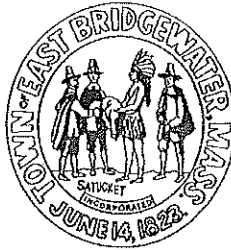


# Town of East Bridgewater



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EAST BRIDGEWATER  
TOWN CLERK

2012 SEP 27 AM 11 47

Town Administrator  
George G. Samia

Telephone: (508) 378-1614  
Fax: (508) 378-1636

175 Central Street  
East Bridgewater, MA 02333

September 26, 2012

Dear All Department Heads, Commissions and Committees,

Attached is the Remote Participation Policy for public meetings that was adopted by a unanimous vote of the Board of Selectmen at their Monday, September 17, 2012 meeting. Under Section 3 of the policy it states "This policy and 940 CMR 29.10 shall apply to all Town Boards, committees, commissions, subcommittees and working groups ("Town Board") regardless of whether such town Boards are appointed or elected." Therefore, this policy applies to all listed above.

If you have any questions, please feel free to contact me.

Thanks,

A handwritten signature in cursive script that reads "George Samia".

George Samia



Martin Crowley, Chairman  
Robert M. Condon, Clerk  
Brian Connors

175 Central Street  
East Bridgewater, MA 02333  
Tel. (508) 378-1601 Fax (508) 378-1636

George Samia  
Town Administrator

## MEMORANDUM

To: All Department Heads, Commissions and Committees  
From: Board of Selectmen  
Re: Remote Access Laws for public meetings  
Date: September 26, 2012

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The Board of Selectmen, at their Monday, September 17, 2012 meeting, voted unanimously to adopt the Remote Access Laws for public meetings.

### 1. PURPOSE STATEMENT

The Office of the Attorney General amended the Open Meeting Law regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While members of Town Boards should make every effort to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation of Town Boards under the Open Meeting Law, M.G.L. c.30A, ss18-25.

### 2. ENABLING AUTHORITY – 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

### 3. APPLICABILITY

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and working groups ("Town Board") regardless of whether such Town Boards are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

4. MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

No member of a Town Board shall participate in a meeting remotely unless the following requirements are met:

- (a) Members of the Town Board who participate remotely and all persons present at the meeting locations shall be clearly audible to each other and, if the meeting is televised, the member participating remotely shall be audible to the television viewing audience;
- (b) A quorum of the Town Board, including the chair or the person authorized to chair the meeting, shall be physically present at the meeting locations;
- (c) To the greatest extent practical, and to ensure informed discussion and decision-making, members of the Town Board who participate remotely should have access to the materials being used at the meeting location.

5. PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the expressed intent of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards as a whole. Chairs of Town Boards are encouraged to interpret these rules in a strict fashion and encourage all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A member of a Town Board may be permitted to participate remotely in a meeting if the person chairing the meeting determines that one or more of the following factors makes the member's physical attendance unreasonably difficult yet still leaves that member able to actively participate in the meeting:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Significant geographic distance.

A member's qualification to participate remotely does not necessarily mean that the member will be permitted to participate remotely. The determination by the person chairing the meeting to allow or not allow remote participation shall be final and shall not be appealable. Factors in making this determination may include, but shall not be limited to the following:

- (a) The specific challenges faced by the member to attend all or part of the meeting
- (b) The relative importance of the agenda item(s).
- (c) The ability of the Town Board or its staff to provide access to meeting materials

Due to confidential nature of the subjects that are allowed to be discussed, remote participation will not be permissible for closed or Executive Sessions.

6. TECHNOLOGY

(a) The following media are acceptable methods for remote participation.

- (i) telephone, internet, or satellite-enabled audio or video conferencing;
- (ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The focus of the chair should always be on maintaining the flow of the meeting. If the chair of the meeting determines that technical difficulties are inhibiting the progress of the meeting, the chair may elect to terminate the participation of the remote member. If technical difficulties arise resulting in the loss of connection with the remote participant, that participant's attendance shall be terminated. Either such event shall be noted in the meeting minutes.

(d) Each individual Town Board that anticipates using remote participation shall determine which of the acceptable methods may be used by its members.

7. PROCEDURES FOR REMOTE PARTICIPATION

(a) Any member of a Town Board who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

(b) If the person chairing the meeting approves the request for remote participation, he or she shall make any necessary arrangements with the appropriate Town personnel to ensure that the required equipment is available and, to the greatest extent practical, provide access to all meeting materials.

(c) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason (see paragraph 5. above) for his or her remote participation. This information shall be recorded into the minutes.

(d) Members participating remotely may vote and shall be counted as present for the meeting.

- (e) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
- (f) The Town shall not be responsible for the reimbursement for any out-of-pocket costs associated with the remote participation of Board members.
- (g) Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity who could exert undue influence on the participant and shall notify the chair if that situation changes.