Agenda for Remote Board, Committee or Commission meeting

| Name of Board, Committee or Commission | David L Marinelli |
| Meeting Date | 06/25/2020 |
| Meeting Time | 7:00 pm |
| Board, Committee or Commission Chair or Staff | David Marinelli 413-567-2164 dmarinel@comcast.net |
| Person Contact Information |  |

Governor Baker’s emergency order temporarily modifying the state’s open meeting law due to COVID-19 outbreak.

Arrangements for remote participation by Select Board members and members of the public are being made in accordance with Governor Baker's Emergency Order Modifying the State's Open Meeting Law.

Remote Meeting Utilizing | Zoom |
Remote Meeting Information | Join Zoom Meeting  
https://zoom.us/j/99580279731?pwd=c01YSEICUUozdnd4Z1RIUS8yWmNKQT09  
Description: Tree Warden is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting  
https://zoom.us/j/99580279731?pwd=c01YSEICUUozdnd4Z1RIUS8yWmNKQT09

Meeting ID: 995 8027 9731
Password: 343956
One tap mobile
+13017158592,,99580279731#,0,,343956# US (Germantown)
+13126266799,,99580279731#,0,,343956# US (Chicago)

Dial by your location
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
Agenda

The listing of topics on the agenda must contain enough specificity to give the public an understanding of each topic that will be discussed. It is not sufficient to list broad topic categories, such as "Old Business."

1. Review of Open Meeting Law (attached)

2. Review, revision and approval of Tree Warden duties (attached)

3. Benchmarking survey

4. Any other new business which could not be reasonably anticipated at the time of meeting posting

5. Field not completed.

6. Field not completed.

7. Field not completed.

8. Field not completed.

9. Field not completed.

10. Field not completed.

Email not displaying correctly? View it in your browser.
Updated guidance on holding meetings during the COVID-19 state of emergency

To assist public bodies in complying with the Open Meeting Law, as modified by the Governor’s executive order, the Division of Open Government offers the following guidance.

On March 12, 2020, Governor Baker issued an Executive Order Suspending Certain Provisions of the Open Meeting Law, to enable public bodies to carry out their responsibilities while adhering to public health recommendations regarding social distancing.

First, the executive order relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body instead provides adequate, alternative means of public access to the deliberations of the public body. “Adequate, alternative means” may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

Second, the executive order authorizes all members of a public body to participate in a meeting remotely; the Open Meeting Law’s requirement that a quorum of the body and the chair be physically present at the meeting location is suspended.

All other provisions of the Open Meeting Law and regulations, such as the requirements regarding posting notice of meetings and creating and maintaining accurate meeting minutes, as well as the limited, enumerated purposes for holding an executive session, remain in effect.

What means of access will be considered “adequate, alternative means?”

“Adequate, alternative means” may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body as they are occurring (i.e., “live” or “in real time”). The methods listed in the executive order and here are non-exhaustive, and we recognize that there are myriad methods that will be acceptable. “Adequate, alternative means” could include Zoom, a high-capacity telephone conference line, Facebook Live, YouTube Live, and broadcasting on live TV, including local cable access television. The brief delay of approximately 20 seconds when Zoom meetings are streamed to Facebook or YouTube Live is acceptable.

May a public body post a recording or transcript of the meeting afterwards, instead of providing access to the meeting as it is occurring?

The executive order provides that a municipal public body that, for reasons of economic hardship and despite best efforts, is unable to provide alternative means of public access that will enable the public to follow the proceedings in real time, may instead post a full and complete transcript, recording, or other comprehensive record on its website as soon as practicable after the meeting. In light of the various free and low-cost technologies that could be used to provide the public with real time access, the Division of Open Government strongly recommends that a municipal public body consult with our office before determining that it is unable to provide the public with real time access to a meeting.
May public body members meet in person, while requiring the general public to follow the proceedings remotely?

Yes. Section (1) of the executive order allowing public access through adequate, alternative means is independent from Section (2), which allows members of the public body to participate remotely. The public body may conduct its proceedings under the relief provided in section (1) or (2) or both.

If a public body will provide access to its meeting through “adequate, alternative means,” what information must be included on the meeting notice?

Public bodies must continue to post notice of every meeting at least 48 hours in advance of the meeting, not including weekends or state holidays, using the official notice posting method (physical notice or website), even if the clerk’s office is closed. The notice must include the “location” of the meeting. If access to the meeting will be provided through “adequate, alternative means,” the meeting notice must include clear instructions for accessing the meeting remotely. A public body may require members of the public to call to obtain access information for the meeting, rather than including such information on the public meeting notice, to minimize Zoom-bombing and similar disruptions. In such situations, the meeting notice must include clear contact information, and members of the public must be able to obtain the meeting access information up to and throughout the duration of the meeting (members of the public cannot be required to register in advance).

What other requirements apply to remote meetings?

The Open Meeting Law regulations governing remote participation, 940 CMR 29.10, remain in effect, except where the Governor’s executive order specifically suspends certain requirements. In particular, when any—or all—public body members participate in a meeting remotely, the following requirements apply:

1. At the start of the meeting, the chair must announce the name of the member or members who are participating remotely; such information must also be recorded in the meeting minutes.

2. All votes must be taken by roll call.

3. Members of the public body must be clearly audible to each other and to members of the public at all times.

4. When holding an executive session remotely, the public body must still take all required procedural steps for entering into executive session in open session. At the beginning of the executive session, each public body member participating remotely must state 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.

Should the public body encounter technical problems while meeting remotely, the person chairing the meeting may decide how to address the technical difficulties, but is encouraged wherever possible to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant’s ability to hear or be heard clearly. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred must be noted in the meeting minutes.
What about public comment, public participation, and public hearings?

The Open Meeting Law does not require that public bodies allow public comment or public participation during meetings -- to the contrary, the Open Meeting Law specifies that nobody shall address the public body without permission of the chair. However, the Attorney General encourages public bodies to allow public comment and/or public participation when feasible. Because the Open Meeting Law does not require that public bodies allow for public comment or public participation during meetings at all, the manner that public bodies may choose to accept comment or questions is outside the scope of the Open Meeting Law. Public hearings, on the other hand, are governed by separate laws that impose additional requirements, and may require opportunity for public comment or testimony. Those requirements are outside the scope of the Open Meeting Law and therefore do not fall within the Division of Open Government’s jurisdiction. Public bodies and members of the public should consult with legal counsel for guidance on the requirements for public hearings.
SCRIPT FOR REMOTE MEETING

Confirming Member Access:

This is (name of Board/Committee/Commission) Chair, _____________. I will be confirming that all members and persons anticipated on the agenda are present and can hear me.

- Members, when I call your name, please respond in the affirmative.

- Staff, when I call your name, please respond in the affirmative

Introduction to Remote Meeting:

This Open Meeting of (name of Board/Committee/Commission) is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the “COVID-19 Virus.”

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted on the Town website allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will or will not feature public comment.

For this meeting, the (name of Board/Committee/Commission) is convening by [telephone conference/video conference via Zoom, as posted on the Town’s Website identifying how the public may join.

For “Zoom” Meetings

Please note that this meetings is being recorded, and that some attendees are participating by video conference.
Accordingly, please be aware that other folks may be able to see you, and that take
care not to “screen share” your computer. Anything that you broadcast may be
captured by the recording.

**Meeting Materials**

All of the materials for this meeting, are available on the website
Longmeadow.org. The public is encouraged to follow along using the posted
agenda unless I/The Chair notes otherwise.

**Meeting Business Ground Rules**

We are now turning to the first item on the agenda. Before we do so, permit me to
cover some ground rules for effective and clear conduct of our business and to
ensure accurate meeting minutes.

- I/the Chair, will introduce each speaker on the agenda. After they conclude
  their remarks, the Chair will go down the line of Members, inviting each by
  name to provide any comment, questions, or motions. Please hold until your
  name is called. Further,

  - Please remember to mute your phone or computer when you are not
    speaking;
  - Please remember to speak clearly and in a way that helps generate
    accurate minutes

- For any response, please wait until the Chair yields the floor to you, and
  state your name before speaking.

- If members wish to engage in colloquy with other members, please do so
  through the Chair, taking care to identify yourself.

- Finally, *each vote taken in this meeting will be conducted by roll call vote.*
1. Communication with citizens:
   Check and respond to emails
   Respond to citizen or town employee requests to assess public shade trees on rights of ways (~10,000 trees)
   Respond to citizen or town employee requests to assess trees in parks, on the grounds of schools, town owned land and conservation land (~200,000 trees)
   Respond to resident request for town or homeowner planted tree
   Respond to requests for memorial trees

2. Reduce tree hazards:
   Annual windshield survey for declining trees
   Select trees for proactive and reactive treatment
   Post and hold tree hearings
   Send workorders to DPW/Northern for removals and pruning
   Structure prune newer plantings
   Monitor and treat for Dutch Elm Disease, EAB and other pests

3. Budgetary and recordkeeping:
   Review budget and recommend changes
   Write, submit and document progress of DCR and other grants
   File annual report
   Maintain records
   Check Northern invoices for completion
   Maintain tree inventory in ArcGis when trees are planted or removed
   Log cleanup during storm events
   Work with Purchasing on tree removal, pruning and treatment contracts
   Examine failed trees and fill out affidavits for insurance claims

4. Advocate for a culture of tree preservation:
   Review construction plans for adverse impacts on trees
   Review and approve annual utility clearance plan
   Monitor construction activities that impact trees (sidewalks and new construction)

5. Tree canopy renewal:
   Plan spring and fall plantings
   Select species for planting
   Mark planting locations
   Call planting locations in to DPW and DigSafe
   Check planting locations for proximity to utilities and move stakes if necessary
   Contract for planting
   Supervise planting
   Distribute, retrieve and store tree-gators for 2 growing seasons
   Ensure homeowner/DPW waters twice weekly for 2 growing seasons

6. Misc:
   Attend Tree Committee meetings
   Maintain arborist certification
   Get memorial tree plaque engraved
   Plan annual Arbor Day Celebration, purchase and distribute saplings
   Document Arbor Day Celebration to maintain Tree City status and DCR grant eligibility
   Plan Long Meddowe Days participation, purchase and distribute saplings
Qualifications:
If the town provides by vote or by-law that the tree warden shall be appointed, such appointment shall be made by the board of selectmen. The term of such appointment shall be for three years.
In any city or in a town which exceeds ten thousand inhabitants and which provides by vote, by-law or by ordinance that the tree warden shall be appointed, such appointment shall be made by the mayor, with the approval of the city council or by the board of selectmen. In such city or town, the tree warden shall exercise the duties of tree warden and of insect pest control. Such tree warden shall be qualified by training and experience in the field of arboriculture and licensed with the department of food and agriculture in accordance with the provisions of section ten of chapter one hundred and thirty-two B. The term of such appointment shall be for three years.