

From: **Stanton, Sarah** <[sstanton@bedfordma.gov](mailto:sstanton@bedfordma.gov)>  
Date: Mon, Aug 12, 2019 at 5:06 PM  
Subject: Open Meeting Law Violation/22 Jeffrey's Circle  
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Good afternoon, Mr. Wirth:

I left a message on your voicemail, but wanted to follow up on a very serious matter regarding an Open Meeting Law violation by the Conservation Commission. It was brought to my attention that members of the Conservation Commission met on Friday, August 2nd, 2019 at 6:30 PM on the stairs of Town Hall, 10 Mudge Way. As you know, Town policy is not to hold meetings or public hearings on Friday, Saturday, or Sunday, as the Town Hall is not open to the public at that time. The Conservation Administrator advised the Commission quite clearly that the meeting could not take place at that time. In fact, I instructed, as did the Town Clerk, that the meeting posting should be taken down immediately. The Town has adopted the municipal website as the official method of notice posting, and the meeting was not posted there. The meeting was thus not posted legally, and could not, and should not, have taken place on Friday evening. I can't express enough the collective dismay at the deeply inappropriate choice to meet on the steps of Town Hall, in spite of the clear direction given to the Commission that this would violate the Open Meeting Law.

In speaking with our former Town legal counsel, and with Town staff, I was informed that this is not the first time that the Commission has actively violated Open Meeting Law requirements in direct opposition of direction from Town staff. The actions of the Commission puts the Town, and the Commission, in direct violation of State law, and puts any regulatory action of the Commission in jeopardy. Among other remedies, the Attorney General's office can assess monetary penalties against the Town for willful violations of the statute.

In light of the decisions made last Friday evening, any action of the 8/2 meeting should be considered invalid. No public hearing should have taken place, and no action regarding the permit for 22 Jeffrey's Circle will be taken until the matter is re-voted.

Repeated, willful violation of the Open Meeting Law by Commission members constitutes a sufficient ground for removal of any member who persists in that conduct. If any further actions of this variety take place, where members knowingly put the Town in jeopardy of legal sanctions, per the advice of Legal Counsel, the Selectmen will convene a hearing to consider the immediate removal of those Commission members who have willfully disregarded the law and the Town's meeting policies.

The posting requirements in the Open Meeting Law are not optional; boards and committees do not get to choose to disregard them in deference to other interests. In the hope of avoiding further legal infringement, I am going to schedule our Town Counsel to attend one of your upcoming meetings to walk through the very clearly defined parameters of the Open Meeting Law.

If you have any questions, or would like to discuss further, please do not hesitate to reach out.

Best,

Michael Rosenberg, Chair, Board of Selectmen  
Sarah Stanton, Town Manager

**Sarah A. Stanton**  
**Town Manager**  
**Town of Bedford**

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