

Statement of Board of Selectmen
Monday, August 16, 2010

Concerning the Open Meeting Law Complaint filed by Linda Segal, it is clear that the four BOS members were mistaken in referring to some of the candidates who were being considered for appointment that evening. The comments made during a less than five minute period prior to the formal opening of the July 8th Board of Selectmen meeting should not have occurred until the start of the meeting.

Our Board's off hand references to the appointments to be considered on our evening's agenda, just minutes prior to the formal start of our July 8th meeting, preceded a formal meeting that included a 25 minute deliberation of several candidates for town committees. That deliberation included careful consideration of each applicant and repeated the substance of the recapped discussion that occurred just before the start of the meeting. It is the Board's prerogative to choose which candidates would best serve the town at this time, given each person's background. The extent of comments, and who we comment on, is also the Board's prerogative.

While we were mistaken in referring to some of the candidates that evening, the public can be assured that we gave careful consideration of all the candidates over many weeks and several meetings. As always, our ultimate decisions were made with the best interests of the town in mind.

The Open Meeting Law establishes a very high bar for all committee and Board members to do the public's work in public. That bar is set high on purpose, and appropriately so. We are committed to the Open Meeting Law and we are committed to make certain that this type of conduct will not occur again.



TOWN OF WAYLAND

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BOARD OF SELECTMEN
JOHN BLADON
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THOMAS J. FAY
JOSEPH F. NOLAN
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August 17, 2010

Robert A. Nasdor, Director
Division of Open Government
Office of Attorney General
One Ashburton Place, 20th Floor
Boston MA 02108

RE: Open Meeting Law Complaint of Linda L. Segal of August 5, 2010
Wayland Board of Selectmen

Dear Mr. Nasdor:

I am writing you pursuant to 940 CMR 29.05(5) relative to the above-referenced Open Meeting Law Complaint. A copy of the Complaint and enclosures, which were filed on August 5, 2010, re enclosed.

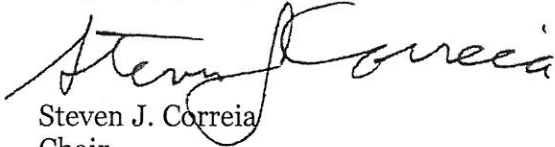
After reviewing the DVD of the live Cable TV transmission and recording of the period immediately prior the time that the Board of Selectmen's (the "Board") meeting of July 8, 2010 officially began, it is apparent that a quorum of the Board briefly discussed potential appointees to fill vacancies on the Historic District Commission ("HDC"). In order to remedy this technical transgression, the Board repeated its discussion of the potential appointees to the HDC in open session at a duly posted meeting of the Board held on August 16, 2010. A copy of the notice, agenda and minutes of the Board's meeting of August 16, 2010 and a copy of a transcript of the brief "pre-meeting discussion" of July 8, 2010 are enclosed.

Even though it may have not been necessary, the Board has taken this remedial action as a cautionary measure and for transparency purposes. Each candidate considered by the Board for appointment to the HDC was interviewed at a previous open meeting duly noticed and held in accordance with the Open Meeting Law. Additionally, the vacancies on the HDC were filled by a vote of the Board in open session during its July 8, 2010 meeting. The vote to make the appointments was preceded by a discussion of the each of the appointees. Therefore, any technical violation of the law that may have occurred by the July 8, 2010 pre-meeting discussion of the candidates for appointment to the HDC was cured by the discussion and vote during the Board's July 8, 2010 meeting.

Accordingly, the Board requests that the Attorney General's Office determine that no additional remedial action is necessary or appropriate pursuant to the above-referenced complaint.

Thank you for your attention to this matter.

Very truly yours,


Steven J. Correia
Chair

Enclosures

- Complaint of Linda Segal, August 5, 2010 with enclosures (21 pages)
- DVD recording of public access broadcast of July 8, 2010 meeting of Board of Selectmen
- Transcript of conversation among Selectmen on July 8, 2010 just prior to convening of meeting
- Detailed summary of discussion of appointments to boards and committees, July 8, 2010, as prepared by Town Administrator on August 15, 2010
- Public statement of Board of Selectmen, August 16, 2010
- Notice, agenda, and minutes (draft) of August 16, 2010 Board of Selectmen meeting
- Proposed motions for appointments to boards and committees as prepared by Town Administrator distributed to Selectmen on July 8, 2010 just prior to convening of meeting

cc: Linda L. Segal (w/enclosures)
Mark J. Lanza, Town Counsel (w/out enclosures)