



**TOWN OF DIGHTON
BOARD OF HEALTH
Special Meeting Minutes**

TOWN CLERK
DIGHTON MA
BY *[Signature]*

2022 MAY 30 PM 11:28

RECEIVED

May 4, 2022

Members Present

Barbara Catabia
Kevin Bernardo
Nicole Mello (via Zoom)

Other Town Officials

Town Administrator
Michael Mullen

Staff Present

Todd Pilling
Rosalind Grassie

Call to Order: Chairman Barbara Catabia called the meeting to order at 5:28 P.M.

The Pledge of Allegiance was recited.

Roll Call: Barbara Catabia, Kevin Bernardo, Nicole Mello

Committee Business:

Review / Discuss / Act: Open Meeting Complaints from Patrick Higgins dated April 14, 2022 and April 25 - Chairman Barbara Catabia requested Town Administrator Michael Mullen speak to the Open Meeting Law complaints received from Patrick Higgins.

Town Administrator Mullen read the complaints, see attached documents.

All Board members declared they have received the complaints. Board member Kevin Bernardo inquired do we authorize an individual to respond to the complaints?

It was moved by Kevin Bernardo seconded Nicole Mello and VOTED UNANIMOUSLY on a roll call vote to designate Michael Mullen to respond to the Open Meeting Law complaints from Patrick Higgins.

Roll Call (3) Ayes

Barbara Catabia, Kevin Bernardo, Nicole Mello

Public Input

Health Agent Todd Pilling stated that the Bristol County Agricultural High School's Community Open House is this Saturday, May 7, 2022, from 9:00 a.m. to 3:00 p.m. There will be a milk truck at this event. Agent Pilling stated he received the temporary food permit waiver request this afternoon for the Saturday event. Todd stated that the fee waiver request would be on the next meeting's agenda. Mr. Pilling asked if the Board was comfortable if he processed the application without a fee because they would not be charging for the milk. If the Board decides not to waive

Barbara Catabia

the fee, the fee can be collected after. The Board was agreeable to this. Board member Kevin Bernardo recused himself.

Adjournment

It was moved by Kevin Bernardo, seconded by Nicole Mello, and VOTED UNANIMOUSLY to adjourn the meeting at 5:41 P.M.

Roll Call (3) Ayes

Barbara Catabia, Kevin Bernardo, Nicole Mello

Respectfully Submitted

Rosalind Grassie

These minutes reflect a summary of procedure and discussion for this meeting.

Meeting Documents

Open Meeting Law Complaint dated April 14, 2022

Open Meeting Law Complaint dated April 25, 2022



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: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 5086743140 Ext. _____

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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): Dighton Board of Health

Specific person(s), if any, you allege committed the violation: Thomas Pires, Chairman

Date of alleged violation: 04/14/2022

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.

The Dighton Board of Health violated the open meeting law as follows:

1. By not accepting or adopting the meeting minutes of the executive session meetings held on Sep 9, 2021; Sep 30, 2021; and November 18, 2021 in a timely manner.
2. The Board did not list the name(s) of the potential candidates to be considered for appointment to the "animal inspector"
3. Did not list the applicant who represents "Tastefully Simple" in the request for a waiver of fee in agenda item 5 a.
4. Did not list the applicant who requested the "Poppasquash Craft Fair" Temporary Food Permit Fee Waiver.
5. Did not list the date and time that the "Original" agenda was posted on the "Amended - REVISED" agenda for the April 14, 2022 Board of Health meeting. It should be noted that the date and time that the "Amended - REVISED" agenda was posted on the amended agenda.

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.

Make the acceptance of executive session minutes a priority as required by the Open Meeting Law. Learn and comply with the open meeting law.

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: 04/18/2022





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: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 5086743140 Ext. _____

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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): Dighton Board of Health

Specific person(s), if any, you allege committed the violation: Barbara Catabia, Chair

Date of alleged violation: 04/25/2022

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.

The Dighton Board of Health violated the open meeting law as follows:

1. Posted a meeting on April 21, 2022 for a meeting to be held at 4 pm on April 25, 2022. The posted agenda does not mention anything about conducting interviews for the vacant Board of Health member position. The violation is that they held interviews at a posted public meeting which they did not list on the agenda and did not list the names of the candidates to be interviewed as required by the open meeting law.

A letter authored by Chair Barbara Catabia, dated April 25, 2022, states that they received 5 applications for the position and that they conducted interviews of 4 people, each lasting approximately 20 minutes. The letter states that: "The Board is pleased to recommend Nicole Mello as the successful applicant for the vacant position of Board of Health member."

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.

Learn and comply with the open meeting law.
 List the information required on the posted agendas.
 All members of the Board of Health should be required to attend an open meeting law training webinar sponsored by the Division of Open Government, see <https://www.mass.gov/service-details/open-meeting-law-trainings> to sign up to attend a training webinar.

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.

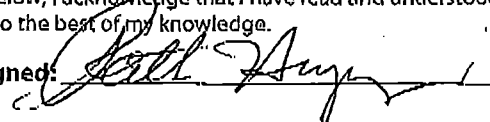
II. Consulting With a Private Attorney.

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: 04/27/2022





TOWN OF DIGHTON

BOARD OF HEALTH
 Regular Meeting
 Old Town Hall, Upper Level Meeting Room
 1111 Somerset Avenue
 Monday April 25, 2022 4:00 P.M.
 Agenda

- 1.) Call to Order:

- 2.) Pledge of Allegiance to the Flag:

- 3.) Review / Discuss / Act: Recommendation to the Board of Selectmen for New Board of Health Member

- 4.) Public Input:

- 5.) Adjournment:

TOWN CLERK
 DIGHTON, MA
[Signature]

RECEIVED
 2022 APR 21 AM 7:39



TOWN OF DIGTON MEETING NOTICE

Board of Health

BOARD OR COMMITTEE

PLACE:	Old Town Hall-Upper Level Meeting Room		
GENERAL PURPOSE:	Special Meeting		
DATE	TIME	DATE	TIME
April 25, 2022	4:00 P.M.		
NOTICE OF CHANGE:			
MEETING OF:			
	DATE	TIME	
POSTPONED TO:			
CANCELLED:	<input type="checkbox"/>		

TOWN CLERK
DIGTON, MA
[Signature]

RECEIVED
2022 APR 21 AM 7:39

DATE: April 20, 2022

[Signature]
CLERK OF BOARD/BOARD MEMBER



TOWN OF DIGHTON

BOARD OF HEALTH
1111 Somerset Avenue
Dighton, MA 02715

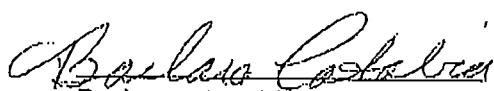
April 25, 2022

Honorable Board of Selectmen,

The Board of Health met Monday, April 25, 2022, to conduct interviews for the vacant Board of Health member position. The Board received Five (5) applications. Four (4) interviews were conducted, each lasting approximately 20 minutes.

The Board is pleased to recommend Nicole Mello as the successful applicant for the vacant position of Board of Health member.

Respectfully Submitted,


Barbara Catabia
Chairman, Board of Health



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. Sign and date the second page. 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, by 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 the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body 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 the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- 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 email at openmeeting@state.ma.us.