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OML 2026 – 41

VIA EMAIL ONLY

Sean P. Sweeney, Esq.
Law Offices of Sean P. Sweeney, P.C.

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RE: Open Meeting Law Complaint

Dear Attorney Sweeney:

This office received a complaint from Lindsay MacKinnon (Tierney) on October 10, 2025, alleging that the Berlin-Boylston Regional School Committee (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint originally was filed with the Committee on August 27[1] and you responded on behalf of the Committee by letter dated September 17. The complaint alleges (1) that the notice of a meeting the Committee held on August 12 was not sufficiently specific;[2] and (2) that the Committee did not provide notice of the cancellation of an August 26 meeting.

Following our review, we find that the notice of the Committee's August 12 meeting was sufficiently specific as to the topics referenced in the complaint. We decline to review the remaining allegations of the complaint. In reaching this determination, we reviewed the original complaint, the Committee's response to the complaint, and the complainant's request for further review. In addition, we reviewed minutes of a meeting the Committee held on June 10 and the notice of the August 12 meeting. We also viewed portions of a recording of the August 12 meeting.[3]

FACTS

We find the facts as follows. On June 10, the Committee voted to hold a meeting "as needed" on August 12 and to hold a "regular meeting" on August 26. Notice of the August 12

[1] Unless otherwise indicated, all dates in this letter refer to the year 2025.
[2] The complaint enumerates three alleged violations. Two of the three allegations concern the sufficiency of the notice for the August 12 meeting; we discuss these two alleged violations together.
[3] The recording was accessed at https://www.youtube.com/watch?v=L1usCLz2cZU.

meeting was posted on or about August 10.[4] Under the heading "School Committee Chair Report," the notice of the August 12 meeting included the topic "Superintendent Search Sub Committee." Under the heading "Superintendent of Schools Report," the notice included the topic "Communication Protocol."

The Committee met on August 12. When Chair Michael Totman reached the topic "Superintendent Search Sub Committee,"[5] he announced that the subcommittee would be "rebalanced" to include a member from the Town of Berlin. There was no further discussion of this topic, which took less than one minute of the almost four-hour-long meeting. During the Superintendent's report, Superintendent Albert Ganem updated the Committee on a "Communication Protocol"[6] that was vetted by the administration, teachers and parents. He explained that the Protocol contains a reference sheet of contacts to be shared with parents, to streamline communication to the appropriate individuals in accordance with Committee policy. Chair Totman then added that communication between School District staff and the Committee should be channeled through the Chair to the Superintendent. A brief discussion ensued. One member expressed concern that the Chair was not relaying all communication to the Superintendent. Although Superintendent Ganem asked the Committee to vote to accept the communication protocol, no vote was taken out of concern that a vote was not listed on the notice. In total, the discussion of the communication protocol lasted approximately 15 minutes long. No meeting was held on August 26.

DISCUSSION

I. Notice of the August 12 meeting was sufficiently specific.

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based." Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). Notices must include "a listing of topics that the chair reasonably anticipates will be discussed at the meeting." Id. The list of topics must have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. 940 CMR 29.03(l)(b).

We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's

[4] The Committee's Google Drive reflects August 10 as the "date modified" of the notice. See https://drive.google.com/drive/folders/1ey_x-siz4QlWBkwv8NS3WjynFhsNLQ3Z. However, the notice does not reflect the date or time that it was posted. The Committee is reminded that "[t]he date and time that a meeting notice is posted shall be conspicuously recorded thereon or therewith." 940 CMR 29.03(1)(d). Additionally, we note that August 10 was a Sunday. To satisfy the Open Meeting Law, notice of a meeting held on Tuesday, August 12, would need to be posted on Friday, August 8. See G.L. c. 30A, § 20(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 the meeting, excluding Saturdays, Sundays and legal holidays.")

[5] This topic was reached at approximately 1:41 in the meeting recording.

[6] This topic was discussed from approximately 2:07 to 2:22 in the meeting recording.

discussion. See OML 2023-3; OML 2019-134; OML 2015- 35.[7] The Open Meeting Law requires that the notice describe topics with sufficient specificity so that the public can make an informed decision whether to attend the meeting to observe the discussion regarding a topic of interest. See OML 2023-86; OML 2019-95; OML 2018-22.

Generic notice topics do not satisfy the requirement of specificity. See OML 2022-179. For example, "Chairman's Report" does not sufficiently describe a topic on a meeting notice. See OML 2012-34. However, if a Chair's report is a recurring feature of a public body's meetings, it may be included as a heading on the notice, with specific topics listed below. See OML 2023-199. See also OML 2015-74 ("Best practice is. . . to use 'Old Business' as a heading below which more specific topics are listed."). Notice of the Committee's August 12 meeting included "Superintendent Search Sub Committee" as one of the topics to be discussed during the "School Committee Chair Report." Although the description of the topic could have benefited from greater detail, for example by referencing the towns' representation on the subcommittee, we find that "Superintendent Search Sub Committee" contained sufficient specificity to advise the public of the topic discussed. Similarly, "Communication Protocol" adequately described the discussion that the Superintendent led concerning the contact sheet to be shared with the public, including the discussion of channeling communication through the Chair, an issue raised by one of the Committee members. A public body need not list every detail about a topic to comply with the Law's requirements. See OML 2023-234; OML 2020-132; OML 2019-134. Likewise, the Open Meeting Law does not require public bodies to list all tangential topics related to a discussion nor does the Law require a public body to anticipate the course of deliberation or the outcome of a discussion, only that it identify the discussion topic with sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. See G.L. c. 30A, § 20(b); 940 CMR 29.03(l)(b). See also OML 2023-234. For these reasons, we find that the notice of the August 12 meeting was sufficiently specific as to the topics referenced in the complaint.

To the extent that the complaint alleges that the Communication Protocol compromises timely information sharing or is contrary to the best practices espoused by the Massachusetts Association of School Committees, we decline to review such allegations. The Division of Open Government's statutory authority concerns compliance only with the Open Meeting Law. Even if true, these allegations would not constitute a violation of the Open Meeting Law.[8] Additionally, to the extent that the complaint alleges that a committee vote was required to change the membership of a subcommittee, or that communication should not be solely channeled through the chair, we decline to review these allegations because they too fall outside the Open Meeting Law.

[7] Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting

[8] The Committee postponed a vote on the communication protocol out of concern that the notice did not list a vote. Although it is good practice for a notice to specify that a vote will be taken if it is anticipated, it is not required by the Open Meeting Law. See OML 2025-214; OML 2019-157; OML 2012-75. It is reasonably foreseeable that a public body may hold a vote following discussion of a topic listed on a meeting notice. See OML 2025-214; OML 2015-66; OML 2012-75.

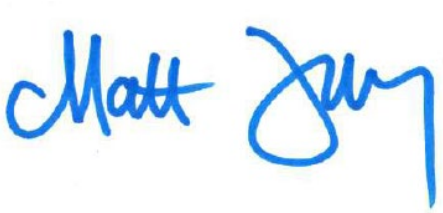
II. We decline to review the allegation that the Committee did not properly cancel or reschedule the August 26 meeting.

The complaint alleges that having voted to approve a meeting schedule that included August 26 as a meeting date, the Committee was required to vote to amend that schedule or to provide a public explanation for cancelling the August 26 meeting. The Open Meeting Law does not require that a public body post notice that it is cancelling a meeting. See OML 2025-9; OML 2012-49. Nor does the Law require an explanation for a cancelation. Therefore, we decline to review this allegation.

CONCLUSION

For the reasons stated above, we find that the Committee did not violate the Open Meeting Law as alleged. 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 Committee. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Matthew Lindberg
Assistant Attorney General
Division of Open Government

cc: Michael Totman, Chair, Berlin-Boylston Regional School Committee (via email: mtotman@bbrsd.org)
Lindsay MacKinnon (Tierney) (via email: lindstierney@gmail.com)
Eloise E Salls, Berlin Town Clerk (via email: townclerk@townofberlin.com)
Dawn Porter, Boylston Town Clerk (via email: dporter@boylston-ma.gov)

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.