



**Town of Amherst
Board of Registrars
May 24, 2021 at 2:00 p.m.
Virtual Meeting Minutes**

Complete video is available online:

<https://www.youtube.com/watch?v=MZBBjAK2g-o&list=PLcnmFtV6BPFNGyP2aFqgbw4Q-zEx83ttm&index=4>

1. Call to order and declaration of a quorum.

After confirming all participants could hear and be heard, Susan Audette, Town Clerk declared the presence of a quorum, called the meeting to order at 2:03 p.m. and announced audio and video recording.

Note: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting of the Board of Registrars was conducted via remote participation.

Members present via Zoom: Jacqueline Gardner, Jaime Wagner, Demetria Shabazz, Susan Audette, Town Clerk, and Gregg Corbo, Esq. from KP Law.

2. Election of a Chair for this meeting only.

MOTION: Demetria Shabazz moved, seconded by Susan Audette, to elect Jaime Wagner as chair for this meeting only.

VOTED: unanimously to elect Jaime Wagner as chair for this meeting only. This was a roll call vote.

There was a motion made by Jaime Wagner, and seconded by Jacqueline Gardner to allow public comment for this meeting, however, there were no votes taken as there was no Public Comment.

3. Open Meeting Law Complaint, Ms. Carol Gray, dated May 14, 2021 – acknowledgement of complaint; review and discussion of complaint; votes may be taken.

The first complaint reads “Failure to create and maintain accurate minutes of the past three Board of Registrars’ meetings.” The second complaint reads “Failure to create and approve minutes in a timely manner.” There was a discussion that pursuant to Open Meeting Law, minutes should be approved in a timely manner. “Timely manner” is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later. Attorney Gregg Corbo discussed with the Board that the April 21, 2021 meeting minutes were in violation of the law, and a possible remedy to rectify the violation would be to approve the minutes as soon as possible. The members discussed that the May 7th and May 10th draft minutes were presented to the board, in the proper time frame.

Ms. Gray’s third complaint states “Violation of the Open Meeting Law by Attorney Goldberg and others for having discussion about the May 4 Open Meeting Law complaint during the Board’s May 7 meeting even though it was not on the agenda for that meeting.” Demetria Shabazz raised the question whether the deliberation prior to the May 7 meeting was considered deliberation. Attorney Gregg Corbo responded that Open Meeting Law applies to a quorum of a public body, and as such it does not apply to discussions between individual board members and other individuals who are contracted to work for the Town. It was also discussed amongst the Board members that they would like to receive additional training other than the Open Meeting Law Guide. Susan Audette responded that there isn’t any formal training for other Boards or Committees, however she would like to get all the members together and formulate a plan of action which will outline their duties and responsibilities.

4. Review and approval of meeting minutes dated 4/21/21, 5/7/21 and 5/10/21.

It was discussed by the Board members that the draft minutes were incomplete and needed revisions. Board members agreed to submit their revisions to the Town Clerk’s office by 12:00 p.m. on May 28, 2021. Attorney Gregg Corbo suggested the Board acknowledge receipt of the Open Meeting Law complaint and to also request the Town Attorney respond to the complaint. It was discussed that the response needs to be submitted to the Attorney General on or before June 4th, unless an extension is granted.

The Board agreed to reconvene on June 1st at 1:00 p.m. to discuss their revisions of the meeting minutes, as well as review the Town Attorney’s response to the second Open Meeting Law complaint filed by Ms. Carol Gray.

MOTION: Demetria Shabazz moved, seconded by Susan Audette, to postpone the discussion and vote of the Open Meeting Law complaint and approval of meeting minutes from 4/21/21, 5/7/21, and 5/10/21 to June 1, 2021 at 1:00 p.m.

VOTED: unanimously to postpone the discussion and vote of the Open Meeting Law complaint and approval of meeting minutes from 4/21/21, 5/7/21, and 5/10/21 to June 1, 2021 at 1:00 p.m. This was a roll call vote.

5. Any other unanticipated topics that may come before the Board 48 hours before the meeting.

There was more discussion by the Board members regarding the first Open Meeting Law complaint, dated May 4, 2021 by Ms. Carol Gray. Demetria Shabazz was concerned that there were deliberations prior to or after the meeting, as there wasn't any discussion during the meeting. Jacqueline Gardner and Jaime Wagner stated that there weren't any deliberations prior to, or after, the April 21, 2021 meeting other than the emails between Amber Martin and the members. It was further discussed that a public body may distribute reports or documents via email provided that no opinion of a public body member is expressed. Attorney Gregg Corbo, who reviewed the emails, confirmed that they don't constitute deliberation. When Demetria Shabazz raised the question as to why there weren't any discussions, Board members reiterated that there wasn't anything to discuss, the agenda item was understood.

6. Adjourn

MOTION: Demetria Shabazz moved, seconded by Jaime Wagner, to adjourn the meeting.

VOTED: unanimously to adjourn the meeting at 3:34 p.m. on May 24, 2021. This was a roll call vote.

Respectfully submitted,

Susan Audette
Town Clerk