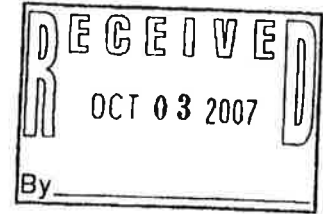




The Commonwealth of Massachusetts

DISTRICT ATTORNEY

NORTHWESTERN DISTRICT



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October 2, 2007

Elaine M. Reall, Esq.
20 Hampton Ave.
Suite 160
Northampton, MA 01060

Re: **Forbes Library Board of Trustees**

Dear Attorney Reall:

The Northwestern District Attorney's Office has reviewed your response to this Office's inquiry regarding an executive session held by the Forbes Library Board of Trustees, hereinafter the Board, on March 13, 2007. After review, this Office finds that the characteristics of the Board render it outside the jurisdiction of the Open Meeting Law, G. L. c. 39, § 23A et seq. The Board derives its power and authority from the will of Charles Edward Forbes. Likewise, its duties are delineated in Judge Forbes' will. Members of the Board are elected by citizens of Northampton; the will calls for election of trustees. In addition, the Board "lacks traditional governmental powers such as the power to tax, the power to take property by eminent domain, and the power to regulate coercively individual and group conduct." *District Attorney for the N. Dist. v. Trustees of the Leonard Morse Hospital*, 389 Mass. 729, 733 (1983). For these reasons, the Board is not a governmental body, subject to the Open Meeting Law, and this Office must decline to review its meetings.

Sincerely yours,

A handwritten signature in cursive script that reads "Cynthia M. Pepyne".

Cynthia M. Pepyne

cc:
Russell Carrier
Janet Moulding
Complainant