



**Town of Amherst
Board of Registrars
June 1, 2021 at 1:00 p.m.
Virtual Meeting Minutes**

Complete video is available online:

<https://www.youtube.com/watch?v=UWQzDcIMWV4&list=PLcnmFtV6BPFNGyP2aFqgbw4Q-zEx83ttm&index=5>

1. Call to order and declaration of a quorum.

After confirming all participants could hear and be heard, Town Clerk, Susan Audette declared the presence of a quorum, called the meeting to order at 1:02 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, Town Clerk, Susan Audette and Gregg Corbo, Esq. from KP Law.

Susan Audette stated that this meeting was a continuation of the May 24, 2021 meeting and therefore, Jaime Wagner would continue as Chair.

MOTION: Demetria Shabazz moved, to have John Bonifaz, Esq. speak before Public Comment. There wasn't a second. However, member Wagner stated Mr. Bonifaz was second on the list of attendees and lowered the first attendees hand so Mr. Bonifaz could speak first.

2. Public Comment

John Bonifaz, Esq. discussed the letter he submitted to the Board of Registrars on May 31, 2021. He requested the Board enter into a consent decree. It is his belief that the Plaintiff's showed the Board violated existing law when certifying signatures. He discussed the various reasons that signatures were rejected accordingly to the Plaintiff's complaint. He mentioned that the Board can opt to settle the manner via consent decree as advised.

Demetria Shabazz stated that she would like to discuss the lawsuit during this meeting. Susan Audette expressed that the item was not on the agenda and that this matter is pending litigation and therefore, should not be discussed in a public meeting. Jacqueline Gardner stated that she will

not discuss the matter either. Attorney Corbo stated that any discussion of the lawsuit would be a violation of OML. He also stated that the Town Manager has already addressed this issue.

Sarah McKee stated that there might be constitutional rights violated. She also commented that the voters of Amherst had to sue the Town in order to get their constitutional rights.

Vincent O'Connor stated that penalties can be visited upon public officials under 42 USC 1983 which allows public officials to be sued if they act under the color of law to deprive people of their civil rights. He cited Federal Law and expressed how criminal punishment can be brought to any town official under this law.

Peggy Matthews-Nilson stated that one of the last things she expected would be the kind of voter suppression taking place in conservative parts of the country. She further stated that this was the first test of the democratic process under Amherst's new Town Charter and it failed. She elaborated that it only failed because petition signatures were wrongly disqualified. She also stated that this failure on the Town's part to correct its mistakes made in undo haste is tantamount to voter suppression. She referenced in 2019 that Greenfield used a voter veto petition to bring their 19 million library project to a vote.

Sean Burke stated his wife is Rita Burke. He stated that he was one of the people who collected signatures and questioned the review of all the signatures because his wife's signature wasn't counted, but his was, even though they live at the same address. He discussed the events of a past meeting, and did not understand why the Town Clerk was able to vote in that past meeting.

Adrienne Terrizzi from the League of Women's Voters spoke directly for herself during this public comment. She stated that something was wrong, and it needs to be corrected. She wants everyone to come together. She also expressed how she was not involved in any way with regard to this petition.

Carol Gray thanked the speakers in Public Comment. She recommended that the residents who spoke in Public Comment email their statements to the Town Clerk's Office to be included in the meeting minutes. She discussed her May 14, 2021 OML violation and requested that any documents the Board has reviewed in relation to this meeting be made available on the Town's website. Ms. Gray stated that she pulled information from KP Law's website regarding OML which state "that meeting minutes must be approved in the next 3 meetings, or within 30 days, whichever is sooner." She discussed how the April 21, 2021 minutes are in violation.

Rita Burke lives at 50 Henry Street. She stated that this isn't personal, however, it feels that way. She discussed how Town Clerk Audette stated that Assistant Town Clerk, Amber Martin has been adequately trained. She also stated that Amber Martin and Susan Audette both said Amber was not aware that the Board already had authority to certify signatures. She urged the Board to settle this via consent decree.

MOTION: Demetria Shabazz moved, seconded by Jaime Wagner to discuss the pending lawsuit against the Board in executive session under MGL c. 30A §21(a)(1)(i)(3).

VOTED: [2-1-1] Susan Audette abstained, Jacqueline Gardner voted NO, Demetria Shabazz and Jaime Wagner voted YES. This was a roll call vote.

It was discussed that the Board would communicate via email to schedule an executive session meeting. Jaime Wagner expressed interest in having the Town Manager present at the meeting.

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

April 21, 2021

Demetria Shabazz requested the minutes reflect that Amber did not vote or abstain. She also revised the vote to read [2-0]. Revisions were made and the Board approved.

MOTION: Jaime Wagner moved, seconded by Demetria Shabazz to approve the April 21, 2021 meeting minutes as amended.

VOTED unanimously in favor to approve the April 21, 2021 meeting minutes as amended. This was a roll call vote.

May 7, 2021

Demetria Shabazz and the Town Clerk had revisions to the initial meeting minutes. Both sets were compared with each other and revisions were agreed upon by the Board members.

MOTION: Jaime Wagner moved, seconded by Susan Audette to approve the meeting minutes from May 7, 2021 as amended.

VOTED unanimously in favor to approve the May 7, 2021 minutes as amended. This was a roll call vote.

May 10, 2021

Demetria Shabazz and the Town Clerk had revisions to the initial meeting minutes. Both sets were compared with each other and revisions were agreed upon by the Board members.

MOTION: Jaime Wagner moved, seconded by Susan Audette to approve the May 10, 2021 meeting minutes as amended.

VOTED unanimously in favor to approve the May 10, 2021 minutes as amended. This was a roll call vote.

- 4.** Continuation of the 5/24/21 meeting to discuss the open meeting law complaint dated May 14, 2021 by Ms. Carol Gray; discussion and vote to authorize submission of response to Attorney General expected.

Member Shabazz requested that there be changes to the third paragraph of Attorney Corbo's response to the Open Meeting Law complaint dated May 14, 2021. She did not believe it was an accurate reflection of the meeting as John Bonifaz, Esq. had previously stated that there was an Open Meeting Law violation. The other members objected and a vote transpired.

MOTION: Jacqueline Gardner moved, seconded by Susan Audette to leave the third paragraph as it's written.

VOTED [3-1] voted in favor of accepting paragraph 3 as it is written. Jacqueline Gardner, Susan Audette and Jaime Wagner voted YES. Demetria Shabazz voted NO. This was a roll call vote

Member Shabazz asked that a link be included in the response to the April 21, 2021 meeting. Attorney Corbo stated he will include the link within the document. Chair Wagner agreed. Member Shabazz also raised the issue as to why there wasn't any mention of the May 4, 2021 OML complaint within the response. Attorney Corbo responded that the Open Meeting Law complaint from May 4, 2021 was submitted to the Attorney General and they will decide as to how the Board will proceed. Chair Wagner expressed interest in including a statement within the response that the Board will undergo OML training through an approved program. Attorney Corbo responded that he can add such statement within the conclusion of the response. Member Gardner responded that everyone should be responsible for reading the Open Meeting Law Guide, so she doesn't feel additional training is necessary. Member Shabazz agreed that the paragraph should not be altered as suggested by Jaime Wagner in the AG's letter because it is misleading to suggest that as a remedy training in OML procedures for the BOR will occur if this is not the intent. After further discussions the Board decided to leave the response as it is.

MOTION: Jaime Wagner moved, seconded by Jacqueline Gardner to approve Attorney Corbo's response to the Attorney General regarding the Open Meeting Law complaint dated May 14, 2021 by Ms. Carol Gray as it stands.

VOTED [3-0-1] Jacqueline Gardner, Susan Audette, and Jaime Wagner voted YES. Demetria Shabazz abstained. This was a roll call vote.

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

None.

6. Adjourn

MOTION: Jaime Wagner moved, seconded by Susan Audette to adjourn the meeting.

VOTED [4-0] to adjourn the meeting. Chair Wagner declared the meeting adjourned at 4:58 p.m. This was a roll call vote.

Respectfully submitted,

Susan Audette
Town Clerk