

# FixCarver.com

## Why do we pay Lawyer Gregg Corbo from Koppleman and Paige Law firm?

The Carver Board of Selectman has been cited for violating the Open Meeting Law. You would think they would have learned. But worse is, when we pay for legal representation and he sits there and interprets the OML with ignorance, even though he has received responses from the AGO regarding Posting of Executive Sessions.

The Open Meeting Law states that the Chairman must post the agenda 48 hours before a meeting. The Board can only discuss issues on the agenda, unless it is an emergency "In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting". They cannot discuss issues the Chairman reasonably would have known would be discussed. So the selectman posted the agenda knowing they are interviewing for an interim Selectman, they are going to deliberate and vote. They have Town Council present. They know they need to hire this person ASAP. What would be the logical thing the Selectman would do? Negotiate a contract.

### ***From the Board of Selectman Meeting***

Gregg Corbo stated: "we can have a brief executive session at this point, to go over basic terms for me to start with".

Helen Marrone stated: "that is something you can do with the OML"

Gregg Corbo stated: it is included in the posting of "Discussion and possible vote re: hiring an Interim Town Administrator"

Jack Franey stated "he agrees with that what is the form of a motion?"

Gregg Corbo stated: "I think that can be done in the scope of the notice that was published"

Jack Franey stated: "the executive session would be us and yourself"

Gregg Corbo stated: yes.

### ***Citizen participation***

Robert Belbin stated: I don't think you can go into executive session because of the OML, It doesn't say anything about negotiating a contract or anything.

Gregg Corbo: in my opinion we are not negotiating a contract we are discussing the contract... Its part and parcel of that process.

Robert Belbin: Wouldn't any type of executive session have to be posted as an executive session?

Gregg Corbo: you don't have to always post an executive session ahead of time, because you don't know you are going to have one.

Robert Belbin stated: It says here you were possible vote so there would be a vote to hire, so that you would be talking about it afterwards.

Gregg Corbo: Yea, I think its included. It's part of the process of hiring and voting an interim Town Administrator. In my opinion it is a proper subject of an executive session within that agenda item.

With this partial transcript above, Now read past OML decisions that Gregg Corbo received and the AGO has determined.

Direct Quote from an OML complaint against the Board of Selectmen (OML 2013 - 20): "Public bodies are required to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1) (b). **Where a body anticipates convening an executive session, the chair must state, both verbally before**

**entering executive session and in the meeting notice,** "the purpose for the executive session, stating all subjects that may be revealed

Without compromising the purpose for which the executive session was called." See G.L. c. 30A, § 21(b) (3); OML 2011-15; OML 2011-7." **Gregg Corbo received this response from the AGO!**

Direct Quote from a OML complaint against the Carver Zoning Board (OML 2013 - 35): A meeting notice must list each topic that the chair reasonably anticipates the public body will discuss, listed with sufficient specificity to reasonably advise the

public of the issues to be discussed at the meeting. G.L. c. 30A, § 20(b); 940 CMR 29.03(1) (b). Here, the Board should have stated the specific statutory purpose for its anticipated executive session, and the name or names of the litigation it anticipated discussing. **Providing this level of detail would not have compromised the purpose for entering into executive session, but would have given the public sufficient notice as to the topics the Board planned to discuss in executive session. Gregg Corbo received this response from the AGO!** The AGO states " However, we find that the

Board's meeting notice and the Chair's statement prior entering into executive session on

December 15, 2011 was not sufficiently specific."

Direct Quote from an OML complaint against the Montague Board of Selectmen (OML 2012 —113) **"the notice for the May 22, 2012 meeting fell short of the notice requirements.** 2 First, to the extent that the Board is aware of the identity of the individuals for whom they are considering appointments during the meeting, it should take the additional step of listing their names in the meeting notice. See OML 2011- 11. **This level of detail is intended to provide members of the public with sufficient information to understand what business is being transacted by the Board and, where members of the public have an interest, to attend the relevant deliberations.** Id. Second, the meeting notice should have specifically stated the names of all pending litigation matters that the Board anticipated discussing during the executive session, if doing so would not have compromised the purposes for the executive session. See G.L. c. 30A, § 21(b)(3); OML 2012-55; see also District Attorney for Northern Dist. v. School Committee of Wayland, 455 Mass. 561, 567 (Mass. 2009). **Gregg Corbo received this response from the AGO!**

OML 2013 — 9: **The Board's meeting notice did not offer the public a complete understanding of the topics that the chair reasonably anticipated** would be discussed at the meeting. Because the Open Meeting Law requires that a public body convene in open session before entering executive session, any public body entering executive session should reasonably anticipate that it will convene in open session to 1) state the purpose for its executive session, 2) take a vote to enter executive session, and 3) announce whether it will re-convene in open session following the executive session. G.L. c. 30A, § 21(b)(1)-(4). When the only business to be discussed during an open session is the procedural requirements for entering executive session, listing "open session" on the meeting notice is the only means by which members of the public are informed that a public body will, in fact, hold an open meeting that they are permitted to attend.' See OML 2012-68. **Without such notice, members of the public are essentially denied the opportunity to attend and judge the propriety of the executive session.** See OML 2012-55. **For this reason, the Board's meeting notice was not sufficiently**

**detailed to comply with the Open Meeting Law.** We acknowledge, however, that this office has not previously published its interpretation of this issue in a formal determination, thus this letter is intended to provide future guidance to the Board and other public bodies.

OML 2012-55: "Mr. Brown alleges that the Council acted improperly when it held an executive session on August 23, 2011 for the purpose of discussing pending litigation, because it failed to state in the meeting notice, and the Chair failed to state before entering executive session," The AGO found: "Following our review, we found that the Council violated the Open Meeting Law by ...**failing to give sufficient notice of the purpose for the executive session both in the meeting notice** and at the time the session was convened;"

Atty. Gregg Corbo's statement that the Agenda Item listed includes contract negotiating then why didn't they post it as Executive Session? If the hiring of an Interim Town Administrator and the contract negotiation is "Part and Parcel of the Process" then the Board of Selectmen should have known and Posted Executive Session so the Public would know what they will be discussing in Executive Session.

Board of Selectmen, Now that you know Atty. Gregg Corbo gave you poor legal advice in public open session that put you in a position for legal action by the AGO is this grounds for firing Koppleman and Paige as our legal representation in Carver? Atty. Corbo should be ashamed of himself. He knew the Law and he purposely intended for the Board of Selectmen to violate the Law and tried to Lawyer Speak out of the illegal action. But actually gave more credence to my Position that the Executive Session held was illegal.

The Town of Carver and I deserve and apology.

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