



TOWN OF PRINCETON

Office of the Selectboard

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Letter from the Selectboard regarding the Open Meeting Law

Dear Princeton Residents,

In this letter, we want to talk about the challenges and benefits of the Open Meeting Law since it tightly regulates how we interact with residents and each other. The Selectboard operates in ways that might seem strange, unresponsive, or inefficient at times. We don't respond to questions on Nextdoor; we typically don't "reply all" when you email the Board about something; and, if more than one of us is present, we won't talk with you about an issue you have if we aren't in a formal meeting. It isn't that we don't care. It isn't that we don't want to hear from you. It isn't that we don't want to help you. We are acting like this because we have to obey the Massachusetts Open Meeting Law.

There are things that you may see on the Town's website or Town-wide news that are puzzling but are also due to the Open Meeting Law. For example, if there is a chance that both Edie and Karen will attend a Facilities Steering Committee Phase II meeting, we will schedule a Selectboard meeting for the same time and place as the Facilities meeting. The agenda will say "Attend Facilities Steering Committee Phase II meeting and participate in any discussions listed on their posted agenda, as needed."

The Town Buzz recently invited the Selectboard to come in to hear what is on the mind of Town residents. To ensure we could do this and not violate the Open Meeting Law, Nina checked with Town Counsel and Richy checked with the Attorney of the Day at the Attorney General's office. We were told to list on our agenda all topics that we could *reasonably anticipate* might come up in discussion and to not deliberate or vote on anything. There are a lot of things going on in town and the agenda included everything we could imagine a resident wanting to discuss. This confused people who didn't understand how we could possibly cover 15 or so topics in 90 minutes. We didn't plan on covering them all. We just wanted to be covered in case a resident wanted to talk about one of them.

So, what is this Open Meeting Law we keep referring to? Its purpose is to promote openness and transparency in government and prevent behind-the-scenes deliberation. It impacts how and when townspeople are notified about meetings (posting), what they are told about the meetings (agenda and minutes), where meetings are held (accessible public locations), how meetings are run (quorums, topics discussed), and what is considered a meeting.

Although the Open Meeting Law creates some barriers to communication, we **strongly** encourage you to share your thoughts and concerns with us. Here is how. You can email our Town Administrator, Nina Nazarian, at townadministrator@town.princeton.ma.us or reach us all by emailing selectmen@town.princeton.ma.us. You can also call one of us. We are all in the Princeton phone book that came out last year. You can come to one of our regular meetings and speak during the public

comment period. You can also request that a topic be added to a future agenda. As for Nextdoor, although in many cases we are restricted from responding, we can and do read the discussions. We will continue to send out these communications and will be holding future sessions with the Town Buzz. We are constantly looking for better ways to communicate and welcome your suggestions.

Open Meeting Law

Deliberation

The Open Meeting Law defines deliberation as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” To be a deliberation, the communication must involve a quorum of the public body (for our 3-person Selectboard, that is 2 people).

Applicability

The Open Meeting Law applies to all boards and committees in town. However, it doesn't apply to groups of town employees. The Town Administrator (Nina Nazarian's) staff meetings, for example, don't need to comply with the Open Meeting Law.

Posting

A meeting must be posted at Town Hall and on the Town's website at least 48 hours in advance of the meeting, excluding Saturdays, Sundays, and legal holidays. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting. The posting of a meeting includes the name of the board or committee, the date, time, location, and the agenda for the meeting.

Agenda

A meeting's agenda must include all topics that the Chair *reasonably anticipates* will be discussed at the meeting. In general, if a topic comes up during a meeting that might be considered controversial or of interest to the public and it isn't on the agenda, the Chair should postpone discussion of the topic to a future posted meeting. Exceptions can be made for urgent situations. Meeting agendas can be updated within the 48 -hour period but added or changed items should be highlighted.

Minutes

Public bodies such as the Selectboard are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes are intended to give people who don't attend the meeting a reasonable understanding of what happened at the meeting. The minutes, which must be created and approved in a timely manner, must include: the date, time and place of the meeting; the members present or absent; the decisions made and actions taken, including a record of all votes; a summary of the discussions on each subject; and a list of all documents and exhibits used at the meeting. While the minutes must include a summary of the discussions on each subject, a transcript is not required or customary.

Scheduling

People are often surprised that the Open Meeting Law doesn't address the time of day at which meetings can be held. The Selectboard attempts to hold meetings at times that are convenient to both members and residents. Unfortunately, people have different schedules and what is convenient for some may not be convenient for others. During busy times of the year (late in the budget season, for example), the Selectboard will often have multiple meetings in a week.

Quorum

There must be a quorum present for a public meeting to legally take place. If there isn't a quorum, the public meeting will not be called to order and minutes will not be taken.

The Meeting

How the Chair runs a meeting is also a function of the Open Meeting Law. Since we have a 3-person Selectboard, none of the Selectboard members can talk to each other about matters that might come before the board outside of a public meeting. What this means is that our meetings are where most of our work gets done. Therefore, we need to ensure that we have focused and productive meetings. Per our Public Participation Policy which can be found on the Town's website, on the Selectboard webpage, public comment is limited and is at the beginning of most meetings. It is not an opportunity for debate and the Open Meeting Law limits our ability to respond to comments or questions. However, comments and questions will be taken under advisement.

Violations of the Open Meeting Law

If you think we aren't following the Open Meeting Law, please we encourage reach out to the Town Administrator, Nina, or the Chair, Richy. If you aren't satisfied with their response, there is recourse available to you through the State's Attorney General's office. It takes significant time for the Town to respond to an Open Meeting Law violation complaint but it is legally required to do so. We are working hard to follow the law and will continue to refine how we operate to best stay within the law.

If you would like to learn even more about the Open Meeting Law in Massachusetts, we encourage you to start with this guide (<https://www.mass.gov/files/documents/2018/05/23/2017-guide-with-ed-materials-revised-1-30-18.pdf>) published by the State's Attorney General.

Sincerely,

The Princeton Selectboard



Richard C. Bisk, Chair



Edith M. Morgan, Clerk



Karen G. Cruise, Member