

FINANCE COMMITTEE
MINUTES/ATTACHMENTS
MARCH 30, 2017

Attached are Open Meeting Law Complaints that were submitted to the Attorney General that were discussed at the March 30, 2017 Finance Committee Meeting.



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: Jennifer Last Name: Geosits

Address: 140 Endean Drive

City: East Walpole State: MA Zip Code: 02032

Phone Number: 5089213398 Ext. _____

Email: geosits@hotmail.com

Organization or Media Affiliation (if any): School Committee, Vice Chairperson

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): Walpole Finance Committee

Specific person(s), if any, you allege committed the violation: Kenneth Guyette, John Vaillancourt, Thomas Bowen, John Leith, Ronald Mariani, Paul Stasiukevicius and Edward Barmakian

Date of alleged violation: 02/28/2017

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.

The Walpole School Committee presented its budget for the 2018 fiscal year to the Finance Committee on various dates. On Monday, February 27th, the School Committee first presented its overall budget request to the Finance Committee. On the following Monday, March 6th, the School Committee presented more information on its budget request, including a presentation by a group of concerned parents and administrators relating to an initiative to lower the fees being charged by the Walpole Public Schools for students to attend full day kindergarten.

On February 28th, between the two above-referenced meetings at which the School Committee presented its budget, at least seven members of the Finance Committee deliberated by email regarding the School Committee's budget request and upcoming full day kindergarten presentation. (See attached email). Upon information and belief, these individuals were in contact with at least one other member of the Finance Committee regarding these topics. The Finance Committee will be voting on the School Committee's budget request at an upcoming meeting, on or about April 3, 2017.

I believe members of the Finance Committee intentionally violated the open meeting laws by repeatedly deliberating outside the public view and by arriving at decisions regarding how their committee will vote prior to the issue of full day kindergarten actually being presented to the committee. Such collusion undermines and offends the notion of open government.

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.

I would like to disqualify those members of the Finance Committee who have violated the open meeting law from voting on the School Committee's budget request. Given the flagrant nature of the violations, I question whether these individuals are able to serve on the Finance Committee going forward. Moreover, these individuals should be forced to attend training relating to the open meeting laws and their ethical duties as elected officials in the Town of Walpole.

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: Jennifer Roberts

Date: 3/27/17

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:



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: Alice Susan Last Name: Lawson

Address: 35 Emerson Road

City: East Walpole State: MA Zip Code: 02032

Phone Number: +1 (508) 660-7459 Ext. _____

Email: lawsue51@verizon.net

Organization or Media Affiliation (if any): Member of Finance Committee, Town of Walpole

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): Finance Committee, Town of Walpole

Specific person(s), if any, you allege committed the violation: Ken Guyette; John Leith; John Vaillancourt; Ronald Mariani; Ed Barmakian; Tom Bowen; Paul Stasiukevicius; and others unknown to me at this time

Date of alleged violation: January 20, 2017

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 Complaint is being filed as a result of discovering, on March 13, 2017, that members of the Town of Walpole Finance Committee (FC) have been engaging in deliberations over matters that fall within the jurisdiction of the FC in violation of the Open Meeting Law (OML). These discussions and deliberations have taken place via e-mail and in closed meetings and have included the Town Moderator and members of other Town Committees and Boards, all outside of the published meetings of the FC. A copy of some of these communications appears as Attachment A. As a member of the FC, I have long suspected that there have been substantive communications re: matters scheduled to come before the FC in advance of, and outside of, regular meetings. While I did not have specific evidence to prove a violation of the OML, it was clear, beginning in summer 2016, that certain FC members were voting as a "bloc." The apparent "orchestration" of our meetings and votes became clearer in the fall of 2016 when I saw an e-mail addressed to Ken Guyette, the Vice-Chairman of FC, discussing how many members of FC were planning to vote against funding a new Senior Center and asking whether another member might be persuaded to vote against it as well. I noticed this e-mail in front of Guyette while the FC was engaged in debate over the Senior Center and realized that a voting bloc had been established in advance of the meeting. On 10/5/16, I sent an e-mail to all the members of the FC, explaining that we were prohibited from debating issues via e-mail (Att. B). On 3/1/17, I sent another e-mail to all members of the FC, once again addressing the constraints placed upon us by the OML (Att. C). On 3/2/17, after coming across what appeared to be a portion of an e-mail concerning FC business, I sent a Memorandum to all members of the Finance Committee, once again addressing the OML (Att. D). Then, on 3/13/17, I was provided with a packet of e-mails (Att. A) covering the period 1/20/17—2/28/17. These e-mails concern, for the most part, a proposal to adjust and/or eliminate tuition for full-day kindergarten in the Town of Walpole, a matter scheduled to come before the FC on 2/27/17 and 3/6/17. There are 7 members whose names consistently appear in the subject e-mails. I recognize that, with 15 members on the FC, a quorum is 8. This Complaint is based on the belief that other members were contacted by e-mail, telephone, or in person. Without an investigation, other prohibited communications may not come to light. The "cabal" that has been operating behind the scenes and completely out of public view constitutes the kind of clandestine government activity that cannot be allowed to stand. And, certainly, the Vice-Chair of the FC cannot be permitted to manipulate the business of the FC by, in effect, destroying the ability of this body to debate, consider, and vote upon issues that come before it in an open-minded and fair manner—and in full public view.

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.

Members who have violated the Open Meeting Law (OML): 1. should be removed from the Finance Committee; 2. if not removed, should be barred from serving in leadership positions on Finance Committee; 3. should be required to submit a letter of apology to the Finance Committee as well as to the Town of Walpole; and 4. should be required to attend training concerning the OPL

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: *Alice Susan Lawler*

Date: 3/27/17

For Use By Public Body Date Received by Public Body:	For Use By AGO Date Received by AGO:
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The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the Attorney General a copy of the complaint and a description of any action the public body has taken to address it. At the same time, the body must send the complainant a copy of its response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.