

Minutes of the Open Meeting Law Advisory Commission  
May 7, 2012  
100 Cambridge Street, 2<sup>nd</sup> Floor, Room D, Boston, MA

**Members present:** Peter Hechenbleikner, Chair, Massachusetts Municipal Association designee; Robert Ambrogi, Massachusetts Newspaper Publishers' Association designee; Loretta Lillios, Attorney General's designee; Sen. Kenneth Donnelly, Chairman of the Joint Committee on State Administration and Regulatory Oversight.

**Members absent:** Rep. Peter Kocot, Chairman of the Joint Committee on State Administration and Regulatory Oversight.

**Attorney General's staff present:** Amy Nable, Assistant Attorney General, Director, Division of Open Government; Jonathan Scarsic, Assistant Attorney General, Division of Open Government; Philip Mantyla, Paralegal, Division of Open Government; Hanne Rush.

**Others present:** Debra Johanson, Rep. Peter Kocot's office; Andres Navedo, Foxborough, MA; David Rosenberg, Norfolk Town Meeting Technology Committee, Norfolk, MA; Brigid Kennedy-Pfister, Sen. Kenneth Donnelly's office; Frederic Turkington, Town Administrator, Wayland, MA.

**Chair Peter Hechenbleikner opened the meeting at 10:03AM.**

Review and Approval of Draft Minutes from February 23, 2012

Loretta Lillios moves to adopt the minutes from February 23, 2012, seconded by Robert Ambrogi. **With unanimous consent, minutes approved.**

Report from the Attorney General's Division of Open Government, Regarding the Open Meeting Law and the Activities of the Division of Open Government

Amy Nable provided the report on behalf of the Division of Open Government (the "Division").

Since the last Commission meeting, the Division has issued 18 determinations and declined to review 8 complaints. The Division closed ten complaints where the complainant filed a complaint with the public body but failed to follow up with a complaint to the Division.

The Division has 161 open complaints, 51 of which were received since the last Commission meeting.

The Division has participated in seven trainings and launched its online training since the last Commission meeting. The online training has been viewed more than 220 times

Sen. Kenneth Donnelly entered the meeting at 10:06AM.

Ms. Nable continued with her report. The Division also conducted its first ever "train the trainers" event. Forty-seven people attended in person and more than 20 viewed the training over the internet. The evaluations that came back were overwhelmingly positive. The Division would like to repeat this type of training. In addition, the Division has three trainings upcoming in May and June.

Since the last Commission meeting, the Division has responded to more than 520 phone and email inquiries. The Division currently has 13 open inquiries.

The top five questions received by the Division since the last Commission meeting are basically the same as before, but in different order. The number of questions on remote participation has decreased and questions on the specificity of meeting notice topics have fallen out of the top five.

Mr. Ambrogi asked if the online training is accessible on the Open Meeting Law website. Ms. Nable responded that it is hosted on You Tube and is available through links on the Division's website. The presentation is a PowerPoint with voiceover. It is broken up into six segments and runs about one hour.

Mr. Ambrogi asked Ms. Nable, who attended the "train the trainers" event? Was it mostly attorneys? Ms. Nable responded that a mix of municipal counsel and state agency counsel were in attendance.

Mr. Hechenbleikner asked if the Division plans on repeating this training to the same group. Ms. Nable indicated that the Division regularly provides training to members of public bodies, town officials, and members of the public, but these events generally do not focus on those who are providing training on the Open Meeting Law. Therefore, the Division would like to target this group again at its next "train the trainers" event.

Ms. Lillios asked if the questions received from those in attendance at the training differed from the top five questions that the Division typically receives. Ms. Nable replied that there was a wide variety of questions with no specific theme.

Mr. Ambrogi asked about the status of the complaints in which the Division found there to be intentional violations. Ms. Nable reported that the Blandford Board of Selectmen case has been settled. The Board admitted to a violation, agreed to attend training, and pay a \$250.00 penalty.

As a follow up, Mr. Ambrogi asked if the other two complaints where the Division found intentional violations have been settled. Ms. Nable stated that the Wayland Board of Selectmen and Otis Board of Selectmen cases have been settled as well. Mr. Ambrogi asked what the settlement was in the Otis case. Jonathan Scarsic reported that the Board admitted to a violation, agreed to attend training, and pay a \$500.00 penalty.

When asked by Mr. Hechenbleikner to clarify whether the fines are to the individual members or to the public body, Mr. Scarsic responded that the fines are levied against the public body and are deposited into the State's general fund.

With regards to guidelines or regulations on the specificity of meeting notice topics, Ms. Nable stated that initially there was a spike in these types of questions immediately following the Holbrook Board of Selectmen, OML 2010-2; Natick School Committee, OML 2011-7; and Freetown Soil Conservation Board, OML 2011-11 determinations. In response, the Division decided to release a request for comment to get feedback on the types of guidance members of public bodies would like. The number of these types of questions has since fallen off. Additionally, a number of the comments reflected areas in which the Division has already provided guidance through FAQs, such as whether or not a public body may consider a topic that arises for the first time at a meeting; the permissibility of "Old business" and "New business" as topics; and the amount of detail needed on a meeting notice when a public body plans to enter executive session. The Division still believes that determinations and FAQs are the best way to address this issue. Ms. Nable stated that the Division hopes to issue FAQs in the upcoming months on issues such as the level of specificity required on a meeting notice when a public body plans to discuss the Town Meeting Warrant, the annual budget, and tax abatements.

With regard to the status of the "knowing or knowingly" proposed regulation, Ms. Nable reported that the Division has created revised language that takes into account comments received during the public comment period. Because it's a significant change, the Division will be republishing this proposed regulation and will hold another public hearing.

Mr. Hechenbleikner asked if the comments came from the hearing. Ms. Nable responded that the comments came from the hearing as well as written comments received during the public comment period.

When asked by Mr. Hechenbleikner to explain the next steps in the process, Ms. Nable replied that this will be republished as a proposed regulation. The Division will issue a request for comment and a hearing will be held. The Division will then review the comments received and possibly issue the regulation shortly thereafter.

#### Status of Bills Pertaining to the Open Meeting Law Currently Pending in the Legislature

Mr. Hechenbleikner turned it over to Brigid Kennedy-Pfister who provided the legislative update.

Ms. Kennedy-Pfister stated that H. 1734: *An Act Relative to the Open Meeting Law*; H. 830: *An Act Amending the Open Meeting Law*; H. 848: *An Act to Include the Legislature in the Open Meeting Law*; H. 2594: *An Act Relative to Open Meetings*; S. 1627: *An Act Relative to the Accountability of the Governor's Council*; H. 3037: *An Act Relative to the Open Meeting Law*; S. 569: *An Act Relative to the Rights of Faculty Members at the University of Massachusetts*; and S. 1625: *An Act Relative to Open Meetings* have all been sent to study by various committees. House Docket 04135: *An Act to Enhance Technology in Civic Engagement* is a recently filed bill and is still on docket status. This has not been sent to a committee because it was a late file. In order to send this to committee it would require suspension of the rules. This legislation is currently on the Senate side.

Mr. Hechenbleikner asked Sen. Donnelly what the likelihood is of any action on these bills. Sen. Donnelly stated that the various committees decided to hold off on any action on Open Meeting Law legislation until a recommendation is made by the Commission. By sending these bills to study, they can be pulled out and acted upon if necessary. With regards to House Docket 04135: *An Act to Enhance Technology in Civic Engagement*, it could be sent to the Committee on State Administration and Regulatory Oversight. It would probably be sent to study until a recommendation is made by the Commission.

Ms. Kennedy-Pfister pointed out that a couple of these bills are in the Committee on Higher Education and the Judiciary Committee.

Sen. Donnelly stated that even though the legislative session ends on July 31, 2012, if a bill is non-controversial, it could be moved rather quickly. If the Commission thinks there is something that needs to be fixed, they could fix it.

Mr. Hechenbleikner asked Sen. Donnelly if he or other legislators are getting calls on the Open Meeting Law, and if so, are these calls referred to the Division. Ms. Kennedy-Pfister stated that she has made contact with the Division regarding some inquiries the office received.

Sen. Donnelly explained that most of the questions he receives come from Town Meeting members and public body members. Most are answered through the Division's FAQs and are similar to the top five questions the Division receives. The Division is probably getting the same questions.

Mr. Hechenbleikner stated that it would be helpful in understanding if the Division is already dealing with these issues or if these are new questions. It would be helpful to make the Division aware.

Mr. Ambrogi asked Sen. Donnelly if the legislature is looking for a recommendation from the Commission. Sen. Donnelly replied that they are. Sen. Donnelly stated that if there is a recommendation, the existing legislation can be pulled out of study at any time.

Mr. Hechenbleikner stated that it may be a good idea at the next meeting to discuss any recommendations that Commission members may have.

Ms. Kennedy-Pfister noted that no one from the Attorney General's Office attended the hearings to provide testimony. However, it is her understanding that because the law has been in effect for only one year, the Attorney General wanted to see how enforcement was going before recommending any changes to the law.

Mr. Hechenbleikner stated it was his sense that the Commission wanted the law to get some time under its belt. However, this fall might be a good time to look at these pieces of legislation and make recommendations.

#### Discussion of the Use of the Massachusetts Municipal Association's Website to Post Information about Municipalities' Experience with Remote Participation

Mr. Hechenbleikner stated that the Massachusetts Municipal Association (the "MMA") has asked communities to submit their experiences with the remote participation regulations. So far, five or six communities have responded. Their responses are posted on the MMA's website, [www.mma.org](http://www.mma.org). Mr. Hechenbleikner suggested linking the MMA website to the Division's website.

When asked by Mr. Ambrogi if the website is publically accessible, Mr. Hechenbleikner stated that he believes so.

#### Discussion on Expediting Open Meeting Law Decisions – Gary Lopez Correspondence

Mr. Hechenbleikner stated that Gary Lopez sent a letter to the Commission after a recent telephone conversation with him. Mr. Lopez is concerned with a situation that took place in Falmouth and the amount of time it took the Division to resolve that matter. Mr. Hechenbleikner stated that he recently spoke with Ms. Nable and she indicated that the Division is taking steps to expedite the complaint process.

Ms. Nable stated that over the last three months, February through April, the Division closed out an average of 13 complaints each month. This is an improvement over the previous three months, November through January, during which the Division closed out an average of seven complaints per month. Currently, the average length of time it takes to resolve a complaint is six months, which is still longer than the Division would like. The Division is making efforts to improve this response time. The Division is now issuing informal resolutions. When the Division receives a complaint where the facts are not in dispute and the Division has already addressed the legal issue in past determinations, the Division contacts both parties, explains whether there was a violation, and what remedial action they must take. A short letter is then sent, explaining whether there was a violation and referring the parties to similar determinations. The Division just started this process and so far has seen favorable results. In addition, the Division has just hired a new staff member. Hanne Rush will be joining the Division at the end of the month. Ms. Rush will be working on public records issues as well.

While the Division is making efforts to improve the response time for complaints, there are some factors that cannot change. For example, some complaints raise legal issues that are new. The Division needs to thoroughly review these issues before issuing a decision. Some cases, such as the Falmouth case, take months working with the public body to resolve the matter. In that case, the Division was working with the Town to create numerous executive session minutes. Other cases, such as Barnstable, require a significant amount of investigation.

Sen. Donnelly mentioned that there was a hearing in his Committee on a proposal to shorten the time of Massachusetts Commission Against Discrimination (MCAD) hearings. MCAD hearings cannot be shortened until the state funds positions to handle the case load. The same is true with Open Meeting Law determinations. The Division needs more staff to shorten the time it takes to release determinations.

While he sympathizes with Mr. Lopez, he does not see what more the Division can do without additional resources.

Mr. Ambrogi stated that the Labor Relations Commission would abbreviate the investigation process by referring more cases to a hearing. Is this something that the Division can consider to expedite the decisions? Ms. Nable replied this is not something that the Division has considered. Under the Open Meeting Law, a hearing is only required in certain situations, such as when the office is ordering reinstatement or issuing a fine. It was Ms. Nable's opinion that conducting a hearing for every case would not necessarily save time. Also, our primary goal is compliance with the Open Meeting Law. Ms. Nable believes that the informal resolution process allows the Division to work more collaboratively with public bodies.

Ms. Lillios asked if the Division answers questions on novel issues on the hotline. Ms. Nable replied that the Division does sometimes respond to questions on the hotline that have not been answered in the determination format.

Sen. Donnelly stated that unlike labor complaints, the person filing an Open Meeting Law complaint is a citizen who cannot get a remedy on a situation they are really upset about, for example the hiring of a town manager. A citizen may not be happy with the hiring so he or she decides to challenge the hiring on grounds of the Open Meeting Law. Is it hard to get a consensus between the parties with informal resolutions? Ms. Nable replied that the informal resolution process is not mediation. The Division is not necessarily going to find a consensus and is not going to always make everyone happy.

Mr. Hechenbleikner stated that it strikes him that the Division has made two attempts to decrease the backlog by hiring new staff and implementing the informal resolution process. He is anxious to see the results at the next meeting.

Mr. Ambrogi stated that Ms. Nable informed the Commission that Ms. Rush will be working on public records issues and Open Meeting Law issues. He asked if the Division is currently handling public records issues. Ms. Nable replied that the General Counsel's office handles public records issues for the Attorney General, and Ms. Rush will be working with both the Division and General Counsel's office. Mr. Ambrogi stated that it would make sense for the Division to handle both Open Meeting Law and public records because of the laws' intersection with each other.

Sen. Donnelly asked if the Commission will formally respond to the letter. Mr. Hechenbleikner stated that they should. His proposed response was that the Division has employed an informal complaint resolution process and hired more staff to expedite the complaint review process. Mr. Hechenbleikner offered to draft the response letter.

Ms. Nable noted that the chart of resolution dates provided by Mr. Lopez is inaccurate. He appears to have calculated the length of time it took to resolve these complaints from the date the complaints were filed with the public body, not with the Division. For example, Mr. Lopez stated that it took the Division 790 days to resolve the North Attleboro complaint. In reality, it took the Division 365 days from the date it was filed with the Division, which is not great, but a lot better than 790 days.

Mr. Ambrogi moves to have Mr. Hechenbleikner send a response to Mr. Lopez, seconded by Sen. Donnelly. **With unanimous consent, Mr. Hechenbleikner will issue a response to Mr. Lopez's March 28, 2012 letter.**

Discussion on the Public Bodies Meeting During Town Meeting Frequently Asked Question – Frederic Turkington Email and City Solicitors and Town Counsel Association Correspondence

Mr. Hechenbleikner stated that Frederic Turkington and the City Solicitors and Town Counsel Association (the "CSTCA") have sent correspondence regarding the Division's Town Meeting FAQs. The issue here is that Town Meeting is not subject to the Open Meeting Law. However, public bodies that are subject to the Open Meeting Law attend Town Meeting. Very often, public bodies post notice that they will be in session during Town Meeting. What typically happens is an article is being debated and an amendment may be proposed. The Moderator may then ask the Board of Selectmen or the Finance Committee for their opinions on the amendment. The bodies may huddle at their tables and discuss the matter then announce what they think. This issue may affect the majority of towns in the state. He is interested in knowing what the ability is to modify this FAQ.

Mr. Turkington stated that the CSTCA letter summarizes this issue nicely. Individual board members have no greater or lesser vote than citizens and should be able to fully participate in Town Meeting. It is not reasonable to suspend Town Meeting, have a board leave the meeting, and have people go watch them deliberate. This would disrupt the Town Meeting. Another issue is the topics to be discussed. During Town Meeting, a lot of issues come up that are not anticipated. The FAQ does not address the mechanism of Town Meeting.

Sen. Donnelly stated that he attends many Town Meetings in his communities. At a recent Town Meeting in Arlington, an article was amended on the floor. The Finance Committee had to get together and discuss whether to recommend the amendment. If the Finance Committee has to open this conversation up to the public, do they have to recess Town Meeting so people can attend this meeting? If someone wants to disrupt the proceedings of Town Meeting, they can put in an amendment and Town Meeting would have to recess and adjourn. Several amendments were filed in Billerica. If we are not careful with this, Town Meeting could last forever. People would not participate.

Ms. Nable stated that the genesis of the FAQ came after the Division received a number of questions about public bodies deliberating during Town Meeting. At the recent MMA annual meeting, someone stated that a particular Board of Selectmen typically gets together during a Town Meeting and privately discusses articles. The Division's job is to create educational materials to instruct people on the legal requirements of the law. One of the jobs of the Commission to submit recommendations for changes to the Division's educational materials, and the input provided so far has been helpful. However, these FAQs were vetted at multiple levels throughout the office. The Division will be meeting with the CSTCA to discuss their concerns. With regard to whether you need to recess Town Meeting if a public body convenes a meeting, the Division's guidance does not address that issue. It is up to the individual communities to decide whether or not this is necessary. The Division is concerned, however, about important decisions being made behind closed doors. The Division also noted that the Town Meeting exemption is now in the definition of meeting, not in the definition of public body.

Mr. Ambrogi stated that the law allows a public body to discuss items that were not on the meeting notice if they are topics that the chair does not anticipate. If something that was not anticipated comes up during Town Meeting, the body can discuss it. Why can't the Board of Selectmen have microphones in front of them? Why do they have to huddle in the corner?

Mr. Turkington stated that in some towns, certain public bodies opine on all articles. Last month at Wayland's Town Meeting, there was an article to appropriate funds to build a highway garage. Someone asked a public body how they felt about an amendment to this article. There is a premise in the Open Meeting Law that the public is able to hear what the body has to say. That might not be practical for Town Meeting to continue if others want to leave to go hear the public body deliberate. Maybe a legislative fix is necessary.

Mr. Hechenbleikner stated that his experience is limited to only one community. Do boards and committees currently deliberate in the room during Town Meeting? Mr. Turkington replied that they do.

Typically, they sit in the front row together. If a public body has to leave to have a meeting in another room that may disrupt the Town Meeting.

Mr. Ambrogi questioned why Town Meeting needs to recess. Mr. Hechenbleikner stated that if a public body is deliberating, there is no public input. Therefore, there is no Town Meeting deliberation taking place.

Mr. Turkington stated that the Commission should address whether the FAQ is controlling or if a legislative remedy is needed, but he does understand where the Division is coming from.

Ms. Lillios stated that there is an issue with minutes as well. Perhaps there is some middle ground that can be reached. For example, an after the fact production of minutes that will inform the public of what occurred. This could be addressed through a legislative fix.

Mr. Ambrogi suggested that because the Division will be meeting with the CSTCA and the Commission will be talking about possible legislative fixes, maybe they should wait to hear back from the Division and then decide if they will recommend any legislative fixes.

Mr. Hechenbleikner stated that he will solicit feedback at the upcoming Municipal Managers meeting and would like to include it on the next agenda and discuss any possible legislative remedy.

Ms. Kennedy-Pfister brought up a recent question that Sen. Donnelly's office received related to Town Meeting.

Ms. Nable explained the question. It had to do with Town Meeting members having email deliberations outside of an open meeting. Previously, the Open Meeting Law excluded Town Meeting from the definition of public body, however, under the new law that has changed. Town Meeting is now excluded from the definition of meeting. The question is, given that change, if Town Meeting members are having communication outside of a session of Town Meeting, is that considered a deliberation.

Mr. Hechenbleikner stated that this could also happen with a mass mailing to all Town Meeting members regarding a certain article.

Sen. Donnelly stated that most Town Meeting members are activists and are very involved in the issues that have brought them there. They may be talking to each other on the position they take. There is a line here on their status as Town Meeting members and their status as activists in town.

Mr. Hechenbleikner asked what the time frame is to make this determination. Ms. Nable stated that this is not a determination. The Division will answer this question then decide if any changes to the FAQ are necessary. The Division is aware that this is Town Meeting season and there is a lot of demand for answers, but they do not want to rush this important decision.

#### Discussion on the Use of Electronic Devices, Such as iPads, Text Messaging, and Web Chat, During Open Meetings

Mr. Hechenbleikner asked if anyone has any additional thoughts on this issue.

Ms. Nable stated that she read an interesting article out of Wisconsin. The article reported that Madison City Council members were found to have violated the Open Meeting Law by sending text messages to each other during meetings. Some messages were on matters not within their jurisdiction, such as ordering pizza, however they were found to have sent private messages on issues that were currently under consideration by the Council.

Mr. Hechenbleikner asked Ms. Nable if the Division plans on developing an FAQ on this issue. Ms. Nable reported that the Division does plan on it. At this time, the issue is being vetted internally and hopefully will be released shortly.

### Public Comment

At this time, Mr. Hechenbleikner opened the meeting up to public comment.

Mr. Turkington addressed the Commission. He is glad to hear that the Division has hired additional staff. However, he is concerned with the Division's reliance on determinations to portray its interpretation of the Open Meeting Law. Because determinations are very fact specific, it is very difficult to provide guidance on many issues. Most matters in Wayland come down to a matter of interpretation. Unfortunately, citizens file complaints because they know that the Division is going to find a violation. There is not going to be any grey area. He encourages the Division to issue advisory opinions. He believes that something should be done to help speed up the process for which the Division issues advisory opinions and make it easier. He stated that he previously filed an advisory opinion request with the Division, but was denied because the issue was relative to an open complaint with the Town. While the Division issued guidance on the specific facts in the complaint, the Division did not provide guidance on the broader topic that he requested an opinion on. He recommends changes in order to make the advisory opinion process less onerous.

As a representative of the Massachusetts Municipal Managers Association, Mr. Turkington asked the Division to issue clarification on the Chatham Town Manager Search Committee determination, OML 2012-11. Mr. Turkington stated that this decision does not take into account the public records law exemptions relating to the disclosure of identifying information of applicants who are not considered finalists for a position. This decision only focuses on the activity during the executive session, and this determination could have unintended consequences. If it is read without understanding the public records law, the release of information concerning candidates who are not finalists could have a detrimental effect on obtaining quality applicants in the future. He asked the Division to amend the determination to include clarification that the names of the candidates can be redacted when the minutes are eventually released.

Ms. Nable explained that the decision stated that the executive session purpose had expired because a candidate had accepted the position and the search was done. Therefore, the Division indicated that the Committee had to disclose the minutes unless the attorney client privilege or an exemption to the public records law applied. She stated that she believed it was clear in the decision that the body could still claim appropriate public records exemptions.

Mr. Turkington responded that there seems to be two conflicting statutes, namely the Public Records Law and the Open Meeting Law. There should be some sort of coordination between the Secretary of State's Public Records Division and the Division of Open Government. The decision should specifically state that the names of the candidates should be redacted.

Mr. Hechenbleikner suggested that an FAQ may be appropriate here to clarify. He sees how the search process can be harmed if confidentiality is not protected.

Mr. Ambrogi stated that there might be a way to incorporate the Public Records Law with the Open Meeting Law. Some states have put the two together. This could one day be on the Commission's legislative wish list.

Andres Navedo addressed the Commission. Mr. Navedo stated that many members of the community in Foxborough have concerns with public participation and constitutional rights. He pointed to a specific scenario in which the courts stated that any individual has the right to speak during a public meeting, while the Division stated that it is up to the chair to determine who may speak during a meeting. He

would like the Division to clarify which entity is correct in its interpretation. Mr. Navedo distributed copies of the court order that stated any individual has the right to speak in a meeting. He understands that this court order may not necessarily be an Open Meeting Law issue, but would like clarification from the Division.

Mr. Hechenbleikner stated that while he is interested in reading the court order, it may not be an Open Meeting Law issue. This may be something that the Division would like to look into to determine if any action is necessary.

Ms. Nable stated that the Division is aware of this issue. However, the court order is not detailed so she is not sure the grounds on which the judge decided the issue. The Division is considering whether there is any need to edit the Open Meeting Law guide or publish an FAQ to address this issue.

David Rosenberg was next to address the Commission. He understands the frustrations that Mr. Turkington was expressing. He supports the transparency that the Open Meeting Law requires, but is frustrated by the procedures. An example of this is the issue of email communication by Town Meeting members. This could be addressed with an open email exchange. This could be opened up by placing it on the internet so all members of the public know what is being discussed. The process leading up to Town Meeting can be slow, if members are only allowed to meet once every several months.

Mr. Hechenbleikner stated that the issues Mr. Rosenberg raised are the same issues that are raised in House Docket 04135: *An Act to Enhance Technology in Civic Engagement*. The question here is whether the Open Meeting Law anticipates a physical meeting or not. His concern is that while he wants to be progressive, ultimately he would like to see in-person meetings.

Mr. Ambrogi agrees. If you have meetings online, you are going to exclude people who don't have internet access from the meeting.

#### Items Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting

There were no items.

#### Confirmation of Next Meeting Date

The next meeting will be held on Tuesday, September 4, 2012 at 1:00PM at One Ashburton Place, 21<sup>st</sup> Floor, Boston, MA.

Mr. Ambrogi moved to adjourn the meeting, seconded by Sen. Donnelly.

**With unanimous consent, meeting adjourned at 11:33AM**

#### **List of Documents Used by the Commission at the Meeting**

1. Meeting agenda for May 7, 2012
2. Draft minutes for February 23, 2012
3. Division of Open Government update
4. Gary Lopez correspondence, dated March 28, 2012
5. Town Meeting FAQ
6. Frederic Turkington email, received by Peter Hechenbleikner on April 27, 2012
7. City Solicitors and Town Counsel Association correspondence, dated April 20, 2012
8. Frederic Turkington correspondence on behalf of the Massachusetts Municipal Managers' Association, dated May 7, 2012
9. Frederic Turkington correspondence on behalf of the Town of Wayland, dated May 7, 2012

10. *FXP LLC v. Town of Foxborough, et al*, Civil Action No. 12-10553-JLT
11. Frank Mortimer, *Kraft Group Sues Foxboro; Two Sides to Meeting Tonight After Judge Backs Company*, FOXBOROUGH SUN CHRONICLE, May 5, 2012
12. Frank Mortimer, *AG Ruling Goes Against Resident on Open Meeting Law*, FOXBOROUGH REPORTER, April 12, 2012
13. Frank Mortimer, *AG Denies Foxboro Man's Open Meeting Law complaint*, FOXBOROUGH SUN CHRONICLE, April 21, 2012