



TOWN OF STOUGHTON

OFFICE OF THE TOWN MANAGER

10 Pearl Street – Stoughton, MA 02072 (781) 341-1300 Fax (781) 297-2879

South School Independent Working Group

Greetings Select Board Members,

As all of you know, I created an independent working group to hear, consider and vet information regarding the South School Project. **This group is not a subcommittee of any board.** It is a working group consisting of objective residents who share different viewpoints and backgrounds in the community. It includes 4 PhD's and 3 attorneys and several Town Meeting Representatives. The working group is tasked with receiving citizen questions and concerns and then meeting with subject matter experts to gather and vet information. The working group's mission is fact driven. It therefore needs to determine what is true and not true; what, based upon the facts, is ultimately what is or is not appropriate to publish for our citizens' information. To accomplish that mission, the working group must necessarily be driven by a collaborative group process in order to prepare a comprehensive document to be published in November.

Although a working group created by a Town Manager, is not subject to the Open Meeting Law, this working group has welcomed the public to participate at every meeting it has held. Members of the public have taken full advantage of this approach and have participated so actively that the working group has essentially become a round table discussion. For anyone who would like to attend but who has not, I invite you to do so. The working group has been a model of public participation and transparency. I am very proud of how well it has engaged the public and how well it has carefully and considerately sifted through this voluminous, complicated and complex information.

I am aware that project opponents have raised concerns about the applicability of the Open Meeting Law. Long-standing and well-established decisions of the Courts and the Division of Open Government have held that a working group appointed by a single municipal official, who himself or herself is not subject to the Open Meeting Law, is not a subcommittee of a board and therefore not subject to the open meeting law. Connelly v. School Committee of Hanover, 409 Mass. 232 (1991). Like all working sessions conducted in my office every day. This working group does not need to post agendas. It does not need to invite the public. It does not need to recognize the public. It does not need to take minutes and it does not need to record its meetings. Notwithstanding the Law, the working group has welcomed the public and encourages their input. Should members of the public wish to submit questions to the working group, please send those questions to ssworkinggroup@stoughton-ma.gov. Your questions will be addressed in the final report in November.

A subcommittee under the Open Meeting Law and Robert's Rules of Order would simply not be as effective nor as efficient. Video recording or live streaming the meetings would be contrary to the mission of the working group because incomplete and potentially inaccurate information would be put out in public before the working group could perform its task. In any event, per Article 5, Section 3 of the Town's Access Agreement with SMAC, SMAC is only obligated to record Select Board meetings, School Committee meetings and Town Meeting. While the Town Manager may request that additional

meetings be recorded, it is solely within the Town's discretion whether to record other meetings or not. The working group will ultimately produce a report. That report will be a public document which will be posted on the Town's website and available for all to see. Again, I am very pleased with how well the working group has engaged the public and how well it has carefully and considerately sifted through this very complicated and significant public project. In my view, it has been a model of public participation and transparency. For anyone who would like to attend but who has not, **I invite you to do so.** The meetings are held at the Library each Monday from 5:30 p.m. to 7:00 p.m. **All are welcome.**

Thank you,

A handwritten signature in black ink, appearing to read "Thomas J. Calter".

Thomas J. Calter,
Town Manager