

**Minutes of Regular Meeting  
Board of Selectmen  
Wednesday, May 23, 2018  
Selectmen's Meeting Room – Town Hall  
Called to Order at 7:00 p.m.**

Present were Selectmen Christopher Houston, Doug Gillespie, and Harvey Boshart, Chair. Also present were Town Manager Donna S. VanderClock and Assistant Town Manager/Human Resources Director Lisa Yanakakis. Recording Secretary is Kara Fleming.

Videographer – Alanna Muldoon, Weston Media Center

**Item 1 – Annual Election of Chair and Clerk**

Mr. Gillespie said Mr. Boshart would be arriving soon, as he was representing the Board at the opening ceremony for the Proctor Field and Track.

**MOTION:** Mr. Houston moved to nominate Harvey Boshart as Chair of the Board of Selectmen; nominate Chris Houston as Clerk of the Board of Selectmen; and nominate Doug Gillespie as the Board's representative to the Metro West Regional Collaborative. 2<sup>nd</sup> by Mr. Gillespie. **Approved unanimously**

**Item 2 – Resident Comments**

There were none.

**Item 3 – National Grid Grant of Location Hearing: Westerly Road**

Mike Gerling, National Grid Permits Representative

Mr. Gerling presented National Grid's petition to install and maintain approximately 151-feet, more or less, of 2-inch gas main in Westerly Road from the existing 2-inch gas main near house no. 21 Westerly Road to the end of main at house no. 12 in order to provide a gas service to house 12 Westerly Road. The Department of Public Works has reviewed this request and recommends its approval with conditions as outlined in its memo. Mr. Gillespie opened the floor to public comments. There were none.

**MOTION:** Mr. Houston moved to approve, with conditions as outlined by Weston's Department of Public Works, the petition from National Grid to grant locations of mains for the transmission and distribution of gas in and under Westerly Road in order to provide gas service to 12 Westerly Road. 2<sup>nd</sup> by Mr. Gillespie. **Approved unanimously**

**Item 4 – Approve Order of Taking for Drainage Easements for Southside Drainage Project: 15 and 19 Pond Brook Circle, 23 Ledgewood Road**

Ms. VanderClock reminded the Selectmen that the permanent drainage easements and temporary construction easements are required from three properties in order to continue the Southside Drainage Project, as explained by Steve Fogg, Town Engineer, at the last meeting. This agreement has been signed by the residents.



**Town of Weston  
Board of Selectmen**

Policy No. \_\_\_\_\_

**POLICY ON REPRESENTATIVE/LIAISON MEMBERS AND ASSOCIATE MEMBERS  
FOR APPOINTED BOARDS, COMMITTEES, AND COMMISSIONS**

Date Approved: \_\_\_\_\_, 2018

\_\_\_\_\_  
Harvey Boshart, Chair  
Board of Selectmen

**Associate Members**

Consistent with its desire to encourage resident participation in the work of town government on boards, committees, and commissions (hereafter referred to collectively as boards), this policy of the Board of Selectmen provides for the appointment of associate members to boards it appoints, where this is helpful and desirable for the boards in connection with particular projects and tasks. The Selectmen recognize that boards may benefit from access to specific expertise, especially in connection with particular projects and tasks, and a workload that is shared by more town volunteers. At the same time, associate members may enjoy heightened civic engagement and greater recognition of their volunteer efforts.

Per custom, associate members may be selected, recruited, and initially approved by the members of the board with which they would be associated, since these board members are typically in the best initial position to match the board's needs with the interests and skills of potential volunteers. In addition, associate members must be approved by the Board of Selectmen, after being proposed and recommended by the relevant board. Such proposals and recommendations should specify (i) the particular project or task that the associated member would be involved with, (ii) the extent to which volunteers for such roles were solicited publicly (or if not, the reasons why that was not considered necessary or desirable), and (iii) the expected duration of the associate membership and related project or task.

Associate member terms shall expire annually, on June 30 of each year, but may be renewed by the Board of Selectmen each year, if and as may be requested by the relevant board through its chair, taking into account the duration of the related project or task.

Associate members are not counted toward the determination of a quorum and may not move, second, or vote upon matters before the board. However, at the discretion of a board's chair, associate members may sit with regular members of the board, participate in board discussions of their related projects and tasks at meetings, and work outside of meetings in a manner approved by the chair.

At the same time, it is important to distinguish between members and associate members. State law, town by-laws, and best practices require board member accountability and constrain board member actions, participation, and membership. Accordingly, for board matters not related to their particular projects or tasks, associate members generally should not be participating in board discussions and deliberations like full members (even where that might otherwise be accompanied by express acknowledgment of their associate status and lack of a formal vote); instead, in such matters not related to their particular projects or tasks, associate members should generally conduct themselves in the same manner as other members of the public who may be attending (*e.g.*, directing their questions and comments to the chair when public input is solicited on a matter, rather than to the applicant or other attendees). This distinction and expectation are especially important where a board is acting in any authorizing or adjudicatory role, recognizing that the substantive perceptions of applicants and the public are especially important where a board is fulfilling this type of role and may not be adequately addressed by mere acknowledgements of associate or non-voting member status.

The use of associate members may not be used to circumvent the provisions of the Open Meeting Law (OML). If any questions arise on compliance with the OML, a board should contact the Town Manager's office for clarification. Associate members are distinct from Alternate Members whose appointment, responsibilities, and authority are governed by state regulations. Moreover, this policy regarding associate members is not applicable to the Zoning Board of Appeals.

Where a board desires to have someone participate and contribute like an associate member but without being limited as such to a particular project or task, the board through its chair should discuss the matter with the Board of Selectmen, including whether a revision to the board's charge and membership would be a preferable approach. In some cases, where a board seeks liaison with another town board, an associate member might be sufficient, or the board and Board of Selectmen could consider adding a formal liaison member position, discussed below.

### **Representative/Liaison Members**

In many cases, a board's charge and membership include one or more positions designated as representatives or liaisons of other boards (including but not limited to the Board of Selectmen). This policy of the Board of Selectmen seeks to clarify the following with respect to such representative or liaison members (in each case subject to the specific charge or other provisions for a given board):

1. A representative/liaison member shall generally be designated by the relevant other board, through its chair. A representative/liaison member will typically be a member of the other board but may instead be an associate member of the other board or a non-member who is willing to fill the representative/liaison role on behalf of the other board. If a representative/liaison member is a member or associate member of the other board but later ceases to serve in that capacity, the other board may appoint a new representative/liaison member to serve in that person's place or allow that person to continue serving as the other board's representative/liaison, and such person shall continue serving as the representative/liaison member unless and until the other board (or its chair) does specify a replacement.
2. Representative/liaison members of a board are generally expected to represent the views of their respective other boards, rather than just their own individual views, and to be effective liaisons between their respective boards, serving as a conduit for two-way communication between the relevant boards. A representative/liaison member's votes on a board should generally reflect the position of the relevant other board (as reasonably discerned by the representative/liaison member if the other board does not take a formal vote on such position), whether or not the representative/liaison member agrees with the other board's position. However, the foregoing is in no way intended to limit a representative/liaison member's ability to advocate for or against any position in his or her capacity as an individual resident.

*Manual of Rules and  
Regulations*



*Weston Police Department  
May 22, 2018*

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Rules and Regulations

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**Donna S. VanderClock**  
*Town Manager*

This updated version of the Weston Police Department's Rules and Regulations is effective May 22, 2018 and shall remain in full force and effect until amended or rescinded by the Chief of Police with the approval of the Board of Selectmen.

**Town of Weston Board of Selectmen**



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**Christopher E. Houston, Chair**

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**Douglas P. Gillespie**

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**Harvey R. Boshart**

AUTHORITY

Rules and Regulations for the government of the Police Department of the Town of Weston, adopted in pursuance of the authority contained in section 97 of the chapter 41 of the general laws of the Commonwealth of Massachusetts, accepted by vote of the Annual Town Meeting of March 27, 1922.

The original effective date of these rules and regulations was January 29, 1974. This updated version is effective May 22, 2018 and they shall remain in full force and effect until amended or rescinded.

Christopher E. Houston  
Douglas P. Gillespie  
Harvey R. Boshart

Board of Selectmen

Adopted by the order of the Board of Selectmen:

Date:

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***RULES AND REGULATIONS  
FOR THE  
GOVERNMENT  
OF THE  
POLICE DEPARTMENT  
OF THE  
TOWN OF WESTON, MASSACHUSETTS***

***1.0 AUTHORITY***

This Manual of Rules and Regulations for the government of the Police Department of the Town of Weston was prepared by the Chief of Police and issued by the Board of Selectmen pursuant to the authority of Massachusetts General Laws chapter 41, § 97.

Pursuant to Massachusetts General Laws chapter 150E, § 7, where there is a conflict between these rules and regulations and the terms of the collective bargaining agreement, the terms of that agreement will supersede those contained in this manual.

This Manual shall serve as the basis for departmental discipline. It does not attempt to, nor could any such document, cover every possible situation. It attempts to outline the minimal level of conduct expected of each officer.

The effective date of these Rules and Regulations shall be May 22, 2018 and they shall remain in full force and effect until amended or rescinded by the Chief of Police with the approval of the Board of Selectmen.

***Michael J. Goulding  
Chief of Police***

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**2.0 RECEIPT**

Officers shall subscribe their names to the following agreement:

I hereby acknowledge receipt of a copy of the Manual of Rules and Regulations for the government of the Police Department of the Town of Weston.

Print Officer's Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Officer

Issued By:

\_\_\_\_\_  
Signature of Issuing Officer or Witness

(Two copies - one to remain in Manual and the other to be filed in the officer's personnel folder.)

## 3.0 INTRODUCTION

Law enforcement professionals have a unique role in today's society. The power and authority granted to the police are substantial. No other group has the right to enter citizen's homes or places of employment to search and make arrests. Only the police may stop a motor vehicle, detain persons on the street, and engage in interrogations. The use of deadly force alone makes law enforcement officers unique.

As with any granting of authority, there comes an accompanying responsibility. For police professionals it involves, at a minimum, the adherence to law and the fair and impartial exercise of such authority. Officers learn from their earlier days in the basic academy that they have discretion in when and how they exercise their lawful authority. They are taught that the ethical performance of their duties is essential to ensure both departmental integrity and essential public support and confidence.

Many expectations of police conduct "go without saying." Certainly officers must obey the law, exercise their responsibilities within constitutional guidelines, and obey lawful orders. However, the establishing of a manual of rules and regulations is a time-tested tradition in police departments. It is only fair that officers have some way of knowing in advance what is expected and what conduct is prohibited. Many forms of conduct that are "unbecoming a police officer" are known from common sense or learned during training or on the job. However, when this is not the case, or where a particular action is either required or prohibited, it is helpful to spell it out in a manual such as this.

Law enforcement is, at the same time, one of the most demanding, yet one of the most rewarding, professions. The role of a police officer in a democratic society is an ever changing one. The training an individual receives at the police academy is but a first step in an on-going process of education and training which will span an officer's career. The Weston Police Department is committed to making in-service and specialized training available to its officers, consistent with statutory mandates and subject to municipal appropriation. Officers are encouraged to pursue degree programs in law enforcement as well. This Manual of Rules and Regulations, along with the Department's Policies and Procedures Manual, periodic general or special orders and memoranda, and applicable job descriptions, should assist police officers in remaining aware of what is expected of them.

The quasi-military nature of a police agency is one of its time-tested traditions. A rank structure and a chain of command have proven an essential component, especially in an organization involved in dangerous and even life-threatening activities. The need for camaraderie and team work is evident to the experienced law enforcement professional. Our distinctive appearance, including a uniform and grooming standards, help foster *esprit de corps* and security among members of the department, as well as recognition and confidence among members of the public.

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The standard of conduct expected of law enforcement officers is often higher than that demanded of other municipal employees. We recognize this in accepting appointment to our chosen profession. When the needs of public confidence require, we are held to a high ethical standard, which dictates the avoidance of even the appearance of impropriety. Likewise, we acknowledge the need for reasonable restrictions on our off-duty conduct, especially where it reflects on our profession or the department.

The Weston Police Department is aware of its labor relations obligations. It is prepared to bargain with the appropriate bargaining representative(s) over any rules that involve or impact upon mandatory subjects of bargaining.

This Manual will generally serve as the basis for departmental discipline. It does not attempt to, nor could any such document, cover every possible situation. It attempts to outline the minimal level of conduct expected of each officer. Familiarity with its contents is required. On a more positive note, however, officers are encouraged to use this Manual as part of their overall training experience. They should endorse the ethical standards and commit themselves to a code of conduct befitting members of our noble profession.

This contemporary manual of Rules and Regulations apply to all members of the Weston Police Department. When the terms “officers or police officers” are used it includes sworn officers, dispatchers, animal control, special police officers and any other police support/civilian employee unless otherwise specifically noted. An effort has been made to make the manual gender neutral. Where appropriate, the masculine will include both genders and the singular and plural are interchangeable.

Whenever this Manual refers to such things as permission or approval of the Chief, this will refer to his or her designee when, from time to time, the Chief authorizes others to act on his or her behalf in appropriate circumstances. Use of the term Shift Supervisor or superior officer may occasionally be used interchangeably.

The Law Enforcement Code of Ethics is a time-honored tradition among members of our profession. Its inclusion in this Manual is meant to remind officers of the lofty goals and worthwhile objectives, which are consistent with our professional calling.

It is one sign of a true *profession* that it has a code of conduct concerning voluntarily adopted ethical standards. Ours is no exception. This department, and indeed our community, expects officers to adhere to this code of conduct.

**LAW ENFORCEMENT CODE OF ETHICS**

*As a Law Enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deceptions, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all individuals to liberty, equality and justice.*

*I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature will be kept forever secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless persecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.*

## ***4.0 PROFESSIONAL CONDUCT AND RESPONSIBILITIES***

The police are the most visible and most readily accessible representatives of local government. They respond to calls for assistance of a diversified nature and are expected to resolve a wide variety of community problems as they occur. Police officers are professionals and are expected to act independently and responsibly while carrying out the requests of management and upholding the rights of citizens.

Effective police operations require loyalty to the department and to one's associates, maintaining a genuine spirit of cooperation and rendering appropriate assistance to another police officer or citizen exposed to danger or in a situation where danger may be lurking.

To accomplish these purposes, the professional responsibilities of police officers, within their area of jurisdiction, include such things as the following functions:

- a. the protection of life and the safeguarding of property;
- b. the prevention and control of crime;
- c. the investigation of crime, the apprehension of criminal offenders and the recovery of stolen property;
- d. the preservation of public peace and good order;
- e. the immediate response to public emergencies;
- f. the creation of a sense of safety and security for the entire community through crime prevention, patrol and community policing;
- g. the accomplishment of all police objectives within the law and the constitutional guarantees of all citizens;
- h. the performance of such other police related services, duties, functions and responsibilities required of the officer by the department and/or the community;
- i. the advancement of a cooperative relationship with the general public; and
- j. the creation of awareness through the implementation of educational programs.

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Public scrutiny, and sometimes public criticism, is directed not only at police performance but also at the behavior, both on and off duty, of those who deliver police services. The establishment of proper standards for police behavior must not only meet the expectations of the citizen but also protect the rights of police officers.

The department recognizes that its officers have certain basic personal rights and therefore it restricts those rights only when necessary to ensure the integrity of the department and its personnel and that the highest quality of police services is maintained. At a minimum, officers are required to obey all lawful statutes as well as regulations established by the department.

### **PRIVACY AND OFF-DUTY CONDUCT**

The department will generally limit its inquiry into an officer's personal matters, off-duty conduct and outside employment, to situations impacting or reflecting upon the department or affecting the officer's ability or fitness for duty. An officer's right to privacy guarantees that disclosure of personal matters can be compelled only if the employer's interest in the disclosure outweighs the officer's privacy interest. When the department determines that inquiry into an officer's private life is legitimate, it will make an effort to keep the scope of the inquiry as narrow as reasonable under the circumstances.

An officer's medical and psychological fitness for duty is a matter of continuing departmental concern. The department may require officers to submit to medical and/or psychological examinations on a periodic basis or whenever there is reason to question the officer's fitness for duty. Reports of such examinations will be maintained in a separate file and dissemination of the information will be restricted to appropriate individuals.

The department has a legitimate interest in preserving the public's trust and respect. An officer's off-duty personal relationships and conduct must not bring discredit to the officer or department, impact on the Department's operation, affect the officer's ability to perform his or her job, or result in poor job performance.

Officers who are on paid leave status as a result of sickness or injury may have their activities regulated. Reasonable rules are legally permissible. The department has the right to regulate the off-duty employment of its officers. The emergency nature of law enforcement, the need to ensure that officers report for work in good physical and mental condition, and the need to prevent conflicts of interest, all combine to provide the department with discretion in regulating (including prohibiting) off-duty employment.

### ***RULE 4.01 - OFF DUTY EMPLOYMENT***

Officers shall not engage in any compensated off-duty employment without the knowledge and approval of the Chief of Police. The approval of the Chief of Police shall be based upon such factors as: (a) avoiding potential conflicts of interest, (b) protecting

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the image of the department, and (c) avoiding impairment of on-duty performance and availability.

Officers shall not be employed by or engage in any business that involves the distribution or sale of alcoholic beverages, bail bond services, investigative work for insurance companies, private guard services, or collection agencies.

All personnel engaging in outside employment should clearly understand that their primary obligation is to the police department and the community they serve. Officers must not perform work that will make them unavailable in emergencies, exhaust them, require special scheduling or excessive shift swapping, or bring the department into disrepute or impair its operation or efficiency. Prior to accepting any outside employment, an officer must request, in writing, the approval of the Chief of Police. No officer shall accept other employment which could interfere with the officer's employment with the department or could impair his or her independence of judgment in the exercise of official duties.

### ***CONDUCT UNBECOMING AN OFFICER***

It is impossible to have detailed rules governing every conceivable situation. Historically, the military and the police service (a quasi-military organization) have relied upon the charge of *conduct unbecoming an officer* to cover obvious violations for which no specific rule was promulgated. Admittedly, such a *catch all* rule would not be proper for regulating the conduct of the general public. However, over the years, police officers have come to understand that certain behavior is clearly not in keeping with the good order and proper operation of the department.

This rule has been shown to be capable of objective interpretation. It must not be subject to the whim of police administrators. The standard of conduct expected of police officers is learned in a variety of ways, from academy and in-service training to manuals, orders and various written directives. It is fair to say that *conduct unbecoming an officer* should be such as would alert a reasonable officer that his or her conduct under the circumstances would be inappropriate.

Both on and off-duty conduct may subject an officer to a charge of *conduct unbecoming an officer*. Officers do not sever their relationship with the department at the end of their shift. An officer's off-duty conduct, especially where there is some nexus or connection to the department or where the officer's status as a police officer is or becomes known, may reflect unfavorably on both the officer and department.

Officers charged with *conduct unbecoming an officer* will have the underlying offensive conduct specified in the notice of charges.

### ***RULE 4.02 - CONDUCT UNBECOMING AN OFFICER***

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Officers shall not commit any specific act or acts that are unethical, unlawful, disorderly or intemperate, or that a reasonable police officer would perceive it to be wrongful, whether on or off duty, which reflect(s) discredit or reflect(s) unfavorably upon the officer, upon other officers or upon the police department. Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and its members.

Conduct unbecoming an officer shall include that which tends to indicate that the officer is unable or unfit to continue as a member of the department, or tends to impair the operation, morale, integrity, reputation or effectiveness of the Weston Police Department or its members.

Conduct unbecoming an officer shall also include off-duty conduct where there is a *nexus* or connection between the act or acts committed by the officer and that individual's continued fitness or ability to effectively perform his or her required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the department and ability of the officers not involved in said act to effectively perform their required duties and responsibilities.

### ***CONFLICT OF INTEREST***

Since the position of a police officer is a public trust, it is important to avoid all situations involving conflicts of interest whether in fact or only in appearance. Special areas of concern include certain kinds of outside employment; financial transactions with units of government or others; membership in non-police unions; activities in partisan politics; and the use of an official position to secure unwarranted privileges, pecuniary advantage or preferential treatment.

Officers should read and become familiar with the provisions of G.L. c. 268A concerning conduct of public officials and employees. The law may be amended from time to time by the legislature. At the time this manual was updated, that statute made the following actions criminal:

#### **§2(b)**

Whoever, being . . . municipal employee . . . directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value for himself or for any other person or entity, in return for:

(1) being influenced in his performance of any official act or any act within his official responsibility, or

(2) being influenced to commit or aid in committing, or to collude in, or allow any fraud, or make opportunity for the commission of any fraud, on the commonwealth or on a state, county or municipal agency, or

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(3) being induced to do or omit to do any acts in violation of his official duty; or

(4) Whoever, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value for himself or for any other person or entity in return for influence upon the testimony under oath or affirmation of himself or any other person as a witness upon any such trial, hearing or other proceeding or in return for the absence of himself or any other person therefrom;

**Note:** These prohibitions do not apply to witness fees, travel cost reimbursement or court time pay.

### **§ 17. Municipal employees; gift or receipt of compensation from other than municipality; acting as agent or attorney**

(a) No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

(b) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.

(c) No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

Whoever violates any provision of this section shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

A special municipal employee shall be subject to paragraphs (a) and (c) only in relation to a particular matter (a) in which he has at any time participated as a municipal employee, or (b) which is or within one year has been a subject of his official responsibility, or (c) which is pending in the municipal agency in which he is serving. Clause (c) of the preceding sentence shall not apply in the case of a special municipal employee who serves on no more than sixty days during any period of three hundred and sixty-five consecutive days.

This section shall not prevent a municipal employee from taking uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary or other personnel administration proceedings with respect to those proceedings.

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This section shall not prevent a municipal employee, including a special employee, from acting, with or without compensation, as agent or attorney for or otherwise aiding or assisting members of his immediate family or any person for whom he is serving as guardian, executor, administrator, trustee or other personal fiduciary except in those matters in which he has participated or which are the subject of his official responsibility; provided, that the official responsible for appointment to his position approves.

This section shall not prevent a present or former special municipal employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the city or town; provided, that the head of the special municipal employee's department or agency has certified in writing that the interest of the city or town requires such aid or assistance and the certification has been filed with the clerk of the city or town. The certification shall be open to public inspection.

This section shall not prevent a municipal employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

This section shall not prevent a municipal employee from applying on behalf of anyone for a building, electrical, wiring, plumbing, gas fitting or septic system permit, nor from receiving compensation in relation to any such permit, unless such employee is employed by or provides services to the permit-granting agency or an agency that regulates the activities of the permit-granting agency.

### **§ 19. Municipal employees, relatives or associates; financial interest in particular matter**

(a) Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

(b) It shall not be a violation of this section (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or (2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of

the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

**§ 20. Municipal employees; financial interest in contracts; holding one or more elected positions**

(a) A municipal employee who has a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one per cent of the stock of a corporation.

This section shall not apply (a) to a municipal employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or (b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the municipal employee, (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of that agency is available to perform those services as part of their regular duties, and (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section, or (c) to a special municipal employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files 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 (d) to a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section, or (e) to a municipal employee who receives benefits from programs funded by the United States or any other source in connection with the rental, improvement, or rehabilitation of his residence to the extent permitted by the funding agency, or (f) to a municipal employee if the contract is for personal services in a part time, call or volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes

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and files with the clerk of the city, district or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen, board of aldermen or district prudential committee approve the exemption of his interest from this section or (g) to a municipal employee who has applied in the usual course and is otherwise eligible for a housing subsidy program administered by a local housing authority, unless the employee is employed by the local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs or (h) to a municipal employee who is the owner of residential rental property and rents such property to a tenant receiving a rental subsidy administered by a local housing authority, unless such employee is employed by such local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs.

This section shall not prohibit an employee or an official of a town from holding the position of selectman in such town nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such selectman shall not, except as hereinafter provided, receive compensation for more than one office or position held in a town, but shall have the right to choose which compensation he shall receive; provided, further, that no such selectman may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and, provided further, that no such selectman shall be eligible for appointment to any such additional position while he is still a member of the board of selectmen or for six months thereafter. Any violation of the provisions of this paragraph, which has substantially influenced the action taken by any municipal agency in any matter, shall be grounds for avoiding, rescinding or canceling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit any elected official in a town, whether compensated or uncompensated for such elected position, from holding one or more additional elected positions, in such town, whether such additional elected positions are compensated or uncompensated.

This section shall not prohibit an employee of a municipality with a town council form of government from holding the elected office of councilor in such municipality, nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office; provided, however, that no such councilor may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and provided, further, that no councilor shall be eligible for appointment to such additional position while a member of said council or for six months thereafter. Any violation of the provisions of this paragraph, which has substantially influenced the action taken by a municipal agency in any matter, shall be grounds for avoiding, rescinding or canceling such action on such terms as the interest of the municipality and innocent third parties require. No such elected councilor shall receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive.

This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided, receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive; provided further that no such elected official may vote or act on any matter which is within the purview of the housing authority by which he is employed; and provided further that no such elected official shall be eligible for appointment to any such additional position while he is still serving in such elective office or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by the housing authority in any matter shall be grounds for avoiding, rescinding, or canceling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit an employee in a town having a population of less than three thousand five hundred persons from holding more than one appointed position with said town, provided that the board of selectmen approves the exemption of his interest from this section.

**§ 22. Opinions of corporation counsel, city solicitor or town counsel**

Any municipal employee shall be entitled to the opinion of the corporation counsel, city solicitor or town counsel upon any question arising under this chapter relating to the duties, responsibilities and interests of such employee. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the chief officer of the municipal agency in which he is employed, who shall in turn request in confidence such opinion of the corporation counsel, city solicitor or town counsel on behalf of such subordinate municipal employee, and all constitutional officers and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The town counsel or city solicitor shall file such opinion in writing with the city or town clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the town counsel or city solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this chapter.

**§ 23. Supplemental provisions; standards of conduct**

(a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

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(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) use or attempt to use his official position to secure for him or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) Upon qualification for office following an appointment or election to a municipal agency, such appointed or elected person shall be furnished by the city or town clerk with a copy of this section. Each such person shall sign a written acknowledgement that he has been provided with such copy.

§3(d) "Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of substantial value for

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himself for or because of the testimony under oath or affirmation given or to be given by him or any other person as a witness upon any such trial, hearing or other proceeding, or for or because of his absence therefrom;

**NOTE:** Officers must comply with any changes in the Conflict of Interest law, regardless of whether such amendments are reflected in this manual. When an officer has a question concerning *Mass. Gen. Laws ch. 268A*, Town Counsel will prepare a legal opinion at request, through the Chief of Police. Said opinion shall be sought prior to engaging in situations which may, in fact, create a conflict of interest. Officers should seek clarification through the chain of command for situations that might violate any rules, especially those under the heading of conflict of interest.

### ***RULE 4.03 - VIOLATING CONFLICT OF INTEREST LAW***

Officers shall not violate any provision of *Mass. Gen. Laws ch. 268A*.

### ***RULE 4.04 - MEMBERSHIP IN ORGANIZATIONS***

Officers shall not affiliate with or become a member of any organization if such affiliation or membership would substantially interfere with or prevent them from performing their duty, or call into question the integrity or objectivity of the department. Examples of such organizations are the Ku Klux Klan, the Hell's Angels or Outlaws motorcycle gangs, the 'North American Man-Boy Love Association' (NAMBLA) and those promoting the use of marijuana or other unlawful substances. The Chief of Police may issue a waiver of this prohibition for a valid law enforcement purpose such as an undercover investigation. This would include situations where such membership would conflict with the department's needs of maintaining efficiency, discipline, and integrity, preventing disruption of operations, and avoiding having the judgment and professionalism of the agency brought into serious disrepute.

### ***RULE 4.05 – ASSOCIATION WITH KNOWN CRIMINALS***

Officers shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for involvement in criminal behavior, or who are convicted criminals, except as necessary in the performance of official duties with the knowledge and approval of the Chief of Police or where unavoidable in social settings because of an officer's family relationships.

### ***RULE 4.06 - UNDUE INFLUENCE***

Officers shall not seek or obtain the influence or intervention of any person, outside or from within the department, but not including a lawfully retained attorney, for the purposes of advancement, preferential assignment, transfer, pecuniary advantage or any other type of preferred treatment or advantage, including the disposition of pending charges or findings in a criminal or disciplinary hearing.

***RULE 4.07 – VISITING PROHIBITED ESTABLISHMENTS***

Officers shall not knowingly visit or enter a place where illegal gambling, prostitution, other illegal sex acts, drug use or sales, or after-hours liquor sales is/are conducted, or other locations where laws are violated or likely to be violated, except in the performance of their official duty or while specifically authorized to do so by a superior officer. The prohibition shall apply to preserve at social gatherings where the officer knows or has reason to know that drug use or sales are taking place.

***RULE 4.08 – IMPROPER BUYING, RECEIVING OR SELLING***

Officers shall not buy, receive, or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention of or which arose out of department employment, except as may be specifically authorized by the Chief of Police or necessary in the performance of his/her duty in an undercover police capacity.

The chief ordinarily will not prohibit an officer from shopping or purchasing goods or services from a commercial establishment under the same terms and at the same prices as the general public so long as there is no connection between such activities and the establishment's involvement with the officer's employment.

***RULE 4.09 - DEPARTMENT CORRESPONDENCE***

Officers shall not use department letterhead, computers or other equipment for private correspondence, nor shall they send any written or electronic communication about police business from the department or by using department stationery, equipment, supplies, or facilities to any person, firm or other law enforcement or public agency without the consent of the Chief of Police.

Officers shall not enter into official department correspondence with anyone or any agency outside the Department, except with the approval of the Chief of Police. All official department communications by telephone or otherwise, outside of the community without the permission of the Chief, are prohibited.

***RULE 4.10 – IMPROPERLY INFLUENCED TESTIMONY***

Officers shall not, directly or indirectly, solicit or accept anything of value for such officer or others in connection with the testimony or absence of the officer or another at any trial or hearing.

***RULE 4.11 - MAILING ADDRESS***

Officers shall not use the department as a mailing address for private purposes without the permission of the Chief of Police. An exception may be made for acceptance

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of packages around the winter holidays. The Chief reserves the right to rescind this exception. At no time will the department be used as a mailing address for the purposes of a motor vehicle license or registration for private purposes. However, the members of the local union or police association, to which they belong, may use the Department as a mailing address for union or association purposes.

### ***RULE 4.12 - INTERFERING WITH COURSE OF JUSTICE***

Officers shall not interfere with or attempt to influence the investigation or outcome of cases being handled by other officers of the department or other law enforcement agencies. When an officer believes that such involvement is absolutely necessary, he or she shall secure permission from a superior officer.

Officers shall not take part in, or be concerned with, either directly or indirectly, any compromise or arrangement with any person whomsoever for the purpose of permitting an accused person to escape the penalty of his or her wrongdoing, or seek to obtain a continuance of any trial or otherwise interfere with the course of justice, except in the normal course of proceedings.

Officers shall not harass, discriminate or retaliate against anyone, including other department members, in violation of such person's civil or Constitutional rights.

This rule does not apply to instances where an Assistant District Attorney seeks feedback with an officer in regards to a case.

### ***RULE 4.13 - POSSESSING KEYS TO PRIVATE PREMISES***

Officers shall not have keys to private buildings or dwellings on their area of patrol without the permission of the Chief of Police.

### ***RULE 4.14 – ABUSE OF POSITION***

Officers shall not use or attempt to use their official position to secure for themselves or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals.

### ***RULE 4.15 - POLITICAL ACTIVITIES***

Officers shall not participate in political activities while in uniform or on duty. All actions, which could even give the impression that officers are using their official positions to influence the electoral process, must be avoided. An officer shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose.

Nothing in this rule shall be construed to mean that department personnel are restricted in any way, while off-duty and not in uniform or demonstrating their position

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as a police officer, from exercising their constitutional rights as citizens in the political or electoral process (including such actions as voting, supporting candidates, belonging to a political party and running for office).

### ***RULE 4.16 - GIFTS AND GRATUITIES***

Officers shall not under any circumstances seek, solicit or accept any gift, gratuity, loan, reward or fee (including not only money but also any tangible or intangible personal property, including such things as food, beverage, promise, service or entertainment) for the benefit of the officer, a family member or acquaintance, or the department, where there is any direct or indirect connection between the solicitation or acceptance and their departmental membership or employment, except as may be specifically authorized by the Chief of Police.

Officers must be especially guarded in their official relationship with persons holding or seeking to hold licenses issued by local licensing authorities or anyone else who might expect or seek preferential police treatment. This would include attempts to influence actions of an official nature or the performance or non-performance of one's official duty.

Any unauthorized gift, gratuity, fee, reward or attempted bribe offered to or coming into the possession of any officer shall be forwarded immediately (or reported in the case of an attempt) to the Chief, together with a written report of the circumstances involved.

### ***RULE 4.17 - TESTIMONIALS AND PRESENTS***

Officers shall not collect or receive any money or other thing of value from any source for the purpose of making a present to any active officer or employee of the Department unless specific permission is granted by the Chief of Police. No officer shall seek or accept such present without the permission of the Chief of Police. It will be noted that under the provisions of *Mass. Gen. Laws 268, § 9A*, no person shall sell tickets or solicit contributions for a testimonial dinner or similar function for any person in active employment in any law enforcement agency or regulatory body of the state or any city or town.

### ***RULE 4.18 - UNAUTHORIZED TRANSACTIONS***

Except in the performance of their duties, officers shall not enter into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, with any person or entity, when such transactions would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy the officer's favor in the performance of his official duties. Such a conclusion is

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more likely when the person or entity: (1) resides or does business in the Town of Weston; (2) is involved in a matter or case relating to the department; or (3) has an interest that may be affected by the officer's performance of his official duties.

### ***RULE 4.19 - USE OF OFFICIAL POSITION***

Officers shall not use their official position, department identification cards or badges: (a) for personal or financial gain; (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts.

Officers shall not lend to another person any part of their uniform or equipment, nor their identification cards or badges or permit them to be photographed or reproduced, without the approval of the Chief of Police.

Officers shall not authorize the use of their names, photographs, or official titles which identify them as police officers in connection with testimonials nor for advertisements for any person, commodity or commercial enterprise, without the approval of the Chief of Police.

While engaging in any fundraising or other solicitation for private, charitable, union or other cause or enterprise, officers must comply with the *Mass. Gen. Laws Ch. 268A*.

### ***RULE 4.20– ENDORSING PRIVATE SERVICES***

Officers shall not in their professional capacity recommend or suggest the employment or purchase of any particular service or product, such as lawyers, undertakers, towing service or burglar alarm companies. In answer to inquiries, officers may give a list of available services or products without recommendations.

### ***RULE 4.21 – IMPROPER SUPERIOR / SUBORDINATE RELATIONS***

Romantic, dating, or sexual relationships between superior ranking employees and employees of subordinate rank in the department are prohibited. The purposes of this rule are to prevent favoritism or the appearance of favoritism in duty assignments, treatment, and promotions, and to reduce the risk of any sexual harassment or sexual exploitation claims within or against the department.

### ***RULE 4.22 –NEPOTISM AND FRATERNIZATION***

Officers shall not employ or recommend for appointment or hiring any persons related by consanguinity or affinity within the third degree to the person giving such employment, unless such employment shall first be approved by the appointing authority of the person giving such employment.

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Officers shall not date, reside with or marry victims or suspects currently under investigation or who have been convicted of any criminal activity where the relationship resulted from the officer's involvement with such investigation or complaint.

## ***5.0 NEGLECT OF DUTY***

Officers are required to be attentive to and not neglect their sworn duty. Officers must not absent themselves from their assigned duty without leave. They must not leave their post or assignment without being properly relieved. They must take suitable and appropriate police action regardless of whether they are on or off-duty within the Town of Weston when any crime, public disorder or other incident requires police attention or service and they are capable of responding. In deciding whether or how to take police action while off-duty, the off-duty officer may take into consideration the safety of members of his family or others in his company, his ability to function under the circumstances, and all other relevant factors.

### ***RULE 5.01 - NEGLECT OF DUTY***

Officers shall not be absent from work without permission or abstain wholly or in part from the full performance of their duties in the normal manner without permission. Officers shall not be absent from their assigned duty without leave; leave their post, sector, community, or assignment without being properly detailed relieved, or without making required notifications; fail to take suitable and appropriate police action when any crime, medical emergency, public disorder, or other incident requiring police attention requires such police action; fail to promptly perform, as directed, all lawful duties required by constituted authority, notwithstanding the officer's normal assignment of duties and responsibilities. Any officer who failed or neglected to perform duty as required shall report the neglect or failure to his relief and to his shift commander at the conclusion of that shift or assignment.

## ***6.0 INCOMPETENCE***

Employees must be capable of performing their job. Failure to do so may result in disciplinary action being taken.

### ***RULE 6.01 – INCOMPETENCE***

Officers shall maintain sufficient competency to perform their duty and to assume the responsibilities of their position. The following factors may affect an officer's competency:

- a. a lack of knowledge of the application of laws required to be enforced;
- b. an unwillingness or inability to perform assigned tasks;
- c. the failure to conform to work standards established for the officer's rank, grade, or position; and
- d. repeated poor evaluations or repeated infractions of the rules and regulations, job descriptions, or policies and procedures.

## **7.0 PUBLIC STATEMENTS**

The rules attempt to balance the employee's right to freedom of expression on matters of public interest with the department's legitimate interest in the integrity and efficiency of its operation. Police officers do not surrender their constitutional right of free speech upon taking their oath of office. However, courts have recognized a police department's ability to promulgate reasonable rules and regulations regarding certain types of statements by officers consistent with the mission of a law-enforcement agency.

A police department is a semi-military organization which is unique in the public service, and, as such, has a justifiable need for *esprit de corps*, harmony, discipline and confidentiality. Close personal or confidential relationships are often required. Extremely disrespectfully and or grossly offensive remarks are inconsistent with fostering and maintaining such relationships.

There is also a need to maintain a chain of command. Statements which undermine the working relationship between officers and superiors are disruptive to the mission of this agency. This is especially true when such statements are simply bickering or personal disputes with one's superiors.

Union spokespersons are entitled to express their association's viewpoints on matters of public concern. In fact, such individuals are afforded greater latitude in making public pronouncements on departmental policies or operations.

Certain types of speech by officers are not constitutionally protected. These include: speech which is knowingly false; statements made as an extension of a personal dispute; statements resulting from a personality conflict; speech promoting or endorsing private services; profanity and name-calling; speech which erodes the public's confidence in the department's ability to perform its mission in speech which causes significant disruption of morale

Offices were the subject of an internal investigation may be instructed not to discuss the matter of such investigation with others. Except in unusual cases, such restrictions would not apply to conversations with an offices attorney a union representative, or with such employee's spouse.

Officers shall not make derogatory remarks on the basis of any minority, status, race, nationality, gender, sexual preference, or marital status while either on or off duty.

### ***RULE 7.01 - PUBLIC CRITICISM OF THE DEPARTMENT***

Officers while acting in their official capacity shall not publically criticize the Department, its policies or members by talking, writing, or expression in any manner where such talking, writing, or expression: (a) is defamatory, (b) is obscene, (c) is

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unlawful, (d) tends to impair the operation of the Department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or is made with reckless disregard for truth or falsity.

An officer of the Department shall not make any vexatious or unnecessary complaint against another member of the Department nor criticize any other officer, except in the line of duty nor shall the officer maliciously gossip about any superior, order, policy, procedure, case or event that should remain police information; nor shall an officer cause to discredit, lower or injure the morale of personnel in the Department, or that of any individual in the Department. To this end, officers shall make maximum utilization of the chain of command, and also the grievance procedure of the Department as described in the applicable collective bargaining agreement. In addition, officers shall not publicly criticize instructions or orders they have received.

### ***RULE 7.02 - DISCRIMINATION***

The law prohibits discrimination on the basis of race, creed, color, national origin, religion, age, sex, sexual orientation, handicap, or veteran status. Officers shall not make disparaging remarks nor discriminate in their actions or speech against citizens or other officers.

### ***RULE 7.03 - COURTESY***

Officers shall be courteous and considerate to the public, to their superior officers, and to their fellow officers and employees of the Department as well as to members of other law enforcement and governmental agencies. They shall be tactful and shall exercise patience and discretion in the performance of their stressful duties. Officers shall answer questions from citizens in a courteous manner and, if unable to supply an answer, shall make every effort to obtain the answer for the citizen.

### ***RULE 7.04 - IDENTIFICATION***

Officers shall properly identify themselves to any person requesting this information, while they are on duty, except when the withholding of this information is necessary for the proper performance of police duty, when it might jeopardize the physical safety of a department member, or when authorized not to do so by proper authority. Under *Mass. Gen. Laws ch. 41, § 98D*, every full time police officer is required to carry an official identification card to be shown to the public upon lawful request.

### ***RULE 7.05 - DISSEMINATION OF OFFICIAL INFORMATION***

Officers shall treat as confidential the following information:

- a. information made confidential by law (for example, CORI and rape shield law);

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- b. information involving the privacy of employees, witnesses, victims or informants (for example, employee medical records);
- c. the operations, policies and procedures of the Department to the extent that dissemination would compromise operations.

The obligation to maintain confidentiality will not preclude officers or the Union from discussing matters of public interest in a public forum so long as no confidential departmental information is disclosed. Any communication on behalf of the Department with the public, the media, agencies or individuals must be authorized by the Chief of Police.

The following information is not confidential and may be freely utilized by an officer:

- a. public information;
- b. with respect to an employee, his own employee records (as defined by *Mass. Gen. Laws ch. 149, § 52C*);
- c. information supplied to the Union pursuant to the obligation to bargain under *Mass. Gen. Laws ch. 150E* (except to the extent the law may restrict the use of such information); and
- d. with respect to an employee, a copy of his own report of an incident.

### ***RULE 7.06 - TESTIMONY IN CIVIL CASES***

Officers shall not testify in any civil case, arising as a result of the performance of duty, in any court, unless legally summonsed to do so or until having received permission or order from the Chief of Police. When summonsed to testify, an officer shall notify the Chief of Police in advance of testifying. Failure without excuse to obey a subpoena or summons in a civil case is unlawful, may be punished as a contempt of court, and may constitute conduct unbecoming an officer.

### ***RULE 7.07 - TRUTHFULNESS***

Officers will comply with the laws that require telling the truth in all departmental communication, filing of police reports, in testimony under oath, or in any statement made under the penalties of perjury.

### ***RULE 7.08 - STATEMENTS CONCERNING LIABILITY***

Officers shall not make any oral or written statement to anyone concerning liability in connection with the operation of police vehicles or performance of other police operations, unless (1) required to do so by law; (2) in consultation with a Union

representative; (3) in consultation with counsel; or (4) specifically authorized to do so by the Chief of Police

***RULE 7.09 - TESTIFYING FOR CRIMINAL DEFENDANTS***

Officers shall not testify for the defendant in a criminal case, parole hearing or other judicial proceeding, in any court or tribunal, unless legally subpoenaed or summonsed to do so or without the advance approval of the Chief of Police. In cases, which involve the police department or its personnel, officers shall, before testifying, inform the Chief of Police of the nature of the testimony intended to be given.

***RULE 7.10 - RECOMMENDATION FOR DISPOSITION OF CASES***

Officers shall not make a recommendation for the disposition of any case pending in the courts without the consent of the Chief of Police, or with the permission of the Prosecutor; or upon the direct request of the Court to the officer.

***RULE 7.11 – COMMUNICATION WITH OFFICIALS***

Officers shall forward all official departmental communications to governmental municipal officials through the Chief of Police, unless specifically authorized otherwise, or unless in the normal course of Department business.

## **8.0 ORDERS**

An order is defined as a command or instruction, oral or written, given by one member of the Department to another member of lesser rank. It is essential to the proper operation of a police agency that officers promptly obey all lawful orders. Every officer of the Department shall promptly obey, without reservation, the, rules, regulations, policies and procedures of the Department and all lawful commands of a Superior Officer including those commands relayed from a superior by an officer of the same or lesser rank.

### ***RULE 8.01 - OBEDIANCE TO RULES AND ORDERS***

Police officers are expected to be familiar with and comply with all lawful orders, rules and regulations, and policies and procedures issued by the Department.

### ***RULE 8.02 – ISSUING UNLAWFUL ORDERS***

No Superior Officer shall knowingly issue any order which is a violation of any law. Officers are prohibited from following any order which is contrary to any Federal or State law. When an officer has a question about the legality of an order, he should, where time allows, raise that question with his supervisor, the Chief of Police, and the Union, before refusing to obey the order.

### ***RULE 8.03 - CONFLICTING ORDERS***

Should any order given by a supervisor conflict with any previous departmental order, the officer to whom such order is given will call attention to the conflict. If the person responsible for issuing said order does not change the order to avoid such conflict, the order will be obeyed, but the officer obeying such order shall not be held responsible for disobedience of the previous order, and the conflict should later be reported to the Chief of Police, through the chain of command, for clarification.

### ***RULE 8.04 - UNJUST OR IMPROPER ORDERS***

When lawful orders, which appear to be unjust or improper, are given, the officer to whom the order is given shall respectfully notify his/her immediate supervisor who shall notify his/her Superior Officer issuing such order of its impropriety. If the order is not corrected, then it is to be carried out. After carrying out the order, the officer to whom the order was given may file a written report to the Chief of Police, via the chain of command, indicating the circumstances and the reasons for questioning the order, along with a request for clarification of departmental policy. An officer who carries out an order found to be unjust or improper by the Chief of Police or court or tribunal of competent jurisdiction will not be held responsible by for carrying out such order.

***RULE 8.05 - INSTRUCTIONS FROM DISPATCHER***

All messages transmitted over the police radio system by any officer or employee shall be direct and concise and shall conform with all departmental radio procedures and the rules and regulations. No officer shall fail to obey or refuse to take cognizance of any communication (whether via radio, telephone, computer, or orally in person) transmitted by or conveyed directly from the Dispatcher, unless instructed to do so by a Supervisor.

***RULE 8.06 - TYPES OF ORDERS***

Written orders come in a variety of forms. Below is a brief description of the types of written directives, which may, from time to time, be utilized.

- A. **General Orders:** General Orders are permanent written orders issued by the Chief of Police outlining policy matters, which affect the entire department. A General Order is the most authoritative written order the Chief of Police issues, and may be used to amend, supersede or cancel any previous order. General Orders remain in full force and effect until amended, superseded or rescinded by the Chief of Police.
- B. **Special Orders:** Special Orders are temporary written orders issued by the Chief of Police outlining instructions covering particular situations. Special Orders are automatically canceled when their objective is achieved.
- C. **Personnel Orders:** Orders pursuant to the collective bargaining agreement issued by the Chief of Police or other authorized command personnel pertaining to assignments, change of duty assignments, administrative matters relating to conditions of employment, and employee rights and benefits.
- D. **Memoranda:** Memoranda are written communications (generally entitled "Memorandum" or "Memo") issued by the Chief of Police or other authorized command officers for the following purposes: (a) to issue information or instructions which do not warrant a formal order; (b) to direct the actions of subordinates in specific situations; (c) to explain or emphasize portions of previously issued orders; or (d) to inform officers of actions or policies of other agencies.
- E. **Rules and Regulations:** A manual of rules and regulations issued by the Chief of Police and approved by the Board of Selectmen which defines required and prohibited conduct and generally outlines the basis for departmental discipline.

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- F. **Policies and Procedures:** A manual, describing the policy of the department and required procedures to be followed in handling a variety of operational areas confronting law enforcement officers.

### ***RULE 8.07 - INSUBORDINATION***

Officers shall carry out all lawful orders in a prompt, respectful and professional manner. An officer's filing a grievance or other protest over an order is not inconsistent with his obligation to carry out the order. An officer's carrying out an order does not waive his right to file a grievance or other legal protest.

## ***9.0 UNIFORMS AND APPEARANCE***

Officers shall wear such uniforms, equipment, and insignia of rank as the Chief of Police or his designee may, from time to time, prescribe. Officers should present a professional appearance to the public at all times and reflect a positive image as members of the Department. Exceptions to the uniform may be authorized for plain clothes officers or for medical necessity. Periodically the Chief of Police may post drawings or issue orders for guidance in interpreting the following regulations. Officers have the right to wear the Union lapel pin on the uniform.

### ***RULE 9.01 - HAIR STYLES FOR MALE OFFICERS***

Officers shall keep their hair neat, clean and trimmed and shall present a well-groomed appearance. Hair shall not cover any part of the ears and will be trimmed in back and on the sides so that it does not extend over the collar. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. In no cases will the bulk or length of the hair interfere with the proper wearing of any authorized headgear. Exceptions to this rule may be granted by the Chief of Police for special reasons or purposes (such as medical reasons or special duty assignments).

- A. **Sideburns:** If an officer chooses to wear sideburns, they will be neatly trimmed and tapered. Sideburns may extend to a level consistent with the midpoint of the ear, will be of even width (not flared), and will end with a clean shaven horizontal line.
- B. **Mustaches:** Mustaches shall be neatly trimmed at all times and shall not extend beyond the upper lip line in any direction and shall not extend below the lip line. “Handlebar” or “Fumanchu” mustaches are not allowed.
- C. **Beards:** The face will be clean shaven other than the acceptable mustache and sideburns. Beards and goatees are prohibited. Exceptions to this rule may be granted by the Chief of Police for special reasons or purposes (such as medical reasons or special duty assignments).
- D. **Wigs or Hairpieces:** Wigs or hairpieces in natural colors may be worn on duty for cosmetic reasons to cover natural baldness or physical disfiguration. When they are worn, they shall be of good quality, consistent in styling with these Rules and Regulations, and shall not interfere with the wearing of any required headgear.

### ***RULE 9.02 - HAIR STYLES FOR FEMALE OFFICERS***

The hair will be worn in a neat style. Hair must not be worn in a style that prevents the proper wearing of the uniform hat. Hair ornaments such as ribbons will not

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be worn. Pins, combs or barrettes similar in color to the individual's hair color may be worn. Wigs or hairpieces are permitted if they conform to the standards for natural hair.

### ***RULE 9.03 - EARRINGS***

Male officers may not wear earrings or studs on duty. Female officers may only wear stud-type earrings on duty (no hoops or dangling styles). Facial piercings are not allowed.

### ***RULE 9.04 - WEARING THE UNIFORM***

Officers shall keep their uniforms neat, clean and well-pressed at all times. Care should be taken not to wear threadbare or faded items. The uniform cap shall be worn out of doors unless otherwise directed by competent authority. While in uniform, officers shall display their badge on the outermost garment over their left breast. The Chief of Police shall periodically issue special orders pertaining to daily or seasonal wearing of uniforms.

Officers shall not wear any identifiable part of the uniform outside the limits of the community except while in the performance of official duty, while commuting to and from duty, while attending funeral or memorial services, or with the permission of the Chief of Police.

### ***RULE 9.05 - CIVILIAN CLOTHING***

Male officers permitted to wear civilian clothing during a tour of duty, including court appearances, shall wear either a business suit with tie, or sports coat with tie and slacks. Female officers permitted to wear civilian clothing during a tour of duty, including court appearances, may wear a dress or skirt and blouse, or blouse and dress pants. Dungarees and/or designer jeans etc. are not considered proper attire for officers – male or female. The Chief of Police may prescribe or allow other types of clothing. Civilian clothing shall not be worn with any distinguishable part of the police uniform.

### ***RULE 9.06 - IDENTIFICATION***

While on duty, officers shall carry their official identification cards and badges on their persons at all times unless it is impractical (e.g. wearing a bathing suit) or dangerous to do so (e.g. certain investigations or undercover work but only when authorized). While on duty, officers shall provide identifying information to any person requesting such information when required by law, unless the withholding of such information is required for the proper performance of their police duties or is authorized by the Chief of Police.

### ***RULE 9.07- TATTOOS***

Officers shall not have tattoos on any part of their body that is visible with the uniform they are wearing at the time. No officer shall acquire a new tattoo on his or her

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head, hands, face or neck, or on any part of his or her body that is visible with a short-sleeve shirt or short pants.

With the Chief's permission, an officer may cover a pre-existing tattoo on the officer's arms or legs that would otherwise be visible when wearing the appropriate uniform. Permission need not be granted, especially where the cover might distract from the officer's uniform appearance as a member of this department.

### ***10.0 ATTENTION TO DUTY***

Officers are expected to be constantly alert and vigilant in the performance of their duties and to respond prudently but decisively when police action, functions, responsibility, duty or service are required or expected. Every officer of the Department who has occasion to handle any complaint, assistance call, arrest or other duty, shall attend to such duty with business-like dispatch and courtesy and without any unnecessary loss of time. Officers shall furnish information and render aid to all persons with due courtesy whenever such request is consistent with their duty. Officers shall not withhold information on criminal activity from the Department or other authorized personnel where there is a duty to disclose such information.

Every officer shall familiarize himself with the geography of the community, including: routes of public transportation; the location of streets, highways, bridges, public buildings and places; hospitals; churches; courts; transportation offices and stations; prominent or important office buildings; large industrial plants or commercial establishments; and such information as may be disseminated by his superior officer from time to time.

Officers shall furnish police assistance to all persons making such request, consistent with their police duties and assignments. They shall assist and cooperate with all law enforcement agencies, provide them any authorized information they are entitled to receive, and submit a report on all such action taken.

It shall be the duty of every officer to report to his or her Shift Supervisor or the Chief of Police any information given to him in good faith by any citizen regarding matters that indicate the need for police action. Officers, regardless of rank or assignment, shall act immediately: to protect life, liberty or property; to enforce all laws; to prevent or detect the commission of crimes; and to apprehend law violators.

#### ***RULE 10.01 - PROFESSIONAL IMAGE***

Officers shall act in a manner, which is consistent with the image of a professional police officer. Officers should avoid:

- a. Unnecessary shouting or using obscene language;

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- b. Tardiness in reporting for work;
- c. Conducting personal business while on duty (although officers are authorized to continue to attend to incidental personal matters) When using a cell phone, discretion must be used. The call should be taken outside the eye of the public.
- d. Taking excessively long meals or refreshment breaks;
- e. Failing to respond promptly to a request for police service;
- f. Failing to return promptly to service after finishing handling a call for police service;
- g. Lack of courtesy to an individual, either on the phone or in person; and
- h. Gambling, except when off-duty and at licensed premises.

### ***RULE 10.02 - DEVOTION TO DUTY***

Officers, while on duty, shall devote their full time and attention to the service of the department and to the citizens of the community. They shall remain alert at all times while on duty.

### ***RULE 10.03 - REPORTING FOR DUTY***

Officers shall report for duty promptly at the time and place required by their assignment or as otherwise directed by proper authority. They shall be properly uniformed and suitably equipped, ready to assume their duties. While on duty they shall avoid any activities not directly related to their police responsibilities and shall not absent themselves from duty without leave.

Officers unable to report for duty because of sickness or injury shall notify the on duty supervisor as soon as reasonably possible. The Department expects notice in normal circumstances at least eight (8) hours prior to their next tour of duty (unless the injury or illness occurs less than eight (8) hours before the officer's next tour of duty). The officer should await a return call from the supervisor or other command personnel at which time the injured or ill officer shall notify said supervisor of the nature of the illness or injury and as to how long he or she anticipates the illness or injury to continue. A distinction will be made between the officer's sickness and that of a family member.

### ***RULE 10.04 - SLEEPING***

Officers shall not sleep while on duty.

***RULE 10.05 - AWARENESS OF ACTIVITIES***

Officers shall acquaint themselves before their tour of duty with all important matters affecting their duties that have occurred since their last tour. Upon returning to duty from any period of absence, officers shall inform themselves about all new orders, regulations, memoranda, and all other important matters governing their assignments. Officers shall familiarize themselves with all of the laws, statutes, by-laws/ordinances, and regulations necessary for the proficient execution of their duty as police officers. The Chief of Police will provide information adequate to keep officers informed of the matters required by this section.

***RULE 10.06 - LEAVING THE COMMUNITY***

Officers shall not leave the limits of the community and enter another city or town unless it is necessary in the performance of duty or consistent with past practice. An officer shall inform the Shift Supervisor or the dispatcher prior to leaving and again upon returning. If an emergency prevents following this procedure, the officer must contact the Shift Supervisor as soon as possible. In all such emergency cases, a subsequent report will be submitted, in writing, for the attention of the Chief of Police, to include the circumstances, the reasons for leaving the community and the period of absence.

***RULE 10.07 - DUTY STATUS***

Off-duty officers may be called back to duty in the following circumstances:

1. When there is a non-emergency need for officers to work assignments other than their regularly scheduled tours of duty, the town will call back employees from the Overtime List in accordance with the procedures established by the collective bargaining agreement and after the list is exhausted the town may order employees to work in accordance with the department "Order-in Policy."
2. In a public safety emergency (a hurricane, flood, or other disaster) the Chief of Police may order employees back to work in accordance with the department "Order-in Policy."
3. When an off-duty officer observes within the Town of Weston any crime, public disorder, or other incident requiring police service, the officer may activate himself and take appropriate police action. In deciding whether or how to take police action, an off-duty officer may take into consideration the safety of members of his family or others in his company, his ability to function under the circumstances, and all other relevant factors.

***RULE 10.08 - DEPARTMENTAL COMMUNICATIONS***

Officers shall transmit all official communications promptly, accurately and completely to other officers of the department as required, and shall immediately inform

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their Shift Supervisor of any matter of police importance coming to their attention during their tour of duty, or otherwise. They shall call to the attention of their relieving officers any information regarding unresolved problems or difficulties which may arise during the next tour of duty.

### ***RULE 10.09 - COOPERATION WITH INVESTIGATIONS***

At any investigatory interview at which an officer is requested to make a verbal, written or video statement or requested to give evidence of any sort, the officer will be entitled to have a Union representative present to advise and assist him during the interview. See Internal Affairs Policy.

## ***11.0 GENERAL REQUIREMENTS***

### ***RULE 11.01 - RESIDENCY***

Officers shall comply with any residency requirement specified by any applicable statute, bylaw/ordinance or collective bargaining agreement.

### ***RULE 11.02 - HOME ADDRESS AND TELEPHONE***

Officers shall have a telephone where they can be reached, and shall report any change of telephone number or home address to the Chief of Police within twenty four hours of such change. The telephone numbers or home addresses of department personnel to anyone outside the department shall not be given out. In the event of an emergency request, the officer's telephone number will be called with a notification to call the person making the request.

### ***RULE 11.03 - MEALS***

Officers shall take meals and breaks at such times as are approved by the Shift Supervisor who may limit the number of officers who may be off at any one time.

### ***RULE 11.4 - POLICIES AND PROCEDURES COMPLIANCE***

Officers shall read, be familiar with and comply with the requirements of the department's policies and procedures manual.

### ***RULE 11.05 - PAYMENT OF DEBTS/LEGAL LIABILITIES***

Officers will comply with all laws, particularly *Mass. Gen. Laws ch. 268A* when incurring and paying debts and other legal liabilities. Officers shall not incur any debt that interferes with his performance of his duties.

### ***RULE 11.06 - WARRANTS FOR ASSAULT***

Officers shall not make application for a warrant charging that they were assaulted while in the performance of duty without first reporting the facts of the case to the Chief of Police, through the Shift Supervisor, and seeking permission to make such application.

### ***RULE 11.07 - RELEASE WITHOUT ARRAIGNMENT***

Officers shall notify the Shift Supervisor in all cases where a release without arraignment is to be sought for any person arrested. In no case shall any discharge without arraignment be made without the approval of the Chief of Police or his/her designee or the court.

***RULE 11.08 - INCURRING DEPARTMENT LIABILITY***

Officers shall not incur a liability chargeable to the department or municipality, except with the knowledge and consent of the Chief of Police.

***RULE 11.09 - DUTIES WHILE SUSPENDED***

Officers shall obey all lawful orders while on suspension. Suspended officers may be required to testify in connection with cases which originated while an officer was on duty. Officers required to perform any duty while on suspension will be compensated for their time under the appropriate contract provision (e.g. court time, overtime, call-back, etc.) They may also be required to report to the station to meet with the Chief of Police or a superior officer, and may be required to submit to fitness for duty examinations.

***RULE 11.10 - CIVIL SUITS FOR PERSONAL INJURY***

In accordance with current departmental directives, regulations and contractual provisions officers may present claims to the Town for damage to clothing or other personal property resulting from the performance of duty. Officers, who desire to seek, solicit, sue for, or accept compensation from third parties for illness, injury, or other damages sustained in the line of duty shall first notify the Chief of Police in writing, giving a brief description of the parties, the amount sought, and the facts of the case. The Chief of Police shall be kept informed of the status of the case and the final court determination or settlement.

***RULE 11.11 - CRIMINAL CONDUCT***

Officers shall not commit any criminal act (felony or misdemeanor), or violate the criminal laws or statutes of the United States or of any state or local jurisdiction (bylaw/ordinance), whether on or off duty. An officer may be guilty of violating this rule regardless of the outcome of any criminal court case.

***RULE 11.12 – CITIZENSHIP AND WORK ELIGIBILITY***

Prior to employment, and periodically during the term of any employment with the department, officers and employees may be required to produce proof of citizenship or eligibility to work for the department.

**NOTE:** Federal law now requires all employers to report new hires to a designated state agency promptly after the start dates. Intelligence agents are exempted. 110 Stat. 2209-2210, 42 U.S. Code Sec. 453A

***RULE 11.13 – CONTAGIOUS DISEASES***

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Officers shall immediately report to the department if they become aware that they themselves or another officer or employee has a contagious disease that may impair their ability to perform their job or be spread through the air or skin contact to other employees or members of the public. NOTE: Sexually transmitted diseases are not included in this requirement.

## ***12.0 DEPARTMENTAL PROPERTY AND EQUIPMENT***

Property, equipment and uniforms issued to officers shall remain the property of the department. Officers shall maintain departmental property, uniforms and equipment assigned to them in good and functioning condition. Damaged or lost items may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

In the event that department property is found bearing evidence of damage which has not been previously reported, it will be considered prima facie evidence that the last person using the property or vehicle is responsible for said damage until the officer comes forward and proves by a preponderance of the evidence that he or she was not responsible.

### ***RULE 12.01 – DAMAGED OR DEFECTIVE EQUIPMENT***

Officers shall immediately report to their Superior Officer any damaged, defective, or inoperative property or equipment. When directed by the Chief of Police, the Superior Officer involved shall submit a report to the Chief of Police, detailing the circumstances leading up to problem and shall require a report by the officer assigned or in control of said property when said damage occurred.

### ***RULE 12.02 - CARE OF DEPARTMENT BUILDINGS***

Officers shall not mar, mark or deface any surface in any department building or motor vehicle. No material of any type shall be affixed in any way to any wall or other place or location in departmental buildings or property without specific authorization from the Chief of Police. This shall not apply to the posting of notices on a union bulletin board.

### ***RULE 12.03 - AUTHORIZED EQUIPMENT***

While performing official duties as a Weston Police Officer, officers are only authorized to carry and use weapons approved by the Chief of Police and authorized by the Board of Selectmen, pursuant to *Mass. Gen. Laws ch. 41, § 98*.

If an officer desires to have a personally owned firearm and ammunition authorized as an off duty weapon, he/she is required to receive approval from the Chief of Police and qualify with each firearm annually with the Firearms Instructor. The Firearms Instructor is responsible to keep updated records of approved off duty firearms owned by officers as well as the annual qualifications. The officer is responsible to provide ammunition for the qualification.

### ***RULE 12.04 - SURRENDER OF DEPARTMENT PROPERTY***

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Officers are required to surrender all department property in their possession upon separation from service or when otherwise ordered.

### ***RULE 12.05 - PRIVATE VEHICLES***

Except in emergencies, officers shall not drive or utilize a private vehicle while on a duty assignment or otherwise engaged in a police service. This does not apply to officers working Police Details, attending court or department sanctioned training.

### ***RULE 12.06 - DEPARTMENT TELEPHONES***

Officers are permitted to use Department telephones for brief personal matters so long as the calls do not interfere with the officer's duties. Otherwise officers shall not use Department telephones for personal matters without the permission of the Chief of Police. Permission is likewise required prior to making any official toll calls, and the required departmental forms will be submitted on all such toll calls.

### ***RULE 12.07 - DEPARTMENT VEHICLES***

Department vehicles are to be used for Department business. Officers must have and maintain a current Massachusetts driver's license. Officers shall not use any department vehicle without the permission of a Shift Supervisor or Chief of Police, or drive any Department vehicle to which they have not been assigned, except in an emergency. Officers who are involved in an accident with a Department vehicle, or when a vehicle is disabled and has been damaged, shall not move the vehicle except in an emergency. The Shift Supervisor or his designee shall immediately go to the scene and make an investigation and report all particulars to the Chief of Police forthwith. The officer involved shall promptly submit a written report in accordance with Department policies and procedures.

Officers who are assigned to duty as an operator of a Department vehicle shall be responsible for checking on the serviceability of the vehicle. Except when the vehicle is in emergency use, the officer shall inspect the vehicle when it is turned over to him and shall submit a written report to the Shift Supervisor of any defect, damage or unserviceability not previously reported. The officer or officers at the same time shall also inspect the interior of the vehicle for the presence of unauthorized articles. Responsibility for cleanliness of the vehicle shall be the responsibility of the officer or officers assigned said vehicle under the supervision of his or their immediate supervisor.

### ***RULE 12.08 – REQUIRED LICENSES***

Officers must have and continuously maintain an active Massachusetts Driver's License and License to Carry a Firearm. Officers are to immediately report to the Chief of Police any change in their license status. This rule applies to sworn police officers only as a requirement to fulfil their duties.

***RULE 12.09 - UPKEEP OF POLICE MANUALS***

Officers who are issued this Manual and the Weston Police Department's Policies and Procedures Manual are responsible for their maintenance and knowledge of their contents and they are required to make appropriate changes or inserts as issued by the Chief of Police. The Manuals shall be readily available for inspection and review when so directed. The Manuals shall be considered department property and shall be surrendered to the police department upon separation from service with the department.

***RULE 12.10 - TRANSPORTING CITIZENS***

Officers shall assure that only authorized police personnel or employees drive or are transported in departmental vehicles. Citizens shall be transported in department vehicles only when necessary to accomplish a proper police purpose. Such transportation shall be in conformance with department policy and procedure or at the direction of the Chief of Police or a Shift Supervisor.

***RULE 12.11 - CARE OF DEPARTMENT PROPERTY***

Officers shall make every effort to conserve the physical resources of the Department. Misconduct in the use and care of Department property may be the subject of discipline. In appropriate circumstances restitution may be required. Officers who are the actual custodians or users of any Department property shall be responsible for the safe-keeping and proper use of the property during the time that such officer has control of the property, and it shall be returned upon demand of a supervisor, separation from the service, upon retirement, upon demand, or when its use is terminated.

***RULE 12.12 – ITEMS OF IDENTIFICATION***

Officers shall be responsible for the items of identification issued to them as an officer of the department, including but not limited to, the police badge, hat badge or name plate, and the police identification card. They shall not permit any other person to borrow or use the items of identification issued to them by the department. Any loss of such items shall be reported immediately by the officer to the Chief of Police together with a written report of the circumstances leading to such loss.

***RULE 12.13 – PERSONAL POLICE EQUIPMENT***

Officers must obey all applicable laws and regulations with regard to any personal firearms or other police equipment they may own or carry. Such firearms and other police equipment must be registered as required by law.

***RULE 12.14 - CARE AND SECURITY OF FIREARMS AND AMMUNITION  
MAGAZINES***

Officers shall maintain their service firearms, authorized off-duty weapons, and ammunition magazines, if any, in proper working order at all times and report any

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damage, loss or unserviceable condition immediately to the Chief of Police or to their Shift Supervisor. All officers shall be personally responsible for the cleaning, lubrication, security and safekeeping of said firearms and magazines at all times and shall not alter or repair any part of their service or authorized off-duty firearms or magazines without the approval of the Chief of Police. The Chief of Police may issue a schedule setting forth intervals at which service firearms and magazines are to be inspected, cleaned and lubricated. Officers shall not use or handle weapons or firearms in a careless or imprudent manner.

### ***RULE 12.15 - CARE AND CUSTODY OF PROPERTY***

Officers shall assure that all personal property, including money, which comes into an officer's custody while on duty, whether lost, stolen, confiscated, abandoned, turned over to the department or taken from a prisoner or detainee, is properly tagged, recorded and turned over to the proper department authority, or placed in the designated place of storage for safe keeping, all in accordance with current department policies and procedures.

### ***RULE 12.16 – EVIDENCE OR SUSPECTED CONTRABAND***

Officers shall assure that whenever evidence of any kind, including suspected contraband such as questionable controlled substances, alcoholic beverages, or other items kept contrary to law comes into the possession of an officer of the department, said evidence or suspected contraband is to be secured in accordance with department policies and procedures for safe-keeping and analysis if necessary. This regulation shall be adhered to in all cases, whether or not court action is contemplated, whether or not an arrest is made, and whether or not the owner of such evidence or suspected contraband is known to the officer.

Officers are not authorized to destroy or dispose of evidence or suspected contraband, except by direction of the Chief of Police, or in accordance with procedures established by law for the destruction or disposal of the same, and in accordance with department policies and procedures.

### ***RULE 12.17 - DEPARTMENT NOTICES***

Officers shall not alter, deface, or remove without permission, any posted notice on the department bulletin board or from any other location where said notice may be posted. No notice of a derogatory, libelous or profane nature of any kind shall be posted upon the department or Union bulletin board(s), or within or upon any other department property or location. All notices on the Union bulletin board, if any, will conform to the requirements of the applicable collective bargaining agreement and will be signed by a Union official.

### ***RULE 12.18 - DEPARTMENTAL RECORDS***

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Officers shall preserve and maintain the integrity of police records, reports and citations. The Chief of Police will furnish to the Union and to officers upon request: (1) information in town files which the Union needs to fulfill its duties, (2) information which is a public record, and (3) information considered an employee record.

Officers shall not steal, alter, forge or tamper with any kind of governmental or police record, report or citation. To this end, the removal of any record, card, report, letter, document, or other official file from any governmental entity, court or the department, except by process of law or as directed by the Chief of Police, is prohibited. Additionally, the obtaining or duplication or attempted obtaining or duplication of any information from any court, governmental or department files, sources or reports, other than that to which one is properly entitled in accordance with one's duties or assignment, is prohibited.

### ***RULE 12.19 – USE OF FOREIGN LANGUAGE SKILLS***

While on duty, officers shall use their foreign language skills to assist in such duties as interviews, interrogations or explanation of rights and responsibilities to suspects, prisoners, members of the public or others, when the needs of the job so require or when directed by a superior to do so. If you feel unqualified to use this skill to the extent necessary to ensure the protection of the individual's rights, then an appropriate person will be contacted. All efforts will be made to record the translations including when using a telephone company's "Language Line"

### ***RULE 12.20 - REPORTING ARRESTS AND COMPLAINTS***

Officers shall immediately notify the department of any arrest or citation, as well as any conviction or the imposition of any criminal penalty, sanction, fine or sentence in which they are involved as a defendant, respondent, accused party, witness or accomplice. This will include instances where charges are dropped, cases are continued with or without a finding, and an alternative sentence may result, including but not limited to; community service or the like. Also included are instances where an officer's motor vehicle license, right to operate, registration or insurance is suspended or revoked.

## ***13.0 REPORTS***

Officers shall promptly and accurately complete all reports and forms required by the Department. Before leaving the station house at the end of his tour, an officer shall complete all reports and forms which pertain to events occurring during the concluded tour. If a deviation is requested, it will only be allowed after consulting with a supervisor. However, where the officer may be disciplined for actions about which he is required to report, he shall be permitted adequate time to consult with a Union representative and/or counsel prior to submitting a report on the incident. Furthermore, where the officer may be investigated for potential criminal conduct in connection with a matter about which he is required to report, he may decline to submit a report on the matter unless he is ordered to do so and is granted transactional immunity by all relevant forums consistent with the provisions of *Baglioni v. Chief of Police of Salem*, 421 Mass. 229 (1995). Falsification of a police report or record, by submitting false written or oral information, may result in disciplinary action against the officer. Police reports and records include such things as affidavits, incident reports, time-sheets, condition of the officer's health, IAD investigation reports, and citations.

### ***RULE 13.01 – TRUTHFUL REPORTING***

Officers shall not knowingly or willingly enter or cause to be entered upon a police report or police record any inaccurate, false, misleading, incomplete, or improper information.

### ***RULE 13.02 – REPORTING ILLNESS OR INJURY***

Officers shall notify the shift supervisor, Lieutenant or Chief of Police of any illness or injury in accordance with department policy and procedure.

### ***RULE 13.03 - REPORTING CITIZEN COMPLAINTS***

Officers receiving a complaint by any citizen against themselves or any officer or employee of the Department shall notify (orally) and make a written record of such complaint and forward the report to the shift supervisor or Lieutenant by the end of their shift. The officer may try to resolve the complaint informally, but shall not try to discourage any citizen from filing a complaint with the department. Officers shall follow the Department's policy and procedure for receiving and processing citizen complaints.

### ***RULE 13.04 – REPORTING RULE VIOLATIONS***

Officers shall, upon observing or otherwise becoming aware of a violation by another officer or employee of the department's Rules and Regulations or Policies and Procedures, as set forth in this Manual or by other departmental directives or as governed by law, report said violations to their superior officer who will be responsible for appropriate action, report submission and follow-up.

## ***14.0 FITNESS FOR DUTY***

A police officer must be fit (both physically and mentally) to perform the duties of a police officer. Under some circumstances, the Department may be justified in determining whether an officer is fit for duty. In exercising this right, the Department shall not violate the officer's rights under state and federal law, including the right to privacy and the right to confidentiality of medical records.

### ***RULE 14.01 - ABSENCE***

Officers shall not be absent from duty without permission. For a proper reason, and only for a limited time, a Shift Supervisor or the Chief of Police may excuse an officer from reporting or being present for duty. All unauthorized absences shall be investigated and shall be reported to the Chief of Police for appropriate action.

### ***RULE 14.02 - SICK LEAVE***

Officers may utilize sick leave for personal illness or injury which affects their ability to work. Compensation for sick leave shall be subject to review by the Chief of Police who may disallow such leave for improper or unauthorized use and may impose or recommend discipline. Except in an extreme emergency or in the case of last minute onset of illness, an employee shall give notification of his/her intention to take a sick day no later than eight (8) hours prior to the start of their shift. This includes an emergency family illness.

### ***RULE 14.03 – DOCTOR'S CERTIFICATE***

Officers shall provide a certificate from a doctor, if required, in accordance with the Union contract for an absence from duty because of sickness or injury.

### ***RULE 14.04 - PHYSICAL & MENTAL FITNESS***

Officers shall maintain good physical condition in accordance with standards agreed to by the Town and Union. Whenever objective circumstances indicate that an officer's physical or mental status may affect his ability to do the job, the Chief of Police may order the officer to submit to a medical examination at the expense of the Department.

### ***RULE 14.05 - NOTIFICATION***

Officers shall notify a superior officer or the Chief of Police when ill and unable to report for work, or if there is any change in an officer's physical or mental health that could disqualify or temporarily prevent the individual from being assigned to duty by the department.

***RULE 14.06 – POSSESSION OR USE OF ALCOHOL***

Officers shall not possess and/or use alcohol on duty other than in an authorized duty capacity. Officers shall not report for duty or be on-duty while under the influence of intoxicating liquor or with an odor of alcoholic beverage on their breath.

***RULE 14.07 – USE OF TOBACCO OR MARIJUANA***

Officers appointed after January 1, 1988 shall not smoke tobacco products of any kind whether on or off-duty. Whoever violates said statute is subject to dismissal as specified in *Mass. Gen. Laws ch. 41, § 101A*.

All officers shall not use, consume or smoke marijuana in any form for any reason.

***RULE 14.08 - CONTROLLED SUBSTANCES***

Officers shall not possess and/or use on or off-duty any controlled substances, except with the approval and guidance of a licensed physician and with the knowledge of the Chief of Police. At no time may an officer use, abuse, or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the officer, the department or the municipality.

Officers shall not bring, place, or permit to be brought or placed, or allow to be kept in any building, location or vehicle of the department, any intoxicant, exhilarant, hypnotic, hallucinogen, or narcotic, except in the strict performance of police duty, e.g. evidence, etc., or when it is needed for administration by, or at the direction of a licensed physician, and then only after notification to and approval from the Shift Supervisor or Chief of Police.

***RULE 14.09 - LINE-OF-DUTY DISABILITY***

Officers who are injured in the line of duty may apply for leave without loss of compensation as provided *Mass. Gen. Laws ch. 41, § 111F* of the General Laws of the Commonwealth of Massachusetts. Any injury, in the line of duty, shall be reported in writing by the officer concerned to the shift supervisor or Chief of Police, and this report will be properly investigated. Such report shall be made prior to the end of an officer's shift unless the officer is prevented from doing so. In such case notice will be made as soon as the officer is reasonably able to do so. Departmental forms and insurance claim forms will be utilized for notification and application purposes as the Chief of Police may direct. Determination of disability and ability to return to work shall be done in accordance with the statute and the Union contract.

**MOTION:** Mr. Gillespie moved to take drainage easements on properties 15 and 19 Pond Brook Circle and 23 Ledgewood Road as described in the Order of Taking, 2<sup>nd</sup> by Mr. Houston. **Approved unanimously**

**Item 5 – Meet with Police Chief**

- a. Approve updated Rules and Regulations for the Police Department**
- b. Reappoint Chief of Police**
- c. Update on parking at Kendal Green Station and Drabbington Way**
- d. Crisis Intervention Team and other updates**

Michael Goulding, Chief of Police

Approve updated Rules and Regulations for the Police Department

The Board of Selectmen is authorized by law to approve the rules and regulations for the Police Department. Chief Goulding took the former Rules and Regulations from 1974 and incorporated it into a more contemporary set of standards that addresses more than the former document, such as providing testimony, clothing, and how officers conduct themselves. The updated rules and regulations have been reviewed by Town Counsel and also the Police Union, which offered suggestions that were incorporated.

Reappoint Chief of Police

Chief Goulding's three-year term expired in March. Ms. VanderClock recommends reappointment for another three-year term expiring March 9, 2021. Mr. Gillespie asked if the reappointment is subject to a successful employment contract. Ms. VanderClock said the contract is developed after reappointment and will be brought back to the Board for approval. Mr. Houston commented on how regularly he hears how well Chief Goulding works with the public and commended him for his community policing and public face for the Department. Mr. Gillespie thanked the Chief for raising the Weston profile to other communities and providing so many training opportunities for the officers.

**MOTION:** Mr. Houston moved to adopt Rules and Regulations for the Police Department, effective immediately, replacing those previously adopted in 1974 and further moved to reappoint Michael J. Goulding as Chief of Police for a three-year term expiring March 9, 2021. 2<sup>nd</sup> by Mr. Gillespie. **Approved unanimously**

Update on parking at Kendal Green Station and Drabbington Way

Chief Goulding said his officers have continued to monitor the parking lot at Kendal Green, which has indicated that no one is using the handicapped spaces. Ms. VanderClock said the statute requires the lot to have three dedicated spaces, but since the station itself is not handicapped accessible the Town may be able to apply for a waiver to reduce the number of spaces. Chief Goulding said his department will continue to monitor the lot. Mr. Gillespie asked if there has been any overflow parking on Hobbs Brook Road. Chief Goulding said there has not been.

Turning to Drabbington Way, Chief Goulding reported that some of the parking issues have improved with the installation of resident-only parking, but there are concerns about idling cars waiting for a non-resident parking space. His department has also received complaints about the resident-only parking signage not being clear to some and a request for tow-zone signage. Chief Goulding reported that there was a day of nice weather early in April and the area was inundated with cars. Though 30 citations were issued that day, the traffic volume is still a concern. Mr. Houston asked about dog walker licensing and the various dog groups that come to the area. Chief Goulding said when the Animal Control Officer is full-time, she will be able to monitor it best, but permits may need to be put in place for visiting dog groups.

### Crisis Intervention Team and other updates

Chief Goulding reminded the Selectmen of his campaign to have Weston Police Officers trained in crisis intervention through Riverside Community Care so people who need mental health assistance can get the appropriate help and response. To date, six of eight officers are trained. Additionally, there has been a change in leadership with Riverside Community Care, which has been beneficial in allowing the police, Council on Aging, Board of Health, Public Library and Public Schools to align and be prepared before getting to the point of intervention.

Mr. Houston asked about the status of the K9 unit. Chief Goulding said it had been shelved, but he is now working through details regarding collective bargaining issues and is optimistic it will go through.

### **Item 6 – Consider Revised Associate Member Policy**

Mr. Houston has been reviewing the Selectmen's Associate Member Policy after he had received feedback regarding some ambiguity with the role of an associate member serving on a Selectmen-appointed committee. His revisions seek to:

- formally outline the role of an associate member and liaison representatives serving on working boards
- stipulate the appointment of an associate member needs to be approved by the Selectmen for a one-year term that expires June 30th
- address the associate member role as one offering expertise, but is not involved with the process or serves in an authorizing role
- clarifies that associate members can be replaced or moved up as a voting member of the committee
- outlines process for committees to request a review of its charge if there is an associate member who is called upon frequently

Mr. Gillespie thanked Mr. Houston and said the policy was needed and addresses these roles very well.

**MOTION:** Mr. Houston moved to replace the existing Associate Member police with this revised policy. 2<sup>nd</sup> by Mr. Gillespie. **Approved unanimously**

### **Item 7 – Discuss 2018-2019 Town Meeting-related Dates and Locations**

Following the schedule as in years' past, the November Special Town Meeting is typically held after Thanksgiving. Two years ago it was moved to a Tuesday night to alleviate concerns of post-holiday travel and low attendance. Tuesday, November 27<sup>th</sup> and Monday, December 3<sup>rd</sup> for the second night are available at the High School.

The normal cycle for the events leading up to and including Annual Town Meeting is tracking early. In previous years, these event dates were pushed back by one week. The Selectmen discussed and decided to go with the earlier dates. Ms. VanderClock also asked if the Town Government Volunteer Appreciation Dinner could be pushed back two weeks because of the difficulty in making arrangements during preparations for Annual Town Meeting and a later date would help get past evening school and youth sports events. The Selectmen agreed to that change.

After this past Annual Town Meeting, it was suggested exploring the use of the Field School gymnasium as an alternate location since the High School auditorium and gymnasium required two different voting handsets preventing attendees in the gymnasium from moving into auditorium. Ms. VanderClock said there are 450 parking spaces at the High School and Middle School and 489 on the Case Campus. The Field School can accommodate about 800 people and the High School auditorium can hold 575 with about the same number in the gymnasium. The Selectmen discussed this further and decided to continue using the High School auditorium and gymnasium.

**MOTION:** Mr. Houston moved to approve the following dates: Fall Special Town Meeting on November 27 and December 3, 2018; Town Caucus on March 4, 2019; Budget Hearing on April 29, 2019; Annual Town Election May 4, 2019; and Annual Town Meeting on May 6, May 8 and May 13, 2019. 2<sup>nd</sup> by Mr. Gillespie. **Approved unanimously**

### **Item 8 – Approve Fiscal Year 2019 Non-Union Compensation Plans**

Ms. Yanakakis reminded the Selectmen of the pay details in the settled municipal contracts for fiscal 2017 through fiscal 2019 for Public Works, Police, Superior Officers, Communications, and the Public Library. She also reminded the Selectmen of the work with a consultant to conduct a Pay and Classification Study, which concluded with a new Pay and Classification Plan that was adopted by the Board in December 2017. The Study showed that the Town was paying competitively for some positions but needed to expand the pay range for other positions in order maintain the Town's aim of remaining competitive by paying and providing benefits within the top 75th percentile of the Town's comparator communities and the market. The implementation of the Plan had no additional costs for fiscal 2018 and will have manageable costs for fiscal 2019. Ms. Yanakakis provided a nine-year analysis of non-union and union employee pay increases with inflation rate information. The inflation rate for the Boston area increased 3.6 percent from March 2017 to March 2018. The non-union increase for fiscal 2018 was 2 percent. Based on the inflation rate and the union increases, Ms. Yanakakis and Ms. VanderClock recommend a 2 percent increase for non-union employees.

**MOTION:** Mr. Gillespie moved to establish fiscal year 2019 compensation plans, effective July 1, 2018 with an increase of 2 percent over the fiscal 2018 amounts. 2<sup>nd</sup> by Mr. Houston. **Approved unanimously**

### **Item 9 – Town Hall Summer Hours**

Ms. Yanakakis asked the Selectmen if the policy establishing Town Hall summer hours could continue this summer.

**MOTION:** Mr. Gillespie moved to establish summer hours at the Town Hall from June 18 to August 31 as follows: Monday through Thursday, 8:00 a.m. to 5:00 p.m. and Friday, 8:00 a.m. to 2:30 p.m. 2<sup>nd</sup> by Mr. Houston. **Approved unanimously**

### **Consent Agenda**

**MOTION:** Mr. Houston moved the consent agenda as follows:

Approve minutes from the following Board of Selectmen's meeting: March 27, 2018

Approve a request from the Weston Community Children's Association for a permit to occupy Town House Road during Summer Kickoff being held on the Town Green on Sunday, June 10, 2018 between the hours of 4:30 p.m. and 6:30 p.m. The request has been reviewed by Police, Fire and Public Works departments.

Approve request by Michael Antonellis, Manager, Veterans Taxi of Newton, of 224 Calvary Street, Waltham, Mass. for a License to Operate Public Vehicles for Hire in Weston. The License will be effective from the date of approval through December 31, 2018. The application has been reviewed and approved by Police Lieutenant Michael Forti.

Approve a request for a 5k road race permit from Land's Sake, Inc. to hold the Harvest Hustle scheduled for Sunday, September 16, 2018, between the hours of 10:00 a.m. and 12:00 p.m. The Police, Public Works, and Fire departments have reviewed and approved this request.

Approve a request from the Council on Aging to accept a donation of \$200 from Irmgard and Ken Bryant to be applied to the Miscellaneous Gift Account.

Approve a request from the Conservation Commission to accept a donation of a split rail fence from Mr. Jacques Wajsfelner, which is erected on land near the Dickson Riding Ring.

Approve amendment to the agreement for the Regional Housing Services Office between Acton, Bedford, Burlington, Concord, Lexington, Sudbury and Weston adding the Town of Wayland, effective July 1, 2018.

Accept the resignation of Richard Hersum from the Registrars of Voters.

Accept the resignation of Marisa Morra from the Historical Commission

2<sup>nd</sup> by Mr. Gillespie. **Approved unanimously**

**Regular meeting adjourned: 8:16 p.m.**

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Christopher Houston  
Clerk

Note: A copy of all documents, explanatory material, and exhibits presented to and used by the Board of Selectmen as part of this meeting are attached to the approved minutes.