

August 15, 2023
Sterling Board of Health Meeting
Butterick Building, Room 205
1 Park Street, Sterling, MA 01564

Meeting Minutes

8:00 AM Chairman Allen Hoffman called the meeting to order.

Roll Call: Allen Hoffman, Chairman – present
Anne Marie Catalano, Member – present
Cathie Martin, Member – present, remotely
David Favreau, Health Agent – present
Elaine Heller, Administrative Assistant – present

Attendees: Laura Ricci, Gail Hassett, Richard Lane, Don Brown, and Dan Donovan

The meeting was recorded by SLCT and Richard Lane.

Appointments and Agenda Items:

Discussion: Review and discuss open meeting law complaint dated August 4, 2023:

Ms. Catalano read the complaint into the record:

“The Sterling Board of Health (BOH) has conducted business, made decisions, and taken action, (including the decision to spend taxpayer dollars) without ever discussing this business at a public meeting.

Specifically, this business involved constructing, editing, approving, mailing, and publishing (in a local newspaper) a letter to the public specifically designed to disrupt a taxpayer initiative petition targeted at a recent Board of Health regulatory decision.

The letter was printed on town letterhead and mailed with the Sterling Municipal Light Department electric bills. The ad was placed in the Sterling Meetinghouse News. The reported costs for producing the letter was \$394.55. The BOH has never placed such an item on their agenda. No (available) meeting minutes show any discussion concerning these matters.

I filed a public records request on July 20, 2023 (with multiple specific requests) to ascertain if this business was ever conducted at a public meeting. I received a partial answer to my request on August 2, 2023 from BOH Agent David Favreau confirming that this business was conducted outside of the Massachusetts Open Meeting Law requirements (specifically, the business was conducted through email discussions.)

I believe these actions were taken intentionally and purposefully to avoid public discussion on the matter because there is a significant number of taxpayers that have endorsed the citizen’s petition for a special town meeting concerning the BOH regulatory action. Also, because there have been multiple opportunities at subsequent BOH meetings since June, including August 3, 2023 to address this matter and no such discussion has been conducted.”

Chairman Hoffman read the main area of concern from the Open Meeting Law Guide:

“Note that the expression of an opinion on matters within the body’s jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds. For example, if a member of a

public body sends an email to a quorum of a public body expressing her opinion on a matter that could come before that body, this communication violate the law even if none of the recipients responds.”

Health Agent Favreau commented that on June 25, 2023, he drafted a letter for distribution through the Sterling Light Department and sent it to Board members, looking for potential changes. He did not ask that members not respond. Mr. Hoffman and Ms. Martin responded to Mr. Favreau only. Ms. Catalano responded and copied all members. He then re-read that part of the Open Meeting Law as noted above. As a result of these actions, Mr. Favreau made a recommendation; each of the Board members will reacquaint themselves with the Open Meeting Law, and provide a current Open Meeting Law certification.

Attendee, Ms. Hassett, asked why this meeting was being held at 8:00 AM. Ms. Catalano explained that she is a nurse on call this week and would not be available any other time. As the BOH must respond to the complaint within 14 days, next week would be too late for a meeting.

According to Mr. Favreau, a written response to the complaint will be sent to Mr. Lane.

Adjourn:

A motion to adjourn was made by Ms. Catalano and seconded by Mr. Hoffman. All members were in favor and the meeting adjourned at 8:42 AM.

Materials: Email which lead to OML Complaint