



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

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Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Jeanne Last Name: Rich

Address: 281 Mill St. Ext.

City: Lancaster State: MA Zip Code: 01523

Phone Number: 9786607093 Ext.

Email: jeannegrinch@gmail.com

Organization or Media Affiliation (if any): Lancaster Planning Board

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): Lancaster Planning Board

Specific person(s), if any, you allege committed the violation: Russell Williston, Carol Jackson, Roy Mirabito

Date of alleged violation: 8/24/2020 and 9/28/2020

## 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.

8/24/2020 A Planning Board meeting was held and during #5 Reorganization of the board discussion had taken place. I expressed my concern with having Russ appointed as a Chair given his demeanor toward others, his disrespectful behavior and his lack of professionalism which I found to be frightening. After the discussion a roll call vote was taken and he was appointed by a 3-2 vote. The next 2 items on the agenda pertained to the appointment of the vice chair and clerk. On both of these motions, Russ announced that he would prefer not to have any discussion on the motions. I was never aware that discussion on any motion could be banned. My understanding of the open meeting law is that all discussions should take place and be noted in the minutes especially when there is not a unanimous vote.

9/14/2020 - The Planning Board meeting of 9/14 presented the minutes of 8/24 in amended format due to the discussion being left out. The motion was made and seconded to approve the minutes as amended. During the discussion Russ, Carol and Roy all stated displeasure in the amended notes as they did not agree with having discussion in the minutes. Russ suggested to accept amended minutes thru page #5 to which Carol motioned, Roy 2nd and the vote was a 3-2 vote.

What is not in the minutes but is on the tape of the meeting is the motion to approve the minutes as amended, 2nd by Tom Christopher and during the roll call vote, Carol voted yes to the amendments. Russ immediately questioned her as to her vote and mentioned that she should be voting no on the amended minutes as presented. Carol changed her vote to no and the roll call continued.

9/28/2020- The Planning Board minutes of 9/14/2020 were presented to the Planning Board as amended. These minutes have a full discussion as to why the prior minutes discussion should not be allowed. The motion by Carol Jackson was to "approve the minutes with the amendments through page 5 without the nasty comments". This motion passed on a 3-2 vote.

9/28/2020 The Planning Board held a meeting which had its agenda posted by the Town Clerk on Thursday, 9/24/2020 at 3:37 p.m. On Friday, 9/25/2020 at 8:23 a.m. a revised agenda was posted at the direction of Russ Williston. A new item was placed on the agenda. This new posting was not given proper notice to the public body. M.G.L. ch. 30A, Section 20.

Since July, Russell Williston has posted emails between the board members, he has placed discussions that will take place at a future meeting of the board and has made threatening comments and remarks concerning myself as a member of the board. He has created a facebook page titled, "Russ Williston, Lancaster Planning Board". This page has been created without the permission of the town. Many of the statements made by Russ on facebook imply there was communication amongst other members of the board outside of a meeting.

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.

The Planning board minutes of 8/24 should be amended to include the discussions that took place concerning the motion for chair. The minutes should be amended to state the chair not wanting to have discussion on the vice chair and clerk nominations.

The Planning Board chair to attend the open meeting program offered by the Attorney Generals office.

The facebook page to be removed from social media and a public apology.

## 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

For Use By AGO

Date Received by Public Body:

Date Received by AGO: