



MARTHA COAKLEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
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April 12, 2013

Catherine Yamamoto  
Chair  
Williamstown Affordable Housing Committee  
Williamstown Municipal Building  
31 North Street  
Williamstown MA 01267

Dear Ms. Yamamoto:

We received a copy of an Open Meeting Law complaint, dated March 14, 2013, filed by Kenneth Swiatek against the Williamstown Affordable Housing Committee (the "Committee"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. A copy of the complaint is enclosed. The public body is required to notify our office of the complaint and any remedial action taken to address the complaint. See G.L. c. 30A, § 23(b) and 940 CMR 29.05(5). Our office has not received notification and a response from the Committee as of this date.

Public bodies have a legal obligation to respond to the initial complaint within 14 business days, which has passed. We request that the Committee review the complainant's allegations; take remedial actions, if appropriate; and send their response to the Attorney General's Office and to the complainant. See 940 CMR 29.05(5). If we do not receive a response to the complaint from the Committee by April 29, 2013, we will have to review the complaint based on the information that is before us.

Please feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hanne Rush".

Hanne Rush  
Assistant Attorney General  
Division of Open Government

Enclosure

cc: Kenneth Swiatek (w/o enclosure)

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

A meeting of the Williamstown Affordable Housing Committee was held on February 12, 2013. No other subsequent meetings were held prior to a Letter To The Editor that was signed by all six members of the committee being published by three local news outlets.

<http://www.willinet.org/content/affordable-housing-committee-meeting-21213>

During that meeting there was no discussion by the Committee about drafting a letter to the editor and sending it to the three (3) local news outlets. I attended that meeting as well as several other acquaintances. None of us recall the letter that was published March 4, 6, and 7, and signed by all six members of the Affordable Housing Committee being discussed during an open meeting session on February 12, or on any earlier date in any form or shape.

While a individual member of the committee could have written the letter that appeared in The Transcript, The Advocate Weekly, and the online publication, iBerkshires, public, open meeting deliberation would be required by each and every member of the six member committee for it to have been published with each of their names. No one can recall even an authorization being discussed or voted upon to draft such a letter.

While it may be commendable for a town committee to write a letter to the editor, such a letter is required to be drafted, authorized, and/or discussed and voted upon in an open meeting session prior to its submission for publication.

There is no evidence that this happened. Thus, the Massachusetts Open Meeting Law has been clearly violated.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

This violation is egregious. The chair made an opening statement at their 12/18/12 meeting noting that the Committee was, is, and will be in full compliance of the Open Meeting Law. <http://www.willinet.org/content/affordable-housing-committee-meeting-121812>. This statement was made after an OML complaint was filed against the Board of Selectmen on 12/10/12. This violation indicates training on the open law is needed. The board should acknowledge their violation during an open meeting.

**Review, sign, and submit your complaint**

**Read this important notice and sign your complaint.**

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

Signed: Monette J. Szwastek

Date: 3-14-2013

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO: