

Board Members

Eric Lindstrom, Chair
Jack Mill, Vice Chair
Khalid Abdi, Member
Katherine Tonelli, Member
Leanne Harris, Member
Beth Hallal, Agent
Kelly OBrien, Secretary



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

BOARD OF HEALTH

MINUTES

Date/Time of Meeting: Monday, March 7th at 5:30pm

Location of Meeting: Via ZOOM

Committee Members Present: Eric Lindstrom (C), John Mill (VC), Khalid Abdi, Katherine Tonelli, Leanne Harris

Visitors Present: Mark Reich (Atty for Town of Medway), Town Residents/Other: Crystal Buckley, Cyndy Ellis, Gibb P, "iPhone", "KA", "Matt", "Olivia", Tracy Stuart

Town Employees Present: Beth Hallal, Kelly OBrien

Call to Order: 5:32pm

Minutes Review: February 14th *Approved*

Agenda Item 1:

Open Meeting Law Complaint
from Tracy Stewart, *dated*
2022.02.22

A) Acknowledgement of Receipt

Mr. Lindstrom opened up the meeting by acknowledging the Open Meeting Law (OML) complaint from Tracy Stewart, stating that it has been presented to the Town on February 22nd, and we would like to review this complaint with Town Counsel, Mark Reich from KP Law. *Mr. Lindstrom then put forth a motion to speak with us, which was seconded by Mr. Abdi, approved by all.*

B) Review Complaint

Attention was then given to Mr. Reich to speak where he reiterated that the Board of Health received an OML complaint; received from Ms. Stewart on February 22nd, 2022. Mr. Reich summarized that the complaint relates to alleged OML violations consisting of revisions of posted agendas after the meetings had occurred, issues with the lack of recorded meetings, and failure to post certain minutes from their meetings. Mr. Reich asked to be aware alleged revisions of the agendas after the meetings had occurred, and pursuant to the OML, an agenda must be posted 48 hours prior to a meeting, and the meeting must be consistent with the posted agenda. Mr. Reich stated that this complaint does not relate to the post via prior to the meetings to which the meetings were conducted, instead they relate to alleged revisions of the postings after the meetings had actually occurred; therefore this is not an OML violation as the meetings were conducted in accordance with the original meeting agendas and there is no complaint outstanding with respect of conduct to the meeting. It was his understanding that the agendas, when reviewed, are identical on all points, and it is from

an IT standpoint when internally reviewed and hitting the “Save and Close” it automatically revises the document and in fact the agendas were not revised, just reviewed. Mr. Reich continued about a specific meeting; October 4th, 2021 meeting where there was an administrative issue of it not being properly posted and the Board will properly revote all the items that occurred on March 21st, 2022 in order to radify, validate and confirm all actions that were taken on the October 4th, 2021 meeting. With respect to the recordings, under the guidance of Special Legislation, Chapter 22 of the Acts of 2022, that extended the ability of the town to have remote meetings until July 15th, 2022, these meetings are available through alternative, the public has access to the meetings; not necessarily for the purpose of participation as the OML does not require public access unless it is a public hearing and a portion of the meeting has a public forum. Mr. Reich finalized this portion of the complaint stating that by not having a recording of the meeting uploaded or streaming to the Town’s website, there was no violation of the OML in respect to the Board minutes.

Based on the information Mr. Reich received from Ms. Hallal and Ms. OBrien, it is proposed by Mr. Reich that Town Counsel provide a response to the Attorney General indicating the BOH is compliant with OML laws.

Mr. Reich then opened the floor to the Board saying if the Board had any questions, he was open for questions. Mr. Lindstrom then reiterated the option for questions to the Board, which no Board members had. Mr. Lindstrom then asked Mr. Reich what could the Board do better for the town. Mr. Reich replied by stating that he felt that all Boards are under a great deal of stress because of the turmoils of COVID, and to continue to put up the Agendas and Minutes within the appropriate time frame. He understood that the practice was that if there was a revision, it is noted on the actual document, and it is an IT flaw; when looking at the document internally and hitting “save and close”, it automatically shows that it is revised when it really was not. He also just reminded the Board to use role-call voting during these remote meetings, and generally the Board is doing well.

**C) Authorize Response by
Town Counsel**

Mr. Lindstrom made the motion that Mr. Reich (Town Counsel) provide a response to the Attorney General, cc’ing the complaintant, indicating the BOH is compliant with OML laws, seconded by Mr. Mill, approved by all.

Next Meeting Date:

March 21st, 2022

Adjourn:

5:46pm