



Town of Groveland

**183 Main Street
Groveland, Massachusetts 01834**



A Guide to Posting Meetings, Agendas & Minutes

This is intended to be a guide for chairs of multiple-member bodies, and their associated members, responsible for posting meetings and filing minutes.

[The Massachusetts Open Meeting Law \(MGL Ch. 30A, §18-25\)](#)

Meeting Agenda Requirements

Meeting Agendas must contain the following information:

- Name of the Committee
- Date, Day of Week and Starting Time of Meeting
- Location of Meeting
- Name of Town Building
- Street address & Town for non-Town Buildings

Body of Agenda:

List of Topics the Chair reasonably anticipates will be discussed must be a specific itemized list so the public will understand what will be discussed and which items a vote is anticipated to be taken at the meeting.

Old Business and New Business may be listed on the agenda. This is not for items to be voted on or may be controversial. It simply allows for conversation on old or new items not specifically listed on the agenda.

Agendas may include items to inform the public that certain matters may be discussed that arise after the meeting notice was posted. Such an item may be listed as: "Other -Topics not reasonably anticipated 48 hours in advance of meeting." This is not for items to be voted on or may be controversial.

If the chair anticipates an executive session might be needed, that should be included on the agenda.

Posting a Meeting & Agendas

Meeting Postings & Agendas must be publicly posted with Town Clerk for at least 48 hours on the official town board prior to meeting, excluding Saturdays, Sundays and Legal Holidays. This will prevent the misunderstanding that sending the email meets the 48-hour requirement. The meeting must be posted to the official site within the 48-hour deadline.

The Open Meeting law requires 24-hour 7 day a week access to meeting schedules and agendas. We must process & post each meeting on the Town of Groveland website to be in compliance.

Email, Town Clerk at ECunniff@grovelandma.com and AssistantClerk@grovelandma.com
In Person, Town Clerks Office 183 Main Street, Groveland, MA 01834

Reminders for Emailing Postings & Agendas

The ownership of making sure the Town Clerk's Office has received a posting fall on the person posting the meeting, not the Town Clerk's Office. The Town Clerk's Office will check the email mailbox periodically & one-half hour prior to the office closing each day.

Meeting Postings & Agendas must be received at the Town Clerk's office within 30 minutes of Office closing on that day.

In order to be posted on the day received the Clerk's Office must receive the request by 3:30 PM Monday - Thursday and 11:30 PM on Fridays.

Town Hall Office Hours:

Monday, Tuesday, Wednesday, Thursday	8:00 am – 4:00 pm
Friday	8:00 am – 12:00 pm

NOTE: Any meetings not posted within these guidelines will NOT be in compliance with the Open Meeting Law and the committee should not meet.

Editing an Agenda

If something else comes to the attention of the chair after the posting deadline but before the meeting and that matter was not something the chair should have reasonably anticipated the chair is required to update the meeting notice as soon as possible.

The new agenda should be clearly marked as REVISED and the old agenda should continue to be available on all posting areas (website, calendars & bulletin board).

The same steps to post the meeting need to be followed to post the revised agenda.

Meeting Cancellations

Cancelling a meeting before the meeting is scheduled to start:

Should it be necessary to cancel a meeting before the meeting is scheduled to start (due to inclement weather or any other reason), the Chair of the public body or assigned member should notify the Town Clerk's Office as soon as possible so the postings (bulletin board & website) can be updated. The Office needs to have a written notification of cancellation.

Cancelling a meeting after the meeting when a quorum is not present:

It is necessary to inform the Town Clerk's Office when a posted meeting was not held, either due to lack of a quorum or any other unforeseen reason.

It is strongly recommended that a minority of members of a public body not "meet" in the absence of a quorum, and further, that such a group avoid discussion about any business within the jurisdiction of the public body, or any other matter.

Deliberations

A public body cannot discuss a matter that should have been reasonably anticipated unless the matter appears on the agenda.

The OML specifically defines the term "deliberation" to include email. Public bodies may only use email to distribute agendas or documents to be discussed as well as scheduling information. No opinion of a member may be expressed and members should avoid a reply to all on emails.

Whenever members are sharing feelings, ideas, beliefs or concerns relative to their position it is considered deliberation and would need to be in compliance with Open Meeting Law postings.

Should a public body deliberate inadvertently outside of a public meeting they must meet in open session to rectify the mistake and they must make an independent deliberative action and not merely a ceremonial acceptance in open session. They should also share in open session any email communications that could be considered a violation to rectify it.

Meeting Minutes - per MGL Ch. 66 §6

State law requires all public bodies (committees, commissions, boards, sub-committees and adhoc committees) to keep accurate written records of its public meetings.

Importance of the Record - Many matters before boards and committees are reviewable by a court on an appeal. In many of these matters, the appeal is based on the record developed before the board or committee. Thus, it is important to adequately develop a record that will accurately reflect what went on during the meeting and, most importantly, support the decisions and actions of the board or committee.

Meeting Minutes, as set forth by law, must include the following information:

- Date, time and place of the meeting
- List of Members present and absent
- Any actions taken at the meeting (including going into executive session w/roll call vote)
- A summary of the discussions on each subject
- Exact wording of all motions, including who made and seconded the motion
- The decisions made and actions taken, including a record of all votes

- A list of documents and other exhibits used by the body at the meeting

Once minutes are approved by vote of the public body:

The person who recorded the minutes and the committee chairman should sign the minutes and indicate the date of the meeting at which the minutes were accepted.

Minutes are public and permanent records. Departments must keep a file of all the minutes and be able to provide an original signed approved minutes upon request.

If you do not have access to post minutes on the website, then after approval the Chair, or the Secretary, shall send the minutes to the Town Clerk's office for posting on the Town Website.

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The "New Public Records Law" advises that approved minutes should be posted on the town's website.

Public Record

The records of all public body non-executive session meetings minutes are public and permanent records and must be available for public inspection. Minutes of open meetings are public records, subject to mandatory disclosure upon request within 10 days.

Records of any executive session may be withheld from disclosure only as long as publication may defeat the purposes of the executive session.

Meeting notes and draft minutes are considered public record from the moment of their creation and are considered the public record of the meeting until official Minutes are approved by the public body. The notes and draft minutes must be retained only until the minutes are approved and may thereafter be destroyed without permission from the Supervisor of Public Records. Any secretarial notes, if not destroyed once the official minutes are accepted, are considered a public document under the public records law.

Timely Fashion

Chapter 30A, §22C of the Open Meeting Law requires minutes to be produced in a timely fashion but does not provide a definition for "timely fashion." The Attorney General does, however, recommend that minutes be approved at a public body's next meeting whenever possible. The law does, however, state that in the event someone requests minutes from a meeting, such minutes must be provided to them within 10 days.

For Committees which meet monthly or more frequently, the minutes should be reviewed and approved at the next regular meeting following the one being reported. Committees which meet

less frequently should adopt a procedure, which will assure approval within two months of the original meeting date.

Remote Attendance at meetings

What are the permissible reasons for remote participation?

Once remote participation is adopted, any member of a public body may participate remotely if the chair (or, in the chair's absence, the person chairing the meeting) determines that one of the following factors makes the member's physical attendance unreasonably difficult:

1. Personal illness;
2. Personal disability;
3. Emergency;
4. Military service; or
5. Geographic distance

What are the acceptable means of remote application?

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation. Note that accommodations must be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

What are the minimum requirements for remote participation?

Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:

1. A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;
2. Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
3. All votes taken during a meeting in which a member participates remotely must be by roll call vote.

What procedures must be followed if remote participation is used at a meeting?

At the start of any meeting during which a member of the public body will participate remotely, the chair must announce the name of any member who is participating remotely and which of the three reasons above requires that member's remote participation. The chair's statement does not

need to contain any detail about the reason for the member's remote participation other than the section of the regulation that justifies it. This information must also be recorded in the meeting minutes.

Members of public bodies who participate remotely may vote and shall not be deemed absent for purposes of G.L.c.39, § 23D. In addition, members who participate remotely may participate in executive sessions but must state at the start of any such session that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

If technical difficulties arise as a result of utilizing remote participation, the chair (or, in the chair's absence, person chairing the meeting) may decide how to address the situation. Public bodies are encouraged, whenever possible, to suspend discussion while reasonable efforts are made to correct any problem that interfaces with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

Executive Session

Where a public body member is participating in an executive session remotely, the member must state at the start of the executive session that no other person is present or able to hear the discussion at the remote location. The public body may authorize, by a simple majority vote, the presence and participation of other individuals at the remote participant's location. While in executive session, the public body must be recorded by roll call, and the public body may only discuss matters for which the executive session was called.