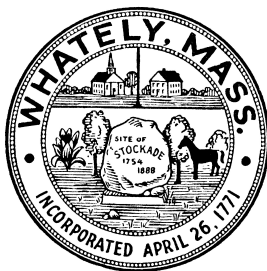


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TOWN OF WHATELY MASSACHUSETTS

SELECTBOARD

March 17, 2020
UPDATED March 19, 2020

Guidance on Holding Meetings for Town Departments, Boards, Committees, and Commissions

On March 13, 2020, the Whately Selectboard and Board of Health declared a local State of Emergency in response to the COVID-19 (Novel Coronavirus) pandemic.

On March 16, 2020, the Whately Selectboard adopted an Emergency Order Restricting Public Access to Town Buildings and discussed the recommended guidance for holding public meetings. The Order prohibits the general public from entering any town-owned building, except for emergencies, for urgent matters by special appointment and for Town Meetings. The practical effect of this Order is that the general public is not permitted to attend, in-person, any meetings of any town department, board, committee, or commission. Prohibiting the public from attending a public meeting, under normal circumstances, would cause difficulties with the Open Meeting Law, but an emergency order from Governor Baker has altered these requirements.

The Order modifying the Open Meeting Law was issued on March 13, 2020. The Order authorizes municipalities to exclude members of the public from attending public meetings in-person, so long as the deliberations of the public body are accessible through alternative means. The phrase “alternative means” in this context means that the public can access deliberations in real time through video, telephone, or internet services (Skype, Zoom, GoToMeeting, Google Hangout, etc.)¹. If despite best efforts and economic hardship, real time access cannot be provided then a “full and complete transcript, recording or other comprehensive record of the proceeding” shall be posted on the municipal website. The Order also allows all members of the public body to meet remotely or by virtual means with no quorum of members

¹ ** The Town is currently testing out how remote participation works on the online meeting platform Zoom and if it goes well – the Town will likely acquire access to this service to be shared among the different boards, committees and commissions.

needed in the actual physical location of the planned public meeting. Thus, the entire meeting can be virtual without a physical location.

One additional item to note, if the public meeting is a “public hearing” then the applicant/representative and the public must be provided the opportunity to observe and participate remotely. Please note that all other requirements of the Open Meeting Law remain in place.

Considering all of the above information and guidance from legal counsel the Selectboard has issued the following guidance for public meetings of town departments, boards, committees and commissions. This guidance document is subject to revisions and shall remain in place until rescinded by the Selectboard.

FIRST, PLEASE CONSIDER CANCELLING OR POSTPONING ALL NON-ESSENTIAL MEETINGS. IF YOU DON'T NEED TO MEET PLEASE DON'T MEET.

SECOND, IF IT IS ESSENTIAL THAT YOU MEET PLEASE READ AND UNDERSTAND THE FOLLOWING:

Town Hall

- The Selectboard is prohibiting all public and private meetings/gatherings from taking place at the Town Hall until further notice.

Town Offices

- The Selectboard is prohibiting all public and private meetings/gatherings of all non-town organizations and individuals from taking place at the Town Offices until further notice.
- The Selectboard is prohibiting all public meetings of town departments, boards, committees, and commissions that do not have a “time-sensitive” agenda item from taking place at the Town Offices until further notice. Please strongly consider postponing meetings that are not essential or holding a virtual meeting.
- The Selectboard may allow, on a case by case basis, public meetings of town departments, boards, committees, and commissions that have a “time sensitive” agenda item to take place at the Town Offices. Please see below for the revised protocols on how to request access to the Town Offices for a meeting.

All Other Town Owned Buildings²

- The Selectboard is prohibiting all public and private meetings/gatherings from taking place at all other town-owned buildings.

Revised Protocols for Submitting a Meeting Agenda (UPDATED 03/19/20)

The Town now has access to the online meeting platform Zoom. Every public meeting MUST allow remote participation because the general public is not permitted in town buildings.

Zoom can be accessed by a computer or mobile device with computer video and audio, or computer video and telephone audio (a call-in # is provided) or simply accessed by telephone (a call-in # is provided).

Please note that every Zoom meeting must have a virtual “host” who is responsible for starting the meeting, running the meeting, recording the meeting and ending the meeting. Please make sure at least one person attending the meeting is familiar with the Zoom service who can facilitate the virtual meeting. It is possible to switch “virtual hosts” during the meeting, if the initial host needs to leave. If you need technical help with the Zoom service please contact the Town Administrator (townadmin@whately.org).

Meetings to be Held at the Town Offices*:

1. Please submit the meeting agenda to the Town Administrator (townadmin@whately.org) with a description as to the time sensitive nature of the agenda item(s) and who will be the virtual host.
2. The Chairperson of the Whately Selectboard, after consultation with the Town Administrator and Town Clerk, shall determine whether a time sensitive item is on the agenda.
 - a. If the Chairperson finds that a time sensitive item is on the agenda, the Chairperson shall allow the use of the Town Offices for the meeting.
 - b. If the Chairperson finds that a time sensitive item is not on the agenda then the Chairperson shall disallow the use of the Town Offices for the meeting; however, the meeting may still take place virtually.
3. Once the use of the Town Offices is approved, the Town Administrator will schedule the meeting room, schedule the meeting on Zoom and will include the remote participation information on the agenda.
4. The Town Administrator will submit the agenda to the Town Clerk (townclerk@whately.org) as it would normally be done for posting.
5. The Town Administrator will contact the “virtual host” with the log-in information to make sure he/she is familiar with how to use the Zoom service.

² This guidance does not apply to the Whately Elementary School or S. White Dickinson Library, which are under the control of other boards.

6. Prior to the start of the meeting, the “virtual host” will log-in to the Zoom account, start the meeting and make sure the meeting is recorded.
7. All votes taken during the meeting shall be by roll-call vote and recorded as such
8. Please remember that all other applicable laws remain in effect, minutes will need to be kept and all other rules relating to meeting decorum and executive session still apply.

* Please ensure there is enough time for this review and process to take place and for the forty-eight (48) hour posting requirement to be met.

Meetings to be held Virtually: (All Virtual Meetings Should be Recorded on Zoom)**

1. Please submit the meeting agenda to the Town Administrator (townadmin@whately.org) including who will be the “virtual host.”
2. the Town Administrator will schedule the meeting on Zoom and will include the remote participation information on the agenda.
3. The Town Administrator will submit the agenda to the Town Clerk (townclerk@whately.org) as it would normally be done for posting.
4. The Town Administrator will contact the “virtual host” with the log-in information to make sure he/she is familiar with how to use the Zoom service.
5. Prior to the start of the meeting, the “virtual host” will log-in to the Zoom account, start the meeting and make sure the meeting is recorded.
6. All votes taken during the meeting shall be by roll-call vote and recorded as such
7. Please remember that all other applicable laws remain in effect, minutes will need to be kept and all other rules relating to meeting decorum and executive session still apply.

**Please ensure there is enough time for this review and process to take place and for the forty-eight (48) hour posting requirement to be met.

Thanks for your patience as we continue to adapt to the changing requirements and try to conduct the Town’s business in the most efficient and safe manner possible. This guidance document will be updated as necessary.