

Lunenburg Trust Fund Commission

Bilotta Meeting Room/PACC

Lunenburg Town Hall

June 26, 2025

Present: John Bowen and Richard Howard (elected Members), Assistant Town Clerk Ellen Griffin.

Agenda

1. Call to Order

The meeting opened at 5:30 PM.

2. Public Comment

Member John Bowen made a statement expressing his concerns with the legal process regarding the submission of the agenda by the town clerk specifically noting the separation of powers, whereby the town clerk's office upon direction from the town manager, imposed upon these elected persons to this commission an agenda they created, conjoined together, for the reason that it "may" be in violation of the Open meeting law without no legal clarity except to cite MGLA Ch. 30A sec. 20(a) which is referencing emergency submissions of agendas noting the law that 48 hours' notice must be given and done by the "chair" of the board, as well as stating that this was "customarily" how things were always done in town. This was over the objection of Member John Bowen because the elected members John Bowen and Richard Howard agreed upon an agenda and submitted that agenda within 48 hours of a meeting of the Trust Funds Commission for organizing the board and other matters. Mr. Bowen made clear the town clerk is not subject to the open meeting law and therefore cannot convene a meeting of any board or commission which has already been created by charter and in statute and this process should never occur, which clearly is a violation of the separation of powers and not within the scope of the power and duties of a town clerk let alone a town manager by statute. Mr. Bowen stated the town manager ignored him when he informed her he spoke with the Office of Open Government and clarified that his position is correct and that the Meeting Agenda requirement of 48 hours is the only parameter to be met under the open meeting law and the specific use of the word "chair" in the statute, which was a misapplied statute by the town manager, is an open statement and not one that primarily singles out it must be the chair to act when a board has no chair, the law of common sense applies. Clearly the town clerk and the town

manager hasn't the authority to convene board meetings and the only parameter for the person who is required to file a submission of an agenda, in this instance, is only by a member of the board or in absence of members the elected persons to said board. It is not for the executive branch to exercise the powers of the Legislative branch and above all the administrative branch clearly has no authority except that which is allowed by the legislative branch.

3. Review and Approve Minutes

There were no Minutes to review and approve as this is the first meeting of this formed commission.

4. New Business

a. Organization

Asst Town Clerk Ellen Griffen initiated the organizational activities of the Commission as both Mr. Bowen and Mr. Howard are new members of the Commission.

Mr. Howard made a motion to nominate Mr. Bowen as Chairman of the Trust Fund Commission. Motion passed unanimously.

Mr. Bowen made a motion to nominate Mr. Howard as Vice-Chairman of the Trust Fund Commission. Motion passed unanimously.

b. Scheduled Meetings

Chairman Bowen and Mr. Howard discussed the schedule for future meetings. Mr. Howard proposed that every other Thursday from 5:00PM-6:30PM be our default meeting time. So agreed by both members. Next meeting scheduled for Thursday July 10, 2025.

c. Action items for next meeting

There were no specific items to address in advance of our next meeting. Chairman Bowen advised that a relatively new MGL 203(c) (Massachusetts Prudent Investor Act.) went into effect and this is something that the Trust Fund Commission needs to be cognizant of and make sure that the provisions are followed as there has not been a consistent focus on the oversight of these funds the past few years by the Commission.

5. Public Comment

There were no comments from the public.

6. Adjourn

There was a motion to adjourn by Vice Chairman Mr. Howard, seconded by Chairman Bowen. It was unanimously voted. The meeting was adjourned at 6:10 PM