



# Town of Reading Meeting Posting with Agenda

## Board - Committee - Commission - Council:

Select Board

Date: 2024-06-27

Time: 9:30 AM

Building: Virtual

Location: Zoom

Address:

Agenda:

Purpose: General Business

Meeting Called By: Caitlin Nocella on behalf of Chair Carlo Bacci

Notices and agendas are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays and Legal Holidays. Please keep in mind the Town Clerk's hours of operation and make necessary arrangements to be sure your posting is made in an adequate amount of time. A listing of topics that the chair reasonably anticipates will be discussed at the meeting must be on the agenda.

**All Meeting Postings must be submitted in typed format; handwritten notices will not be accepted.**

## Topics of Discussion:

*This Meeting will be held virtually only.*

Join Zoom Meeting

<https://us06web.zoom.us/j/81708293492>

Meeting ID: 817 0829 3492

Dial by your location

- +1 646 518 9805 US (New York)
- +1 646 558 8656 US (New York)

Find your local number: <https://us06web.zoom.us/u/kvwMFuEJt>

<b>9:30</b>	Overview of Meeting	
<b>9:35</b>	Public Comment	
<b>9:40</b>	<b>Open Session or Executive Session Purpose 1:</b> Discuss and potentially respond to Open Meeting Law Complaint against the Select Board by John Sullivan, received June 15, 2024	
<b>10:00</b>	Appoint members to the Trails Committee <ul style="list-style-type: none"> <li>• David Swyter to an associate member with a term expiring June 30, 2025</li> <li>• John Kastrinos to a full member with a term expiring June 30, 2027</li> </ul>	

This Agenda has been prepared in advance and represents a listing of topics that the chair reasonably anticipates will be discussed at the meeting. However the agenda does not necessarily include all matters which may be taken up at this meeting.



## Town of Reading Meeting Posting with Agenda

<b>10:05</b>	Killam School Building Committee: (1) discuss rationale for replacing the current Select Board representative to the KSBC; and (2) consider and vote to nominate or appoint new Select Board representative to the KSBC.	
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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 complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the 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](mailto:openmeeting@state.ma.us).



## 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: John Last Name: Sullivan

Address: 23 Weston Rd

City: Reading State: MA Zip Code: 01867

Phone Number: +1 (781) 944-8081 Ext. \_\_\_\_\_

Email: johnsullivan3@gmail.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): Select Board - Reading, MA

Specific person(s), if any, you allege committed the violation: Carlo Bacci (Chair), Chris Haley (Secretary), Melissa Murphy (Member)

Date of alleged violation: June 4, 2024

## 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.

On June 4th, 2024, the Select Board voted 3-1 to enter executive session under Purpose 1 of THE COMMONWEALTH OF MASSACHUSETTS OPEN MEETING LAW, G.L. c. 30A, §§18-25 (link: <https://www.mass.gov/files/documents/2017/10/12/OML%20Text.pdf>) for the purpose of discussing an open meeting law complaint filed against Select Board member Karen Herrick by resident Dan Dewar.

The Commonwealth Open Meeting Law clearly states under Purpose 1 (Section 21.(a).1 that while executive session may be used to discuss complaints brought against a public officer, the "public body shall hold an open session if the individual involved requests that the session be open". Ms. Herrick clearly stated her preference for the matter to be discussed in open session at around 6:15 of the RCTV recording ([https://www.youtube.com/watch?v=BWkJEVOh8\\_M](https://www.youtube.com/watch?v=BWkJEVOh8_M)) of the meeting. Her request was ignored by the three members of the board listed above. If there was any doubt about whose preference takes precedence, page 13 of the open meeting law guide published by The Office of Attorney General Campbell in December 2023 (<https://www.mass.gov/doc/2023-guide-with-ed-materials/download>) states that for purpose 1 "The individual who is the subject of the discussion may also choose to have the discussion in an open meeting, and that choice takes precedence over the right of the public body to go into executive session."

The board clearly entered executive session improperly and in violation of Massachusetts Open Meeting Law, depriving the public of hearing information that is certainly in the public interest.

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.

That the board immediately release all meeting notes and minutes from the executive session, as well as an explanation as to why they felt the public should not have been privy to the discussion that took place.

Furthermore, as this is at least the 4th OML violation the current chair has caused since being elected, I request an explanation from the board as to why these violations keep happening and why the steps taken after the Chair's previous violations haven't prevented further violations

## 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](mailto: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: \_\_\_\_\_

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO: