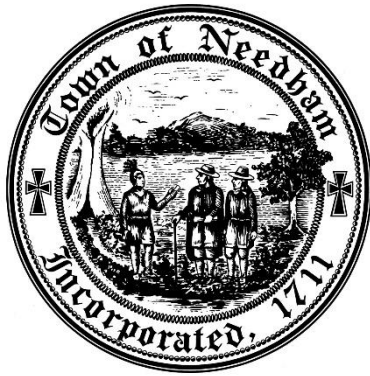




Town of Needham

Planning Board Code of Conduct

Adopted: August 27 , 2024

In its role as a planning body for the Town of Needham, the Planning Board establishes the following Code of Conduct. This self-enforcing set of guidelines is designed to supplement all relevant state laws and regulations governing conduct of public bodies and elected officials, to include (but not limited to) the Open Meeting Law ([G.L. c.30A, §§18-25](#)), the Public Records Law ([G.L. c.66](#)), the Campaign Finance Law ([G.L. c.55](#)), and the Conflict of Interest Law ([G.L. c.268A](#)). Members are expected to familiarize themselves with and adhere to both the above listed laws and other relevant statutes. The purpose of this Code of Conduct is to set forth the Board's expectations of member conduct and responsibilities, as well as to maintain public trust in the Planning Board and Town government.

1. General

1.1 Planning Board members will act honestly, conscientiously, reasonably, and in good faith at all times having regard to their responsibilities, the interests of the Town, and the welfare of its residents.

1.2 Planning Board members will conduct themselves in a manner that cultivates an environment of dignity and mutual respect, in which every person feels welcomed, safe, and valued.

1.3 All members of the Planning Board will fully comply with all applicable Town personnel policies, to include (but not limited to) Policies #202 ([Sexual Harassment](#)), #205 ([Harassment of Individuals in Protected Classes](#)), and #426 ([Workplace Violence Policy](#)).

2. Preparation for Meetings

2.1 All members of the Planning Board will arrive for meetings having prepared themselves for discussion on any and all items scheduled to be discussed on the agenda.

2.2 Pursuant to the Open Meeting Law, members will limit discussion of agenda items and matters within the Planning Board's jurisdiction outside of posted public meetings. This includes, for example, refraining from discussion of agenda topics and matters within the Planning Board's jurisdiction with more than one other member outside of a public

meeting. This includes discourse and deliberation on such topics in person, via email, using messaging tools, or posting on social media.

2.3 In preparation for public meetings, members will refrain from taking public stances on pending agenda items and are encouraged to enter each meeting open-minded, ready to hear new information.

2.4 Members will notify the Chair and Office of the Planning Board as soon as possible if they anticipate being late and/or if they are unable to attend a scheduled meeting or require remote participation, if permitted by Member Remote Participation in Public Meetings Policy ([SB-ADMIN-008](#)), Office of the Attorney General regulations governing remote participation in public meetings ([940 CMR 29.10](#)), the Open Meeting Law ([G.L. c.30A, §§18-25](#)), and any other applicable regulation or law governing remote participation.

3. Conduct at Meetings

3.1 The Planning Board seeks to be a deliberative body in which various opinions may be shared in an environment of dignity and respect. The Board understands that there is space for disagreement amongst its members, but that dissent and debate will take place in a civil manner with a focus on policy over personality. No member shall disparage or impugn another member during a meeting.

3.2 Board members will refrain from comments on the individual personality or character of a fellow Board member, other Town elected or appointed official, and Town staff.

3.3. Board members will refrain from disparaging and impugning petitioners, their representatives and the public whether in a hearing or otherwise. Board members will refrain from comments on the individual personality or character of petitioners, their representatives and the members of the public whether during a hearing or otherwise and shall treat petitioners, their representatives and the public respectfully.

3.4 Board members shall refrain from raising their voice at other members, petitioners, their representatives and members of the public at all times.

3.5 Board members shall respect the Chair by waiting to be recognized to speak by the Chair and by not talking over the Chair or each other, whether the Chair uses the gavel to call for order or otherwise.

3.6 In the event a Board member violates such conduct, the Chair may, on their own motion or at the request of another member, recess the meeting for a period of 5 (five)

minutes to establish proper order and to remind such member(s) of this element of the Board's Code of Conduct.

3.7 Members will not use messaging apps or other media to communicate with each other, a petitioner or its representatives, or the public, in private during Planning Board meetings.

3.8 In accordance with the purpose of [G.L. c.30A, §22\(f\)](#), following all Executive Sessions, members will keep the contents of discussions privileged and confidential unless and until the minutes of said session are released to the public.

3.9 Further, in accordance with [G.L. c.268A, §23\(c\)\(1\) and \(2\)](#), members will refrain from disclosing confidential information gained by reason of their official position or duties.

3.10 In the case of an invited participant or member of the public being, in the Chair's opinion, disrespectful, demeaning, inappropriate, or otherwise in violation of community standards, the Chair may, in the Chair's discretion, gavel order, invite the speaker to refrain from such demeaning or otherwise inappropriate conduct or language, enforce the speaker's time limit and temporarily recess the meeting. .

3.11 The Board affirms that its members will act in good faith to share all relevant information they may have to contribute to a discussion and will disclose to other members and the public any conflicts of interest, either actual or perceived, in matters before the Board.

3.12 In response to a self-identified determined or perceived conflict of interest by a Board member, it is incumbent upon said Board member to seek advice from the State Ethics Commission and/or Town Counsel before participating in the particular matter. Further, a Board member is always welcome to obtain a written opinion from the State Ethics Commission and/or Town Counsel before participating in a matter when they believe a written opinion would be beneficial to their potential participation in the matter.

3.13 Should a Board member believe a colleague may be in jeopardy of violating State Ethics Law, they should inform that member before the Board discusses the agenda item in question as both a courtesy and opportunity for education.

3.14 Should a Board member believe that a colleague has violated this Code of Conduct, they may request that the Chair place an item on a Planning Board agenda so that the Board may discuss the member's concern and take any actions deemed necessary.

4. Conduct Outside of Meetings

4.1 No member shall disparage or impugn another member in public, online or on social media platforms and shall refrain from casting aspersions and promoting unfounded claims of misconduct, conflict of interest or corruption against another member.

4.2 Members of the Planning Board are always permitted to voice their opinions on issues at hand in their capacity as a private citizen or candidate for office. In these capacities, members may participate in partisan political events, take positions on candidates for office or ballot measure, and other related actions, but must exercise care to ensure that they are speaking on behalf of themselves in their private capacity, and not as a member or representative of the Planning Board. Members are encouraged to seek advice from Town Counsel or the State Ethics Commission if they have questions.

4.3 When acting in their capacity as members of the Planning Board, members should speak on behalf of the Board's decisions and actions, even when their personal position was not in the majority opinion. If a member is attending an event as a private citizen, members of the public still may address them in their official capacity – in this circumstance, members should take care to represent the Board in their official capacity.

4.4 At times, the Planning Board may be asked to attend community events. The Planning Board Chair will designate a member (or members) to attend. Some of these events may involve a cost to the attending member(s). In other cases, members may attend events for which they are offered free admission to events in exchange for providing a service (e.g. moderating a panel or acting as master of ceremonies). Without limiting the foregoing expectations, members should consult Town Counsel or the State Ethics Commission before accepting payment for, or waiver of, fees for admission to an event from outside persons or organizations.

4.5 When the Board as a body is asked questions by the public (through email, mail, or other means), the Chair may place the question on an agenda of a Board meeting or ask the Director of Planning and Community Development to respond.

5. Policymaking versus Administration of Policy

5.1 The Planning Board is a policymaking body. The Director of Planning and Community Development oversees administration of the Planning and Community Development department. Members will generally direct questions or concerns relative to department administration and operations to the Director of Planning and Community Development.

6. Use of Town Counsel

6.1 Members of the Planning Board will engage with Town Counsel to resolve any questions they may have relating to potential or perceived conflicts of interest, and regarding rules and requirements of the Board as a public body subject to relevant state law.

7. Public Records

7.1 Members will archive and provide upon request any documents, texts, emails, or other communications contained or stored by the member on their premises, private devices, or private accounts that constitute public records in accordance with relevant law and regulation, to include (but not limited to) the Public Records Law ([G.L. c.66](#)); Statutes ([G.L. c.4](#)); and Office of the Secretary of the Commonwealth regulations governing public records access ([950 CMR 32](#)) .

7.2 Members shall not delete such documents, texts, emails, or other communications, whether stored on Town-issued or private email systems or devices, unless it is in accordance with the [Municipal Records Retention Schedule](#).

8. Trainings and Acknowledgements

8.1 All members are required to complete the initial and bi-annual Conflict of Interest Law education requirements as mandated by the State Ethics Commission. Members are encouraged to take advantage of the confidential phone advice provided by the State Ethics Commission (617-371-9500) and to periodically review "The Summary of the Conflict of Interest Law for Municipal Employees" and "The Municipal Officials Guide to Avoiding Conflicts of Interest" to be cognizant of any potential ethical issue.

8.2 All new members are required to complete the Certificate of Receipt of Open Meeting Law materials as required by the Office of the Attorney General.

AGREED TO BY:

Date: _____

Member, Needham Planning Board