

SPECIAL MEETING OF THE BOARD OF HEALTH

Minutes of Meeting

October 29, 2019

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TOWN CLERK

A Special Meeting of the Board of Health was held at the Town Hall on Tuesday, October 29, 2019, at 2:30 p.m. The meeting was duly posted. Board members present: Chairwoman Leanne Lopes, Michael Silvia and Peter DeTerra. Also present: Mary Freire-Kellogg, Health Agent and Amanda Blais, Administrative Assistant.

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Before the Board:

Chairwoman Lopes asked for a motion to open the meeting. Motion to open the meeting was made by Mr. Silvia. Mr. DeTerra stated he would second to open the meeting only to discuss the open meeting law complaint received on August 19, 2019; other items listed on the agenda for discussion need to be posted within 72 hours. Mr. Silvia amended his motion to limit discussion only to the open meeting law complaint received on August 19, 2019. Mr. DeTerra seconded. The Health Agent stated the Town Clerk's office informed her the agenda could be revised on the same day as the meeting, as long as the revised agenda is posted. Mr. DeTerra asked to be shown the regulation where it states that. Chairwoman Lopes distributed the Open Meeting Law Guide to the Board, the Health Agent and to the Administrative Assistant. Mr. DeTerra asked why information like this is not included in their packets prior to the meeting; he stated he cannot read the information. Chairwoman Lopes stated this information was not in the Board members' packets because she wanted to distribute the information. Mr. DeTerra responded to the Chair that she cannot do what she wants.

Chairwoman Lopes asked the Health Agent to read the original open meeting law complaint that was received on August 19, 2019. The Health Agent read the complaint aloud. The complaint was received on August 19, 2019 from Jeffrey Mattos, 35 Allen Avenue, Barrington, RI 02876. In short, Mr. Mattos filed an open meeting law complaint against Chairwoman Lopes because she allowed the discussion and voting to occur regarding the cap of tobacco establishment permitting during the July 25, 2019 meeting.

Chairwoman Lopes asked the Health Agent for the agenda from the July 25, 2019 meeting; tobacco was listed on said agenda. Mr. DeTerra stated tobacco should've been listed under Public Hearing and should've been a discussion only. Chairwoman Lopes asked for the approved minutes from the July 25, 2019 meeting. Chairwoman Lopes further stated she would not have a problem with rescinding the vote made at that meeting. Chairwoman Lopes read the minutes from the July 25, 2019 meeting, specifically the section regarding the tobacco discussion. Mr. Silvia stated, in terms of the agenda, the term "tobacco" is vague; he was uncomfortable with voting because he wasn't sure with where the Board was headed with the decision. The Health Agent responded by mentioning it was the discussion at the meeting previous to July 25, 2019 to either reduce the number of permits or cap the existing permits. Mr. Silvia stated he would be in favor of rescinding the vote made at the July 25, 2019 meeting and Chairwoman Lopes responded that was her recommendation. The Health Agent agreed that the vote could be rescinded because there seemed to be confusion about intentions and complaints about there being "backdoor discussions" where hopefully the confusion was addressed during the public hearing on October 23, 2019; perhaps there will be a vote in the future regarding a cap on tobacco permits or maybe the State will step in with their own regulation.

Mr. Silvia made a motion to rescind the vote from the July 25, 2019 meeting regarding the cap of tobacco establishment permits and was seconded by Mr. DeTerra. The motion passed unanimously.

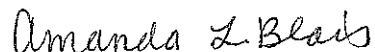
Mr. Silvia asked the Health Agent how to move forward with the complaint and the Health Agent responded that a letter would be sent addressing the complaint. Mr. DeTerra began to speak about the open meeting law violation and was informed by Chairwoman Lopes that the only matter being discussed is the complaint that was filed.

On the topic of open meeting law complaints, Chairwoman Lopes explained that it has come to her attention that four additional open meeting law complaints have been received and will be addressed, however a telephone call has been made to the Attorney General's office due to the handwriting being identical on the complaint filed by Jeffrey Mattos and the four additional complaints. The Attorney General has been notified of possible fraud. Mike Ristuccia asked if he could speak regarding the new complaints and Chairwoman Lopes responded he could not because the present meeting was not an open meeting. Mr. Ristuccia asked the Chair if she would "call the police to have him taken out of the meeting for a second time."

The Health Agent asked the Board what should be written in the letter to Mr. Mattos and Chairwoman Lopes gave instruction.

Mr. Silvia made a motion to adjourn and was seconded by Chairwoman Lopes. The motion passed. Meeting adjourned at 2:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Amanda L. Blais".

Amanda L. Blais
Recording Secretary/Administrative Assistant