

PRESIDENT
Elizabeth J. Kazinskas

COUNCILLORS AT LARGE
Calvin D. Brooks
Craig R. Cormier
Brad E. Heglin
Elizabeth J. Kazinskas
Judy A. Mack
George C. Tyros

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



WARD 1 COUNCILLOR
David Thibault-Muñoz

WARD 2 COUNCILLOR
Dana M. Heath

WARD 3 COUNCILLOR
Paul G. Tassone

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
Aleksander Dernalowicz, Esq.

CITY COUNCIL SPECIAL MEETING
***AMENDED**

Date: Wednesday, July 31, 2024
Time: 6:30 P.M.
Location: City Council Chambers, Room 219, City Hall

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents referenced or used during the meeting must be submitted in duplicate to the City Clerk, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

- *11335 – An Open Meeting Law Complaint Filed by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11336 – An Open Meeting Law Complaint Filed on behalf of David Hilman by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11337 – An Open Meeting Law Complaint Filed on behalf of Lauren Peabody by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11338 – An Open Meeting Law Complaint Filed on behalf of Kimberly Blake by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11339 – An Open Meeting Law Complaint Filed on behalf of Debra Moore Alie by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11340 – An Open Meeting Law Complaint Filed on behalf of Judy Tysinger by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.

- *11341** – An Open Meeting Law Complaint Filed on behalf of Stephanie Orlow by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11342** – An Open Meeting Law Complaint Filed on behalf of Ernestina Duda by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11343** – An Open Meeting Law Complaint Filed on behalf of Laurie Meagher by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11344** – An Open Meeting Law Complaint Filed on behalf of Darlene Halfrey by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11345** – An Open Meeting Law Complaint Filed on behalf of Mary Marsh by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11346** – An Open Meeting Law Complaint Filed on behalf of Eleanor Gamarsh by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11347** – An Open Meeting Law Complaint Filed on behalf of Kayla Halfrey by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.
- *11348** – An Open Meeting Law Complaint Filed on behalf of Janna McPherson by Paul DeMeo Regarding the July 1, 2024 City Council Meeting.

CITY COUNCIL OF GARDNER
Elizabeth J. Kazinskas
ELIZABETH J. KAZINSKAS
Council President

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

*Amended Items – amended due to clerical error.

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Sunday, July 14, 2024 11:38 PM
To: Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas;
elizabeth.kazinskas@state.ma.us; openmeeting@state.ma.us; Titi Siriphan
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] OPEN MEETING LAW COMPLAINT PAUL DEMEO
Attachments: EPSON030.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.
Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Paul DeMeo

RECEIVED
2024 JUL 15 AM 7:39
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
 Office of the Attorney General
 One Ashburton Place
 Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Paul Last Name: DeMeo

Address: 9 Willis Road

City: Gardner State: MA Zip Code: 01440

Phone Number: 9786321300 Ext. _____

Email: pndemeo@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/ town, county or region, if applicable): Gardner City Council

Specific person(s), if any, you allege committed the violation: Elizabeth Kazinskas

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to my email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 7/14/2024

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAIL
pndemeo@gmail.com

Paul DeMeo
9 Willis Road
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Paul DeMeo,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024, did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 11:30 AM
To: Jayen Kumar; Jess Miller; Titi Siriphan; Elizabeth Doiron; openmeeting@state.ma.us; Elizabeth Kazinskas; Elizabeth Kazinskas
Cc: pndemeo@gmail.com; Carnes-Flynn, Elizabeth (AGO); carrie.benedon@state.ma.us; matthew.lindberg@mass.gov
Subject: [EXTERNAL] Fourteenth Open Meeting Law Complaint filed against Elizabeth Kazinskas; David Hilman
Attachments: EPSON044.PDF
Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Miss Kazinskas,

Please acknowledge the fourteenth Open Meeting Law complaint filed against you for failing to provide adequate space for the Public at a duly noticed Public City Council Meeting.

Folks in the Council Chambers and Perry Auditorium were not able to hear all the proceedings of the City Council Meeting held on July 1st, 2024.

Your further defiance of providing adequate space for the Public at the Public Hearing scheduled for Tuesday, July 23rd is rude and unacceptable.

Please move the Public Hearing to Landry Auditorium at Gardner High School.

There is no rush to Vote on this matter!

Regards,
Paul DeMeo

RECEIVED
2024 JUL 15 PM 12:01
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: David Last Name: Hilman

Address: 114 Rich st

City: Gardner State: MA Zip Code: 01440

Phone Number: 978 277 1141 Ext. _____

Email: David.Hilman71@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to the email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

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III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:  _____

Date: 5/14/2024

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

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Dear Ms. Doiron,

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Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAIL
Davidhilman71@gmail.com

David Hilman
114 Rich Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear David Hilman,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

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The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Sunday, July 14, 2024 11:42 PM
To: Titi Siriphan; Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas; elizabeth.kazinskas@state.ma.us; openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law Complaint ; Lauren Peabody
Attachments: EPSON031.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Laureen M. Peabody

RECEIVED
2024 JUL 15 AM 7:10
CITY OF GARDNER'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Laureen M. Last Name: Peabody

Address: 3 Jackson Park

City: Gardner State: MA Zip Code: 01440

Phone Number: 9786325349 Ext. _____

Email: laureen.p@hotmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Gardner City Council

Specific person(s), if any, you allege committed the violation: Elizabeth Kazinskas

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to my email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Laureen M. Peabody

Date: 7/13/2024

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

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Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAIL

Laureen.p@hotmail.com

Laureen M. Peabody
3 Jackson Park
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Laureen M. Peabody,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Sunday, July 14, 2024 11:45 PM
To: Titi Siriphan; Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas;
elizabeth.kazinskas@state.ma.us; openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint; Kimberly Blake
Attachments: EPSON032.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Kimberly Blake

RECEIVED
2024 JUL 15 AM 7:40
CITY OF GARDNER
GARDNER, MA



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Kimberly Last Name: Blake

Address: 25 Baker Street

City: Gardner State: MA Zip Code: 01440

Phone Number: 9782493859 Ext. _____

Email: Aryelsheadbands@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/ town, county or region, if applicable): Gardner City Council

Specific person(s), if any, you allege committed the violation: Elizabeth Kazinskas

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to my email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:  Ball

Date: 7/15/2024

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

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Dear Ms. Doiron,

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Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

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DATE

VIA ELECTRONIC MAIL
Aryelsheadbands@gmail.com

Kimberly Blake
25 Baker Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Sir/ Madam,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

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It is for these reasons that the meeting of July 1, 2024, did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Sunday, July 14, 2024 11:52 PM
To: Titi Siriphan; Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas; elizabeth.kazinskas@state.ma.us; openmeeting@state.ma.us
Cc: pndemeo@gmail.com; ninagalie110@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint; Debra Moore Alie
Attachments: EPSON033.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Debra Moore Alie

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
 Office of the Attorney General
 One Ashburton Place
 Boston, Massachusetts 02108

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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Debra Last Name: Moore Alie

Address: 23 Oriole Street

City: Gardner State: MA Zip Code: 01440

Phone Number: 9783503719 Ext. _____

Email: ninagalie110@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Gardner City Council

Specific person(s), if any, you allege committed the violation: Elizabeth Kazinskas

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to my email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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

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For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: debra g alle

Date: Sun. 17, 2024

<small>For Use By Public Body</small>	<small>For Use By AGO</small>
<small>Date Received by Public Body:</small>	<small>Date Received by AGO:</small>

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAIL
Ninagalie110@gmail.com

Debra Moore Alie
23 Oriole Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Debra Moore Alie,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:16 AM
To: Elizabeth Kazinskas; Elizabeth Kazinskas; Titi Siriphan; Elizabeth Doiron; openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint; Judy Tysinger
Attachments: EPSON034.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Judy Tysinger

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
 Office of the Attorney General
 One Ashburton Place
 Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Judith Last Name: Tysinger

Address: 323 Park St

City: Gardner State: Ma Zip Code: 01440

Phone Number: 978-894-3152 Ext. _____

Email: Judyblueeyes67@aol.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to the email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

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II. Consulting With a Private Attorney.

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The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Deborah T. Gering

Date: _____

7/14/24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

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Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

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DATE

VIA ELECTRONIC MAIL
Judyblueeyes67@aol.com

Judith Tysinger
323 Park Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Judith Tysinger,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:18 AM
To: Elizabeth Doiron; Titi Siriphan; Elizabeth Kazinskas; Elizabeth Kazinskas;
openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint; Stephanie Orlow
Attachments: EPSON035.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Stephanie Orlow

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
 Office of the Attorney General
 One Ashburton Place
 Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

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 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephanie Last Name: Orlow

Address: 41 Holly Drive

City: Gardner State: MA Zip Code: 01440

Phone Number: 978-660-3372 Ext. _____

Email: spxx00@yahoo.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:  _____

Date: 7/14/2024

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAIL
Spoxx00@yahoo.com

Stephanie Orlow
41 Holly Drive
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Stephanie Orlow,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:24 AM
To: Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas; Titi Siriphan; openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint; Ernestina Duda
Attachments: EPSON036.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Ernestina Duda

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
 Office of the Attorney General
 One Ashburton Place
 Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body **AND** to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: ERNESTINA (TINA) DUDA Last Name: DUDA

Address: 56 STEPHANIE DRIVE

City: GARDNER State: MA Zip Code: 01440

Phone Number: (978) 235-5908 Ext. _____

Email: ernestina.duda@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual

Organization

Media

Public Body that is the subject of this complaint:

City/Town

County

Regional/District

State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to the email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: *Emilia (Maia) Onda*

Date: *July 14, 2024*

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

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Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

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DATE

VIA ELECTRONIC MAIL
Ernestinaduda@gmail.com

Ernestina (Tina) Duda
56 Stephanie Drive
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Ernestina (Tina) Duda,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024, did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:28 AM
To: Elizabeth Doiron; Titi Siriphan; Elizabeth Kazinskas; Elizabeth Kazinskas;
openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint; Laurie Meagher
Attachments: EPSON037.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.
Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Laurie Meagher

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
 One Ashburton Place
 Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Laurie Last Name: meagher

Address: 99 Catherine Street

City: Gardner State: MA Zip Code: 01448

Phone Number: 978-690-0183 Ext. _____

Email: Laurie.meagher81@yahoo.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
 (For statistical purposes only)

- Individual Organization Media

Public Body that is the subject of this complaint:

- City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

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III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 7-14-24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

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Dear Ms. Doiron,

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Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

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Date

VIA ELECTRONIC MAIL
Lauriemeagher81@yahoo.com

Laurie Meagher
99 Catherine Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Laurie Meagher,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room was set up in a similar manner. However, the city has taken additional steps to confirm compliance

with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SlzP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:30 AM
To: Elizabeth Doiron; Titi Siriphan; Elizabeth Kazinskas; Elizabeth Kazinskas;
openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint
Attachments: EPSON038.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.
Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Darlene Halfrey

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Darlene Last Name: Halfrey

Address: 165 Waterford Street

City: Gardner State: MA Zip Code: 01440

Phone Number: 978-868-2423 Ext. _____

Email: dahalfre@verizon.net

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual

Organization

Media

Public Body that is the subject of this complaint:

City/Town

County

Regional/District

State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to the email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: *Darlene A Halfrey*

Date: 7/14/2024

<i>For Use By Public Body</i>	<i>For Use By AGO</i>
<i>Date Received by Public Body:</i>	<i>Date Received by AGO:</i>

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAIL
Dahalfr@verizon.net

Darlene Halfrey
165 Waterford Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Sir/ Madam,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

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It is for these reasons that the meeting of July 1, 2024, did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:34 AM
To: Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas; Titi Siriphan;
openmeeting@state.ma.us
Subject: [EXTERNAL] Open Meeting Law complaint; Mary Marsh
Attachments: EPSON039.PDF
Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Mary Marsh

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MASS



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Mary Last Name: Marsh

Address: 150 Acadia Road

City: Gardner State: MA Zip Code: 01440

Phone Number: 508-612-9882 Ext. _____

Email: mary-marsh@shuts.net

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual

Organization

Media

Public Body that is the subject of this complaint:

City/Town

County

Regional/District

State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to the email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

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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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

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III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 7/14/24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

Date

VIA ELECTRONIC MAIL

Mary.marsh@shutr.net

Mary Marsh
150 Acadia Road
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Mary Marsh,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room was set up in a similar manner. However, the city has taken additional steps to confirm compliance

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It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:36 AM
To: Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas; openmeeting@state.ma.us; Titi Siriphan
Subject: [EXTERNAL] Open Meeting Law complaint; Eleanor Gamarsh
Attachments: EPSON040.PDF
Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.
Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Eleanor Gamarsh

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

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 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: ELEANOR F. Last Name: GAMARSM

Address: 21 Norman St

City: Gardner State: MA Zip Code: 01440

Phone Number: 3573566361 Ext. _____

Email: eg.gardenlady@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to the email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: *Eleanor F Gamarsk*

Date: 7-14-24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAIL
Eg.gardnerlady@gmail.com

Eleanor F. Gamarsh
21 Norman Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Eleanor F. Gamarsh,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room was set up in a similar manner. However, the city has taken additional steps to confirm compliance

with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SlzP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024, did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:39 AM
To: Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas; Titi Siriphan;
openmeeting@state.ma.us
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law Complaint; Kayla Halfrey
Attachments: EPSON041.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Kayla Halfrey

RECEIVED
2024 JUL 15 AM 7:40
CITY CLERK'S OFFICE
GARDNER, MA



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

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- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
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- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Karla Last Name: Halfrey

Address: 165 Waterford Street

City: Gardner State: MA Zip Code: 01440

Phone Number: 978-268-2472 Ext. _____

Email: karhalfrey2011@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): GARDNER CITY COUNCIL

Specific person(s), if any, you allege committed the violation: GARDNER CITY COUNCIL PRESIDENT ELIZABETH KAZINSKAS

Date of alleged violation: 7/1/2024

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.

On June 30th and July 1st, Gardner city council president Elizabeth Kazinskas was notified by email to expect a large crowd at the City Council meeting on Monday, July 1st, 2024 due to the proposed sale of the GAAMHA property at 827 Green Street to Baystate Racing LLC. Kazinskas failed to respond to the email to her. The email was copied to the Mass Attorney Generals's Open Meeting Division to make them aware of the concern.

Miss Kazinskas upon being notified, had the opportunity to move the city council meeting to Perry Auditorium which seats several hundred people, but she failed to do so. Only sixty-five people including city councilors were allowed in to the Council Chambers. The rest of those present, were "herded" to Perry Auditorium where audio/visual was set-up to view the council meeting. The audio was very poor in Perry Auditorium and much was not able to be understood by those in attendance.

I believe this to be a deliberate attempt by Miss Kazinskas to divide the opposition to the racetrack whereas she could have the council meeting in the auditorium to accomodate all who wish to attend the Public Meetings and Hearings to be scheduled. Meetings have been held in Perry Auditorium before.

Miss Kazinskas has scheduled a Public Hearing for the racetrack proposal on July 23rd, 2024 where she plans once again to divide the residents between two rooms. This is not right.

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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Stacyan Idwalley

Date: _____

7/14/24

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

Confidentiality: This information contained in this electronic message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by telephone (978) 342-6081.

DATE

VIA ELECTRONIC MAILklhalfrey2011@gmail.com

Kayla Halfrey
165 Waterford Street
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Sir/ Madam,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SlzP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024, did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President

Elizabeth Doiron

From: PAUL DEMEO <ryanrealty@comcast.net>
Sent: Monday, July 15, 2024 12:41 AM
To: Elizabeth Doiron; Elizabeth Kazinskas; Elizabeth Kazinskas; openmeeting@state.ma.us; Titi Siriphan
Cc: pndemeo@gmail.com
Subject: [EXTERNAL] Open Meeting Law complaint; Janna McPherson
Attachments: EPSON042.PDF

Importance: High

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.
Dear Miss Kazinskas,

Please find attached an Open Meeting Law complaint filed against you.

Janna McPherson

RECEIVED
2024 JUL 15 AM 7:40
CITY OF GARDNER OFFICE



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

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- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Janna Last Name: McPherson

Address: 77 Riverside Road

City: Gardner State: MA Zip Code: 01440

Phone Number: 9786020440 Ext. _____

Email: jannamcpherson72@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Gardner City Council

Specific person(s), if any, you allege committed the violation: Elizabeth Kazinskas

Date of alleged violation: 7/1/2024

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.

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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.

For city council president Miss Kazinskas upon being advised there will be a large crowd at a city council meeting, to hold the meeting in Perry Auditorium which can accomodate all those who wish to attend in a large room.

For Miss Kazinskas to issue a Public Apology to all those "herded" to Perry Auditorium and not allowed to be in Council Chambers for a Public Meeting duly posted.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 7/14/2024

Elizabeth Doiron

From: Vincent Pusateri II <vpusateri@pusaterilaw.com>
Sent: Friday, July 26, 2024 6:16 PM
To: Elizabeth Doiron
Cc: Elizabeth Kazinskas; Vincent Pusateri II
Subject: [EXTERNAL] Open Meeting Law Reply
Attachments: 2024.07.25 OMLC Blake 2024.07.15.docx; 2024.07.25 OMLC DeMeo 2024.07.15.docx; 2024.07.25 OMLC Halfrey 2024.07.15.docx; 2024.07.25 OMLC Halfrey D 2024.07.15 - Copy.docx; 2024.07.25 OMLC Gamarsh 2024.07.15.docx; 2024.07.25 OMLC Tysigner 2024.07.15.docx; 2024.07.25 OMLC Peabody 2024.07.15.docx; 2024.07.25 OMLC Orlow 2024.07.15.docx; 2024.07.25 OMLC Moore Alie 2024.07.15.docx; 2024.07.25 OMLC Meagher 2024.07.15.docx; 2024.07.25 OMLC McPherson 2024.07.15.docx; 2024.07.25 OMLC Marsh 2024.07.15.docx; 2024.07.25 OMLC Hilman 2024.07.15.docx; 2024.07.25 OMLC Duda 2024.07.15.docx

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Ms. Doiron,

Attached please find a series of DRAFT replies to open meeting law complaints that I have prepared for Council's consideration. Please place a watermark DRAFT on these documents and convert them to PDF prior to including them in the packet for the City Council meeting. After doing so, please ensure that the link is active and will bring the reader to the videos contained in the google drive. Please contact me should you have any questions so that I may assist you.

Thank you for your attention to this matter.

Vincent P. Pusateri, II, Esquire

Assistant Solicitor, Law Department - City of Gardner, Massachusetts

O: 978-342-6081 | vpusateri@pusaterilaw.com

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DATE

VIA ELECTRONIC MAIL

Jannamcpherson72@gmail.com

Janna McPherson
77 Riverside Road
Gardner, MA 01440

**RE: Open Meeting Law Complaints dated 7/15/2024 regarding
the July 1, 2024, City Council Meeting Reply**

Dear Janna McPherson,

The city has received fourteen (14) Open Meeting Law complaints including your Open Meeting Law Complaint served on July 15, 2024. Whereas the deadline to respond to your Complaint is August 2, 2024, this response to your Complaint is timely. The Complaints all present two (2) issues.

The first issue is whether the Open Meeting law was violated by the city's use of an overflow room. The city determined it needed to prepare for a larger crowd. Once this determination was made, Attorney General Determination Letters were reviewed as guidance. Two options were presented. First, was to locate the public meeting in Perry Auditorium. Alternatively, the second option was to use Perry Auditorium as a location to accommodate an overflow crowd. City personnel conferred about these options, and it was decided Perry Auditorium would be used as an overflow room. We respect the fact that reasonable minds may differ on this decision, however, the use of the overflow room has been approved by the Attorney General. For these reasons, it is respectfully suggested that the use of a second room to accommodate a large crowd does not violate the Open Meeting Law.

Secondly, the Complaints raise an issue with the quality of the audio in the Perry Auditorium. The city respectfully disagrees with the assertion that the audio was poor. Staff were assigned to assess and set up audio and visual equipment prior to the meeting. The equipment was tested to ensure it would perform as expected, permitting those attending to hear and see the meeting. The equipment did perform when tested before the meeting by producing a clear audio signal. In addition, additional city staff were present during the meeting to assist members of the public to ensure they would be able to participate in the Public Meeting. After the meeting ended, city personnel who attended the meeting in Perry Auditorium reported that its content was clear and that the speakers were able to be understood. The first time a complaint was received by the city was when the public hearing was posted for the vote on the underlying matter.

The number of complaints received by the city in connection with this matter was concerning as we have had a public hearing scheduled on July 23, 2024, and the overflow room

was set up in a similar manner. However, the city has taken additional steps to confirm compliance with the requirements of the Open Meeting Law by ensuring the audio-visual equipment in Perry Auditorium will allow those in attendance to both see and hear the meeting. This included retesting the equipment, adding a test at the beginning of the meeting, having city employees monitor the quality of the audio, have the same people reporting to the Council and suspending the meeting when technical difficulties occurred. Finally, the July 23, 2024, meeting in Perry Auditorium was recorded. To listen to the recording of the July 23, 2024 meeting please use this link <https://drive.google.com/drive/folders/1SizP1boCAWabTA4tz2E6rkedN2caiAZ-?usp=sharing>. It is respectfully suggested that this recording exemplifies the experience that attendees had in Perry Auditorium on July 1, 2024.

It is for these reasons that the meeting of July 1, 2024 did not violate the Open Meeting Law.

Very truly yours,

Cc: Michael Nicholson, Mayor
Titi Siriphan, City Clerk
Elizabeth Doiron, Assistant City Clerk
Commonwealth of Massachusetts Attorney General's Office
Elizabeth Kazinskas, City Council President