



TOWN OF SOUTHBOROUGH

Office of the Town Clerk

17 Common Street
Southborough, MA 01772-1662
508.485.0710 x3005

TownClerk@southboroughma.com

To: Boards, Committees, and Commissions

From: Paul J. Berry
Town Clerk

Date: July 1, 2010

Re: New Open Meeting Law requirements

The Open Meeting Law (MGL 39, Sec 23B) requires that all government meetings shall be open to the public. Recently the Open Meeting Law was revised to include a number of changes; some rather significant.

Beginning July 1, 2010, the Attorney General will now become the enforcement agency regarding any and all violations to the law.

Effective July 1, 2010, it will be necessary for your Board, Commission, and Committee to submit your agenda as part of the posting of your meeting. Please note that effective July 1st Saturdays, Sundays and legal holidays will be **excluded** from the 48 hour notice period. For example, if you wish to post a meeting for Monday evening, your meeting notice/agenda **must be** posted with the Town Clerk's Office no later than Thursday. Please also keep in mind that the Town House closes at **noon** on Friday.

In the past, you were able to submit a posting which includes your meeting schedule for the entire year. However, with the new law, this will no longer be acceptable. In fact, if your Board, Committee or Commission has already posted meetings for the entire year, they will have to be reposted, to include an agenda.

I have attached (see attachment 2) a sample for you to follow when developing your meeting notice/agenda. One of the new requirements under the new Open Meeting Law is the need for specificity. Your meeting notice/agenda **shall** include a list of topics the Chair anticipates will be discussed at the meeting. As you can see from the Selectmen's agenda, the items reflected on the Selectmen's agenda fulfills these new requirements. However, please understand that should an item come up within the 48 hours, and it requires immediate attention by your Board, Commission, or Committee, a simple role call vote to add the item to the agenda will be acceptable. But, if the item came up prior to the 48 hours, a new agenda would have to be submitted to the Clerk's Office.

Please also be aware that if your Board, Committee or Commission plans to schedule a Public Hearing, then it must state so in the heading. And, if a time is indicated on the agenda then that hearing may not begin until such time. For instance, in the attachment it states that at 8PM a Public Hearing will take place concerning dog violations. And, that Public Hearing may NOT begin prior to 8PM.

Effective immediately, the old version for posting a meeting is no longer acceptable due to the fact that the Town Clerk's Office simply does not have enough room to post individual postings and agendas.

When developing your meeting notice/agenda for an upcoming meeting, items to be addressed in Executive Session shall be specifically identified on your agenda without compromising the purpose for which the Executive Session is called. A roll call vote of each member of your board must be taken prior to entering into Executive Session. The Chair shall also publicly announce whether open session will reconvene after the Executive Session has concluded.

Finally, we come to the last major change addressed in the new Open Meeting Law – minutes. First and foremost, you are now required to keep minutes for all meetings. Your minutes **must** include date, time, location, members present and members absent. Additionally, your minutes must retain all documents, photographs, recordings, maps, etc. It will not be necessary to submit these documents to this office; however, a list of documents and other exhibits used at the meeting **must** be included, along with the decisions made and actions taken for each agenda item. ***A roll-call vote must be taken for each item voted in executive session and said vote is to be entered into the minutes.*** Also, upon request, minutes from your open meeting must be made available within ten days. The minutes may be either in “approved” or “draft” format. The official minutes must be made available within a reasonable amount of time. The Open Meeting Law considers two to four weeks a reasonable amount of time.

If you have any questions, please do not hesitate to contact the Town Clerk's Office at 508-485-0710 ext. 3005.

Town of Southborough, MA
(Meeting or Public Hearing) of the Board of Selectmen
Thursday, July 1, 2010
7:30PM
McAuliffe Meeting Room, Town House(Building)
17 Common Street(Address)

AGENDA

New Business:

Construction on Main Street
Municipal Facilities Report – Final Report on schematic design of Police Station

Appointments:

Zoning Advisory Committee -3 vacancies
MBTA Triangle Committee – 1 vacancy

Reports:

Chair, Board of Selectmen
Town Administrator

Minutes:

Approval of the following:

Monday, June 21, 2010 Regular and Executive Session.
Monday, June 14, 2010 regular Session.

Public Hearing:

8:00PM – Dog hearings

(Name), Chair

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(Name), Chair

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(Name), Chair