**CHARTER REVIEW COMMITTEE**

**VIRTUAL MEETING**

**MINUTES**

**DECEMBER 11, 2024**

**Present:** Peter Cunningham, Chair; Mark Haddad, Clerk; Robert Collins; Kristen Frank; Michael Sulprizio; Brenden Mahoney

**Member Absent:** Rebecca Weksner

**Also Present:** Dawn Dunbar, Town Clerk; Brian Falk, Town Counsel; Kara Cruikshank, Executive Assistant

Chair Cunningham called the virtual meeting to order at 4:35 p.m. and announced who was present at the meeting. He stated that the purpose of the Meeting was to address an Open Meeting Law Violation Complaint filed by Jack Petropoulos and reviewed the facts of the Complaint and proposed action by the Committee.

• The Committee received an Open Meeting Law complaint from Jack Petropoulos on December 4, 2024.

• All Committee Members should have a copy of the complaint.

• The complaint alleges that the Committee violated the Open Meeting Law on November 19, 2024, when a memo from the Town Manager, also a Committee member, was distributed to the Committee by email. The memo contained the opinions of the Town Manager on a matter within the Committee’s jurisdiction.

• The memo was not shared with the Committee directly by Mr. Haddad as alleged in the complaint. The memo was part of the Committee’s agenda packet and distributed by staff prior to the November 21 meeting. The memo and the agenda packet were also posted online for public view at the same time the Committee received the materials.

• Under the Open Meeting Law, the Committee may not deliberate outside of a posted public meeting. While certain meeting materials may be distributed among Committee members before a public meeting, this is permitted so long as “no opinion of a member is expressed.”

• Town Counsel has advised that there is a Supreme Judicial Court decision suggesting that meeting materials with the opinions of Committee members may be shared prior to a meeting if the general public has access to the materials at the same time, such as a website posting.

• However, Town Counsel has advised that the Attorney General’s Office does not interpret this Supreme Judicial Court decision as allowing the Committee to distribute opinion materials in this manner. As a result, the Attorney General is likely to find that the Committee violated the Open Meeting Law as alleged in the complaint.

• In addition, the agenda packets for the Committee’s meetings on November 7, 2024 and December 5, 2024 also contained opinions from members and should not have been distributed prior these meetings under the Open Meeting Law.

• Town Counsel has advised that the Committee acknowledge these violations.

• Going forward, the Committee’s support staff will exclude from agenda packets any documents that contain the opinions of Committee members. Those documents will only be distributed during posted meetings of the Committee.

• Town Counsel has prepared a draft response letter, and you should all have copies of that draft.

• If there are no objections, Chair Cunningham will work with Town Counsel to finalize the response letter and submit it to the complainant and the Attorney General’s Office.

Mr. Collins stated that he provided the Committee with language that did not express an opinion. He asked Town Counsel if documents such as that was a violation of the Open Meeting Law. Town Counsel explained that anything that has information such as providing language could constitute an opinion and therefore could be construed as a violation. Town Counsel stated that the best way to deal with this is to only have information from Committee Members unveiled at a Meeting. While inefficient, it is the only way to ensure that the Open Meeting Law is not violated. Even though Committee Members receive the information at the same time the public is provided the same information, that could still be a violation.

Mr. Haddad stated that since it appears that people are scrutinizing every action of the Committee, the packets should not contain items from Committee Members and that those items should only be distributed at a meeting. Mr. Haddad feels that there are individuals who will “weaponize” the Open Meeting Law and we should not put the Committee in that position. Mr. Haddad reiterated that he did not email the Committee directly as the complaint alleges, but when Town Counsel reviewed the matter he determined the violation outlined by the Chair. Chair Cunningham commented that it is too bad as this will limit information the public can review prior to a meeting.

Mr. Haddad moved to authorize the Chair to work with Town Counsel to finalize the response of the Committee and issue it to the Complainant and the Attorney General’s Office. Mr. Collins seconded the motion. The vote, by rollcall, was as follows: Sulprizio, Aye; Collins, Aye; Mahoney, Aye; Frank, Aye; Haddad, Aye: Cunningham, Aye. Unanimous

Mr. Haddad moved to adjourn the meeting. Mr. Collins seconded the motion. The vote, by rollcall, was as follows: Sulprizio, Aye; Collins, Aye; Mahoney, Aye; Frank, Aye; Haddad, Aye: Cunningham, Aye. Unanimous

Meeting adjourned at 4:59 p.m.

Respectfully submitted,

Mark Haddad, Clerk