



AGENDA
Maynard Board of Selectmen's Meeting
Wednesday, November 5, 2014
Town Building – Michael J. Gianotis Meeting Room
(No. 201)
Regular Meeting Time: 7:00 pm

(All public meetings may be recorded, broadcast and or videotaped)

Call to order (7:00 pm)

Pledge of Allegiance

1. Public Comment

2. Acceptance of Minutes

a) October 7, 21, and 27, 2014

3. Correspondence

- a) Copy of letter dated 10/27/14 from Denise Walsh to Chris Okafor, DPW leak issue.
- b) Letter from PERAC RE: Appropriation for Fiscal Year 2016, \$1,954,700.00
- c) Letter from Maynard Rotary Club, 10/20/14, update on theme and schedule
- d) Legal Notice, BOS, Fiscal year 2015 Tax Classification hearing 11/18/14 at 7:30 pm
- e) Resignation, Elizabeth Milligan, Maynard Cultural Council, 10/25/14.
- f) Meeting Notice, CPC, 11/5/14
- g) Meeting notice, BOH, 10/28/14
- h) Chapter 90 Local Road funding survey, dated 10/20/14
- i) Notice, 10/17/14 Assabet Valley H.S. excess and deficiency calculation 10/17/14
- j) Kate's 2014 FALL E- newsletter
- k) Information, from MIIA wellness updates
- l) Maynard's Senior Scene, 10/2014

4. Interview and Appointments

- a) **Council on Aging:** Lee Acker
- b) **Police Officer:** Thomas Palmerino

5. COA Director Position to Full-time

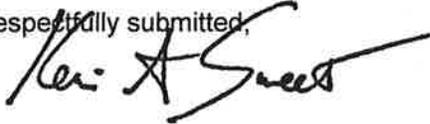
6. Updates for new Selectmen

7. Status of Past Town Meeting Articles

8. FY16 Budget and Capital Planning Process

- 9. BOS Policy and Regulation Sub-Committee Assignments**
- 10. Economic Development Updates**
- 11. Town Administrator Report**
- 12. Chairman's Report**
- 13. Old/New Business**
- 14. Executive Session – Strategy with Respect to Litigation**
- 15. Adjournment (10:00)**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Sweet", written over the typed name below.

Kevin Sweet, Town Administrator

Next meeting date(s):

Regular Meeting – *November 18, 2014*

THIS AGENDA IS SUBJECT TO CHANGE



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD
MUNICIPAL BUILDING
195 MAIN STREET

MAYNARD, MASSACHUSETTS 01754

Tel: 978-897-1301 Fax: 978-897-8457

**Selectmen's
Meeting Minutes
Tuesday, October 7, 2014
Room 201, Town Hall
Time: 7:00 pm**

Board of Selectmen

Present: Chair William Cranshaw, Selectman David Gavin, Selectman Jason Kreil, Town Administrator Kevin Sweet, Assistant Town Administrator Andrew Scribner-MacLean and Admin. Assistant Becky Mosca.

School Committee

Present: Chair William Kohlman, Amy Rebecca Gay, Jamal DeVita, Justin Hemm, School Superintendent, Robert Gerardi, School Business Manager, Peter DiCicco.

(This public meeting was recorded).

Pledge of Allegiance

Chair Cranshaw commented on the passing of the Town's Long time Council on Aging Director, Marcia Curren. Also, the passing of current Council on Aging member Carol Milioto.

Joint Board of Selectmen and School Committee Meeting.

The Board of Selectmen and the School Committee met in a joint session to fill the vacancy on the School Committee created with the 9/5/14 resignation of Ken Estabrook. Per the Town Charter, the procedure is as follows:

f) Filling of Vacancies: Elected Officials -

(1) Multiple Member Boards - If there is a vacancy in a board consisting of two or more members, other than the board of selectmen, the remaining members shall give written notice thereof within one (1) month of said vacancy to the board of selectmen. After one (1) weeks' notice, the board of selectmen with the remaining members or member of such board shall fill such vacancy by a

joint vote. If such notice is not given within thirty (30) days following the date on which such vacancy occurs the board of selectmen shall, after one (1) weeks' notice, fill such vacancy without participation by the remaining members of the multiple member board. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person chosen to fill any such vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled. The person elected shall begin the unexpired term as provided by by-law.

There was one applicant for the open position on School Committee; Dawn Capello
Comments from Capello; resident of Maynard for the past 11 years on 5 Third Street, Mom to a 5 year old in Kindergarten.

Question from Chair, Kohlman, do you know about the Common Core. Reply, no but willing to put the time in to get to know the Common Core for the Schools here in Maynard.

Amy Rebecca Gay do you have any comments to make to the Boards; Concerns with services and quality of education and money for budget for schools.

A motion was made by Selectmen Cranshaw to approve the interim appointment of Dawn Capello to the open seat on the School Committee term May 5, 2015. Second by School Chair, Mr. Kohlman. Vote all in favor. 7-0. Motion approved.

A motion was made by Amy Rebecca Gay to close the School Committee meeting. Second by Selectman J. Hemm. Vote all in favor 4-0. Motion approved.
School Committee left the meeting. Time, 7.06 pm

Public Comments –

Resident, Vic Tomy commented from the Downtown businesses Maynard Fest had good attendance but not enough parking.

Acceptance of Minutes of August 19, September 2 and 16, 2014

A motion was made by Selectman Gavin to approve the minutes of August 19, 2014 as shown. Second by Selectman Kreil. Vote 3-0. Motion approved

A motion was made by Selectman Gavin to approve the minutes of September 2, 2014 as amended. Second by Selectman Kreil. Vote 3-0. Motion approved

A motion was made by Selectman Gavin to approve the minutes of September 16, 2014 as amended. Second by Selectman Cranshaw. Vote 3-0. Motion approved

List of Correspondences (mail to the Selectmen's Office for October 7, 2014).

- a) Council on Aging monthly report August 2014
- b) Library monthly report August 2014
- c) Fire Depart monthly report Sept. 2014
- d) Police Depart monthly report Sept 2014
- e) Notice from MA State Lottery Comm, request for Keno To Go game at Main St. Liquor.
- f) Meeting notice, LEPC, 9/16/14
- g) Meeting notice, CC, 9/16/14
- h) Meeting notice, CPC, 9/17/14, 10/1
- i) Meeting notice, COA, 9/18/14
- j) Meeting notice, FinCom 9/22/14, 9/29
- k) Meeting notice, ZBA, 9/29/14
- l) Meeting notice, EDC, 9/30/14
- m) Meeting Notice, BOH, 9/30/14
- n) Meeting notice, PB, 10/1
- o) Comment from resident, Town Brush drop-off, dated October 1, 2014
- p) Notice, Open Studios, 9/27/14
- q) On-Call Engineering Service, VHB, Wayne Amico
- r) Notice, Xfinity, RE: Grandfather Cable Package, dated 9/15/14
- s) Letter dated 9/29 DEP appeal.
- t) Town Clerk list of members that need to take the oath of office, dated 9/25
- u) Current list of Board Openings
- v) MMA, invite to workshop for Board of Selectmen, 10/25/14
- w) MBA, minutes, 5/27 and 6/24

A motion was made by Selectman Cranshaw to accept the list of correspondences a-w, except e as shown. Second by Selectman Kreil. Vote 3-0. Motion approved.

Gavin commented, Lottery Commission notification of Keno at Main Street Liquors, 48 Main Street received on 9/15 per deadline of 21 days,(MGL c10 sec27A, has passed. It invites people to loiter at transient establishments.

A motion was made by Selectman Cranshaw to accept item e. Second by Selectman Kreil. Vote 3-0 Motion approved.

Consent agenda

- a) Reappoint Board of Registrars; Deborah Collins, Madaline Lukashuk, Charles T. Shea.
- b) Common Victualler license approved new owner, Mohammad Khan at Roasted Peppers.

Item (a) was removed from the consent agenda.

A motion was made by Selectman Cranshaw to approve the consent agenda item B. Second by Selectman Gavin. Vote 3-0. Motion approved.

A motion was made by Selectman Cranshaw to appoint C. David Hull, Deborah Collins, Madaline Lukashuk, Charles T. Shea to the Board of Registrars for a term expiring December 31, 2015. Second by Selectman Gavin. Vote 3-0. Motion approved.

Appointment Interview for Board of Assessor opening. Interview with Christopher Worthy
 *Chris Worthy; lived in Maynard for year and half works in Acton for Wilson and Orcutt.

A motion was made by Selectman Cranshaw to approve Christopher Worthy to the Board of Assessors with a term June 30, 2015. Second by Selectman Kreil. Vote 3-0. Motion Approved.

Request to approve Cemetery Deed # 2016

A motion was made by Selectman Cranshaw to approve Deed # 2016 for D and J Walsh for lot 2-8 section 21. Second by Selectman Kreil. Vote 3-0. Motion approved.

Special Town Meeting, balance of (3) articles, 1 Assabet River Rail Trail and 2 Zoning changes need to be accepted, Final Warrant to be approved, and signature page signed.

A motion was made by Selectman Cranshaw to accept the control J and approve for the warrant Assabet River Rail Trail easement article. Second by Selectmen Gavin. Vote 3-0 Motion approved.

A motion was made by Selectman Cranshaw to accept control F and G and approve for the warrant, zoning designation change and section 3, use regulations amendment changes. Second by Selectman Kreil. Vote 3-0. Motion approved.

A motion was made by Selectman Cranshaw to approve the final warrant of 3:31 pm today that was added in Drop Box, for the Monday, October 27, 2014 at Fowler School Auditorium at 7:00 PM. Second by Selectman Gavin. Vote 3-0. Motion approved.

Presentation for articles at STM assigned to Board members

New Business item: from ATA, Andrew Scribner-MacLean for approval of a letter of Support from the Board of Selectmen for three grant proposals supported by Cross Town Connect member communities. One of the grant proposals, for a flex-transit service to Concord Hospital and nearby medical office, directly applies to Maynard. This will be funded for the first year via grant but down the road, we will need to fund some portion. Grants might be available on going. The demand for this might grow.

A motion was made by Selectman Cranshaw to provide a letter of support for the grant proposals. Second by Selectman Gavin. Vote 3-0. Motion approved.

Town Administrator Annual Evaluation

Sel. Cranshaw presented the summary of the 2014 annual review for the Town Administrator Kevin Sweet. The Board found that he did indeed meet the standards for the position during the past year and the Board was pleased with his performance during what was his first year as Town Administrator.

Discussion of Permanent Subcommittees

Sel. Cranshaw introduced the topic of the Board having permanent subcommittees, as does the School Committee. Noted need for a policy committee to finalize backlog of polices/regulations that had come up during the past year, including water/sewer polices and cemetery policies.

A motion was made by Selectman Cranshaw to establish a permanent subcommittee on Polices and Regulations, consisting of (3) Board members with terms concurrent with the fiscal year. Second by Selectman Gavin. Vote 3-0. Motion approved.

Request from board member to Ken Estabrook as to what the SC does with subcommittees, KE, they only have 2 members that work on each polices and then they bring back to SC to either approve or kick back for more input.

KS, commented that Charter has input on how we move forward with number of members, open meeting law would place these meetings as public.

Economic Development updates

KS, EDC, Chair is Chris Worthy, early mix of meetings, Tuesday morning and Thursday evenings. They now have residents joining the meetings. Group is working with WAVM and another person to develop and working on advertisement to Brand Maynard

Savoring Indian Cuisine is closed, TA/OMS office sent notice to SIC, and it will be in the next packet.

Note a brewery is looking at maynard.

DG, question, J. Mullin anything new? TA, A meeting is scheduled with Joe & Bob – JP Morgan, has investors KS will get more information soon.

BC, did we respond back to Capital Group? Yes, TA, we needed some clarity from the last responsds. BC will reach out again.

TA Report

- 10/2 Attended MAGIC meeting with BN, good discussion – Transportation - Rail Lines
- Bruce Davidsons' project EP Landscaping donation to Town Hall and Dog Park. Good project to add new landscaping.
- King information in for wrap up, they spent 6 days at TH and Map Room. They now have plan to complete and cleanup of storage areas. Jan/Feb time frame.
- Health Insurance switch Med-x3 planned meeting with retirees on Oct 21, 2014. Savings to members and town with \$360,000.00 savings
- 10/3 MMA meeting in Oxford, MA. Rep Kate Hogan, Q & A session regarding Ch. 90 funding money and OPEB
- Drop-off Center opens this Sat 10/11 from 8 to 12:00 noon, Along with Rabbi Clinic.
- Looking at Pine Street, Town owns land it might be a site that we can make more useful as Drop off area with the right design. Working with Wayne Amico.
- Agreement with ASCME, it is done. CB should be at next BOS meeting to review and sign.
- We had 102 water meter bills not sent out to residents. Software issue. New bills in process to be mailed out.
- We had 275 residents before that had received the senior rate discount on Water/Sewer bills. With new policy now it is up to 404, might go up another 20 or 30. The difference in monies is about \$35,000.00. The COA newsletter helped get that information out to seniors.
- Newsletter for October will be mailed next week – We now have a Shine Counselor available for seniors at Town Hall.
- Skate Park, next steps: Is looking into control of the land and allowed uses. Will then determine if School Committee and Police wish to pursue further.
- Next Steps for Senior Tax Relief: The Assistant Assessor is looking in the implications of a policy similar to that of Sudbury. TA has meeting with finance team on 10/14.

- Discussed procedural changes noted in letter from Chief DuBois about Animal Control. Sel. Cranshaw requested copy of revised citation notice to ensure that the applicable Town's By-Law sections are referenced.

Chair Report:

- At the next BOS meeting there will be (2) liquor license transfers, Russell's and El Huipil, Rep Kate Hogan with her recap information from the past year.
- Reminded members to offer time to all Boards and Committees to come in to our BOS meeting and give us some feedback of what they are working on.
- Request that at October 21st meeting Board have Town Planner, Bill Nemser, discuss Complete Street Policy and to discuss trends and impacts of changing commercial properties to residential use.
- Asked members to have the STM information on motions and drafts of presentation ready for the October 21st meeting.

New/Old Business:

Selectman Cranshaw

- Following up on discussion that water/sewer rates again did not have to be raised for most recent quarterly billing, question why in the past rates were set retroactively. Conservation-based rates not effective if users do not know how much they will be charged.

Selectman Gavin:

- Events, in Maynard, Maynard Fest, October Fest, B& G, Road Race, many events in Town this past month with no issues, all good for the Town.
- Comment, from Police detail at the MHS football game, we are missing the do not exit sign at the B & G Club. It is needed; can we get this back up?
- Comment, article in Boston Globe, 10/7 editorial on the retirement, small town – should look into regionalize. We should defend our Town. TA, has had conversation with our PR rep. he thinks differently.

Selectman Kreil:

- Comment on the real estate bill and water sewer bill both mail and received on same day, why not together? TA, we continue to look for a new vendor to combine bills since our previous vendor moved. Based on the service cost to combine bills, it is more cost effective to send two bills.
- Skate Board Park – We need to know what, if any restrictions have been placed on the skate board park land before we can decide the future of the space.
- Regarding Sel. Cranshaw's comment on Commercial/Industrial land to Residential, I have started that conversation already with Bill Nemser and it would be good to have Bill in to discuss.
- Safe Routes to School Program – We need to work with Wayne Amico. I understand that it is a difficult process, but we have a walkable community, which should help. Bikes and walking should be easy for our kids at schools.
- Sidewalks ~ issue need to work on this. The Board agreed to prepare a proclamation for the Boys and Girls Club youth of the year. Proclamation to be prepared for October 21st meeting.

A motion to adjourn the meeting was made by Selectman Gavin. Second by Selectman Kreil. Vote 3-0. Motion approved.

Time: 9:25 pm

Approved: _____

Date:

Jason Kreil

Selectman, Jason Kreil, Clerk

Initials: BJM



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Selectmen's

Meeting Minutes

Tuesday, October 21, 2014

Room 201, Town Hall

Time: 7:00 pm

Board of Selectmen

Present: Chair William Cranshaw, Selectman David Gavin, Selectman Jason Kreil, Town Administrator Kevin Sweet, Assistant Town Administrator Andrew Scribner-MacLean and Admin. Assistant Becky Mosca.

(This public meeting was recorded).

Pledge of Allegiance

Public Comments – none

Acceptance of Minutes of October 7, 2014 request to hold for more detail.

List of Correspondences (mail to the Selectmen's Office for October 21, 2014).

- a) Town Accountant, monthly report September 2014
- b) Library monthly report Sept 2014
- c) Council on Aging monthly report, Sept 2014
- d) Meeting notice, MCC/MRC, 10/9
- e) Meeting notice, PB, 10/14/14
- f) Meeting Notice, MCPC 10/15/14
- g) Meeting Notice, FC 10/20
- h) Meeting notice, CC on 10/21 and 11/6
- i) Notice, Xfinity, Municipal Emergency /Trouble Reporting Procedures
- j) Notice, Savoring Indian Cuisine requirements/update 10/13
- k) 495 / MetroWest Partnership
- l) ARRT, Inc., 10/9 Abutters notice, overview and introduction
- m) Notice, The Advisor, MBTA October 2014
- n) Notice from TA, K. Sweet regarding "Putting Permits Online, Building, Electrical Plumbing and Gas".
- o) Letter from Maynard Historical Commission, request to create a Re-Use Task Force for the Coolidge School.
- p) Notice to Nominate Outstanding Tree Wardens
- q) Minuteman Senior Services, dated Oct. 9, 2014

A motion was made by Selectman Cranshaw to accept and approve the list of correspondences a-q, as listed in the agenda. Second by Selectman Gavin. Vote 3-0. Motion approved.

Note Item O, will talk about the Maynard HC request in Old/New Business.

Consent agenda

- a) Special One-Day Event: Holiday Sip & Stroll, Dec 6, 2014 6pm – 8pm
- b) Veterans Day Parade: November 11, 2014 at 10:30 am, Form at Legion
- c) Proclamation: Boys & Girls Club Youth of the Year, Joey Westerman Nov. 13, 2014 6-9pm.

A motion was made by Selectman Gavin to accept and approve the consent agenda as shown. Second by Selectman Kreil. Vote 3-0. Motion approved.

Appointment Acceptance as corrected

Board of Registrars:

A motion was made by Selectman Cranshaw to correct the motion for the appointment of Madeline Lukashuk, which was taken on October 7, 2014 to reflect that the actual expiration date of the term shall be June 30, 2015. Second by Selectman Gavin. Vote 3-0. Motion Approved.

A motion was made by Selectman Cranshaw to correct the motion for the appointment of C. David Hull, which was taken on October 7, 2014 to reflect that the actual expiration date of the term shall be June 30, 2014. Second by Selectman Kreil. Vote 3-0. Motion approved.

A motion was made by Selectman Cranshaw to correct the motion for the appointment of Deborah Collins, which was taken on October 7, 2014 to reflect that the actual expiration date of the term shall be June 30, 2017. Second by Selectman Kreil. Vote 3-0. Motion approved.

A motion was made by Selectman Cranshaw to correct the motion for the appointment of Charles T. Shea, which was taken on October 7, 2014 to reflect that the actual expiration date of the term shall be June 30, 2017. Second by Selectman Gavin. Vote 3-0. Motion approved.

Appointment of Maynard Police Department Special Officers:

SPO, Daniel Gould, term, 6/30/16

SPO, Brittany Eager, term, 6/30/16

A motion was made by Selectman Cranshaw to appoint Daniel Gould and Brittany Eager as Special Police Officers with a term ending June 30, 2016. Second by Selectman Kreil. Vote 3-0. Motion approved.

Special Town Meeting: Motions and presentation of articles at STM 10/27/14

Board all set with motions and presentation.

7:15 pm Public Hearing: Liquor License transfer – El Huipil, Inc.

Notice is hereby given, in accordance with M.G.L., Chapter 138 as amended that a Public Hearing will be held on Tuesday, October 21, 2014 at 7:15 p.m. in the Michael J. Gianotis Meeting Room (No. 201) of the Maynard Town Building on the application of transfer of an All Alcohol as a Common Victualler License from Skylight LLC at 51 Waltham Street, Maynard, MA. To El Huipil Restaurant, Inc. at 51R Main Street Maynard MA.

A motion was made by Selectman Cranshaw to open the liquor license transfer hearing. Second by Selectman Gavin. Vote 3-0. Motion approved.

In attendance from Skylight, Seller, John Anderson. Attorney Paul Alphen for buyer and Sergio Lorenzo from El Huipil, Restaurant. Request from Attorney, Paul Alphen to approve the transfer of an all alcohol to client, Sergio Lorenzo at El Huipil for this transfer and purchase. Sergio commented to Board that his need for full service of drinks as margarita's with his style of food.

A motion was made by Selectman Cranshaw to close the hearing at 7:28 pm. Second by Selectman Gavin. Vote 3-0. Motion approved.

A motion was made by Selectman Cranshaw to approve the application of transfer of an All Alcohol as a Common Victualler License from Skylight LLC at 51 Waltham Street, Maynard, MA. To El Huipil Restaurant, Inc. at 51R Main Street Maynard MA. Second by Selectman Kreil. Vote 3-0. Motion approved.

Representative Kate Hogan: Discussion and updates from last year

- Share with Maynard, the 495/MetroWest Suburban Edge Community Commission Language in the FY2015 budget to create and fund the Commission Understanding that the role Towns play is large given the focus of the Commission
- Energy – Electric costs
- Housing
- Veterans
- Gun Safety
- Safe Communities
- Liquor Licenses

Ratification of Collective Bargaining Agreement: AFSCME Local 93

Goals;

- Reduced step table total from 11 to 8 over three years control costs
- Sick leave buy back
- Removed for new hirers Educational degrees, Development for current employees and non – library.
- The 3 years average 2% per year.

A motion was made by Selectman Cranshaw to approve the agreement by and between the Town of Maynard, MA, and the American Federation of State, County and Municipal Employees, 93 Clerical local 1703 from July 1, 2014 to June 30, 2017. Second by Selectman Gavin. Vote 3-0. Motion approved.

8:00 Public Hearing: Liquor License transfer – J. Salamone Enterprises, Inc.

Notice is hereby given in accordance with M.G.L., Chapter 138 as amended that a Public hearing will be held on Tuesday, October 21, 2014 at 8:00 p.m. in the Michael J. Gianotis Meeting Room (No. 201) of the Maynard Town Building on the Application for Transfer of a Wine & Malt Package Store License from Russell's Convenience Store, Inc. to J. Salamone Enterprises, Inc., at 193 Main Street Maynard, MA.

A motion was made by Selectman Cranshaw to open the liquor license transfer hearing. Second by Selectman Gavin. Vote 3-0. Motion approved.

In attendance, Jamie and Sara Salamone request to transfer this license and now has all the documents to complete this transfer from his Dad, Russ Salamone.

A motion was made by Selectman Cranshaw to close the hearing at 8:03 pm. Second by Selectman Gavin. Vote 3-0. Motion approved.

A motion was made by Selectman Cranshaw to approve the application of transfer of a Wine & Malt Package Store from Russell's Convenience Store Inc. to J. Salamone Enterprises Inc., at 193 Main Street Maynard MA. Second by Selectman Gavin. Vote 3-0. Motion approved.

Bill Nemser, Town Planner: Discussion and Updates**Recent activities;**

Presentation via power point from Bill Nemser

- Looking forward, Maynard's Future Land use patterns
- Maynard today, land area: 5.2 square miles, census, population, medium age, residential %, Commercial Industrial %, Open space / recreation / conservation 13%
- School enrollment
- National trends
- 1991-2006 master plan housing – overview housing – conversion to residential uses – Industrial uses – Commercial and Industrial uses – Central Business District – Fiscal Building a Beneficial Tax Base – Implementation Committee report
- Future Actions to consider, establish, determine, evaluate, update, reaffirm need for target

Complete Street Policy;

- BN, so far no action and no work done on this area.
- Does have a planning meeting set up with DPW, Chris Okafor and will work up some plans going forward with any work up and coming in area that make sense. BOS, BC wants some sidewalks redone

129 Parker Street Discussion

BC and TA had a letter drafted for the Mr. Angelo Catanzaro. BOS reviewed and agree to sign letter and send to party.

A motion was made by Selectman Gavin to accept and approve the letter rewritten to Mr. Angelo Catanzaro regarding development possibilities at the 129 Parker Street site.
Second by Selectman Kreil. Vote 3-0. **Motion approved**

Economic Development updates

TA, Kevin Sweet;

- Reached out to Savoring Indian Cuisine for plans and reopening, we do need a definitive date per Towns rules and regs. Date certain is required from licensee.
- Peyton's' license and date certain, draft a letter to licensee to say our plan at renewal time.
- EDC, meeting regular web site plan, school marketing. Group took a van drive to view all our gateways.
- New proposal to come from CTP soon. Good things to be
- Town Hall

TA Report

- New employee in OMS, Debbie Bendall
- Retiree meeting today, for the change in Medex Plan. Over 60 retirees attended
- Cultural District meeting 11/12 scheduled.
- COA, ATA, Andrew went to conference; good resources will tap into services and connections. Add to next agenda.
- Shine counsel to start next week to work will seniors at Town Hall.
- 59 seniors attended a senior luncheon held at the Maynard Golf course.

Chair Report:

- Next BOS might be longer than the past – add executive session to get new members up to speed on items
- Follow up on Next Steps for Senior Tax Relief. Key steps and impact.
- Remind members , Tax Hearing on November 18, 2014, do any of you have questions or want to see
- Coolidge School Plan Let us plan to get everyone prepared for a Re-Use Committee for the Coolidge.

New/Old Business:

Selectman Cranshaw: no comments

Selectman Gavin: no comments

Selectman Kreil:

- Conservation workshop that was forwarded to Bill Nemser and Kevin Sweet

A motion to adjourn the meeting was made by Selectman Gavin. Second by Selectman Kreil. Vote 3-0. Motion approved.

Time: 9:45 pm

Approved: _____

Date:

Jason Kreil

Selectman, Jason Kreil, Clerk

Initials: BJM



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**Selectmen's
Meeting Minutes
Monday, October 27, 2014
Fowler School Auditorium
Time: 6:45 pm**

Present: Chair William Cranshaw, Selectman David Gavin, Selectman Jason Kreil, Town Administrator Kevin Sweet, Assistant Town Administrator Andrew Scribner-MacLean and Admin. Assistant Becky Mosca.

Old/New Business:

Request received from Fine Arts Theatre Place LLC, Manager, Melissa Doherty for Entertainment License.

A motion was made by Selectman Cranshaw to approve Entertainment license for Fine Arts Theatre 19 Summer Street Maynard, MA. Second by Selectman Gavin. Vote 3-0.

Request for Board to approve and sign letter to DHCD dated October 27, 2014.

A motion was made by Selectman Cranshaw to approve and sign letter dated October 27, 2014 to Department of Housing and Community Development. Second by Selectman Gavin. Vote 3-0. Motion approved.

The meeting was then recessed until the conclusion of the Special Town Meeting. At the end of the town meeting a motion to adjourn the Board of Selectmen meeting was made by Selectman Cranshaw. Second by Selectman Gavin. Vote 3-0. Motion approved.

Time: 9:20pm

Approved: _____

Date:

Jason Kreil

Selectman, Jason Kreil, Clerk

Initials: BJM

October 27, 2014

Chris Okafor
DPW
Town of Maynard
Town Hall
Main Street
Maynard, MA 01754



Dear Chris,

Thank you for speaking with me on Friday, October 24, 2014 regarding the water leak at 51 Acton St.

As we discussed, the first communication I received from the town regarding this issue was via letter which was dated September 19, 2014. I did not receive the letter at my home until September 25, 2014. I have included a copy of that letter. Prior to that letter, there were a couple of my neighbors as well as myself who contacted the town over the last 1 and ½ years to alert the town about the leak. It was not until the September 19th letter that I had any idea that fixing the leak is my responsibility.

Now that winter is approaching, I feel that the town is pressuring us to have the leak fixed when in fact this could have been dealt with many months prior to this.

At this time, we are in no position to afford this fix. Although I have not received any actual estimates, I can only guess that a fix like this is going to cost thousands of dollars. For the past 2 ½ years, my husband has been out of work. He was laid off in June of 2012 and has been unable to find steady work since. I would be happy to provide tax returns for the last 2 years to support this.

This letter is serving two purposes. One – I am extremely upset that requests to fix this leak went unanswered for quite some time and now the town is demanding that I spend money I do not have to fix it. Second – I am alerting the town that I do not have the financial means to fix this leak and am asking for assistance.

I would prefer that communication regarding this issue be done by letter or email so that we can both keep track on communications. My email address is denise_walsh@verizon.net. Please contact me as soon as possible to discuss possible solutions to this problem.

Thank you,

Denise Walsh



TOWN OF MAYNARD
Department of Public Works

MUNICIPAL BUILDING
195 Main Street
Maynard, MA 01754
Tel: 978-897-1317 Fax: 978-897-7290
www.townofmaynard-ma.gov

Christopher Okafor
Director of Operations

Administration

Highway Department
WWTP

Water Department

September 19, 2014

Denise and Angelo Walsh
51 Acton Street
Maynard, MA 01754



Dear Denise and Angelo:

I am writing to inform you after receiving a complaint about the water leaking in front of your house, we opened a work order. The Water/Sewer division of Public Works went to the site and it was determined that the water leaking in front of your property at 51 Acton Street is the homeowners responsibility. We attempted to notify you but have not heard back from you.

Please contact the office as soon as possible to discuss this issue. Your cooperation in with this matter will be greatly appreciated.

Sincerely,

Tim Mullally
Water/Sewer Foreman

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

JOSEPH E. CONNARTON, Executive Director

Auditor SUZANNE M. BUMP | PHILIP Y. BROWN, ESQ. | JOHN B. LANGAN | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. MCCARTHY

MEMORANDUM

TO: Maynard Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2016
DATE: October 22, 2014



Required Fiscal Year 2016 Appropriation: **\$1,954,700**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2016 which commences July 1, 2015.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2016 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2016.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Board of Selectmen
Town Meeting
c/o Town Clerk

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Maynard Retirement Board

Projected Appropriations

Fiscal Year 2016 - July 1, 2015 to June 30, 2016

Aggregate amount of appropriation: **\$1,954,700**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2016	\$2,519,529	\$1,954,700	\$0	\$1,954,700	\$1,954,700	\$0	\$564,829
FY 2017	\$2,727,258	\$2,072,000	\$0	\$2,072,000	\$2,072,000	\$0	\$655,258
FY 2018	\$2,952,354	\$2,196,300	\$0	\$2,196,300	\$2,196,300	\$0	\$756,054
FY 2019	\$3,196,268	\$2,328,100	\$0	\$2,328,100	\$2,328,100	\$0	\$868,168
FY 2020	\$3,460,573	\$2,467,800	\$0	\$2,467,800	\$2,467,800	\$0	\$992,773

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

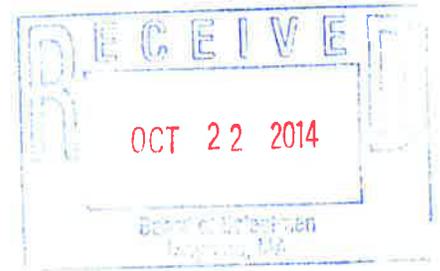
Maynard Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2016 - July 1, 2015 to June 30, 2016

Aggregate amount of appropriation: **\$1,954,700**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
Town of Maynard	97.20%	\$1,899,968	\$0	\$1,899,968
Maynard Housing Authority	2.80%	\$54,732	\$0	\$54,732
UNIT TOTAL	100%	\$1,954,700	\$ 0	\$1,954,700

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.



October 20, 2014

The annual Maynard Christmas Parade is scheduled for 2:00 p.m. Sunday, December 7, 2014 and the theme is 'The Music and Magic of Christmas' . The longstanding tradition is sponsored by The Maynard Rotary Club.

We are looking for both participants and sponsors, and hope you will consider entering a float, walking unit or band in our 48th annual parade. Over the years, the event has become a community tradition. We are also asking that the Maynard business merchants decorate their holiday windows prior to the parade.

Enclosed please find a parade registration and sponsorship form that needs to be returned if you wish to participate. For additional information, please contact Nancy Quinn (978)897-2781 or email nquinn@OwnNewEngland.com.

Sincerely,

Nancy

Nancy Ledgard Quinn,
Parade Chairperson
Maynard Rotary Club

Maynard's 48th Annual Olde Fashioned

CHRISTMAS PARADE

Sunday, December 7, 2014

'THE MUSIC & MAGIC OF CHRISTMAS'

PARTICIPANT/GROUP NAME: _____

APPROXIMATE # PEOPLE IN ENTRY: _____

CONTACT PERSON NAME: _____

ADDRESS: _____

PHONE: _____ email: _____

PARADE ENTRANTS – PLEASE NOTE THE FOLLOWING:

- No replication of Santa Claus, his elves or reindeer
- No Mrs. Santa Claus
- No throwing or passing out literature, or other gimmicks
- The parade will form at Clock Tower parking lot on Sudbury Street and will step off at 2:00 p.m. Please plan to arrive between 1:00 and 1:15 p.m.

If you would like to be a sponsor for this year's parade, please complete the following information:

Name & Address of Donor: _____

Donation Amount Enclosed: \$ _____

PLEASE COMPLETE & RETURN THIS FORM TO:

Nancy Quinn

c/o Berkshire Hathaway HomeServices N.E. Prime Properties

58 Main Street, Maynard, MA 01754

nquinn@OwnNewEngland.com

cell (617)515-0897



LEGAL NOTICE

As required by Massachusetts General Law Chapter 40, Section 56, the Maynard Board of Selectmen will hold their annual fiscal year 2015 Tax Classification Hearings on Tuesday, November 18, 2014 at 7:30 PM in the Michael J. Gianotis meeting Room (No. 201) at the Maynard Town Building. The purpose of the hearing is to determine the percentages of the local tax levy to be borne by each class of real property. The Public is welcome to attend

Maynard Board of Selectmen

Jason Kreil

David Gavin

William Cranshaw

Becky Mosca

From: Elizabeth Milligan <esmilligan@verizon.net>
Sent: Saturday, October 25, 2014 6:03 PM
To: Becky Mosca
Subject: Resignation

Dear Selectmen,

It is with great regret that I hereby advise you of my resignation from the Maynard Cultural Council, effectively immediately. I have enjoyed working with the council and with everyone with whom I have been in contact about the proposed Cultural District. At this point, however, personal issues require my complete attention. All my best for realizing designation as a cultural district; it is an incredible armature to build from. I am excited about the process and the future.

Sincerely,

Elizabeth Steiner Milligan

TOWN OF MAYNARD
MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A §§18-25

Maynard Community Preservation Committee
PUBLIC MEETING NOTICE

Maynard Town Hall, Room # 101 (lower level)
Wednesday, November 5, 2014 at 7:00 PM

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

CALL TO ORDER:

PUBLIC COMMENTS:

ADMINISTRATIVE BUSINESS:

- Review and approve minutes from 10/15/14 meeting.

CORRESPONDENCE:

- Mail received

BUSINESS:

- Review and discuss latest preliminary application(s)
- Update on ongoing projects
- Administrative issues
- CPC Workshop
- New/Old Business

Upcoming Meetings:

- Determine next regularly scheduled meeting.

THIS AGENDA IS SUBJECT TO CHANGE

Posted: M. John Dwyer, CPC Chairman

AGENDA: Board of Health Meeting

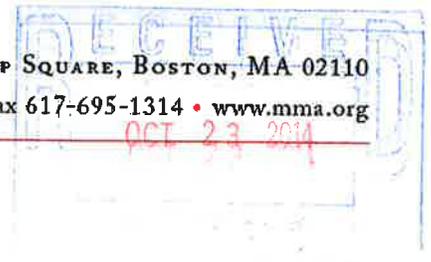
Tuesday – October 28, 2014 – 6:30pm
Municipal Services Conference Room of Town Hall (195 Main Street)

- I. CALL TO ORDER**
- II. MINUTES/PERMITS REVIEW & APPROVAL**
 - a. September 30, 2014 Meeting Minutes
- III. HEALTH AGENT REPORT**
 - a. Housing/Nuisance Complaints
 - b. Landfill Monitoring
 - c. Hazardous Materials local regulation, updating
 - d. Food Inspection Program
 - Online Permitting
 - Re-Permitting Prep
 - e. Maynard Board of Health/Region 4A/MRC
 - Flu Clinic
 - f. Miscellaneous
- IV. OLD BUSINESS**
 - a. Mosquito Control
 - b. Miscellaneous
- V. NEW BUSINESS**
- VI. ADJOURNMENT –**

THIS AGENDA IS SUBJECT TO CHANGE

CHAIRPERSON: RON CASSIDY
POSTED BY: KELLY PAWLUCZONEK

DATE: OCTOBER 24, 2014



Chapter 90 Local Road Funding Survey

October 20, 2014

Dear Local Official,

Adequate funding for the Chapter 90 local roads program is a top priority for the MMA and municipal leaders across the Commonwealth. As the MMA looks toward January and a new Governor and legislative session, we are continuing our aggressive campaign to increase annual Chapter 90 authorizations so that cities and towns have the resources necessary to maintain safe local roads and build strong local economies.

A key part of our Chapter 90 campaign is having good information on what is needed locally each year to maintain local road infrastructure. Your responses to the 2012 Chapter 90 Survey were instrumental in winning a \$300 million Chapter 90 bond authorization for fiscal years 2014 and 2015. As you know, the current Administration has released only \$200 million, and the MMA is continuing to call for the release of the remaining funds that have been authorized by the Legislature.

Our 2012 survey allowed us to develop a sound estimate for local road funding needs statewide. We received a strong response rate of 65 percent of our 351 cities and towns – and we hope to do even better this time! We need your help to update your 2012 report in order to provide the most accurate information about how much funding is needed to maintain local roads in a “state of good repair.”

The attached survey asks you to tell the MMA what it would cost annually to keep your roads in a state of good repair. The final page of this letter contains information specific to your community, including how your municipality responded to the 2012 survey, and it may be a helpful starting point this year. This simple but direct survey will provide us with essential information to help us educate state officials, stakeholders and the public about the true need that exists at the local level, and we will use this good information to fight for an adequate Chapter 90 bond bill this coming year.

Please return this form to us as soon as you can. If you have any questions about this survey, please contact Victoria Sclafani at the MMA office at 617-426-7272 x161 or vsclafani@mma.org. Please email, fax or mail your completed survey back to the MMA office by November 7, 2014. The contact information is on the form.

Thank you very much!

Sincerely,

Geoffrey C. Beckwith
Executive Director

Enclosure

Massachusetts Municipal Association

2014 Chapter 90 Local Road Funding Survey

A. LOCAL ROAD PROGRAM NEEDS

City and town officials tell us that their annual Chapter 90 authorization amount is not adequate to meet their local road construction needs. The MMA wants to know how much you need to maintain your local road system in a "state of good repair."

A useful working definition for "state of good repair", based on work done by the US DOT and the Federal Transit Administration, is "An asset or system is in a state of good repair when no backlog of capital needs exists – hence all asset life-cycle investment needs (e.g., preventive maintenance, rehab, replacement) have been addresses and no capital asset exceeds its useful life".

1. What is the total **annual road construction budget amount** (including both Chapter 90 and other funds) that would be required to maintain your community's roads in a "state of good repair" and fund other Chapter 90 eligible projects such as intersection improvements, traffic signal installations and bridge repair? See attached page for last year's Chapter 90 allocation and your 2012 survey response.

\$ _____

B. PAVEMENT MANAGEMENT

2. Do you have a pavement management system in place?

YES NO

If yes, what program or vendor do you use? _____

C. SUPPLEMENTING CHAPTER 90 FUNDS WITH MUNICIPAL FUNDS

3. Has your community **appropriated any local revenue** or **authorized any borrowing** for road construction projects in addition to the Chapter 90 funds you receive?

Appropriated local revenue

Authorized borrowing

	YES	NO	If YES, amount:		YES	NO	If YES, amount:
FY14	<input type="checkbox"/>	<input type="checkbox"/>	_____	FY14	<input type="checkbox"/>	<input type="checkbox"/>	_____
FY15	<input type="checkbox"/>	<input type="checkbox"/>	_____	FY15	<input type="checkbox"/>	<input type="checkbox"/>	_____

Name of Municipality: _____

Respondent: _____ Title: _____

Telephone number: _____ Email: _____

Please email, fax or mail your completed survey to the MMA by November 7, 2014.

Massachusetts Municipal Association, One Winthrop Square, Boston, MA 02110

Fax (617) 695-1314

Or email to Victoria Sclafani at vsclafani@mma.org



Chapter 90 Local Road Funding Survey *Background Information*

MAYNARD

Please refer to the following background information regarding your community to help you fill out the accompanying Chapter 90 survey. The survey asks you to update to 2014 the amount needed annually to keep your local roads in a state of good repair.

In 2012, we asked for the **total annual road construction budget figure** (including both Chapter 90 and other funds) that would be required to maintain your community's roads in a "state of good repair" and fund other Chapter 90 eligible projects such as intersection improvements, traffic signal installations and bridge repairs.

Your community did NOT respond to the 2012 survey. Based on information about your community and road spending needs in similar communities, the MMA *estimated* your total annual need to be approximately:

\$925,109

In 2014, your community received the following Chapter 90 authorization from MassDOT:

\$250,129

Becky Mosca

From: recapdata@dor.state.ma.us
Sent: Monday, October 27, 2014 8:22 AM
To: Becky Mosca; jfortuna@hudson.k12.ma.us; townclerk@townofberlin.com; jobrien@hudson.k12.ma.us; ahay@hudson.k12.ma.us; gmaston@hudson.k12.ma.us; pcollins@assabet.org; Fsantos@townofhudson.org; gerardi@maynard.k12.ma.us; bchetwynd@yahoo.com; Selectmen@townofberlin.com; gluoto@hudson.k12.ma.us; selectmen@southboroughma.com; mnawrocki@assabet.org; citycouncil@marlborough-ma.gov; rlanglois@mps-edu.org; ijohnson@town.westborough.ma.us; kluoto@assabet.org; mtousignantdufour@hudson.k12.ma.us; oliveri@westborough.k12.ma.us; bpantazis@town.northborough.ma.us; bdavis@hudson.k12.ma.us; cgobron@nsboro.k12.ma.us; LRutan@town.northborough.ma.us; bmcdermott@bbrsd.org; mayer@maynard.k12.ma.us; lvalcourt@hudson.k12.ma.us; drand@town.northborough.ma.us; jperreault@town.northborough.ma.us; tdodd@town.westborough.ma.us; lemery@town.westborough.ma.us; gbarrette@town.westborough.ma.us; jamberson@town.northborough.ma.us; D Capello; emsdad55@aol.com; D Gavin; towlea@mec.edu; jveros@comcast.net; pcovino@town.westborough.ma.us
Subject: Excess and Deficiency Notification for Assabet Valley
Attachments: Assbet Valley RSD E&D 15.pdf

Massachusetts Department of Revenue Division of Local Services

Amy Pitter, Commissioner

Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

Monday, October 27, 2014

Patrick Collins
Business Administrator
Assabet Valley

Re: EXCESS AND DEFICIENCY - Assabet Valley

Based upon the unaudited balance sheet submitted, I hereby certify that the amount of excess and deficiency or "E & D" as of July 1, 2014 for Assabet Valley is:

General Fund	\$ 343,906
--------------	------------

This certification is in accordance with the provisions of G. L. Chapter 71, §16B½, as amended. The unencumbered funds certified above in excess of five percent of the operating budget and budgeted capital costs for the succeeding fiscal year, must be applied to reduce the current fiscal year's assessment. For your district, this excess amount equals \$ 0.

This certification letter will also be e-mailed to the school superintendent, the board of selectmen in each member town and the city council in each member city immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

SUBMITTED BY	Peter Zona	DISTRICT	Assebet Valley Voke
PHONE	508-845-9430	DATE RECEIVED	10/07/14
FIELD REP	ASN	DATE SUBMISSION COMPLETE	10/17/14

EXCESS AND DEFICIENCY CALCULATION

<u>BEGIN:</u>		
UNRESERVED FUND BALANCE/EXCESS AND DEFICIENCY		<u>515,025</u>
<u>LESS:</u>		
OTHER RECEIVABLE, OVERDRAWN ACCOUNTS, DEFICITS		
Scholars Program		<u>162</u>
Cafeteria		<u>139,038</u>
Voke Special Needs		<u>31,876</u>
SPED Best Practices		<u>4</u>
Summer Academic Support		<u>40</u>
		<u>-</u>
<u>OTHER ADJUSTMENTS:</u>		
		<u>-</u>
		<u>-</u>
		<u>-</u>
TOTAL CERTIFIED UNENCUMBERED EXCESS AND DEFICIENCY		<u>343,906</u>

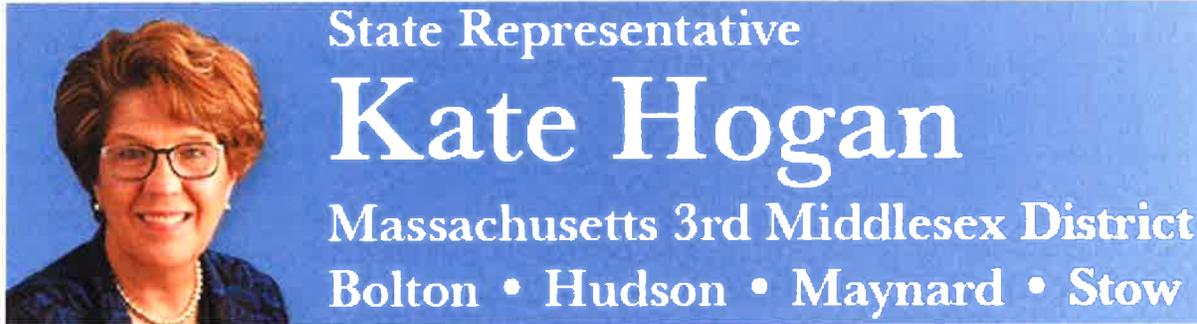
UNENCUMBERED E & D IN EXCESS OF 5% CALCULATION

OPERATING AND CAPITAL BUDGET		<u>13,358,289</u>
5% OF BUDGET		<u>667,914</u>
TOTAL IN EXCESS		<u>-</u>

REVIEWED BY: ASN PLEASE SEE CERTIFICATION LETTER
 DATE: 10/17/2014 FOR DIRECTOR OF ACCOUNTS APPROVAL

From: Kate Hogan, State Representative, 3rd Middlesex District <kate.hogan@mahouse.gov>
Sent: Monday, October 27, 2014 5:04 AM
To: Becky Mosca
Subject: Kate's 2014 Fall E-Newsletter

Having trouble viewing this email? [Click here](#)



2014 Fall E-Newsletter

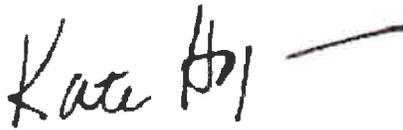
Dear Becky,

The legislature provided the Commonwealth with many achievements this term. Stories that grabbed newspaper headlines required legislation to arrive at effective solutions: addressing domestic violence, raising the minimum wage, EBT reform, regulating compounding pharmacies, confronting opioid addiction, protecting access to reproductive health care, historic gun safety legislation, campaign finance reform, improving housing authority oversight. This term has been heralded as one of the most effective and productive in many years and rightly so.

I was also focused on initiatives that best serve our district. I secured funding and bi-partisan support to establish The 495/MetroWest Suburban Edge Communities Commission to ensure our towns fully participate in state development initiatives and resources. I was lead sponsor in restoring funding for public libraries and for domestic violence support services. I introduced Heather's Law to assist families of domestic violence victims dealing with the accused in murder. I worked with public safety officials to create the Senior SAFE program, providing grants to fire departments providing education to those most at risk of dying in a fire.

I walk into the State House each morning believing that I can make a difference for you and am committed to working toward a better tomorrow for our district. We've still got work to do!

Warm regards,



Rep. Hogan's Session Accomplishments

495/MetroWest Suburban Edge Community Commission

The Commission will study the unique development challenges being experienced by edge suburbs, such as the need to address transportation, water, energy and cellular infrastructure and the reuse of former industrial facilities. The amendment also calls for the development of policy responses and recommendations to ensure that suburban edge communities can participate in state development initiatives and benefit from state resources.

Senior SAFE Grant Program

Included in the FY14 budget, my amendment to create the [Senior Awareness of Fire Education](#) Grant Program has been able to provide \$800,000 to more than 200 fire departments for senior fire safety education. Older adults face unique fire risks such as home oxygen use and electrical and heating fire dangers, but with this program our local fire departments can instruct seniors and help replace carbon monoxide and smoke detectors where needed.

Road & Bridge Projects

Working with my legislative colleagues, Senator Jamie Eldridge and Representative Danielle Gregoire, we were able to include district road and bridge projects during [this session's](#) transportation finance bill; Routes 495/290 interchange and bridge construction; reconstruction and downtown revitalization for Main and South Streets in Hudson; the replacement of the Cox Street Bridge in Hudson; and Route 27 and Concord Street improvements in Maynard.

Massachusetts Center for Book (MCFB)

The Massachusetts Center for the Book deepens interest and access to reading programming at our public libraries across the Commonwealth. By championing their funding in the FY15 budget, I was able to ensure that the [Center for the Book](#) can continue their work to support library programming and emphasize the central role libraries play in civic and cultural life.

Heather's Bill

I introduced [Heather's Bill](#) to protect the families of domestic violence victims and to make sure that a suspect in a murder case cannot exert even more power over a grieving family by retaining the rights to the body and estate of the deceased. The bill is named to honor the memory of Heather Alleyne, who was stabbed to death by her husband, to ensure that what happened to her family will never

Dark Money in Massachusetts

Many of you have received glossy brochures containing allegations about my voting record that are based on deliberately misleading and inaccurate interpretations of votes taken this past session. Please find more information about these brochures on my [website](#).

Former Representative Pat Walrath wrote a letter to the editor regarding the Massachusetts Fiscal Alliance for the [MetroWest Daily News](#) and my local Veterans Council [wrote to support my efforts](#) on their behalf.



Representative Hogan Receives Elks Distinguished Citizenship Award

State Representative Kate Hogan was honored by the [Hudson-Concord Lodge 959](#) and the Grand Lodge, Benevolent and Protective Order of Elks for her outstanding and meritorious service to humanity. The Hudson-Concord Elks invest in their communities through scholarship programs and by honoring the service and sacrifice of our Veterans. Rep. Hogan is pictured above with Andrew Cabral, then-Exalted Ruler of the Hudson-Concord Elks.

Representative Hogan's

happen again.

Local Farm Support

Bills I introduced, and supported by the [Massachusetts Farm Bureau Federation](#), were included in the most recent [economic development legislation](#). These bills will add diversity to the Board of Agriculture and will make adjustments to farmers' unemployment insurance (UI) to bring it inline with federal regulations.

Small Business Relief

My amendment, included in the Minimum Wage/UI Reform Bill, will allow businesses to calculate their unemployment insurance payroll based on the prior three years of payroll, rather than one year. It will encourage growth by removing an unnecessary financial burden on small businesses.

Stow Water Expansion

The expansion of businesses in the Lower Village of Stow was coming to a standstill because there was no viable public water supply. [With the passage of two bills](#) with the help of my colleague, Senator Jamie Eldridge, businesses in the Lower Village will be able to construct a public water supply and expand their operations.

To learn more about Rep. Hogan's session accomplishments, please click [here](#).

2013-2014 Session Wrap-Up

The House passed major legislation pertaining to economic development and reform, education, gun safety and domestic violence, substance abuse, and election laws.

Local Aid

The FY15 budget allocates \$15 million to expand access to early education and care, and prioritizes higher education through investments in state universities, community colleges and the UMass system. In March, the legislature committed to increases for local aid for municipalities and Chapter 70 education funding; \$25.5 million and \$100 million, respectively. Regional school transportation reimbursements increased by 36% and the Special Education Circuit Breaker will be able to reimburse school districts up to 75% of the cost of an education for each special education student.

Senior Services

The FY15 budget fully funded our [Councils on Aging](#); including Service Incentive Grants, that are competitive grants that help provide additional funds to COAs to fund senior job search services; benefit screening tools; transportation to regional Councils on Aging; support for caregivers; and healthy aging programs. Additional funding has also removed waiting lists for in-home senior care.

Veterans Affairs

The [VALOR Act II](#) builds upon existing legislation to expand opportunities and services for military personnel, Veterans

Work on Education

Rep. Kate Hogan has been a strong advocate for the children of our community. She realizes that the key to strong programs in the public schools is adequate funding.

To read more, click [here](#).

Unsung Heroine



Rep. Hogan and the [Commission on the Status of Women](#) honored Hudson's Ann Marie Lourens as the district's Unsung Heroine of the Year.

Click [here](#) for more information.

Representative Hogan and Senator Eldridge Announce \$2,000 Inaugural Recycling Dividends Program for Hudson

Representative Kate Hogan and Senator Jamie Eldridge announced that the Massachusetts Department of Environmental Protection awarded Hudson \$2,000 for the new Recycling Dividends Program (RDP), which will help cities and towns maximize their current recycling, composting and waste reduction programs.

To read more, click [here](#).



Portuguese Heritage Day

and their families. The bill establishes a municipal Veteran volunteer program under which towns may reduce the property tax bills of Vets who volunteer their time, eliminates the cap on property tax abatement for surviving spouses and establishes a commission to study and make recommendations relative to the training and accreditation of Veteran's benefits and services officers.

Public Safety & Security

Massachusetts advanced its national standing this session through gun safety and domestic violence legislation.

- The [gun safety](#) law authorizes licensed gun dealers to access criminal offender record information (CORI) and creates a framework for improving school safety. It also enhances record-keeping efforts and takes decisive steps to curtail gun trafficking. To address any loopholes created by secondary sales, the legislation requires the Department of Criminal Justice Information Services (DCJIS) to create an online portal for private sales. This will ensure that secondary sales are subject to proper monitoring and information sharing without placing an additional burden on gun owners.
- The House of Representatives also led the way in passing a [domestic violence bill](#) that creates new criminal offenses and elevated penalties, boosts prevention efforts, seeks to empower victims and establishes new employment rights. The bill creates a specific felony charge of strangulation and suffocation, and establishes a first offense domestic assault and battery charge.

Minimum Wage & Unemployment Insurance (UI)

To balance the needs of businesses and individuals, Massachusetts addressed [minimum wage and UI](#) in tandem. The law increases the minimum wage to \$11 per hour by 2017, updates the UI rating table and institutes a multi-year rate freeze.

Election & Campaign Reform

This session the House took two actions to foster a more vigorous, inclusive and just elections process.

- The comprehensive [election laws bill](#) will authorize early voting for biennial state elections starting in 2016; create an online voter registration system and allow 16 and 17-year olds to preregister to vote in the Commonwealth;
- To combat dark money and heighten transparency, Massachusetts made dramatic [changes to campaign finance regulations](#). To ensure the public has timely and relevant information before voting, the bill updates reporting time frames and mandates that entities disclose expenditures in state, county and local elections within seven days; TV ads that are funded through independent expenditures or electioneering communication, including PACs and Super PACs, must list the top five contributors on

Representative Hogan honored Hudson's José B. Monteiro at the 2014 Portuguese Heritage Day Awards ceremony at the State House. José is a volunteer and member of of the [Hudson Portuguese Club](#).

Click [here](#) for more information.



The RMV will soon be able to furnish Boston Strong license plates to honor the victims of the Marathon Bombing. All proceeds from the sales of the license plate will be distributed to the [One Fund](#).

Massachusetts Cultural Council Grant for Maynard

Senator Eldridge and Representative Kate Hogan announced that The Massachusetts Cultural Council approved a spending plan for the coming year that will invest \$3,600 for Acme Theater Productions, Inc. of Maynard.

To read more, click [here](#).



Representative Kate Hogan with

3rd Middlesex

Veterans Day Ceremonies

Sunday, November 9th

Bolton

Service: 10 am

First Parish Church
673 Main Street

Followed immediately by brunch

Tuesday, November 11th

Hudson

Parade Start: 10 am
AmVets Post #82
5 South Street

Ceremony: Liberty Park/ Wood Square/Hudson Rotary

Maynard

Parade Start :10:45 AM
American Legion Post 235
51 Summer Street

Ceremony: Memorial Park

Parade End:

American Legion Post 235
51 Summer Street

Stow

Rotary Club of Nashoba Valley Veterans Breakfast
St. Isidore Church
429 Great Road
8 - 10am

District Office Hours

Emma's Cafe

117 Great Road, Stow
Wednesday, November 12th 5:30-6:30 pm

Bolton Public Library

738 Main Street, Bolton
Wednesday, November 19th 5:30-6:30pm

Women Legislators and the
National Foundation of Women
Legislators to Farley Elementary
Principal Melissa Provost.



The Assabet
Village Food
Cooperative

The Assabet Village Food Co-op is an initiative to build a community owned market that provides access to healthy, affordable food in downtown Maynard. The Co-op is actively seeking members. To learn more about what the Co-op is, what has been done so far, and what comes next, contact them [here](#).



**Are you a Military
Veteran, spouse or widow
with questions about your
benefits?**

Having issues with Healthcare, or
Employment? Having difficulty
accessing the GI Bill, VA Disability,
Social Security or Pension?

Contact your local Veteran Services
Officer today:

Bolton

Jim Cabral

978-838-2442

Monday through Thursday, 10 AM to
1 PM

Hudson

Brian Stearns

978-568-9635

3rd Middlesex

Veterans Day Ceremonies

Sunday, November 9th

Bolton

Service: 10 am

First Parish Church
673 Main Street
Followed immediately by brunch

Tuesday, November 11th

Hudson

Parade Start: 10 am
AmVets Post #82
5 South Street

Ceremony: Liberty Park/ Wood Square/Hudson Rotary

Maynard

Parade Start :10:45 AM
American Legion Post 235
51 Summer Street

Ceremony: Memorial Park

Parade End:

American Legion Post 235
51 Summer Street

Stow

Rotary Club of Nashoba Valley Veterans Breakfast
St. Isidore Church
429 Great Road
8 - 10am

District Office Hours

Emma's Cafe

117 Great Road, Stow
Wednesday, November 12th 5:30-6:30 pm

Bolton Public Library

738 Main Street, Bolton
Wednesday, November 19th 5:30-6:30pm

Women Legislators and the National Foundation of Women Legislators to Farley Elementary Principal Melissa Provost.



The Assabet Village Food Cooperative

The Assabet Village Food Co-op is an initiative to build a community owned market that provides access to healthy, affordable food in downtown Maynard. The Co-op is actively seeking members. To learn more about what the Co-op is, what has been done so far, and what comes next, contact them here.



Are you a Military Veteran, spouse or widow with questions about your benefits?

Having issues with Healthcare, or Employment? Having difficulty accessing the GI Bill, VA Disability, Social Security or Pension?

Contact your local Veteran Services Officer today:

Bolton

Jim Cabral

978-838-2442

Monday through Thursday, 10 AM to 1 PM

Hudson

Brian Stearns

978-568-9635

Rep. Hogan's Events

Community Conversations: Raising Healthy Teens

**Tuesday, October 28th
Hudson High School, 5:30-7:30 pm**

A panel discussion hosted by Rep. Hogan and facilitated by Dr. Jodi Fortuna, Superintendent of Hudson Public Schools; the purpose of this event is to help community members understand challenges facing our youth today and discuss the role family, schools, and the community play in raising healthy teens. Topics covered will include the developing teen brain, teen stress, negative peer pressure, mental health promotion, and substance use prevention. Panelists will discuss these topics and provide parents and community members with tools and resources to support healthy teen development.

Health Connector Open Enrollment Fair

**Tuesday, November 18th
Bolton Public Library, 5 - 7 pm**

Please join State Representatives Kate Hogan and Jennifer Benson, the Rotary Club of Nashoba Valley, and the Massachusetts Health Connector at a health insurance open enrollment fair. The Health Connector is Massachusetts' health insurance marketplace where individuals, families, and small businesses can shop among the state's leading health and dental insurance carriers and choose the right plan to meet their needs and budget. The open enrollment period for health care plans starting coverage on January 1, 2015, begins November 15th.

Monday through Friday, 8:30 Am to
4:30 PM

Maynard

[Wayne Stanley](#)

978-897-1361

Tuesdays, 6 PM to 8 PM

Stow

[Joe Jacobs](#)

978-290-0278

Tuesdays, 4 PM to 6 PM

Contact Representative Kate Hogan

Beacon Hill Office

Massachusetts State House

24 Beacon Street

Room 166

Boston, MA 02133

(617) 722-2692

Kate.Hogan@mahouse.gov

Courtney Rainey

Legislative Aide

Courtney.Rainey@mahouse.gov

Jordan Eldridge

District Coordinator

Jordan.Eldridge@mahouse.gov

District Office

195 Main Street Maynard, MA 01754

***Please call for an
appointment.***

Follow Kate on Social Media

Click  to add Rep. Hogan on Facebook & [visit Rep. Hogan's website](#)

Forward this email

 Safe Unsubscribe

This email was sent to bmosca@townofmaynard.net by kate.hogan@mahouse.gov :
[Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



Tips for Reducing Your Sugar Intake



by Sandra J. Sarni, RD, MS,
Nutrition Specialist for
MIIA WellAware

Added sugars are a source of useless calories: they contribute calories and nothing else. If you are trying to lose weight, eliminating these empty calories is critical to your success and health.

Learning to find and decrease sugar can be tricky, hopefully, some of these suggestions can help!

1. Where's Your Sugar Bowl?

It's easy to mindlessly spoon sugar into coffee, tea, and cereal, out of habit. The first step to finding and eliminating extra sugar in your diet is to become aware of the sugar we add at home. To do this, make the sugar bowl harder to reach, put it out of sight. It will give you a moment to think about how much sugar you're using and maybe use less.

2. Find Sugar on the Label

Many processed foods that we don't expect to contain sugar actually do! Examples include: ketchup, salad dressing, peanut butter, and more! Look on the Nutrition Facts label under carbohydrates. Labels are confusing, as they do not distinguish between naturally occurring sugar and added sugar. Generally speaking the lower the sugar, the better. Your best bet is to look for sugar in the ingredient list. Manufacturers are required to list ingredients in descending order by weight. Choose products that list sugar toward the end of the ingredient list.

3. Sugar by Another Name

Very few food manufacturers list sugar by its actual name on the label. They often use other terms that are harder to decode. It takes some detective skills to learn other names for sugar. Generally speaking, any word ending in “ose” is a sugar. Remember that all sugar provides 4 calories per gram and although some forms of sugar might be less processed and more “natural” they are calorically identical. The following are terms that manufacturers often use to describe the sugar that has been added to a product:

- | | | |
|------------------------|----------------------------|---------------|
| • Agave nectar | • Dextrose | • Lactose |
| • Brown sugar | • Evaporated cane juice | • Maltose |
| • Cane crystals | • Fructose | • Malt syrup |
| • Cane sugar | • Fruit juice concentrates | • Molasses |
| • Cane Sugar Juice | • Glucose | • Raw sugar |
| • Corn sweetener | • High-fructose corn syrup | • Sucrose |
| • Corn syrup | • Honey | • Maple Syrup |
| • Crystalline fructose | • Invert sugar | |

4. Cut Down on Products with High Sugar Contents:

- Sodas, sweetened drinks, and designer coffees – Much of the sugar we consume each day comes from the beverages we drink! 16 ounces of soda contains 11 teaspoons of sugar, that’s 44 grams of sugar! Many designer coffee drinks can contain as much as 39 grams of sugar and over 300 calories. Instead of soda, try drinking seltzer water with 2-3 ounces of 100% fruit juice. Replace designer coffee drinks with coffee and skim milk with stevia (a natural, plant based sweetener).
- **Candy, pastries, cookies, and frozen desserts** – Be sure to check the labels for grams of sugar. Look for foods that have less than 20 grams of sugar per serving. Share desserts with friends and limit your serving size. Try to have ½ cup of ice cream, 1-2 cookies, or 1 ounce of dark chocolate. Instead of desserts try “nature’s candy”....fresh fruit!
- **Fruit juice and “juice” drinks** – Be sure to choose 100% fruit juice and limit juice to 6 ounces, although juice contains many vitamins, minerals, and antioxidants it is still a source of fructose that is a sugar. Avoid juices that include the words “drink”, “cocktail” or “punch”. These tend to contain only 10% of real fruit juice.
- **Energy drinks**- Caffeine isn’t the only key ingredient in most energy drinks! The sugar content in energy drinks ranges from 21 grams to 34 grams per 8 ounces, and can come in the form of sucrose, glucose, or high fructose corn syrup. Health professionals are very concerned about the high intake of these drinks, especially in children and teens because of their high levels of caffeine and sugar. Diluting energy drinks for athletes participating in competitive sports is a better option.

5. Control Sugar Cravings — To help control sugar cravings try some of these tips:

- **Eat Often Throughout the Day** – Going too long without food, pushes your body to go into starvation mode, holding onto fat stores and increases cravings.
- **Drink Enough Water** – Very often we confuse hunger and thirst, when hungry drink a glass of water first before you eat anything.
- **Plan Ahead** – Plan what you will eat/drink during the day so you don't find yourself at the mercy of whatever is lying around in the break room at work, the vending machine or whatever's quick and easy at a drive-thru. Pack your lunch and snacks for the day and plan what you will have for dinner.

In summary, take baby steps to reduce your sugar intake. It's a process but over time your body will start to respond to less sugar and you'll have more energy, look better and feel better too!

drink water
get to jells
energy
reduce sugar intake
plan ahead

Fall Fruit Compote By ZacharySnideman@zsnideman

“The thing about fruit compote is that it’s almost impossible to create a “recipe.” So much is based on personal taste and what’s on hand or in season. Sometimes people sub out apples for pears, or peaches for nectarines, or cherries for strawberries, and so on. Think of this as a starter version where you can mess with the balance. Like apples? Add an extra one. Hate strawberries, take ‘em out. Like some crunch? Take it off the heat sooner. The best part? This compote is pure fruit — no added sugar (though watch out for all the natural sugar found in stone fruits and berries!)”

This recipe makes about 6 cups.

What You’ll Need:

- 6 apples (firmer, semi-sweet fruit, like golden delicious or fuji, work best)
- 3 nectarines
- 2 plums
- 8-10 strawberries
- 1 orange
- 1/4 of a lemon



What to Do:

1. Prep the fruit: Peel the skin off the apples, core, and cut into bite sized pieces. Larger pieces will stay firmer whereas smaller pieces will become softer. Cut the nectarines and plums into comparably-sized pieces. It’s fine to leave the skin on. Remove the leaf from the top of the strawberry and slice in half.
2. In a large pot with a heavy bottom and solid cover, layer the fruit...apples on the bottom, then the nectarines, then the plums.
3. Zest about half of the orange over the fruit. Squeeze the 1/4 of a lemon over the top.
4. Turn the heat to medium-low and cover. Let sit for about 10 minutes.
5. After 10 minutes, uncover and stir, evenly distributing the fruit. The compote is done cooking when the apples have softened just to the point that they can easily be broken in half with a spoon but aren’t total mush.
6. Add the sliced strawberries to the top of the pot and cover. Turn down to low heat for one minute, then turn off the heat and let sit.
7. Serve hot or chilled. Works well over yogurt, ice cream, or all by itself. Will last about a week if properly refrigerated (wait for the compote to cool to room temperature before storing in the fridge).

Source: <http://greatist.com/health/recipe-harvest-fruit-compote>

Choosing Wisely[®]

An initiative of the ABIM Foundation

ConsumerReportsHealth



Allergy tests

When you need them—and when you don't

Allergy tests may help find allergies to things you eat, touch, or breathe in. They are usually skin or blood tests.

However, allergy tests alone are generally not enough. It is important to have a doctor's exam and medical history first to help diagnose allergies. If the exam and medical history point to allergies, allergy tests may help find what you are allergic to. But if you don't have symptoms and you haven't had a medical exam that points to an allergy, you should think twice about allergy testing. Here's why:

Allergy tests, without a doctor's exam, usually are not reliable.

Many drugstores and supermarkets offer free screenings. And you can even buy kits to test for allergies yourself at home. But the results of these tests may be misleading.

- The tests may say you have an allergy when you do not. This is called a "false positive."
- These free tests and home tests for food allergies are not always reliable.

Unreliable test results can lead to unnecessary changes in your lifestyle.

If the test says you are allergic to some foods, such as wheat, soy, eggs, or milk, you may stop eating those foods. You may end up with a poor diet,



unnecessary worries and frustration, or extra food costs. If the test says you are allergic to cats or dogs, you may give up a loved pet.

And tests for chronic hives—red, itchy, raised areas of the skin that last for more than six weeks—can show something that may not look normal but is not a problem. However, this can lead to anxiety, more tests, and referrals to specialists.

The wrong test can be a waste of money.

Allergy tests can cost a lot. A skin allergy test can cost \$60 to \$300. A blood test can cost \$200 to \$1,000. A blood test for food allergies can cost hundreds of dollars, and testing for chronic hives can cost thousands of dollars. Your health insurance may not cover the costs of these tests. And without a doctor's exam, the test may not even tell you what is causing your symptoms or how to treat them.

So, when should you have allergy tests?

If you have allergy symptoms, you may get relief from self-help steps and over-the-counter drugs. We talk about these in the blue section. If these steps do not help your symptoms, then it is time to see your doctor.

The doctor should ask you about your medical history and make sure you get the right tests. If your medical history suggests that you have an allergy, your doctor might refer you to an allergist or immunologist (doctors who specialize in allergies) for testing.

- A skin test is the most common kind of allergy test. Your skin is pricked with a needle that has a tiny amount of something you might be allergic to.
- If you have a rash or take a medicine that could affect the results of a skin test, you may need a blood test.
- For chronic hives, you usually do not need an allergy test. However, your doctor might order tests to make sure that the hives are not caused by other conditions, such as thyroid disease, lymphoma, or lupus.

This report is for you to use when talking with your health-care provider. It is not a substitute for medical advice and treatment. Use of this report is at your own risk.

© 2012 Consumer Reports. Developed in cooperation with the American Academy of Allergy, Asthma & Immunology. To learn more about the sources used in this report and terms and conditions of use, visit

ConsumerHealthChoices.org/about-us/.

Advice from Consumer Reports

How should you manage allergies and hives?

Food allergies. The only treatment for food allergies is to avoid the foods you are allergic to.

- Read the ingredients list on packaged and canned foods. When you eat out, ask about ingredients in dishes.
- If you have had a serious reaction to certain foods, wear a medical alert bracelet and carry a prescription of epinephrine that you can use if you have a reaction.

Outdoor and indoor allergies.

- If you have hay fever, you can check pollen counts in your area at the National Allergy Bureau website: www.aaaai.org. Try to stay indoors when pollen counts are high.
- For indoor allergies, use an air-conditioner or dehumidifier. Regularly vacuum and wash rugs and bedding.
- For both indoor and outdoor allergies, consider an over-the-counter antihistamine, such as cetirizine, loratadine, or diphenhydramine. Or ask your doctor about a prescription steroid nasal spray.

Chronic hives.

- See a doctor if you have chronic hives. The doctor may recommend high doses of antihistamines. The doctor may prescribe famotidine or ranitidine, which are usually used to treat heartburn but are also antihistamines. If those drugs do not help, ask about prescription drugs such as generic montelukast or zafirlukast.
- Avoid alcohol, aspirin, and drugs such as generic ibuprofen or naproxen. These drugs can make hives worse.





October 2014

Maynard's Senior Scene

New Officers and Board Members

In late July two new Board members were appointed by the Town Selectmen. Diane Wasiuk and John Edson joined the Board at their July 31st meeting. At that same meeting new officers were elected:

John Edson – Chairperson
Diane Wasiuk – Secretary
Tom Papson – Treasurer

At our September 18th meeting, Anita Dolan and Carol Milioto joined the Board. Sadly, Ms. Milioto died suddenly on September

26, 2014. (see page 2).

The purpose of the Board is to help meet the needs of Maynard's seniors by working with the COA Director on the development of programs and activities. You need not be a senior to be on the committee just a desire to help current and future seniors. If interested or for more information:

Andrew Scribner-MacLean
978-897-1375

Assistant Town Administrator

Inside this Issue

- 1** COA Board changes
- 2** Concord Street Partiers
- 2** Cross Town Connect
- 3** Representative Hogan's News
- 4** Minuteman Services by your side
- 5** SHINE On!
- 6** Calendar
- 6** Open Table
- 7** Senior Center Activities
- 8** Senior Dining and Meals on Wheels!

WE ARE WORKING!

Under Town By-laws the Board of the Council on Aging is responsible for coordinating and carrying out programs designed to meet the problems of the aging.

Based upon the results of a questionnaire that was sent out in the last newsletter, the Board has identified several areas of improvement to be addressed, including:

1. Relocating the Senior Center
2. Regular exercise programs
3. Information about staying healthy and other topics concerning our overall well-being.
4. Transportation beyond Maynard.

Please contact John Edson – Chairperson at 508-314-4454 with other ideas or concerns for the Board to consider.



To book a ride on the COA Van, simply call 978 844-6809

Health Care appointments, shopping, social visits, work, learning – when you need a ride, we'll get you there.



IN MEMORIAM

Carol Ann (Lopez) Milioto
July 15, 1942 – September 26, 2014

The Board mourns the passing of our colleague Carol Milliato and offers its deepest sympathy to Carol's family and friends.

Concord Street Circle Party

Our first COA Luncheon was held Wednesday, September 18th at Concord Circle. A GOOD TIME was had by all. We thank all who participated. The luncheon will be held the 3rd Wednesday of each month at 12:30 pm in the Main Building at 15 Concord Circle. Please call for reservations: 978-793-3733. Next luncheon is November 18th





Representative Kate Hogan's Senior News – October, 2014 Home Heating Assistance for Seniors

Dear Friends,

As cooler weather fast approaches, I wanted to share some state programs that can help you with home heating assistance and savings on energy bills:

Low Income Home Energy Assistance Program (LIHEAP) – LIHEAP

helps low-income individuals and seniors pay their heating bills during the winter. Eligible recipients can either own or rent their home and cannot have an income greater than \$31,218 for a single person or \$40,824 for two. For more information, please call the Massachusetts Heat Line toll-free at 1-800-632-8175.

Citizens Energy Heat Assistance Programs – Citizens Energy Heat Assistance has two programs for home heat assistance. The Citizens Energy Oil Heat Program offers free heating oil to people in need. Each eligible household is allowed a one-time delivery per heating season of 100 gallons of home heating oil. The Citizens Energy / Distrigas Heat Assistance Program gives a \$150 utility bill credit to eligible households who heat with natural gas. Eligible recipients are facing a financial hardship and are not eligible for LIHEAP, or have used up their LIHEAP benefits. To apply, please visit www.citizensenergy.com or call 1-877-JOE-4-OIL.

Weatherization – The Weatherization Assistance Program (WAP) is a government-funded program to help low-income homeowners and renters lower their energy costs by making their homes more energy efficient. The program saves households an average of \$350 per year in energy costs. Energy inspector's visit eligible households to see what work needs to be done to save energy. The inspectors also do a health and safety check to make sure that all energy-related systems are working properly. Weatherization workers then make energy-saving improvements as needed. You can get free WAP services if you are eligible for the LIHEAP Fuel Assistance program or if someone in your household gets SSI or TAFDC. For more information, please call the Massachusetts Heat Line toll-free at 1-800-632-8175.

MassSave – MassSave is an energy savings program for Massachusetts homeowners and renters. MassSave offers energy tips and information about free home energy assessments, energy-saving products, and loans, rebates, and other incentives for energy-saving home improvements. MassSave is for Massachusetts residents who want to save money by making their homes more energy efficient. Anyone can use the MassSave web site or telephone line to see which rebates, loans, home energy assessments, or other energy programs are available to them. Most programs are for homeowners or tenants who live in 1-to-4 unit dwellings and pay their own heat or electricity. Low-income residents may qualify for free services. For more information, please visit www.MassSave.com or call 1-866-527-7283.

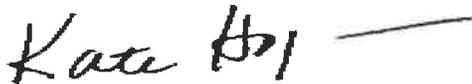
Massachusetts State House: More 2013-2014 Legislative Highlights

We have had a successful two-year session. Here are some more legislative highlights that benefit seniors:

FY2014 Budget Highlights

- **Councils on Aging-** The grant increased from \$7 to \$8 per senior per year.
- **Home Care-** Waitlists were eliminated with funding secured for this program.
- **Notification of Senior Health Care Options-** The budget directed MassHealth to provide each beneficiary age 65 and over with an annual notice of the options for enrolling in voluntary healthcare programs
- **Senior SAFE Program-** The Senior SAFE Program was an amendment I proposed to the FY2014 budget. Senior SAFE is a grant program to local fire departments to support fire and safety education for older adults, those most at risk of dying in fires in our state. This program builds on the successful 19 years of the school-based Student Awareness of Fire Education Program.

Rep. Hogan will be in the Council on Aging offices on October 24, 2014 at 11 am.



Proudly represents Bolton, Hudson, Maynard, and Stow

State House, Room 166, Boston, MA, 02133 / Phone: 617-722-2692/ Kate.Hogan@mahouse.gov

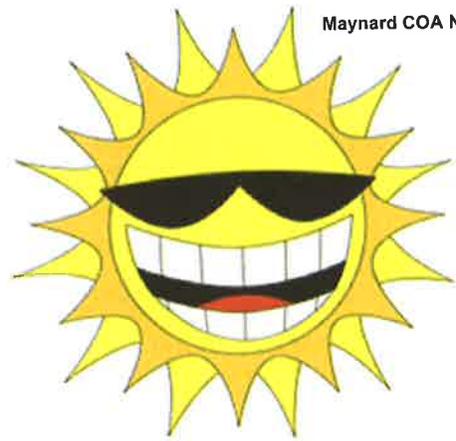
News from Minuteman Senior Services

CARE MANAGEMENT FOR EVERYONE

Introducing *Minuteman By Your Side*

Minuteman Care Managers are problem solvers that work as part of an interdisciplinary team to help seniors, disabled adults and their families understand their options and arrange services. Care management has always been one of our core services, provided to eligible consumers under state and private contracts. Our goal has been to make care management available and affordable to all who want it and to fill a service gap that now exists in our communities. To that end we are proud to announce a new fee based care management option: **Minuteman By Your Side** which is available to seniors, disabled adults of all ages and their family caregivers. Please visit our website to learn more about the **By Your Side Team** and what we call the **Minuteman Advantage** – what makes our service unique. Call 781-272-7177

SHINE On! Seniors!



New Medicare Open Enrollment Information

Medicare open enrollment starts on October 15th and ends on December 7, 2014 for changes effective January 1, 2015.

There will be changes to Medicare prescription drug and health insurance plans. Please ensure your health care providers and medications are covered as you expect.

The Minuteman Senior Services SHINE Program will present Medicare Plan changes for 2015 and answer questions for beneficiaries, family and caregivers. SHINE can help you review your Medicare options including changes to prescription drug plans and Medicare Advantages plans. Your health can change through time and your plan costs and coverage will change.

Learn what your Medicare options are. The SHINE open enrollment presentation is at *Maynard Municipal Golf Course Clubhouse at 50 Brown St. (Rt 27), Maynard* hosted by the Council on Aging on Thursday, November 6, 2014 at 10:00 am

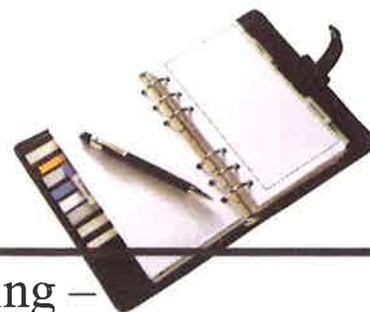
SHINE provides accurate, unbiased information regarding health insurance and prescription drug options through community education and free, confidential counseling. Minuteman Senior Services provides a variety of services that help seniors and people with disabilities live in the setting of their choice. For more information, call toll-free 888-222-6171 or visit www.minutemansenior.org

The Minuteman Senior Services SHINE Program can help you review your options.

- What are the changes to your prescription drug plan?
- What are your options for Medicare coverage?
- How does your particular health insurance plan work and how does it compare to others?

A SHINE representative will be available every Monday, Wednesday, and Friday morning from 8:30 am to 12:30 pm in the lower level Conference Room of Town Hall. Call David Hull at the Senior Center for reservations – 1-978-897-1009. There is no charge for this service.

Calendar of events



SHINE Presentation

November 6, 2014, 10 am
Maynard Golf Course Clubhouse

Private SHINE Appointments available
Town Hall – OMS Conference Room LL
Call 978 897-1032 to make appointment.

Line Dancing

Concord Street Circle, Thursday's 2-3 pm

Drop-in Center

at Congregation Church
Tuesdays 9 – 1, lunch available.

Town Meeting –

October 27th at 7 pm, Fowler School

General Election

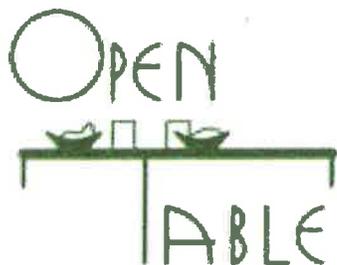
November 4, 2014

Nutrition Class

Nov. 18th 11 – 1 at the Congregational Church.

Shopping trips via van

2nd and 4th Tuesday's Call CTC to reserve
a seat 978 844-6809.



Become an Open Table Volunteer and serve the hungry in our community

Do you believe that no one should go hungry in our community? Have you ever wanted the opportunity to plan a meal for a large group of people and have the satisfaction of seeing the result? Open Table currently has a variety of volunteer positions that we need to fill for the upcoming holiday season. With a commitment of just **three hours** a month you could make a significant contribution.

Volunteer positions are needed in both our Maynard and Concord locations. **If interested please contact** us by sending email to info@opentable.org . You can also leave us a voicemail at 978-369-2275 (Concord) or 978-823-0082 (Maynard).

Open Table's dinners and open-market style food pantries, founded in 1989, provide a welcoming community of support and assistance to families and individuals, including seniors and children. Visit opentable.org if you would like more information.



SENIOR CENTER NEWS & ACTIVITIES

While we await the renovations of our new Senior Center, our existing one, at Clock Tower, is still running with lots of good activities:

- Mondays- 9-1 -Join Roy as he teaches piano
- Tuesdays – 9-1 Cribbage and other fun games
- Wednesdays – 10 am – Tapes of Musicals
- Fridays – Card games, exercise tapes and sing- a- long with Roy
- 11 am tea, cookies, cake, fruit and lots and lots of good fun conversation
- 2nd Friday Get your glasses cleaned by Alex from Look Optical
- Friday 10/24 @ 11:15 am – Meet your State House Representative, Kate Hogan

Directions: Enter CTP Main Entrance, opposite Post Office.

Go down hall and take elevator on the left to 1st floor. Exit elevator and turn left and follow hall to second left to Pavillion. Turn right and go all the way down the hall. Council on Aging is on the right.

Library Offers Computer Classes

Maynard's Public Library offers free instruction in computers. Check at the reference desk for upcoming dates and times.



Free Fall Yard Cleanup Opportunity

Middlesex Bank employees will be providing free fall yard cleanup on November 7th for five Maynard property owners. Call Andrew at 978 897-1323 for more information.

Join our Friends

The Friends of the COA is a non-profit, charitable organization raising funds to contribute to the Maynard COAs goals. Contact Tom Papson to get involved. 978 897-1669

Town of Maynard Council on Aging
195 Main Street
Maynard, MA 01754

ADDRESS CORRECTION REQUESTED

BULK RATE
US POSTAGE
PAID
Maynard, MA 01754
PERMIT NO. 10

Residential Customer

SENIOR DINING and Meals on Wheels

Senior Dining is available 5 days a week at the Main Building at Concord Circle. Join your friends for a delicious meal and some great conversation. Lunch is at 11:30 am and a \$2.00 donation is suggested. Lunch is also served, Tuesdays at the Congregational Church at 11:30 am. Call Heidrun Dickson at 339-234-3726 by 10:30 am the day before for reservations at either location.

The **Meals on Wheels** (MOW) program delivers lunch to homebound seniors who are unable to provide their own meals, and who meet certain guidelines. Special dietary considerations are available for those with chronic health conditions such as diabetes and heart disease. This daily check in by a volunteer driver may be the only daily contact and helps reduce the isolation often experienced by disabled seniors. Drivers are trained to identify and report observations or emergencies that might indicate a medical problem or the need for more intervention.

Deliveries are made between 11 am and 1 pm, Monday through Friday. The meals provide:

- One-third of the Recommended Daily Dietary Allowances
- 700-800 calories
- Reduced sodium (part of a no-added-salt diet)

Call 781-272-7177 for more information

This newsletter is published with funds from the Executive Office of Elder Affairs.



MAYNARD RETIREMENT BOARD

TOWN BUILDING
195 MAIN STREET
MAYNARD, MASSACHUSETTS 01754
978-897-1820 Tel
978-897-1013 Fax

October 30, 2014

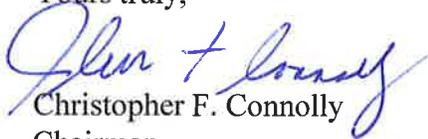


Board of Selectmen
Maynard Town Building
195 Main Street
Maynard, MA 01754

Dear Board Members:

Please be advised that at the meeting of the Maynard Retirement Board held Thursday September 25, 2014, the Board voted to appoint Kenneth DeMars the "Election Officer" for the Maynard Contributory Retirement System's election of the Third Member of the Maynard Retirement Board.

Yours truly,


Christopher F. Connolly
Chairman

CATANZARO AND ALLEN

ATTORNEYS AT LAW

100 Waverly Street
Ashland, Massachusetts 01721

Telephone: (508) 881-4566

Facsimile: (508) 231-0975

Angelo P. Catanzaro
Jennifer M. D. Allen

Ronald M. Stone*
Of Counsel

Rosemary A. Bosselait

*Also admitted in Maine

October 22, 2014

By electronic and first class mail

Bill Cranshaw, Chairman
Board of Selectmen
195 Main Street
Maynard, MA 01754

Re: 129 Parker Street, Maynard, MA

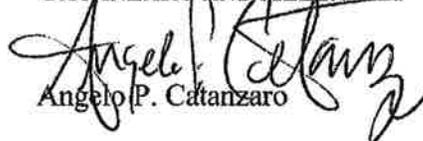
Dear Chairman Cranshaw and Members of the Board:

I am in receipt of your correspondence dated October 21, 2014. My client and I are pleased that communications are open and that we seem to be progressing to a final project design. To that end, we will respond to the various substantive comments and inquires set forth in your letter by later correspondence once we have the chance to fully review.

With respect to my client's attendance and/or participation at Town Meeting regarding the supermarket zoning amendment please be advised that although we did feel that our participation would not necessarily assist in the passing of the amendment which is sponsored by the Planning Board we certainly do not have any problem with attending and addressing Town Meeting as the Planning Board deems appropriate. Given the very limited scope of the article we were concerned that a presentation at Town Meeting by the developer would suggest that the overall plan for the 129 Parker Street development was before Town Meeting and would deter from actual purpose of the Amendment. With that reservation in mind, we can report to you and the Town that, should we be asked, we will be present at Town Meeting and will address the voters who attend. We would ask however that the Planning Board provide us with some guidance as to our role in that presentation. Thank you.

Very truly yours,

CATANZARO AND ALLEN


Angelo P. Catanzaro

APC/kmm

cc: Client
B.Nemser
K.Sweet
J.Witten



Date: November 5, 2014

Lee L. Acker
6 Hayes Street
Maynard, MA. 01754

You are hereby appointed to

Council on Aging

Term expires June 30, 2015

FOR THE

TOWN OF MAYNARD

To hold office during our pleasure, or our term.

PLEASE BE SWORN IN AT THE TOWN CLERK'S OFFICE.

Board of Selectmen

Sworn: _____

Town Clerk

October 28, 2014



To the Board of Selectman:

I write this letter to request your consideration of me for appointment to the Town of Maynard's Council on Aging.

Attached please find my resume. I welcome the opportunity to serve the town in this capacity.

Yours sincerely,

Lee L. Acker

Lee L. Acker
6 Hayes Street
Maynard, MA 01754
leeacker63@gmail.com
859-312-0309

PROFESSIONAL EXPERIENCE

- 2009-2014 **Bathfitters Corporation**
Part time sales and marketing
- 1998-2008 **Henkel Corporation**
Account Manager: Toyota North America
Primary responsibilities: Sales, Technical Service, Logistics, and
Problem Solving for all Toyota Motor Manufacturing Plants in North
America (Canada-USA-Mexico)
- 1997-1998 **Henkel Corporation**
Accounts Manager: Southeast Region, USA
- Toyota, Georgetown KY
 - BMW, Spartanburg, SC
 - Mercedes Benz, Vance AL
- 1992 - 1997 **Teroson, Inc., A Henkel Corporation**
Production Facility Manager
San Leandro, California.
Responsibilities included: Manufacturing, Sales, Quality, Logistics,
and Raw Materials Inventory supplier for New United Motor
Manufacturing, Inc. (NUMMI), Fremont CA.
- 1982- 1992 **W.R.Grace**
Technical Specialist: Process Development
Responsible for Process Development in three manufacturing
facilities: San Leandro CA, Chicago IL, and Montreal CD
- 1971-1982 **W.R.Grace**
Bench Chemist
Designed and managed Automotive Application/ Testing Laboratory

Military Service

- 1965-1968 **United States Army**
Republic of Viet Nam Campaign
Honorable Discharge

Education

1974 Undergraduate degree (BLS): Interdisciplinary Studies
Boston University
Boston, MA

Community Service

1993-2013

Chairman, City of Tracy, CA: Graffiti Removal Committee
1997 Recipient, Tracy Police Department, Community Resources Against Crime Award

Director, Board of Directors, McHenry House for the Homeless-Tracy, CA

Alzheimer Volunteer, Best Friends-Lexington, KY

Public Library Children's Reading /Therapy Dog Program-Lexington, KY

Treasurer, Love on a Leash, a therapy dog organization

Patient Visitor/Therapy Dog Volunteer, University of Kentucky, Children's Oncology Unit

US Veterans' Hospital, Lexington, KY, Therapy Dog Volunteer

Replace



Date: September 16, 2014

Carol Milioto
12 Summer Hill Glen
Maynard, MA. 01754

You are hereby appointed to

Council on Aging

Term expires June 30, 2015

FOR THE

TOWN OF MAYNARD

To hold office during our pleasure, or our term.

PLEASE BE SWORN IN AT THE TOWN CLERK'S OFFICE.

Board of Selectmen

David D. [Signature]

JJK

William Goodhue

Sworn: _____

Town Clerk



December 1, 2014

Thomas Palmerino

You are hereby appointed

Patrolman

FOR THE

TOWN OF MAYNARD

To hold office during our pleasure, or our term

PLEASE BE SWORN IN AT THE TOWN CLERK'S OFFICE

BOARD OF SELECTMEN

Sworn: _____

Becky Mosca

From: William Cranshaw
Sent: Friday, October 31, 2014 7:30 AM
To: Becky Mosca
Subject: Things to add to packet

Hi Becky,

In anticipation of the new selectmen, there's a few things I'd like you to add to the end of this week's packet.

1. ☺ Copy of the list you compiled of committee chairs
2. ☺ Copy of letter BOS sent to 129 parker folks (from October 21 meeting)
3. ☺ Copy of letter sent to state housing folks (from October 27 meeting)
4. ☺ Copies of "Public Body Checklists" (for Executive Session, Notice, and Minutes) from Attorney General's Open Meeting Law web pages
5. ☺ Copy of BOS meeting schedule for the year

Thanks,

Bill Cranshaw
Maynard Board of Selectmen

Boards, Committees and Commissions

Name of Boards/Committees/Commissions

American Disability Act (ADA) (5)

Chair: OPEN

Contact: OPEN

Board of Appeals

Chair: Paul Scheiner

Contact: scheinerp@aol.com

Board of Assessors: (3)

Chair: Stephen Pomfret

Contact: steve.pomfret261@gmail.net

Charter Revision Committee

Chair: Brendon Chetwynd

Contact: bchetwynd@yahoo.com

Community Preservation Committee

Chair: John Dwyer

Contact: mjohn.dwyer@verizon.net

Conservation Commission (5)

Chair: Fredric King

Contact: comscom@townofmaynard.net

Council on Aging (COA) (11)

Chair: John Edson

Contact: edsonjn@comcast.net

Cultural Council (9)

Chair: Gail Erwin

Contact: gail@erwinarts.com

Economic Development Committee

Chair: Chris Worthy

Contact: ccworthy@gmail.com

Boards, Committees and Commissions

Finance Committee (11)

Chair: Peter Campbell

Contact: plcampbell@runbox.com

Golf Re-Use Committee

Chair: Mark Grundstrom

Contact: markg@blsi.com

Board of Health

Chair: Ronald Cassidy

Contact: firechiefhoppy@comcast.net

Historical Commission (5)

Chair: Jack MacKeen

Contact: jmackeen@verizon.net

Housing Authority (5) elected

Chair: William Primiano

Contact: bplp820@msn.com

Library Trustee (3) elected

Chair: Patty Chambers

Contact: pchambersmiddlesexbank.com

Local Emergency Planning Committee (LECP)

Chair: Kevin Sweet

Contact: ksweet@townofmaynard.net

Maynard Green Communities Committee

Chair: Gregg Lefter

Contact: glefter@townofmaynard.net

Medical Reserve Corp (MRC)

Chair: John Flood & Mary-Ellen Quintal

Contact: kb1fqg@yahoo.com mary-ellen.quintal@hp.com

Chairmen

Boards, Committees and Commissions

Planning Board (5)

Chair: Kevin Calzia

Contact: kcalzia@yahoo.com

Recreation Commission

Chair: Peter Falzone

Contact: f1@falzone1.com

Selectmen

Chair: William Cranshaw

Contact: wcranshaw@townofmaynard.net

School Committee (5) Elected

Chair: William Kohlman

Contact: wgkohlman@comcast.net

2014-2015 Maynard Board of Selectmen Goals & Initiatives

1. Seniors

- a) To improve Facility
- b) Greater participation
- c) More outreach
- d) Better transportation

2. 3.5% rolling average tax increase

- a) Real estate taxes at state average

3. Quality Assurance / Quality Control

- a) Measure with / by assurances
- b) Put in place
- c) Customer service
- d) Capture / trumpet positive feedback to offset negative perceptions.

4. Economic Development Opportunities –

- a) Reduction in vacancy rate
- b) Progress on (c.d.) community development and rail trail
- c) Parking Management (including business input)
- d) Transportation improvements

5. Assabet River Rail Trail –

- a) Easements – achieve 100% 29 ?????? approx. \$\$\$\$

6. White's Pond Water Easement

- a) WC researching requirements
- b) Protect Maynard's Rights.

7. Communications

- a) Measuring, good vs bad

b) Mitigating rumors / latency of rumors

8. TA PR site

- a) Meeting with school, boards, committees, commissions and board of selectmen
- b) Feedback loop survey on website / blog
- c) Cards
- d) Ask

9. Transparency

10. Media types

- c) WAVM, PSA's Cable TV, local press, Maynard Business Alliance, RM

11. Board & Committee Liaisons - Designate a BOS member as an informal liaison. Suggested designations for liaisons:

- a) **Cranshaw** – Library, Community Preservation Committee
- b) **Gavin** – Council on Aging, Finance Committee, Planning Board, Cultural Council
- c) **Kreil** – Conservation Commission, Historical Committee, Board of Assessors, School Committee



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD

MUNICIPAL BUILDING
195 MAIN STREET
MAYNARD, MASSACHUSETTS 01754
Tel: 978-897-1301 Fax: 978-897-8457

October 21, 2014

Mr. Angelo P. Catanzaro, Esq.
Catanzaro and Allen
100 Waverly Street
Ashland, Mass. 01721

Dear Mr. Catanzaro:

Thank you again for your communication of September 24th and the clarification provided on October 8th regarding development possibilities at the 129 Parker Street site.

First, it should be noted that some of the suggestions you make are not things that can be unilaterally implemented by, as you put it, the "town fathers". Maynard has an Open Town Meeting form of government and thus ultimate authority for many decisions are the voters that attend Town Meeting. Nonetheless, the Board of Selectmen is in agreement with you on the desire to foster development of the 129 Parker Street site and the Board is certainly willing to help bring to the voters at Town Meeting ideas that could benefit the community. To this end, there are two articles at the upcoming (October 27th) Special Town Meeting. One is in response to your client's request for liquor licenses to support the site's commercial development. The other is in response to your client's request to allow for a larger supermarket if implemented via the underlying Industrial zoning of the 129 Parker Street site.

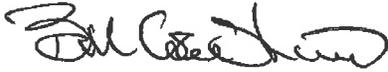
In your correspondence you suggested several further changes to the regulations regarding development already allowed on the site under the Neighborhood Business Overlay District (NBOD). The approved NBOD already allows for some 175,000 square feet of commercial space and 100 residential units, but the Board of Selectmen is always open to considering changes that can lead to a project that provides better benefits for the community and the taxpayers.

The idea of adding an assisted living facility to the site seems reasonable to consider, particularly since the subject was so well received by the town committee that worked with the Capital Group last winter. We would also be open to considering other uses that could help Capital Group achieve a better tenant mix. For example, medical uses, which were also suggested by the town committee. As for the suggestion to increase the allowable housing by 150%, that seems highly unlikely to pass a Town Meeting vote and it is in no one's best interest to spend time, money and staff effort on that pursuit. Perhaps an increase of 20% to 25% might be worth some further evaluation to determine if it provides benefits to the town, but only if this could be done in a cost-effective manner.

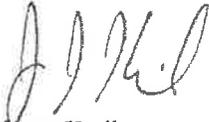
In summary, the Town long ago showed its willingness to support development of the property by its approval of the NBOD and a concept plan submitted by the then owner. We are, of course, disappointed that no progress has been made on that plan by the current owner, but can understand the desire to ensure the best project possible. With that in mind, the Board of Selectmen looks forward to initiating negotiations promptly once Capital Group is ready with specifics of its proposals.

Lastly, we would like to address your clarification that Capital Group has no intention of taking active part in the upcoming Special Town Meeting. This would be extremely unfortunate. The article for rezoning the supermarket size was prepared at your client's behest and only Capital Group has the supporting materials to demonstrate to the Town Meeting voters why a slightly larger supermarket would be better for the town than the 65,000 sf size currently allowed.

Best regards,



Bill Cranshaw
Chair, Board of Selectmen



Jason Kreil
Clerk, Board of Selectmen



David Gavin
Member, Board of Selectmen

CATANZARO AND ALLEN

ATTORNEYS AT LAW

100 Waverly Street
Ashland, Massachusetts 01721

Telephone: (508) 881-4566

Facsimile: (508) 231-0975

Angelo P. Catanzaro
Jennifer M. D. Allen

Ronald M. Stone*
Of Counsel

Rosemary A. Bosselait

*Also admitted in Maine

October 22, 2014

By electronic and first class mail

Bill Cranshaw, Chairman
Board of Selectmen
195 Main Street
Maynard, MA 01754

Re: 129 Parker Street, Maynard, MA

Dear Chairman Cranshaw and Members of the Board:

I am in receipt of your correspondence dated October 21, 2014. My client and I are pleased that communications are open and that we seem to be progressing to a final project design. To that end, we will respond to the various substantive comments and inquires set forth in your letter by later correspondence once we have the chance to fully review.

With respect to my client's attendance and/or participation at Town Meeting regarding the supermarket zoning amendment please be advised that although we did feel that our participation would not necessarily assist in the passing of the amendment which is sponsored by the Planning Board we certainly do not have any problem with attending and addressing Town Meeting as the Planning Board deems appropriate. Given the very limited scope of the article we were concerned that a presentation at Town Meeting by the developer would suggest that the overall plan for the 129 Parker Street development was before Town Meeting and would deter from actual purpose of the Amendment. With that reservation in mind, we can report to you and the Town that, should we be asked, we will be present at Town Meeting and will address the voters who attend. We would ask however that the Planning Board provide us with some guidance as to our role in that presentation. Thank you.

Very truly yours,

CATANZARO AND ALLEN



Angelo P. Catanzaro

APC/kmm

cc: Client
B.Nemser
K.Sweet
J.Witten



TOWN OF MAYNARD
Office of Board of Selectmen
MUNICIPAL BUILDING
195 Main Street
Maynard, MA 01754
Tel: 978-897-1301 Fax: 978-897-8457
www.townofmaynard-ma.gov

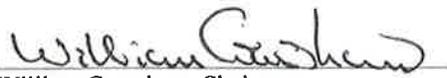
William Cranshaw
Jason Kreil
David Gavin
Selectmen

The Town of Maynard Board of Selectmen are in support of the transportation partnership being developed between the Towns of Maynard and Acton and in coordination with Emerson Hospital and other health care providers in the Emerson Hospital area.

We support the pilot initiative to determine if providing a flexible fixed route of service between the partners provides additional valuable service to each community in more efficient service provision and expanded service opportunities for those desiring public transportation.

Additionally, we are supportive of the pilot plan to provide last mile trips to the Devens area as the MBTA rail line improvements are set to increase 'reverse' commutes to the region.

Each of these pilot programs are thoughtful attempts to address transportation challenges in the region by leveraging existing resources - rolling stock and central dispatch, for instance. Documenting the demand through this pilot will enable each community involved to create an appropriate and sustainable transportation plan.



William Cranshaw, Chairman



Jason Kreil, Clerk



David Gavin



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD
MUNICIPAL BUILDING
195 MAIN STREET
MAYNARD, MASSACHUSETTS 01754

October 27, 2014

Department of Housing and Community Development
100 Cambridge Street
Suite 300
Boston, MA 02114

To Whom It May Concern:

The Town of Maynard continues to work with developers and explore the development of affordable housing. We are currently working with the Metropolitan Area Planning Council (MAPC) and DHCD to enhance these development opportunities.

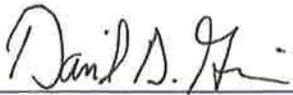
At this time, the Town of Maynard wishes to acknowledge that our current housing inventory is consistent with local needs as set out in MGL. Ch.40B.



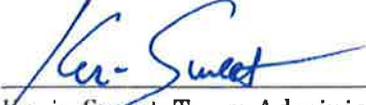
William Cranshaw, Chairman, Board of Selectmen



Jason Kreil, Clerk, Board of Selectmen



David Gavin, Selectman



Kevin Sweet, Town Administrator

cc: Senator James Eldridge, Chair Joint Committee on Housing
Angelo Catanzaro, Esq., Catanzaro and Allen
William Depietri, Capital Group Properties
Jon Witten, Esq., Special Town Counsel



TOWN OF MAYNARD
OFFICE OF THE TOWN ADMINISTRATOR
MUNICIPAL BUILDING
195 Main Street
Maynard, MA 01754
Tel: 978-897-1375 Fax: 978-897-8457
www.townofmaynard-ma.gov

Kevin A. Sweet
Town Administrator

MEMORANDUM

To: All Department Heads, appropriate Boards, Commissions and Committees

From: Kevin Sweet, Town Administrator 

Date: November 15, 2013

Re: **Fiscal Year 2015 Budget**

The intent of this letter is to establish the foundation for the FY15 budget process. The goals of this year's budget process will be to develop a multi-year forecast of revenues and expenditures, providing level services to the Town and establishing sound financial policies. I will be striving to improve the budget process by establishing detailed line item budgets and expanding on the budget format for public review and understanding, while maintaining the operational efficiencies and controls we have been able to put in place over the last couple of years. Department heads will be encouraged to use creative ways to increase efficiencies within their budgets. After several years of cuts, this year I anticipate we will have a lean budget that funds most departments at their current staffing levels and allows them to continue to produce excellent public services for the Town's residents.

As in prior years, the budget guidelines for FY15 are based on an uncertain fiscal environment. There have been some minimal revenue gains from new growth through the efforts of the Assessor's Office and through our continued aggressive tax collection efforts in the Treasurer/Collector's Office. Unfortunately, any gains will be offset by a variety of fixed cost increases (i.e. health insurance, retirement, etc.). There are still many unknowns this early in the budget process and the budget message is subject to change. However, all department heads should view this difficult challenge as a way to think differently about how we provide services to the Town. In addition, we are in negotiations with several unions and the impacts of those negotiations will be felt in the next fiscal year.

I appreciate all the hard work that has gone into providing quality services to our residents and our business community. These difficult economic times have impacted everyone. I would like to commend the Board of Selectmen for their efforts toward continuing our investment in Town properties and facilities. The opening of the new Maynard High School this year shows the level of commitment from this Town to invest in itself. Through the formation and funding of a

capital stabilization account in FY14 we are better positioned to continue down this road. I would ask for each department to submit capital needs to the Capital Planning Committee for their review.

This is the beginning of a very long process and numbers will be fine-tuned over the next few months. All efforts will be made to maximize revenue where possible but every effort must be made by all of you to find efficiencies and cost savings in your budgets. Be thorough in your budgets, look at each line and be prepared to justify expenditures.

Budget Development Guidelines

I am requesting that all department heads, in conjunction with their staff, review their operation and look for any process improvements or regional initiatives that will make us a more efficient organization. As has been the case for the past several years we once again face the extraordinary challenge of trying to balance a budget without reducing staff or services. With this in mind your department budget request should be based on the **FY14 appropriation authorized by the May 2013 Annual Town Meeting, increased by the amount of salary and salary-driven categories, which are mandated by contract.** Although this expense budget is level-funded, it **should include** appropriate increases for all contractual obligations. If contractual agreements have not been finalized, then an estimate should be used and a note included explaining that estimate. The budget should be reduced by any one-time expenditures in the FY14 operating budget. If you are proposing a change in any line item you should prepare a rationale for such a modification. When formulating this and other budget scenarios please summarize issues that would endanger mandated activities resulting in loss of staff or loss of programs associated with the budget restrictions.

This projection should not be interpreted as an indication that department budgets will definitely be able to be level funded. It is projected, at this point, that fixed costs could increase. **Therefore a level funded budget may require all departments to reduce their budget requests by an amount to be determined later in the budget process.**

For all non-union and non-contractual positions you should assume a 1.5% increase. As of this time only the Fire union has a contract in effect for Fiscal 2015, therefore that budget should include contractual increases for those union employees. For all other unions with expiring contracts you should not assume any increases for those employees when preparing your budget. It is my goal to review all budgets in early January. The process will be similar to last year in that the Finance Committee will schedule meetings with primary department heads (TA, Police, Fire, DPW, etc.) to review the respective budgets. Town revenue estimates, including money that the Town expects to receive from the State, will be determined over the next several months. Final adjustments, if needed, will be made to budgets prior to the Annual Town Meeting.

Department Heads were offered training for the SoftRight budget module. The expectation is that all departments should be accessing the budget module and reviewing to ensure appropriate access and editing rights are in place. I expect that submissions will be made through the SoftRight system by all departments no later than **January 3, 2014**. After that date the module will be in read only mode and you will not have access to edit your budget. For those Departments who do not have SoftRight access you will be receiving a hard copy of the budget worksheet from the Accountant's Office. All budget worksheets must be submitted to the Town Accountant's Office so that it can be entered into the SoftRight budget module.

I will schedule meetings in January to discuss your submission and possible further cuts or appropriations, if necessary. At our Leadership Team meeting on November 26th, I will discuss the process going forward and would ask all Department Heads who are reasonably available be sure to attend. I would ask if you have questions or concerns related directly to your department they be reserved until we have our individual meetings.

The FY15 budget will again be a challenge for Maynard. Good fiscal decisions require accurate and timely information. Please contact me directly if you have any questions about these instructions for the FY15 budget process. I appreciate the time and the effort you give to the preparation of your budgets and look forward to discussing them with you.

Public Body Checklist for Posting a Meeting Notice

Issued by the Attorney General's Division of Open Government – March 12, 2013

Notice Contents

- The notice contains the date, time, and location of the meeting. G.L. c. 30A, § 20(b).
- If the meeting is a joint meeting of several public bodies, the names of all bodies meeting are listed.
- The notice contains all of the topics that the chair reasonably anticipates will be discussed at the meeting. G.L. c. 30A, § 20(b). The topics are sufficiently specific to reasonably advise the public of the issues to be discussed at the meeting, including executive session topics. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b).
- The notice is printed in a legible, easily understandable format. G.L. c. 30A, § 20(b).
- The date and time that the notice is posted is conspicuously recorded on the notice. 940 CMR 29.03(1)(b).

Notice Publication

- The notice is published at least 48 hours before the meeting, not including Saturdays, Sundays and legal holidays. G.L. c. 30A, § 20(b).
- The notice is posted with the proper authority. G.L. c. 30A, § 20(c); 940 CMR 29.03(2)-(6).
 - Local public bodies - Filed with the municipal clerk, who must post it either:
 - In a location conspicuously visible to the public at all hours in or on the municipal building where the clerk's office is located; or
 - If an alternative posting method, such as a website, has been adopted, at the alternative location, with a description of the alternative method posted in a manner conspicuously visible to the public at all hours on or adjacent to the main and handicapped accessible entrances to the building in which the clerk's office is located. Meeting notice must also be available in or around the clerk's office so that members of the public may view the notices during normal business hours.
 - State public bodies – Posted to a website, and a copy sent to the Secretary of State's Regulations Division.
 - Regional public bodies – Posted in every municipality within the region, unless the public body has adopted an alternative notice posting method.
 - County public bodies - Filed with the office of the county commissioners and a copy of the notice is publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose, unless the public body has adopted an alternative notice posting method.

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@state.ma.us. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

Date Posted: _____

TOWN OF MAYNARD

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A §§18-25

Name of Board/Committee

Address of Meeting: _____ Room: _____

M T W T H F _____ : _____ AM PM
Day of week Month Date Year Time Circle One
(Circle One)

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

- 1. Approve Minutes of previous Meeting(s): _____
(Meeting Dates)
- 2. Old Business Topics: _____

- 3. New Business Topics: _____

- 4. Other: _____

THIS AGENDA IS SUBJECT TO CHANGE

Chairperson _____

Posted by: _____

Date: _____

Public Body Checklist for Entering Into Executive Session

Issued by the Attorney General's Division of Open Government – March 12, 2013

- Executive session listed as a topic for discussion on meeting notice, including as much detail about the purpose for the executive session as possible without compromising the purpose for which it is called. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b).
- Public body convened in open session first. G.L. c. 30A, § 21(b)(1).
- Chair publicly announced the purpose for executive session, citing one or more of the 10 purposes found at G.L. c. 30A, § 21(a).
- Chair stated all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). For example, the Chair identified the party a public body may be negotiating with or the litigation matter the public body will be discussing.
- Chair stated whether the public body will adjourn from the executive session, or will reconvene in open session after the executive session. G.L. c. 30A, § 21(b)(4).
- For Executive Session Purposes 3, 6, and 8:
 - Chair publicly stated the having the discussion in open session would have a detrimental effect on the public body's negotiating position, bargaining position, litigating position, or ability to obtain qualified applicants. G.L. c. 30A, §§ 21(a)(3), (6), (8).
- A majority of members of the body voted by roll-call to enter into executive session. G.L. c. 30A, § 21(b)(2).

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@state.ma.us. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

**EXECUTIVE SESSION
(M.G.L. Ch. 39 & 23B)**

TOWN OF MAYNARD **BOARD OF SELECTMEN**
Date: _____ Time Meeting Convened: _____ Time Meeting Ended: _____

IN THE MATTER OF: _____
MOTION TO CONVENE AN EXECUTIVE SESSION WAS MADE BY: _____
and duly SECONDED by: _____
The following roll call vote was taken on the above motion.

	<u>YEA</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
[David Gavin]	[]	[]	[]	[]
[Jason Kreil]	[]	[]	[]	[]
[]	[]	[]	[]	[]
[William Cranshaw]	[]	[]	[]	[]
[]	[]	[]	[]	[]

A quorum being present and a majority having voted to go into Executive Session, the chair states that:

1. This meeting convened in open session and:
Notice/Posting of the meeting was duly given () or the meeting is an emergency meeting ()
2. After the Executive Session the meeting:
Will reconvene in open session () or will not reconvene ()
3. The purpose of this Executive Session is (check one):
 - A. To deliberate upon matters involving an individual(s) where the individual(s) involved have not requested an open meeting or regarding:
 1. The reputation, character, physical condition or mental health (not the professional Competence) of an individual ()
 2. The possible discipline/dismissal of or complaint or charge against a public officer, Employee, staff member or individual ()
 - B. To deliberate upon matters which, if done in open meeting, could have a detrimental effect on the bargaining or litigating position of the Town, regarding:
 1. Strategy with respect to Collective Bargaining ()
 2. Strategy with respect to Litigation ()
 3. Strategy sessions in preparation for negotiations with non-Union personnel ()
 4. Collective bargaining sessions or contract negotiations with Union personnel ()
 - C. To discuss the deployment of security personnel or devices ()
 - D. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints ()
 - E. To consider the purchase, exchange, lease or value of real property, as open discussion would have a detrimental effect on the negotiating position of this governmental body ()
 - F. To comply with the provisions of any general or special law or federal grant-in-aid requirements, the specific law being _____
 - G. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body because an open meeting would have a detrimental effect in obtaining qualified applicants ()
 - H. To meet or confer with a mediator about litigation or a decision on the business of this board involving another party, group or body, having first decided in open session to participate in mediation and having disclosed the mediation purpose and issues involved. No action will be taken on mediation issues discussed in the Executive Session without deliberation and approval of such action at an open meeting, following proper notice ()
4. All the foregoing is hereby made part of the official minutes of this governmental body.

Chairman, Board of Selectmen

Public Body Checklist for Creating and Approving Meeting Minutes

Issued by the Attorney General's Division of Open Government – March 12, 2013

- Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely, and their reason(s) under 940 CMR 29.10(5) for remote participation. 940 CMR 29.10(7)(b).
- If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). Generally, this should occur at the next meeting of the public body.

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@state.ma.us. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.



Attorney General Martha Coakley

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Open Meeting Law, M.G.L. c. 30A, §§ 18-25 (Effective July 1, 2010)

THE COMMONWEALTH OF MASSACHUSETTS

OPEN MEETING LAW, G.L. c. 30A, §§ 18-25

Chapter 28 of the Acts of 2009, sections 17-20, repealed the existing state Open Meeting Law, G.L. c. 30A, §§ 11A, 11A-1/2, county Open Meeting Law, G.L. c. 34, §9F, 9G, and municipal Open Meeting Law, G.L. c. 39, §§ 23A, 23B, and 23C, and replaced them with a single Open Meeting Law covering all public bodies, G.L. c. 30A, §§ 18-25, enforced by the Attorney General.

NOTICE: This is NOT the official version of the Massachusetts General Law (MGL). While reasonable efforts have been made to ensure the accuracy and currency of the data provided, do not rely on this information without first checking an official edition of the MGL.

[OPEN MEETING LAW, G.L. c. 30A, §§ 18-25 \(Effective July 1, 2010\) \(PDF\)](#)

[Section 18: Definitions](#)

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Section 18: Definitions

As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"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; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any part of a meeting of a public body closed to the public for deliberation of certain matters.

"Intentional violation", an act or omission by a public body or a member thereof, in knowing violation of the open meeting law.

"Meeting", a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;
- (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or
- (e) a session of a town meeting convened under section 9 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

"Minutes", the written report of a meeting created by a public body required by subsection (a) of section 22 and section 5A of chapter 66.

"Open meeting law", sections 18 to 25, inclusive.

"Post notice", to display conspicuously the written announcement of a meeting either in hard copy or electronic format.

"Preliminary screening", the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.

"Public body", a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

"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.

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Section 19. Division of Open Government; Open Meeting Law Training; Open Meeting Law Advisory Commission; Annual Report

(a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;
- (3) the role of the attorney general in enforcing the open meeting law; and
- (4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

- (1) the number of open meeting law complaints received by the attorney general;
- (2) the number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) a summary of the determinations of violations made by the attorney general;
- (4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;
- (5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) the number of actions filed in superior court seeking relief from an order of the attorney general; and
- (7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

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Section 20. Meetings of a Public Body to be Open to the Public; Notice of Meeting; Remote Participation; Recording and Transmission of Meeting; Removal of Persons for Disruption of Proceedings

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website in accordance with procedures established for this purpose and a duplicate copy of the notice shall be filed with the regulations division of the state secretary's office.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such alternative will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

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Section 21. Executive Sessions

(a) A public body may meet in executive session only for the following purposes:

(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. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

(2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

(4) To discuss the deployment of security personnel or devices, or strategies with respect thereto;

(5) To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

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

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

(8) To consider or interview applicants for employment or appointment by a 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;

(9) To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- i. any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- ii. no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

(10) To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

- (1) the body has first convened in an open session pursuant to section 21;
- (2) a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
- (3) before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- (4) the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
- (5) accurate records of the executive session shall be maintained pursuant to section 23.

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Section 22. Meeting Minutes; Records

(a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

(b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

(f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

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Section 23. Enforcement of Open Meeting Law; Complaints; Hearings; Civil Actions

(a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.

(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (c).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

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Section 24. Investigation by Attorney General of Violations of Open Meeting Law

(a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.

(f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

(g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business or in Suffolk county. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

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Section 25. Regulations; Letter Rulings; Advisory Opinions

(a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.

(b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.

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Attorney General's Open Meeting Law Guide

The AGO is pleased to offer this Guide to the Open Meeting Law for use in understanding the application of the law and the regulations to your situation. Keep in mind, however, that the Guide is not the Law or the Regulations. In the event of any conflict, the language in the Law and Regulations is controlling.

This Guide is written for the ease of every-day users for whom the provisions of the Open Meeting Law are important. We welcome comment on how this Guide may be improved from time to time. Please make sure you are referring to the latest which will be posted on this website.

Click to download a copy of the [Attorney General's Open Meeting Law Guide \(PDF\)](#) 

A supplement to the Open Meeting Law Guide was added on August 29, 2012. Click to download a copy of the [one page supplement to the Open Meeting Law Guide](#) 

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Overview

Purpose of the Law

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.

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AGO Authority

The Open Meeting Law was revised as part of the 2009 Ethics Reform Bill, and now centralizes responsibility for state-wide enforcement of the law in the Attorney General's Office. [G.L. c. 30A, §19 \(a\)](#). To help public bodies understand and comply with the revised law, the Attorney General has created the Division of Open Government. The Division of Open Government provides training, responds to inquiries, investigates complaints, and when necessary, makes findings and takes remedial action to address violations of the law. The purpose of this Guide is to inform elected and appointed members of public bodies, as well as the interested public, of the basic requirements of the law.

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Certification

Within two weeks of a member's election or appointment or the taking of the oath of office, whichever occurs later, all members of public bodies must complete the attached Certificate of Receipt of Open Meeting Law Materials certifying that they have received these materials, and that they understand the requirements of the Open Meeting Law and the consequences for violating it. The certification must be retained where the body maintains its official records. All public body members should familiarize themselves with the Open Meeting Law, Attorney General's regulations, and this Guide.

Where no term of office for a member of a public body is specified, the member must complete the Certificate of Receipt on a biannual basis by January 14 of a calendar year, beginning on January 14, 2011. Where a member's term of office began prior to July 1, 2010, and will not expire until after July 1, 2011, the member should have completed the Certificate of Receipt by January 14, 2011. In the event a Certificate has not yet been completed by a member of a public body, the member should complete and submit the Certificate at the earliest opportunity to be considered in compliance with the law.

Click to download and print a copy of the [Certification Document](#) .

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Open Meeting Website

This Guide is intended to be a clear and concise explanation of the Open Meeting Law's requirements. The complete law, as well as the Attorney General's regulations, training materials, advisory opinions and orders can be found on the Attorney General's Open Meeting website, <http://www.mass.gov/ago/openmeeting>. Local and state government officials, members of public bodies and the public are encouraged to visit the website regularly for updates, as well as to view additional Open Meeting Law materials.

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What meetings are covered by the Open Meeting Law?

With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction." As explained more fully below, a deliberation is a communication between or among members of a public body.

These four questions will help determine whether a communication constitutes a meeting subject to the law:

- 1) is the communication between members of a **public body**;
- 2) does the communication constitute a **deliberation**;
- 3) does the communication involve a matter within the body's **jurisdiction**; and
- 4) does the communication fall within an **exception** listed in the law.

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What constitutes a public body?

While there is no comprehensive list of public bodies, any multi-member board, commission, committee or subcommittee within the executive or legislative branches ¹ of state government, or within any county, district, city, region or town, if established to serve a public purpose, is subject to the law. The law includes any multi-member body created to advise or make recommendations to a public body, and also includes the governing board of any local housing or redevelopment authority, and the governing board or body of any authority established by the Legislature to serve a public purpose. The law excludes the Legislature and its committees, bodies of the judicial branch, and bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer. Boards of selectmen and school committees are certainly subject to the Open Meeting Law, as are subcommittees of public bodies, regardless of whether their role is decision-making or advisory. Neither individual government officials, such as a mayor or police chief, nor members of their staff, are "public bodies" subject to the law, and so they may meet with one another to discuss public business without needing to comply with Open Meeting Law requirements.

Bodies appointed by a public official solely for the purpose of advising on a decision that the individual could make himself or herself are not public bodies subject to the Open Meeting Law. For example, a school superintendent appoints a four member advisory body to assist her in nominating candidates for school principal, a task the superintendent could perform herself. That advisory body would not be subject to the Open Meeting Law.²

¹ Although the Legislature itself is not a public body subject to the Open Meeting Law, certain legislative commissions are required to follow the Law's requirements.

² See *Connelly v. School Committee of Hanover*, 409 Mass. 232, 565 N.E.2d 449 (1991).

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What constitutes a 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."

Distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings and will generally not constitute deliberation, provided that when these materials are distributed no member of the public body expresses an opinion on matters within the body's jurisdiction. E-mail exchanges between or among a quorum of the members of a public body discussing matters within that body's jurisdiction may constitute deliberation, even if the sender of the email does not ask for a response from the recipients.

To be a deliberation, the communication must involve a quorum of the public body. A quorum is usually a simple majority of the members of a public body. Thus, a communication among fewer than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that together constitute communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a manner that seeks to evade the application of the law. Thus, in some circumstances, communications between two members of a public body, when taken together with other communications, may be a deliberation.

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What matters are within the jurisdiction of the public body?

The Open Meeting Law applies only to the discussion of any "matter within the body's jurisdiction." The law does not specifically define "jurisdiction." But as a general rule, any matter of public business on which a quorum of the public body may make a decision or recommendation is considered a matter within the jurisdiction of the public body.

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What are the exceptions to the definition of a meeting?

There are five exceptions to the definition of a meeting under the Open Meeting Law.

1. Members of a public body may conduct an on-site inspection of a project or program; however, they cannot deliberate at such gatherings;
2. Members of a public body may attend a conference, training program or event; however, they cannot deliberate at such gatherings;
3. Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they cannot deliberate at such gatherings;
4. Meetings of quasi-judicial boards or commissions held solely to make decisions in an adjudicatory proceeding are not subject to the Open Meeting Law; and,
5. Town Meetings are not subject to the Open Meeting Law. See G.L. c. 39, §§ 9, 10 (establishing procedures for Town Meeting).

For “quasi-judicial boards or commissions,” the AGO interprets this exemption to apply only to certain *state* “quasi-judicial” bodies, and a very limited number of public bodies at other levels of government whose proceedings are specifically defined as “agencies” for purposes of G.L. c. 30A.

We have received several inquiries about the exception for Town Meeting, and whether it applies to deliberation by Town Meeting members outside of a session of Town Meeting, to meetings of committees created by Town Meeting that occur outside a session of Town Meeting, or to deliberation by members of a public body – such as a board of selectmen – during Town Meeting. The Attorney General interprets this exemption to mean that the Open Meeting Law does not reach any aspect of Town Meeting. Therefore, the Attorney General will not investigate complaints alleging violations in these situations. Note, however, that this is a matter of interpretation and future Attorneys General may choose to apply the law in such situations.

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What are the requirements for posting notice of meetings?

Except in cases of emergency, a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays and legal holidays. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting. Also note that other laws, such as those governing procedures for public hearings, may require additional notice.

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What are the requirements for filing and posting meeting notices for local public bodies?

For local public bodies, meeting notices must be filed with the municipal clerk sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting. Notices may be posted on a bulletin board, in a loose-leaf binder or on an electronic display (e.g. television, computer monitor, or an electronic bulletin board), provided that the notice is conspicuously visible to the public at all hours in or on the municipal building in which the clerk’s office is located. In the event that the meeting notices posted in the municipal building are not visible to the public at all hours, then the municipality must either post notices on the outside of the building or follow one of the alternative posting methods approved by the Attorney General in 940 CMR 29.03(2)(b):

- Public bodies may post notice of meetings on the municipal website;
- Public bodies may post notice of meetings on cable television, **AND** , post notice or provide cable television access in an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- Public bodies may post notice of meetings in a newspaper of general circulation in the municipality, **AND** , post notice or a copy of the newspaper containing the meeting notice at an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- Public bodies may place a computer monitor or electronic or physical bulletin board displaying meeting notices on or in a door, window, or near the entrance of the municipal building in which the clerk’s office is located in such a manner as to be visible to the public from outside the building, or;
- Public bodies may provide an audio recording of meeting notices, available to the public by telephone at all hours.

If one of these alternative posting methods is used, the clerk of the municipality must inform the Division of Open Government of its notice posting method, and update the Division of any future change. All public bodies shall consistently use the most current notice posting method on file with the Division.

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What are the requirements for posting meeting notices for regional district, county, and state public bodies?

- For regional or district public bodies and regional school districts, meeting notices must be filed and posted in the same manner required of local public bodies, in each of the communities within the region or district. As an alternative method of notice, a regional or district public body may post a meeting notice on the regional or district public body's website. A copy of the notice shall be filed and kept by the chair of the public body or the chair's designee.
- County public bodies must file meeting notices in the office of the county commissioners and post notice of the meeting in a manner conspicuously visible to the public at all hours at a place or places designated by the county commissioners for notice postings. As an alternative method of notice, a county public body may post a meeting on the county public body's website. A copy of the notice shall be filed and kept by the chair of the county public body or the chair's designee.
- State public bodies must file meeting notices by posting the notice on the website of the public body or its parent agency. The chair of a state public body must notify the Attorney General in writing of the website address where notices will be posted, and of any subsequent changes to that posting location. A copy of the notice must also be sent to the Secretary of State's Regulations Division and should be forwarded to the Executive Office of Administration and Finance, which maintains a listing of state public body meetings.

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A Note About Accessibility

Public bodies are subject to all applicable state and federal laws that govern accessibility for persons with disabilities. These laws include the Americans with Disabilities Act, the federal Rehabilitation Act of 1973, and state constitutional provisions. For instance, public bodies that adopt website posting as an alternative method of notice must ensure that the website utilizes technology that is readily accessible to people with disabilities, including individuals who use screen readers. All open meetings of public bodies must be accessible to persons with disabilities. Meeting locations must be accessible by wheelchair, without the need for special assistance. Also sign language interpreters for deaf or hearing-impaired persons must be provided, subject to reasonable advance notice.² The Attorney General's Disability Rights Project is available to answer questions about accessibility and may be reached at (617) 727-2200.

²The Massachusetts Commission for the Deaf and Hard of Hearing will assist with arrangements for a sign language interpreter. The Commission may be reached at 617-740-1600 VOICE and 617-740-1700 TTY.

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What information must meeting notices contain?

Meeting notices must be posted in a legible, easily understandable format; contain the date, time and place of the meeting; and list the topics that, as of the time the notice is filed, the chair reasonably anticipates will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. While not required under the Open Meeting Law, public bodies are encouraged to make a revised list of topics to be discussed available to the public in advance of the meeting if the body intends to discuss topics that come up after posting but before the meeting convenes.

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When can a public body meet in executive session?

While all meetings of public bodies must be open to the public, certain topics may be discussed in executive, or closed, session. Before going into an executive session, the chair of the public body must:

- Convene in open session;
- State the reason for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- State whether the public body will reconvene in open session at the end of the executive session; and
- Take a roll call vote of the body to enter executive session.

Where a public body member is participating in an executive session remotely, he or she must state at the start of the executive session that no other person is present and/or able to hear the discussion at the remote location. The public body may authorize, by a simple majority vote, the presence and participation of other individuals at the remote participant's location.

While in executive session, the public body must keep accurate records and must take a roll call vote of all votes taken and may only discuss matters for which the executive session was called.

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The Ten Purposes for Executive Session

The law states ten specific Purposes for which an executive session may be held, and emphasizes that these are the only purposes for which a public body may enter executive session.

The ten Purposes for which a public body may vote to hold an executive session are:

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. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.

This Purpose is designed to protect the rights and reputation of individuals. Nevertheless, it appears that where a public body is discussing an employee evaluation, considering applicants for a position, or discussing the qualifications of any individual, these discussions should be held in open session to the extent that that the discussion deals with issues other than the reputation, character, health, or any complaints or charges against the individual. An executive session called for this Purpose triggers certain rights on the part of an individual who is

the subject of the discussion. The individual's right to choose to have this discussion in an open meeting takes precedence over the right of the public body to go into executive session.

While the imposition of disciplinary sanctions by a public body on an individual fits within this Purpose, this Purpose does not apply if, for example, the public body is deciding whether to lay off a large number of employees because of budgetary constraints.

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

Collective Bargaining Sessions: These include not only the bargaining sessions but also include grievance hearings that are required by a collective bargaining agreement.

While a public body may negotiate with nonunion personnel or conduct a collective bargaining session with a union in executive session, and may even agree on final contract terms in executive session, the public body must vote to approve or ratify any contract or collective bargaining agreement in open session before it can take effect.

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;

Collective Bargaining Strategy: Discussions with respect to collective bargaining strategy include discussion of proposals for wage and benefit packages or working conditions for union employees. The public body, if challenged, has the burden of proving that an open meeting might have a detrimental effect on its bargaining position. The showing that must be made is that an open discussion *may* have a detrimental effect on the collective bargaining process; the body is not required to demonstrate or specify a definite harm that would have arisen. At the time the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's bargaining or litigating position.

Litigation Strategy: Discussions concerning strategy with respect to ongoing litigation obviously fit within this Purpose, but only if an open meeting may have a detrimental effect on the litigating position of the public body. Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely. That a person is represented by counsel and supports a position adverse to the public body's does not by itself mean that litigation is imminently threatened or likely. Nor does the fact that a newspaper reports a party has threatened to sue necessarily mean imminent litigation.

Note: A public body's discussions with its counsel do not automatically fall under this or any other Purpose for holding an executive session.

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

This Purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus, it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have already been brought. Also, unlike Purpose 5, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which Purpose to invoke when going into executive session.

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;

Under this Purpose, as with the collective bargaining and litigation Purpose, an executive session may only be held where an open meeting may have a detrimental impact on the body's negotiating position with a third party. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's negotiating position.

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

There may be provisions in state statutes or federal grants that require or specifically allow a public body to consider a particular issue in a closed session. Before entering executive session under this purpose, the public body must cite the specific law or federal grant-in-aid requirement that necessitates confidentiality.

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; 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;

This Purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This Purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend candidates to its parent body, however it may include multiple rounds of interviews by the screening committee aimed at narrowing the group of applicants down to finalists. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain fewer than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

Note that a public body is not required to create a preliminary screening committee to consider or interview applicants. However, if the body chooses to conduct the review of applicants itself, it may not do so in executive session.

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information that has been provided under the following circumstances:

- a. in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to G.L. c. 164 § 1F;
- b. in the course of activities conducted as a municipal aggregator under G.L. c. 164 § 134; or
- c. in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to G.L. c. 164 § 136; and
- d. when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

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May a member of the public body participate remotely?

The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. Members of public bodies have a responsibility to ensure that remote participation in

meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

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How can the practice of remote participation be adopted?

Remote participation may be used during a meeting of a public body if it has first been adopted by the chief executive officer of the municipality for local public bodies, the county commissioners for county public bodies, or by a majority vote of the public body for retirement boards, district, regional and state public bodies. The chief executive officer may be the board of selectmen, the city council, or the mayor, depending on the municipality.

[See](#) G.L. c. 4, § 7.

If the chief executive officer in a municipality authorizes remote participation, that authorization must apply to all public bodies in the municipality. 940 CMR 29.10(2)(a). However, the chief executive officer determines the amount and source of payment for any costs associated with remote participation, and may decide to fund the practice only for certain public bodies. [See](#) 940 CMR 29.10(6)(e). In addition, the chief executive officer can authorize public bodies in that municipality to "opt out" of the practice altogether. [See](#) 940 CMR 29.10(8).

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What are the permissible reasons for remote participation?

Once remote participation is adopted, any member of a public body may participate remotely if the chair or, in the chair's absence, the person chairing the meeting, determines that one of the following factors makes the member's physical attendance unreasonably difficult:

- Personal illness;
- Personal disability;
- Emergency;
- Military service; or
- Geographic distance.

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What are the acceptable means of remote participation?

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Accommodations must be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications. Text messaging, instant messaging, email and web chat without audio are *not* acceptable methods of remote participation.

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What are the minimum requirements for remote participation?

Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:

- A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;
- Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
- All votes taken during a meeting in which a member participates remotely must be by roll call vote.

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What procedures must be followed if remote participation is used at a meeting?

At the start of any meeting during which a member of a public body will participate remotely, the chair must announce the name of any member who is participating remotely and which of the five reasons listed above requires that member's remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation other than the section of the regulation that justifies it. This information must also be recorded in the meeting minutes.

Members of public bodies who participate remotely may vote, and shall not be deemed absent for purposes of G.L. c. 39, § 23D. In addition, members who participate remotely may participate in executive sessions, but must state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

If technical difficulties arise as a result of utilizing remote participation, the chair or, in the chair's absence, person chairing the meeting may decide how to address the situation. Public bodies are encouraged, whenever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

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What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of any such recording at the beginning of the meeting.

While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the chair, all members of the public shall be silent. If after clear warning, a person continues to be disruptive, the chair may order the person to leave the meeting, and if the person does not leave, the chair may authorize a constable or other officer to remove the person.

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What records of public meetings must be kept?

Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of the members present or absent, and the decisions made and actions taken including a record of all votes. Minutes must also include the name of any member who participated in the meeting remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. While the minutes must include a summary of the discussions on each subject, a transcript is not required. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot. All votes taken in executive session must be by roll call and the results recorded in the minutes. In addition, the minutes must include a list of the documents and other exhibits used at the meeting. 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 attached to or physically stored with the minutes.

The minutes, documents and exhibits are public records and a part of the official record of the meeting. Records may be subject to disclosure under either the Open Meeting Law or Public Records Law and must be retained in accordance with the Secretary of State's record retention schedule. The State and Municipal Record Retention Schedules are available through the Secretary of State's website at:

<http://www.sec.state.ma.us/arc/arcmu/rmuidx.htm>.

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Open Session Meeting Records

The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. The law requires that existing minutes be made available to the public within 10 days upon request, whether they have been approved or remain in draft form. Materials or other exhibits used by the public body in an open meeting are also to be made available to the public within 10 days upon request.

There are two exemptions to the open session records disclosure requirement:

- 1) materials (other than those that were created by members of the public body for the purpose of the evaluation) used in a performance evaluation of an individual bearing on his professional competence, and
 - 2) materials (other than any resume submitted by an applicant which is always subject to disclosure) used in deliberations about employment or appointment of individuals, including applications and supporting materials.
- Documents created by members of the public body for the purpose of performing an evaluation are subject to disclosure. This applies to both individual evaluations and evaluation compilations, provided the documents were created by members of the public body for the purpose of the evaluation.

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Executive Session Meeting Records

Public bodies are not required to disclose the minutes, notes or other materials used in an executive session where the disclosure of these records may defeat the lawful purposes of the executive session. Once disclosure would no longer defeat the purposes of the executive session, minutes and other records from that executive session must be disclosed unless they are within an exemption to the Public Records Law, [G.L. c. 4, § 7, cl. 26](#), or the attorney-client privilege applies. The public body is also required to periodically review the executive session minutes to determine whether continued non-disclosure is warranted, and such determination must be included in the minutes of the body's next meeting. A public body must respond to a request to inspect or copy executive session minutes within 10 days of request and promptly release the records if they are subject to disclosure. If the

body has not performed a review to determine whether they are subject to disclosure, it must do so prior to its next meeting or within 30 days, whichever is sooner.

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What is the Attorney General's role in enforcing the Open Meeting Law?

The Attorney General's Division of Open Government is responsible for enforcing the Open Meeting Law. The Attorney General has the authority to take and investigate complaints, bring enforcement actions, issue advisory opinions, and issue regulations.

The Division of Open Government regularly seeks feedback from the public on ways in which it can better support public bodies to help them comply with the law's requirements, and will provide online and in-person trainings on the Open Meeting Law. The Division of Open Government will also respond to information requests from public bodies and the public.

The Division of Open Government will take complaints from members of the public and will work with public bodies to resolve problems. While any member of the public may file a complaint with a public body alleging a violation of the Open Meeting Law, a public body need not, and the Division of Open Government will not, investigate anonymous complaints.

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What is the Open Meeting Law complaint procedure?

Step 1. Filing a Complaint with the Public Body

Individuals who allege a violation of the Open Meeting Law must first file a complaint *with the public body* alleged to have violated the OML. The complaint must be filed within 30 days of the date of the violation, or the date the complainant could reasonably have known of the violation. The complaint must be filed on a [Complaint Form](#) available on the AGO website. When filing a complaint with a local public body, the complainant must also file a copy of the complaint with the municipal clerk.

Step 2. The Public Body's Response

Upon receipt, the chair of the public body should distribute copies of the complaint to the members of the public body for their review. The public body has 14 business days from the date of receipt to review the complainant's allegations; take remedial action if appropriate; notify the complainant of the remedial action; and forward a copy of the complaint and description of the remedial action taken to the AGO. The public body may request additional information from the complainant. The public body may also request an extension of time to respond to the complaint. A request for an extension should be made within 14 business days of receipt of the complaint by the public body. The request for an extension should be made in writing to the Division of Open Government, and should state the reason for the requested extension.

Step 3. Filing a Complaint with the Attorney General's Office

A complaint is ripe for review by the AGO 30 days after the complaint is filed with the public body. This 30-day period is intended to provide a reasonable opportunity for the complainant and the public body to resolve the initial complaint. It is important to note that complaints are *not* automatically treated as filed for review by the AGO upon filing with the public body. A complainant who has filed a complaint with a public body, and seeks further review by the Division of Open Government, must file the complaint with the AGO after the 30-day local review period has elapsed but before 90 days have passed since the date of the violation. When filing the complaint with the AGO, the complainant must include a copy of the original complaint and may include any other materials the

complainant feels are relevant, including an explanation of why the complainant is not satisfied with the remedial action taken by the public body. Complaints filed with the AGO are public records.

The AGO will review the complaint and any remedial action taken by the public body. The AGO may request additional information from both the complainant and the public body. The AGO will seek to resolve complaints in a reasonable period of time, generally within 90 days of the complaint becoming ripe for review by our office. The AGO may decline to investigate a complaint where more than 90 days have passed since the date of the alleged violation.

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Will the Attorney General's Office provide training on the Open Meeting Law?

The Open Meeting Law directs the AGO to create educational materials and provide training to public bodies to foster awareness of and compliance with the Open Meeting Law. The AGO has established an Open Meeting Law website, www.mass.gov/ago/openmeeting, on which government officials and members of public bodies can find the statute, regulations, FAQs, training materials, the Attorney General's determination letters resolving complaints, and other resources. The AGO will provide regional training for members of public bodies and will hold periodic online webinars.

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Contacting the Attorney General

If you have any questions about the Open Meeting Law or anything contained in this guide, please contact the AGO's Division of Open Government. The AGO also welcomes any comments, feedback, or suggestions you may have about the Open Meeting Law or this guide.

Division of Open Government
Office of the Attorney General
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OpenMeeting@state.ma.us

Open Meeting Law Guide



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF ATTORNEY GENERAL
MARTHA COAKLEY

MARCH 24, 2011

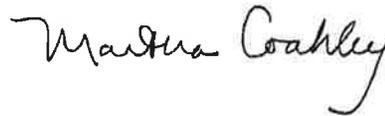
Dear Massachusetts Residents:

On July 1, 2010, the Attorney General's Office assumed responsibility for the enforcement of the Open Meeting Law (OML) from the state's District Attorneys. We believe that transferring all enforcement to one central statewide office will allow for greater consistency and will ensure that local officials have access to the information they need to comply with the law.

Our office is committed to ensuring that the changes to the Open Meeting Law will provide for greater transparency and clarity – both of which are hallmarks of good government. We are focused on providing educational materials, outreach and training sessions to ensure that all members of the public understand the law.

Whether you are a town clerk or town manager, a member of a public body, or an involved resident, I want to thank you for taking the time to understand the Open Meeting Law. We strive to be a resource to you, and encourage you to contact the Division of Open Government at (617) 963-2540 or visit our website at www.mass.gov/ago/openmeeting for more information.

Cordially,

A handwritten signature in cursive script that reads "Martha Coakley".

Martha Coakley
Massachusetts Attorney General

Attorney General's Open Meeting Law Guide

Overview

Purpose of the Law

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.

AGO Authority

The Open Meeting Law was revised as part of the 2009 Ethics Reform Bill, and now centralizes responsibility for statewide enforcement of the law in the Attorney General's Office (AGO). G.L. c. 30A, §19 (a). To help public bodies understand and comply with the revised law, the Attorney General has created the Division of Open Government. The Division of Open Government provides training, responds to inquiries, investigates complaints, and when necessary, makes findings and takes remedial action to address violations of the law. The purpose of this Guide is to inform elected and appointed members of public bodies, as well as the interested public, of the basic requirements of the law.

Certification

Within two weeks of a member's election or appointment or the taking of the oath of office, whichever occurs later, all members of public bodies must complete the attached Certificate of Receipt of Open Meeting Law Materials certifying that they have received these materials, and that they understand the requirements of the Open Meeting Law and the consequences for violating it. The certification must be retained where the body maintains its official records. All public body members should familiarize themselves with the Open Meeting Law, Attorney General's regulations, and this Guide.

Where no term of office for a member of a public body is specified, the member must complete the Certificate of Receipt on a biannual basis by January 14 of a calendar year, beginning on January 14, 2011. Where a member's term of office began prior to July 1, 2010, and will not expire until after July 1, 2011, the member should have completed the Certificate of Receipt by January 14, 2011. In the event a Certificate has not yet been completed by a member of a public body, the member should complete and submit the Certificate at the earliest opportunity to be considered in compliance with the law.

Open Meeting Website

This Guide is intended to be a clear and concise explanation of the Open Meeting Law's requirements. A more in-depth explanation of the law along with up-to-date regulations, training materials, advisory opinions and orders can be found on the Attorney General's Open Meeting website, <http://www.mass.gov/ago/openmeeting>. Local and state government officials, members of public bodies and the public are encouraged to visit the website regularly for updates, as well as to view additional Open Meeting Law materials.

What meetings are covered by the Open Meeting Law?

With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction." As explained more fully below, a deliberation is a communication between or among members of a public body.

These four questions will help determine whether a communication constitutes a meeting subject to the law:

- 1) is the communication between members of a **public body**;
- 2) does the communication constitute a **deliberation**;
- 3) does the communication involve a matter within the body's **jurisdiction**; and
- 4) does the communication fall within an **exception** listed in the law?

What constitutes a public body?

While there is no comprehensive list of public bodies, any multi-member board, commission, council, authority, committee or subcommittee within the Executive branch of state government, or within any county, district, city, region or town, which has been established to serve a public purpose, is subject to the law. The law includes any multi-member body created to advise or make recommendations to a public body, and also includes the board of any local housing or redevelopment authority, and the governing board or body of any authority established by the Legislature to serve a public purpose. The law excludes the Legislature and its committees, bodies of the judicial branch, and bodies appointed by a constitutional officer for the purpose of advising a constitutional officer.

Boards of selectmen and school committees are certainly subject to the Open Meeting Law, as are subcommittees of public bodies, regardless of whether their role is decision-making or advisory. Neither individual government officials, such as a mayor or police chief, nor members of their staffs, are "public bodies" subject to the law, and so they may meet with one another to discuss public business without needing to comply with Open Meeting Law requirements.

Bodies appointed by a public official solely for the purpose of advising on a decision that the individual could make himself or herself are not public bodies subject to the Open Meeting Law.

For example, a school superintendent appoints a four member advisory body to assist her in nominating candidates for school principal, a task the superintendent could perform herself. That advisory body would not be subject to the Open Meeting Law.¹

What constitutes a 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.” Distributing a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at the meeting will not constitute deliberation, so long as the material does not express the opinion of a member of the public body. E-mail exchanges between or among a quorum of members of a public body discussing matters within the body’s jurisdiction may constitute deliberation, even where the sender of the email does not ask for a response from the recipients.

To be a deliberation, the communication must involve a quorum of the public body. A quorum is usually a simple majority of the members of a public body. Thus, a communication among fewer than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that would together be a communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a manner that seeks to evade the application of the law. Thus, in some circumstances, communications between two members of a public body, when taken together with other communications, may be a deliberation.

What matters are within the jurisdiction of the public body?

The Open Meeting Law applies only to the discussion of any “matter within the body’s jurisdiction.” The law does not specifically define “jurisdiction.” But as a general rule, any matter of public business on which a quorum of the public body may make a decision or recommendation would be considered a matter within the jurisdiction of the public body.

What are the exceptions to the definition of a meeting?

There are five exceptions to the definition of a meeting under the Open Meeting Law.

1. Members of a public body may conduct an onsite inspection of a project or program; however, they cannot deliberate at such gatherings;
2. Members of a public body may attend a conference, training program or event; however, they cannot deliberate at such gatherings;

¹ See *Connelly v. School Committee of Hanover*, 409 Mass. 232, 565 N.E.2d 449 (1991).

3. Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they cannot deliberate at such gatherings;
4. Meetings of quasi-judicial boards or commissions held solely to make decisions in an adjudicatory proceeding are not subject to the Open Meeting Law; and,
5. Town Meetings are not subject to the Open Meeting Law. See G.L. c. 39, § 9.

For "quasi-judicial boards or commissions," the AGO interprets this exemption to apply only to certain *state* "quasi-judicial" bodies, and a very limited number of public bodies at other levels of government whose proceedings are specifically defined as "agencies" for purposes of G.L. c. 30A.

What are the requirements for filing and posting meeting notices of local public bodies?

Except in cases of emergency, a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays and legal holidays. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting.

- For local public bodies, meeting notices must be filed with the municipal clerk sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting. Notices may be posted on a bulletin board, in a loose-leaf binder or on any electronic display (e.g. television, computer monitor, or an electronic bulletin board), provided that the notice is conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. In the event that the meeting notices posted in the municipal building are not visible to the public at all hours, then the municipality must either post notices on the outside of the building or follow one of the alternative posting methods approved by the Attorney General:
- public bodies may post notice of meetings on the municipal website;
- public bodies may post notice of meetings on cable television, **AND**, post notice or provide cable television access in an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- public bodies may post notice of meetings in a newspaper of general circulation in the municipality, **AND**, post notice or a copy of the newspaper containing the meeting notice at an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- public bodies may place a computer monitor or electronic or physical bulletin board displaying meeting notices on or in a door, window, or near the entrance of the municipal building in which the clerk's office is located in such a manner as to be visible to the public from outside the building, or;

- public bodies may provide an audio recording of meeting notices, available to the public by telephone at all hours.

If one of these alternative posting methods is used, the clerk of the municipality must inform the Division of Open Government of its notice posting method, and update the Division of any future change. All public bodies shall consistently use the most current notice posting method on file with the Division.

What are the requirements for posting notices for regional, district, county and state public bodies?

- For regional or district public bodies and regional school districts, meeting notices must be filed and posted in the same manner required of local public bodies, in each of the communities within the region or district. As an alternative method of notice, a regional or district public body may post a meeting notice on the regional or district public body's website. A copy of the notice shall be filed and kept by the chair of the public body or the chair's designee.
- County public bodies must file meeting notices in the office of the county commissioners and post notice of the meeting in a manner conspicuously visible to the public at all hours at a place or places designated by the county commissioners for notice postings. As an alternative method of notice, a county public body may post a meeting on the county public body's website. A copy of the notice shall be filed and kept by the chair of the county public body or the chair's designee.
- State public bodies must file meeting notices by posting the notice on the website of the public body or its parent agency. A copy of the notice must be sent to the Secretary of State's Regulations Division. State public bodies should also forward a copy of notices to the Executive Office of Administration and Finance, which maintains a listing of state public body meetings.

A Note About Accessibility

Public bodies are subject to all applicable state and federal laws that govern accessibility for persons with disabilities. These laws include the Americans with Disabilities Act, the federal Rehabilitation Act of 1973, and state constitutional provisions. For instance, public bodies that adopt website posting as an alternative method of notice must ensure that the website utilizes technology that is readily accessible to people with disabilities, including individuals who use screen readers. All open meetings of public bodies must be accessible to persons with disabilities. Meeting locations must be accessible by wheelchair, without the need for special assistance. Also sign language interpreters for deaf or hearing-impaired persons must be provided, subject to reasonable advance notice.² The Attorney General's Disability Rights Project is available to answer questions about accessibility and may be reached at (617) 727-2200.

² The Massachusetts Commission for the Deaf and Hard of Hearing will assist with arrangements for a sign language interpreter. The Commission may be reached at 617-740-1600 VOICE and 617-740-1700 TTY.

What information must meeting notices contain?

Meeting notices must be posted in a legible, easily understandable format; contain the date, time and place of the meeting; and list the topics that, as of the time the notice is filed, the chair reasonably anticipates will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. While not required under the Open Meeting Law, public bodies are encouraged to make a revised list of topics to be discussed available to the public in advance of the meeting if the body intends to discuss topics that come up after posting but before the meeting convenes.

When can a public body meet in executive session?

~~While all meetings of public bodies must be open to the public, certain topics may be~~ discussed in executive, or closed, session. Before going into an executive session, the chair of the public body must:

- First convene in open session.
- State the reason for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called.
- State whether the public body will reconvene at the end of the executive session.
- Take a roll call vote of the body to enter executive session.

While in executive session, the public body must keep accurate records and must take a roll call vote of all votes taken and may only discuss matters for which the executive session was called.

The Ten Purposes for Executive Session

The law defines ten specific Purposes for which an executive session may be held, and emphasizes that these are the only purposes for which a public body may enter executive session.

The ten Purposes for which a public body may vote to hold an executive session are:

- 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. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.**
-

This Purpose is designed to protect the rights and reputation of individuals. Nevertheless, it appears at least that where a public body is discussing an employee evaluation, considering applicants for a position, or discussing the qualifications of any individual, these discussions should be held in open session to the extent that that the discussion deals with issues other than the reputation, character, health, or any complaints or charges against the individual. An executive session called for this Purpose triggers certain rights on the part of an individual who is the subject of the discussion. The individual's right to choose to have his or her dismissal considered at an open meeting takes precedence over the general right of the public body to go into executive session.

While the proposed imposition of disciplinary sanctions by a public body on an individual fits within this Purpose, this Purpose does not apply if, for example, the public body is deciding whether to lay off a large number of employees because of budgetary constraints.

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

Collective Bargaining Sessions: These include not only the bargaining sessions but also include grievance hearings that are called for under a collective bargaining agreement.

- 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;**

Collective Bargaining Strategy: Discussions with respect to collective bargaining strategy include discussions of proposals for wage and benefit packages or working

conditions for union employees. The public body, if challenged, carries the burden of proving that an open meeting might have a detrimental effect on its bargaining position to justify an executive session on the basis of this Purpose. The showing that must be made is that the open discussion may have a detrimental impact on the collective bargaining process; the body is not required to demonstrate or specify a definite harm that would have arisen. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's bargaining or litigating position.

Litigation Strategy: Discussions concerning strategy with respect to ongoing litigation obviously fit within this Purpose, but only if an open meeting may have a detrimental effect on the litigating position of the public body. Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely. That a person is represented by counsel and supports a position adverse to the public body's does not by itself mean that litigation is imminently threatened or likely. Nor does the fact that a newspaper reports a party has threatened to sue necessarily mean imminent litigation.

Note: A public body's discussions with its counsel do not automatically fall under this or any other Purpose for holding an executive session.

4. **To discuss the deployment of security personnel or devices, or strategies with respect thereto;**
5. **To investigate charges of criminal misconduct or to consider the filing of criminal complaints;**

This Purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have already been brought. Also, unlike Purpose 5, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which Purpose to invoke when going into executive session.

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;**

Under this Purpose, as with the collective bargaining and litigation Purpose, an executive session may only be held where an open meeting may have a detrimental impact on the body's negotiating position with a third party. At the

time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's negotiating position.

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

There may be provisions in certain statutes or federal grants which require or specifically allow that a public body consider a particular issue in a closed session. Additionally, as the following section discusses, where Purpose (8) does not apply, Purpose (7) may nevertheless apply to the initial stage of a hiring process.

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; 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

This Purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This Purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend a candidate or candidates to its parent body. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain fewer than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided:

- a. in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164,
- b. in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164, or
- c. in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164,
- d. when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy

May a member of the public body participate remotely?

The Attorney General is authorized under the Open Meeting Law to permit remote participation by members of a public body not present at the meeting location. This issue is under consideration by the AGO. While the issue is under consideration, remote participation by members of public bodies is not permitted under the Open Meeting Law.

What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of such recording at the beginning of the meeting.

While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the chair, all members of the public shall be silent. If after clear warning, a person continues to be disruptive, the chair may order the person to leave the meeting, and if the person does not leave, the chair may authorize a constable or other officer to remove the person.

What records of public meetings must be kept?

Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of the members present or absent, and the decisions made and actions taken including a record of all votes. While the minutes must also include a summary of the discussions on each subject, a transcript is not

required. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot. All votes taken in executive session must be by roll call and the results recorded in the minutes. In addition, the minutes must include a list of the documents and other exhibits used at the meeting. 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 attached to or physically stored with the minutes.

The minutes, documents and exhibits are public records and a part of the official record of the meeting. Records may be subject to disclosure under either the Open Meeting Law or Public Records Law and must be retained in accordance with the Secretary of State's record retention schedule. The State and Municipal Record Retention Schedules are available through the Secretary of State's website at: <http://www.sec.state.mia.us/arc/arcrmu/rmuidx.htm>.

Open Session Meeting Records

The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. The law requires that existing minutes be made available to the public within 10 days upon request, whether they have been approved or remain in draft form. Materials or other exhibits used by the public body in an open meeting are also to be made available to the public within 10 days upon request.

There are two exemptions to the open session records disclosure requirement: 1) materials (other than those that were created by members of the public body for the purpose of the evaluation) used in a performance evaluation of an individual bearing on his professional competence, and 2) materials (other than any resume submitted by an applicant which is always subject to disclosure) used in deliberations about employment or appointment of individuals, including applications and supporting materials. Documents created by members of the public body for the purpose of performing an evaluation are subject to disclosure. This applies to both individual evaluations and evaluation compilations, provided the documents were created by members of the public body for the purpose of the evaluation.

Executive Session Meeting Records

Public bodies are not required to disclose the minutes, notes or other materials used in an executive session where the disclosure of these records may defeat the lawful purposes of the executive session. Once disclosure would no longer defeat the purposes of the executive session, minutes and other records from that executive session must be disclosed unless they are within an exemption to the Public Records Law, G.L. c. 4, § 7, cl. 26, or are attorney-client privileged. The public body is also required to periodically review the executive session minutes to determine whether continued non-disclosure is warranted, and such determination must be included in the subsequent meeting minutes. A public body must respond to a request to inspect or copy executive session minutes within 10 days of request and promptly release the records if they are subject to disclosure. If the body has not performed a review to determine whether they are subject to disclosure, it must do so prior to its next meeting or within 30 days, whichever is sooner.

What is the Attorney General's role in enforcing the Open Meeting Law?

The Attorney General's Division of Open Government is responsible for enforcing the Open Meeting Law. The Attorney General has the authority to take and investigate complaints, bring enforcement actions, issue advisory opinions and issue regulations.

The Division of Open Government regularly seeks feedback from the public on ways in which it can better support public bodies to help them comply with the law's requirements, and will provide online and in-person trainings on the Open Meeting Law. The Division of Open Government will also respond to information requests from public bodies and the public.

The Division of Open Government will take complaints from members of the public and will work with public bodies to resolve problems. While any member of the public may file a complaint with a public body alleging a violation of the Open Meeting Law, a public body need not, and the Division of Open Government will not, investigate anonymous complaints.

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Boston, MA 02108

THE COMMONWEALTH OF MASSACHUSETTS
OPEN MEETING LAW, G.L. c. 30A, §§ 18-25³

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Chapter 28 of the Acts of 2009, sections 17–20, repealed the existing state Open Meeting Law, G.L. c. 30A, §§ 11A, 11A-1/2, county Open Meeting Law, G.L. c. 34, §9F, 9G, and municipal Open Meeting Law, G.L. c. 39, §§ 23A, 23B, and 23C, and replaced them with a single Open Meeting Law covering all public bodies, G.L. c. 30A, §§ 18-25, enforced by the Attorney General.

* * *

Section 18: [DEFINITIONS]

As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“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; provided, however, that “deliberation” shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

“Executive session”, any part of a meeting of a public body closed to the public for deliberation of certain matters.

“Intentional violation”, an act or omission by a public body or a member thereof, in knowing violation of the open meeting law.

“Meeting”, a deliberation by a public body with respect to any matter within the body’s jurisdiction; provided, however, “meeting” shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the

³ NOTICE: This is NOT the official version of the Massachusetts General Law (MGL). While reasonable efforts have been made to ensure the accuracy and currency of the data provided, do not rely on this information without first checking an official edition of the MGL.

visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;

(d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or

(e) a session of a town meeting convened under section 9 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

"Minutes", the written report of a meeting created by a public body required by subsection (a) of section 22 and section 5A of chapter 66.

"Open meeting law", sections 18 to 25, inclusive.

"Post notice", to display conspicuously the written announcement of a meeting either in hard copy or electronic format.

"Preliminary screening", the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.

"Public body", a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

"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.

Section 19. [DIVISION OF OPEN GOVERNMENT AND ADVISORY COMMISSION]

(a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties

imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;
- (3) the role of the attorney general in enforcing the open meeting law; and
- (4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

- (1) the number of open meeting law complaints received by the attorney general;
- (2) the number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) a summary of the determinations of violations made by the attorney general;
- (4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;
- (5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) the number of actions filed in superior court seeking relief from an order of the attorney general; and
- (7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

Section 20. [NOTICE, REMOTE PARTICIPATION, PUBLIC PARTICIPATION, CERTIFICATION]

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website in accordance with procedures established for this purpose and a duplicate copy of the notice shall be filed with the regulations division of the state secretary's office.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such alternative will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the

meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

Section 21. [EXECUTIVE SESSIONS]

(a) A public body may meet in executive session only for the following purposes:

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. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and

iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

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

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

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

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

8. To consider or interview applicants for employment or appointment by a 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;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a

municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;
2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained pursuant to section 23.

Section 22. [MINUTES, RECORDS]

(a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

(b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the

following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

(f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

Section 23. [COMPLAINTS, REMEDIES]

(a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.

(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

~~Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.~~

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (c).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

Section 24. [INVESTIGATIONS, HEARINGS]

(a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official

or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other

reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.

(f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

(g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business or in Suffolk county. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

Section 25. [REGULATIONS, LETTER RULINGS, ADVISORY OPINIONS]

(a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.

(b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.

CERTIFICATE OF RECEIPT OF OPEN MEETING LAW MATERIALS

I, _____, who qualified for the office of
(Name)

_____, on _____, certify pursuant
(Office) (Date)

to G.L. c. 30A, § 20(g), that I have received copies of the following Open Meeting Law materials:

- 1) the Open Meeting Law, G.L. c. 30A, §§ 18-25;
- 2) regulations promulgated by the Attorney General under G.L. c. 30A, § 25; and
- 3) educational materials promulgated by the Attorney General under G.L. c. 30A, § 19(b), explaining the Open Meeting Law and its application.

I have read and understand the requirements of the Open Meeting Law and the consequences for violating it. I further understand that the materials I have received may be revised or updated from time to time, and that I have a continuing obligation to implement any changes in the Open Meeting Law during my term of office.

(Name)

(Name of Public Body)

(Date)

Pursuant to G.L. c. 30A, § 20(g), an executed copy of this certificate shall be retained, according to the relevant records retention schedule, by the appointing authority, city or town clerk, or the executive director or other appropriate administrator of a state or regional body, or their designee.

Date Posted 8/7/2014

TOWN OF MAYNARD

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISION OF MGL 30A § 18-25

(All public meetings may be broadcast, recorded or videotaped)

Board of Selectmen

Address of Meeting: 195 Main Street, Maynard

Room: 201

7:00 p.m.

M T W T H F _____

Month	Date	Year	Time	AM/PM
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Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

Tuesday

August 5, 2014	Aug 14, 2014(off site 6:30pm)	Aug 19, 2014
Sept. 2, 2014	Sept. 16, 2014	
Oct. 7, 2014	Oct. 21, 2014	
Nov. 5, 2014	Nov. 18, 2014	
Dec. 2, 2014	Dec. 16, 2014	
Jan. 6, 2015	Jan. 20, 2015	
Feb. 3, 2015	Feb 17, 2015	
March 3, 2015	March 17, 2015	March 31, 2014
April 7, 2015	April 21, 2015	
May 5, 2015	May 18, 2015 (ATM/STM)	May 19, 2015
June 2, 2015	June 16, 2015	June 30, 2014

THIS AGENDA IS SUBJECT TO CHANGE

Chairperson: William Cranshaw

Posted by: TA, K. Sweet/bjm



Date: August 7 2014

AUGUST

- 25 Teachers First Day
- 26 Professional Day - No School
- 27 Professional Day - No School
- 28 Student First Day

SEPTEMBER

- 1 Labor Day No School
- 12 Early Release - All Schools
- 19 Early Release - All Schools
- 25 Rosh Hashanah - No School

OCTOBER

- 10 Early Release-GM & FS Only
- 13 Columbus Day - No School
- 23 Early Release - FS Only
- 24 Early Release - All Schools

NOVEMBER

- 11 Veterans Day Observed - No School
- 14 Early Release - All Schools
- 26 Early Release - All Schools
- 27-28 Thanksgiving Holiday

DECEMBER

- 5 Early Release - All Schools
- 11 Early Release - GM Only
- 12 Early Release - GM Only
- 23 Early Release - All Schools
- 24-Jan 2 Christmas Vacation

JANUARY

- 1,2 Winter Vacation
- 16 Early Release - All Schools
- 19 Martin Luther King Day No School
- 30 Early Release - GM Only

FEBRUARY

- 6 Early Release - All Schools
- 16-20 February Vacation

MARCH

- 6 Early Release - GM Only
- 13 Early Release - GM Only
- 20 Early Release - GM Only
- 27 Early Release - All Schools

APRIL

- 2 Early Release - All Schools
- 3 Good Friday - No School
- 20-24 April Vacation

MAY

- 1 Early Release - All Schools
- 8 Early Release - All Schools
- 25 Memorial Day No School

JUNE

- 5 Early Release - All Schools
- 6 MHS Graduation
- 12 180th Day of School
- 30 End of School Contingency

Early Release Dismissal

- MHS: 10:55
- FS: 11:15
- GM: 11:45

MAYNARD PUBLIC SCHOOLS



Superintendent's Office 12 Bancroft St.
(978) 897-2222
Student Services Office 12 Bancroft St.
(978) 897-2138
Maynard High School 1 Tiger Drive
7:45 - 2:05 p.m. (978) 897-8891
Fowler School 3 Tiger Drive
8:05 - 2:25 p.m. (978) 897-6700
Green Meadow School 5 Tiger Drive
8:30 - 2:50 p.m. (978) 897-8246

**2014/2015
REVISED 5/29/14**

JULY

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST (2)

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER (20)

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Rosh Hashanah 9/25

OCTOBER (22)

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER (17)

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

DECEMBER (17)

S	M	T	W	T	F	S
					5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JANUARY (19)

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY (15)

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

MARCH (22)

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL (16)

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Good Friday 4/03

MAY (20)

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE (10)

S	M	T	W	T	F	S
					5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Voted: 4/10/14



\$ MILK MONEY \$

Russell's Convenience Store is excited to announce our new "Milk Money" Program with the Maynard Public School System!

For every gallon of milk sold in our Maynard store, we will donate 10 cents to Maynard Public Schools.

Check out our selection of *Stonyfield Organic* and *Hood Milk*, and aid your local schools while supporting local business.

