



**BOARD OF SELECTMEN
Working Session
Town Hall Meeting Room
8 West Common Street, Topsfield
Monday, June 27, 2016
7:30PM**

MEETING MINUTES

Board members present, in addition to Chairman J. Stephen Lais, were Selectmen Boyd Jackson, Mark Lyons and Martha Morrison. Selectwoman Laura Powers was not present. Of the Selectmen's staff, Town Administrator Kellie Hebert was in attendance. Other persons present during all or part of the meeting were Kopelman & Paige Attorney Gregg Korbo.

CALL TO ORDER: The meeting was called to order by Chairman Lais at 7:30pm.

WORKING SESSION BUSINESS:

Legal Update by Town Counsel – Open Meeting Law & Public Records

Attorney Gregg Korbo was present at the working session to provide a legal update to the Board of Selectmen, specifically regarding the Open Meeting Law and recent updates to the Public Records Law.

Selectman Stephen Lais asked Attorney Korbo about his recommendations about how the Selectmen might best utilize their Town email accounts versus their individual work or personal email addresses to communicate with citizens while ensuring compliance with the Open Meeting Law.

There was a general discussion regarding the use of email and a general interest by the Board to clearly define and outline procedures that the Board can follow so that members can perform official business and avoid any unintentional issues with OML or public records retention.

The Attorney General decisions advise that members of public bodies should be prudent and cautious when using email to communicate between members particularly when "replying to all". Substantive emails directly or consecutively to a quorum of a public body may constitute deliberation and may violate the Open Meeting Law. Matters such as scheduling and the like are allowable. Of course, matters may always be added to a posted meeting agenda and deliberated during an open posted meeting.

Attorney Korbo discussed an overview of the recent changes to the public records law that will be in effect as of January 1, 2017. He explained some of the challenges related to the Open Meeting Law and recent decisions by the Attorney General's Office regarding the use of email by public bodies

ADJOURNMENT: Motion to Adjourn by Selectman Morrison. Seconded by Selectman Jackson.

The meeting was adjourned at approximately 8:35pm.

Respectfully submitted,
Kellie A. Hebert, Town Administrator

Approved as written at the July 11, 2016 Board of Selectmen's meeting.

Per the Open Meeting Law, the documents that were either distributed to the BOS before the meeting in a packet, or at the meeting were:

1. Presentation overview
2. Executive Session Guidelines

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.
