



**Norton Conservation Commission**

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**Thursday, May 23, 2019**

**6:30 pm**

**1<sup>st</sup> Floor Room**

**Norton Town Hall**

**EXECUTIVE SESSION Minutes**

*Recorded by Jennifer Carlino, Conservation Agent*

6:30pm Open meeting

*The meeting was called to order at 6:30 pm.*

*Attendance: Ron O'Reilly, Scott Ollerhead, Daniel Doyle Jr, Dan Pearson, Melissa Quirk, Secretary and Conservation Director Jennifer Carlino*

*Others: Janelle Austin and Jared Collins of KP Law representing the Commission; Jeff and Don O'Neill of Condyne and Susan Bernstein of Bernstein Law representing Condyne; and Robert Pesa were in attendance.*

*Absent: Gene Blood, Lisa Carrozza, and Julian Kadish,*

6:30pm Open meeting

Acknowledge receipt of Complaint from Jeffrey O'Neill on May 6, 2019 concerning an alleged violation of the Open Meeting law by the Conservation Commission, consider and analyze possible responses thereto, vote to resolve the same, and authorize Town Counsel to issue response to said Complaint.

-Possible vote to enter Executive Session pursuant to G.L. c. 30A, § 21(a)(1), concerning the above stated Complaint.

*After reading the above, a roll call vote was taken to enter into executive session. Attorney Bernstein asked the chairman to say a few words to explain the complaint. Attorney Austin responded through the Chairman that the commission would be taking the time to review the complaint in executive session as allowed. Attorney Bernstein disagreed saying that was a violation of open meeting law. Attorney Austin explained that there is case law allowing the discussion of an open meeting law complaint to take place in an executive session.*

*The Commission then took a roll call vote to enter into executive session. SO, RO, DP and DD voted yes to enter executive session. Motion passed. A roll call vote was taken to close from the executive session and not return to the open meeting. SO, RO, DP and DD voted yes. Motion passed. Members of the audience were informed of the executive session and asked to leave the room and that the commission would not be going back to the regular meeting.*

*Commission acknowledged that there was a complaint about an open meeting law violation from Attorney Bernstein and that they had all received and read the complaint. Ollerhead asked how much of the complaint is actually related to open meeting law because it seemed like most of the complaint didn't have anything to do with open meeting law. Ollerhead asked Attorney Austin to describe the process of this complaint.*

*Attorney Austin explained that the commission has to acknowledge the receipt of the complaint, discuss the complaint and answer it within 14 days. The timeframe for that response expires tomorrow on May 24, 2019. So the commission would need to acknowledge the complaint and provide a response by tomorrow. The commission could allow Counsel to make the response on their behalf. If Condyne doesn't accept the response it could go to the Attorney General at the Division of Open Government.*

*Attorney Austin advised that email should only be used for scheduling or sending agendas but not for any substantive issues, even if it is not a 'reply all' response. O'Reilly stated that Carlino has always been very diligent about advising the members not to 'reply all' so that there wouldn't be any accidental deliberation or open meeting law violations. Ollerhead requested that Counsel provide commission with an open meeting law training session to improve our understanding and prevent any future issues. Attorney Austin stated that was a good idea and could be scheduled through the town manager. Carlino noted that at the last revision of open meeting law, she requested this town hall training. Attorney Austin suggested adding "and possible commission deliberation" to the agenda for each hearing so that it is clear to the public that the commission might make a decision at that meeting. Carlino agreed to add that language.*

*Ollerhead summarized the complaint from Condyne and reviewed the commission's position that while there were emails between the agenda and individual members, there was vigorous discussion at the 4/29/19 public hearing in open session which would cure any alleged open meeting law violation. There was a roll call vote to accept this response. SO, RO, DP and DD voted yes. Motion passed.*

*O'Reilly made a motion seconded by Pearson to authorize KP Law to send the draft response on the Commission's behalf with edits from Pearson as accepted by the Commission. There was a roll call vote to authorize KP Law. SO, RO, DP and DD voted yes. Motion passed.*

*O'Reilly made a motion, seconded by Doyle to close executive session. There was a roll call vote to close. SO, RO, DP and DD voted yes. Motion passed.*

**OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)**

Respectfully submitted by:     Melissa Quirk     

Minutes approved by the Commission on 6-24-19 (Date)

Conservation Commission Signature:

Scott M. Ollerhead  
Scott Ollerhead, Conservation Commission Chairman

7-22-19  
Date