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September 19, 2016

OML 2016 – 130

Aldo A. Cipriano, Esq.  
277 Main Street  
Marlborough, MA 01752

**RE: Open Meeting Law Complaint**

Dear Attorney Cipriano:

This office received a complaint from Marnie Hoolahan, dated August 24, alleging that the Southborough 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 August 8, and the Board responded by letter dated August 17. In her complaint, Ms. Hoolahan alleges that the Board took a vote during a meeting that had not been listed on the meeting notice.

After reviewing the complaint, the Board’s response, the request for further review filed with our office, and the notice for a Board meeting held on August 2, we resolve this complaint by **informal action** in accordance with 940 CMR 29.07(2)(a). We find that the Board did not violate the Open Meeting Law.

On July 29, the Board posted notice for a meeting to be held on August 2. The notice stated that the Board would interview four candidates for appointment to the Zoning Board of Appeals, listing each by name. The notice did not indicate that the Board would take a vote during this meeting based on these interviews. The Board held its August 2 meeting as planned. Following the interviews, the Board voted to appoint an individual to the Zoning Board of Appeals.

The complaint alleges that the notice of the August 2 meeting should have stated that the Board would vote to appoint a member to the Zoning Board of Appeals. The Open Meeting Law does not require a public body to anticipate the course of deliberation or the outcome of any discussion, only that it identify the discussion topic with sufficient detail to reasonably advise the public of the issues to be discussed at the meeting. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b); OML 2014-127.<sup>2</sup> It is reasonably inferable that a public body may take action on

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

<sup>2</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).



any topic listed in a meeting notice. See OML 2013-134; OML 2012-75. Accordingly, we find that the Board did not violate the Open Meeting Law with respect to this allegation.

For the reasons stated above, we find that the Board did not violate the Open Meeting 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 the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Kevin W. Manganaro  
Assistant Attorney General  
Division of Open Government

cc: Marnie Hoolahan  
Southborough Board of Selectmen

**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.**