



Town of Westford
Tax Possession Sale Committee
Rules Of Procedure

Section 1: Introduction

The Tax Possession Sale Committee, hereinafter referred to as "The Committee" consists of Three (3) members, each of whom is appointed for a three (3) year term on a staggered basis. The Committee, which is not paid, is supported by a full time staff located in the Town Hall, 55 Main Street, Westford. The office is open to the public Monday through Friday, except holidays, from 8:00 a.m. to 4:00 p.m.

Section 2: Purpose and Intent

These Rules of Procedure shall govern the operation of meetings and business before the Committee in carrying out its duties and responsibilities as assigned to it by the General Town Bylaws and the General Laws of the Commonwealth of Massachusetts.

The Committee Rules of Procedure is intended: to provide a source of ready reference to interested citizens; to assure the orderly conduct of business at the meetings of the Committee; to provide the most efficient use of the Committee and staff's time; to facilitate decision making process of the Committee;, and to assure everyone's right to participate and be heard.

Should any provisions contained in this document conflict with the Provisions of Chapter 60 of General Laws or Chapter 39, Sections 23A, 23B, and 23C, of the General Laws as amended (commonly referred to as the Open Meeting Law), or to Chapter 41, Sections 81 - 66 or to 40A as amended, those aforesaid chapters shall govern.

Recognizing that stewardship of the public interest must be their primary concern, Committee members will work for the common good of the residents of Westford and not for any private or personal interest, and they will assure fair and equal treatment of all persons and transactions coming before the Committee.

Section 3: Services Provided by the Committee

1) Responsibilities Delegated to the Committee by Town By-law

- 1) The Committee shall have the care, custody and control of all land acquired by the Town under the provisions of Massachusetts General Laws chapter 60, as the same may be amended from time to time, and may sell and convey such land at public or private sale on such terms and conditions as said Committee shall determine. (**§ 48.5. Responsibilities.** [Amended 5-11-02 ATM Art. 30])

Section 4: Organization

1) Election of Officers and Appointment to Committees

- i) The Committee at its first regular meeting after town election shall elect or re-elect by majority vote of the members present a Chairman for the succeeding year.
- ii) A Committee member may serve as Chair for two (2) consecutive years, after which she/he shall not be eligible to be nominated for the same position until one year has passed. However, a majority vote of the Committee can waive this provision.
- iii) At its first regular meeting after the resignation of the Chairman, the Committee shall elect a member to fill the vacancy. The Committee, by a majority vote, may declare the position of Chairman vacant. Such vacancy shall be filled in the manner provided for filling vacancies caused by resignations from that position.
- iv) If a sub-committee is required, a committee member shall be appointed by the chair to serve as chair of the sub-committee.

2) Chair: Duties and Powers

- i) The Chair shall preside at meetings, coordinate development of agenda, call special meetings and represent the Committee in all matters unless other specific provision is established through a majority vote of the full Committee. In addition to responsibilities identified elsewhere in this document, the Chairman shall make oral or written statements and agreements on behalf of the Committee, as authorized by and within the limits of a vote, decision, or policy of the Committee.
- ii) The Chair shall have the power to appoint Committee members to standing and special committees. The Chair may vote on all matters coming before the Committee and may participate in debate.
- iii) Working through appropriate staff, the Chairman shall be responsible for: the preparation of all reports and correspondence; ensuring that minutes of each meeting are taken and prepared; receipt of all monies and securities deposited with the Committee and its subsequent deposit with the Town Treasurer.

3) Staff Support

- i) The Assistant Town Manager – Director of Land Use Management will designate the appropriate staff member to support the Committee.

Section 5: Meetings

1) Regular Committee Meetings

- i) Regular meetings of the Committee shall be held at a designated hearing room on a Thursday of each month, excluding legal holidays, except as otherwise voted

by the Committee. All meeting dates, times, and locations shall be posted in advance in accordance with the provisions of the Open Meeting Laws.

- ii) Committee Members shall come to a meeting prepared to make informed decisions on matters before the Committee. In order to assist members, staff will make the office and records available. Staff shall distribute an agenda to each member of the Committee, together with appropriate explanatory notes and copies of correspondence and/or other material relevant to the agenda on the Friday preceding the meeting, if available.
- iii) Committee members shall listen attentively to all public discussions before the Committee and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the Committee or otherwise interfering with the orderly conduct of the meetings.
- iv) Committee members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
- v) Regular Meetings shall be limited to approximately two (2) hours. It shall be the responsibility of the presiding officer to conduct each meeting and allot time for the various agenda items with a view toward conducting the business of the Committee within a two (2) hour time limit.

2) Public Participation During Meetings

- i) In accordance with the Open Meeting Laws, all Committee meetings shall be open to the public unless the Committee shall vote to go into executive session.
- ii) No individual shall address a meeting of the Committee without leave of the Chairman and all individuals shall, conduct themselves in a civil manner. If, after warning from the Chairman, an individual persists in disorderly behavior, the Chairman may order him/her to withdraw from the meeting, and, if they do not withdraw, the Chairman may order a constable, or any other person, to remove him/her and confine him/her in some convenient place until the meeting is adjourned. (MGL Chapter 39, Section 23-B).

3) Agenda

- i) An agenda for each regular meeting shall be drawn up by the appropriate staff in consultation with the Chairman. Any Committee member may request (how?) that an item be placed on the agenda for consideration. Citizens wishing to meet with the Committee should first confer with the appropriate staff as outlined under "Appointments with the Committee" below.
- ii) The appropriate staff shall provide the Committee with a summary of available, relevant information on each subject to be discussed.
- iii) The agenda shall be delivered to each member not later than the Friday preceding the regular Thursday meeting. It shall indicate the subjects to be discussed and the parties interested. The Chairman may deviate from the agenda with the concurrence of a majority of the Committee members, the Chair included, in attendance.

4) Appointments with the Committee.

- i) Citizens wishing to meet with the full Committee at a regular scheduled meeting may do so. However, it is the policy of the Committee that the appropriate staff shall request sufficient information and work with citizens and interested groups when possible to obviate the necessity for a personal meeting with the Committee. If a meeting is deemed necessary by the appropriate staff in consultation with the Chair, the following procedure (ii) shall be applicable:
- ii) Persons requesting such a meeting shall contact the appropriate staff during regular office hours as far in advance as possible but not later than the Wednesday noon prior to the regularly scheduled Committee meeting which they wish to attend. Requests received after that time shall be scheduled for subsequent meetings unless referral of such meeting is not in the best interests of the Town.
- iii) Persons appearing at the Committee Meeting without an appointment who wish to bring a matter before the Committee may be given time, at the discretion of the Committee.
- iv) The appropriate staff shall have the authority and responsibility to obtain such information as he deems necessary to provide the Committee with an understanding of the subject to be discussed

5) Quorum At Regular Committee Meetings

- i) A majority of the authorized membership of the Committee will constitute a quorum and must be present to conduct a meeting.

6) Votes of the Committee

The Committee shall make its decisions on all matters within its statutory responsibilities by the quorum's majority vote of seconded motions. The Committee may choose to decide upon other matters in a less formal manner.

7) Deadline For Submitting Material For Committee Meetings

- i) Except for emergencies or compliance with legal requirements, the agenda for each regular meeting of the Committee will be closed at 3:00 p.m. on Monday preceding such meeting.

Section 6: Citizen Involvement

- i) In addition to setting aside an adequate amount of time at each regular meeting under the "Open Forum" provision, the Chairman shall recognize members of the audience during regular and special meetings at his/her discretion and time permitting.
- ii) Periodic press releases and informational memoranda on Committee projects and activities shall be made available to the local press and for general distribution.

- iii) The Committee receives email correspondence through the Town's website.

Section 7: Public Records

1) Minutes and Agenda.

- i) The Committee Regular Meeting, Public Hearing and Special Meeting Minutes and Agendas are kept in the appropriate staff members Department, Town Clerk's office, J.V. Fletcher Library, and are located on the Town's official web-site (www.westfordma.gov).

2) Memoranda.

- i) Memoranda sent to the Committee from the staff are kept in the town offices. These memoranda are not considered a public record prior to discussion of the material contained therein at a Regular Committee Meeting. After discussion by the Committee, the memoranda becomes a public record unless the material is withheld for further consideration or revision.

3) Electronic Records, Electronic Mail (Email).

- i) Use of Electronic Records must comply with the Westford Technology Acceptable Use Policy.
- ii) All emails sent and received by committee members and Town staff shall be sent through the Town's official email system. Town staff shall ensure that all members are provided official email accounts upon appointment to the Committee.

(1) Email use by committee members should follow the Town's Electronic Mail Policy.

(2) If a member receives an email in a personal email system it must be forwarded to the official town email system before a reply or other action is made regarding the original email message.

(3) It is recommended that executive session material not be discussed using email. If an email contains executive session material this should be noted in the SUBJECT or in the first line of the message.

4) Public Access.

- i) The Public Records of the Committee are available for inspection during regular business hours.
- ii) The Town is authorized to charge persons wishing to have copies of records an amount not to exceed the actual cost of the copy.
- iii) The Town is authorized to charge persons requesting public records, or copies thereof, the cost of staff time in excess of 20 minutes at a rate of time at half hourly salary. Such monies shall be turned over to the Town Treasurer.

5) Inventory of Available Surplus Tax Possession Properties.

- i) The inventory of tax possession properties shall be made available to the public.

Section 8: Real Property Dispositions

1) Inventory of Surplus Tax Possession Properties

- i) The Committee shall maintain a current inventory of surplus town property. This inventory shall be created and updated by appropriate staff.
- ii) The staff shall use a Geographic Information Systems (GIS) database if available to maintain the inventory.

2) Notification

- i) Notifications will be posted on the Town's official website 14 days prior to the commencement of negotiations for sale of a tax possession property. Abutters will be notified 14 days prior to an announcement of public auction or request for proposals to dispose of tax possession property

3) Advertising

- i) Public notices for disposition of surplus tax possession properties will be given according to laws of procurement specified in chapter 30 b (Complete reference?).

4) Disposition Methods

- i) Committee shall determine the most appropriate way to dispose of surplus properties. A request for proposals (RFP), public auction, or private sale shall be used as methods of disposition.

Section 9: Conflict of Interest

- i) Committee members are governed by statutory laws and shall conduct themselves in accordance with Conflict of Interest and Ethics Laws and Guidelines when dealing with the Committee, applicants, and other Town Committees.

Section 10: Interface with other Town Committees

- i) It is the policy of the Committee to inform other Town agencies of Committee projects. This shall be done by exchange of minutes and informational memoranda; and by participation at periodic Interdepartmental Meetings.

Section 11: Independence of Committee

- i) Because of the value of independent advice of the Committee to the public decision-making process, members of the Committee shall refrain from using their position to unduly influence the deliberations or outcomes of the Committee proceedings.

Section 14: Positive Work Environment

- i) Members shall support the maintenance of a positive and constructive work place environment for Town Staff and for residents and applicants dealing with the Committee. Members shall recognize their special role in dealings with Town Staff to in no way create the perception of inappropriate direction to staff. Except as provided by the Town Charter, members therefore shall not interfere with the professional duties of staff nor shall they impair the ability of staff to implement Committee policy decisions.

Section 15: Use of Public Resources

- i) Committee Members shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private or personal purposes.

Section 16: Adoption and Amendment

- i) These Rules of Procedure may be adopted and subsequently amended at any regular meeting by a majority vote of the Committee, provided that any original proposal or amendment shall have been proposed at a regular meeting immediately preceding that during which a vote is taken, and further provided that all members are mailed copies of the proposal in the interim.
- ii) Notwithstanding item (i) above, an emergency amendment may be made at any meeting with the unanimous consent of the full Committee, and without necessity of carrying the matter over between two consecutive regular meetings, unless the amendment is brought up at that meeting and approved by a majority of those members present. Any modification of the emergency provision requires that procedure (i) above be followed.
- iii) These rules shall be reviewed at the organizational meeting each year.

Section 17: Regulatory History

- i) Adopted 12/18/2008
- ii) Revised _____

Date: January 22, 2009

Kate Paquin
Ernest H. Hyde
D. N. Wright

**The Tax Possession Sale Committee
Town of Westford**