



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

December 16, 2025

OML 2025 – 214

VIA EMAIL ONLY

Alexander M. Castro, Esq.
Mead, Talerman & Costa, LLC
30 Green Street
Newburyport, MA 01950
alex@mtclawyers.com

RE: Open Meeting Law Complaint

Dear Attorney Castro:

This office received a complaint from Mura Bacon-Erikson on September 18, 2025,¹ alleging that the Wilbraham Select Board (the “Board”), Town Administrator, and Tree Warden violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.² The complaint was originally filed with the Board on August 4, and you responded on behalf of the Board by letter dated August 15. We understand the complaint to allege that the notice for the Board’s July 28 meeting was insufficiently specific where the topic “Dave Graziano, Tree Warden and Ryan Kress, National Grid: Continuation of April 17, 2025 Tree Hearing” failed to indicate that the Board may take a vote.³

Following our review, we find that the Board violated the Open Meeting Law by including an insufficiently specific topic on the notice for its July 28 meeting. In reaching this determination, we reviewed the Open Meeting Law complaint, the Board’s response, and the

¹ Hereinafter, all dates are 2025, unless otherwise stated.

² The Open Meeting Law applies only to public bodies and public body members, not municipal employees. See OML Declination 5-16-19 (Bourne Town Clerk); OML Declination 11-2-15 (Massachusetts Division of Marine Fisheries). Therefore, we decline to review whether the Town Administrator or Tree Warden violated the Open Meeting Law.

³ The complaint also alleges violations of G.L. c. 39, 23B, and 87. The Complainant acknowledges, however, that these allegations are outside the scope of the Open Meeting Law, G.L. c. 30A, §§ 18-25, and clarifies that she is not requesting that our office review for compliance with G.L. c. 39, 23B, or 87.

request for further review. We also reviewed the notice for the July 28 meeting, as well as the minutes of the meeting and a video recording of the meeting.⁴

FACTS

We find the facts to be as follows. The Board posted notice for a meeting to be held on July 28. The notice included several topics, one of which was “Dave Graziano, Tree Warden and Ryan Kress, National Grid: Continuation of April 17, 2025[,] Tree Hearing.” During the Board’s July 28, meeting, Dave Graziano, the Town’s Tree Warden, called to order the continuation of a public hearing that Mr. Graziano had held on April 17 regarding National Grid’s request to remove public shade trees under an extended vegetation management program. Town Counsel had recommended that the continued hearing be held during the Board’s July 28 meeting because the Town had received from the Complainant a written objection to National Grid’s proposed plan and the Board would ultimately be required to consider and make a determination with respect to the objection. Mr. Graziano opened the public hearing, explaining that the purpose of National Grid’s proposed plan is to ensure that the electrical grid is safe and protected from forces of nature. The Complainant and Ryan Kress, representative for National Grid, both commented on the specifics of the plan and how it would impact the Town and homeowners. Town Counsel and Town Administrator spoke as well, providing advice regarding the hearing and the Board’s role in the process.

All three members of the Board also discussed the proposed removal of trees and National Grid’s extended vegetation management program, sharing their opinions and asking questions. After these discussions, Mr. Graziano closed the public hearing. Thereafter, the Board voted unanimously to support Mr. Graziano’s recommendation that the Town participate in National Grid’s extended vegetation management program.

DISCUSSION

The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based.” Ghiglione v. Sch. Comm. of Southbridge, 376 Mass. 70, 72 (1978). Meeting notices must contain the date, time, and place of the meeting, as well as a listing of topics that the chair reasonably anticipates will be discussed. Id. The list of topics shall have “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b). We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. See OML 2015-35. When reviewing a meeting notice for sufficiency, unless it is clearly insufficient on its face, we do not review a meeting notice standing alone. See OML 2016-149; OML 2015-109; OML 2014-155. Rather, we review what was actually discussed at the meeting to determine if the notice was sufficiently specific to make the public aware of the discussion topics. See OML 2016-149. Although it is good practice for a notice to specify that a vote will be taken when a vote is indeed anticipated, the Open Meeting Law does not require this. See OML 2024-192; OML 2024-156; OML 2023-186; OML 2021-153; OML 2019-157; OML 2019-36; OML 2015-66; OML 2012-75. It is

⁴ A video recording of the Board’s July 28 meeting may be found at <https://www.wilbraham-ma.gov/529/Video-On-Demand>.

reasonably foreseeable that a public body may take action and hold a vote following discussion of a topic listed on a meeting notice. See OML 2024-192; OML 2019-36; OML 2015-66; OML 2012-75.

The complaint specifically alleges that the Board violated the Open Meeting Law where the notice topic “Dave Graziano, Tree Warden and Ryan Kress, National Grid: Continuation of April 17, 2025[,] Tree Hearing” did not indicate that the Board might take a vote. We do not find the notice insufficient because it failed to indicate that a vote may be taken. As explained above, it is reasonably foreseeable that a public body may take action following discussion of a topic and the Open Meeting Law does not require that a public body indicate on its meeting notice that a vote may be taken. However, we find the notice insufficiently specific where the topic “Dave Graziano, Tree Warden and Ryan Kress, National Grid: Continuation of April 17, 2025[,] Tree Hearing” did not reasonably inform the public that the Board would discuss whether to approve the removal of trees as proposed by National Grid under its extended vegetation management program. See OML 2024-218; OML 2024-43. Although the topic, as listed, might have been meaningful to Board members and individuals already aware of the Tree Warden’s previous public hearing on the matter, we find it was insufficient to reasonably inform members of the public unfamiliar with the issue of the anticipated nature of the discussion. See OML 2021-121; OML 2020-164; OML 2013-55. Therefore, we find that the Board violated the Open Meeting Law by including an insufficiently specific topic on the notice for its July 28 meeting.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by including an insufficiently specific topic on the notice for its July 28 meeting. We order the Board’s immediate and future compliance with the Open Meeting Law and caution that similar future violations may be considered evidence of an intent to violate the Open Meeting Law. Because the minutes and video recording of the meeting are available online and because the Complainant did in fact attend the July 28 meeting despite the insufficiently specific notice, we do not order additional remedial action.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

Assisted by Cameron Sweeney, Legal Intern

cc: Wilbraham Select Board (via email: sb@wilbraham-ma.gov)
Deborah Brennan, Town Clerk (via email: dbrennan@wilbraham-ma.gov)
Mura Bacon-Erikson (via email: flyingdrgngrdn@aol.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.