

January 24, 2024

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BY ELECTRONIC MAIL ONLY ([openmeeting@state.ma.us](mailto:openmeeting@state.ma.us))

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Director, Division of Open Government  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Re: Town of Sudbury – Select Board  
Open Meeting Law Complaint from Leonard Simon, received January 18, 2024

Dear Attorney Benedon:

Please be advised that this office serves as Town Counsel to the Town of Sudbury. The Town’s Select Board (“Board”) received an Open Meeting Law Complaint on January 18, 2024 from Mr. Leonard Simon (“Complaint”), a copy of which is enclosed. The Complaint alleges that a member of the Board, Mr. Charles Russo, communicated individually with two other Board members on the same subject, therefore creating a “serial communication” amongst a quorum outside of a public meeting. The Complaint singles out Mr. Russo for the alleged violation. The Board reviewed the Complaint and this proposed response at its meeting on January 23, 2024 and voted to approve the response.

The Board and Mr. Russo deny that there was any violation of the Open Meeting Law. The Complaint attaches certain text messages, over a period of months, between Mr. Russo and another Board member, Ms. Jennifer Roberts. The texts concern a potentially proposed bylaw, under discussion in 2023 and currently by the Board and other Town officials, that would limit the siting of commercial firearms businesses in the Town. The text messages speak for themselves, but since the Board has five members, such communications between two members is clearly less than a quorum and does not violate the Open Meeting Law.

The Complaint then cites a January 9, 2024 Board meeting, during which there was a verbal exchange and disagreement between Mr. Russo and the chair of the Board, Ms. Janie Dretler. The meeting video includes Ms. Dretler referencing a phone call she had with Mr. Russo. First, it must be noted that the Complainant did not participate in the phone call between Mr. Russo and Ms. Dretler, so his allegations as to the topic or substance of said phone call is purely speculative. Moreover, Mr. Russo informed Town Counsel that his phone call conversation with Ms. Dretler did not involve the proposed firearms business bylaw or any communications he had in prior weeks or months with Ms. Roberts set forth in the attachments to the Complaint. Instead, he states that the phone conversation had to do with his objection to Ms. Dretler including a lengthy memorandum

Carrie Benedon, Esq.

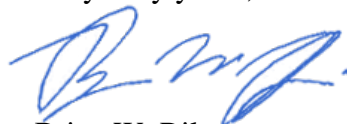
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(prepared by the Complainant) in the Board's document packet that the chair prepared for the January 9<sup>th</sup> meeting, which Mr. Russo felt was a personal attack against him. Stated otherwise, Mr. Russo states that his phone conversation with Ms. Dretler concerned the chair's administrative decision to include the memorandum in the Board packet, and not the discussions between the Board members at public meetings or his communications with Ms. Roberts on the merits and details of a potential bylaw. The text messages and the phone call were thus "on two separate issues and the content of these individual conversations were not shared or otherwise discussed with a quorum" of the Board. *See* OML 2023-228.

In summary, the Board denies the allegations in the Complaint that there were any serial communications between a quorum of the Board, and there were no Open Meeting Law violations as alleged. No further remedial action is required.

Very truly yours,



Brian W. Riley

Enc.

BWR/

cc: Town Manager ([SheehanA@sudbury.ma.us](mailto:SheehanA@sudbury.ma.us))  
Mr. Leonard Simon ([lensimon@comcast.net](mailto:lensimon@comcast.net))