

Town of Newbury
Board of Selectmen
12 Kent Way
Byfield, MA 01922
Phone: (978) 465-0862 X301
Email: selectmen@townofnewbury.org

TO: All Departments, Boards and Committees

FROM: Board of Selectmen

DATE: February 28, 2017 (updated 2/8/2018)

SUBJECT: Public Meeting Policy

As part of our transparency initiative and community outreach we are implementing a policy that meetings be held in the Municipal Town Offices be held in the Hearing Room on the 2nd Floor. There may be an occasion that there is a meeting conflict; in these instances only the Newbury Town Library on 0 Lunt Street, Byfield may be used.

Further and effective immediately, all Board and Committee meetings will be recorded. Cameras are available in both the 2nd Floor Hearing Room and the Newbury Town Library (housed in the kitchen area). Additional cameras are available and portable on request to accommodate any other recording needs.

Public Meeting Request Forms, this Public Meeting Policy, Open Meeting Law and additional useful forms are available in the Town Clerks area of the website here <https://www.townofnewbury.org/town-clerk/pages/info-forms-boards-committees-employees> should you need to remotely access any information.

Should you need guidance checking the calendar for availability, posting an 'event' for your respective meeting on the calendar, posting agendas/minutes on the website or recording meetings for your Board or Committee, please contact Susan Noyes in the IT Department at info@townofnewbury.org. If for some reason you need assistance with room availability or do not have access to post please contact the townclerk@townofnewbury.org.

A couple of important excerpts from the most recent version of the OML;

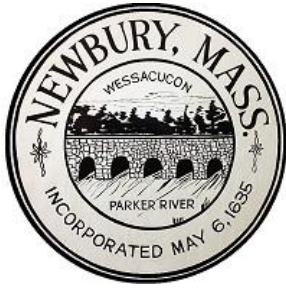
"the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law." Per the BOS, please keep the main access door open to allow entry when conducting a public meeting.

"Any member of the public may make an audio or video recording of an open session of a public meeting."

"OML requires public bodies to create and approve minutes in a timely manner. A "timely manner" is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later" Please ensure that your minutes are completed and reviewed for approval by your Board/Committee and posted to the website within the guidelines offered by the Attorney General office:

Open Session Meeting Records

The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. The Open Meeting Law does not provide a definition of "timely manner," but the Attorney General recommends that minutes be approved at a public body's next meeting whenever possible. The law requires that existing minutes be made available to the public within 10 days of a request, whether they have been approved or remain in draft form. Materials or other exhibits used by the public body in an open meeting must also be made available to the public within 10 days of a request.



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There are two exemptions to the open session records disclosure requirement: 1) materials (other than those that were created by members of the public body for the purpose of the evaluation) used in a performance evaluation of an individual bearing on his professional competence, and 2) materials (other than any resumé submitted by an applicant, which is subject to disclosure) used in deliberations about employment or appointment of individuals, including applications and supporting materials. Documents created by members of the public body for the purpose of performing an evaluation are subject to disclosure. This applies to both individual evaluations and evaluation compilations, provided the documents were created by members of the public body for the purpose of the evaluation.

Executive Session Meeting Records

Public bodies are not required to disclose the minutes, notes, or other materials used in an executive session if the disclosure of these records may defeat the lawful purposes of the executive session. Once disclosure would no longer defeat the purposes of the executive session, however, minutes and other records from that executive session must be disclosed unless they fall within an exemption to the Public Records Law, [G.L. c. 4, § 7, cl. 26](#), or the attorney-client privilege applies. Public bodies are also required to periodically review their executive session minutes to determine whether continued non-disclosure is warranted. These determinations must be included in the minutes of the body's next meeting. A public body must respond to a request to inspect or copy executive session minutes within 10 days of the request. If the public body has determined, prior to the request, that the requested executive session minutes may be released, it must make those minutes available to the requestor at that time. If the body previously determined that executive session minutes should remain confidential because publication would defeat the lawful purposes of the executive session, it should respond by stating the reason the minutes continue to be withheld. And if, at the time of a request, the public body has not conducted a review of the minutes to determine whether continued nondisclosure is warranted, the body must perform such a review and release the minutes, if appropriate, no later than its next meeting or within 30 days, whichever occurs first. In such circumstances, the body should still respond to the request within 10 days, notifying the requestor that it is conducting this review.

Thank you

Thank you for your attention.

BOS