



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

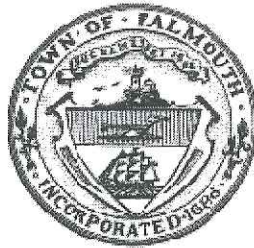
Fax (508) 457-2573

FOR: APPLICATION TO ALL BOARDS, COMMITTEES AND COMMISSIONS

Dear Applicant:

Thank you for your interest in the Town of Falmouth's boards, committees and commissions.

Please find attached, the Town's official application form for appointment. Please complete and sign this application form and return it to this office. You will be notified when the Board of Selectmen hold interviews for vacant positions.



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: _____

Address: _____ Village: _____ ZIP: _____

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: _____ Email: _____

How long have you been a Resident _____ (date: _____) / Taxpayer _____ (date: _____)

Amount of time you are available to give: _____

Town Committee, Board or Commission you are interested in serving on:

1. _____
2. _____
3. _____

Seeking: _____ Permanent Position _____ Alternate Position _____

Relevant affiliation & work & personal experiences _____

Town offices held in Falmouth or elsewhere and dates of years served: _____

Briefly describe the particular skills you feel you will add to the committee or board: _____

Three (3) References:

	Name	Title	Phone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

DATE

APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

**Town of Falmouth
Board of Selectmen
COMMITTEE APPOINTMENT POLICY**

Adopted September 29, 1993

Updated March 15, 1999, April 30, 2007 and May 18, 2011

The Falmouth Board of Selectmen has the responsibility of appointing over 300 persons to over 44 committees. As this is among the most important responsibilities of the Board, these policies and procedures are intended to provide guidelines for the appointment of all persons serving thereon. The Board of Selectmen will make every effort to encourage participation in and to effectively communicate with these volunteer committees, which are a major component of effective town government.

Definitions

Committee – Any multi-member body; for example, a board, committee or commission.

Advisory committee - Boards, committees and/or commissions which act only in an advisory capacity to the Board of Selectmen; for example, Bikeways Committee, Waterways Committee, Transportation Management Committee.

Regulatory committee – Boards, committees and/or commissions with financial and/or regulatory authority granted by state law and/or the town charter. These include, Conservation Commission, Zoning Board of Appeals, Historical Commission, Historic Districts Commission, Community Preservation Committee and Board of Health.

Applicability

All policies and procedures set forth under the General Law of the Commonwealth of Massachusetts and all provisions of ARTICLE VII, “Appointed Town Boards”, of the Falmouth Home Rule Charter shall be applicable. This policy applies to all committees appointed by the Board of Selectmen and its subordinates.

General Policy and Responsibility

1. As stipulated in Article VII of the Charter, all vacancies for committee appointment shall be publicized in advance of consideration of candidates.
2. Applications for committee appointment are available in the Selectmen’s office or on the Town website, which can be submitted at any time to express interest in serving the Town. Applications shall be retained for 6 months so that a pool of applicants will be available in the event of a vacancy. Applications more than 6 months old shall be discarded.
3. The appointment of completed terms of office shall be considered at a regularly scheduled public meeting of the Board in June. Pending appointments, due to both completion of terms and vacancies, shall be considered together.

4. Unless circumstances require greater expediency (for example, there is no quorum of members), all vacancies not filled in June will be advertised and filled at a regularly scheduled public meeting of the Board on a quarterly basis.
5. Incumbents are asked to indicate in writing their interest in continuing to serve on their respective committees.
6. To qualify for membership on a committee, a person must be a resident or taxpayer of the Town of Falmouth.
7. Length of terms shall be for three years, unless otherwise specified. No member of a committee shall serve more than three consecutive three-year terms (for the Zoning Board of Appeals, two five-year terms). After leaving a committee due to term limits, candidates may not return to the same committee until a minimum of one year has lapsed.
8. All applicants shall be interviewed by the Board at a regularly scheduled public meeting.
9. If the only applicant to an advisory committee is an incumbent in good standing seeking reappointment, the Board may waive the requirement for a public interview by a majority vote.
10. The requirement of a public interview for applicants to regulatory committees may not be waived because of the authority granted to these committees by State Law and/or the Town Charter.
11. The Board shall take no public comment during the public interviews, but will solicit public feedback about the fitness of the applicants for appointment.
12. Appointments are made by a vote of no less than three selectmen, and confirmed in writing. If only three members of the Board are present, the vote must therefore be unanimous.
13. Committees appointed for a specific purpose shall be given a charge and provided with guidelines and dates of completion.
14. Attendance, among other factors, shall be considered by the Board when reappointing incumbents; therefore, each board shall forward annually to the Selectmen the attendance records of all members.




Town of Falmouth

OFFICE OF SELECTMEN & ADMINISTRATOR

59 TOWN HALL SQUARE, FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 495-7320
FAX (508) 457-2573

Memorandum

To: All Departments
Boards, Committees
and Commissions

Fm: Heather B. Harper 
Assistant Town Administrator

RE: CONFLICT OF INTEREST - TOWN EMPLOYEES AS CONTRACTORS

October 4, 2002

I have been asked about Town Employees or Special Municipal Employees (generally appointees to Town Boards) eligibility to perform work as a contractor to the Town of Falmouth. The Conflict of Interest Law prohibits municipal employees from having a financial interest in a municipal contract. However, there are exemptions.

Town Counsel, Frank Duffy has prepared the attached memorandum outlining the purpose of the Conflict of Interest Law and the relationships and procedures that may provide an exemption.

I hope this memorandum clarifies the process and relationships that may authorize a municipal employee to participate in a municipal contract, and when it is a Conflict of Interest.

TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM

TO: HEATHER B. HARPER, ASSISTANT TOWN ADMINISTRATOR
FROM: FRANK K. DUFFY, JR., TOWN COUNSEL *FKD*
SUBJECT: CONFLICT OF INTEREST LAW
DATE: 9/18/2002
CC:

Section 20 of Chapter 268A prohibits a municipal employee from having a direct or indirect financial interest in a contract made by a municipal agency. This section is intended to prevent municipal employees from using their positions to obtain contractual benefits from the city or town and to avoid any public perception that municipal employees have an "inside track" on such opportunities. In Section 20 the term "contract" refers not only to a formal, written document setting forth the terms of two or more parties' agreement, but also has a much more general sense. Basically, any type of agreement or arrangement between two or more parties of the promises made by the other (s) constitutes a contract. The word thus includes employment arrangements, contracts for the sale of goods, contracts to provide services, grants awarded by the city or town to individuals or corporations, contracts between a municipal agency and a state agency, construction contracts, consulting contracts, etc.

The fact that a spouse of a municipal employee has a financial interest in a municipal contract does not automatically place the municipal employee in violation of Section 20 since the spouse's financial interest is not necessarily attributed to the state employee. However, a municipal employee will not avoid the Section 20 prohibition merely by having the contract "technically" in a spouse's name.

After setting out the flat prohibition, Section 20 goes on to list a number of exceptions. Some of these exceptions turn on the relationship between the agency the municipal employee regularly works for and the contracting agency. Others turn on whether the employee qualifies as a "special municipal employee." As a general proposition, there will be very few instances when an employee will be able to contract with his own agency. However, there will be instances where an employee will be able to contract with other agencies as long as certain conditions (discussed below) are met.

a) The most far-reaching exception is that found in Section 20(b). It states that a municipal employee may have a financial interest in contracts made by a municipal agency if 1) he or she is not employed by and does not participate in or have official responsibility for any of the activities of the contracting agency or an agency which regulates the activities of the contracting agency; 2) the contract is made after public notice or competitive bidding;

and 3) the municipal employee files with the clerk of the city or town a disclosure of his or her financial interest and those of immediate family members in the contract. If the contract is for personal services;

- the services must be provided outside normal working hours;
- they may not be required as part of his or her regular duties;
- the municipal employee may not be compensated for those services for more than 500 hours in a calendar year;
- the head of the contracting agency must file a written certification with the clerk of the city or town that no employee of the agency is available to perform those services as a part of his or her regular duties; and
- the city council, board of selectmen or board of aldermen must approve the exemption of the interest from this section.

Please note that this contract must be awarded after public notice or competitive bidding. Any contract awarded without this procedure is a violation of the conflict of interest law. So if the Uniform Procurement Act exempts the contract from public bidding and allows the awarding authority to award the contract on telephone solicitation, the contract cannot be awarded to a municipal employee unless public notice is served or there is competitive bidding.

b) Section 20 does not apply to a special municipal employee in the following circumstances:

(1) the special municipal employee does not participate in or have official responsibility for any of the activities of the contracting agency, and has filed with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract;

or

(2) the special municipal employee has filed with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract and the city council, board of selectmen or board of aldermen has approved the exemption of his interest from this section.

For example, under (b) above, a member of a town board such as the board of appeals or school committee and who is a special municipal employee could have a contract with another department if he/she has filed with the town clerk a disclosure required by law.

Chapter C. FALMOUTH HOME RULE CHARTER

Article VII. Appointed Town Boards

§ C7-1. Publicizing of vacancies on town boards.

[Amended ATE 5-21-2013]

- A. Except as otherwise specifically provided, the Board of Selectmen shall be the appointing authority for all governmental bodies. Prior to making appointments to governmental bodies, the board shall publicize all vacancies to be filled together with information on the filing of applications by prospective members, and the deadline for receiving applications. The board shall also require all chairs of governmental bodies to file with the Town Clerk a description of the duties and responsibilities of the governmental body and the members thereof. The board shall further consult with the governmental body to which appointments are to be made to obtain the names of prospective candidates for appointment. The board shall interview all applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed.
- B. In cases where the Moderator is the appointing authority to a governmental body, the Moderator shall follow a procedure similar to the procedure set forth in paragraph A above: provided, however, the Moderator may delegate the function to a duly appointed nominating committee, which shall follow a similar procedure.

§ C7-2. General provisions.

- A. Governmental bodies established in this article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of Town Meeting.

[Amended ATE 5-21-2013]

- B. All governmental bodies of the town shall organize annually; elect necessary officers; adopt rules of procedure and voting, including the development of agendas; maintain minutes of meetings and records of attendance, copies of which shall be public record and shall be regularly filed with the Town Clerk. It is the responsibility of each chairperson to file a current description of the duties and responsibilities of the governmental body and its members with the Town Clerk. Governmental bodies may nominate prospective employee(s) of their choice, who shall then be considered for appointment by the Town Manager. All such employees shall be under the day-to-day supervision of the Town Manager.

[Amended ATM 4-5-2006, Art. 46; ATE 5-21-2013]

- C. All governmental bodies shall submit a written report to or meet with the Board of Selectmen at least once in each year.

[Amended ATE 5-21-2013]

- D. All such boards shall conduct their meetings in accordance with the Open Meeting Law.
- E. During the term for which a member is appointed to a multimember body and for one (1) year following expiration of such term, no member of any appointed board shall be eligible to accept any paid position under any such board.
- F. Any person duly appointed to any such board shall take up the duties of office immediately.
- G. The unexcused absence, without good cause, of a member from one-half (1/2) of the total number of meetings during any twelve-month period or from four (4) or more consecutive meetings of any such board shall serve to vacate the office. When such a vacancy has been created, it shall be filled within thirty (30) days or in accordance with General Law.
- H. No member of a governmental body shall serve more than three (3) consecutive three year terms, except that members of governmental bodies who serve five (5) year terms shall serve for no more than two (2) consecutive five year terms: provided, however, that the appointment of a member to fill an unexpired term of another member shall not be counted in determining this term limitation.

[Amended ATE 5-18-2010, Question 4; ATE 5-21-2013]

§ C7-3. Change in composition of appointed boards.

The Representative Town Meeting may, by bylaw, enlarge or decrease the number of persons to serve as members of appointed town multimember bodies; provided, however, that all such bodies shall always consist of an odd number of members.

§ C7-4. Appointive authority; term.

Except as otherwise provided, the boards established in this article shall be appointed by the Board of Selectmen for overlapping three-year terms.

§ C7-5. Board of Assessors.

A Board of Assessors of three (3) members shall be appointed.

§ C7-6. Conservation Commission.

A Conservation Commission of seven (7) members shall be appointed.

§ C7-7. Board of Health.

A Board of Health of five (5) members shall be appointed.

§ C7-8. Council on Aging.

[Amended ATM 4-7-2008, Art. 47, approved 5-20-2008]

A Council on Aging of nine (9) or more members shall be appointed.

§ C7-9. Historical Commission.

[Amended AFTM 11-18-2002, Art. 36; AFTM 11-9-2009, Art. 32, approved 5-23-2010]

A Historical Commission of five (5) members shall be appointed.

§ C7-10. Recreation Committee.

A. A Recreation Committee of seven (7) members shall be appointed.

- B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding comprehensive year-round, indoor-outdoor recreation policies and programs. Such policies and programs shall be designed to meet the recreational needs of children, youth, adults and the elderly.

§ C7-11. Waterways Committee.

A Waterways Committee of seven (7) members shall be appointed. Six (6) members shall be appointed by the Board of Selectmen, one (1) member shall be appointed by the Board of Health. The Harbormaster shall serve as a non-voting ex-officio member.

§ C7-12. Beach Committee.

- A. A Beach Committee of five (5) members shall be appointed.
B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding the use and maintenance of all public town beaches.

§ C7-13. Human Services Committee.

- A. A Human Services Committee of nine (9) members shall be appointed.
B. The Committee shall be responsible for recommending policies to the Board of Selectmen relating to human services provided by the town.

§ C7-14. Zoning Board of Appeals.

[Amended AFTM 11-13-2008, Art. 8, approved 2-11-2008]

A Zoning Board of Appeals of five (5) members and two (2) associate members shall be appointed.

§ C7-15. Historical District Commission.

A Historical District Commission shall be appointed as now provided by the provisions of the applicable special act.