



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
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March 22, 2023

OML 2023 – 36

VIA EMAIL

Edmund R. St. John, III, Esq.
2 Center Street, Box 228
Adams, MA 01220
estjohn3adams@roadrunner.com

RE: Open Meeting Law Complaint

Dear Attorney St. John:

This office received a complaint from Catherine Foster on February 7, 2023, alleging that the Adams Board of Selectmen (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on January 7, 2023, and you responded on behalf of the Board by email dated January 18, 2023. The complaint alleges that the Board failed to post notice for its December 14, 2022,¹ meeting at the Board’s designated posting location and that the notice itself was insufficient because the date and time stamp indicating when it was posted was illegible.

Following our review, we find that the Board violated the Open Meeting Law when it failed to properly post notice for the December 14 meeting. In reaching this determination, we reviewed the original complaint, the Board’s response to the complaint, and the complainant’s request for further review.

FACTS

We find the facts as follows. The Board filed notice for its December 14 meeting with the Town Clerk, who then faxed it to the Administrative Assistant at the Adams Police Department on December 9. That same day, the notice was posted to the Police Department’s bulletin board, located in a lobby where the public has access at all hours. The Town of Adams has not adopted its municipal website as an alternative notice posting location, as it may choose to do pursuant to 940 CMR 29.03(2)(b).

¹ Unless otherwise specified, all dates refer to 2022.

DISCUSSION

The Open Meeting Law requires that, “[e]xcept in an emergency ... a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.” G.L. c. 30A, § 20(b). The notice must 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.” *Id.* For meetings of a local public body, unless an alternative posting method has been adopted, the notice must 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. G.L. c. 30A, § 20(c); 940 CMR 29.03(2). As an alternative notice posting method, a municipality may choose to post notices to its website. 940 CMR 29.03(2)(b)a. The Town of Adams has not adopted the municipal website as an alternative notice posting method; therefore, the official notice posting location for meetings of Adams public bodies is the Adams Town Building located at 8 Park Street.

The complaint alleges that notice for the Board’s December 14 meeting was not posted at the Board’s official designated posting location. We agree. The Board must post meeting notices in or on the Adams Town Building in a manner visible to the public at all hours. Although public bodies are welcome to post notice of their meetings in additional locations, such as a Police Department, if they choose, a municipality has only one official notice posting location for purposes of complying with the Open Meeting Law and all meeting notices must be posted in that location. *See* 940 CMR 29.03(2)(c); OML 2022-228; OML 2021-94; OML 2020-20.² Therefore, the Board violated the Open Meeting Law when it failed to properly post notice for its December 14 meeting. Because the notice was not properly posted, we do not address whether the date and time stamp indicating when the notice was posted was legible.

It appears that the Board also posted notice for the December 14 meeting on its municipal website, yet the Town has not adopted the website as its official notice posting location. If the Town of Adams wishes to formally adopt its website as the official posting location for all meeting notices, it may do so in accordance with the procedures set forth in 940 CMR 29.03(1)(c) and (2)(b).

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law when it failed to post notice for its December 14 meeting at the Town’s designated posting location. We order the Board’s immediate and future compliance with the Open Meeting Law and caution the Board that a determination by our office of a similar violation in the future may be considered evidence of intent to violate the Open Meeting Law.

² All previous determinations issued by the Division can be found on the Attorney General’s website: <https://www.mass.gov/the-open-meeting-law>.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Mary L. Nguyen
Assistant Attorney General
Division of Open Government

cc: Catherine Foster (via e-mail: galcath@gmail.com)
Haley Meczywor, Town Clerk (via e-mail: hmeczywor@town.adams.ma.us)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.