



Town of Ashland

MASSACHUSETTS

Meeting Minutes

Capital Improvement Committee (CIC)

Date of Meeting – 04/06/2016

Time of Meeting – 6:45 PM

Members in Attendance: Alexis Christopher (Alexis), Jacob Guggenheim (Jacob), Ron Mortensen (Ron), Brittany Iacaponi (Brittany)

Members Absent: Steve Morgan

Meeting called to order at 6:45

Jacob - we are here to talk about the OML Complaint

Jacob state he spoke to the town counsel about the issue. The complaint is filed a copy is sent to the Committee and also should be sent to the AG's office. The board drafts a response that addresses each accusation and provides proof if needed. If it was accidental lists steps taken to rectify. We are voting on this letter being our response. If voted on the letter gets sent with the complainant CC'd to the AG's office. They can then agree the complaint to be settled or not.

Does anyone have any issues or question on any of these responses to the items on the complaint?

Ron states Lisa did a very professional job and clearly knows what she is talking about.

Jacob states that there are blank exhibits will be filed in with documents that we have seen before. I will make sure we get a copy of this once it is complete and we should make the motion approve this response to the OML complaint with the appropriate exhibits attached as seen fit by legal counsel.

Ron – Makes the motion that the provided draft response is approved to be used in the OML meeting complaint against the CIC with the listed exhibits attached as seen fit by legal counsel.

Alexis seconds

4-0 @ 6:52

Ron motions to adjourn

Alexis seconds

4-0 6:53

Documents:

OML Complaint

Draft Legal response



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

RECEIVED
TOWN CLERK
ASHLAND, MA
2016 MAR 23 AM 11:45

Your Contact Information:

First Name: STEPHEN Last Name: MORGAN

Address: 136 CONCORD ST

City: ASHLAND State: MA Zip Code: 01721

Phone Number: 508-930-4096 Ext. —

Email: STEVE @ THEGREATHILL.COM

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): CAPITAL IMPROVEMENT COMMITTEE (CIC)

Specific person(s), if any, you allege committed the violation: JACOB GUGGENHEIM CHAIR &

Date of alleged violation: 3/7/2016
OTHER MEMBERS
+ PRIOR

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

1. Published an agenda that was not as agreed by the committee and without notice to members.
2. Published a meeting agenda that was not clear and understandable to members and the public.
3. Discussion and called a votes regarding Town meeting articles that were not clearly on the agenda that were anticipated 48 hours before the meeting.
4. Approval of minutes that did not reference documents used during the relevant meeting.
5. Documents used at the meeting not made a part of the public record with the minutes.
6. A history of similar conduct and violation going back over at least 6 months. Although currently beyond the 30 day guideline for complaint they have relevance to this complaint as part of a pattern of conduct.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

1. Retraining on OML requirements
2. Void any vote that failed to comply with OML and still has ongoing significance. Such votes to be retaken only after proper notice to the public.
3. Future compliance with OML

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

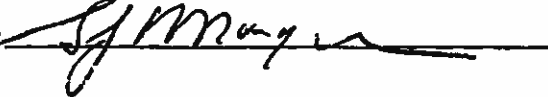
II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

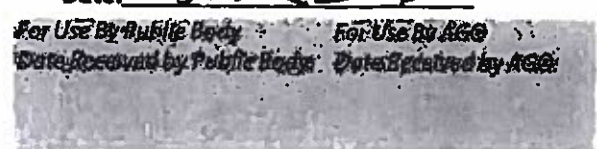
III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 18 MAR 2016



STEPHEN J. MORGAN
P.O. BOX 586
Southborough, MA 01772-0586

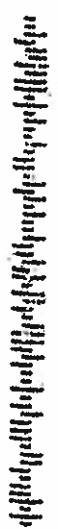
RECEIVED
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ASHLAND, MA
2016 MAR 23 AM 11:45
JMM

BOSTON MA 021
21 MAR 2016 5:51



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ASHLAND MA.
101 MAIN ST.
ASHLAND, MA
01721

0172119199



April __, 2016

Director
Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RE: Open Meeting Law Complaint
Municipality: Town of Ashland Capital Improvement Committee ("CIC")
Complainant: Stephen Morgan, Member, CIC
Alleged Violation Date: March 7, 2016 Regarding the CIC

Dear Director;

Reference is made to the above captioned matter. In that connection, I am Town Counsel to the Town of Ashland. The Town has received an Open Meeting Law Complaint from Stephen Morgan as noted above and attached as Exhibit A. I have set forth below the CIC response to the Complaint.

March 7, 2016 alleged violation.

I will address each item of the Complaint in order as presented in the Complaint.

1. In accordance with 904 CMR 29.03(1)(b), the chair is responsible for setting and posting the agenda including those matters the chair reasonably anticipates will be discussed at the meeting. There is no requirement that the Chair obtain approval of the members as to what matters shall be on the agenda.
2. Please see attached agenda. The Agenda is clear as to what will take place at the meeting. Exhibit B.
3. The Committee agrees that is the case. The Chair believed the matter fell under "Scope Adjustment Request". The Chair understands the item regarding discussion of a possible change to the scope of the Capital Improvement Bylaw should have been clearer. The

Chair reposted the matter on the Agenda for the April 4, 2016 meeting and brought it up again for a vote. (Exhibit C)

4. The minutes which were approved at the March 7, 2016 meeting do include the list of documents referred to at the meeting as do the February 22, 2016 minutes (Exhibit D). You will see a note in the draft minutes of March 7, 2016 a reference of the lack of consistency with listing documents referred to in the meetings. (Exhibit E). The CIC has rectified this deficiency on their own.

5. The minutes are filed in the Town Clerk's office, however, due to the volume of documents for all of the Boards and Commissions in the Town, the accompanying documentation for each meeting are kept in the respective Committee or Board files. As to the CIC, this action has not been consistent in the past but in the future all minutes and attachments will be kept in a dedicated file at Town Hall.

6. The Complainant is on the Committee, he has attended most if not all of the meetings and while he does not always agree with the minutes, he has not raised this issue in the past in the form of a complaint, therefore in accordance with G.L. c. 30A sec. 23b the complaint relative to prior meetings should be dismissed.

Finally, you should be aware that the Town had previously scheduled an Open Meeting Law Training for May 23, 2016 which is open to all members of all board and committees within the Town.

Should you require further information, please let me know?

Sincerely,

Lisa L. Mead

cc: Board of Selectmen
Mike Herbert, Town Manager
Jacob Guggenheim, Chair

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT E