

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## SPECIAL TOWN MEETING – THURSDAY– NOVEMBER 1, 2012

### TOWN HALL AUDITORIUM

Chairman Austin Knight convened the meeting at 5:00 PM noting the following: Board of Selectmen attending: Austin Knight, Elaine Anderson and John Santos

Other attendees: Town Manager Sharon Lynn

Recorder: Vernon G. Porter      This meeting is being recorded by Provincetown Television.

The following are meeting minutes, in brief:

**MOTION**: *Move that the Board of Selectmen vote to recess for fifteen minutes and reconvene in the Judge Welsh Hearing Room.*

**Motion by**: Elaine Anderson      **Seconded By**: John Santos      Yea 3    Nay 0

Time: 5:15 PM. – Judge Welsh Hearing Room

Chairman Austin Knight reconvened the meeting at 5:15 PM in the Judge Welsh Hearing Room noting the following: Board of Selectmen attending: Austin Knight, Elaine Anderson, John Santos, David McChesney and Erik Yingling

Other Attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Town Counsel Michele Randazzo from the firm of Kopelman & Paige.

#### 1. **OPEN MEETING LAW COMPLAINT** (Bernard Brahm)

The Board has received a new Open Meeting Law Complaint from Mr. Brahm claiming the Board violated the law by not responding to a September 10, 2012 Public Records Request addressed to, “Town Clerk or Keeper of the Records”; in response, the Board moves to make certain findings of fact and resolve the complaint as follows:

- On September 10, 2012 Mr. Brahm filed with the Town Clerk a request he identified as a public records request under G.L. c.66, §10 directed to the “Town Clerk or Keeper of the Records” seeking, “a copy of the original complaint and all documents related to the Open Meeting Law Complaint from May 2012 regarding the Bryant property”;
- Due to the manner in which the request was captioned, the Board viewed the request as a public records request to the Town Clerk for records on file with his office;
- Moreover, the request is vague, as it is unclear what is intended by the “original complaint” from “May 2012 regarding the Bryant property”, where there was an Open Meeting Law Complaint “originally filed” in April of 2012, not May, making it difficult to know exactly what Mr. Brahm was requesting;
- Regardless of the implications under the Public Records Law, failure of the Town Clerk or any other Town entity to respond to a vague Public Records Request addressed to the Town Clerk, which office does have custody of records that could possibly be deemed responsive to the request, does not implicate the Open Meeting Law;

