

MINUTES

Page 1

BOARD OF ASSESSORS

Date: 10/02/2018

Present: Jude T. Cristo, Joe Coggans, Jean Moroski

Start time 4:40pm

Absent: George Valery

The Board acted on the following:

- 1) The Board reviewed and signed Minutes for the 9/11/2018 Meeting. Voted 2-0
- 2) The Board reviewed and signed bill for: Vision Government Solutions –v8 upgrade.
- 3) The Board reviewed August sales
- 4) The Board was given a copy of the Attorney General's Open Meeting Law Presentation Handout
- 5) The Board signed a Release of Classified Land Tax Lien for property on West Main St. that was previously owned by Florence Paine. The Roll Back Tax was paid 8/26/1987 and only a Certificate of payment was recorded at that time. The Attorney for the current owner has requested the release.
- 6) Motion to adjourn, Meeting closed at 5:00

BOARD OF ASSESSORS

DATE: 10/23/2018

RECEIVED
TOWN CLERK
2018 OCT 24 AM 9:16
MILLBURY, MASS.

The Commonwealth of Massachusetts

Millbury

Name of City or Town

Office of the Board of Assessors

Release of Classified Forest-Agricultural or Horticultural-Recreational Land Tax Lien

All rights upon the real property described below under a statement filed for record/registration on June 5, 1985, with the Worcester Registry of Deeds, Book 8741 Page 23, Document Number _____, Certificate of Title Number _____ are hereby released.

That statement was filed to establish a lien for real property classified as forest agricultural or horticultural recreational land under the provisions of General Laws Chapter 61 61A 61B .

DESCRIPTION OF PROPERTY

(The description must be sufficiently accurate to identify the property. In the case of registered land, the Certificate of Title Number and the Registry Volume and Page must be given.)

Assessors Map 77 Parcel 11 Recorded in Book 2770 Page 49

Paine, Florence I.

Name of Owner(s)

Oct 2, 2018

Date

[Handwritten Signature]
Board of Assessors

The Commonwealth of Massachusetts

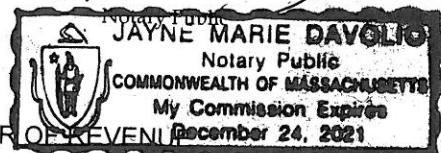
Worcester

ss.

On this 2nd day of October, 2018, before me, the undersigned notary public, personally appeared Jude Cristo and Joseph Coggans, as Board of Assessors for the city/town of Millbury, proved to me through satisfactory evidence of identification, which were personally known, to be the persons whose names are signed on the preceding document in my presence, and acknowledged to me that they signed it voluntarily for its stated purpose.

[Handwritten Signature: Jayne Marie Davolio]

My commission expires December 24, 2021





GOVERNMENT SOLUTIONS

Voice: (508) 351-3600
Fax: (508) 351-3799

INVOICE

Remit To:
Vision Government Solutions, Inc.
1 Cabot Rd.
Suite 100
Hudson, MA 01749

SOLD TO:

Jean Moroski
Millbury
127 Elm Street
Millbury, MA 01527

Invoice Date: 8/31/2018
Invoice Number: 030132
Customer ID: MA-MILB-00
Payment Terms: Net 30
Product Line: V8 Upgrade

1 of 1

DESCRIPTION	QTY	UNIT PRICE	EXT. PRICE
-------------	-----	------------	------------

V8 Upgrade Due on Install

10,000.00

Thank you for your business!

TOTAL:	\$10,000.00
---------------	--------------------

For any questions on this invoice, please contact:
Email: accounting@vgsi.com

AUGUST 2018 SALES

DATE	MBLU	GRANTOR/SELLER	GRANTEE/BUYER	ST#	STREET NAME	STATE	USE	VAL	CODE	SALE PRICE	FY18 VALUE
08/01/2018	60_29	VIOLETTE KEITH T	VISNAW MONIQUE	79	ELMWOOD ST	101		287,600		235,500	
08/02/2018	6_50	SANTON RONALD J	CARTER R. STEPHEN	190	WHEELLOCK AVE	101		259,900		197,200	
08/03/2018	79C_14S	STRATFORD VILLAGE DR	KEENAN PETER F JR	14	STRATFORD VILLAGE DR	102		314,900		0	
08/06/2018	16_70	FRANKLIN JOHN G	FRANKLIN JAY	226	MILLBURY AVE	105	U	369,000		277,200	
08/08/2018	23_35	JONES DANIEL A	GROSS KATHERINE M	18	SHORE TERR	101		342,000		225,300	
08/08/2018	27_14	HULL REALTY INC	PINECREST BAPTIST CHURCH	379	GREENWOOD ST	031	K	725,000		349,700	
08/08/2018	47_56	PIASTA EDWARD T	JONES DANIEL A	5	BRANEY RD	101		360,000		272,600	
08/09/2018	26_6	PERKINS DAVID	DERY ALYCIA	9	HAWTHORNE ST	101	U	315,000		234,500	
08/13/2018	53_143	ALI IQBAL	BLACKSTONE VALLEY REALTY LLC	7	ELM ST	105		227,500		174,800	
08/14/2018	71_42	TURCO STEPHEN M	DONNELLY JAMES PATRICK	16	HERRICKS LN	101		406,000		331,600	
08/15/2018	37_28	LACOUTURE PAULA	MORIN JAMES R	1	BUDREAU AVE	101		255,000		275,700	
08/15/2018	40_8	WELLS FARGO BANK NA	KWARTENGMAAH CHARITY	23	WOODRIDGE RD	101	S	288,080		389,000	
08/16/2018	45_125	RAGANI JOSEPH S	WINDOVER ERIC P	10	LINCOLN AVE	101		284,500		231,500	
08/16/2018	5_116	HAYR LLC	WAREHOUSE PLASTICS CO INC	17	SKYVIEW DR	130		417,500		18,120	
08/16/2018	5_113	HAYR LLC	ORGANTINI KARL	20	SKYVIEW DR	130		435,300		18,450	
08/16/2018	10_171	HAYR LLC	LACCETTI RICHARD	8	SKYVIEW DR	130		387,770		18,120	
08/17/2018	30_184	CHAFFIELD RUSSELL J	RATTE SEAN	11	OAK ST	101		320,000		263,600	
08/17/2018	34_9	BOURN ROBERT III	CONNOR JOSHUA	55	MCCRACKEN RD	101		362,000		361,600	
08/17/2018	39_59	TYAN TONY	ANDRIANOPOULAS CHRISTOS	4	CROWN BROOK WAY	101	U	430,000		420,600	
08/17/2018	50_26	BOTT FRED	REMIILLARD JOHN J	20	AUBURN RD	101		620,000		521,900	
08/17/2018	72_61	TPR HOMES LLC	JOHNSON CHRISTOPHER S	9	MOORE DR	130		433,270		23,200	
08/17/2018	6_140A	GOLD STAR BUILDERS INC	GANTI RAVISASTRY	1	OAKES ST	102		339,000		0	
08/20/2018	83_39	MALTESEV KONSTANTIN	STEWART PAUL M	6	DOLAN RD	101		328,500		311,000	
08/21/2018	79C_105	STRATFORD VILLAGE LLC	LEVINE BARRY S	10	STRATFORD VILLAGE DR	102		339,900		0	
08/24/2018	7_3	CADORETTE JOSEPH A	ANDERSON TYLER	1542	GRAFTON-WORC RD	101		265,000		187,100	
08/24/2018	85_70	KELLY SHAUN L	SHAMALY MATTHEW JOHN	236	WEST MAIN ST	101		270,000		244,400	
08/27/2018	51_3	SOLECT ENERGY DEVELOPMENT LLC	GSP SOLECT MILLBURY LAND LLC	442	GREENWOOD ST	130	B	150,000		133,800	
08/27/2018	51_4	SOLECT ENERGY DEVELOPMENT LLC	GSP SOLECT MILLBURY LAND LLC	0	GREENWOOD ST	130	B	150,000		78,200	
08/28/2018	45_154D	YENKE MICHAEL	SASSER SHERRILL	8	MILES ST	102		200,000		203,600	
08/30/2018	24_13	U.S. BANK NATIONAL ASSOC LLC	THOMAS EDWARD	124	MACARTHUR DR	101	S	389,550		362,100	
08/31/2018	30_1	HANLAN MICHAEL R JR	CONNOR JOHN I	8	LINDA AVE	101	U	261,000		236,500	
08/31/2018	79_102	WILDER LORNA MA	DRESSER GINA L	2	JUNIPER DR	101	U	325,000		250,500	

AUGUST 2018 SALES

08/31/2018	88_8__	JANNERY SHANNON	JONES BRANDON	69	SO OXFORD RD	101		347,000	277,000
08/31/2018	5_133__	HAYR LLC	COBB CRAIG A	14	SKYVIEW DR	130		403,100	18,120
08/31/2018	79C_3E__	STRATFORD VILLAGE LLC	LEDoux RICHARD	3	EMILY DR	102		349,900	0

Attorney General's Open Meeting Law Presentation Handout

Slide 1.



Open Meeting Law: Balancing Government Transparency with Government Efficiency

Slide 2.



Who the AGO Serves & How

Who:
The Commonwealth

Residents of the Commonwealth
and their public interests

State departments, officers, and
commissions

Groups of consumers

How:
Four Major Ways this Work is Executed




© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

The Attorney General's Office

The Attorney General represents:

- Residents of the Commonwealth and their public interest
- State departments, officers, and commissions
- Groups of consumers

Slide 3.



Public Protection & Advocacy Bureau
Description

Protecting students against predatory for-profit schools;
Ensuring that workers are paid the wages they are owed;
Combating discrimination by landlords and employers;
Keeping struggling homeowners in their homes through loan modifications; and
Fighting for consumers against scams and other deceptive business practices.

Divisions of the Public Protection & Advocacy Bureau


Civil Investigations	Insurance and Financial Services
Consumer Protection	Civil Rights
Fair Labor	CARD/HomeCorps

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Public Protection & Advocacy Bureau

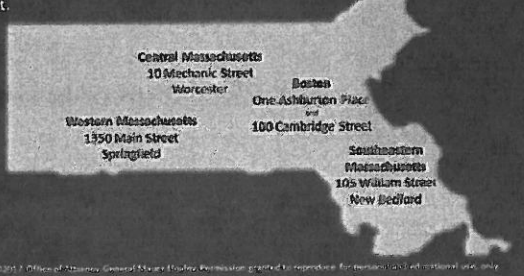
- Protecting students against predatory for-profit schools;
- Ensuring that workers are paid the wages they are owed;
- Combating discrimination by landlords and employers;
- Keeping struggling homeowners in their homes through loan modifications; and
- Fighting for consumers against scams and other deceptive business practices.

Slide 4.



Where the AGO is located

Attorney General Maura Healey and her staff engage with every city and town of the Commonwealth. The Attorney General's Office also runs a statewide Consumer Advocacy and Response Division and supports over thirty regional local consumer and face to face mediation programs, which you may choose to contact.




©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

AGO Offices

- Boston
One Ashburton Place and
100 Cambridge St.
- Central Massachusetts
10 Mechanist St., Worcester
- Western Massachusetts
1350 Main Street, Springfield
- Southeastern Massachusetts
105 Williams St., New Bedford

Slide 5.



Purpose of Open Meeting Law (OML)

Government Accountability

↔

Government Efficiency

Ensures transparency by public bodies by requiring:

- Notice
- Open Deliberations
- Public Access

Allows government to efficiently manage operations by:


- Providing for certain deliberations in executive session
- Maintaining confidentiality of certain records of executive session

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

Purpose of Open Meeting Law

- Recognizes the necessary balance between government accountability and government efficiency.
- Ensures transparency by public bodies by requiring:
 - Notice
 - Open Deliberations
 - Public Access
- Allows government to efficiently and effectively manage its operations by:
 - Providing for certain deliberations to take place in executive session
 - Maintaining confidentiality of certain records of executive session

Slide 6.




Attorney General's Role

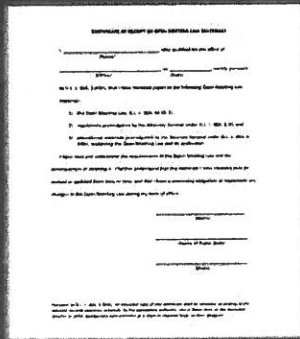
© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

Attorney General's Role

- Educate / train public officials and members of public bodies
- Promulgate regulations
- Provide guidance on OML requirements
 - Hotline / Email
 - Website
- Address OML complaints
- Make findings and bring enforcement actions

Slide 7.

**Certification**



Members must sign certification within two weeks of receipt:

- Read and understand requirements of the law and consequences for violating it
- Educational Materials:
 - OML Guide Book
 - Last 5 Years of OML Determinations

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

OML Certification


- OML materials must be distributed to all public body members upon taking oath of office or, if none is required, before entering performance of office

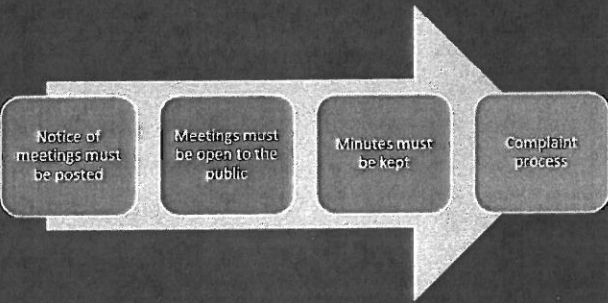
Local Public Bodies: Municipal clerk

Regional, District, County or State Bodies: Appointing authority, executive director, or other administrator or designee

- Members must sign certification within two weeks of receipt
 - Read and understand requirements of law and consequences for violating OML
- Person distributing materials also keeps certifications

Slide 8.

**Open Meeting Law Basics**



©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Open Meeting Law Basics

- 1) Notice must be posted for all meetings
- 2) Meetings must be open to the public, unless the public body enters into executive session
- 3) Minutes must be kept for open and executive sessions
- 4) Complaint process

Slide 9.



Public Body

Definition

A multi-member board, commission, committee or sub-committee ... however created, elected, appointed or otherwise constituted, established to serve a public purpose ... subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

Connelly exception

Where a public official creates a group to advise that public official on a decision that he or she has sole responsibility for, the group is not subject to the Open Meeting Law. See Connelly v. School Committee of Hanover, 409 Mass. 232 (1991).

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Public Body

A multi-member board, commission, committee or sub-committee ... however created, elected, appointed or otherwise constituted, established to serve a public purpose ... subcommittee shall include any multiple-member body created to advise or make recommendations to a public body

Connelly exception: where a public official creates a group to advise that public official on a decision that he or she has sole responsibility for, the group is not subject to the Open Meeting Law

Slide 10.



Exclusions

State Legislature



Massachusetts House of Representatives

Judicial Branch



Massachusetts Supreme Judicial Court

Not for Profit Organizations



The Greater Worcester Land Trust

Focus Groups



No Public Purpose



Constitutional Officers



Maura Healey, Governor


©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.


Excludes:


- Legislature and its committees
- Bodies of the Judicial branch
- Not-for-profit organizations
- Bodies created by a constitutional officer solely to advise that constitutional officer
- Bodies that do not serve a public purpose (such as a retirement party planning committee)
- Groups not established with the "jurisdiction" to make decisions or recommendations collectively (such as a focus group)

Slide 11.

Examples: Public Bodies

State:  University of Massachusetts Board of Trustees

Local:  Board of Selectmen, Middlesex County


Regional:  Middlesex Regional School Committee


Examples: Public Bodies


- **State:** Open Meeting Law Advisory Commission; Massachusetts Gaming Commission; UMass Board of Trustees; Charter Schools
- **Local:** Board of Selectmen; School Committee; Planning Board
- **Regional:** Regional School Committee; Regional Water Commission; Regional Planning Commission
- **County:** Board of County Commissioners; County Retirement Board; County Charter Review Commission

Slide 12.

Examples: NOT Public Bodies

State:  MASSACHUSETTS SENATE

Regional:  Middlesex Regional High School Boosters Club

Local:  Hudson Republican Town Committee

Examples: Not Public Bodies

- State:** State Senate; House of Representatives; Judicial Nominating Commission; Massachusetts Municipal Association
- Regional:** Regional high school boosters club
- Local:** Neighborhood watch association; PTO; Republican/Democratic Town Committees

Slide 13.

Quorum and Deliberation

"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."

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Quorum and Deliberation

Deliberation: 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

Quorum: A simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision

Slide 14.

Deliberation

Not deliberation:

- Agenda
- Scheduling
- Subquorum, but not subcommittee
- Reports or documents
- Recess a Town Meeting for emergency

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Deliberation

Excludes:

- Distribution of meeting agenda, scheduling or procedural information
- Distribution of reports or documents to be discussed, provided no opinion of a member of the public body is expressed
- Communications between a Subquorum, if not subcommittee, and no serial communication
- Discussion of the recess or continuance of a Town Meeting, in the event of a weather-related or public safety emergency

Slide 15.

Meeting

Definition: Deliberation by public body with respect to any matter within the body's jurisdiction.

Excludes:

- On-site inspections
- State Quasi-Judicial Board
- Town Meeting (Executive Town Meeting)
- Event
- Attendance at Meetings of other Public Bodies

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

Meeting

Deliberation by public body with respect to any matter within the body's jurisdiction.

Excludes:

- On-site inspection provided no deliberation
- Attendance by a quorum at an event provided no deliberation
- Attendance by a quorum at meeting of another public body provided no deliberation
- Meeting of a quasi-judicial board for sole purpose of making a decision in an adjudicatory proceeding
- Town Meeting

Slide 16.

Meeting Notices

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

Meeting Notices

Except in an emergency, a public body must post notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays, and legal holidays.

Notice must include:

- Date of meeting
- Time of meeting
- Place of meeting
- List of topics chair reasonably anticipates will be discussed at meeting.
 - Topics should give enough specificity so that the public will understand what will be discussed.
- Date and time notice was posted
 - If the notice is revised, the revised notice must record the date and time the original notice was posted, as well as the date and time of the revision

Slide 17.



Meeting Notices

Emergency Meeting

Unexpected



Requires immediate action

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Meeting Notices

- “Emergency” is a sudden, generally unexpected occurrence or set of circumstances demanding immediate action
- In an emergency, a public body shall post notice as soon as reasonably possible prior to a meeting

Slide 18.



Meeting Notices: Local Public Bodies



File with Municipal Clerk



Bulletin Board

Or



Municipal Website

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Meeting Notices: Local Public Bodies

- Local public bodies must file notice with the municipal clerk.
- Notice must be posted in a manner conspicuously visible to the public, including persons with disabilities, at all hours in or on the municipal building where the clerk’s office is located
- Alternately, a municipality may adopt its website as the official location for notice posting
- Adoption of the website is made by the CEO of the municipality, usually the board of selectmen for a town or the mayor for a city
- Note that even if an alternative posting method has been adopted, meeting notices must still be available in or around the clerk’s office

Slide 19.

Meeting Notices: County, District and Regional Public Bodies

Hampshire Council of Government Board of Councilors

Plymouth Board of County Commissioners

Amherst-Pelham Regional School Committee

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Meeting Notices: County, District and Regional Public Bodies

- Regional or district public bodies must post notice in each city or town within the region or district in the manner prescribed for local public bodies, or may post to a website
- For a regional school district, the secretary of the regional school district is the clerk of the school district and shall file the notice with the clerk of each city or town in the district, or may post to a website
- County public bodies must post notice with the office of the county commissioner and a copy of the notice posted in a manner conspicuously visible to the public at all hours in a place or places designated by the county commissioners, or may post to a website

Slide 20.

Meeting Notices: State Public Bodies

Post to the public body's website or the website of its parent agency

William Francis Galvin
Secretary of the Commonwealth of Massachusetts

Notify the Attorney General of the location of the website

Send a copy of the meeting notice to the Regulations Division of the Secretary of the Commonwealth's Office
regs@sec.state.ma.us

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Meeting Notices: State Public Bodies

- Post to the public body's website or the website of its parent agency
- Notify the Attorney General of the location of the website where meeting notices will be posted
- Send a copy of each meeting notice to the Regulations Division of the Secretary of State's Office
 - regs@sec.state.ma.us

Slide 21.

Notice Posting: Common Concerns


- What if a new topic arises after notice is posted?
 - Public bodies are encouraged to update the notice when made aware of new topic within the 48-hour period before the meeting.
 - Chairs should not post notices so far in advance that there is a high likelihood that new topics will arise
- What if the clerk can't post notice in time?
 - Chairs are encouraged to work with municipal clerks to enable sufficient time for posting
- Canceling a meeting
 - Meeting cancellations do not require 48 hours' notice
 - Meetings that are continued, or cancelled and rescheduled, must comply with all notice requirements of the Open Meeting Law
- Other laws may apply (such as notice for public hearings)

Slide 22.

Websites

- Notices should be easy to find of a website, located on a central page for all notices, or with the specific public body's page
- Avoid posting in multiple locations on a website unless all notices are the same or cross-linked
- If a website becomes unavailable, the website must be restored within 6 business hours of discovery of the outage; otherwise a meetings occurring within 48 hours of the outage must be cancelled and re-noticed

Slide 23.



Accessibility

Reasonable efforts to accommodate crowds

Accessible to the disabled

Americans with Disabilities Act, federal Rehabilitation Act of 1973, state constitutional provisions


The Attorney General's Civil Rights Division can assist -
Contact the Civil Rights Division at (617) 963-2939

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.


Accessibility

- Reasonable efforts to accommodate crowds
- Meetings must be accessible to the disabled
- Americans with Disabilities Act, Federal Rehabilitation Act of 1973, state constitutional provisions
- Civil Rights Division of the Attorney General's Office can assist
- Contact the Civil Rights Division at (617) 963-2939
- Security policies – Inform public if they need ID to enter building

Slide 24.




Remote Participation Authorization




Local Public Bodies

- Mayor or board of selectmen approval



County Public Bodies

- County commissioners must authorize



State/Regional Public Bodies

- Simple majority vote

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Remote Participation Authorization

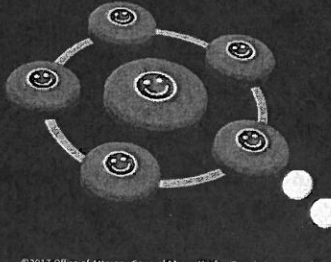
- Must be adopted before members can use
 - Local Public Bodies: Chief Executive Officer must authorize for all public bodies in municipality
 - County Public Bodies: County Commissioners must authorize for all county public bodies in county
 - State/Regional Public Bodies: Simple majority vote to authorize for all future meetings
- Exception: Local Commissions on Disability

Slide 25.



Remote Participation

Permissible reason for Remote Participation: physical attendance at the meeting must be unreasonably difficult.



Minimum Requirements:

- Clearly Audible
- Quorum Present
- Remote participants may vote

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

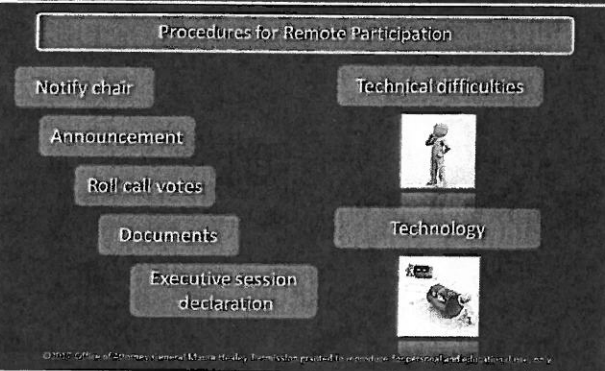
Remote Participation Minimum Requirements

- Physical attendance at meeting must be unreasonably difficult
- Remote participants and all persons present at the meeting location must be clearly audible to each other
- A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location
- Members of public bodies who participate remotely may vote and shall not be deemed absent

Slide 26.



Remote Participation



© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Remote Participation

Procedures for remote participation


- Notify chair
- Announcement by chair
- Roll call votes
- Executive sessions
- Distribution of documents


Acceptable methods

- Telephone, internet, or satellite enabled audio or video conferencing
- Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another
- Public body determines which method to use
- If video technology is used, remote participant must be clearly visible to all persons present at the meeting location

Chair decides how to address technical difficulties

Slide 27.

 **Public Participation**




- Public may attend open session
- Addressing the public body
- Recording/Informing
- Removal

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

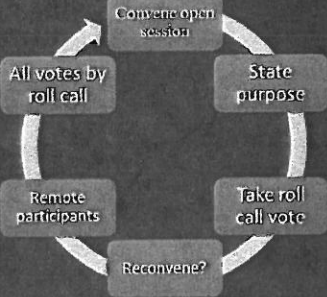
Public Participation

- Public may attend open session of meeting
- Public may not address public body without permission of chair or otherwise disrupt meeting
- Public may make audio or video recording of open session upon notification to chair and subject to reasonable requirements
- Chair must inform other attendees of recording at beginning of meeting
- If a person continues to disrupt a meeting after clear warning from the chair, the chair may order the person to leave the meeting. If the person does not leave, the chair may authorize a constable or other officer to remove that person.

Slide 28.

 **Executive Session**

Procedural requirements for entering executive session



©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Executive Session Procedures

Public bodies must follow OML requirements for executive session:

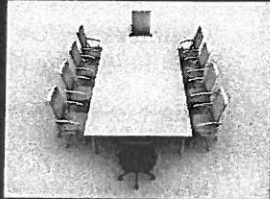
- Convene open session prior to going into executive session
- State publicly the purpose(s) for the executive session
- Conduct roll call vote to enter executive session and obtain a majority of members
- Announce whether open session will reconvene after
- Statement by remote participant(s) that no unauthorized person is present / able to hear discussion at remote location
- Maintain minutes and documents
- Discuss only matters for which executive session is lawfully called
- Conduct roll call votes of all votes taken during executive session

Slide 29.



Executive Session Purpose: 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."



©2017 Office of Attorney General Maura Healy. Permission granted to reproduce for personal and educational use only.

Executive Session Purpose 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."

If an executive session is held, such individual shall have the following rights:

- To be notified in writing at least 48 hours prior to the proposed executive session
- To request that the session be open
- To be present at such executive session during deliberations which involve that individual
- To have counsel or a representative present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session
- To speak on his or her own behalf
- To cause an independent record to be created by audio-recording or transcription, at the individual's expense

Slide 30.



Executive Session Purpose: 2

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




©2017 Office of Attorney General Maura Healy. Permission granted to reproduce for personal and educational use only.

Executive Session Purpose 2


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

- When discussing the contract of nonunion personnel, presumption that professional competence of the individual has already been discussed in open session
- When negotiating a non-union contract in executive session, if the public body reaches an agreement, it must still vote to execute the agreement in open session following executive session
- A public body should identify the specific nonunion personnel with whom it is negotiating before entering executive session, unless public disclosure of that information would compromise the purpose for secrecy
- While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide 31.

 Executive Session Purpose: 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."




© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Executive Session Purpose 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."

- Chair must declare that deliberating during an open session would have a detrimental effect
- Litigation must be pending or be imminently threatened
- May approve final terms and execute a collective bargaining agreement in executive session; Should disclose in open session following execution
- A public body should identify the specific collective bargaining unit or litigation matter before entering executive session, unless public disclosure of that information would compromise the purpose for secrecy
 - While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide 32.

 Executive Session Purpose: 4 & 5

4. Security personnel or devices 5. Criminal misconduct

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Executive Session Purposes 4 & 5

Purpose 4: Security personnel or devices

Purpose 5: Criminal misconduct

Slide 33.



Executive Session Purpose: 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."



©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

Executive Session Purpose 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."

- Must be to consider purchase, sale, lease or value of real property
- Chair must declare that discussing during an open session would have a detrimental effect on negotiating position
- Generally, the body should identify the specific piece of property it plans to discuss before entering executive session, unless disclosure of this information would compromise the purpose for secrecy
 - While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide 34.



Executive Session Purpose: 7

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




©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.


Executive Session Purpose 7

- "To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements."
- Must cite a statute that requires confidentiality or closed session
- The body should disclose information unless public disclosure would compromise the purpose for secrecy
 - While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide 35.

 Executive Session Purpose: 8

"To consider or interview applicants for employment or appointment by preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening."




© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Executive Session Purpose 8


“To consider or interview applicants for employment or appointment by preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.”

- Preliminary screening committee cannot include a quorum of the public body; may include people who are not members of the public body
- May only interview/screen candidates during a preliminary screening in executive session; once there are finalists, all additional screening must be conducted in open session
- Chair must declare that an open meeting will have a detrimental effect in obtaining qualified applicants


Slide 36.

 Executive Session Purposes 9 & 10

9. Confer with mediator on litigation or decision



10. Trade secrets in the course of activities conducted by a public body as an energy supplier




© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Executive Session Purposes 9 & 10

Purpose 9: To confer with a mediator on a litigation matter or other decision

Purpose 10: To protect trade secrets in the course of activities conducted by a public body as an energy supplier

Slide 37.



Meeting Minutes

MINUTES OF AN OPEN MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF WORCESTER

Approved by the Board of Supervisors on _____


Attest: _____ Secretary

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

- Minutes must state the date, time, place of the meeting, and list of members present or absent
- Minutes must include:
 - A summary of discussion of each topic
 - Decisions made and actions taken, including a record of all votes - Secret ballots prohibited
 - List of documents and other exhibits used by the body at the meeting, including by remote participants

- ### Meeting Minutes
- Minutes must state the date, time, place of the meeting, and list of members present or absent
 - Minutes must also include:
 - A summary of discussion of each topic
 - Decisions made and actions taken, including a record of all votes - Secret ballots are explicitly prohibited
 - List of documents and other exhibits used by the body at the meeting, including by remote participants
 - Name(s) of any member who participated remotely

Slide 38.




Meeting Minutes

<u>Approving Minutes</u>	<u>Upon Request</u>
<ul style="list-style-type: none"> • Latest of 3 meetings or 30 days <i>BUT</i> whenever possible, approve at the next meeting • Documents and exhibits used by public body must be retained by the public body but <i>do not</i> need to be physically stored with the meeting minutes 	<ul style="list-style-type: none"> • Open session minutes provided within 10 days of request – Whether in draft or approved form • For all other records – Consult Supervisor of Records in the Secretary of State's Office

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

- ### Meeting Minutes
- Meeting minutes shall be created and approved in a timely manner for both open and executive sessions
 - Approved within 3 meetings or 30 days, whichever is latest
 - Whenever possible, approve at the next meeting
 - Documents and exhibits used by public body must be retained by the public body but *do not* need to be physically stored with the meeting minutes
 - Minutes of open session must be made available within 10 days of a request, whether in draft or final form
 - Executive session records must be disclosed once publication will no longer defeat the purpose for having entered into executive session, unless exempt from disclosure
 - Consult records retention schedules

Slide 39.



Executive Session Minutes

Minutes must be reviewed periodically by the chair or public body to determine if the purpose for executive session remains. The determination must be announced during the next meeting and be included in the minutes


Public body must respond within 10 days to request for executive session minutes	Provide minutes if no longer exempt from disclosure; or	Review at next meeting or within 30 days, whichever comes first.
--	---	--

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Executive Session Meeting Minutes

- Minutes must be reviewed periodically by the chair or public body to determine if the purpose for executive session remains; that determination must be announced during the next meeting and be included in the minutes
- Public body must respond within 10 days to a request for executive session minutes
- Provide minutes if no longer exempt from disclosure; or
- Undertake review at its next meeting or within 30 days, whichever comes first



Slide 40.



Document Used at a Meeting

Documents used by a public body during an open meeting are public records!

But, the following materials are exempt from public disclosure:

 <p>Performance evaluations <u>NOT</u> created by members of the public body</p>	 <p>Application materials, other than resumes</p>
---	--

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Documents Used During an Open Meeting

Documents used by a public body during an open meeting are public records.

However, exemption from disclosure are:

- Materials used in a performance evaluation of an individual bearing on his/her professional competence that were not created by members of the body for purposes of evaluation
- Materials used in deliberations about employment or appointment of individuals, including applications and supporting materials but excluding resumes, which must be disclosed

Slide 41.

Complaint Process
Step 1: The Complainant

Open Meetings Law Complaint Form
Division of Open Government
New York State
Form OML-2017-01

Please file this form as soon as possible.

Your Contact Information
 Name: _____ Last Name: _____
 Title: _____ Date: _____ Day: _____
 Phone Number: _____ Fax: _____
 Email: _____
 Department or Office (if any): _____
 Are you filing this complaint in your capacity as an individual, representative of an organization, or both?
 Individual Organization Both

Public Body Not the subject of this complaint
 Yes No
 Name of Public Body: _____
 Address: _____
 Website: _____
 Name of Chair: _____
 Name of Municipal Clerk: _____

Description of alleged violation
 Describe the alleged violation in detail. Attach a copy of any written communication, agenda or minutes that are relevant to the complaint.
 Date of alleged violation: _____
 Name of Public Body: _____
 Name of Chair: _____
 Name of Municipal Clerk: _____

Additional Information
 Have you filed a complaint with the Division of Open Government?
 Yes No
 If yes, when? _____
 What is the status of that complaint?
 Pending Closed Withdrawn

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

OML Complaint Process: Step 1

- Complaint shall be filed in writing with the public body within 30 days of the alleged violation, or if it could not reasonably have been known at the time, then within 30 days of the date the complainant reasonably should have discovered the alleged violation
- Complaint Form, found at the Division of Open Government website, completed and sent to chair of public body
- For local public bodies, copy also filed with municipal clerk

Slide 42.

Complaint Process
Step 2: The Public Body

Chair disseminates the complaint for response within 14 business days

May delegate responsibility for responding after public body review


Public body may request an extension of time to respond for good cause

© 2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

OML Complaint Process: Step 2

- Chair must disseminate the complaint to the members of the public body; the public body has 14 business days in which to meet to review the complaint and respond; must inform the complainant and the Division of Open Government of any remedial action taken
- May delegate responsibility for responding after public body review
 - Public body may request from the Director of the Division an extension of time to respond for good cause

Slide 43.



Complaint Process
Step 3: The Attorney General's Office

If the complainant is not satisfied with the resolution of the complaint by the public body, he/she may file the complaint with the Division 30 days after the complaint is filed with the public body


Complaints must be filed with the AGO within 90 days of the date of the original alleged violation

- The AGO will not review allegations that were not raised in the initial complaint filed with the public body
- Complaints filed with the Attorney General's Office, and documents submitted with the complaint, are considered a public record

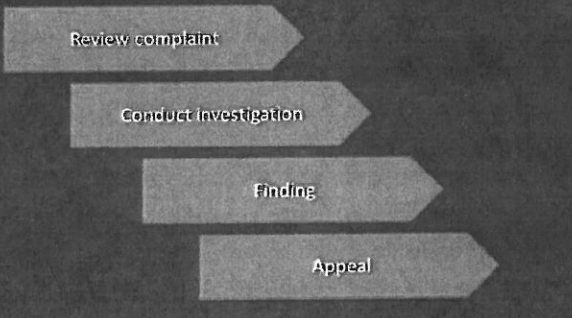
©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

- OML Complaint Process: Step 3
- If the complainant is not satisfied with the resolution of the complaint by the public body, he/she may file the complaint with the Division of Open Government 30 days after the complaint is filed with the public body
 - To be considered timely, complaints must be filed with the AGO within 90 days of the date of the original alleged violation
 - The Attorney General's Office will not review allegations that were not raised in the initial complaint filed with the public body
 - In most circumstances, complaints filed with the Attorney General's Office, and documents submitted with the complaint, are considered a public record

Slide 44.



Complaint Process
The Division of Open Government



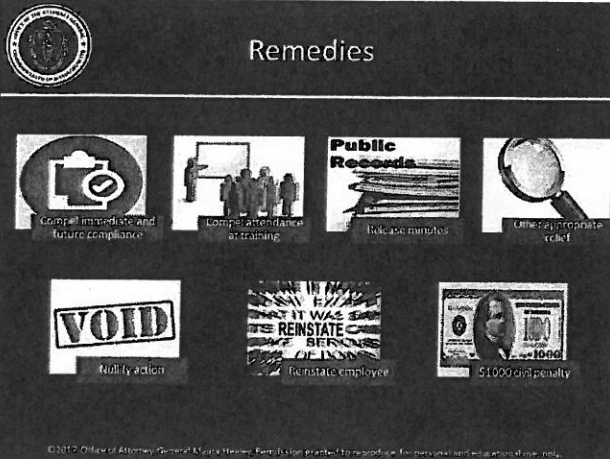
```

graph TD
    A[Review complaint] --> B[Conduct investigation]
    B --> C[Finding]
    C --> D[Appeal]
  
```








©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

- OML Complaint Process: AGO Review
- Step 4: Acknowledgment
 - Step 5: Request for documents and interviews
 - Step 6: Has there been a violation?
 - Step 7: Was the violation intentional?
 - Step 8: Was the action taken by the public body adequate?
 - Step 9: Resolution
 - Step 10: Public body appeal

Slide 45.



Remedies

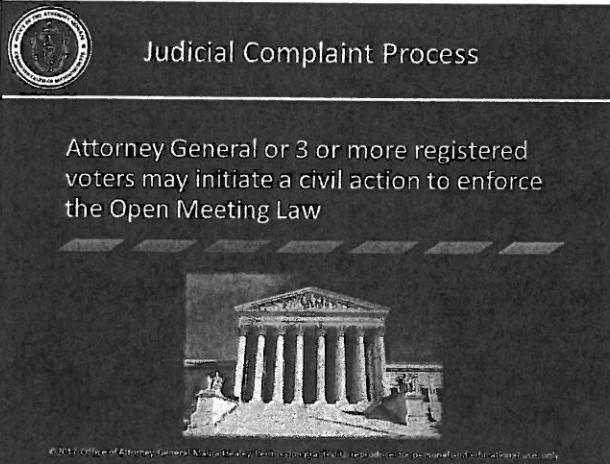
 Compel immediate and future compliance
 Compel attendance at training
 Public Record Release minutes
 Other appropriate relief
 Nullify action
 Reinstate employee
 \$1,000 civil penalty

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

Remedies


- Compel immediate and future compliance
- Compel attendance at training
- Compel public release of minutes or other materials
- Nullify any action taken in violation of the Open Meeting Law
- Reinstate an employee and make whole
- Impose a civil penalty of up to \$1,000 on a public body for each intentional violation
- Other appropriate relief

Slide 46.



Judicial Complaint Process

Attorney General or 3 or more registered voters may initiate a civil action to enforce the Open Meeting Law



©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use only.

Alternative Complaint Process

- Attorney General or 3 or more registered voters may initiate a civil action to enforce the Open Meeting Law
- Must file in Suffolk Superior Court for state public bodies
- For all other public bodies, must file in superior court in any county in which the public body acts or meets

Slide 47.

Review

- Notice must be posted for meetings
- Meetings must be open to the public, unless public body enters executive session
- Minutes must be kept for open and executive sessions
- Public body member certification
- Complaint process

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Review

- 1) Notice must be posted for meetings
 - 48 hours in advance, except for emergency
 - Include date, time, place, and sufficiently detailed list of topics chair reasonably anticipates will be discussed
- 2) Meetings must be open to the public, unless public body enters executive session
 - Discussion must fit within one of 10 purposes for executive session
- 3) Minutes must be kept for open and executive sessions
 - Must include summary of discussion for each topic
 - Must contain a list of documents & exhibits used at the meeting
- 4) Public body member certification
- 5) Complaint process
 - Must be filed with public body first
 - Alternative complaint process in Superior Court

Slide 48.

Resources

Attorney General's Open Meeting Law Website
<http://www.mass.gov/ago/openmeeting>

- Open Meeting Law: G.L. c. 30A, §§ 18-25
- Regulations: 940 CMR 29.00
- Guide
- FAQs
- Checklists
- Determination Letters

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Resources

Attorney General's Open Meeting Law Website:

<http://www.mass.gov/ago/openmeeting>

- Open Meeting Law: G.L. c. 30A, §§ 18-25
- Regulations: 940 CMR 29.00
- Guide
- Checklists
- FAQs
- Determination Letters

Slide
49.



Contact Information

Office of Attorney General
Division of Open Government
One Ashburton Place
Boston, Massachusetts 02108
openmeeting@state.ma.us
(617) 963-2540

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Division Contact Info

Office of Attorney General
Division of Open Government
One Ashburton Place
Boston, Massachusetts 02108

OML Email: openmeeting@state.ma.us

OML Hotline: (617) 963-2540

Slide
50.



Contact Us

www.mass.gov/ago
617-727-2200



File a Complaint about an Unfair or Deceptive Trade Practice
617-727-8400
www.eform.ago.state.ma.us

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

Attorney General's Office Contact Info


Website: www.mass.gov/ago

Main Phone: 617-727-2200

Consumer hotline: 617-727-8400

File a consumer complaint:
www.eform.state.ma.us

Slide 51.



Resources

Have a Complaint or Question?

General Assistance

Consumer Hotline: (617) 727-8400
E-Complaint form: www.eform.ago.state.ma.us

Specific Hotlines


HomeCorps: (617) 573-5333
Elder Hotline: (888) 243-5337
Fair Labor Division: (617) 727-3465
Civil Rights Division: (617) 727-2200
Medicaid Fraud Tipline: (617) 963-2360
Insurance Fraud Tipline: (617) 537-5330
Insurance & Health Care Consumer Helpline: (888) 830-6277

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.

AGO Resources

- Consumer Hotline: (617) 727-8400
- HomeCorps.....(617) 573-5333
- Elder Hotline.....(888) 243-5337
- Fair Labor Division.....(617) 727-3465
- Civil Rights Division.....(617) 727-2200
- Medicaid Fraud Tipline...(617) 963-2360
- Insurance Fraud Tipline...(617) 537- 5330
- Insurance & Health Care Consumer Helpline.....(888) 830-6277


Slide 52.



Thank You from the Attorney General

Attorney General
Maura Healey is the chief lawyer and law enforcement officer of the Commonwealth of Massachusetts.

©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Attorney General Maura Healey thanks you for attending today's presentation!