

Town of Longmeadow

SELECT BOARD

APPOINTED COMMITTEE HANDBOOK



Revised August 2017

Save for Future Reference



Town of
Longmeadow, Massachusetts



20 Williams Street, Longmeadow, MA 01106
Tel. (413) 565-4110 ● Fax (413) 565-4112 ● E-mail townhall@longmeadow.org

Dear New Board/Committee Member:

Welcome to Longmeadow Town Government!

The Select Board congratulates you on your appointment. The Board actively encourages Longmeadow residents to participate in local government and volunteer for appointed committees. The contributions of volunteer committee members are vital to effective and efficient Town Government. We are sure that your term as an appointed committee member will be enjoyable for you.

This handbook has been prepared for the committees appointed by the Select Board. It provides a brief overview of the many procedures, responsibilities and expectations that are inherent to you as a new committee member. Please be aware that the material provides only summaries of related Massachusetts General Laws and that the complete laws are available online at www.mass.gov.

The Select Board recognizes that no one is an expert at first. New committee members should contact the committee Chair for an orientation of the committee's roles, responsibilities and recent issues. Seek guidance from other committee members or Town staff when you have questions. You may also contact the Select Board's office for answers to questions. Good luck in your new position.

Again, congratulations and thank you for volunteering.

Sincerely,

SELECT BOARD

Town of Longmeadow

APPOINTED COMMITTEE HANDBOOK

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COMMITTEE FUNCTION AND FORMATION

The Role of Appointed Committees

Appointed committees serve many vital functions in Town government. The role of appointed committees includes advisory, regulatory, investigative and planning functions. While the specific role of each committee may differ, many committees have overlapping responsibilities and jurisdiction. The Select Board expects that committees will cooperate and coordinate activities so that all decisions reflect what is in the best interest of the Town. The power and authority of any committee resides in its actions as a body, not in the actions of individual members.

The following are general responsibilities of appointed committees:

- Protect and act in the best interest of the Town within the committee's sphere.
- Understand the laws and regulations related to the committee's function and purpose.
- Exercise power and authority cautiously, fairly and responsibly.
- Adhere to the laws that guide procedures and decision making.
- Actively seek effective solutions to the problems and dilemmas that confront the Town.
- Represent all Town residents, not just a segment.

Committee Appointment

The appointing authority for most committees is the Select Board. Massachusetts General Law requires that the Town establish some committees while others are established based on the unique needs of the community. The goal of the Select Board is to appoint candidates who are broadly representative of the community and whose qualifications and interests match the needs of the committee. However, an applicant does not need to be an expert in any particular area to be appointed.

Any resident interested in serving should complete an application form available in the Select Board's office and/or on the Town's website www.longmeadow.org . Only the official form will be accepted as an application. Committee vacancies are posted in Town Hall, on the Town's website and advertised in local papers. Applicants will be scheduled for an interview with the Select Board and appointed according to the guidelines in the by-laws. Although committees may recommend and recruit potential members, Massachusetts General Law designates the Select Board as the appointing authority and does not allow committees to appoint new members.

Duration of Term and Re-appointment

Most committee terms begin July 1st and last three years. If an appointment is the result of a committee member resigning prior to completing a term, then the appointee serves the duration of the original term. Some committees are limited by the number of consecutive terms that members may serve. In any case, re-appointment is not automatic and members are under no obligation to accept re-appointment. If re-appointment is accepted the member must be sworn in again by the Town Clerk.

Certificate of Appointment

Appointees will receive a Certificate of Appointment by mail which must be brought to the Town Clerk's office. Committee members may not act in an official capacity until the member is sworn in by the Town Clerk. Chairs should make sure each member has been officially sworn in.

Resignation

The Select Board expects that all committee members will fulfill the duration of their term. However, the Board does recognize that in some cases a member is not able to complete a term. It is hoped that the committee member will work with the committee Chair to determine a timely manner and process in which the member can resign from the committee. A written resignation must be submitted by the committee member to the Town Clerk, the appointing authority (usually the Select Board), and the committee Chair.

Committee Officers

Massachusetts General Law requires that some committees elect certain officers. However, all committees must elect a Chair and designate a clerk (unless the committee has an assigned staff person). A Vice-Chair may be elected at the committee's discretion. Committees must notify the Select Board's office whenever a committee elects new officers. Committee's should reorganize annually and are encouraged to rotate the Chair person.

Chair: The Chair presides at all meetings, decides questions of order, calls special meetings, and signs official documents that require the Chair's signature. The Chair has the same rights and responsibilities as other members to offer resolutions, make or second motions, and vote.

Clerk: The clerk or staff person should record and prepare minutes, prepare and distribute agendas and other meeting materials, schedule a meeting room and post meetings with the Town Clerk. These responsibilities may be shared with other members.

Staff Support

Some committees have a hired staff person to serve their committee. In such cases, the staff person is hired to provide assistance, rather than perform the duties that are expected of committee members. The staff member may record minutes of meetings, prepare and circulate information for meetings, serve as a liaison and perform clerical duties. Please be aware that most staff persons have limited hours and committees should not ask for more than can reasonably be accomplished in those hours.

CONDUCT AND POLICIES

The Select Board's office keeps copies of Town policies and committees are encouraged to check periodically for new and/or updated policies. Policies will also be posted on the Town's website. The following are several of the major policies you should become familiar with.

Conflict of Interest Law

The Conflict of Interest Law (M.G.L. Chapter 268A) strictly regulates the activities and conduct of public officials, including appointed committee members, *during and after their service*. The purpose of the law is to ensure that public officials' financial interests and personal relationships do not conflict with their public obligations. The law is broad and expansive to prevent an official from becoming involved in a situation that becomes a conflict or creates an appearance of a conflict. Committee members must not accept gifts, privileges or employment provided as a result of acting in a capacity as a public official.

The law prohibits a committee member from engaging in deliberations, votes or any other form of committee participation in which the committee member or any of the following have a financial interest:

- immediate family
- partner or business associate
- business organization where the member serves as an officer, employee or other position
- any person or organization with whom the member is negotiating with or has any arrangement concerning prospective employment

Any committee member who has a conflict or suspects there may be an appearance of a conflict must abstain from committee involvement regarding the matter. In some cases the member may not be required to abstain if full disclosure is made prior to the committee's action. Violations of this law may result in large fines, legal action and/or imprisonment. Prior to accepting an appointment candidates should consider any potential conflicts. Be aware that the law also limits the activities of members after they have left the committee. Any questions or perceived conflicts of interest should be directed immediately to the Town Manager.

Ultimately, it is the municipal official, not the municipality, who risks prosecution for any violation of the conflict of interest law. In the future, the State Ethics Commission intends to intensify its prosecution of violations and may impose civil penalties of up to \$2,000 per violation, issue cease and desist orders, bring civil damages to recover damages or refer matters for criminal prosecution.

Misuse of Position

Misuse of position is expressly prohibited under the Conflict of Interest Law. No unwarranted privileges should be sought or accepted if the reason for the privilege results from serving in an official capacity. This includes gifts, favors, employment and preferable treatment. Information about the Conflict of Interest Law is available on the state's www.mass.gov website.

Budget and Fundraising

In general, committees have limited budgets. Funds are only allocated for expenses directly related to the committee's sphere of responsibility including mailings, postage and travel expenses for seminars and meetings. Contact the Town Manager with any questions concerning a budget.

All payments and purchases must be coordinated with the Town Manager. Items purchased without doing so may not be reimbursable.

Massachusetts General Law requires that any funds or donations received by the committee must be placed in the Town's General Fund unless a special fund has been dedicated to receive funds or donations, or unless the funds are specifically designated as a gift or for a particular purpose. Please be aware that the Conflict of Interest Law may impact a committee member's ability to seek donations.

Sexual Harassment Policy

The Sexual Harassment Policy pertains to all Town official and employees as well as appointed committee members. Sexual harassment in the workplace is unlawful. It is also unlawful to retaliate against anyone for filing a complaint about sexual harassment or for cooperating with an investigation into sexual harassment. It is the policy of the Town of Longmeadow that no employee be harassed by another employee or supervisor on the basis of sex and that no personnel action be taken affecting any employee (either favorably or unfavorably) on the basis of conduct that is not related to work performance. Such conduct may include submitting to sexual advances, refusing to submit to sexual advances, protesting sexual overtures, or raising a complaint concerning the alleged violation of this policy.

The policy was formulated to protect Town employees and officials – both males and females – against unsolicited and unwelcome sexual overtures or conduct, either physical or verbal. It prohibits misconduct that may upset morale and interfere with work and efficiency. Some forms of misconduct may even constitute a violation of equal employment opportunity law. Any questions or concerns should be directed to the Town Manager.

Please see Appendix A for the Sexual Harassment Policy in its entirety.

Use of Town Equipment and Facilities

Each committee is responsible for its' own clerical work. However, with advance notice, the Select Board's office can provide assistance in coordinating photocopying, mailings, and other services. Town equipment and facilities should be not be used for personal purposes that are unrelated to the committee's work.

Annual Town Report

Each year the Select Board's office prepares the Annual Town Report. All committees are required to submit a short, but detailed report in January on the committee's membership, activities, accomplishments and future plans. The Annual Town Report is the official historical record of Town Government activities for the year. Committee reports must be submitted to the Select Board's office in January of each year.

MEETINGS AND PROCEDURES

A public meeting occurs at any time a quorum (a majority) of the committee members meet to discuss or consider any public business or policy over which the committee has jurisdiction or advisory power.

Attendance and Quorums

It is expected that committee members will regularly attend meetings. Members are chosen based on their unique qualities and needs of the committee. The effectiveness of each committee depends upon the knowledge and dedication of its members. All meetings must have a quorum - a majority of members - present in order to conduct official business. Some committees require a super-majority to act on certain applications or petitions. All votes require a majority (or super-majority) of the full committee - not a majority of those members attending.

Guidelines for Conducting Meetings

- Schedule meeting date, time and place. Meetings must be held in handicap accessible locations. Currently, meeting rooms are available at the High School, Police and Fire Stations, Library, Senior Center and at some of the other schools. Call a respective location to reserve a room.
- Post meetings and agendas, in writing (email), with the Town Clerk at least 48 hours in advance (per the Open Meeting Law). The Clerk's office will post on the Town's website.
- Prepare and distribute agendas and meeting material to committee members in advance.
- Meetings should begin as scheduled and proceed in a timely fashion.
- Distribute and/or review the agenda for the public at the beginning of the meeting. A public comment/question period should be part of every regularly scheduled meeting.
- Establish mutually acceptable rules of order and procedures.
- Allow only questions and comments that are relevant to the discussion.
- All votes must be voice votes or roll call votes (votes taken by secret ballot are prohibited).
- Whenever possible, schedule and announce future meetings.
- Submit approved minutes to the Town Clerk in a timely manner and post on the Town's website.

Open Meeting Law

The revised Open Meeting Law (M.G.L. Chapter 30A, Sections 18-25) effective 7/1/15 requires that meetings be conducted in Open Session. When any elected or appointed board, committee or sub-committee meets the public and press are allowed to attend. However, the Open Meeting Law does not require that the public be allowed to participate. A meeting is held any time a majority of the committee is present, but this does not include social gatherings. The law prohibits votes taken by secret ballot. A copy of the Open Meeting Law will be received by all committee members when they are sworn in by the Town Clerk.

Posting and Notice of Meeting

The law requires all meetings and agendas be posted (scheduled) at least 48 hours in advance by notifying the Town Clerk in writing (email). The 48 hours does not include Saturdays, Sundays or holidays. The date, time and location of the meeting must be provided. Official meeting notices are posted in the Town Hall and on the Town's website. If a meeting date, time or location changes a re-posting may be required. It is the responsibility of each committee to ensure that all meetings are posted. If a meeting is canceled the Town Clerk should be notified immediately. Only the Town Clerk has the authority to remove meeting notices from the posting board.

Emergency Meetings

The Open Meeting Law does allow for emergency meetings to be held with less than 48 hours' notice if immediate committee action is required. Most committees will not confront issues requiring an emergency meeting. The Town Clerk and Town Manager must be notified immediately if an emergency meeting is necessary.

Meeting Minutes

The law requires that a formal and permanent written record be kept of all meetings. The minutes should be recorded by a clerk or secretary. The minutes must be typed and include (as a minimum):

- Date, time and location of meeting
- Names of those members present and absent
- A record of all votes
- Names of residents and others who speak before the committee
- Brief summary of the discussion

Minutes should be reviewed and approved by the committee at a subsequent meeting. All minutes become a public record. Copies of approved minutes should be forwarded to the Town Clerk as soon as they are available and a file including minutes and copies of the agenda should be maintained by the committee. Minutes should also be posted on the Town's website.

Audio and Video Taping

Any person may record a meeting (with the exception of Executive Sessions) with a tape recorder or videotape equipment provided that there is no active interference with the meeting. The Chair must be notified prior to the taping of a meeting and may reasonably instruct the person on where to place equipment.

Executive Session

An Executive Session is a committee meeting held in private to discuss, deliberate and vote on confidential matters. Most committees will not need to conduct an Executive Session. Executive Session can only be held, *under extraordinary circumstances*, in order to guarantee the rights of an individual or to ensure public safety where an Open Session could sacrifice either. Separate minutes must be recorded for Executive Session. Records from any Executive Session remain closed to the public only as long as publication may defeat the purposes of the Executive Session. Those attending the Executive Session should not publicly discuss these matters until the purpose for the Executive Session no longer exists and the minutes can be released to the public.

Executive Sessions are allowed for discussions and negotiations of a land purchase, lease or sale, union negotiations, deployment of security personnel and certain personnel actions. A regular job performance review is not a reason to enter into Executive Session. If an employee is involved in any discussions the committee must be extremely careful to guarantee that the rights of the individual. *Executive Sessions should not be convened without first consulting the Town Manager prior to the meeting.* Violations could result in legal action and large fines. (See Appendix B for more information about the law governing Executive Sessions.)

Meeting Schedule

Meetings may be held weekly, monthly or less frequently depending upon the nature of the committee's work; committees may meet more often in one time of the year than others. Meetings are generally held in the evenings, but may be held at other times. The Select Board urges committees to schedule meetings at times that are convenient for the public to attend - weekends and holidays should be avoided. Massachusetts General Law requires that meetings are open to the public and that the meeting be accessible to the public.

Public Records Law

The Massachusetts Public Record Law provides a public right to access government records including all books, papers, maps, meeting material, memoranda, minutes, financial statements and any other items made or received by any Town official or employee to serve a public purpose. All documents must be provided in a timely manner when a request is received unless the documents pertain to personnel records, impact an individual's right to privacy, threaten the public safety, include information related to proposals and bids prior to the opening of the bids or are drafts of new policies being developed (other than factual studies or reports). Fees for photocopying and researching records may be charged as outlined in the Public Records Law. It is recommended that the Town Manager's office be contacted when questions arise about releasing documents. **The Town Clerk is the Public Records Officer and must be notified of all public record requests as soon as the request is received.**

Public Hearings

Many committees are required by Massachusetts General Laws to conduct public hearings. Other committees may also choose to have a public hearing in order to receive input from the community. All public hearings must be conducted in accordance with Massachusetts General Law and Town By-Law. Written notices, the initiation of the hearing and the conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the committee. The Chairman or other designated person should run the hearing and state guidelines and time allowances before any testimony is given. Detailed minutes must be kept. All questions should be directed to the Chair who, in turn, may ask for a response from the members or the

public attending. It is recommended that a formal procedure be developed to conduct the hearing which may include the following:

1. Chair states guidelines and procedures including time limits and decorum.
2. Where necessary, Chair states background information.
3. Petitioner makes presentation.
4. Information presented from Town Officials and other committees.
5. Committee members question petitioner.
6. Public directs questions and comments through the Chair.
7. Committee closes public portion of hearing.
8. Committee begins deliberation.
9. Motions may be made and votes may be taken at the committee's discretion.
10. Hearing is closed or continued to a specific date.

It is the responsibility of the Chair to maintain order and decorum at the hearing. The Chair must be consistent and fair, but may put restrictions on the nature, number and frequency of individual's comments and questions. It is within the Chair's power to order the removal of an individual from the hearing if the individual does not adhere to the guidelines and procedures established by the committee; however, a Chair should be careful and hesitant to remove any individual from the hearing.

Appendix A

Town of Longmeadow

FREEDOM FROM UNLAWFUL HARASSMENT, DISCRIMINATION AND SEXUAL HARASSMENT POLICY

Introduction

It is the goal of the Town of Longmeadow to promote a workplace that is free of discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, race, color, national origin, ancestry, religion, age, disability, genetics, military status, sexual orientation, gender identity, or participation in discrimination complaint-related activities (retaliation). The Town of Longmeadow will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

Harassment of employees occurring in the workplace or in other work-related settings is unlawful and will not be tolerated by the Town of Longmeadow. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment and retaliation, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Longmeadow takes allegations of harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.

Definitions:

“Harassment” means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
- Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to either male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons; e-mail, web sites, screen savers, or computer graphics
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Longmeadow.

Complaint Procedures:

All employees, managers, and supervisors of the Town of Longmeadow share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Manager or his/her designee, who will administer the policy and procedures described herein.

If any of our employees believe that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with the Town of Longmeadow. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with the Town of Longmeadow using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of the Town and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting either: the Town Manager at Town Hall, 20 Williams Street, Longmeadow, MA 01106, (413) 565-4110 or, in his or her absence, the Finance Director at 735 Longmeadow Street, Longmeadow, MA 01106, (413) 565-4136. Both the Town Manager and the Finance Director are available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process. In the event that the Town Manager and the Finance Director are both male or both female, if requested, the Town will make available a male or female from the management team to whom a complaint can be made.

If an employee brings the matter to the Town Manager or to the Finance Director and does not believe that the situation has been satisfactorily resolved, the employee should then bring his/her complaint to the Chair of the Select Board, Town Hall, 20 Williams Street, Longmeadow, Massachusetts 01106, (413) 565-4110.

Complaint Investigation:

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action up to and including termination.

Disciplinary Action:

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

State and Federal Remedies:

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

The United States Equal Employment Opportunity Commission (“EEOC”)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The Massachusetts Commission Against Discrimination (“MCAD”)

Springfield Office:
436 Dwight Street
Second Floor, Room 220
Springfield, MA 01103
(413) 739-2145

Boston Office:
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

New Bedford Office:
800 Purchase Street, Room 501
New Bedford, MA 02740
(508) 990-2390

Worcester Office:
484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

Appendix B

THE OPEN MEETING LAW

EXECUTIVE SESSION

Committees are required to consult Town Counsel or the Town Manager prior to convening an Executive Session. There are serious legal consequences for the Town and individual committee members for failure to comply with this law. See M.G.L. Chapter 30A, Section 21 for more information.

Reasons for Convening an Executive Session

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual. *(See Rights of Individuals on reverse.)*
2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
4. To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation.
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
6. To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
8. To consider or interview applicants for employment by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.
9. To meet with a mediator regarding any litigation or decision; provided that (i) any decision to participate in mediation shall be made in open session and the parties disclosed and (ii) no action shall be taken with respect to the issues involved without deliberation and approval of the action at an open session.
10. To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if an open session will adversely affect conducting business relative to other entities making, selling or distributing energy.

Procedures for Convening an Executive Session

1. **The meeting must be convened in an open posted session, with executive session listed on the agenda when reasonably anticipated by the chair.**
2. **The chair states the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose of the executive session.**
3. **A majority must vote in a recorded roll call to go into executive session.**
4. **The chair announces whether the meeting will reconvene in open session.**
5. **Accurate minutes and other records of the executive session must be maintained and all votes recorded by roll call.**

Rights of Individuals

1. **When a governmental body wishes to discuss: (a) the reputation, character, physical or mental health of an individual; or (b) the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual, it must notify that person in writing at least 48 hours in advance of the meeting, not including Saturdays, Sundays or holidays.**
2. **Written notice may be waived by the individual.**
3. **The individual may request that the meeting be held in open session.**
4. **If an executive session is held, the individual has the right to be present for deliberations and to speak, and to have counsel or a representative of choice present for the purpose of giving advice but not for active participation.**
5. **The individual may have an independent record of the executive session created by audio recording or transcription, at the individual's expense.**

Enforcement and Penalties

Violations of the Open Meeting Law are enforced primarily through the Office of the District Attorney for the county in which the alleged violation occurs. The Attorney General and groups of three or more registered voters are also allowed to file complaints. Violations of the law may result in civil penalties of up to \$1,000 for each meeting held in violation of the law.

LEGAL RESOURCES

Massachusetts General Laws: <http://www.mass.gov/legis/laws/mgl>

Longmeadow Home Rule Charter, General Bylaws, Zoning Bylaws: www.longmeadow.org
and also available in Town Hall – Town Clerk's Office

Important Phone/Contact Numbers*:

Attorney General (Open Meeting Law)	617-727-2200
AG local number	413-784-1240
Secretary of State	617-727-7030
Campaign and Political Finance	800-462-6273
Department of Revenue	800-521-5536
Division of Local Mandates	800-462-2678
Elections.....	800-462-8683
Ethics.....	888-485-4766
Inspector General (Procurement)	800-322-1323
Public Records	617-727-2832
State Bookstore (for publications)	617-727-2834

**Most of this information and related publications are available on-line at <http://www.mass.gov>*