-2 NOTIFICATION TO ABUTTERS – SALE OF REAL PROPERTY

A. OBJECTIVE

The Chelmsford Board of Selectmen recognizes that the authorization to enable the Board to sell town-owned real estate requires the prior approval of town meeting. Furthermore, the Board believes that notification to abutters, while not legally required, is desirable and appropriate, and reflects the preference of the Board that disclosure be provided to direct abutters who, as property owners, may have a heightened interest in the real estate to be sold.

B. POLICY

It shall be the policy of the Town of Chelmsford Board of Selectmen that the Town Manager shall notify direct abutters to any parcel of Town-owned real estate being considered for sale by the Board. A direct abutter is defined as any property that adjoins the property line of a parcel of Town-owned land, including any parcels across a public or private way. Such notice shall be provided by certified mail, return receipt requested, to direct abutters upon each of the following two occasions:

1. Within two business days following approval by the Board to post any town meeting warrant which contains an article requesting the approval of Town Meeting to authorize the Board to sell any parcel of Town-owned real property.
2. Upon the solicitation of bids for the sale of Town-owned real property, regardless of the requirement for a formal solicitation of proposals under Massachusetts General Laws Chapter 30B, Section 16. This will provide direct abutters with a formal notice of the opportunity to purchase the parcel of Town-owned land.

This policy is not intended to restrict the authority of the Board of Selectmen regarding the disposition of Town-owned real property.

9 INTRA-BOARD POLICIES

9-1 EXPENSE REIMBURSEMENT

Board members are eligible for reimbursement of expenses incurred during the execution of Town business in accordance with current town policies.

Board members shall submit an expense reimbursement form on a monthly basis. Reimbursement shall not be made for expenses incurred for a Board member's spouse. No reimbursement will be made for alcoholic beverages. The Town Manager shall approve all expense reports which are charged to the Board of Selectmen budget.