

Town of Shirley Board of Registrars

Dec 14, 2016 Meeting

Minutes of Open and Executive Session

Called to order at 6:52pm. Daryl Eli (DE), Robert Huxley (RH) and Amy McDougall(AM) were present. JonnieLynn Donatelli (JD) arrived at 7:07pm

1.) Reviewed/Certified signatures on Nomination Papers received from candidates for January 30th Special Election (Recall Election)

Reviewed signatures on James D. Wilson's nomination papers, using the voter list for comparison. Discussion of signatures Amy was unable to make out on first sheet

Line 3 - Guy Gionet is registered at 6 Main St., not 3 Robertson Rd. (N)

Lines 8 – 44 Fredonian St. - Merle goes by a known nickname of BJ.
Accepted as Merle Baker

Line 9 – 44 Fredonian St. – accepted as Laura Baker

Line 13 – 5 Devarney Court – accepted as Jennifer McCauley

JonnieLynn Donatelli arrived.

Line 15 – 8 Center Rd – signature unable to be read (S)

Line 21 – 28 Center Rd – signature unable to be read (S)

Line 25 – 122 Hazen Rd – accepted as Kimberly Bourassa.

Line 26 – 1 Mosland Dr. – accepted as Athanace Landry

Moved, seconded and unanimously voted to certify 29 signatures and reject 3 for the reasons indicated above.

Discussion of signatures Amy was unable to make out on second sheet

Line 3 - 85 Hazen - accepted as Jennifer Raimon

Moved, seconded and unanimously voted to certify 8 signatures.

Moved, seconded and unanimously voted that the total number of signatures certified for James D. Wilson was 37. Since the number required to be obtained to appear at the ballot was 23, he qualified.

Reviewed signatures on Holly J. Haase's nomination papers, using the voter list for comparison. Discussion of signatures Amy was unable to make out on first sheet.

Line 5 – 31 Peabody Rd. – Accepted as Pamela Pringle.

Line 9 – 51 Chapel St. – Accepted as Camille Farrar

Moved, seconded and voted to certify 11 signatures.

Discussion of signatures AR was unable to make out on second sheet. RH recused himself because his wife, Doris Huxley, signed that sheet.

Line 15 – 15 Brown Rd. – accepted as Joyce Reischutz

Line 16 – 67 Lawton Rd – accepted at Jonathan Deforge

Line 26 – 194 Center Rd – accepted as Ronald Banay

Moved, seconded and voted to certify 32 signatures.

Moved, seconded and unanimously that the total number of signatures certified for Holly J. Haase was 43. Since the number required to be obtained to appear at the ballot was 23, she qualifies.

2.) Annual street listing mailing for 2017

The Interim Town Clerk, Denise MacAloney, may need help stuffing envelopes the last week of December. RH will come in if she needs them. They need to be mailed by the end of December or early January.

3.) Annual town election is scheduled for Tuesday, May 2. The Board will need to meet just before then.

The board discussed allowing the use of the signature stamps, since they authorized it earlier this year. However, they would like to continue to come in to review and certify signatures.

JonnieLynn Donatelli reaffirmed her intent to step down from the Board after the Recall Election matters have passed, since she came in on a temporary basis while Jim Yocum recused himself.

4.) Future meeting schedule.

April 17 – Last day to register to vote is Wed., April 17. If Denise cannot stay until 8pm, she may need coverage by the Registrars.

April – the board needs to be available to sign absentee ballot requests.

March - need to be available to certify nomination papers for the Annual Town Election

January 30th – Recall Election.

January – throughout the month, will need to sign the abs ballot aps

5.) Reorganization of Board.

JD moved that RH be the new chair effective after the meeting tonight. DE seconded. RH accepted the nomination. Unanimous vote in favor. The Interim Town Clerk, Denise MacAloney, would become a member of the Board automatically once she was sworn in as Clerk.

6.) AR explained that the next agenda item was to meet in Executive Session under MLG c30A, Sec. 21 (3) to discuss strategy with respect to litigation since an open meeting may have a detrimental effect on the litigating position of the Board. The litigation to be discussed was as follows:

Kendra J. Dumont vs. Amy McDougall, Jonnie Lynn Donatelli, Robert Huxley, Daryl Eli, as they constitute the Town Clerk and Members of the Shirley Board of Registrars and David E. Brand et al

Robert E. Prescott vs. Amy McDougall, Jonnie Lynn Donatelli, Robert Huxley, Daryl Eli, as they constitute the Town Clerk and Members of the Shirley Board of Registrars and David E. Brand et al

The board planned to return to open session only to adjourn.

JD moved and DE seconded to go into Executive Session for the reasons stated. JD Aye, DE Aye, RH Aye, AM Aye.

Reviewed the draft response prepared by Town Counsel. Checked the responses against the corresponding numbers in the complaints.

The Board noted that the responses differentiated the municipal defendants from the petitioners. The members understood and appreciated that. In general, many sections of the Complaints address issues that the Board would have no jurisdiction over or knowledge of.

#45 - each recall petition was numbered and corresponds to a spreadsheet that kept track of the Petitioner they were issued to.

#40 – Town Counsel is correct that it was August 29, not August 23 on which the Board of Registrars certified signatures on the initial affidavits.

#57 and 58. The Board did not agree to listen to testimony of discussions held with others – heresy.

Defenses Section – the board looked up Doctrine of Laches on the Internet. “The doctrine of laches is a legal defense that may be claimed in a civil matter, which asserts that there has been an unreasonable delay in pursuing the claim (filing the lawsuit), which has prejudices the defendant, or prevents him from putting on a defense.” In what way does the doctrine of laches apply?

Answers to the questions posed in the draft were as follows:

#29. Contract executed on April 29, 2015. It was new.

#44 – the petitions were all returned by Holly Haase. AM will provide copies of receipts.

#54 -

The Petition seeking the recall of Selectman Dumont was certified by the Board of Registrars on October 5, 2016 as having been signed by 490 registered voters of the Town of Shirley and that that said number of signatures was sufficient to required submission of the petitions to the Board of Selectmen for action in accordance with Chapter 111 of the Acts of 2016

The Petition seeking the recall of Selectman Prescott was certified by the Board of Registrars on October 10, 2016 as having been signed by 479 registered voters of the Town of Shirley. that said number of signatures was sufficient to required submission of the petitions to the Board of Selectmen for action in accordance with Chapter 111 of the Acts of 2016

The Board of Registrars sent the Certificates of Sufficiency to the Board of Selectmen on October 24.

The board discussed that the Count VI in Dumont's complaint starts with #85. It uses #85 twice. It uses #85 at the end of Count V and the beginning of Count IV. Therefore, our response to Dumont needs to be adjusted so that Count VI starts with 85 and goes to 96. This will make our responses correspond to the correct numbers in her Complaint.

The Board would like to know if our responses should address the Prayer for Relief.

JD moved approve Town Counsel's draft Answers to the Prescott and Dumont Complaints with the incorporation of the additional information for #29, and #44 and #54, with the changes required due to the numbering differences between the two complaints, and with any potential response to the question about the Prayer for Relief section. RH seconded.. Roll call vote. JD Aye, DE Aye, RH Aye, AM Aye.

RH moved to authorize for Town Counsel, with the approval of the Town Clerk, Amy McDougall, to make any additional revisions that are necessary and appropriate. DE seconded. Roll call vote. JD Aye, DE Aye, RH Aye, AM Aye.

AM advised that the Board needed to work on and finalize the minutes from previous meetings. AM will work with JD on this.

JD moved to exit Executive Session. DE seconded. JD Aye, DE Aye, RH Aye, AM Aye.

DJ moved to adjourn the meeting. RH seconded. Unanimously voted to adjourn. Adjourned the meeting at 10:27.

Respectfully submitted,

Amy McDougall
Clerk of the Board of Registrars.