



**KOPELMAN AND PAIGE, P.C.**  
*The Leader in Municipal Law*

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January 19, 2012

MEMORANDUM TO MUNICIPAL CLIENTS

To: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL  
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY

Re: Open Meeting Law – Preparing Your Meeting Notice

This is the first of a series of four memoranda providing updated information about the Open Meeting Law. As you know, the new Open Meeting Law took effect on July 1, 2010. Of the many changes to the law, implementation of the new requirement applicable to the form of meeting notices has proven especially challenging. Under the prior version of the Open Meeting Law, there was no requirement that a public body prepare a meeting agenda. The new version of the law requires the chair of the public body to prepare a meeting notice listing those topics that the chair “reasonably anticipates” will be discussed at the meeting. Having the benefit of a series of decisions on this topic, it is now clear that the Attorney General’s Division of Open Government interprets this requirement in a consistently strict manner. The notice requirement as interpreted by the Attorney General represents a striking change from the earlier law, and public bodies will need to reexamine their Open Meeting Law procedures to ensure they are consistent with the Attorney General’s standards. The Division issues decisions from time to time, and posts them on its website at <http://www.mass.gov/ago/government-resources/open-meeting-law/>. Although this memorandum seeks to summarize several important decisions, new decisions on these topics are issued frequently.

The next memorandum in this series will address the Attorney General’s treatment of votes taken in executive session involving contracts with non-union personnel, and the possible implications thereof. The third memorandum will provide an update of other important decisions, including the timing of posting and updating meeting notices, discussion of matters not appearing on a meeting notice, and more. The final memorandum will provide examples of meeting notice agenda items and votes to enter executive session that may be used as a resource when planning for or holding a meeting under the Open Meeting Law.

LAW AND REGULATIONS

The previous version of the Open Meeting Law only required that notice of meetings of a public body contain the time, date and place of the meeting. The new law requires that the notice also include “a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c.30A, §20(b). [emphasis added]. The regulations promulgated by the Attorney General provide further that public bodies are required to list such topics with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03.

Division of Open Government Determinations

The Division takes the position in a series of decisions that the meeting notice must be itemized in specific detail, rather than listing the "head of a proposition" or setting forth a simple statement of the subject matter to be discussed. In drafting such topics, therefore, the specific items to be discussed must be individually listed, as well as whether it is anticipated that votes will be taken. To the extent that the chair is aware of any speakers or presentations, it is likely that the Division would find that such information should also be listed on the meeting notice. Further, if the chair anticipates that an executive session might be needed, that should also be included. Specific examples follow.

1. General Business Items

In AG-OML-2011-7, Natick School Committee (February 1, 2011), the Division determined that the Natick School Committee provided insufficient notice of its discussion of various Town Meeting warrant articles where the following item appeared on the notice: "Superintendent's Report, Town Meeting Update". The facts recited by the Division in its decision include that the Chairman of the School Committee led a discussion concerning "seven separate warrant articles, including votes on whether the School Committee would recommend positive action at Town Meeting." The Division concluded that the Chair could reasonably have anticipated discussion of the particular warrant articles and therefore that the notice item was not sufficient, stating further, "The meeting notice should have, at a minimum, included detail of the nature of discussion; ideally it would also indicate any anticipated votes." The Division recommended that the meeting notice should have taken the following form: "Discussion of Town Meeting Warrant Articles 1, 9, 10, 18, 32, 33, and 35. The School Committee may vote to recommend action on these articles at Town Meeting."

*Practical Implications: A meeting notice must include the particular, specific items the chair anticipates will be discussed, rather than a "summary" statement concerning such items.*

2. Discussion of Particular Permits or Renewals

In AG-OML-2011-11, Freetown Soil Conservation Board (February 15, 2011), the Division considered whether an agenda item entitled "Renewal of Fall Soil Permits" was sufficient notice to allow the Soil Conservation Board to act on particular permit renewals. The Division noted that where the Chair reasonably anticipated action on specific permits, the individual permits were required to be listed with "the details of those specific permits, including the name of the applicant and the location under consideration." The Division suggests the meeting notice should have taken the following form:

Renewal of Fall Soil Permits

#496 [Name of Applicant], 5 acres on the south side of the Assonet River

#497 [Name of Applicant], 53 Dr Braley Road

#499 [Name of Applicant], 5 acres on Braley Road

#498, [Name of Applicant], 4 acres on Chace Road

#500, [Name of Applicant], AA Will Quarry

*Practical Implications: Form of Notice Items - This case is of particular importance to land use boards, those boards that grant annual licenses or permits, and those that make annual appointments. In all such cases, the meeting notice, to the extent possible, must list the particular license, permit or appointment to be acted upon, as well as detailed information about the applicant (i.e., name and address for land use applications, and, to the extent applicable, applicant names for appointments).*

3. Negotiations with Non-Union Personnel

In AG-OML-2011-15, Melrose School Committee (May 1, 2011), the Division considered whether the following meeting notice was sufficient: "To conduct strategy sessions in preparation for negotiations and, if appropriate, to conduct contract negotiations with nonunion central office administrative personnel." Although the person with whom the School Committee would be negotiating was likely obvious to persons familiar with the facts, the Division concluded that the notice must also include the name of that person. The Division stated, "Providing the public with this additional information would not have been detrimental to the Committee's negotiating position, particularly as [the individual] was aware of the session and had been invited to attend for the contract negotiation portion."

*Practical Implications: Exemptions (2) and (3) - This case makes clear that when a board intends to enter executive session for the purpose of negotiating with non-union personnel, the name and office of the non-union personnel must be included in the meeting notice. The same reasoning is likely applicable to negotiations with collective bargaining units.*

In AG-OML-2011-32, Templeton Board of Selectmen (July 26, 2011), the Division considered whether the following meeting notice was sufficient to allow discussion in executive session of charges against a public officer. The notice stated, "Complaint of charges against a public officer, employee, staff member or individual. May go into Executive Session under exemption #1 under the Open Meeting Law." The Division found that the notice was sufficient, but stated further:

Given the lack of detail contained within the meeting notice, a member of the public could have had questions about the exact nature of the discussion anticipated by the public body. However, the meeting notice complied with the letter of the Open Meeting Law because it stated the

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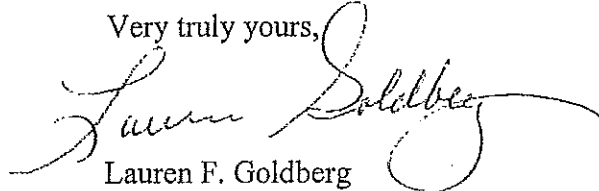
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reason for the anticipated executive session, while balancing the privacy rights of the individual who was the subject of the complaint.

*Practical Implications: Exemption (1) - A board entering executive session pursuant to exemption (1) may omit from the meeting notice the name of the individual to be discussed, provided that the public body otherwise preserves the privacy rights of that individual by not disclosing private information concerning that person.*

In summary, public bodies should take care to craft detailed meeting notices so as to avoid challenges to the actions they take based upon arguments of technical non-compliance with the notice provisions of the Open Meeting Law.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lauren F. Goldberg".

Lauren F. Goldberg

A handwritten signature in cursive script, appearing to read "Brian W. Riley".

Brian W. Riley



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To: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL  
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY

Re: Open Meeting Law – Approval of Contracts in Executive Session

This is the second in a four-part series on the revised Open Meeting Law. As you know, the new law took effect on July 1, 2010 and consolidated enforcement authority in the Attorney General. Although the Attorney General has issued regulations, including regulations authorizing remote participation under certain circumstances, the Attorney General, through the Division of Open Government (the “Division”) has in most respects interpreted the application of the law through the issuance of decision on complaints filed with that office. Each of these decisions includes important information, and the next Memorandum in this series will address several such decisions.

This Memorandum will review a public body’s responsibilities under exemption (2) of the Open Meeting Law, which allows a public body to enter executive session to strategize concerning, and conduct, negotiations with non-union personnel. G.L. c.30A, §21(a)(2). In general, municipalities have understood this exemption to allow a public body to meet in executive session to negotiate and agree to terms of a contract or contract amendment. Where the Open Meeting Law does not, by its terms, require a public body to validate, ratify or otherwise announce decisions it has made in executive session, such a requirement has not typically been understood to be part of a public body’s duties under the law.

Importantly, however, in AG-OML-2011-56, the Division states, “the scope of the purpose is limited to the discussions, negotiations, and deliberations that occur prior to a vote on a contract.” [emphasis added]. As is commonly known, however, agreement on contract terms is, in fact, the essence of contract negotiations. Moreover, one could argue that agreeing to terms, regardless of where a vote ensues, creates a contract. Until the Division’s position is challenged in a court of competent jurisdiction, however, the Division’s position will be applicable to all contract negotiations with non-union personnel undertaken by public bodies.

The Division offers two potential strategies for approving contracts, stating, “The Board should have reconvened in open session to approve or ratify the contract terms agreed to in the executive session.” Thus, public bodies may agree to terms in the executive session, but not approve (execute) the contract as a whole until it meets in open session. In the alternative, a public body may approve the contract “subject to” a vote in open session to ratify the same.

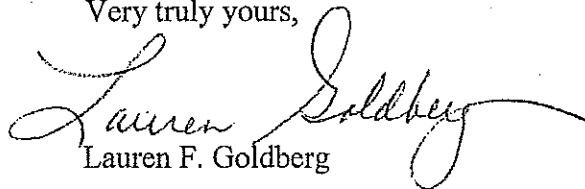
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Further, although AG-OML-2011-56 does not explicitly apply to negotiations with collective bargaining units, it is reasonable to anticipate that the Division will take a similar position. In such cases, a procedure similar to the above may be used to approve or ratify contracts or contract terms agreed to in executive session. However, except with respect to school department contracts, such agreements do not become binding on the municipality until the cost items of the first year of the collective bargaining agreement are funded by the legislative body.

It is therefore critical that members of public bodies responsible for negotiating these matters understand the implications of voting differently in open session than they did in executive session. Because of the case law concerning the elements of a contract, if the body agrees to terms in executive session and then fails to approve the same in open session, it may nevertheless be possible for the entity with whom the body is negotiating to bring an action in contract against the municipality. Similarly, changes in positions taken in open and executive sessions concerning the same collective bargaining agreement could expose the municipality to charges of bad faith bargaining or an unfair labor practice. Clearly, the decision in AG-OML-2011-56 is significant, and public bodies should address the manner in which such negotiations are going to be handled prior to such negotiations so as to make clear to the parties involved the process that will be used.

We will, of course, inform you if future decisions of the Division clarify or change the conclusions in this Memorandum.

Very truly yours,

  
Lauren F. Goldberg



Brian W. Riley



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Re: Open Meeting Law – Determinations of the Division of Open Government

This is the third in a series of four memoranda to clients concerning the application of the revised Open Meeting Law, G.L. c.30A, §§18-25. The new version of the Open Meeting Law took effect on July 1, 2010. Since that time, the Attorney General, as the enforcing authority under the law, has issued a number of decisions through its Division of Open Government (the “Division”). In addition to the text of the law and the regulations promulgated by the Attorney General, these decisions establish the standards to which all public bodies are now subject. These standards are, in many respects, a significant change from the manner in which the Open Meeting Law was interpreted in the past, and public bodies will need to re-examine their open meeting procedures to ensure compliance.

The last memorandum in this series will present an Open Meeting Law notice “checklist” and draft meeting notice agenda items and votes to be used in preparing for and conducting public meetings.

### Posting

Under the revised Open Meeting Law, the chairman of a public body must post notice of a meeting, including all topics the chair reasonably anticipates will be discussed, no later than 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. The posting must be made in all locations required by law, or the Attorney General will conclude that the meeting was not properly posted. See AG-OML-2011-32. Thus, for example, if the municipality posts meeting notices in the Town Clerk’s office and on the Town’s website, the posting must be made timely in both locations in order for the public body to hold its meeting as planned.

### Updating Meeting Notices

As noted, the posting is required to include those matters that the chair reasonably anticipates will be discussed at the upcoming meeting. 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 Attorney General

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has indicated that the chair is required to update the meeting notice with the additional item or items as soon as possible, to the extent feasible. See AG-OML-2011-53. For example, if the Town Manager, the morning after the deadline for posting has passed, informs the Council President of a just-issued decision in a court case that requires the Council to take immediate action, the Council President should update the meeting notice as soon as possible to include that matter.

#### Discussion of Matter Not Appearing on Meeting Notice

The Attorney General has taken the position that a public body cannot discuss a matter that should have been reasonably anticipated unless that matter appears on a meeting notice. Thus, if a matter is raised by a single selectman or councilor, or if a citizen raises a matter during a citizen participation period, the public body may discuss, and even act, on the matter at issue provided that the chair should not reasonably have anticipated the matter would be discussed at the meeting.

Be aware, however, that the Attorney General takes the position that although the law does not prohibit such action, it should be avoided. In AG-OML-2011-32, the Attorney General explains this position in detail:

[W]e caution public bodies to carefully consider whether a topic not listed in the meeting notice—particularly one that is controversial in nature—is appropriate for lengthy deliberation and decision by the public body at the time it is raised. . . . Nevertheless, we realize that topics may be raised during meetings, either by members of the public or by members of the public body, which were not anticipated. Accordingly, public bodies are advised that discussions on topics that are not listed in the meeting notice should be avoided when possible and, if they must occur, should be general and brief. Here, a discussion of the topic raised by the Police Chief would have more appropriately been conducted during an adequately noticed meeting. This is particularly true given the nature of the deliberation . . . Although we are constrained to find that the Board acted within the letter of the Open Meeting Law because the topic was not anticipated in advance of the meeting, the Board failed to act within the spirit of the Open Meeting Law. The intent of the Open Meeting Law would have been better served if the discussion had been postponed until a future, duly posted meeting.  
[Emphasis added].

Be reminded that although the Attorney General can “encourage” public bodies to put off matters not reasonably anticipated, such action is not required by the Open Meeting Law. Whether it makes sense in any particular case to consider a matter not reasonably anticipated by the chair is a policy decision. However, a public body may want to keep in mind that if an objection is raised with respect to consideration of the matter at that meeting, it is always possible that a complaint will be filed with the Division. Based



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upon the above decision, the Attorney General's response to such a complaint can be anticipated.

### Use of Exemption 7

Exemption 7 to the Open Meeting Law allows a public body to go into executive session to comply with a general or special law or a federal grant-in-aid requirement. Under the prior version of the law, it was generally unclear whether and when a public body might be permitted to use the exemption. The Attorney General has specifically recognized, however, that the exemption can be used to protect an individual's privacy under G.L. c.214, §1B or the Public Records Law. See AG-OML-2011-53. Importantly, if a public body goes into executive session under this exemption, the body must specify the law on which it is relying.

### Deliberations - E-mail Opinions Prohibited

The revised Open Meeting Law specifically defines the term "deliberation" to include e-mail. However, the law exempts from the definition the distribution of a meeting agenda, scheduling information, or distribution of documents that might be discussed at a meeting "provided that no opinion of a member is expressed". The Division, in AG-OML-2011-14, reviews the application of this definition, and finds that an e-mail sent to a quorum of members requesting a meeting violated the law where it included the following statement, "when we took the language about the opportunity for a public hearing out of the bylaw, it rendered it no longer compatible with the procedure language we approved. I think we need to meet to resolve this issue." The Attorney General determined that this portion of the e-mail constituted an "opinion" in violation of the law. When requesting agenda items, therefore, care must be taken to ensure that the reasons for requesting the inclusion of the agenda item not be shared via e-mail among a quorum of members of a public body. Be reminded that an e-mail made or received by a governmental officer or employee is a public record subject to mandatory disclosure upon request, subject to the application of any exemptions to the law.

### Deliberations – Matters that Require a Posted Meeting

In AG-OML-2011-38, the Attorney General concludes that although scheduling and distribution of various materials may be accomplished by e-mail, other types of "procedural or administrative matters" cannot. The Attorney General indicates that the following matters constitute "deliberations" and must appear on a properly posted meeting notice to be discussed by the members of a public body: organization and leadership of the public body; committee assignments; rules or bylaws for the body; and discussions of whether the body should consider or take action on specific topics at a future meeting. It is likely the last item in this list that will pose the greatest challenge, as

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members of a public body requesting inclusion of an agenda item will need to be careful not to "explain" their reasoning for requesting such an agenda item in an e-mail to a quorum of members of the public body, as discussed above. For five-member boards, this risk may be minimized by copying only the chair or administrative staff when requesting agenda items.

### Intentional Violations

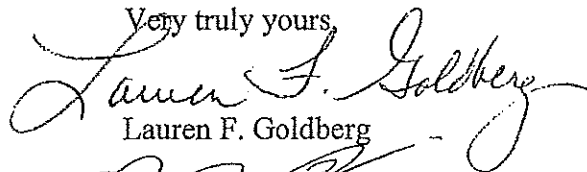
In virtually all cases in which the Attorney General finds a violation of the law, the decision indicates that "future similar violations may be considered an intentional violation." See, e.g. AG-OML-2011-48; AG-OML-2011-45; AG-OML-2011-38. This is significant, as the revised version of the Open Meeting Law allows for imposing a civil penalty of \$1,000 against a public body for each intentional violation.

### Cure/Remedial Action

Consistent with prior case law, the Division recognizes that "public deliberation (at a properly posted open meeting) effectively cured the private discussion which occurred over email because it enabled the public to see the discussion that went into the creation of the policy. To cure a violation of the Open Meeting Law, a public body must make an independent deliberative action, and not merely a ceremonial acceptance or perfunctory ratification of a secret decision." AG-OML-2011-14. It is imperative, therefore, if a public body is attempting to cure an earlier violation, that there be deliberation about the issue. The chair can encourage board members to participate by inviting their comments. Additionally, care should be taken to attach to the minutes of the current meeting the minutes of any earlier meeting held in violation of the law or any e-mail or other records that may have contributed to a violation.

In summary, the new Open Meeting Law imposes additional obligations on public bodies and members thereof. The Attorney General's interpretation of the law continues to be explained on a case by case basis through the issuance of decisions on Open Meeting Law complaints filed with the Attorney General. While many of these decisions represent a significant change from the obligations imposed by the prior version of the law and may therefore involve revision of existing practices and procedures, compliance with the newly explained standards will be helpful in protecting public bodies from complaints.

Very truly yours,



Lauren F. Goldberg



Brian W. Riley



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To: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL  
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Re: Open Meeting Law – A Checklist and Sample Notices and Votes

This is the fourth in a four-part series on compliance with the revised Open Meeting Law. As you are aware, the new version of the Open Meeting Law took effect on July 1, 2010. Since that time, the Attorney General, who has enforcement authority under the revised law, has issued many decisions on complaints filed with that office. Those decisions, issued by the Division of Open Government (the "Division") have provided insight into the manner in which the Division will address future complaints. In an effort to simplify the more stringent requirements applicable to calling for and holding meetings of a public body, we have prepared the attached checklist and sample votes for use by public bodies when calling for and holding public meetings.

Very truly yours,

Lauren F. Goldberg

Brian W. Riley

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OPEN MEETING LAW NOTICE  
CHECKLIST

1. Post notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays and legal holidays
  - a. In general, for a meeting to be held on a Monday, the meeting must be posted on Thursday no later than the time set for the Monday meeting;
  - b. In general, for a meeting to be held on a Tuesday, the meeting must be posted on Friday no later than the time set for the Tuesday meeting
2. Ensure that notice is timely posted in all locations required by law
  - a. This requirement means that the meeting notice must actually be posted in all locations at least 48 hours in advance calculated as indicated in item 1, including, for example, on the municipality's website if the website is the alternate posting location.
3. List on said notice all topics that the chair of the public body "reasonably anticipates" will be discussed at the meeting.
4. Ensure that the topics are specific, itemized and detailed, as follows:
  - a. Generally -
    - i. Subject matter;
    - ii. Whether any particular speakers will be recognized or presentations made;
    - iii. Whether an executive session is anticipated; and
    - iv. Whether any vote is anticipated.
  - b. For licenses, permits, variances or authorizations -
    - i. The matter at issue (i.e., specific permit, license, variance, or authorization requested);
    - ii. Name of applicant;
    - iii. Location of activity, if applicable; and
    - iv. Whether any votes are expected.
  - c. For appointments of personnel or officers -
    - i. The position at issue;
    - ii. Term of appointment, if applicable; and
    - iii. Names of possible finalists for appointment, if known.
  - d. Exemption 2 - For strategy with respect to, or negotiations with, non-union personnel -
    - i. For strategy with respect to negotiations with non-union personnel, the name of such personnel only if inclusion of the same will not negatively impact the negotiating position of the public body; and
    - ii. For negotiations with non-union personnel, the name of the non-union personnel.
  - e. Exemption 3 - For strategy with respect to collective bargaining negotiations or litigation -
    - i. The name of the union or the litigation if stating the same would not negatively impact the position of the public body.
  - f. Exemption 3 - For conduct of collective bargaining negotiations -
    - i. The name of the union.

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- g. Exemption 6 - To consider the purchase, exchange or lease of real property -
  - i. The address of the real property if inclusion of the name would not have a detrimental effect on the negotiating position of the public body.
- h. Exemption 7 - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements -
  - i. Reference to the specific law at issue.
- 5. Update the meeting notice with any items of which the chair becomes aware that will be discussed at the meeting and that arise after the meeting notice is posted, but before the meeting, even if such information becomes available within the 48 hour window.
- 6. Exemption 1 (to consider medical condition, reputation and character, or discipline, dismissal or charges or complaints against an individual)– ensure that notice is provided at least 48 hours in advance of the meeting to the individual to be discussed setting forth the date, time and place of the meeting, and the rights afforded to the individual under the Open Meeting Law.
- 7. Exemption 8 (to consider applicants for appointment by a screening committee) – ensure that at least one applicant for appointment has indicated that they would not take part in the search process if the process was undertaken in open session.

SAMPLE NOTICE AND VOTES TO ENTER EXECUTIVE SESSION

1. General Requirements

The notice should identify the statute, including the specific exemption to be relied upon, and the details identified in the Open Meeting Law Notice Checklist. Below are samples to act as a starting point for preparation of meeting notice items. However, in each case the facts must be reviewed to ensure that the notice contains sufficient detail and otherwise meets the requirements imposed by law.

Note that prior to entering executive session for the purposes set forth below, the public body must first meet in open session. The body must vote, by roll call, to enter executive session for one or more of the purposes set forth below, and that vote must be recorded in the minutes of the open meeting. Moreover, if a public body enters executive session under Exemptions 3, 6, or 8, the chair must also declare that holding an open session would be detrimental to the position of the public body (as specified in further detail, below), and the declaration must also be recorded in the minutes. Finally, the body must indicate whether it intends to return to open session after conclusion of the executive session.

2. Open Session – Sample Notice Items and Votes

Town Meeting.

(early in the process)

Town Meeting Warrant – To consider articles for inclusion on the Annual Town Meeting warrant, including annual operating and capital budgets, revolving funds, enterprise fund budgets, departmental equipment requests, general and zoning bylaw amendments and citizen petitions; votes may be taken.

(later in the process)

Town Meeting Warrant – To review draft warrant, attached hereto, particularly Articles [insert particular items to be discussed]; and to make recommendations on all items in warrant; votes may be taken

(at end of process)

Town Meeting Warrant – To approve and execute draft warrant, attached hereto.

Annual Appointments.

To approve annual appointments as set forth in the attached list

Or

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To approve annual appointments as follows:

- Position – name
- Position – name
- Position – name

Renewal of Annual Permits

To approve annual permits as follows:

- #496 [Name of Applicant], [address]
- #497 [Name of Applicant], [address]

Or:

To approve annual permits as set forth in the attached document

Informational Items

Presentation from Open Space Committee on proposed Open Space Plan; review of matters presented; votes may be taken

John Smith, Company XYZ – discussion of use of photovoltaic panels at Middle School, 123 Main Street; review of matters presented; votes may be taken

3. Executive Session Notice Items and Votes

Sample notice items and votes are set forth below with respect to frequently used exemptions under G.L. c.30A, §21(a). In each case, the text of the exemption appears first, followed by a sample notice item and vote. Where appropriate, the declaration as to the detrimental effect of an open session discussion is noted.

Exemption 1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

NOTICE:

Executive session under G.L. c.30A, §21(a)(1) to discuss [insert one or more applicable reasons from among the following: the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual]; votes may be taken.

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VOTE:

The vote would reiterate the language in the notice, omitting the clause about votes being taken.

Exemption 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

NOTICE:

(strategy – substitute the name of the non-union personnel if doing so would not negatively impact Town’s negotiation position)

Executive session under G.L. c.30A, §21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel; votes may be taken.

(to conduct negotiations)

Executive session under G.L. c.30A, §21(a)(2) to conduct negotiations with Police Chief (insert name); votes may be taken.

VOTE:

The votes would reiterate the language of the notice, omitting the clause about votes being taken.

Exemption 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.

NOTICE:

(strategy – substitute the name of the collective bargaining unit or litigation if doing so would not negatively impact Town’s negotiation position)

Executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to [collective bargaining or litigation, as appropriate]; votes may be taken.

VOTE:

The vote would reiterate the language of the notice, omitting the clause about votes being taken.



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\*Note: If the public body intends to enter executive session to strategize under this exemption, the chair of the public body must also declare that discussing the matter at an open meeting may have a detrimental effect on the position of the public body.

Exemption 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

NOTICE:

(substitute the description of the location of the real property at issue if doing so will not negatively impact the body's negotiation position)

Executive session under G.L. c.30A, §21(a)(6) to consider the [insert, as appropriate, purchase, exchange, lease or value of] real property; votes may be taken.

VOTE:

The vote would reiterate the language of the notice, omitting the clause about votes being taken.

\*Note: If the public body intends to enter executive session under this exemption, the chair of the public body must also declare that discussing the matter at an open meeting may have a detrimental effect on the position of the public body.

Exemption 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.

NOTICE:

Executive Session under G.L. c.30A, §21(a)(7) to comply with, or act under the authority of, [insert citation to general or special law or federal grant-in-aid requirement]; votes may be taken.

VOTE:

The vote would reiterate the language of the notice, omitting the clause about votes being taken.

Exemption 8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants.

**KOPELMAN AND PAIGE, P.C.**

**NOTICE:**

Executive Session under G.L. c.30A, §21(a)(8) to consider [insert "and interview", as appropriate] applicants for [insert name of position]; votes may be taken.

**VOTE:**

The vote would reiterate the language of the notice, omitting the clause about votes being taken.

\*Note: If the screening committee intends to enter executive session under this exemption, the chair of the public body must also declare that discussing the matter at an open meeting may have a detrimental effect obtaining qualified applicant.