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December 5, 2017

Board of Selectmen
Daniel Kolenda, Chairman
c/o Mark Purple, Town Administrator
Town of Southborough
Town House
17 Common Street
Southborough, MA 01772

Re: David Parry – Open Meeting Law Complaint, Town of Southborough

Dear Mr. Chairman and Board Members and Town Administrator

We have been asked to address a recent lengthy email correspondence from a Mr. David Parry as to a purportedly filed complaint with the Attorney General's (OML) Open Government Division in conjunction with an official correspondence sent by the Chairman of the Board of Selectmen as the Town's Chief Executive Officer relative to public safety and security concerns as to Mr. Parry's continuous unscheduled visits with certain Town officials and employees.

In this regard, we offer the following analysis of the legal and administrative basis of that correspondence.

Apparently, there was a continuous issue of Mr. Parry's unscheduled visits and conduct during those visits at Town offices. Under the Town Code, Chapter 27, Article IX, Section 27-25 thereof, summarily, the Town Administrator shall act as the Chief Administrative Officer of the Town, ultimately responsible to the Board of Selectmen and particularly its Chairman for the day-to-day management of Town affairs.

Further, under Section 27-26(A), the Town Administrator, as agent to the Board, shall be responsible for the efficient administration of all departments and personnel under Board jurisdiction and in conjunction with other agencies of the Town.

The overview of intent of this comprehensive By-law, which we previously helped create, is that the Town Administrator shall be responsible for the efficient day-to-day activities of agencies in Town buildings specifically the seat of government: the Town House. Implicitly, he is also responsible for the safety and security of officials and employees in that regard.

By historical practice and procedure, the Chairman of the Board of Selectmen is the CEO of the Town on a day-to-day basis. Between the Town Administrator and Chairman, they have the inherent duty and responsibility to coordinate efficient daily government activities, particularly as to the safety and well being of Town officials and employees.

Furthermore, the Town Administrator and Chairman in conjunction with the advice and/or involvement of the Police Chief and Town Counsel are not a public body and can consult on public safety and legal matters as needed. We see no violation of the Open Meeting Law.

The August 21, 2017 letter to Mr. Parry merely informed him that given issues that occurred, he would have to make scheduled appointments with Town officials and employees. On a day-to-day basis, he would still be able to conduct his personal Town business and attend Town Board meetings (a carefully intended distinction in the letter).

We are aware of the intent of the letter and see no evidence of harassment. The correspondence was issued solely to maintain orderly administration in the Town House and to mitigate any safety or security issues for Town officials and employees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aldo A. Cipriano, Esq.', written in a cursive style.

Aldo A. Cipriano, Esq.
Town Counsel

AAC/fc