

Town of Tyngsborough  
Office of the Select Board

**General Policy and Procedure Binder**



## Table of Contents

Advertisement of Annual Appointments Policy & Appointment Procedures	3
Affirmative Action/Contract Compliance Policy	5
Carry In Alcoholic Beverages Policy	7
Code of Conduct Policy- Elected and Appointed Officials	10
Code of Conduct Policy- Visitors	14
Fuel Efficient Vehicle Policy	15
Mailbox and Newspaper Delivery Box Right-of-Way / Installation Policy	17
Policy for Disposition of Surplus Goods Under \$10,000	20
Road Race Policy	21
Whistleblower Protection	25
Sponsorship Policy	26

Additional policies approved by the Select Board, available as separate documents include:

- Personnel Policy Binder
- Financial Policies and Procedures Binder

*Town of Tyngsborough*  
Advertisement of Annual Appointments Policy & Appointment  
Procedures

**SECTION 1: VACANCIES ON PERMANENT COMMITTEE**

(Those specified by State Law or in the Town By-laws)

**1.1:** Accept Resignation - Each resignation must be in writing and must specify an effective date or it will be assumed to take effect immediately. Copies of resignation letters will be forward to the Town Clerk.

**1.2:** Solicit Candidates - Each vacancy will then be advertised on the Town Website, Cable Access TV, Social Media, and the Town Clerk’s Office. The advertisement will be shown at least two weeks (except in an emergency) prior to appointment. The notice will include a brief description of responsibilities and a closing date for receiving applications. Selectmen, members of the current Board, and other groups should be encouraged to actively seek applicants and publicize the vacancy.

**1.3:** Submit Application - Each interested candidates shall send a letter or resume outlining background and interest and submit it to the Selectmen's Office by the deadline date. A copy will be sent to the applicable board, committee, or commission with an invitation to comment.

**1.4:** Appointment - The Town Manager may make a recommendation and the Selectmen should vote on the appointment without undue delay. Each Selectmen will cast one vote for each vacancy, and the other of voting will be continuously rotated.

**1.5:** Follow-up - All candidates should be promptly informed of the appointment decision, with the appointee notified of procedures for being sworn in and the time and place of the committee's next meeting. Unsuccessful candidates may be encouraged to reapply for subsequent vacancies, with applications kept on file. The Town Clerk and the Board of Committee should be promptly informed of the appointment.

**SECTION 2: ANNUAL APPOINTMENTS**

**2.1:** Each year the Select Board shall advertise on the Town Website, Cable Access TV, Social Media, and at the Town Clerk’s Office all positions available for appointment. All town Departments and committees shall be sent a copy of the advertisement.

**2.2:** All qualified candidates, including incumbents, may be interview by the Selectmen before an appointment is made.

**2.3:** Incumbents shall submit an application if they desire reappointment. Adopted - November 3, 1997

**SECTION 3: TEMPORARY, ADVISORY, OR AD HOC COMMITTEES**

The Selectmen may follow less formal procedures in making appointments to temporary, advisory, or ad hoc committees. A flexible number of members may be established, and the

Board may decide to appoint a late applicant. The Board may also decide not to advertise a vacancy if the committee has sufficient members or if there is a replacement readily available.

**SECTION 4: DETAIL INFORMATION**

**4.1:** Any appointment placed on the Selectmen's Agenda will be accompanied by a note indicating the number of committee vacancies and expiration date of the terms of office and response of the board or agency if available.

**4.2:** No appointment will be placed on the agenda unless it is accompanied by a letter of interest, and/or a resume (or brief letter providing the new candidates qualification).

**4.3:** Any recommendations received from Boards or Committees shall be included with the agenda materials.

**4.4:** The Town Manager is responsible for ensuring the proper execution of this policy.

<b>Advertisement of Annual Appointments Policy/Appointment Procedures</b>	
Draft Review Date	
Approval Date by Vote of Select Board	November 3, 1997
Revision Dates	

*Town of Tyngsborough*  
Affirmative Action/Contract Compliance Policy

**SECTION 1: GENERAL**

**1.1:** It is the policy of the government of the United States of America, the Commonwealth of Massachusetts and the Town of Tyngsborough that no person shall be discriminated against in any manner whatsoever on the grounds of race, gender, color, gender identity, pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, or military background.

**1.2:** It is policy of the government of the United States that Minority/Women Business Enterprises shall have the maximum practicable opportunity to participate in Federally assisted projects.

**1.3:** It is the policy of the government of the United States that no person shall, on the grounds of race, gender, color, gender identity, pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, or military background, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal, State or Town assistance.

**1.4:** The Governor of the Commonwealth of Massachusetts has issued Executive Order No. 227 amending and revising Executive Order No. 74 as amended by Executive Orders No. 116 and 117 setting for the Commonwealth's non-discrimination and equal opportunity policy for the Commonwealth of Massachusetts pertaining not only to State Government but to all agencies receiving financial assistance from the Commonwealth.

**1.5:** The Town of Tyngsborough recognizes that the objectives set forth in this Minority/Women Business Enterprise (MBE/WBE) Plan will be for the purpose of securing certified MBE/WBE Business Enterprises for Federal, State, or Town-funded construction, consultant, and vendor service purchasing.

**1.6:** The Town of Tyngsborough strongly affirms that it will not discriminate in any contractual procedures against any persons because of race, gender, color, gender identity, pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, or military background, or any other condition that is not a bone fide qualification. This policy shall be administered at all levels with a positive, aggressive and supportive attitude.

**1.7:** The Chief Procurement Officer shall be responsible for the development, implementation and monitoring of all activities necessary to ensure all aspects of this MBE/WBE Business Enterprise Program are initiated to its fullest extent.

**1.8:** The Chief Procurement Officer shall establish reporting procedures, monitoring the program and providing technical assistance to the MBE/WBE's and contractors to ensure the accomplishment of program goals and contract compliance.

**1.9:** By Virtue of the delegation of this responsibility and authority to direct the program, the Chief Procurement Officer, if the role is filled by someone other than the Town Manager, will report directly to the Town Manager on all equal opportunity matters.

**1.10:** The program requires that all Town Departments participate and cooperate with this policy. Failure to follow this policy and its regulations will result in disciplinary action to be administered by the appropriate supervising authority.

**1.11:** It is hereby agreed, that the following Minority/Women Business Enterprise Program be instituted for and in behalf of the Town of Tyngsborough.

<b>Affirmative Action/Contract Compliance Policy</b>	
Draft Review Date	
Approval Date by Vote of Select Board	November 3, 1997
Revision Dates	

*Town of Tyngsborough*  
Carry In Alcoholic Beverages Policy

It shall be the policy of the Town of Tyngsborough, to prohibit a patron, customer, or other person from bringing onto the premises for the consumption and/or to consume any alcoholic beverage, beer, wine, or malt beverages on any premise operating with a Common Victualler's License unless said establishment is licensed pursuant to Massachusetts General Law (M.G.L.) c. 138, this Policy, or any other legal authority from bringing alcoholic beverage, beer, wine, or malt beverages onto the duly licensed premise for consumption, thereon. Additionally, the Town of Tyngsborough through its licensing authority, has determined to allow the possession and/or consumption of “Carry-in Alcoholic Beverages” by a person of lawful age at those commercial food establishments which have a common Victualler License and have been issued a “Carry-in Alcoholic Beverages” License by the Local Licensing Authority (“LLA”). The issuance of a “Carry-in Alcoholic Beverages” permit is permissive and at the sole discretion of the LLA. The “Carry-in Alcoholic Beverages” permit shall be issued for no more than one year and must be reapplied for annually at the time of renewal of the Common Victualler License. The hours during which the consumption of “Carry-in Alcoholic Beverages” is allowed shall be at the discretion of the BOS and shall be specified in the License. A “Carry-in Alcoholic Beverages” License shall be issued in the name of the manager at the establishment and shall not be transferred to a new manager of the establishment without the prior approval of the LLA.

**SECTION 1: DEFINITIONS**

**1.1:** Local Licensing Authority – Town of Tyngsborough, Select Board.

**1.2:** Carry-in Alcoholic Beverages – Beer and wine in previously unopened containers.

**SECTION 2: CARRY-IN ALCOHOLIC BEVERAGE REQUIREMENTS**

Any establishment which has been issued a Common Victualler License and which applies for a Carry-in Alcoholic Beverages Permit allowing the consumption of Carry-in Alcoholic Beverages on premises must comply with all of the following regulations unless otherwise waived in writing by the LLA.

**2.1:** The establishment must have a Common Victualler License that has been in good standing for at least one year in conformance with the LLA licensing policy.

**2.2:** The Common Victualler must not have or be eligible for an alcoholic beverages license under the provisions of Massachusetts General Law (M.G.L.) c. 138.

**2.3:** Patrons are allowed to carry in Carry-in Alcoholic Beverages only for personal consumption at the Common Victualler. No more than one 750 milliliter (ml) container of wine for every one or two patrons over the age of 21, or two containers of beer containing up to 24 ounces of beer in total, per patron over the age of 21 will be permitted for consumption.

- 2.4:** It shall be the obligation of the management to ensure compliance with the consumption limits set forth in section 2.3 above.
- 2.5:** Patrons bringing in Carry-in Alcoholic Beverages must order and consume food on the premises.
- 2.6:** No Carry-in Alcoholic Beverages shall be consumed by any person under the age of 21, which would be in violation of M.G.L. c. 138, §34. It will be the responsibility of the on-site manager to ensure that this requirement is met.
- 2.7:** Carry-in Alcoholic Beverages shall not be consumed by intoxicated persons.
- 2.8:** The management or employee of the establishment which assists a patron with Carry-in Alcoholic Beverages must be over 18 years of age. No staff under the age of 18 shall be allowed to clear from the tables or premises containers from which Carry-in Alcoholic Beverages were poured or consumed.
- 2.9:** No Carry-in Alcoholic Beverages may be served or handled by employees. This includes opening, pouring, storing, refrigerating, or resealing. Employees may provide bottle openers and glassware.
- 2.10:** No Carry-in Alcoholic Beverages may be removed from the premises unless resealed, and the resealed container is placed in a transparent, sealable plastic wine bag as allowed under M.G.L. c. 138, §12.
- 2.11:** All Carry-in Alcoholic Beverages must be removed from the premises by the patron who carried them into the premises.
- 2.12:** The onsite shift manager shall have successfully completed an alcoholic beverage server-training program such as the Intervention Procedures by Servers of Alcohol Programs (“TIPS”) or an equivalent program approved by the LLA. Proof of said training must be submitted to the LLA.
- 2.13:** Nothing in these regulations shall preclude an establishment from imposing additional limits or restrictions on patrons with Carry-in Alcoholic Beverages.
- 2.14:** The establishment shall complete the Carry-in Alcoholic Beverages License application and if the License is issued, it must be visibly displayed at the establishment.
- 2.15:** The Applicant shall complete a Criminal Offenders Record Information (“CORI”) authorization form and said report shall be provided to the LLA or its authorized agent. In the event the LLA determines that the information found in the CORI review would render the Applicant unsuitable for a Carry-In License as holding same would have a detrimental impact on the health, safety or welfare of the citizens of Tyngsborough, then this shall be a reason for denial of said License.

### **SECTION 3: ENFORCEMENT**

- 3.1:** These regulations may be monitored, with and without notice, by agents of the LLA and the Town of Tyngsborough, Police Department.

**3.2:** If the establishment is not operated in a manner that is consistent with these regulations, the LLA may, after written notice to the Carry-in Alcoholic Beverages Permit holder and reasonable opportunity for a hearing, suspend or revoke the Carry-in Alcoholic Beverages License.

**SECTION 4: LICENSE APPLICATION PROCEDURES**

**4.1:** The Applicant shall complete a Town of Tyngsborough Carry-in Alcoholic Beverages Permit application form.

**4.2:** The LLA shall conduct a public hearing on the Application, after advertising the hearing in a local newspaper and notifying by certified mail the direct abutters at least 10 days prior to the public hearing. Renewal of a Carry-in Alcoholic Beverages Permit shall not require a public hearing.

**4.3:** A copy of the Application shall be forwarded to the Town of Tyngsborough, Police Department for comment. The BOS may choose not to act without having first received comment from the Police Department.

**4.4:** The Applicant shall be responsible for the following fees and costs:

- a) All costs of advertising and mailing for public hearing notice purposes.
- b) In Initial License fee of \$50.00.
- c) A Renewal License fee of \$25.00.

**4.5:** Upon complete review of the material presented and all facts relevant to the Application, the LLA may in its sole discretion issue a License hereunder including any appropriate conditions applicable thereto.

**SECTION 5: TERM**

A Permit issued hereunder shall be valid for one year or until December 31<sup>st</sup> of the year issued, whichever is the first to occur.

<b>Carry In Alcoholic Beverages Policy</b>	
Draft Review Date	January 11, 2013
Approval Date by Vote of Select Board	
Revision Dates	

*Town of Tyngsborough*  
Code of Conduct Policy- Elected and Appointed Officials

**SECTION 1: PURPOSE**

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

**SECTION 2: APPLICABILITY**

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

**SECTION 3: CODE OF CONDUCT**

All Town elected and appointed officials are expected to 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.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Manager/Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

**3.1: Conduct Generally and in Relation to the Community**

- a) Be well informed concerning the local and state duties of a board/committee member.
- b) Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- c) Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- d) Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- e) Demonstrate respect for the public that you serve.
- f) Safeguard confidential information.

- g) Conduct yourself so as to maintain public confidence in our local government.
- h) Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- i) Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- j) Comply as fully as possible with all Town policies, including, without limitation, the following:
  - i. Anti-harassment and Anti-discrimination Policy
  - ii. Anti-fraud Policy
- k) Comply as fully as possible with all applicable laws, including, without limitation, the following:
  - i. The Open Meeting Law
  - ii. Procurement Laws
  - iii. The Ethics/Conflict of Interest Statute (G.L. c.268A).

**3.2: Conduct in Relation to other elected and appointed officials**

- a) Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- b) Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- c) Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
- d) Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- e) Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- f) Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- g) Make decisions only after all facts on a question have been presented and discussed.

**3.3: Conduct in Relation to the Town Manager**

- a) Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- b) Give the Town Manager full responsibility for discharging his or her disposition and/or solutions.
- c) Refrain from giving orders or directions to the Town Manager for action as an individual board/committee member.

- d) Refrain from providing information to the Town Manager that you would not be willing to share with other board/committee members.

### **3.4: Conduct in Relation to Town Staff**

- a) Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- b) Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Manager.
- c) Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Manager through private communication.
- d) Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

## **SECTION 4: DISTRIBUTION AND EDUCATION**

The Town Clerk shall provide a copy of this policy, the Town's Anti-Harassment and Anti-Discrimination policy and the Anti-fraud policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.

Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

## **SECTION 5: ENFORCEMENT**

In addition to any other remedies or enforcement options available under the law, each board/committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If any elected or appointed official is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy, the Town Manager shall refer the matter for investigation to the contact named in the Anti-harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Manager shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Manager. The Town Manager shall share the reported findings and recommendations with the elected official's board/ committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon request of the Town Manager or on its own to refer the matter to a disinterested outside firm or individual

qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Manager. The Town Manager shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

*Town of Tyngsborough*

## Code of Conduct Policy- Visitors

The Town of Tyngsborough strives to provide a workplace that is conducive to personal safety and security and is free from intimidation, threats or violent acts. The Town maintains a zero tolerance policy toward workplace violence, including the threat of violence by the general public and/or anyone who conducts business with the Town.

The Town will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance or that creates an intimidating, hostile or offensive work environment.

Following this Code of Conduct is required by all people doing business with Town employees. Violators who do not comply with this policy may be asked to leave the premises.

### **SECTION 1: EXPECTED CONDUCT**

**1.1:** Avoid causing disturbances or disruptions.

**1.2:** Show respect for others, building facilities and personal property of others.

**1.3:** Use common courtesy when interacting with others.

**1.4:** Do not engage in any lewd or offensive behavior.

**1.5:** Any form of violence is prohibited.

**1.6:** Smoking, drinking alcohol or appearing to be under the influence of any illegal substance is prohibited.

Repeated violations may result in permanent suspension of facility privileges.

<b>Code of Conduct Policy- Visitors</b>	
Draft Review Date	
Approval Date by Vote of Select Board	
Revision Dates	

*Town of Tyngsborough*  
Fuel Efficient Vehicle Policy

**SECTION 1: DEFINITIONS**

**1.1:** Combined city and highway MPG (EPA Combined fuel economy) – Combined Fuel Economy means the fuel economy from driving a combination of 43% city and 57% highway miles and is calculated as follows:

$$=1/((0.43/City\ MPG)+(0.57/Highway\ MPG))$$

**1.2:** Drive System – The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the drive field:

- AWD = All Wheel Drive: four-wheel drive automatically controlled by the vehicle powertrain system
- 4WD = 4-Wheel Drive: driver selectable four-wheel drive with 2-wheel drive option
- 2WD = 2-Wheel Drive

**1.3:** Heavy-duty truck – A vehicle with a manufacturer’s gross vehicle weight rating (GVWR) of more than 8,500 pounds.

**SECTION 2: POLICY STATEMENT**

In an effort to reduce the Town of Tyngsborough’s fuel consumption and energy costs over the next 10 years, the Select Board and School Committee hereby adopt a policy to purchase only fuel efficient vehicles to meet this goal.

**SECTION 3: PURPOSE**

To establish a requirement that the Town of Tyngsborough purchase only fuel efficient vehicles for municipal/school use whenever such vehicles are commercially available and practicable.

**SECTION 4: APPLICABILITY**

This policy applies to all divisions and departments of the Town of Tyngsborough.

**SECTION 5: GUIDELINES**

All departments / divisions shall purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.

The Town of Tyngsborough will maintain an annual vehicle inventory for ALL vehicles and a plan for replacing any non-exempt vehicles with vehicles that meet, at a minimum, the fuel efficiency ratings contained in the most recent guidance for Criteria 4 published by the MA Department of Energy Resources’ Green Communities Division.

This Green Communities’ Guidance for Criteria 4 must be checked for updates prior to ordering replacement vehicles.

## **SECTION 6: EXEMPTIONS**

### **6.1: Heavy-duty vehicles**

Examples include fire-trucks, ambulances, and some public works trucks that meet the definition of Heavy-duty vehicle.

**6.2:** Police cruisers, passenger vans and cargo vans are exempt from this criterion as fuel efficient models are not currently available. However, we commit to purchasing fuel efficient police cruisers, passenger vans and cargo vans when they become commercially available. Police and fire department administrative vehicles are NOT exempt and must meet fuel efficient requirements.

## **SECTION 7: INVENTORY**

See appendix A for list of non-exempt vehicles and attachment B for list of all vehicles.

## **SECTION 8: FUEL EFFICIENT VEHICLE REPLACEMENT PLAN**

The Town of Tyngsborough replaces all non-exempt vehicles with fuel efficient vehicles as defined above.

## **SECTION 9: QUESTIONS / ENFORCEMENT**

All other inquiries should be directed to the department/division responsible for fleet management and/or fleet procurement. This policy is enforced by the Select Board and School Committee and/or their designee(s).

<b>Fuel Efficient Vehicle Policy</b>	
Draft Review Date	
Approval Date by Vote of Select Board	School Committee: May 10, 2010 Select Board: March 22, 2010
Revision Dates	December 3, 2012

*Town of Tyngsborough Highway Department*  
Mailbox and Newspaper Delivery Box Right-of-Way / Installation  
Policy

No mailbox or newspaper delivery box (hereafter referred to as mailbox) will be allowed to exist on the Town of Tyngsborough's right-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system. A mailbox installation that does not conform to the provisions of this regulation is an unauthorized encroachment under MGL Chapter 86 Section 3.

The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established by the Town. Town standards for the location and construction of mailboxes are available from: Highway Department and Town Clerk.

A mailbox installation that conforms to the following criteria will be considered acceptable unless in the judgement of the Highway Superintendent the installation interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system.

**SECTION 1: LOCATION**

No mailbox will be permitted where access is otherwise prohibited by law or regulation. Mailboxes shall be located on the right-hand side of the roadway in the direction of the delivery route. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually between 3'6" and 4'0" above the roadway surface. The roadside face of the box shall be offset from the edge of the traveled way or top edge of curb a minimum distance of 6 to 12 inches, or the width of a gravel shoulder. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route. Where a mailbox is located at an intersecting road, it shall be located a minimum of 75 to 100 feet beyond the center of the intersecting road in the direction of the delivery route.

**SECTION 2: STRUCTURE**

Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper. No more than two mailboxes may be mounted on a support structure unless the support structure and mailbox arrangement has been shown to be safe by crash testing. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support. Mailbox supports shall not be set in concrete buckets unless the support design has been shown to be safe by crash tests when so installed. A single 4" x 4" or 4 ½ " diameter wooden post or a metal post with a strength no greater than a 2" diameter standard strength steel pipe and embedded no more than 24" into

the ground will be acceptable as a mailbox support. Mailbox support designs not described in this regulation will be acceptable if approved by the Highway Superintendent.

### **SECTION 3: SHOULDER AND PARKING AREA CONSTRUCTION**

It will be the responsibility of the postal patron to maintain the shoulder adequately to permit all-weather vehicular access to the mailbox.

### **SECTION 4: REMOVAL OF NONCONFORMING OR UNSAFE MAILBOXES**

Any mailbox that is found to violate the intent of this regulation shall be removed by the postal patron upon notification by the Town. At the discretion of the Town, based on an assessment of hazard to the public, the patron will be granted not less than 24 hours or more than 30 days to remove an unacceptable mailbox. After the specified removal period has expired, the Town at the postal patron's expense will remove the unacceptable mailbox.

### **SECTION 5: MAILBOX REPLACEMENT IF DAMAGED BY SNOW REMOVAL**

The Town does not replace mailboxes if box is damaged by snow being discharged by snowplow, if the plow does not come in contact with the mailbox or post. The Town does not replace plastic mailboxes. Plastic mailboxes in cold weather may become very brittle and are not suitable in our type of climate. The Town does not replace mailboxes that are in need of repair due to lack of maintenance or vandalism. The Town does not replace mailboxes if the front of the box extends past the curb line and is not at least 6 to 12 inches back from the curb line.

The Town will only replace mailboxes if the Town's plow came in contact with a well-maintained mailbox or post. Mailboxes to be fixed will be put on a list and repaired when the Highway Department is back on a regular schedule and all weather related priorities are completed. The Town does not replace mailboxes that have rotten posts or spike type supports. Mailboxes will only be replaced with standard steel mailboxes, not to exceed \$10.00.

Posts will only be replaced with pressure treated wooden posts, as shown below.

<b>Mailbox and Newspaper Delivery Box Right-of-Way / Installation Policy</b>	
Draft Review Date	
Approval Date by Vote of Select Board	
Revision Dates	

*Town of Tyngsborough*  
Policy for Disposition of Surplus Goods Under \$10,000

**SECTION 1: GENERAL**

In accordance with Massachusetts General Law Chapter 30B, the Town of Tyngsborough procedure to dispose of surplus supplies valued at less than \$10,000 shall be as follows:

**1.1: Posting Requirement**

A description of the item(s) shall be posted on the Town’s website and a newspaper of general circulation at least 7 days prior to the date of the sale/auction. The posting shall also include the method of disposition and any applicable deadlines.

**1.2: Method of Disposition**

The Town may use an auction, yard sale, or sealed bid process to dispose of the item(s).

<b>Disposition of Surplus Goods Under \$10,000</b>	
Draft Review Date	
Approval Date by Vote of Select Board	July 10, 2017
Revision Dates	

*TOWN OF TYNGSBOROUGH*  
*Road Race Policy*

The Select Board in order to promote the safety of the residents of and visitors to the Town during Road Races declare that the following administrative procedures are to be followed in scheduling and permitting Road Races in any part of the Town.

**SECTION 1: DEFINITIONS**

**1.1:** "Race Organizer" – Any person whether acting individually or on behalf of an organization that sponsors, promotes, staffs, schedules or arranges a Road Race.

**1.2:** "Road Race" – Any organized event occurring on one specific day characterized by voluntary participation of numerous individuals either on foot, wheel chairs or on bicycles for the purpose of travelling along public ways in the Town of Tyngsborough with the intent of crossing a finish line, except races organized by Tyngsborough Public Schools, The Greater Lowell Regional Vocational School, Notre Dame Academy.

**SECTION 2: APPLICATION**

Race Organizers who wish to hold a Road Race on a certain day within the Town of Tyngsborough must first obtain a permit from the Select Board. Application for the permit shall be made on the General Application/Renewal Form at least two weeks in advance of the date on which the Race Organizer wishes to schedule the Road Race. In addition to the information required on the application, the following specific information must also be provided:

- a) The starting and expected finishing time of the Road Race or the times within which Town public ways will be utilized as the Road Race passes through the Town and the date.
- b) The course that is to be traveled including its length, all street intersections, the start and finish line locations, all stops and/or rest areas, including a map.
- c) The type of race (running, walking, bicycles, wheelchairs, or other).
- d) The expected number of participants.
- e) The expected parking requirements.
- f) The number of toilet facilities which the Race Organizer will provide and remove at his own expense and their location. A description of the first aid arrangements which the Race Organizer will have available.
- g) The type of non-permanent markings or signs which will be used.

NOTE: Permanent markings of any type, including painted symbols on street pavement are strictly prohibited.

**SECTION 3: APPLICATION FEE AND DEPOSIT**

The application must be accompanied by a non-refundable administrative fee of \$15.00 and a deposit of \$100.00 which is the amount estimated by the Department of Public Works Superintendent to secure clean-up costs. The deposit will be returned to the Race Organizer within 10 days after the Road Race (or the date of the Road Race if it is cancelled) provided that the public streets and public areas are cleaned up by the Race Organizer immediately following the Road Race. This fee may be waived by the Select Board upon satisfactory proof that it constitutes a hardship to the organization or its determined unnecessary.

#### **SECTION 4: DISCRETION OF THE BOARD**

The Select Board shall have sole discretion in granting or denying the permit and may impose reasonable conditions on the permit as to the date of the Road Race, the designation of the area for public parking, the location of the start and finish lines, the location and number of public toilets, the number of police officers required to ensure traffic safety and where they will be assigned, the time that the Road Race starts, the location of the first aid station, the streets to be blocked off and how that is to be done, and indicate all stops and/or rest areas.

#### **SECTION 5: LIABILITY**

The Race organizer shall sign a statement that he is the agent for and has delegated authority to file this application and to bind any organization that is sponsoring the Road Race for costs incurred such as the following:

- a) The cost, in excess of the deposit, of removing any permanent markings from public ways.
- b) Any clean-up costs in excess of the deposit.

#### **SECTION 6: EMERGENCY MEDICAL SERVICES**

If any participant in the Road Race requires medical care or transport from the Town's EMT's, the cost of such will be billed directly to the person receiving the medical care or transport.

#### **SECTION 7: HOLD HARMLESS CLAUSE**

The Race organizer shall execute a "Hold Harmless Agreement" which shall guarantee that the Town will be held harmless against liability claims for personal injury or property damage made against it by participants in the road race, or from any such claims for personal injuries or property damage made by any third parties. Additionally, if the Race Organizer requires that Releases shall be executed by participants in the road race as a condition of entry or participation in such race, it shall require that such a release or waiver of liability include the Town of Tyngsborough.

#### **SECTION 8: SCHEDULING THE APPLICATION FOR A ROAD RACE PERMIT**

Upon completion of the application and release, and payment of the fee and deposit for clean-up costs, the application will be forward to the Police Department and the Highway Department for

comment. The application will be placed on the agenda for the next regularly scheduled Select Board meeting for review and a determination. If approved, the Race Organizer will be expected to pay in advance for the police officers assigned to the Road Race by check made payable to the Town of Tyngsborough and delivered to the Tyngsborough Police Department. Following clean-up, this Police Officer will sign a card indicating that the clean-up was satisfactory before leaving the scene. This card must be presented to the Town Manager's Office before the deposit can be released.

**SECTION 9:**

Any race which will traverse or cross any portion of Routes 3A and 113 must be coordinated with MassDOT which will issue its own permit. Coordination may be made by calling MassDOT at 857-368-4000.

**HOLD HARMLESS AGREEMENT**

In CONSIDERATION of the issuance by the Select Board, as Licensing Authorities, of a PERMIT to \_\_\_\_\_, as Race Organizer, to conduct a "ROAD RACE", on Public Ways situated in the Town of Tyngsborough, on the \_\_\_\_ day of \_\_\_\_\_ 19\_\_, the said Race Organizer COVENANTS and AGREES with said TOWN OF TYNGSBOROUGH, that it will hold the Town of Tyngsborough, its officials, employees or agents, HARMLESS against all claims for personal injury or property damage, made against said TOWN OF TYNGSBOROUGH, including claims for death, which are alleged to have occurred during the time of said Road Race, or for any such claims for personal injuries or property damage, made against said TOWN OF TYNGSBOROUGH, by third parties, including claims for personal injury or property damage made against any officials, employees, or agents of said Town, and the said RACE ORGANIZER further COVENANTS AND AGREES to indemnify and save harmless the above named TOWN OF TYNGSBOROUGH, its officials, employees or agents, from all claims, demands, costs, loss of services, expenses, and compensation on account of or in any way growing out of said ROAD RACE, or its results to both person and property.

IN WITNESS WHEREOF, INVE have hereunto set my/our hand and seal/CORPORATE SEAL this \_\_\_\_\_, 20\_\_.

**CERTIFICATE OF WITNESS**

WE CERTIFY THAT THIS HOLD HARMLESS AGREEMENT was signed in our presence by the above Individual/Corporate Treasurer, who acknowledged that he/she understood if fully.

WITNESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

WITNESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

<b>ROAD RACE POLICY</b>	
Draft Review Date	
Approval Date by Vote of Select Board	November 3, 1997
Revision Dates	

Town of Tyngsborough  
Whistleblower Protection

**SECTION 1: GENERAL**

**1.1:** In accordance with General Law Chapter 149 Section 185, Town employees who engage in the following activities are protected against retaliation:

Disclosing, threatening to disclose, providing information, or objecting to any activity, practice, or policy that the employee reasonably believes is in violation of law, rule, or regulation, or poses a risk to public health, safety, or the environment.

**1.2:** “Retaliation” means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

**1.3:** To qualify for the protection set forth in section 1 above, the employee must first bring his or her concerns to the attention of a supervisor prior to making a disclosure to a public body, unless: (a) the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the employee, and the situation is emergency in nature; (b) the employee reasonably fears physical harm as a result of the disclosure provided; or (c) the employee makes a disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

**1.4:** An employee who wishes to report an activity, policy, or practice of the Town or an entity with whom the Town has a business relationship that the employee reasonably believes is in violation of a law or rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety, or the environment may do so by reporting it to either the Town Administrator, his/her Department Head, or the Human Resources Department.

<b>Whistleblower Protection</b>	
Draft Review Date	
Approval Date by Vote of Select Board	
Revision Dates	

# Town of Tyngsborough

## Sponsorship Policy

### I. INTRODUCTION

The Town of Tyngsborough allows sponsorship or advertising in exchange for a fee on, in or in connection with designated Town-owned properties, facilities, events, activities, programs and services (collectively, “Town property”), in limited circumstances, subject to Town approval and consistent with governing law and all Town bylaws, rules, regulations, and other policies.

The purpose of this Policy is to establish a procedure for the acceptance of sponsorships, by the Town, and to set forth general guidelines that must be adhered to with respect to utilization of Town property. This procedure will ensure an open and fair public process for soliciting and considering sponsorship opportunities. It provides the Town of Tyngsborough with full and final decision-making authority on any sponsorship or advertising opportunity. Questions regarding this Policy should be directed to the Town Manager. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy is meant to be read in conjunction with all other applicable policies and procedures of the Town of Tyngsborough.

“*Sponsorship*” is financial or in-kind support from an outside person or entity, including other governmental or quasi-governmental organizations, (collectively “outside entity”) to associate the outside entity’s name, logo, products or services with Town property. Sponsorship is a business relationship in which the Town and the outside entity exchange goods, services and/or financial remuneration for the public display of an agreed-upon sponsorship recognition message.

### II. POLICY

1. The Town will seek sponsors that further the Town’s mission by providing monetary or in-kind support for the Town in a manner that respects the noncommercial nature of Town property. The Town maintains its sponsorship program as a nonpublic forum and exercises sole discretion over who is eligible to become a sponsor.
2. Whenever possible, sponsorships should be linked to a specific Town property. The Town will neither seek nor accept sponsors that manufacture or provide services or products or take positions inconsistent with local, state, or federal law or with Town policies, positions or resolutions. The establishment of a sponsorship does not constitute an endorsement by the Town of the sponsor, its organization, products, or services.

3. All procurement relevant to sponsorships must comply with Massachusetts General Laws Chapter 30B, a.k.a. the Uniform Procurement Act.
4. Offers of sponsorship that are for terms of more than three years shall require the approval of the Town Meeting.
5. Naming rights are reserved exclusively for Town Meeting approval.
6. All grants or gifts of funds or tangible personal property is to the Town shall be accounted for in accordance with Massachusetts General Laws Chapter 44, Sections 53A and 53A½.
7. The Town Manager shall keep a list of all sponsorships.

### III. AUTHORITY

The Town possesses sole and final decision-making authority for determining the appropriateness of a sponsorship. The Town shall act through its Town Manager or his/her designee(s) on financial or in-kind support up to \$5,000. All sponsorships over \$5,000 require Select Board approval. The Town has and reserves the right to refuse any offer of funds. All offers of sponsorships will be reviewed in accordance with this Policy.

Each Department Head, in consultation with the Town Manager, shall be responsible for determining the Town property for which his or her department is responsible that is suitable for sponsorship.

The Town Manager may adopt standard procedures by which sponsorships are sought, considered, and approved.

Any sponsorship on or involving a School Department managed property, facility, or program, must receive approval from the Tyngsborough School Committee and/or their designee. In such a case, no review or approval of the Town Manager or Select Board shall be required.

### IV. CRITERIA FOR REVIEW

No potential sponsor and no offer of sponsorship will be approved that might compromise the public trust or the public's perception of the Town's ability to act in the public interest, or that the Town deems might have a negative impact on its mission, image, or values. The Town also intends to preserve its right and discretion to exercise full editorial control over the placement, content, appearance, and wording of all sponsorship recognition messages. The Town may make distinctions on the appropriateness of sponsors on the basis of the sponsorship recognition message but not on the potential sponsor's viewpoint.

Sponsorships and outside entities that the Town deems to be unsuitable for the specific audience or contrary to the community standards of appropriateness for the Town property are prohibited, including those implicating the following subject matters:

1. Profane, obscene, or vulgar language or content or hate speech;
2. Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, pregnancy or pregnancy-related conditions, genetic information, or military status, or any other category protected under the state and federal anti-discrimination laws;
3. Content that is threatening;
4. Sexually oriented products, activities, content, or materials, and establishments that sell or promote these products, activities, content, or materials, including but not limited to adult entertainment establishments.
5. Depiction in any form of illegal products, activities or materials, or promotion of illegal or adult activity;
6. Content that violates a legal ownership interest of any other party;
7. Alcoholic beverages, and establishments that are licensed to sell and primarily do sell alcoholic beverages, including but not limited to bars; provided, however, that food service establishments or places of lodging may be authorized as sponsors when the sale of alcohol is incidental to its provision of food service or lodging. Limited sponsorships that include alcohol pouring rights may be considered for events or facilities at which alcoholic beverages are sold;
8. Tobacco or marijuana products, and establishments that sell tobacco or marijuana products, including but not limited to licensed marijuana establishments; provided, however, that retail stores and similar establishments may be authorized as sponsors when the sale of tobacco products is incidental to its sale of other goods or merchandise;
9. Political and policy issues, candidates, and campaigns; and
10. Any message that may adversely impact the mission, image and values and goals of the Town.

The following additional criteria shall also be considered in evaluating every sponsorship opportunity or offer:

11. The extent and prominence of the sponsorship recognition message;
12. The aesthetic characteristics of the sponsorship recognition message;
13. The importance of the sponsorship to the mission, values and image of the Town;
14. The level of support proposed to be provided by the sponsor;
15. The cooperation necessary and degree of support from other Town departments to implement the sponsorship;
16. The value of the resources that is provided to the Town in fulfilling its overall mission; and
17. Other factors that might affect or undermine the public trust or public confidence in the Town's impartiality or interfere with the efficient delivery of Town services or operations, including but not limited to the existence of, or possibility for, conflicts of

interest between the sponsor and Town officers, Town employees, or Town affiliates; the potential for the sponsorship to tarnish the Town’s reputation or standing among its citizens; or the potential for the sponsorship to otherwise impair the ability of Town to govern its citizens, or distract the Town and its officers and employees from its mission.

**V. PERMISSIBLE RECOGNITION MESSAGES**

Sponsorship recognition messages may identify the sponsor or product, including the use of sponsor or product logos and marks, but should not promote or endorse the sponsor or its products or services. Except as otherwise permitted herein, statements that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations will not be accepted.

Other proposed forms of sponsorship recognition messages, other signage and other visible advertising will be considered on a case-by-case basis, consistent with this Policy.

**VI. SPONSORSHIP AGREEMENT**

Upon approval of an offer of sponsorship, the sponsor and the Town shall enter into a Sponsorship Agreement. The Town will not make any statements that directly or indirectly advocate or endorse a sponsor, its products, or services. No materials or communications, including but not limited to print, video, internet, broadcast, or display items developed to promote or communicate the sponsorship using the Town’s name, marks, or logo, may be issued without written approval from the Town Manager or his/her designee(s).

<b>Sponsorship Policy</b>	
Draft Review Date	March 13, 2023
Approval Date by Vote of Select Board	March 13, 2023
Revision Dates	