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Please Respond to Quincy

June 11, 2008

Mr. David E. Hajjar, Chairman
Town of Norwood Personnel Board
566 Washington Street
Norwood, MA 02062

Re: *Public Hearing Clarification*

Dear Mr. Hajjar:

Thank you for your June 6, 2008 letter.

On May 13, 2002, the Norwood Town Meeting adopted Article XXXIX of the Norwood General Bylaws which therefore constitutes (following its subsequent approval by the Attorney General) the statutory framework within which the Norwood Personnel Board must operate. Under the section which lists the "Responsibilities" of the Personnel Board, there is a sentence which reads:

Before any policies are adopted or amended the Personnel Board shall hold a hearing on same, such hearing shall be publicly advertised at least two weeks prior to said hearing.

There is a rule of statutory construction (and of common sense) which says that words in a statutory enactment are to be accorded their common meaning and usage, unless a contrary intent is clearly evident. In the quoted language, I perceive no intent to limit or change the

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meaning of any words (particularly "adopted or amended") and I conclude therefore that even minor or editorial changes must be adopted following a public hearing, of which notice has been given as set forth in Article XXXIX.

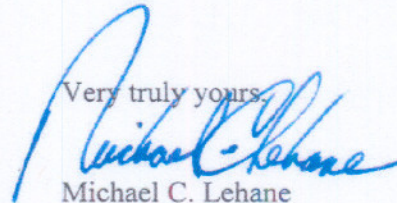
Thus, if after adoption of a policy, the Personnel Board wishes to change the numbering, insert or delete punctuation or substitute one word for another of similar meaning, a hearing should be held, in my judgment.

On the other hand, if an iteration of an adopted policy were found to contain the word "peice, I would consider that could be changed to "piece" without the necessity of a hearing, since that would not constitute a change to the policy, but rather the correction of a so-called "scriveners error" which would not constitute an "adoption or amendment".

The necessity of a public hearing before any changes to a policy are made (even to punctuation or numbering) strongly suggests that it would be wise to effectuate all said changes following one hearing; obviously it would make no sense to handle such minor changes one at a time. Such a practice would suggest that a full review be held at regular intervals. After the first such review and the correction of all minor errors, it should be a simple and manageable job to stay current.

I hope the foregoing is helpful to you.

Very truly yours,



Michael C. Lehané
Town Counsel

MCL/emw

Attachment: Article XXXIX