THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
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ATTORNEY GENERAL

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March 6, 2024

VIA EMAIL

Matthew Watsky, Esq.
[redacted]

RE: Open Meeting Law Complaint

Dear Attorney Watsky:

This office received your complaint on November 14, 2023, alleging that the Medfield Conservation Commission (the "Commission") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Commission on or around August 24, and the Commission responded by letter dated September 26.[1] The complaint alleges that the notice for the Commission's August 17 meeting included the topic "Discussion and vote to appeal DEP Superseding Order," yet the Commission engaged in no such discussion during its August 17 meeting; nonetheless, the Commission's Chair filed an appeal despite the lack of a vote by the Commission.[2] For the reasons stated below, we decline to review this complaint.

The Division of Open Government's review concerns compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Open Meeting Law does not govern the authority of individual public body members to act on behalf of the public body. See OML 2023-90; OML Declination 9-14-22 (Oak Bluffs Planning Board); OML 2020-12. Your complaint alleges that the Wetlands Protection Act and corresponding regulations require any act of the Commission to be taken by a majority vote of the members then in office. Your complaint concerns the authority of the Commission's Chair to file an appeal with the Department of Environmental Protection without the Commission having voted as a body to take that action. Even if true, the allegations in your complaint would not constitute a violation of the Open Meeting Law. As such, we decline to review this matter. See OML Declination 1-25-16 (Nahant Housing Authority Board of Commissioners).[3] We offer no opinion on whether any actions taken by the Chair or the

[1] All dates refer to 2023.
[2] The Commission agrees that it did not discuss or authorize the appeal during its August 17 meeting and explains that the failure to do so was an oversight. The Commission does not dispute that its Chair filed the appeal anyway.
[3] All previous determinations issued by the Division can be found on the Attorney General's website: https://www.mass.gov/the-open-meeting-law.

Commission may be a violation of some other law or regulation outside the scope of the Division's review.[4]

We now consider this matter closed. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,

Carrie Benedon

Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Medfield Conservation Commission (via email: conservationCommission@medfield.net)
Medfield Town Clerk (via email: mbonoldi@medfield.net)

[4] The Commission represents that during a meeting on September 12, the Commission voted to ratify the Chair's actions in submitting the appeal.