

Municipal Council Workshop
Town Hall Auditorium
March 2, 2005

President Joseph McMilleon opened the Municipal Council Workshop at 7:00 pm.

Members Present: Roger Benson, James Chandler, Ann Connolly King, Esther Headley, Anne Larnard, Christopher Lawrence, Mario Pinierio, Robert Woodsom, Joseph McMilleon.

President McMilleon introduced Attorney Lauren Goldberg, Kopelman and Paige to give the Open meeting Lawn and Public Records presentation.

Attorney Goldberg distributed a packet to each Councilor and extras were available for Boards, Committees and Commissions and residents that were present. (The information provided is on file in the Clerk's office for viewing) Attorney Goldberg gave a presentation outlining the most pertinent aspects of the open meeting law and public records which would affect all members of boards, committees and commissions in their official capacity.

Attorney Goldberg explained the enforcement of the open meeting law was under the purview of the District Attorney's Office and public records are under the purview of the Department of Public Records.

Questions were asked regarding Councilor's e-mail from residents and the public records law. It was suggested that all emails which are received or sent in the capacity of a public official are subject to be considered public records. Certainly, there are instances where names, telephone number or certain information may be redacted but in accordance with the appropriate sections of the public records law.

Councilor James Chandler asked to be put on record that his email is not going to be a public record and he would not forward records from constituents to the Town Clerks office as recommended.

Attorney Goldberg explained the best practice for Councilors to submit information to others was to put a statement on the email stating "this record is for distribution only; please do not respond. Discussion can take place at (meeting, time and place). This way it cannot be construed as a violation of the open meeting law.

It was asked if the majority or a quorum of Councilors were at a meeting of another board or at a chance meeting how should the Council handle this.

Attorney Goldberg stated she would ask the District Attorney's office for an opinion if subcommittees, chance meetings and/or Legislative luncheons would be considered a breach of the open meeting law if it was not posted. She suggested if there was a meeting of another board that perhaps they could send a representative or two to report back to the full Council or they could go to the meeting and treat it as an informational meeting and not ask any questions or engage in any discussion.

President McMilleon thanked Attorney Goldberg and stated there would be a five minute recess.

President McMilleon reconvened the meeting at 8:30. He stated that the Municipal Council would go into executive session to discuss strategy with respect to pending litigation of the Library situation.

Councilor Headley moved to go into executive session. Councilor Woodsom seconded.

Councilor Lawrence questioned the reason to go into executive session if the appeal was already filed.

President McMilleon reiterated the reason was to discuss strategy for the Library court case and stated there was more to discuss.

Councilor Chandler stated he didn't think the Council needed to go into executive session if the appeal was already filed.

Councilor Benson asked if the appeal was already filed and why were they not notified.

Councilor Headley asked to move the question.

Roll Call 6-Yes, 3-No, Chandler, Pinierio, Lawrence.

The President stated the meeting would not reconvene in open session after.

Respectfully submitted,

Bonnijo Kitchin
Town Clerk