Development Liaison Committee

September 18, 2019

8:30 AM

Minutes

Attending: Steve Mitchell, Yolanda Greaves, Dale Buchanan, Jenn Ball

Absent: Michael Herbert

Steve Mitchell called the meeting to order at 8:30 AM

The Committee reviewed and approved the prepared responses to the two Open Meeting Law complaints filed by Mr. Morgan. Yolanda Greaves moved to approve the responses prepared and presented by Town Counsel. Steve Mitchell seconded the motion. This motion passed 3-0-1.

Yolanda Greaves motioned to adjourn the meeting. This motion was seconded by Steve Mitchell. This motion passed 3-0-1.

Meeting materials: Draft Response OML Complaint dated 8.22.19

Draft Response OML complaint dated 9.9.19
September 10, 2019

openmeeting@state.ma.us
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 Development Liaison Group
Complainant: Stephen Morgan
Alleged Violation Date: July 25, 2019
Date Complaint Received: August 22, 2019

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.

Mr. Morgan alleges that the Ashland Development Liaison Group (the “Group”) has failed to comply with certain aspects of the Open Meeting Law. The Group concedes that it violated the OML, but upon learning of the violation, took immediate measures to remedy the violation.

The Group was created as an informal information sharing group to discuss and gather information regarding potential development projects prior to formally and publicly presenting those projects to the appropriate boards and committees. However, despite the Group’s intent to establish an informal preliminary process, the Group concedes that it constitutes a public body pursuant the OML, requiring compliance therewith. This error was acknowledged at the July 24, 2019 and August 7, 2019 Board of Selectmen meetings, both meeting occurring prior to the filing of the instant complaint. See July 24, 2019 and August 7, 2019 minutes attached as Exhibit B. In addition, the error was acknowledged by the Group at its meeting on August 28, 2019, at which time the Group approved the minutes of its April 10, 2019 and May 14, 2019 meetings to remedy its violation. See Complaint Attachments – Exhibit A. On August 7, 2019, Mr Morgan was advised of this anticipated remedial action in response to his public records request, again, prior to the filing of the instant complaint. See Complaint Attachments – Exhibit A.
For the foregoing reasons, the Board respectfully requests that this matter be dismissed without further action. Thank you.

Sincerely,

Katherine Feodoroff

cc: Development Liaison Group
    Michael Herbert, Town Manager
    Steve Morgan
Exhibit A
(OML Complaint)
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.

Your Contact Information:
First Name: Stephen
Last Name: Morgan
Address: 136 Concord St.
City: Ashland State: MA Zip Code: 01721
Phone Number: +1 (508) 930-4096 Ext.
Email: Steve@TheGreatHill.com
Organization or Media Affiliation (if any): N/A

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): Development Liaison committee or similar
Specific person(s), if any, you allege committed the violation: committee and its chair
Date of alleged violation: Jul 25, 2019
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.

This development liaison committee is believed to be created and began doing work and having meetings in 2019. Exact dates are not known as documents were not properly provided upon a public documents request. See “A” The town response admits the existence of the committee and that it is subject to OML.

It claims to be taking action to address but yet also claims it has no documents inducing minutes or posted agendas.

Minutes and Agenda for each meeting were requested and were not provided as required and is a violation for each meeting that may have occurred.

It is further violation for this group to have meetings without posted agenda for however, number of meetings it has held without the public's knowledge. The 30 day time limit for OML complaint does not apply in such situation of hidden meeting.

Similarly the committee as it admits no documents also therefore admits by extension it has no training certifications for each member which are also required by OML.

They admit having no document define this committee or its creation. Although I believe that is false it does raise concern as noted in “B” if they have mishandled or intentionally destroyed or otherwise hidden documents or given false response.

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. Disband this illegal committee until such time as it is properly chartered
2. Produce and post agenda’s for all meetings
3. Produce and post minutes in at least draft for each meeting
4. Including with the minutes or other posting the members of the committee and the purpose they are meeting for.
5. Post any documents, meeting documents or correspondence used
6. This is another in a long string of OML violation by Ashland and its BOS. It can be viewed as intentional violation

Review, sign, and submit your complaint

1. Disclosure of Your Complaint.
   Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

   Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

2. 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.

3. 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: [Signature]
   Date: 8/22/2019
Request #19-101
☑ CLOSED
As of August 22, 2019, 11:18am

Details

Please provide via email or post the following:

1. Any agenda or minutes of the Development liaison committee from its creation to date.
2. Any document or minutes that document the appointment or creation of such group.
3. Any document which defines the charter, bylaw or role of this group in Ashland.

Steve
508-930-4096

Received
July 25, 2019 via email

Departments
Town Manager's Office

Requester
Steve Morgan

Documents

(None)

Staff
Point of Contact
Diane Mortensen

Timeline

Request Closed
We do not have anything responsive to this request. At the last two Select Board meetings, it was acknowledged that based on the composition of liaison group it is a public body that would be governed by OML. The Town is working to rectify this, which will include posting a meeting and presenting draft minutes from previous meetings that will have to be accepted and available to the public so we will be in compliance with OML. This meeting has not yet been scheduled but it will be posted.

August 7, 2019, 1:36pm

Department Assignment
Town Manager's Office
July 29, 2019, 10:00am

Request Opened
Request received via email
July 29, 2019, 10:00am
The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

August 21, 2019
SPR19/1600

Cindy Livingstone
Town of Ashland
101 Main Street, 1st Floor
Ashland, MA 01721

Dear Cindy Livingstone:

I have received the petition of Stephan J. Morgan appealing the response of the Town of Ashland (Town) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Mr. Morgan requested:

1. Any agenda or minutes of the Development liaison committee from its creation to date.
2. Any document or minutes that document the appointment or creation of such group.
3. Any document which defines the charter, bylaw or role of this group in Ashland.

On August 7, 2019, the Town provided Mr. Morgan a response. In the response the Town states, “[w]e do not have anything responsive to this request. At the last two Select Board meetings, it was acknowledged that based on the composition of liaison group it is a public body that would be governed by OML. The Town is working to rectify this, which will include posting a meeting and presenting draft minutes from previous meetings that will have to be accepted and available to the public so we will be in compliance with OML. This meeting has not yet been scheduled but it will be posted.” Unsatisfied with this response, Mr. Morgan petitioned this office and as a result SPR19/1600 was opened.

Current Appeal

In his appeal dated August 8, 2019, Mr. Morgan writes, “[t]he explanation has the following concerns:

1. There is assumption of no documents of any type. Yet they mention posting draft minutes. None were provided and the time has elapsed to provide. I do not have them.
2. They make no mention of having any document regarding the appointment or creation
of the committee yet we know by their own confirmation it was created and some communication or documents must exist for them to have been setup.

3. Non comment was made regarding this part of the request. If there is no documented authority for the creation of the committee they need to say so. If there is no authority it cannot continue to exist yet the response implies that it is a proper public body. Common sense is that it cannot be proper and have no documented role...

Conclusion

Please be advised, the duty to comply with requests for records extends to those records that exist and are in the possession, custody, or control of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii). In light of the Town’s response and the issues raised in Mr. Morgan’s appeal regarding the existence of responsive records, I find it is unclear why responsive records have not been provided. Specifically, the Town must explain whether responsive records existed and were destroyed, or whether the records did not initially exist. See G. L. c. 66, § 10(a)(ii),(b)(ii).

If such records were destroyed, the Town must demonstrate whether it followed proper records retention protocol. Please be advised, the Town must institute safeguards to ensure that all records are retained in accordance with both applicable law as well as the retention schedules promulgated by this office. G. L. c. 66, §§ 1, 8, 13, 15. I advise the Town to review the records retention materials available online at www.sec.state.ma.us/arc/arcrmv/rmuidx.htm.

Accordingly, the Town is ordered to provide a response to the request, provided in a manner consistent with this order, the Public Records Law and its Regulations without delay. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us.

Sincerely,

[Signature]
Rebecca S. Murray
Supervisor of Records

cc: Steven Morgan
Exhibit B
(Meeting Minutes)
SELECT BOARD
Minutes
July 24, 2019 – 7:00 PM
Town Hall

Vision Statement - The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational, and recreational opportunities in a safe and attractive environment for residents and visitors.

Mission Statement - The Ashland Select Board is dedicated to promoting responsible fiscal management, advocating for sustainable development & growth and providing excellent municipal services which will enhance the quality of life in our diverse community. The Ashland Select Board is committed to providing clear goals and objectives for Town management and creating effective engagement and public participation with residents, state legislators and other elected officials in order to achieve our mission.

Call Meeting to Order
Steve Mitchell called the meeting to order at 7:00 pm and mentioned that WACA TV is recording and broadcasting the meeting live. Present at the meeting were Chair Steve Mitchell, Vice Chair Yolanda Greaves, Joe Magnani, Brandi Kinsman, Town Manager Michael Herbert and Assistant Town Manager Jenn Ball.

Citizen’s Participation
There were no comments.

Scheduled Hearings/Appearances
Ashland Police and Ashland Fire Departments Introductions
Chief Robie introduced the newest members of his department including Fighter/EMT Paramedics John Crean and John Stone, and Dispatcher Patricia Rodas.

Chief Alfano introduced the newest member of the Ashland Police Department, Patrolman Mike Snyder who transferred from Lee MA PD.

Michael Herbert announced that Chief Alfano came to the community on March 23rd as an Interim Chief, however he has announced that he will come out of retirement and accept the role of permanent Chief of Police.

Chief Alfano thanked the board and Michael for the opportunity to serve the community. He understands that the community has grown but he is very impressed with how the community has rallied around him and he is happy to have the privilege to work with such great group of individuals.

Lost Shoe Brewing and Roasting Company
Beth Reynolds explained that Lost Shoe Brewing and Roasting Company is requesting 3 One-Day Liquor Licenses at The Corner Spot for Friday, August 16th from 3:00 pm to 10:00 pm, Saturday August 17th from Noon to 10:00 pm and Sunday August 18th from Noon to 9:00 pm.

Yolanda Greaves made a motion to approve the request for 3 One-Day Liquor Licenses for Lost Shoe Brewing and Roasting Company for Friday August 16th from 3:00 pm to 10:00 pm, Saturday August 17th
from Noon to 10:00 pm and Sunday August 18th from noon to 9:00 pm. This motion was seconded by Joe Magnani with a unanimous vote of 4-0-0.

Ashland Pizza Palace
Steve Mitchell read the public notice to open the Ashland Pizza Palace hearing.

Thomas Truax, Attorney representing the Liquor License Transfer for Ashland Pizza Palace due to a change of owner. Johns Gergos explained that he has experience running a business with a liquor license and will be updating his TIPS certification as required.

Steve Mitchell asked for comments from the public. There were none.

Yolanda Greaves made a motion to close the hearing. This motion was seconded by Joe Magnani with a unanimous vote of 4-0-0.

Yolanda Greaves made a motion to approve the request for a Transfer of Liquor License for Pizza Palace. This motion was seconded by Joe Magnani with a unanimous vote of 4-0-0.

Yolanda Greaves made a motion to accept the pledge of the Liquor License as collateral as outlined in the request by the applicant. This motion was seconded by Joe Magnani with a unanimous vote of 4-0-0.

Select Board/Town Manager Priority Project Update
Rail Transit District
Concerning the proposed senior affordable housing development, Michael Herbert explained that the developer is reviewing the board’s recommendation that included reducing the size of the project to 150 units, restricting the age to 62 yrs. +, and 30%-50% income level.

Public Safety Building
Michael Herbert provided an update on the Public Safety Building. He explained that the cost estimated in the fall 2018 was $25 million dollars. Since hiring the Project Manager, the revised estimate with construction starting in July 2020 is $29 million including construction cost. Much of the $4 million increase is due to steel tariffs at the federal level.

Michael explained that the Governor did not include bond money for the building in his capital budget released in June, and he feels that given the project is not “shovel ready” it is not a surprise that funding was not made available. Michael explained he will have to rely on debt exclusion as a source of funding for this project. He also feels that our legislators will continue advocate for funding that will help defray the cost, still the building needs to be built and not delayed.

Michael explained that the Fafard’s originally donated 4 acres for the Public Safety Building and Joe Magnani requested additional land which the Fafard’s agreed and donated an additional 5.5 acres which leaves the Fafard’s with approximately 2 acres. Additionally, Joe Magnani suggested that the town purchase the remaining 2 acres to allow access to the entire property.

Steve Mitchell wanted to be sure that the message was clear that the board understands the need and supports Public Safety and their needs.

Yolanda Greaves said that she is happy to hear that the building’s size will not be reduced because of the funding. She feels strongly that the building should fit our needs.

Brandi Kinsman said that constructing a Public Safety Building is a need and supports this project.
Joe Magnani said that the committee agrees that this project needs to move forward and that reducing the size of the building is not an option.

Chief Robie explained that the Fire Department was excited when they heard that the project was going to move forward but disappointed when they got the news today but still optimistic.

Steve Mitchell asked for comments from the public.

Senator Karen Spilka thanked everyone for their efforts, and she said that she and Representative Lewis are at the meeting to show their support for the project.

Peter Chisholm, Citizen at Large member of the Public Safety Building Committee, explained that he is very optimistic and has a lot of ideas and will try to use the resources he has in anyway that would be helpful.

Members of the Sustainability Committee asked if the building will be a sustainable building and want to be included in the construction process.

**Downtown Improvements**
Michael Herbert updated the board on the water main project in the downtown area that started this week and reported that the work to lay out the bypass pipes is underway and will take approximately 2 weeks to complete but feels the traffic impact should be minimum.

Brandi asked about the communication plan.

Jenn Ball explained that we will be receiving an update weekly from the engineer and that information will be pushed out on the DPW webpage under the projects page. Residents can sign up to receive notification via the “Notify Me” button on the town’s website if they are not currently getting them. The board asked to also have alerts posted on the website’s main page.

**Town-wide Strategic Plan**
Michael explained that he does not have an update at this time.

**Warren District**
Michael explained that we went out to bid on the Warren Milking Barn and it came in at $90,000 which was significantly higher than anticipated and the full build-out cost is approximately $800,000 to $1 million.

Regarding the Hall House, Michael reported that the disposition and sale of 433 Chestnut St. is contingent upon the historical deed restriction agreement.

Yolanda Greaves made a motion to approve and sign Purchase and Sale and vote on the Disposition and Sale Agreement for 433 Chestnut St. contingent upon the historical deed restriction agreement with the purchaser. This motion was seconded by Joe Magnani with a unanimous vote of 4-0-0.

**Consent Agenda**
A. Approve request from the Ashland Lions Club to hold a Toll Road on Saturday October 12, 2019 from 9:00 am to 1:00 pm at the intersection of Main/Union Street with a rain date of October 19th.
B. Accept Municipal Vulnerability Preparedness Grant in the amount of $20,000.00 for DPW.
C. Accept June 5, 2019 and June 19, 2019 Regular Session Minutes
D. Reappoint Mr. William E. Pickett, Jr. as Constable with an expiration date of 10/30/20
E. Appoint Nathan Band to the Zoning Board of Appeals as an Associate Member with an expiration date of 8/31/19  
F. Appoint Debra Griffin to the Ashland Affordable Housing Trust that will expire on 8/31/21  
G. Accept the resignation of Craig Mathias from the Cable Advisory Committee  
H. Accept the resignation of Jeffrey Lingham from the Conservation Commission  
I. Accept the $50.00 donation from Bill Gath for the Kids Spot Spinner  

Joe Magnani made a motion to approve the Consent Agenda as presented. This motion was seconded by Brandi Kinsman with a unanimous vote of 4-0-0.  

Old / New Business  
Eversource  
Michael Herbert explained that the attorney handling the Eversource issues is working on finalizing the documents needed to file the Declaratory Judgement.  

Purchase and Sale agreement for 0 Tri Street  
Michael Herbert explained that 0 Tri Street consists of 9.5 acres of land that had a proposed development of about 5 single-family homes. The purchase price of the property is $614,000.00 and there is ongoing litigation with regards to the Conservation Commission’s determination, which will continue until the purchase goes before the Town Meeting in the fall; the funding would come from a debt exclusion.  

Yolanda Greaves made a motion to approve the signing of Purchase and Sale of 0 Tri Street as presented and authorize Joe Magnani to sign the documents. This motion was seconded by Brandi Kinsman with a unanimous vote of 4-0-0.  

Development Liaison Group  
Steve Mitchell explained that the Development Liaison Group was created as an information sharing process between 2 Select Board members, members of the Planning Board and developers. This turned out not to be the best idea because it created a sub-committee and therefore, they are self-reporting an open meeting law violation. Steve said it was unintentional and although two meetings were held for informational sharing only, the group will not continue in that manner.  

Disposition and Sale of 433 Chestnut Street  
Steve Mitchell would like the board to take a vote on the disposition and sale of 433 Chestnut Street contingent upon historical deed restriction agreement.  

Yolanda Greaves made a motion the disposition and sale of 433 Chestnut Street contingent upon a historical deed restriction agreement. This motion was seconded by Brandi Kinsman with a unanimous vote of 4-0-0.  

Mission/Vision Statement Revision  
Steve Mitchell explained that board members discussed the revision of the Mission and Vision Statement at their last retreat. He requested that each member send their revisions to him and it will be reviewed at the next retreat.  

Town Manager Report  
MSBA  
Michael Herbert explained we he has been working with the Mindess Building Committee on selecting a designer. The designer Flansburgh Architects was selected yesterday, and they have great track record with being able to produce buildings under budget. Michael explained that when they went before the MSBA Committee, the committee Chair expressed how impressed he was with the board, the School Committee and the level of detail that was provided.
**Home Rule Petition**
Michael Herbert explained that he spoke to a staff person from Jack Lewis’s Office who said that the Home Rule Petition for the meals tax to be used for Economic Development projects will be moving forward.

**Town Forest Bridge Projects**
A Ribbon Cutting will take place for Eagle Scouts who have worked in the Town Forest to complete their Eagle Scout’s projects. The event will take place on August 3rd at the Town Forest on the Winter St. side.

**Recap of Valentine Property**
Michael Herbert explained that David Foster provided a great presentation on the Valentine Property that was presented at a public forum on Monday night. Steve mentioned that he saw several new people in attendance, and it was nice to see new people involved. Steve mentioned that a committee was created, and Yolanda suggested creating a timeline so that the committee has a guideline on how to move the project forward.

Michael suggested preparing an RFP for Adaptive Reuse process that would allow the public to submit proposals for a committee to review.

**MWRA Connection**
Michael Herbert explained that the MWRA Connection is in Joint Committee on Municipalities, and construction should start this fall.

**Board Reports**

**Joe Magnani**
Joe announced Family Movie Night is on Thursday at Stone Park starting at 6:00pm, and the Snack Shack is open Monday thru Friday from 11:00 am to 1:00 pm.

Joe explained that in support of Ashland Day corn is being sold at Lucky Farms.

Joe was happy with the Valentine Forum on Monday.

Joe mentioned that the Traffic Study Committee is reviewing changing the intersection at Eliot and Fruit St. and that the effort will be funded by the Complete Streets and other grants.

**Yolanda Greaves**
Yolanda explained that she attended the Mass DOT Mass Turnpike Interchange project meeting.

Yolanda attended the WeMo meeting at Wellesley College and social media pitfalls was a discussed, and she shared that information with Lisa Uglioloro from HR.

Tomorrow Yolanda will be attending MetroWest Regional Collaborative meeting where the Landline project will be discussed.

She reminded all that Dog Day will be held on Sunday from 10:00 am to 2:00 pm at the Corner Spot and pictures will be taken.

**Brandi Kinsman**
Brandi explained that she has attended several Planning Board meetings to understand their process.

Brandi mentioned the $1.2 billion Mass DOT Mass Turnpike Interchange project that will take from 8 to 12 years and impact those that commute into Boston.
She announced that at the Corner Spot the Culture Fest has been rescheduled to October 12th, and on Friday night the movie Jaws.

**Steve Mitchell**
Steve explained that the board recently received a Stealth Report based on the findings from the resident that had complained about the traffic and vehicle speed on Myrtle St.

Steve mentioned DCR and State Park continue to be issues. There is an entrance fee for the State Park but there is no Lifeguard on duty and bilingual signs are needed as many that use the facility may be unable to understand the signs.

Steve encourages dog owners to attend the Corner Spot on Sunday and the following Saturday to come to the Farmer’s Market for Dog Day. The Dog Park Committee is sponsoring the event at the Corner Spot.

He said Framingham State University is proposing to create a dog park on their property and a meeting will take place on August 5th at the Warren Conference Center.

The MetroWest YMCA Advocacy Day will take place on August 1st at the YMCA in Hopkinton.

**Adjournment**
Yolanda Greaves made a motion to adjourn and this motion was seconded by Brandi Kinsman with a unanimous vote of 4-0-0.

**Meeting Materials:**
This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
SELECT BOARD
Minutes
August 7, 2019 – 6:15 PM
Town Hall

Vision Statement - The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational, and recreational opportunities in a safe and attractive environment for residents and visitors.

Mission Statement - The Ashland Select Board is dedicated to promoting responsible fiscal management, advocating for sustainable development & growth and providing excellent municipal services which will enhance the quality of life in our diverse community. The Ashland Select Board is committed to providing clear goals and objectives for Town management and creating effective engagement and public participation with residents, state legislators and other elected officials in order to achieve our mission.

Call Meeting to Order
Steve Mitchell call the Executive session meeting to order at 6:15 pm. Explaining that Pursuant to G.L. c. 30A sec 21(a)(2) the Select Board will review the Memorandum of Agreement between the Clerical Union and the Town of Ashland. Additionally, Pursuant to G.L. c. 30A sec (1) Labor Counsel Clifford and Kenny will provide an update on personnel matters. One the Executive Session has concluded the board will reconvene in open session

Steve Mitchell called the regular meeting to order at 7:00 pm and mentioned that WACA TV is recording and broadcasting the meeting live. Present at the meeting were Chair Steve Mitchell, Vice Chair Yolanda Greaves, Joe Magnani, Rob Scherer, Brandi Kinsman, Town Manager Michael Herbert and Assistant Town Manager Jenn Ball.

On behalf of the board Steve Mitchell wanted to extend sincere sympathy to El Paso and Dayton Ohio in light of the recent tragic events.

Citizen’s Participation
Mark Dassoni asked the board if they received an e-mail that he had sent. Additionally, he expressed interest in Economic Development and wants to remind everyone that the Zoning Board plays a key role.

Diane Ring, 42 Bay Colony Drive, is looking for a time frame on the Eversource evidentially hearing. Michael mentioned that he does not have a timeline. Michael explained that currently we are working on titles and the easements at this time.

Kitty Mahoney, 2 Pond Street, explained this forum is not the meeting or the forum she was looking to come before. She wanted to meet with the Liaison Development Group working on the Fusion site and to be given the same opportunity that she feels the developer was given. Kitty said the lower Rte. 126 district would be interested in being involved in the process.

Steve Mitchell explained that there have been two meeting that were attended by the neighbors and that the Liaison Development Group was a non-binding or decision-making committee. Steve explained that the project has not been formally presented to the Planning Board at this point.

Kate Jurczyk, 11 Rodman Road feels that when meetings happen violating the OML she feels it breaks the communities trust. She said that the neighborhood wanted to come before the Liaison Development
Group just as the developer did, but that request was not granted. Kate explained that a petition circulating the neighborhood has allowed neighbors to voice their opposition on the size of the project.

Steve explained that the neighbors wanted to meet with only 3 members of the board, and he wanted the entire board to hear the concerns. Steve reminded Kate that the process is for the project to go before the Planning Board and that is the procedure that the Fusion site project will follow.

Brandi Kinsman clarified that the public process for the project is having their concerns heard by the Planning Board once the application is filed.

Michael Herbert said he finds it concerning that anyone thinks that conversations were had as a way of changing the public process when that was not the case.

Joe Magnani mentioned that three of the board members attended a neighborhood meeting as concerned citizens.

Vilma Brunelle, 10 Rodman Rd., said she feels insulted by what was being said tonight. She does not feel that neighbors have been heard and she is looking to be treated the same as the developer. Vilma asked why the developer went before the Affordable Housing Trust if no decisions have been made.

Steve Mitchell asked why a special meeting is so important, and Vilma asked why the members of the board even got involved with the developer. Steve explained the only reason they got involved is because they wanted to get the best project possible.

Rob Scherer stated that he is happy to listen to any resident and he is happy to speak to anyone who wants to be heard.

Michael Herbert explained that he thinks there are discussions that can be had moving forward to see what can be done with the project that may make it a better project for the neighborhood.

Scheduled Hearings/Appearances

Legal Update

Lisa Mead provided the board with a legal update on the larger items she is currently working on. Lisa explained that she is working with Doug Small and the DPW on an additional IMA with the City of Framingham, the MBTA Access Road public way agreement, the MBTA Access Road Lot 2A open space, the purchase and sale of 0 Tri Street, acquisition and acceptance of the gift of land on West Union Street, the Economic Development Home Rule Petition implementation, the demolition of the fire damaged house locate at 304 Union Street, developing an RFP for Cedar Street water tank wireless antennas, litigation for 0 Tri Street, the petition of NSTAR dba Eversource Energy on intervener status, and lastly the case of Carney vs Town of Ashland.

Select Board/Town Manager Priority Project Update

Rail Transit District

Michael Herbert explained that he has been provided an updated site plan for the parcel on the MBTA road. The most recent plan from the developer, the United Group of Companies (UGC), has 180 units which is consistent with what had been submitted prior, but it now includes a smaller footprint.

Yolanda Greaves expressed that she is pleased that the developer submitted a new plan but asked if they are still looking to submit a 40B application. Michael explained that he believes so, but before moving forward an ANR plan is required and they would need to go before Mass Housing.
Michael asked Tom Powers if they would come back with an updated plan incorporating a tighter development area which will shrink the footprint.

Yolanda Greaves announced that the YMCA has cut a path on their parcel that is located on the MBTA Access Road.

**Public Safety Building**
Michael Herbert explained that the Public Safety Building Committee met last week and voted on the size the building at 44,000 sq. ft. that they will move forward with and the site the building will be built on. The architect, HKT, will start the process to work with the Conservation Commission. Michael explained that we will be exploring green initiatives and see what funding may be available.

Yolanda Greaves asked what the next step is regarding the project funding. Michael explained that he is considering possible funding options and that we are not proposing building one building as two buildings are needed to accommodate the school. He is considering the debt that is coming to an end and how that will impact the funding needed for the new projects.

Rob Scherer asked to keep in mind that a portion of land is needed for the Upper Charles Trail.

**Downtown Improvements**
Michael explained that the BSC Street Scape is still in the design phase and we are hoping to align the Eversource design for the undergrounding of the utilities.

**Mill Pond Project**
Jenn Ball explained that DPW has done some of the clearing and site prep at Mill Pond and that they will be working with the bridge company begin at the end of August or early September.

**Downtown Water Project**
Michael explained that the pits have been dug on for the Main St. water main project and the next step is to start on the Summer St. project and eventually the projects will intersect.

**Town-Wide Strategic Plan**
Michael Herbert reported that the housing section of the plan is being worked on and the board will be provided a draft at the next meeting.

**Warren District**
Michael Herbert explained that a walkthrough of the Hall House was completed today for prospective bidders to complete the restoration of the building. A second walkthrough will be scheduled. Concerning the Barn, work with a demolition contractor is moving forward but we do not have a date at this point.

**Consent Agenda**
A. Accept the E911 Incentive Grant from the State in the amount of $44,376.00 to be used for Dispatcher’s Salaries.
B. Accept the E911 Grant from the State in the amount of $21,356.56 to be used for recertification of Dispatchers.
C. Request to Change the One-Day License issued to Wine Empire for CultureFest which was to be held on July 20th from 3pm to 8 pm. The new date for the event is Saturday October 12th from 3 pm to 8 pm.
D. One-Day License Request for Ashland Sporting Association /Ashland VFW. The scheduled event will take place on Saturday October 5, 2019 from 3:00 pm to 11:30 pm at the VFW.
E. Approve the request to hold the Dragon Fly Festival at the Historical Society, Mill Pond and The Corner Spot on September 7, 2019 from 1:00 pm to 7:00 pm.

Yolanda Greaves made a motion to accept the Consent Agenda as presented. This motion was seconded by Brandi Kinsman with a unanimous vote of 5-0-0.

**Old / New Business**

**Ashland Arts Alliance/Hanto**

Steve Mitchell and Brandi Kinsman, members of the Ashland Arts Alliance, recused themselves from the discussion.

Yolanda Greaves explained that Review the Request from Hanto/Ashland Arts Alliance to change the start time for entertainment for Thursday August 15, 2019. The request is to start the entertainment at 6:00 pm and it would end by 9:30 pm.

Dale Buchanan explained that this fundraiser was his idea and he was hoping to make the event a dinner show and that is the reason for the earlier start time request.

Tickets can be purchased in advance [www.arts-ashland.org](http://www.arts-ashland.org) or [www.thedaleshow.com](http://www.thedaleshow.com) or at the door. The cost is $35.00 including dinner, entertainment and prizes.

Rob Scherer made a motion to approve the request to allow live entertainment at Hanto Restaurant on Thursday August 15, 2019 from 6:00 pm to 9:30 pm. This motion was seconded by Joe Magnani with a unanimous vote of 3-0-2 (Mitchell and Kinsman).

**Eversource Grant of Location**

Michael Herbert explained that the relocating the Existing Pole #44/72X received from Eversource 81 West Union Street does not require a hearing.

Yolanda Greaves made a motion to sign the Order of Alteration of Location for the pole located at 44/72X. This motion was seconded by Brandi Kinsman with a unanimous vote of 4-1-0 (Magnani).

**Policy for the Granting of the Recognition Coins**

Yolanda Greaves created guidelines for granting of the Select Board Recognition Coins and provided the board with guidelines for their review. Steve Mitchell agreed that having guidelines is a good way to move forward and the board approve this at a future meeting.

**Select Board Re-Appointment**

<table>
<thead>
<tr>
<th>Name of Committee</th>
<th>Members Name</th>
<th>Length of Appointment</th>
<th>Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing Trust</td>
<td>Steven Greenberg</td>
<td>2 Years</td>
<td>8/31/2022</td>
</tr>
<tr>
<td>Board of Registrar</td>
<td>Vacant</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Cable Advisory Board</td>
<td>Vacant</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td></td>
<td>John Thomas</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Community Preservation Committee</td>
<td></td>
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<tr>
<td>Name</td>
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<tr>
<td>Gretchen Bravacos</td>
<td></td>
<td>3 Years</td>
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**Conservation Commission**

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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Term</th>
<th>Expiration</th>
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<tbody>
<tr>
<td>Carl Hakansson</td>
<td></td>
<td>3 Years</td>
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<tr>
<td>Catherine Van</td>
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<tr>
<td>Lancker</td>
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<td>8/31/2022</td>
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<tr>
<td>Vacant</td>
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<td>3 Years</td>
<td>8/31/2020</td>
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**Council on Aging**

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<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Alexis Christopher</td>
<td></td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Vacant</td>
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<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Vacant</td>
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<td>3 Years</td>
<td>8/31/2020</td>
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**Historical Commission**

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<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>A. J. Gemperline</td>
<td></td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Vacant</td>
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<td>8/31/2021</td>
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<td>Vacant</td>
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<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Joe Magnani</td>
<td></td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Steve Mitchell</td>
<td></td>
<td>3 Years</td>
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**Finance Liaison**

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<tbody>
<tr>
<td>Yolanda Greaves</td>
<td></td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>Joe Magnani</td>
<td></td>
<td>1 Year</td>
<td>8/31/2020</td>
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**Metropolitan Area Planning Council**

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Yolanda Greaves</td>
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<td>3 Years</td>
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**Metrowest Regional Collaborative**

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Yolanda Greaves</td>
<td></td>
<td>3 Years</td>
<td>8/31/2022</td>
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**Nyanza Advisory Committee**

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<th>Name</th>
<th>Position</th>
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<th>Expiration</th>
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<tbody>
<tr>
<td>Joe Magnani</td>
<td>Board of Selectmen Member</td>
<td>1 Year</td>
<td>8/31/2020</td>
</tr>
<tr>
<td>Corinne McKenzie</td>
<td>Member at Large - Appointed by BOS</td>
<td>1 Year</td>
<td>8/31/2020</td>
</tr>
<tr>
<td>Meredith Schiller</td>
<td>Member at Large - Appointed by BOS</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>Vacant</td>
<td>Member at Large - Appointed by BOS</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>Vacant</td>
<td>Member at Large - Appointed by BOS</td>
<td>1 Year</td>
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**Open Space and Recreation Committee**

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<th>Name</th>
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<tbody>
<tr>
<td>William Child</td>
<td></td>
<td>3 Years</td>
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**South Middlesex Opportunity Council**

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<th>Name</th>
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<tbody>
<tr>
<td>John Ellsworth</td>
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<td>1 Year</td>
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Stormwater Committee

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Vacant</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Robert St. Germain</td>
<td>3 Years</td>
<td>8/31/2022</td>
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Sustainability Committee

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Wayne Bates</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Margy Gassel</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Matthew</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Marshquist</td>
<td>3 Years</td>
<td>8/31/2022</td>
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Town Forest Committee

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<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Catherine Rooney</td>
<td>3 Years</td>
<td>8/31/2022</td>
</tr>
<tr>
<td>Rob St. Germain</td>
<td>3 Years</td>
<td>8/31/2022</td>
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Trimount Aggregate Oversight Committee

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<thead>
<tr>
<th>Name</th>
<th>Term</th>
<th>Date</th>
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<tbody>
<tr>
<td>Gene Crouch</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>Don Jones</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>John McPartland</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>Mark Oram</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>Vacant</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<td>Vacant</td>
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Health Agent

Zoning Board of Appeals

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<tr>
<th>Name</th>
<th>Term</th>
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<tbody>
<tr>
<td>John Trefethen</td>
<td>3 Years</td>
<td>8/31/2022</td>
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<tr>
<td>Robert Dibenedetto</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<tr>
<td>Nathan Band</td>
<td>1 Year</td>
<td>8/31/2020</td>
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<td>Vacant</td>
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Yolanda Greaves made a motion to approve the re-appointments with the two changes as discussed. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Development Liaison Group

Steve Mitchell explained that the Development Liaison Group was created as a mechanism for communication purposes only. He said that the committee acknowledged that they did follow the open meeting law and he would like to have this committee created in order to comply with the open meeting law. Michael suggested that the group meet during the day so that staff can also attend. Yolanda explained that purpose of this group is to discuss or gather information for a potential project before it is formally presented to the boards and committees required as part of the public process. Steve is requesting the committee be formally created.

Michael Herbert asked if there are other communities that has this type of group, and Yolanda explained that she will ask at her next MetroWest Regional Collaborative meeting.

Joe Magnani made a motion to create the Development Liaison Committee. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.
Joe Magnani made a motion to appoint Steve Mitchell and Yolanda Greaves to the Development Liaison Committee. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.

**Mission/Vision Statement Revision**
To be discussed at a future meeting.

**Special Town Meeting Warrant**
Jenn Ball explained that leading up to the Special Town Meeting she is requesting that the board open the Warrant tomorrow. Town meeting is scheduled for November 20th and we would like to close and post the meeting by October 16th.

Yolanda Greaves made a motion to open the Special Town Meeting Warrant for fall. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Update on the National Citizen Survey**
Jenn Ball explained that 3 years ago a National Citizen survey was conducted on the perception of how the town is doing from a citizen’s view. The survey recipients are selected at random, but a link will be provided to those that would like to participate but not selected.

Additional feedback they received the last time was that a computer is needed to participate and like in the past we will accommodate those that needed the help.

**Water Level**
Michael Herbert explained that we are currently at a good water level at 297 ft. and we do not anticipate needing to take any action on a water ban before the next meeting.

**Town Manager Report**
**MWRA Connection**
Michael reported that the MWRA Connection legislation is still in committee at the State House.

**Valentine Property**
Michael Herbert provided the board with a couple proposals that came from an Adaptive Reuse RFP that was put out by the Town of Weston for the Josiah Smith Tavern. He thinks this would be the type of proposal we would use for the Valentine Property. Joe Magnani explained that he thought the property was going to be used for different purposes. Michael said that we can draft the RFP that outlines what we as a community would like to see there.

**Grants**
Michael explained that at the next meeting he will provide the board with a list of the grants that have been received since 2013 that total $12 million dollars.

**Nursing Services**
Michael Herbert explained that the Health Agent and the Board of Health have been working with the City of Framingham to combine and regionalize resources for nursing services.

**Board Reports**
**Brandi Kinsman**
Brandi went to the Eagle Scout event at the Town Forest and it was the first time she had gone to the Town Forest.

Brandi went to the Corner Spot for the WACA TV screening of Jaws. The next movie is Captain Marvel on the August 23rd. Also, the Corner Spot hosted On the Spot pop-up and 26 women owned businesses showed up, so it was a well-attended event.
Brandi announced that the Friends of the Council on Aging will be hosting an intergenerational event at the Corner Spot on Saturday and providing free ice cream.

Brandi explained that she is working on Policies and Procedures.

She announced that on Thursday the Ashland Arts Alliance will be hosting an event at Hanto.

Rob Scherer
Rob said he is a member of the Local Climate Leadership that the Sierra Club runs, and he recommended that the other board member get on their mailing list.

Rob also explained that the MPO Destination 2040 survey the board received by email seemed like an important survey to take, as he understands that part of the focus is looking at transportation planning for the next 20 years. He asked to add the topic to an upcoming meeting.

Yolanda Greaves
On August 1st Yolanda attended the YMCA Advocacy Day and it was well attended and always a fun event.

On Monday Yolanda met with the Dog Park Committee and Framingham State. They wanted to understand the current issues and how they can move forward to address the concerns.

Yolanda also attended the second annual Ashland Business Association, the Holliston Business Association, and the Holliston and MetroWest Chamber of Commerce BBQ at the YMCA last night. The event was held to bring the organizations together.

Joe Magnani
Joe explained that he attended the ribbon cutting at the Town Forest in recognition of the Eagle Scouts, that rebuilt bridges in the Town Forest, the Town Forest Committee and the DPW.

Joe reminded everyone that the Snack Shack is open Monday – Friday 11:00 am to 1:00 pm and proceeds are used for several town events.

Joe reminded everyone that fresh corn is available at Lucky Farms and the proceeds help support Ashland Day.

Joe explained that he met with a representative from DCR, the Chief of Police and Fire Chief. He said that they expressed their concerns regarding Ashland State Park. DCR explained that other area beaches do not have lifeguards. Additionally, they mentioned that they are discussing other parking locations for the boat landing.

Steve Mitchell
Steve gave a shout out to Troop 232 and for all the Eagle Scouts they have produces and the wonderful projects they created. Steve thanked the Town Forest Committee for all their efforts and thanked DPW for their support as well.

Steve announced that Ashland Farmer’s Market hosted Dog Day which exceeded any other market day.

Steve asked to put the FCC changes on local cable access on a future meeting agenda, so the board can review the changes and the impacts are and how they will affect programming.
Steve explained that he has had a couple recent conversations with Dan Borelli who created the healing garden over by the Middle School. He said that funding is needed to do some work and repairs at the site.

**Adjournment**
Yolanda Greaves made a motion to adjourn. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Meeting Materials:**
This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
September 10, 2019

openmeeting@state.ma.us
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 Development Liaison Group
   Complainant: Stephen Morgan
   Alleged Violation Date: August 28, 2019
   Date Complaint Received: September 9, 2019

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.

Mr. Morgan alleges that the Ashland Development Liaison Group (the “Group”) has failed to comply with certain aspects of the Open Meeting Law by deliberating about topics, not posted on the agenda and creating incomplete minutes. The agenda in question lists a single agenda item, namely the approval of minutes. The minutes in question indicate that there was a discussion regarding the OML violation. In fact, the reference to the OML violation was simply made to indicate the necessity for creating and approving minutes in accordance with the OML. This was not a discussion of the OML complaint, which was taken up at the Group’s meeting on September 7, 2019, under the proper posting as follows: “Review and consider Open Meeting Law Complaint dated 8/22/19, filed by Stephen Morgan re: Development Liaison Group as public body.” See Agenda 9/7/19 Exhibit B.

Further, the minutes of the 8/28/19 meeting are sufficient in that the meeting, with only a single topic, limited to approving the prior minutes, was short and resulted in little discussion.

The Open Meeting Law requires public bodies to post notice 48 hours prior to a meeting and include a “listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A, § 20(b). Public bodies must list topics for discussion with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(l)(b). A topic is sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. OML 2014-42. Moreover, when discussion and votes that flow naturally from a public body’s consideration of agenda items occur, there is no violation of the Open Meeting Law. See OML 2014-
102; OML 2014-58; OML 2014-44; OML 2014-38. The discussion outlined above clearly flowed from the listed agenda topic in that an explanation of the need to create an approve minutes is a natural consequence of approving the minutes.

The Open Meeting Law also requires a public body to “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). While the Division of Open Government enforces the law requiring public bodies to create and maintain accurate minutes of all meetings, it generally only reviews minutes for substantial compliance with the accuracy requirement. See OML No. 2011-55. Substantial compliance requires the minutes to contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. Id. “However, the content of meeting minutes is left to the discretion of the public body so long as it substantially complies with the requirement that the minutes be accurate and provides a summary of the discussion of each topic.” Id. And further, while minutes must include a summary of the discussion on each topic, a transcript is not required, and the minutes do not need to include every remark or opinion presented. See OML 2012-29; OML 2011-55. Here, the discussion was limited. Again, the single topic to be discussed was the approval of the minutes, which was properly documented, indicating that there was a discussion regarding the need for minutes, followed by the Group’s approval of the same.

For the foregoing reasons, the Board respectfully requests that this matter be dismissed without further action. Thank you.

Sincerely,

Katherine Feodoroff

cc: Development Liaison Group
    Michael Herbert, Town Manager
    Steve Morgan
Exhibit A
(OML Complaint)
### Your Contact Information:

First Name: **Stephen**  
Last Name: **Morgan**  
Address: **136 Concord St.**  
City: **Ashland**  
State: **MA**  
Zip Code: **01721**  
Phone Number: **+1 (508) 930-4096**  
Ext.  
Email: **Steve@TheGreatHill.com**  
Organization or Media Affiliation (if any): **N/A**  
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): **Development Liaison committee**  
Specific person(s), if any, you allege committed the violation: **committee and its chair**  
Date of alleged violation: **Aug 28, 2019**
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.

Took up topics at its 8/28/2019 meeting which were not on posted agenda and of a non emergency nature.
Provided minutes which were intentionally vague and incomplete such that the public does not know what was actually discussed.

See “A” posted agenda and “B” minutes generated by the meeting.

Discussion regarding regulatory items occurred. It is believed this is related to the fact that is an improper committee and my prior public records request but I can not be certain as minutes are too vague to determine what was actually discussed. It's not on agenda.

“OML violation” was discussed but not on the agenda. I believe this is related to my prior complaint but again minutes fall short. No date or identification information regarding what complaint is included. It is unclear if this is the required meeting to discuss my prior OML complaint and take corrective actions. I was given no opportunity to attend.

Minutes and agenda when posted were posted in combined form (each meeting date should be clear to the public) under Select Board and not the Development Liaison Committee and were therefore hard for the public to find. It is not clear if the town is now after the prior complaint trying to turn this into a subcommittee of BOS where it was not previously created as such. They were unable to produce minutes or a document creating the committee under public document request.

Note this group appears to include two experienced selectmen a planning board member known to be a friend of one of the selectmen and the town manager. All who know or should know OML requirements; with whom have had prior complaints in recent years. Yet violations continue. These violations should therefore be considered intentional and result in stern action.

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. Disband this illegal committee until such time as it is properly chartered. Void any action not properly noticed.
2. Produce and post legally complete agenda / minutes of each meeting at least (4/10/19, 5/14/19, 8/18/19 and 8/28/19)
3. Post any documents, correspondence used for each and list as required.
4. This is another in a long string of OML violation by Ashland and its BOS. It can be viewed as intentional.
5. Reating on OML
6. Sanction/Fine for intentional Violation

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, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish 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: 9/9/2019
Development Liaison Committee

Agenda

Wednesday, August 28, 2019
3:00 PM
Meeting Room A
Town Hall, 101 Main St, Ashland, MA 01721

1. Call Meeting to Order – 3:00 pm

2. Items To Be Discussed
   a. Review and Vote on Previous Meeting Minutes

This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
Development Liaison Committee
Meeting 8/28/19 at 3:00 pm
In Attendance:
Dale Buschanan
Steve Mitchell
Yolanda Greaves
Michael Herbert

Dale made motion to approve minutes presented from 4/10/19 and 5/14/19 meetings
Yolanda Seconded
All voted 3 -0
Steve Mitchell talked about regulatory items for the committee.
Discussed OML violation that was presented to the town, no vote or action taken.
Discussed next steps for committee and what other boards are doing.
Yolanda read the meeting minutes for the 8/18 meeting
Dale made motion to approve minutes
Steve Mitchell seconded
All approved 3 -0
Dale made motion to adjourn
Steve seconded
Passed 3 - 0
Development Liaison Committee Meeting
April 10, 2019 – Town Hall Room B-C

Present: Steve Mitchell, Yolanda Greaves, Dale Buchanan, Michael Herbert, Jennifer Ball, Amanda Dumas, Beth Reynolds, Charles Zammuto, Terry Norris

The developer presented plans for a new mixed-use facility on 12 Pond Street. The Pond Street Overlay District allows for 1 unit to be built for every 2,000sf of buildable area. As the lot is 30,000sf this would accommodate 15 units. Also under the PSOD, if a development has more than 10 units, 10% need to be affordable. This would mean that 2 of the 15 units would need to be affordable.

Under Section 8.8.7 of the Pond Street Overlay District, the Planning Board may allow more units than the 15 if the developer proposes more than 10% of the units as affordable. The developer is proposing doing 20 units, with 25% (4 units) affordable. As these would be rental, the benefit of the 25% number is that all 20 units could be counted towards the town’s affordable housing inventory which would in turn help the town deny unwanted 40b applications in the future.

All town officials agreed that this would be an improvement to the corridor and believed that the utilization of the affordable housing density bonus was in line with the intent of the overlay district. There were some questions about the size of the new building and the design.

Mr. Norris indicated that Mr. Zammuto was planning on holding a meeting with the neighborhood at 12 Pond Street to go over the proposed plans and get their feedback. The group agreed and encouraged the developer to move forward with that proposal and they would try to attend.
Development Liaison Committee Meeting

May 14, 2019

Present: Steve Mitchell, Yolanda Greaves, Dale Buchanan, Michael Herbert, Jennifer Ball, Peter Matchak, Beth Reynolds, Charles Zammuto, Terry Norris

Attendees discussed feedback on the project that was received at the neighborhood meeting. The consensus of the neighborhood was that the project was too large, which caused parking concerns and aesthetic concerns. Also there was concern about traffic on Douglas and Greenhalge.

Mr. Zammuto explained after consideration, he was going to scale the project back, but he could only do the 10% affordable as required under the zoning. Because only 10% of the units would be affordable, the town would only be able to account those affordable units towards its subsidized housing inventory.

Members expressed their desire for all units to be counted towards its affordable housing inventory. Mr. Herbert proposed that as a way to make it a smaller project, and yet keep the 25% of the units affordable, that the Affordable Housing Trust be asked to make a contribution to the project to buy the “affordability restriction” for some of the units. This was a concept proposed during the hearings for 128 Main Street to make the project smaller while gaining affordable housing units.

After some discussion, the following was proposed:

1. 16 units with retail space on the bottom
2. 4 of the units would be affordable,
3. A $200,000 subsidy would be requested from the Affordable Housing Trust to buy the affordability restriction

Mr. Herbert cautioned that the Affordable Housing Trust would need to discuss and vote on this separately and that the developer would still need to go through the special permit process with the Planning Board and they would have to agree to it. Mr. Herbert offered to go before the Affordable Trust to explain the concept.

There was discussion surrounding the affordable rents and what those would be. Concern was that affordable at the 80% AMI level was not really affordable.
Agenda Center

View current agendas and minutes for all boards and commissions. Previous years’ agendas and minutes can be found in the Document Center. Adobe Reader may be required to view some documents.

Board of Selectmen

Agenda

Sep (September) 4, 2019 — Amended Aug (August) 30, 2019 11:37 AM
Select Board

Aug (August) 28, 2019 — Posted Aug (August) 28, 2019 12:00 PM
Development Liaison Committee

Aug (August) 7, 2019 — Posted Aug (August) 2, 2019 11:16 AM
Select Board

Jul (July) 24, 2019 — Posted Jul (July) 22, 2019 12:06 PM
Select Board

Jul (July) 10, 2019 — Posted Jul (July) 2, 2019 3:29 PM
Select Board - Retreat

Jun (June) 19, 2019 — Amended Jun (June) 17, 2019 3:49 PM
Select Board

Jun (June) 6, 2019 — Amended Jun (June) 3, 2019 2:40 PM
Board of Selectmen

May (May) 20, 2019 — Posted May (May) 16, 2019 1:58 PM
Board of Selectmen

May (May) 16, 2019 — Amended May (May) 14, 2019 10:25 AM
Board of Selectmen

May (May) 13, 2019 — Posted May (May) 9, 2019 8:10 AM
Board of Selectmen - Executive Session

May (May) 1, 2019 — Posted Apr (April) 29, 2019 8:22 AM
Board of Selectmen

Apr (April) 24, 2019 — Posted Apr (April) 22, 2019 9:12 AM
BAA Sub-Committee

Apr (April) 17, 2019 — Posted Apr (April) 12, 2019 12:09 PM
Board of Selectmen

Apr (April) 16, 2019 — Posted Apr (April) 8, 2019 1:02 PM
Board of Selectmen - Public Forum

Apr (April) 9, 2019 — Posted Apr (April) 3, 2019 1:03 PM
BAA Grant Review

Apr (April) 3, 2019 — Amended Apr (April) 1, 2019 11:46 AM
Board of Selectmen
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Exhibit B
(9/2/19 Agenda)