

Town of Leicester  
OFFICE OF THE TOWN ADMINISTRATOR

Town Hall, 3 Washburn Square  
Leicester, Massachusetts 01524-1333  
Phone: (508) 892-7000 Fax: (508) 892-7070  
www.leicesterma.org

December 11, 2018

Patrick Higgins  
P.O. Box 24  
Swansea, MA 02777

**RE: Response to Two (2) Open Meeting Law Complaints  
dated November 27, 2018 to the Leicester Select Board**

Dear Mr. Higgins:

I am responding on behalf of the Select Board ("Board") for the Town of Leicester ("Town") to the two (2) Open Meeting Law ("OML") complaints which you filed with the Town Clerk's Office on or about November 27, 2018. One complaint alleges that the Board violated the OML by (1) "not listing the names, addresses and type of licenses to be renewed under Other business No. 5g, listed on their meeting notice for their November 19, 2018 meeting" and (2) "by holding their meeting in a location that is not currently handicapped accessible in violation of both the [OML] and the Americans' [sic] with Disabilities Act" ("Agenda/Accessibility Complaint"). The other complaint alleges that the Board violated the OML "by holding an 'emergency' meeting with the Planning Board when it was not an emergency" on November 26, 2018 ("Emergency Complaint"). As explained below, while the Board acknowledges and has corrected the issue with the specificity of its meeting notices relative to license renewals, it denies any other violations of the Open Meeting Law regarding these complaints.

**I. ALLEGED VIOLATIONS OF NOVEMBER 19, 2018**

The Select Board conducts its meetings pursuant to the requirements of the Open Meeting Law, G.L. c. 30A, §§18-25. In this regard, the Board in its meeting notices, including the notice for November 19, 2018, includes "a listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, §20(b). The list of topics shall have "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b). The Division of Open Government generally considers a topic to be sufficiently specific "when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion." See OML 2015-35. The meeting agenda for the Board's November 19<sup>th</sup> meeting, which was included as an exhibit in your complaint, lists "2019 License Renewals" under Section 5.g. The Division of Open Government advised in its determination on a similar complaint that you filed with the Adams Board of Selectmen, see OML 2017-33, attached hereto as Exhibit A, that while the names and types of licenses should have been included in the meeting notice, addresses are not necessary "if the Board sufficiently identifies the establishments with the specific types of license renewals." Following receipt of your complaint, the Board ratified its actions on the license renewals at its meeting on December 10, 2018, including in the meeting notice a list of the types of licenses, as well as the name and address of the proposed licensee for each renewal. With its ratification of the renewals after providing sufficient notice, the Board's position is that any violation of the OML by virtue of the November 19<sup>th</sup> meeting notice was *de minimis* and was cured by the Board's subsequent action.

The other alleged violation pertains to the accessibility of the room where the November 19<sup>th</sup> meeting was held. There is currently construction going on to improve accessibility in Town Hall, including the installation of an elevator and a ramp connecting the two lower levels. Prior to construction, the meeting room was served by exterior and interior ramps that were being removed as part of the project. The announcement was put on the website when the old interior ramp was removed to allow for construction of the new ramp that connected the two lower levels. Once the new ramp was completed, the meeting room became accessible, as there is exterior ramp on the other side of the building on the same level that could be used to access the meeting rooms. On the date that this meeting was held, the new ramp was installed and available for use by the public. The announcement was inadvertently left on the website.

Because the Board's meeting on November 19<sup>th</sup> was in a room accessible to all members of the public, it denies any violation of the OML.

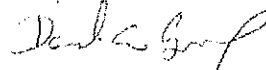
## **II. ALLEGED VIOLATION OF NOVEMBER 26, 2018**

An "emergency" is defined under the OML as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action." G.L. c. 30A, §18. The burden of justifying the need for an emergency meeting lies with the public body. See OML 2012-7; OML 2010-6. On November 26, 2018 at approximately 7:55 AM, the Board posted with the Town Clerk a notice for an emergency meeting to be held that night at 7:00 PM. As indicated in the meeting notice enclosed with your complaint, the meeting was called "to address potential traffic, parking, and public safety concerns experienced in the area of 1764 Main Street, as a result of a new business opening." The notice goes on to explain that "[t]hese concerns became relevant only after it was determined the initial rush of customers to the business would be greater and longer in duration than initially forecast" and that the meeting therefore was called "to discuss options to address said concerns in a timely basis." As the Division of Open Government has described, "[e]mergency meetings are reserved for circumstances that are unanticipated and require an immediate response to, for example, protect public safety or health" (emphasis added). See OML 2016-70. The business in question, the Cultivate adult-use marijuana establishment, opened on November 21, 2018, to large crowds and heavy traffic. The Cultivate facility was the first adult-use marijuana to open in the Commonwealth, resulted in substantial crowds and unanticipated traffic, was the subject of extensive statewide and national news coverage, and created public safety issues. As the crowds/traffic issues continued through Thanksgiving weekend unabated, it quickly became apparent to the Board that an emergency meeting needed to occur to immediately address the crowd/traffic issues that were anticipated to continue and were causing great concerns for public safety in the vicinity of the business. The Board therefore believes it was justified in scheduling an emergency meeting on November 26, 2018 as soon as the Thanksgiving holiday weekend concluded and a quorum of the Board was available to meet, given the substantial and serious traffic and public safety issues at issue. The Board therefore denies any violation of the OML due to the scheduling of the November 26<sup>th</sup> meeting as an emergency meeting.

## **III. CONCLUSION**

As set forth above, the Board has sufficiently addressed your complaint regarding the specificity of its November 19<sup>th</sup> meeting notice, and otherwise denies your allegations that any violation of the Open Meeting Law has occurred. Thank you for your attention in this regard.

Very truly yours,



David Genereux  
Town Administrator

Enclosure (copy of OML complaints dated November 27, 2018)

cc: Select Board  
Town Counsel  
Division of Open Government, Massachusetts Attorney General



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

(617) 727-2200  
[www.mass.gov/ago](http://www.mass.gov/ago)

## Exhibit A

March 3, 2017

OML 2017 – 33

Edmund R. St. John, III, Esq.  
2 Center Street  
P.O. Box 228  
Adams, MA 01220

**RE: Open Meeting Law Complaint**

Dear Attorney St. John:

This office received a complaint from Patrick Higgins on February 14, 2017 alleging that the Adams Board of Selectmen (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.<sup>1</sup> The complaint was originally filed with the Board on December 17, and you responded, on behalf of the Board, by letter dated December 23. The complaint alleges that the notice for the Board’s December 7 meeting lacked sufficient detail because it did not contain i) the names and street addresses of the establishments to be considered for license renewals, ii) the date and time of posting by the Town Clerk, iii) the meeting location address, iv) the purpose for executive session, and v) any topics under the heading “Announcements & Good of the Order.”

Following our review, we find that the Board violated the Open Meeting Law by failing to list in its December 7 meeting notice the specific license renewals and establishments it planned to discuss. We find no evidence, however, that the Board violated the law in the other ways alleged. In reaching this determination, we reviewed the original complaint, the Board’s response to the complaint, and the complaint filed with our office requesting further review. We also reviewed the notice of and open session minutes from the Board’s December 7 meeting. Finally, we spoke with you by telephone on February 16, 2017.<sup>2</sup>

<sup>1</sup> Unless otherwise indicated, all dates in this letter refer to the year 2016.

<sup>2</sup> For purposes of clarity, we will refer to you in the third person hereafter.

## FACTS

We find the facts as follows. On December 5, the Board posted notice with the Town Clerk for a meeting to be held on Wednesday, December 7 at 7:00 P.M. The Board's Attorney, Edmund St. John, provided this office with a copy of the notice that was posted and stamped by the Town Clerk; the date and time of posting was December 5 at 2:41 P.M. The notice listed the location of the meeting as "Town Hall, Meeting Room, 1<sup>st</sup> Floor, Adams, MA 01220." The notice also listed thirteen topics, including "New Business," "Announcements & Good of the Order," and "Executive Session." Under New Business, one of the topics the Board planned to discuss was "License Renewal Approvals." The notice did not include a list of the various license renewals that the Board planned to discuss or the specific establishments that were seeking renewal. "Announcements & Good of the Order" did not include any description of what the Board anticipated discussing during this portion of the meeting. Finally, the meeting notice included "Executive Session" but did not identify the specific purpose the Board intended to invoke.

The December 7 meeting was held as planned. The Board discussed thirteen types of license renewals. During Announcements & Good of the Order, Board member Joseph Nowak announced that the Susan B. Anthony Centennial Celebration Committee was recruiting members and thanked several specific individuals for setting up the Christmas Village display in Town Hall. Board member John Duval extended thanks to Board Chair Jeffrey Snoonian for sending a letter to the Executive Office of Energy and Environmental Affairs regarding the Berkshire Scenic Rail and further thanked a local community bank, the Police Department and Lions' Club for holiday events. The Board did not enter executive session.

## DISCUSSION

A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). The notice must be printed in a legible, easily understandable format and must contain the date, time and place of the meeting, as well as a listing of topics that the chair reasonably anticipates will be discussed. *Id.* The list of topics shall have "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b). We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. *See* OML 2015-35.<sup>3</sup>

The complaint alleges that the December 7 meeting notice concerning the topic of license renewals lacked sufficient detail in that it did not provide "the names and addresses of the licenses to be considered for approval or denial." We agree that the Board should

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<sup>3</sup> Open Meeting Law determinations may be found at the Attorney General's website, [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).

have identified the establishments with the specific types of license renewals it planned to discuss at the December 7 meeting. Although including street addresses may oftentimes be useful to the public, such detailed specificity is not necessary if the Board sufficiently identifies the establishments with the specific types of license renewals. The Board acknowledges that the notice was not sufficiently detailed with respect to the topic of License Renewal Approvals, and informed our office that it will include the specific license renewal requests as well as names and addresses of establishments in future notices. We commend the Board's efforts to ensure future compliance and encourage the Board to include addresses in its meeting notices.

The complaint also alleges that the notice was insufficiently specific because it failed to provide the address of the meeting location. The notice indicated that the meeting was to be held in the Meeting Room on the first floor of the Adams Town Hall. The Board stated in its response that there is only one such location in Adams. We have stated in past determinations that a public body should provide the street address of a meeting location, where possible. See OML 2016-38. However, we have also concluded that where a complaint does not allege that any member of the public was actually misled by the meeting notice at issue, any error that may exist is harmless. See OML 2016-77. Here, the complaint does not allege that any members of the public were confused by the notice at issue. Accordingly, we remind the Board of its obligations under the Open Meeting Law. See OML 2016-146.

With respect to the remaining allegations, we find that the Board did not violate the Open Meeting Law. The complaint alleges that the meeting notice did not contain "the date and time it was posted by the municipal clerk." The date and time that the notice is posted must be conspicuously recorded on or with the notice itself. 940 CMR 29.03(l)(b). Attorney St. John provided this office with a copy of the notice that was posted and stamped by the Town Clerk; the date and time of posting was December 5 at 2:41 P.M.

The complaint further alleges that there "are no specifics for the" executive session topic listed on the notice. Because the Board did not convene in executive session on December 7, we find no violation with respect to the sufficiency of the executive session topic listed on that notice. When a public body does not actually deliberate on a noticed topic, the public body cannot violate the Open Meeting Law with respect to that topic, even if it would have been insufficiently detailed had the public body proceeded with its deliberation. See OML 2015-63; OML 2014-81. Attorney St. John indicated that when the Board plans to meet in executive session the notice will identify the statutory citation the Board intends to rely upon for convening in executive session. If the Board does not intend to enter executive session, it should consider removing that topic from its meeting notice.

Finally, we understand that the topic "Announcements & Good of the Order" is simply a time reserved for Board members to express comments, recognize and thank community members, as well as town employees, and notify residents of upcoming events. Such announcements are generally spontaneous and not pieces of business that Board

members anticipate discussing or otherwise within the Board's jurisdiction. See G.L. c. 30A, § 20(b). As such, we find that specific announcements do not need to be listed on the meeting notice.

### CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to list in its December 7 meeting notice the specific license renewals and establishments it planned to discuss. Moreover, a public body should provide the street address of a meeting location, where possible. Here, the complaint does not allege that any members of the public were confused by the notice at issue. Therefore, we find any error that may exist to be harmless but remind the Board of its obligations under the Open Meeting Law. With respect to the remaining allegations, we find that the Board did not violate the Open Meeting Law. We order the Board's immediate and future compliance with the Open Meeting Law, and we caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



KerryAnne Kilcoyne  
Assistant Attorney General  
Division of Open Government

cc: Patrick Higgins

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.**



# **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.

RECEIVED

2010 NOV 27 PM 3:46

TOWN CLERK'S OFFICE  
LEICESTER, MASS.

## **Your Contact Information:**

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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): Leicester Board of Selectmen

Specific person(s), if any, you allege committed the violation: All Members

Date of alleged violation: Nov 19, 2018

**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.

The Leicester Board of Selectmen violated the Open Meeting Law by not listing the names, addresses and type of licenses to be renewed under Other business No. 5g, listed on their meeting notice for their November 19, 2018 meeting.

They also violated the open meeting law by holding their meeting in a location that is not currently handicapped accessible in violation of both the Open Meeting Law and the Americans' with Disabilities Act.

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.

Learn and comply with the Open Meeting Law.

**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.

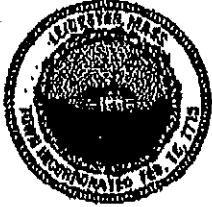
**III. Submit Your Complaint to the Public Body.**

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: 11/27/18



**PUBLIC NOTICE POSTING REQUEST  
OFFICE OF THE LEICESTER TOWN CLERK**

**ORGANIZATION:** Select Board

**MEETING:** X

**PUBLIC HEARING:** X

**DATE:** November 19, 2018

**TIME:** 6:30pm

**LOCATION:** Town Hall, Select Board Conference Room, 3 Washburn Square, Leicester

**REQUESTED BY:** Kristen L. Forsberg

**CALL TO ORDER/OPENING**

**1. EXECUTIVE SESSION**

**2. PUBLIC COMMENT PERIOD**

**3. STUDENT LIAISON REPORTS**

**4. RESIGNATIONS/APPOINTMENTS**

- a. Appointment - Parks and Recreation Committee - Jess Margadonna
- b. Appointment - Alternate Building Inspector - John Zacharlewicz

**5. OTHER BUSINESS**

- a. 7:00pm - FY 19 Tax Classification Hearing
- b. 7:00pm - Pole Hearing, Parker Street
- c. Library Wooden End Panel and Canopy Top - Award Bid and Execute Contract
- d. Library Expansion & Renovation Project Update
- e. Becker College One Day Liquor License Request
- f. Municipal Aggregation Plan Public Review Period
- g. 2019 License Renewals
- h. Police Chief Recruitment
- i. Church & Auburn Streets Bridge Bid Review
- j. Restructure of Personnel (Treasurer/Collector's Office)
- k. Coderre Auto License Violation
- l. Town Administrator Review

**6. REPORTS**

- a. Town Administrator Report
- b. Select Board Reports

**7. MINUTES**

- a. November 5, 2018

**ADJOURN**



Leicester  
Massachusetts

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## Town Hall evening meeting rooms are temporarily handicapped inaccessible due to construction

LAST UPDATED: AUGUST 8, 2018 - 12:12PM

The Town Hall is undergoing renovations to make it more handicapped accessible including the installation of an elevator and a ramp to connect the two lower levels. As a result, the ramp has been removed going in to the meeting rooms and the meeting rooms are not currently handicapped accessible. Should you require accommodations to attend a meeting please contact the Town Administrator's office at 508-892-7000.

Town of Leicester, 3 Washburn Square, Leicester, MA 01524

Phone: (508) 892-7000 - Fax: (508) 892-7070

*Photo Courtesy of Joe Dolen Photography*

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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

RECEIVED

2018 NOV 27 PM 3:46

TOWN CLERK'S OFFICE  
LEICESTER, MASS.

Please note that all fields are required unless otherwise noted.

## **Your Contact Information:**

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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): Leicester Board of Selectmen

Specific person(s), if any, you allege committed the violation: All Members

Date of alleged violation: Nov 26, 2018

**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.

The Leicester Board of Selectmen violated the Open Meeting Law by holding an "emergency" meeting with the Planning Board when it was not an emergency. See 2015-85; 2012-7; 2010-6.

It is apparent that there is a traffic situation dealing with the recently opened business at 1764 Main St., however a "failure to plan" is not a reason to use the "emergency" exemption provided for under Section 18. This grand opening of one of the two licensed "pot shops" was well known and well advertised and the town official of Leicester did not properly plan, that is NOT an emergency, that is a failure to plan and the Open Meeting Law required a properly posted meeting with the required 48 hours notice.

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.

Learn and comply with the Open Meeting Law.

**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.

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**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.**

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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: 11/27/18

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:



**PUBLIC NOTICE POSTING REQUEST  
OFFICE OF THE LEICESTER TOWN CLERK**

**ORGANIZATION:** Select Board & Planning Board

**MEETING:** X

**PUBLIC HEARING:**

**DATE:** November 26, 2018

**TIME:** 7:00pm

**LOCATION:** Town Hall, Select Board Conference Room, 3 Washburn Square, Leicester

**REQUESTED BY:** David Genereux, Town Administrator

**CALL TO ORDER/OPENING**

Note: This meeting has been scheduled outside of the usual 48-hour notification period for public meetings as required by the Open Meeting Law.

According to the Open Meeting Law Guide, published by Attorney General Maura Healey, dated October 6, 2017: *"Except in cases of emergency, a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays, and legal holidays. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting."*

This emergency meeting has been called to address potential traffic, parking, and public safety concerns experienced in the area of 1764 Main Street, as a result of a new business opening. These concerns became relevant only after it was determined the initial rush of customers to the business would be greater and longer in duration than initially forecast. This meeting is called to discuss options to address said concerns in a timely basis.

**1. PUBLIC COMMENT PERIOD**

**2. OTHER BUSINESS**

- a. Discussion of potential traffic, parking, and public safety concerns (1764 Main Street)

**ADJOURN**

RECEIVED

2018 NOV 26 AM 7:55

TOWN CLERK'S OFFICE  
LEICESTER, MASS.



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

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- 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).