



## **5:00 PM – Call Meeting to Order**

### **Present**

Chairman Patrick Cox, David Paquin, Louise Tremblay, Linda Kawa, Henri Marchand, Rebecca Duda.

Recording Secretary, Marylee Enos

Also in attendance: Attorney David Deluca, Bruce Cote and Janice Dudevoir and David Martin

### **Absent**

Mark Gosselin

The Chairman opened the special meeting at 5:00pm

## **Town Council – Review and Discuss Open Meeting Law Complaint filed by Bruce Cote on 4/6/2023.**

Attorney Deluca stated, we are here tonight due to the Open Meeting Law Complaint filed by Bruce Cote, filed on April 6, 2023. You should all have a copy, which includes a copy of the complaint, the agenda, and the minutes from that meeting of March 15<sup>th</sup>, 2023.

Attorney Deluca stated, he was able to have some conversation with the Chairman, Patrick Cox about details of that meeting. There were also some minutes available from the meeting. Attorney Deluca explained he has reviewed the facts and took the liberty of drafting a proposed response for your committee's consideration, which he has circulated through your chairman.

The Attorney Generals office requires that we notice the fact of the complaint being received and that we discuss it. That's why we are here tonight. We can review it and discuss it in any amount of detail as you wish and then approve a draft for Attorney Deluca to send to the complainant with a copy to the Attorney Generals office. This is required to be accomplished in 14 business days of receiving the complaint. This would be Friday the 28<sup>th</sup> so we are well within the time frame for a response. Attorney DeLuca asked if anybody has any thoughts or questions about the meeting itself or the proposed response.

Chairman Cox explained, he does understand the concept of being more specific. We have been going off on our typical agenda which has been happening for a long time. Mr. Cox stated he does have some slight confusion about how specific you must be.

Attorney Deluca stated, there's always room for improvement, he often sits with other boards, such as the Selectmen's, Planning Boards, other groups that have more detailed agendas for their meetings. It's kind of difficult to say what exactly should be included on an agenda. If you were to be as descriptive as others want, your agendas would be pages long. It's not necessary to list every single item. You have no way in fact to anticipate every single item. The idea is to be as specific as you can be prior to the meeting. Listing the categories or items for discussion. If you can reasonably anticipate other topics even within the agenda items, then list them. It doesn't do any harm to overcompensate.

David Paquin asked if the disclaimer at the bottom of the agenda gives us any latitude at all.

Attorney Deluca stated it doesn't cure any defect. If there were in fact on the agenda. It's a fair warning on what we can and what we cannot anticipate. A good example of that is under your community input as I said in my proposed response, there are some things that just can't be anticipated in every item. We do the best that we can. Henri Marchand explained. Under community input it's a general purpose, it may not be required but might be a good practice to have people register and list what they want to talk about, because it's not coming from us its coming from the outside.

Attorney DeLuca stated, yes, but the flipside that is community input is limited to input, it's not an opportunity for a detailed exchange. For this very reason, the public may not have sufficient notice of what someone is bringing to the table. You can allow community input for someone to express themselves whatever their interests or ideas may be and if it's something of interest to your group, you put it on the next agenda, as the Selectmen's office does. That's the other option.

You are just regular people, trying to do your job. We can't let perfection get in the way of good.

Could we do a better job in terms of the agenda and anticipating, sure. I would recommend you do that going forward. If's there a chance to better identify what it is that is going to be discussed.

One of the complaints from Mr. Cote was the Beaver Brook Farm, in my opinion, Attorney DeLuca stated, That was a sufficiently identifiable topic. That might have several different tentacles to it, it may have several different branches on it. But it's a trade that exists that is sufficient notice to the public that you are going to be discussing that topic. We don't know and cannot anticipate every single detail. But among all of them, I felt this was sufficiently noticed.

I don't know if Mr. Cote will be satisfied with the response, if not he has the right to have the Attorney General's office give us their judgement on all of this. Hopefully, there is a sufficient explanation, if it's not then the Attorney General's office can also weigh in on it.

Attorney Deluca asked the board if they all had a chance to look over his proposed response. The board stated yes. Mr. Deluca stated, with the board's permission, I will send out the response and hopefully it will resolve the matter.

David Paquin made a motion to move forward and send the proposed response letter to the Attorney Generals office, on behalf of the Commission. Linda Kawa seconded the motion. The motion passed unanimously. Vote 6 to 0.

## **Adjournment**

Louise Tremblay made a motion to adjourn the special meeting at 5:14pm. Rebecca Duda seconded the motion. The motion passed.