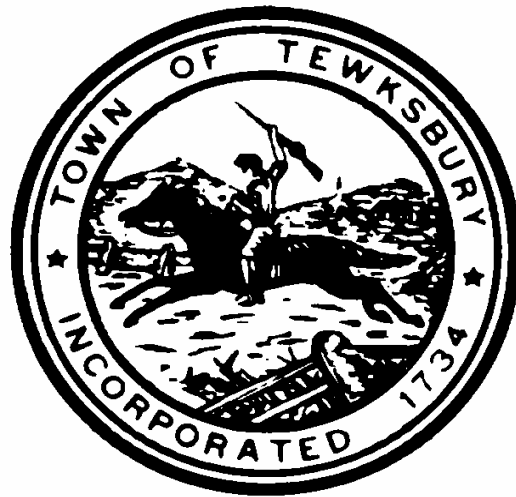


A Guide to Posting Meeting Notices, Agendas & Minutes



This is intended to be a Guide for Public Body Chairs and Clerks who will be handling postings for meetings and filing minutes. The Open meeting Laws and Town Charter should be referred to for complete understanding and listing of the specifics outlined in this document.

Posting a Meeting

Meeting Notices and Agendas must be posted 48 hours in advance of the meeting excluding Saturdays, Sundays and legal holidays. Please keep in mind the Town Clerk's hours of operation and make necessary arrangements to be sure your posting is made in an adequate amount of time Monday – Friday by 3:30 PM

Meeting Postings must contain the following information:

1. The name of the public body that is meeting
2. The date and time of the meeting
3. Where the meeting is being held (location, room, address)
4. A list of topics that are reasonably expected to be discussed at the meeting in sufficient details to reasonably advise the public of the general issues to be discussed, provided however, that if a topic was not reasonably expected at the time of posting, it may be discussed at the meeting

Any revisions to the posting should be made as soon as possible prior to the meeting.

24 hour / 7 day a week Access

The Open Meeting Law requires 24 hour / 7 day a week access to meeting schedules and agendas. The Town of Tewksbury utilizes the Town Website to comply. Each meeting will be posted on the Official Meeting Calendar (found on the home page at www.tewksbury-ma.gov)

Receiving and Filing Postings & Agendas

Although you may use any of the following means to communicate your postings with the Town Clerks Office, email is the preferred method.

- **Email: townclerk@tewksbury-ma.gov ***
- Fax: 978-851-8610
- In Person: Town Clerks Office – Town Hall, 1009 Main Street

PLEASE DO NOT e-mail postings to a specific staff person in the Town Clerk's Office. E-mail to townclerk@tewksbury-ma.gov This account is shared by all town clerk staff and periodically checked throughout the day. This will ensure that your posting will be processed despite individual work schedules or vacations.

Once we post your meeting, we will respond to your e-mail indicating that it has been posted on the official meeting calendar on the front page of our municipal website www.tewksbury-ma.gov At that point, you should check the website to be sure your meeting was posted correctly. **If you do not get an e-mail from us, or if your meeting was not posted correctly, please contact us as soon as possible.**

If you are down to the wire to comply with the 48 hour notice, please call the Town Clerks Office at 978-640-4355 to inform us that you have emailed the posting so we can assist you with compliance.

Public Hearings

If you are a member of the Board of Selectmen, Planning Board, Board of Health, Board of Appeals, or Conservation Commission occasionally you will be required to hold a public hearing in accordance with Massachusetts General Law. In most cases where notice of a public hearing is required, notice shall be given by publication in a newspaper of general circulation in the town for a specified period of time. It is also necessary to post such notice in a conspicuous place in the Town Hall for a specified period of time. For specifics, please reference the governing statute.

Written notices, the initiation of the hearing and the written conclusions of the public hearing may have strict legal time limitations that vary with the character of each board.

Cancelled, Postponed, or Relocated Meetings

If a meeting is cancelled or moved to another location, the Town Clerk shall be informed, so that the Official Meeting Calendar may be revised. It is suggested that a sign be posted on the meeting room door and on the entrance door to the building informing the public of the changes.

Meeting Minutes

Importance of the Record- Many matters before boards and committees are reviewable by a court on an appeal. In many of these matters, the appeal is based on the record developed before the board or committee. Thus it is very important to adequately develop a record which is going to reflect accurately what went on and most importantly, support your decision.

Committees shall create and maintain accurate minutes of all meetings, including executive sessions. Minutes are not intended to be a transcript of the meeting, but rather an accurate recording of the meeting logistics, topics discussed and actions taken by the committee.

Meeting Minutes as set forth by law must include the following information:

- State the date, time, (location, room, address)
- List all members present and all members absent
- Summarize each topic discussed by the public body
- Exact wording of all motions, including who made and seconded the motion
- The decisions made and actions taken, including a record of all votes. (Votes in executive session must be recorded in the minutes by a roll call)
- A list of documents and other exhibits used by the body at the meeting and where such exhibits or documents may be reviewed by the public

List of Documents and other Exhibits

Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open meeting or executive session shall be part of the record of the session. While public bodies are required to retain these records in accordance with records retention laws, the documents and exhibits listed in the minutes need not be physically stored with the minutes. **Please be sure that minutes include a list of documents used, and in which office they will be stored.** That way, upon public request to review, they will know where to find those items.

Public Record

The records of all public body non-executive session meetings minutes are public and permanent records and must be available for public inspection. Records of any executive session remain closed to the public only as long as publication may defeat the purposes of the executive session.

Meeting notes and Draft minutes are considered public record until official Minutes are produced and voted on. Any secretarial notes, if not destroyed once the official minutes are accepted, are considered a public document under the public records law.

Once Minutes are Accepted by Committee Vote

Indicate on the minutes the date of the meeting at which the minutes were accepted.

The minutes shall be e-mailed in Word format to townclerk@tewksbury-ma.gov for posting on the town website and delivery to the Town Clerk for permanent retention.

Timely Manner

Minutes of all open and executive sessions shall be created and approved in a timely manner. A “timely manner” will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. The Attorney General encourages public bodies to approve minutes at the next meeting whenever possible. REGULATORY AUTHORITY 940 CMR 29.00: M.G.L. c. 30A, § 25(a) and (b).

Executive Session Minutes

Minutes from an executive session should not be released if the lawful purpose for conducting an executive session would be defeated. Such minutes should be withheld from public disclosure unless and until the reason for convening the executive session no longer exists. However, they should be approved by the committee in a timely manner.

The Committee chair or other appropriate designee shall, from time to time, review the purpose for having entered into executive session to determine whether continued non-disclosure of minutes is warranted. Such review should not be unreasonably delayed in that there is a policy for release of executive session documents as soon as the reasons for executive privilege have lapsed. This review and determination must be included as a topic discussed in the minutes of said meeting.

Once disclosure would no longer defeat the lawful purpose for the executive session, the minutes must be disclosed unless they are otherwise exempt from the Public Records Law, M.G.L. c. 4 §7, cl. 26 or are attorney-client privileged. Case law has dictated that committees are entitled to attorney-client privilege but the Attorney General has offered an opinion that the privilege is not absolute. Town Counsel should be contacted to determine whether the privilege applies. Members of committees must refrain from disclosing any matter discussed within an executive session unless and until the executive session minutes are released.

Executive Session Reminders

Before an Executive Session can be called, the following procedures must be followed:
These procedures must be reflected in the meeting minutes.

1. An open session, for which notice has been given, must be convened.
2. The presiding officer must cite the purpose for the Executive Session and state whether the Board will reconvene thereafter in open session.
3. The presiding officer must also state that a public discussion will be detrimental to the public interest.
4. A majority of Board members must vote, by roll-call, to go into Executive Session and the vote must be recorded in the committee minutes.
5. Votes in executive session must be recorded in the minutes by a roll call.
6. Executive Session Minutes must be disclosed when purpose of exemption has been met, unless otherwise protected.
7. Executive Session Minutes must be reviewed periodically by chair or public body.
8. Executive Session Minutes must be provided within 10 days in response to request, unless review not yet undertaken (then by board's next meeting or 30 days, whichever occurs first).
9. Executive session minutes must be filed with the Town Clerk once made public.

Resources

Additional resources are available on the [Open Meeting Law](#) page of our municipal website: