



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill  
Rebekah Lacey | Ivria Glass Fried Eric Reustle Blake M. Mensing Katherine E. Stock

August 6, 2018

Via first class mail and email (JohnHalsey@Verizon.net)  
John R. Halsey  
75 Beaver Road  
Reading, MA 01867

**Re: July 9, 2018 *Open Meeting Law* Complaint  
Response from the Select Board**

Dear John:

On July 9, 2018,<sup>1</sup> the Select Board of the Town of Reading received your *Open Meeting Law* Complaint, in which you allege that the Board improperly deliberated about a matter on June 19. As explained in detail below, the statements made by Board members during a private conversation on that date concerned matters of interpersonal dynamics that are not within the scope of the Board's jurisdiction.

Therefore, the Board believes that its actions do not run afoul of the *Open Meeting Law*. Nevertheless, the Board agreed, in open session on July 31, to release minutes of the conversation that occurred on June 19. A copy of those minutes is attached. In addition, the Board affirmed its commitment to comply with the law in its future actions. Several Board members publicly apologized for their role in this incident, and pledged to avoid secrecy in future discussions where possible, even when the *Open Meeting Law* does not prohibit it. The Board hopes that these actions demonstrate its dedication to fostering government transparency.

The *Open Meeting Law* requires that all meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. See *M.G.L.* c.30A, §§20(a)-(b), 21. However, a "meeting" is defined, in relevant part, as "a deliberation by a public body with respect to any matter within the body's jurisdiction." *M.G.L.* c.30A, §18 (emphasis added). Further, the law defines "deliberation" as:

...an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall

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<sup>1</sup> On July 12, the Division of Open Government in the Office of the Attorney General granted the Board's request for an extension to respond to the Complaint pursuant to 940 CMR 29.05(5)(b). A response is now due by August 22.

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not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

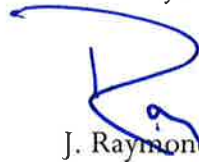
*Id.* (emphasis added).

The Attorney General has held that “discussions of interpersonal dynamics, such as how to avoid ‘unnecessary confrontations’ . . . , do not concern public business within the jurisdiction of the public body.” OML Determination 2018-103; OML Determination 2018-91 (conversation reflecting “interpersonal disagreements among several Board members, rather than Board business,” found not be a violation of the law); OML Determination 2018-1 (holding a discussion was “outside a body’s jurisdiction where it concerned purely interpersonal dynamics”).

As the minutes demonstrate, Vanessa’s statements and Andy’s and Barry’s response thereto do not concern Board business and, instead, relate only to interpersonal dynamics among Board members. Accordingly, because these discussion topics fall outside the scope of the Board’s jurisdiction, it did not violate the *Open Meeting Law*. Even if a violation had occurred, however, the Board has taken appropriate remedial action.

Thank you for bringing this matter to the attention of the Board.

Sincerely,



J. Raymond Miyares

Encl.

cc: Division of Open Government (with a copy of the Complaint attached)  
Select Board

## **DRAFT MINUTES OF UNPOSTED READING SELECT BOARD MEETING JUNE 19, 2018**

Date of meeting: June 19, 2018

Location: Reading Town Hall 16 Lowell Street Reading, MA Downstairs Conference Room

Time: Approximately 7:01 PM- 7:12 PM

Attendees: Barry Berman (Acting Chair); Vanessa Alvarado; Daniel Ensminger; Andrew Friedmann; John Halsey; Robert LeLacheur (Town Manager); Caitlin Saunders (Executive Assistant)

Regularly scheduled Executive Session of the Reading Select Board adjourned at approximately 7:01PM. At request of Andrew Friedmann, Town Manager LeLacheur left the room to retrieve copies of a document that was needed for regular session.

As members began leaving to resume regular session, Vanessa Alvarado requested members to stay. She then asked Caitlin Saunders to leave the room and close the door behind her. Ms. Alvarado said that she had something to say and there will be no need for minutes of this meeting.

Ms. Alvarado then began to read a prepared statement. Mr. Berman asked her what she was doing and suggested she stop. Ms. Alvarado read her statement over Mr. Berman's objections. All Board members remained in the room.

Ms. Alvarado did not provide copies of her statement to the other members, but the thrust of her remarks centered on events which occurred at the last Executive Session of the Select Board on May 15, 2018.

When Ms. Alvarado completed reading her statement Mr. Berman asked members if they had anything to say. The only member to respond was Mr. Friedmann, who stated that Ms. Alvarado's remarks seemed reasonable.

Members left the room and were in their seats at about 7:15.

In preparation of these minutes Mr. Berman on 7/23/18 asked Ms. Alvarado to provide the statement she read on 6/19 so they could be attached to this document. On 7/25/18 Ms. Alvarado sent an email to Mr. Berman with remarks. That email is attached, and is incorporated in these minutes.

Submitted by Barry Berman July 31, 2018

**Berman, Barry**

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**From:** Barry Berman <barry.berman@ci.reading.ma.us>  
**Sent:** Monday, July 30, 2018 4:46 PM  
**To:** Berman, Barry  
**Subject:** Fwd: Minutes for 6/19 unposted Sb meeting

Barry Berman  
Vice Chair  
Reading Select Board  
617-699-9487

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From: Vanessa Alvarado <[alvaradoselectboard@gmail.com](mailto:alvaradoselectboard@gmail.com)>  
Sent: Wednesday, July 25, 2018 10:41 AM  
To: Barry Berman  
Subject: Re: Minutes for 6/19 unposted Sb meeting

Barry,

Apologies for the delay, cell coverage is spotty in the mid-West. Below is the statement I read on 6/19.

"I have concerns regarding two events that took place at the last executive session.

I will not be a party to speaking negatively about town staff or volunteers. If it happens again, I will ask you to stop. If you continue, I will leave the room and you can call me back when you are finished and return to topics of town business."

I then turned to Mr. Halsey and said:

"John, I was uncomfortable with your behavior at the last executive session. It was unprofessional and unacceptable. I will not subject myself to that kind of an environment and should it happen again will immediately remove myself from the situation."

Best,  
Vanessa

On Mon, Jul 23, 2018 at 9:08 PM, Barry Berman,  
<[barry.berman@ci.reading.ma.us](mailto:barry.berman@ci.reading.ma.us)<<mailto:barry.berman@ci.reading.ma.us>>> wrote:

Vanessa, as you know I am compiling the minutes for the unposted SB meeting of 6/19 to send to Ray. Would you mind sending me the statement you read to the Board so I may attach to my draft . I want to send to ray this week Thx

Barry Berman  
Vice Chair  
Reading Select Board  
617-699-9487



7/31/18