

# Another open meetings complaint filed against council

By Dotti Farrington

Resident and town committee volunteer Pat Bolger has filed an independent complaint with the state attorney general about frequent executive sessions by the Town Council on matters involving potential litigation. Bolger specified that he believes the private talks are focusing on decisions about landfill closure and about highway barn locations and such discussions and decisions should be made in public.

A similar complaint was filed in February by Ray Iannetta, a leader of the opposition to landfill and barn activities that he believes would pollute ground water and could affect the private wells and

possibly affect water sources of the town reservoir.

Town Solicitor Peter Ruggiero has been working on the complaints and this week received Town Council permission to seek a 30-day extension to complete his response to the complaints. He said the work involves reviewing "one full year" of activities.

The council has acknowledged that it has been discussing the landfill and barn location in non-public meetings because town officials believe that one or more residents are poised to file lawsuits if those items result in decisions they oppose. The council also recently said it is considering three locations for the barn, two at or near

the landfill, plus a third one they have not specified but that is generally believed to be near the Taylor Point land rejected two years ago by voters.

### Bolger complaint

Bolger's complaint alleges that the Town Council "has established a practice of conducting town business in executive session using the possibility of litigation to get around talking about the landfill and barn in public meetings. He questions the legality of such closed sessions in light of the fact that no legal action has been initiated.

The attorney general's staff has specified that the town's response to the complaint must be "a sub-

stantive response in affidavit form . . . with documentation of the agenda and minutes for any relevant open and closed sessions." The attorney general's office emphasized that all legitimate minutes of closed sessions will be kept secret "until a court order to the contrary."

The two complaints, and any other open government matters for the town, are being handled by Christy Hetherington, special assistant to State Attorney General Patrick Lynch. She advised Ruggiero that he could write one response to both complaints.

Bolger told the state officials, "There has been controversy in Jamestown for many years regarding the proper closure of the landfill, which has been proven contaminated, and the implications of constructing a new town barn upon it. Another proposal to rezone Lot 47, adjacent to the landfill, from residential to special use for possible location of the town barn, has also caused contention. Some citizens have said they would contest this spot-zoning legally. To date no legal action has been filed against the town."

Bolger continued, "The council, however, uses the possibility of such an excuse to hold all discussions concerning the location of the town barn in executive session, thereby prohibiting Jamestown citizens from participating and responding to the selection process."

Bolger also cited comments in February by J. William W. Harsch, former town solicitor, about violating the intent of the open meeting

law. Bolger said that he asked for minutes of all executive sessions on litigation, and Lauriston Parks, former associate town solicitor, said that minutes of all executive sessions "were sealed and are not public records."

State law provides that executive sessions may be sealed, but does not specify how and when they can or should be unsealed. Jamestown councilors a few years ago considered writing its own policy about unsealing such minutes, but the work was not completed.

### Private talks

Appearances of secrecy by town officials have been falling under more scrutiny in recent months. The latest instance was an exchange after a committee meeting last week.

Town Administrator Bruce Keiser talked briefly about the resource protection account at last week's Town Water Resource Protection Committee meeting. He said the account balance was \$420,000 and there had been only \$100,000 spent some years ago, so the balance should be adequate. The committee advised him that about \$300,000 in the account was used for added land purchases for resource protection, and that the committee had been able to obtain some parcels through various options, such as tax breaks, as well as outright donations.

Committee members said they recognized the farmland spending as significant for resource presentation, but that they also wanted

See "Complaint" on page 11

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