

Social Service PILOT and Comparative Impact Study Committee
Public Hearing Room 7:30 PM Memorial Building Framingham, Ma

Minutes

November 15, 2005

Note: If a word or sentence is blue and underlined click for the link.

Attendance: Bob Berman, Yaakov Cohn, Dawn Harkness, Cynthia Laurora., Laurie Lee, Jim Palmer, Wes Ritchie, Nick Sanchez: Steve Orr, John Speranza

Meeting called to order at 7:35 PM. by Chair Berman

Approval of Minutes

10/25/05 meeting.

Ms Harkness asked for further time on the minutes because she inadvertently lost her corrections on the computer. She made a copy of the tapes from 10/25 because she understands that Cynthia would also like to hear them.

Dawn thought the group had 30 days to get the minutes out.

Steve said we have 45 days.

Dawn also reviewed the August 2, 2005 minutes because of some concern over the minutes of that meeting.

Nick asked the chair to make sure that we have 45 days to get the minutes out.

Steve commented that he is always right.

Dawn wanted that in the minutes. The whole group laughed.

Minutes of 11/8/05 meeting

Dawn said that she has corrections to those too. She also has a motion. Based on her experience of the 10/25 minutes, she was concerned that the clerk is destroying some of the tapes after finishing the minutes. She asked if we had all of the tapes.

Ms. Lee, the clerk, said we do not have all of the tapes.

Dawn said that she wants to review the tapes of the meetings. She commented that listening to the tape has given her an appreciation for the work Laurie is doing and that it is very hard. She was concerned because she is getting attacked by people who are reading the minutes and they are not exactly accurate when she goes back and hears the tape. They are not exactly what she said. Whether it be that she disclosed that she works for SMOC or not., which she has. It is not always in the minutes so she has to go back and make sure that such things are in there. She is asking that we not destroy any more tapes of any minutes until our work is done.

Yaakov, Bob and Dawn all commented that we can use our money to buy tapes.

Laurie said that she started keeping the tapes a few weeks ago, certainly from 10/11/05. The open meeting law says that once the tapes are turned into written minutes and there

are no requests to hear them, they can be taped over. This was brought up to the group and decided.

The chair commented that he appreciates the clerk as well. He doesn't know how she gets these done so quickly. He leaves the meetings and can't even think about the meetings. From the one tape he heard it is incredibly difficult work to listen to the meetings, figuring out who said what. He has even more appreciation.

Cynthia asked if other committees tape their minutes.

The response was some. Bob said that committees that hold public hearings, the conservation commission...

Dawn said that if they are videotaped they are stored forever.

Grammatical Corrections to the 11/8/05 minutes were made.

Jim asked if we could include names of people making motions and names of individual's seconding motions.

Jim also questioned the following statement in the minutes:

“Laurie said that she thought the group had established a procedure that the groups got together and wrote up questions based on the Action Plan and then the questions came in to the committee to be approved, and then were mailed out to the appropriate persons for written answers.”

He wanted to know where we established that.

We thought it was recorded correctly but never formalized.

Laurie knows we discussed it but wasn't sure if we voted on it.

Dawn thought we did. She said it came up in one of the tapes she listened to. We did agree to the procedure that all questionnaires come back to the group and we decide upon them as a group.

We said that we lay out what every group needs to create a questionnaire and that those come back to the group.

Dawn said the working groups are not action groups as much as trying to get the work done. We didn't want the group of 10 hammering out the questionnaires.

Dawn said she still wants to review the tapes.

Bob had no trouble putting that off for a week however he thought that there are people who are reading the minutes, so the longer they go uncorrected is more problematic than most committees.

Dawn agreed except for the fact that her experience, when reviewing this is that everything that she said earlier, is that if she can detect a bias there are many incredibly inflammatory things that some members of this committee say that never appear on the minutes and that anything remotely edgy that she says seems to get quoted verbatim. She wants to make sure

Steve Orr commented that just because she is paranoid doesn't mean they are not out to get you.

Dawn said I think you are out of order and that probably won't be recorded either. Having taken a lot of heat recently Dawn wants to make sure that if the minutes are anything other than the motions, seconds and votes they are going to be accurate. She doesn't mind taking heat for what she does say, but she doesn't want to take heat for things she never said.

Bob asked if Laurie writes up the minutes from the personal recorder or from the tapes.

Laurie said she uses both because she can't hear some people and she tries to separate the player and the recorder so she can get all people. Jim is very hard to hear, which is why she has asked for motions to be written.

More grammatical corrections were made to the minutes.

We had one concern about Dawn's motion regarding the minutes: he is constantly telling people "you are only saying that because you haven't read our minutes" "you only feel that way because you don't know what is going on" is what he says to people who judge the actions of this committee. He is worried that if we delay the minutes (3 or 4 sets delayed) everything will be delayed and this will lead to frustration of what we are actually doing and what the community perceives we are doing.

Dawn understood. It wasn't until she was told that there are some people who are even on this committee who somehow believe that she has never disclosed that she works for SMOC. "She never said that she volunteers for SMOC. Never, not ever, not once" Because she doesn't. Her disclosure wasn't reflected in the minutes.

Laurie called for point of information. Dawn said she wasn't finished.

Dawn continues that somebody else on frambors said that she was advocating for us to expand the study to all tax exempt properties and that anybody who has been in our meetings will know that while she was fully in favor of that motion, she proposed it on the floor of town meeting, that when it got raised again to this committee she was arguing against it and saying we could not expand it that town meeting gave us a clear mandate and it wasn't up to us to expand it. She added that if she is going to get attacked for things in our minutes they better be accurate and they haven't been.

Bob asked if Dawn has a tape recorder and suggested that she records her own tapes to compare to the minutes.

Laurie raised a point of information

She said that the very first meeting when Ed Noonan went around and asked what people do, Dawn said that she is an employee of SMOC.

Laurie said that if Dawn remembers, Laurie emailed her the next day to inform her that she was not going to put in the details of people's employment but she wasn't sure if Dawn wanted her to put in that she was an employee of SMOC. Dawn said no.

Dawn doesn't remember that.

But that doesn't mean that she didn't disclose it to the committee.

Laurie said she absolutely remembers her saying that.

Bob said this is beside the point. He wanted to delay the vote of the minutes.

Nick raised a point of information. He was confused about what Dawn has said. For example, there is article that appeared in the Boston Globe that stated that “Dawn Harkness, also a town meeting member, said she volunteers at a SMOC women’s shelter over the weekends”

Bob said this is outside of the point of voting on the minutes.

Wes thought that Dawn raised an interesting point. Steve said in the papers recently “ I let all sorts of idiots post on frambors” Wes is concerned about letting people who have their own agendas, attack Dawn, dictate the work and the pace of the committee.

Dawn said that he is not on the receiving end of some of these claims.

Bob said that he will work with Dawn to find a way that we can move forward.

For now let’s put off the acceptance of these minutes until next week.

Dawn asked to respond to Nick’s point, because it is important. The Boston Globe is not the minutes. She cannot help it. She never said she was a volunteer. Ever.

Cynthia brought out the minutes from August 9, 2005. Accurately it says here that it is not our charge to look at churches. You said it at the meeting and it was recorded as such.

Dawn said, that was the August 9 meeting. On the August 2 meeting the minutes said she said we ought to expand our study. If you look at that meeting, I didn’t say that.

Jim Palmer was not sure how to handle the result of a motion that failed last week.

“Jim Palmer’s Motion: The property committee should stick to the specifics of the action plan Vote: 4 in favor 5 opposed 1 abstain”

If he is going to be working here in the committee he wants to know how to proceed from this point on. His question is, actually a point of information, does he forget the action plan as written and go do his thing? Does any working committee do that? Or if he is on a working committee and that working committee says break this up, you do this, you do this...and he says he will do what he feels like doing. (Unintelligible statement)

Bob said we should get through the minutes first.

Jim moved to postpone approval of the minutes until next week.

Dawn wanted to amend the August 2 minutes, which were already approved, we have done this in the past, and passed out the changes. There were two additions/changes.

The first addition is the first time Dawn disclosed that she works for SMOC. She also disclosed that she works for SMOC on her application.

The second set of changes Dawn proposed are needed because she wants the minutes to be accurate. Dawn said that she found out that she is not as articulate as she thinks and the difficulties that were in these two paragraphs were in part Laurie trying to clean up the language and she missed some important points. But as inarticulate as they are she did not say that we had to expand our study. She said she had a motion and we might have to grapple with it again in the future, but not this committee but town meeting and Dawn thought that was clear from what she said. These are verbatim transcripts as best as she could do and would like these to replace her previous comments.

Bob said that he would like to look at them and bring it up next week.

Laurie asked if she has the tape for this meeting and if she can have it. Dawn will provide.

Jim moved to delay taking up the approval of the minutes from Nov 8 until the next session.

Seconded (unnamed)

Vote:

9 in favor 0 opposed 1 abstain

Cynthia checked with the chair that we didn't have to vote on delaying the 10/25 minutes. He thought not.

Bob asked Jim if he wants to bring up the point he made earlier about the action plan.

Jim had a question as to where the motion from last week puts up. We have an action plan that lists specific things we are to do.

The motion, as he understands it, is we don't have to follow the action plan. Any group can go off and do what they want to do. He wanted clarity

Yakkov Cohn said that his understanding of the vote is not to try to force a rigid legalistic interpretation of the action plan. It wasn't written to be precisely interpreted word for word, like a constitution, The vote was only useful in the context of the discussion last week and does not mean the action plan is not valid. He does not see a true issue here.

What Dawn took away from that vote last week, is that if you are on a committee where you have enough people to vote to ignore the action plan, you are free to ignore the action plan. But, if any other group does not have those votes, they will not be able to. She, on the property group, is not free to ignore the action plan. The reason we came up with the plan was to keep working groups from going off on their own and what we got last week is that if there is a group of people who feel they have the votes they do not have to stick to the plan that we worked out.

Laurie said she understood it differently. Her understanding was that no group would be singled out and treated any differently than other groups. That yes all groups would follow the action plan. She thought the property group made it pretty clear that they were waiting for a list of communities to use and the list of addresses to be approved. Since we got those we have strictly followed the action plan. She does not understand why they are being singled out. We could point to any group and say "these things haven't been done at all. " She didn't understand the point.

Dawn said that the difference is there are actually things that the property group could have been doing on the action plan, like defining what is adjacent; finding out from other departments, what are the standard they used for neighborhood. This group did not do this. After the RE survey got tabled an email came out that said if you guys wanted to you could decide you are going to talk about the survey again. It was rejected by the larger committee and obviously now that you guys are free to ignore the action plan you are free to continue on the tangents that you are interested in doing.

Yaakov said that it would be really helpful if we discussed real issues as opposed to charges about ignoring the action plan. In particular, what he thought was on the table

was the question of: consulting real estate brokers. It is his recollection that he is the one that put that out. If it is relevant what he was thinking at the time, was why don't we ask some RE brokers what they think about the impact of various agencies.

Bob interrupted because this is not the issue being discussed. The issue of real estate was already taken up and put aside. It is more about the scope of the wording of the action plan and a feeling that the working group had been moving outside of that.

Yaakov understood that. He thought it specifically came out of the question about realtors. It became a general question about following the action plan or not, but the point he is trying to make is that it started with a debate about a very specific action: persuing subjective impressions of RE brokers. The whole issue of real estate values is a subjective one in the first place.

Bob thought the discussion last week was more about the inclusion of income when looking at adjacent properties or neighborhood properties and that that is outside of the action plan.

Yaakov thought we should fight about specifics like that and not throw charges about the action plan because it was not crafted to be a precise guide and there are different interpretations of it.

We asked if the group met since our last meeting. He said the motion was that the P&I group should stick to the specifics of the action plan. So what have you guys decided now that you don't have to stick to the specifics of the action plan?

Laurie (and Cynthia) said "We are sticking to the action plan" She asked if the group would like them to give a report.

Bob said we would get to that.

Yaakov said that the motion is an inflammatory attack on these people.

Bob said that we are right now talking about what are the ramifications to the other working groups based on the vote that was taken last week. If you feel that there is no ramification that is fine. If you are feeling there is, that is fine. That is what we are discussing.

Jim said that he has a reason for raising this. He met with the municipal group in Steve's house. They gave me the task of dealing with the BOH and building. We worked out questions. He then made the questions. The group re-worked the questions. We brought it to the committee and re-worked it again. That is indication to him that we were sticking to the action plan. He followed the action plan word for word. He gets upset because he is a rules man. We are either all going to follow the rules or none of us following the rules. The trust level of a committee goes to pot when one group is off doing their thing and another doing theirs. We set up the action plan so we have a route to take and it was based on the fact that that is the information we are looking for. Nothing else. We have gone astray. Are we following it or not.

Cynthia said that with all due respect she knows that they might have been offended by the RE survey but they brought it to the table and discussed it. We didn't run out and do

it. When she looks at the action plan and sees real estate agents and then the questions that we are addressing in the survey, and it fits. I think you are misinterpreting our intent.

Cynthia said she feels bad that they feel that way about the property committee. It was not the intent to go off the beaten track of the action plan. We all want to follow it. Anything we do we bring to the table here.

Jim said. The survey was thrown out. The group said no. The issue was raised at the last meeting about what has been brought before us and that the things in the action plan had not been brought before us. Nothing in that action plan had been brought before us from that particular committee. But other committees were coming before us.

Nick said that his objection in the context of what was happening last time was that there was an attempt to impose a single interpretation of the action plan. The way he understand that vote is that there is not a single interpretation of the action plan. However, that does not mean that any interpretation whatsoever should not be brought into the committee.

Mr. Sanchez continued by explaining that when Mr. Palmer pointed out that we should follow exactly the same rule with regard to the survey, even though most of us felt the survey was valid, we thought it was a reasonable point that needed to be addressed. He posed the question: is there a way to make the survey valid? Will asking people who answer the survey to write down their name make it valid? The survey as such is still alive in the sense that if it is possible to address Mr. Palmer's requests that everyone be responsible for their answer than it may be possible that the survey has validity.

A member of the group, Laurie moved to table the survey; it wasn't even tabled by people outside of our group. It was tabled by people inside of the group because we accepted Mr. Palmer's interpretation; however we did not accept another interpretation that it was subjective and invalid had no place to play in the investigation.

So this assertion that this committee is trying to ram things through the committee as a whole is wrong as evidenced by the fact that a member of the working group tabled the survey. We have been trying to take into account everyone's point of view.

Nick reiterated his position from last week that, this should be discussed broadly and that everybody should have an input, but there is not a single interpretation of what the action plan says.

Jim said that we have a plan and who better than a banker or mortgage appraiser can tell you what the value of the property is. Why do we have to go to a real estate agent and say "what do you think" when I can go to the banker and he can tell us dollar and cents values. The sources that we use, we have to be careful. Anyone can say what they want. The mortgage and bank industry will give better more accurate figures than anybody else.

Cynthia asked if he was assuming that we weren't going to consult with mortgage and bankers? We were going to. We were going through the list., Realtors were at the top.

We checked with the Warren group...

Bob said that the discussion leading up to the vote had nothing to do with asking real estate brokers anything. It was not about the real estate questionnaire. If you read the minutes, it was very clear that we were talking about property value issues that you guys were looking at after the questionnaire had been taken off the table. It was looking at

things like income for people that live in residences next to or neighboring social services. That was the discussion. We were not talking about the questionnaire. Bob commented that he wished he was here for that discussion because he could have added a lot to it.

Cynthia asked then: you were discussing income.

Bob said that there were many factors that were brought up from the report from the last meeting that were things like income, that were not on the action plan but were brought into the discussion by the working group on things that they were working on and taking a look at. That is what brought up the issue of these things being outside of the scope of the action plan. Why are you dealing with that rather than dealing with the things that are in the action plan.

Mr. Sanchez said that we are the Property and Income group. At least that is what he always thought. So how is bringing in questions of income outside of the scope of the group? He didn't understand. We are the property and income group.

Nick reiterated what he believed he pointed out last week. He brought up the point that property values are relevant, social services, taxes are relevant because they have a direct impact on property values, and income is relevant because it is part of our committee.

Nick thought there was consensus in the P&I group, except that Dawn might not have accepted the idea of including taxes .

Then he raised the questions: should other issues be brought up. He brought these other issues to the committee in that context. In other words should other things be considered. He did not care if no other issues besides the ones above were considered but felt the committee should decide.

Dawn said that there are different definitions of consensus. She heard it used a couple of times today in the context of a 'majority of the group thinks its true that that must be consensus'. Consensus means everybody in the group comes to an agreement and she said she has never agreed with Mr. Sanchez's analysis that we should be trying to figure out how income tax affects property values or how taxes in general affect property values. We are not the property tax committee and determining how social services affect that. The only question we are trying to answer is how do social service agencies affect property values. We talked about it in length and narrowed our study to not include those controls because it is too big for our group and its skill set.

Dawn said that she feels some people want to look past what the questions are and go straight to the resources list as if that is what we are going to be determining. The questions are in the first list. Right under property values. To go beyond that is to continue to ignore what this group agreed on. She said that she guesses that is OK because they have the vote. You can do what you want but that is the direction this committee is taking: if you have the votes you can do what you want.

Bob commented on why he is allowing this discussion to go on. He spent the last couple of weeks trying to look at the future, and the way that things are developing with this committee, and to see what it the future look like. What he doesn't want to see is that at the end of an awful lot of work from everybody at this table, for four months and at least four more, is for a section of the numbers from any of the working group areas be

something that gets passed 6-4 and be in our report. It will be watered down. He would rather we work through this and work together as much on the same page as we can. The final report that we come up with that will be unedited unbiased data.

Cynthia spoke to the mentioning of income. She read from the Action Plan:

III. Tangible costs associated with Social Services to Framingham:

a) Property Values

- 1) *Important: Use normalized data. The only complete data set is the FY03 Property evaluations and the 2000 census(discuss research standards)*
- 2) *How are property values effected by Social Service Agencies?*
 - *Properties adjacent to SSA's*
 - *Properties neighboring SSA's*
 - *Properties Town wide*
 - *What is the effect on immediate abutters to SSA's?*
- 3) *What are the changes in real estate values in Framingham compared to other towns in our region?*
- 4) *How have property values changed in Framingham over time (10 years or more) relative to growth of Social Service Agencies? Is there a relationship?*

Resources:

- *Real-Estate agents*
- *Bank/mortgage appraisers*
- [Warren Group in Lexington](#)
- *University of Wisconsin Study (N. Sanchez)*
- *Steve Krueger Study*
- [FTPA](#)
- *Assessor*
- [FY03 property valuations](#)
- [2000 census](#)
- <http://www.guidestar.org/using/nonprofits.jsp>

b) Income

- 1) *Important: Use normalized data. The only complete data set is the 2000 census(discuss research standards)*
- 2) *What is the distribution of income levels in Framingham?*
 - *What is the width of income spread?*
 - *Is this spread related to SSA's?*
 - *Is this spread related to property values?*
 - *How has this distribution changed over time?*
 - *Do SSA's contribute to the widening of the width of the income distribution and cause disparity among communities that host them and those that don't?*

- 3) *Is there any relationship between social services in a community and income?*
- 4) *What is the impact on our Moody's ranking and our median income?*
- 5) *Has the expansion of social service agencies in Framingham over time altered our demographics, income distribution and needs assessment for affordable housing?*
- 6)

Resources:

- [2000 census](#)
- [HUD data](#)
- *Steve Krueger Income Study*
- [FTPA](#)
- <http://www.guidestar.org/using/nonprofits.jsp>

Cynthia said that we are dealing with income.

Dawn said she never said we weren't dealing with income. It is separate.

Cynthia said she is confused.

Bob explained his concerns with the discussion last week in relation to that. That was discussed as two separate items. The income piece is looking at the income not looking at the people who live next door to a social service agency and seeing what their income is. That is a very different thing than what the committee worked up in the action plan.

Nick responded that we were never, ever going to look into that.

Laurie and Cynthia said we never said we were doing that.

Lloyd Kay from the public addressed the group. He is a banker at Citizen's Bank and reviews appraisals. He said this discussion bothers him. These meetings should be televised. He doesn't see any professionalism. He thought we were making determinations based on property values. Unless we understand what property values are related to, and there are about 1,000 different things, our numbers are irrelevant. (the rest is unintelligible)

Yaakov asked Mr. Kay for specific recommendations about approaching property values.

Cynthia commented that we are having a respectful discussion and property values and the comments about finding income for the people next door is not even the direction we are headed in. She didn't know where that came from. She didn't understand that charge.

Mr. Kay said that is what he is reading in the newspaper.

She said there has been a misinterpretation.

Mr. Kay commented that he found this disturbing and wanted to know what the intent of finding values was and not considering the thousands of different things affecting them. He then commented about the action of a members visiting places and asked what is the intent.

Yaakov commented that there was nothing being offered here to the committee.

Dawn said that might be from his perspective.

Bob reminded the group that the public has a right to speak.

Cynthia asked to respond to the issue of property values. There is nothing wrong in relationship to our situation in Framingham It is just one piece of the puzzle.

Mr. Kay asked where we were getting these property values.

Cynthia said the group has just started collecting

Mr. Speranza asked “why does objectivity suddenly become subjectivity by certain individuals amongst us? We are trying to work objectively; we are trying to determine costs, the impact on the community and suddenly people are interjecting , where they extrapolate from, I cannot understand. Then it becomes subjective”

Jim Palmer said that he doesn't have any objection to property values but he thinks the issue has been raised, “ Who is going to give you those property values? Where are you going to get them? “ Jim said he is not going to go to my next door neighbor who sold his house and have him say his property value is X, because that is not a property value. Who do you go to get property values. What we are asking here is fine. He would love to know. If the sage house moves out from where they are, does that automatically say the property values of that area goes up. We are asking that question because somebody is next to that property. If their property goes up the adjoining one goes up. The same goes for if a social service agency moves into a neighborhood, who determines whether the property value goes down or up? It is not the real estate guys. That is a subjective point of view. A person that deals in mortgage appraising is the expert.

What was objected to last week is that this group has gone astray, even so much as to crime. It is narrow but narrow on purpose; the pieces will just fit together.

Dawn wanted to show Mr. Kay the questionnaire that the property group came up with without anyone who was remotely pro social service on that committee, and they seem to think this is an incredibly objective survey and when it came before this committee it was roundly rejected. And it is incredibly subjective. It is this kind of bias that is bothering a lot of us.

Unintelligible because the whole group is talking

Bob said we should get on with the discussion at hand.

Laurie said : “talk about mis representation.” She recalled Lloyd (Kay) as saying that you have to be very careful to subtract out pieces of information, ones that you know, that affect property values, so that what you are left with is how do social services affect property values. This (survey) was a subjective survey, we always said that, it was not objective, hard data; the group's intent was to use it to subtract out other pieces of information. She did not like how the previous speaker represented this (survey). Besides this survey was tabled.

Dawn said “ You are bringing it back”

Laurie said “I am not bringing it back. It is gone. Who is bringing it back?”

Nick strongly objected to a statement that Mr. Palmer made and he objected to Mr. Kay's statement because he said there are no professionals in this room. Mr. Sanchez said there are many professionals here. He is a full professor of economics at Holy Cross College.

Nick's second point has to do with where the data comes from that we are gathering. It is from the census. As a matter of fact, Nick recalled that he made a point of discussing data collection. He has tried to get this issue on the agenda for a long time. For people to assert that we are going to go to a next door neighbor and ask what is the value of their house, is an outrage.

Nick said the group has been collecting data from the census, the way a professional would collect data.

Wes commented that Mr. Kay said something interesting: what makes up property values. Wes thought he had an understanding of it but Lloyd said there are 1,000's of variables that make up property values. He does think it is the committee's role to dictate the work of the subcommittee but he doesn't want to appear giving directive. However, does it make sense before we continue with the real estate survey and whatever else you are doing, to come up with a definition of property values?

Laurie commented again that the group is not doing the real estate survey.

Wes asked what are the known influences of property values? When we know that then we can decide, as a group whether or not this is something that we think we can quantify. He thought that was a reasonable approach.

Nick said " That is precisely what we were trying to do. That is what has been denied to us."

For example, property values are affected by crime but we (P&I group) were told, we should not collect crime statistics. Mr. Sanchez said "Crime is a control variable" It should be included when you talk about property values. He said that some members of the committee have felt that should not be taken into account. Nick's reaction to that was "fine"

However, the group has stuck to four things that should be included:

Property values

Social service agencies

Tax rates

Income (we are the income committee)

If there is the objection that we should bring more information here, that is what we brought to the committee to discuss. The group was told we shouldn't bring crime statistics, or anything else, into account. So this is not the group's fault.

As to what is the definition is what is a property value; it what the house sells for.

Mr. Palmer said "that is exactly the problem"

The property value is not necessarily what the houses sell for. Suppose I get less than what my home is assessed for? Now what is the property value? That is what the gentleman is saying. There are many factors that come into property value. One of them may be crime, but that is not the job of this particular committee. It is the police department committee. When you put that information together, then it can make sense.

Yaakov was unsure what has been laid out.

He heard said that one of the factors that goes into property values is crime.

Mr. Palmer is saying is that because crime statistics, on the townwide basis, is the interest of another committee that the property group should not be factoring that in?

Jim Palmer said that he is sure it is one of the things that the appraiser factors in.

That is when you are talking about professionals. Just because someone is a professor doesn't make them a professional appraiser.

Yaakov commented that he wants to move forward but he is struggling to see what is going on. Can we start from scratch and come up with a plan to address real estate values as opposed to anything about personal prejudices? We have to be able to do step a,b,c,d..

Dawn said that she thought we did that when we hammered out the action plan. One of the things we determined is that this is a narrow study on how do the social service agencies affect the property values if you have a shelter next door. The way we determine that we simply study.

Mr. Kay did not understand the full scope of the debate, which is why she showed him the survey to understand that it is the bone of contention, the perceived bias of the property committee taking us in a direction we don't need to be going in. We already worked that out. She encouraged us to stay on point and she hopes to hear from the property committee just that.

She would like to see them map out, where are the shelters... we now have a list, what is adjacent, the neighborhoods and start there. If we need to expand, fine, but we need to start at point A.

Yaakov still continues not to know what all this means. It seemed to him that if you have an agency at a particular location and you want to know its impact on the people around it, it is not a simple matter of going "what was the value of neighboring properties before they moved in , now and after..." That seems like a very simplistic question and is not going to happen... this is a difficult question.

Dawn said why don't we just answer this question. Let us start at that point and see if it makes sense.

Jim asked why we spent all this time laying out tangible costs associated with services:

(He read from the above section of the Action Plan see above) The committee for the most part nulled the survey to real estate agents. You have all these other people listed here, including the assessor. The second part of the plan is income. It seemed to him that for some reason that property values has been neglected. He always starts with A and if he can't do A he tries to figure out some other way to handle it and then go on to B.

Bob said we should put this off and get to the working group reports. Once we have a report from this committee, if there are additional questions pertaining to the action plan we can ask then.

Dawn asked where we are in dealing with Mr. Orr's visit to the wet shelter.

Bob said that at this point it is up to the chair to find out the rules and regulations we are bound to and set a time for executive session, which will be one week from tonight.

11/22/05 as the second order of business after reviewing minutes.

Dawn said that she understood that you need to give him 48 hours written notice that he will be the subject of questions regarding misconduct. Has he received that notice.

Bob said he sent an email asking if that can be waived. He asked Mr. Orr if he wants to waive that.

Steve Orr said that he is not clear on that.

Mr. Harkness also wanted to give him 48 hours notice regarding his misconduct of using the PILOT mailing list to argue positions rather than provide documents. He has violated the open meeting law twice.

Mr. Orr objected and asked for an explanation.

Dawn said that his last two posts to the PILOT email link. Mr. Cohn had previously commented to Dawn that what she submitted was a personal statement. Dawn said that her submission was a public document of her statement .She wasn't advocating a position but giving the group important information.

Dawn continues that Steve however used the PILOT mailing list to say that this is much ado about nothing. That is violation #1. Violation #2 is the email today discussing Wes and his comments to the MWDN.

Steve said that he did that because that related to what he is being brought into executive session for.

Dawn said that was an argument, not just the URL and that she wants him to be given notice that she will bring that up at the same time.

Steve said he did not send that out to argue a position. He sent it specifically for the purpose that the public document appearing in the local newspaper occurred with a comment that was improperly supplied to the media.

Dawn said "you argued a position and you can defend your position in executive session but you need notice on this"

Cynthia said that Yaakov started the beginnings of a motion that she would like to make now:

Cynthia moved that we dismiss this issue entirely. She said she thinks it is standing in the way of the work of this committee and is not fair to the town or the hard working members present. It is becoming a big media circus.

John Sperenza seconds

Bob asked her to be more specific.

Cynthia moved that the issue of Mr. Orr's visit to the common ground overflow shelter dismissed. She wants to stop the process of the executive session and move on with the work of the committee.

John asked how this impacts Mr. Limeri.

Not at all

Point of information from Nick. Does your motion also impact what has been suggested by Ms Harkness, namely tangential issues related to that incident?

Cynthia said yes.

Mr. Sperenza said that in the long run this issue is going to be detrimental to the progress of the committee and impact the sub committees.

Bob raised the point last time that the discussion that would ensue will be matters that need to be taken up in executive session.

Nick does have the same concerns but he sees that a member of this committee has already raised issues related to this motion in open session.

He is also very concerned that issues have appeared in the press that at least two members of this committee have expressed what should happen to Mr. Orr. And a third member has written public documents giving every indication that there has been inappropriate behavior.

From Mr. Sanchez's point of view Mr. Orr's procedural rights have been violated all over the place. When you have an issue that involves misbehavior in any general sense, that has to be addressed in executive session. What has happened in the newspaper is committee members are saying that Steve needs to be reprimanded in public.

Nick's experience on the school committee board is that no one would ever dare to say in public that anyone should be reprimanded for any reason whatsoever. This is gross violation of procedure.

Wes asked point of order. What procedures?

Nick said procedures that are spelled out in every rule in checking out whether someone has behaved inappropriately.

Robert's rules of order makes the point that if you are in a group, you discuss such an issue among yourselves, but not outside of the group. It is incredible that people are already, without hearing all sides of the issue, making statements about reprimands, the minimal thing we can do... He did want the discussion to take place, but he wanted it to take place in executive session but it is obvious that this has become a media circus .

He said he is truly amazed that procedures have been violated. Nick also commented that he is not a fan of Mr. Orr, because some people like to put people in groups, but his rights have been violated. How can we be discussing this in the press?

Mr. Sperenza asked a point of information. As the previous mentioned, should the motion come up in executive session, rather than here at this point?

Bob's personal feeling is that if the motion were made last week we could have proceeded. But not since we voted to discuss in executive session.

Mr. Cohn pointed out that the actual vote was if we decided to proceed we go into executive session.

Mr. Palmer read the motion he made last week: ***that the chair, establish a time when we can have executive session after all members of this committee have received all the materials that the chair has.***

There was some confusion as to what actually happened and the chair summed up: There was a request to discuss this in executive session. Mr Berman decided we should not do that and then there was an appeal to his decision which won .Then Mr. Palmer made his motion.

Mr. Sanchez suggested that the maker of the motion, if she wants, ask to reconsider Mr. Palmer's motion. He thinks this has gone beyond all fairness to Mr. Orr.

Ms Harkness hopes that we do not reconsider because there are a lot of facts not considered by this group. All the arguments have not been heard and discussed. She thinks the community wants to know that this committee took up the issue, discussed it and made a decision. If this fails it will show that there are a group of people who condone behavior that many people in the community, including social service agencies, find very objectionable and that is it just politics as usual in this committee and we will continue to cast a lot of doubt on the integrity of this committee. She suggested that if you care at all about making it seem like we condone this, we need to have all the facts and have a hearing. She wanted it open so the community could have the benefit of our deliberations. If we do not have the discussion it will be the worst outcome. If we do not, it would not surprise her if every SSA says this is a biased group, dominated by a group that does not care about fairness and integrity and they won't participate. She will understand why if they don't.

Wes responded to quotes Nick referenced from him in today's paper. He felt that Nick was throwing things at him if he doesn't say what procedures he is violating. Wes did not think a blanket statement is fair.

Nick responded the procedure he was referring to is that when you are discussing misconduct, or anything that has to do with it, that needs to be discussed in executive session. By already saying that you know what should happen i.e. that he should be reprimanded, you are failing to hear what the previous speaker said what should be heard: all point of view before you make up your mind.

Nick emphasized that Mr. Ritchie was passing judgment already that he should be reprimanded by first hearing the nature of the evidence.

Cynthia suggested she reword the motion to dismiss the issue because the committee member who brought it up went outside the committee.

Didn't we have a discussion early on that any issue dealing with this committee should be brought to the committee first and then you proceed?

Cynthia commented that it came out of the issue relating to Kurt Steinberg and it was actually Dawn who brought this motion up.

Dawn said no, there was no motion at all.

Nick read from the minutes of 10/11/05, which have been approved.

Dawn Harkness said: If you have a problem with a member of the committee you should discuss it with the chair and if the chair needs to discuss a member of this committees' attendance or participation it should come from the chair, not from anybody else. That should come from the chair and no one else.

Dawn said there was no motion.

Wes said that doesn't apply here.

Nick continued that he understood from this that if he has a problem with anything that happens with an individual member, he brings it to the attention of the chair. And the chair knows that is how he has acted.

Bob asked if there was a motion in there with that or was it just a statement?

Nick said it was a statement made on 10/11/05.

Steve said there is an important piece here that everyone should know. Whether or not we the group discusses this, he understands that people have opinions about what happened, but he is flat out not apologetic about what happened. Mr. Orr said that the committee should factor that into the decision about proceeding with executive session.

Jim Palmer said he was disturbed. Mr. Sanchez quoted from the newspaper about what Mr. Ritchie had to say. Is that valid? It is the newspaper. Is what the newspaper had to say about Mr. Orr valid? There are two differing sides of the story here. He thought it all started publicly because of the newspaper. If it stayed in the committee we wouldn't have this problem now.

Mr. Palmer continued that at some point as a member of this committee he has a responsibility to what he is supposed to be doing and how he does it. His main interest is why was Mr. Orr there? He doesn't care what he told them, somehow somebody gathered that he was a town meeting member and a member of this committee, and now he is involved. Based on that this committee has to make a decision as to how to resolve this. It is a reflection on the committee. In all the material he has been getting there are concerned people as to whether they will have anything to do with this committee as far as information goes. If that is the case we will be here for years. We have a responsibility to the community to get a report out. We have to get this out of the way. We have to deal with it sooner or later to get respect.

The chair brought us back to the motion.

Ms. Harkness had one difference with the previous speaker. She cares very much what Mr. Orr actually said and did. She said she cares less about the newspapers say, about her statement: she wants to know what he said, what he was thinking, what he was doing and even if she subtracts what he told her, she has deep and grave concerns about what he did and she wants answers. The group should have answers. We should know the facts because it has an impact on the work of the committee. It should not be swept under the rug and say we shouldn't deal with it.

Cynthia believed the only reason this situation has any impact on this committee is because a member of the committee brought it outside the committee. It has been blown out of proportion. It should have been discussed amongst ourselves, through the chair. It was a brief visit to the common ground overflow shelter, on its face. The proper thing to do would have been to discuss it here first before bringing it outside of the committee.

Dawn said that is your opinion. And you haven't heard all of the facts. Without knowing them you can make that decision, but there is a lot more you don't know yet and if you care about getting to the bottom of it, and you should, we need to hear all the facts.

Laurie asked for a point of information. Jim's motion said that the chair will establish executive session after all members have received all the material.

Dawn added, that the chair had. But that is not all the material and facts. We haven't heard from Mr. Orr everything that he said and did. He may decide that he doesn't want to tell us but there are a lot of questions that need to be answered. That motion was to

ensure we have all the documents that are out there but there are a lot more that needs to be answered.

Yaakov said that this committee has gone along with a point of view, even a minority view, for the sake of fairness. Therefore he suggests, although he is sympathetic with Cynthia's position, that we should accept Dawn's position that we should proceed with a full discussion.

Mr. Sperenza said that the discussion will be purely subjective. There is no recording of what transpired at this shelter.

Steve said there is corroboration.

Laurie prefaced a comment saying that she didn't want anyone to take this wrong because she has been quoted in the newspaper too, but she was wondering, the way she read it when writing the minutes is that we were calling for an executive session to discuss the issue. She said she is hearing now that it is all about Steve, but she has heard others say the issue involves Dawn not bringing the issue to the committee, Wes talking in the newspaper, Laurie talking in the newspaper.

Laurie asked if we are going to be discussing the issue from all the roles that everyone played or are we only allowed to talk about Steve?

Bob said he looks at this as clear. We need to give notice to the person we are dealing with, and that is Steve. If that is being expanded upon then we need to know that and see if we are going to proceed.

Steve said that he objects to being the only one discussed because he doesn't think it is only about him. He doesn't want the executive session to be constrained to just him because there is much more going on here. There were three specific and distinct events that comprised this whole affair.

Yaakov asked if we should list the people that might be censured.

Nick said Yes.

Yaakov said that Dawn's behavior is also subject to being questioned and she might be subject to some sort of reprimand.

Nick seconded it.

John asked if these individuals that are involved, do we notify them to attend? What if they don't attend? What happens to the evidence and hearsay?

Nick said that hearsay evidence is accepted according to Robert's rules.

Dawn asked where in Robert's Rules he got this. Nick said "If you give me time, why don't you keep arguing, and I will find the page"

Yaakov asked if anyone else wants to volunteer for censuring.

Lots of laughing

Bob said he also made comments to the newspaper.

Nick found the page regarding hearsay: Page 631. To get at the truth during the trial hearsay evidence has to be admissible and judgment as to the best interest of the society may have to be based on it.

Yaakov said that Bob made an interesting point. His comments from a couple of weeks ago could certainly be considered.

Bob agreed that he was extraordinarily vocal, he said that Mr. Orr made at a minimum an error of judgment.

Dawn said that so far the people involved are Steve, Dawn, Bob, Laurie and Wes. There were actions, comments and quotes in the newspaper. Everyone commented to the press.

Yaakov suggested that we turn it into a broader discussion.

When it is all said and done we can always focus it.

Bob said that if he is mentioned as one of these people he cannot preside over the meeting.

Yaakov gets to preside.

Steve didn't see any reason for Bob to be on this list. But Bob said that his initial comments to the press are no different than Dawn's or Wes's. He specifically said this is an error in judgment.

Someone asked what Laurie did. She said she commented to the press that she wanted it to go away.

Dawn said that she wants it noted that she wants to discuss Steve's alleged violation of the open meeting laws using the PILOT email list. That needs to be included.

Wes asked if we talked about the Kurt situation. Bob said that is a different situation.

Dawn said it was part of the discussion and needs to be addressed as misconduct.

Nick said that he brought up a question as to whether Kurt's letter was public or personal because it went out over the PILOT email but was labeled personal.

Dawn said that it is an issue that is part of this.

Bob said that he considers that outside of the scope.

Dawn said that Steve should get noticed for the misuse of the PILOT study mailing list: open meeting violations.

Cynthia asked if we can vote not to discuss that. What is the point?

Dawn said that there is a pattern of misconduct and it is related to this issue of the common ground shelter and we are going to talk about it all. He needs to have notice. She commented that you could keep sweeping it under the rug if you want to but these are serious charges.

Bob said we have a motion on the floor.

Yaakov said it was a motion to dismiss the issue.

Bob did not rule that it is out of order.

John thought it belonged in executive session. Bob asked the maker of the motion if she wants to withdraw it and bring it up again during executive session?

Cynthia said that she feels very strongly that this has been discussed and rehashed and looked at from many interpretations and she thinks it is more damaging to the committee than anything else. She wants to keep her motion on the basis that it is counterproductive

to the work of this committee and it has already been discussed and in the news. She still moves that this issue and all other matters and censures be dropped.

Dawn said something (unintelligible) about a plea bargain session, that you can bring her up because she has done nothing wrong but he (Mr. Orr) has and we need to talk about it.

Cynthia's Motion to dismiss the issue including the visit to the wet shelter and any other issues that are related that came up at this table and regard misconduct up unit 11/15/05

Yaakov's motion is still standing if this fails, to broaden the discussion to all the people previously listed.

Mr. Palmer asked if we decide to dismiss the issue what do we do with the motion to go into executive session. Don't we have to get it off the record because this is an opposite motion.

Nick said that technically Mr. Palmer is incorrect because before we go into executive session we have to take a vote regarding whether we want to go into it. So his motion is insufficient to get us into executive session.

Dawn asked if open meeting violations are only punishable by this committee or does the attorney general's office have power to hear those.

Steve said the Ethics Commission are the right people to call.

John suggested Cynthia writes this for the clerk so she doesn't misinterpret.

Laurie agreed that writing motions is very good.

Wes asked for a roll call vote. Dawn seconded. Nick had no problem as long as there were no objections. There were none.

Move that the issues of the visit to the common ground shelter on the evening of Monday 10/24/05 and any other related issues as of 11/15/05 9:30 PM are dismissed by this committee.

Roll call vote:

Bob Berman No

Cynthia Laurora Yes

Dawn Harkness No

Jim Palmer No

John Speranza Yes

Laurie Lee Yes

Nick Sanchez Yes

Steve Orr Abstain

Wes Ritchie No

Yaakov Cohn No

4 in favor 5 opposed 1 abstain

Motion fails

The chair wanted to discuss schedules. He wanted to not meet this Thursday and asked if there were objections.

Nick asked if he could address the issue of bringing in officials and speakers.

Bob said a number of the sub committees are not there because we are waiting for approval from the committee and it is taking a long time. He has an update on meeting with Steve Kadish from the State. Dennis Giombetti is setting up a joint meeting with the BoS with Mr. Kadish.

Town counsel would like to meeting with us but wants at least two more weeks to assemble an opinion report based on what we have asked.

Nick commented that this has happened before and asked if the chair can provide us with the list of issues that Mr. Petrini is addressing.

Bob said that everything has been requested through email so he will take the three or four emails and send them out so everyone can see what the questions were.

Yaakov asked if Petrini's response included Mr. Taylor's comments. Bob said yes.

Nick thought we might want to add a couple of additional questions because he has at least one additional question.

Bob said that he forwarded the Bill Taylor message to town counsel outside of the committee, and he hopes it was OK.

Dawn said to Bob that it was just an expansion of the question that we, the legal group, asked him from the action plan.

Laurie said that if you have a document that says you should speak to town counsel it is a good idea to send it to him.

Yaakov said that he wrote a response to Mr. Taylor's memo and asked if was appropriate to send it to the committee or is this a violation of the open meeting law.

Bob said that if it is a document that you wrote and you are proposing that the committee address it and you are sending it through the email link as a way to get that letter out to the member for the purposes of future discussion in committee, it is not a problem.

Steve Orr said "monologue good , dialogue bad"

Bob said No. He disagrees. " Monologue no good, dialogue bad" because monologue is just expressing your opinion using that as a mechanism. If a letter is drafted say by Yaakov that is recommended .

Nick asked for this on the record.

Chair Berman continued, the use of the mailing list, or sending something out to the entire committee if it is like a document (like what Mr. Cohn's) that is presented for discussion at a future meeting, that is something that is OK and within the scope of the open meeting law.

If he is responding to a statement made from someone else, that is a monologue and not acceptable.

Dawn asked if that isn't the case. His response is a response to a document distributed to us is participating in a dialogue by responding to Bill Taylor's opinion and Bill Taylor's lawyer's opinion.

Dawn recommended not to do it.

Bob said it is a document that he is going to propose that we take action. It depends on what is in the letter.

Yaakov thought that the committee would respond to Mr. Taylor and drafted a response. Bob thought that is no different than the draft presentation to town meeting that he sent out.

Dawn thought a draft presentation is different.

Bob disagreed with Yaakov's assumption that this committee should be responding to Mr Taylor. It should come from either town counsel or the BoS as the executive authority of the town.

Dawn did not see any advantage of anyone from the committee drafting a response before seeing what town counsel says.

Wes came in and Bob mentioned that while he was gone we voted him the new chair (laughter)

Town Clerk will be notified of our cancellation of Thursday's meeting

Yaakov wanted to clarify the need for roll call vote for an executive meeting.

Yaakov's motion : that the behavior of Bob, Dawn, Laurie, Wes and Steve may be subject to discussion and reprimand. All these parties need to be notified in writing that in the upcoming executive session, they may be discussed.

Second

Nick had some side comments about executive session. It has to do with a crucial piece of evidence that has been provided to us. The letter from James Cuddy. In that letter he mentions twice, a person whom he calls the manager on duty at that time. The shelter manager was concerned with the possible intrusion. Obviously the shelter manager statement differs from that of Mr Orr in the sense that it says he had some official status etc. Nick thought that from a legal point of view that such a statement would never be accepted by a court because we are looking into the credibility of Mr. Orr vis' a vis 'the credibility of the manager on duty at that time. Therefore, Mr. Sanchez thinks that in order to proceed, one of the pieces of information we will have to have, is the name of that manager and any background which may indicate whether or not that person is or is not a credible witness.

Bob asked if that implies we also need to check the background of Mr. Orr or Mr Limeri for credibility?

Nick said that we know who Mr. Orr is.

Mr. Orr asked if anyone here is willing to stipulate that he is not lying?

Ms Harkness said No

Nick said that we know who Mr. Orr is. We have no knowledge of who this manager is. In a court of law such a piece of evidence would be presented and the lawyers would ask who is that manager.

Dawn said that she might have accepted that except M.r Sanchez just read that hearsay evidence is acceptable and that is just a piece of hearsay evidence. Therefore from what you read from Robert's rules of order this is absolutely admissible.

Nick said that it is hearsay evidence of the people who participate in the executive session. The members of the committee can bring in hearsay evidence. Dawn could bring in the hearsay that the manager said something. He has no problem with that. But this is an official piece of evidence

Dawn said that all of us have read and that there will be somebody, it could be her, who will say that the BoS was given this letter and present it.

Laurie asked if we could get a statement from the manager just like we got one from Andy Limeri?

Dawn said that would be a personnel issue and she can't speak for SMOC and does not represent them even though she is an employee, but that it would be a personnel matter and she doesn't think we can compel SMOC to have their employees submit affidavits. Particularly since they may have legal issues they are interested in pursuing against Mr. Orr as well. Separate from anything we do. Dawn has not spoken to Jerry Desilets or Jim Cuddy.

Steve interrupted. There is an attitude problem here. The fundamental attitude problem is, he doesn't care if anybody gets statements from the SMOC employee from the shelter that night, but he objects to Dawn's attitude that SMOC doesn't have to. Why can't we just work from the other side? If you want to ask SMOC a question, ask them. Allow them to not be cooperative; to say we can't do something because they don't have to is exactly what slows this committee down.

Dawn said she didn't say we can't do anything. I said that they don't have to.

Steve said that is right. You said they don't have to.

Dawn replied that she didn't think they have to.

Steve said let's stop doing that. Let them.

Dawn said that if Steve doesn't want to take that position he is welcome to.

He didn't think she should be taking that position.

Steve said it is really annoying.

Dawn stated that she is entitled to take any position she wants.

Dawn said that Steve might be able to control other people opinions, but he can't control hers.

(Unintelligible) Then Steve said "this is out of control"

Wes asked Nick if he read in Robert's rules regarding hearsay evidence if that relates to committee members only.

Nick said they are the only people present. And it does say the people present can bring in evidence that may be perceived as hearsay.

Dawn can present the same thing and there is no problem.

Nick moves that this committee requests from Mr. Cuddy a statement as to the name of the manager who was in charge of the shelter and whether he has any type of criminal record.

Wes had a point of order. He reads that a non member may be used as hearsay evidence by a member. (see page 631 Robert's rules) This says it can be a non member.

Nick replied that Dawn could bring in evidence that someone said something, but the formal letter from Mr. Cuddy is making a serious accusation about Mr. Orr and he cannot accept it unless he knows who that person is and whether he is reliable or not.

Wes asked if we can ask the same of Steve.

Steve said sure

Laurie asked to make a friendly amendment. Could we ask Mr. Cuddy to ask the manager to write in his own words, his statement, signed, of what happened that night. His version

Cynthia wanted to have more information, not his criminal record, but his name, position.

Wes said in Robert's rules we don't need that information.

Is there a second on the motion? No.

Cynthia said that she does think we need to prove some credibility. We need to know who this is coming from. We need to verify it.

Cynthia moved that we request from Mr. Cuddy a statement from the shelter manager who Steve encountered when he visited the common ground wet shelter. We should request his name and a formal statement from him. His version.

Jim asked if she would accept a friendly amendment? He would like to have a signed statement by the shelter manager. He was concerned about Nick's motion and the criminal record. It is way beyond where we are.

Someone said, it has not been seconded.

Cynthia amended her motion: She moved to request from Mr Cuddy for a signed statement from the shelter manager and include the manager's name and position and how long he worked there.

Wes thinks the motion is out of order. Robert's rules says it can be anonymous and hearsay. It can be brought by anyone.

If this motion passes it should have no bearing on information we have to have before going into executive session. Is that accepted?

Cynthia respectfully disagreed.

Wes said it is a way to stop going into executive session.

Cynthia said we can accept Dawn's hearsay and others in the group, but we need to verify who the shelter manager is and his statement.

Dawn said this does seem to be going beyond what Robert's rules of order require. But what concerns her about it, and what bothers her about this process as of late, is there seems to be a concerted effort to take the focus off the actions of one member of this committee who put this all into play and who is blaming everybody around, throw as much mud on everybody around him and see how much sticks to diminish it. He is blameless as far as some of you seem to see, and the rest of us are being held accountable for simply reporting that it happened, for talking to the press about it; there seems to be

way more emphasis on throwing mud on everybody around here and not focusing on the actions of Mr. Orr and getting to the truth of the matter.

Yaakov would prefer, rather than saying that we are throwing mud, that there is an attempt to clarify what behaviors are appropriate and not appropriate. Mr. Cohn said that he doesn't regard his suggestion that we expand our discussion to Dawn's role as a mud throwing. He thinks it is appropriate to discuss what everybody did after the incident.

Ms Harkness responded that there is no question that there is a shelter manager. And you can look at the statement of Mr. Orr and Mr. Limeri, both acknowledge that they presented themselves as town meeting members, town officials. There is no question that they presented themselves as town meeting members and that they are town officials.

Steve acknowledged that.

Dawn said, that is going to be the nub. What this other guy thought, once it was clear that he thought they were town officials and that they were acting in their capacity of town officials, and the reason he thought that, was that is how they presented themselves.

Nick called point of order. He said that this is a discussion that has to take place in executive session and here we have an individual that is continually violating what is to be discussed in executive session.

Bob accepted that point and said we should move on.

Cynthia said what the previous speaker said is her opinion. Cynthia wants to know the facts. She knows who went to the shelter, the date they went. She doesn't know who was the manager at the shelter and she feels strongly that we know. Let's get statements from all the parties involved in what happened on the eve of 10/24 at the common ground shelter.

We asked if Cynthia if she is singling out this person.

Cynthia said no. She is adding to the complement of information that we have. In order to conduct a complete executive session she wants to hear from the other end of this. She wants to hear from the manager that Mr. Orr spoke to at the shelter on 10/24. She thinks this is only fair.

Jim Palmer thought it would be proper to ask for a signed written statement from the manager. However, just as we have heard about everything else here, there are certain things that have to be done and some not. This individual happens to work for the person who wrote us this letter. He is the head honcho. Jim is sure he didn't write it off the top of his head. If he wishes to carry this out he will if he doesn't he won't. There is no harm in requesting from Mr. Cuddy to have his employee, the manager of the shelter, produce a signed written statement.

We asked if as a friendly amendment that we don't require any statement in order to go into executive session; if Bob doesn't send it out 48 hours in advance we will still go into executive session.

Cynthia wanted to move that this is part of the information.

Everyone agreed that we can't require them to respond.

Mr. Sanchez added though, that if they choose not to respond, that is relevant to the discussion.

Cynthia added to the motion to include a date we would need the letter.

Bob said that he would write an email saying that we are holding an executive session to discuss the issue of the visit to the wet shelter by one of our members on 11/22 and we request a written, signed statement.

Wes objected. According to Robert's rules on page 631 a witness does not have to sign anything.

Nick said that is incorrect. If he doesn't want to present that letter with his name that is fine. He can send it in. But the question is: what will be the validity of a statement that isn't signed? You are misreading Robert's rules of order.

Nick added that why should we be constrained of what we are asking in terms of evidence? This is a point that has already been made. We are asking for a statement from this individual. If he doesn't want to give it that is fine.

Bob said we were almost to a point of working together and coming to an agreement and we got pulled apart.

Jim is getting a sense that if a person doesn't send something in it will be held against them. He doesn't see that. If they refuse, it means nothing.

Nick said that it may mean nothing to him, but

Dawn said that is exactly the point.

Nick said yes that is exactly the point. Each of us has our views and in the same way that he respects Jim's view, he should respect his.

Jim said except that, Nick keeps quoting Robert's rules of order so lets use it all. The rules say that you don't have to sign a statement.. What does that mean?

Nick said, it means that you don't have to. That is all. It is a request.

But, Nick can interpret that in whatever way he wants.

(Some argument unintelligible)

Nick said that it is very clear that other members of the committee are trying to impose upon him that his interpretation is. Nick said he is a respected member of a profession, he graduated with a 4.0 average in graduate school and challenges anyone to do what he does for women.

Wes called point of order and asked to keep this on track.

Mr. Sanchez said that he has been challenged. He cannot hold onto his views. Of course he can hold on to his views.

Laurie said that we have a letter that says that someone said something. She could read it and say why should I believe it, it is the employer saying it. That is how she could go into the meeting. She is not saying it is. This is just an example, she was not saying that is the case or what would happen. If the actual person sends a letter saying this is his view and she has his letter, she might view that differently, and if she doesn't, she might view it differently . Who knows. So request the letter and he doesn't send the letter he doesn't and he does he does. She doesn't see why this should affect executive session.

Wes agreed and said if we add that this will not prevent us from going into executive session.

Laurie agreed and had no problem with that.

Wes said that Cynthia said just the opposite. Wes said if we add that this will not prevent us from going into executive session, he will support it.

Point of order from Nick. Wes is making an amendment that is impossible that has already been ruled on by the chair. At the moment that we go into executive session, at that time, we decide whether to go or not. We cannot at this juncture decide if we will go or not. Because those are the rules.

Bob agreed but thought it was irrelevant to the point of this amendment.

Wes said he was talking strictly about procedure. He wanted to have this for procedure so that no one could say that we didn't get this from the shelter manager and therefore we can't go into executive session. He is worried that some members will do that. Wes added that he completely respects Nick's opinion's and what he has done for women. But he could use the information any way he wants in executive session.

Wes's amendment would be added to the Motion: have the chair request from Mr. Cuddy a written, signed statement from the shelter manager as to his recollections of the events of the evening of 10/24/05..... ,however having such statement would not prevent us from going into executive session.

Bob said that it makes sense but because we have to vote with a roll call vote to decide whether or no to go into executive session there is no way....

Wes said that he means it procedurally. Not having this letter cannot be interpreted as a violation of procedures.

Bob added that we should vote on the other motion first because he is not sure they are overly connected. He suggested approaching it that, we go forward with taking the vote on going into executive session regardless of receiving a response back.

Wes agreed that with an exception that there won't be a procedural problem of us not receiving documentation within 48 hours of the executive session .

Bob understood what he was saying but didn't think that was easily put into a motion.

Jim suggested that the non receipt of this letter will have no bearing as to whether we go into executive session or not.

Bob said that Mr. Sanchez's point is that people will vote to go or not to go into executive session for whatever reason they want.

Wes argued that he can say, according to this, we can argue that legally we cannot use it against going into executive session.

Nick said that someone could still make that statement.

We said that we could just exclude this.

Nick said that is incorrect because at the time of voting he can use it as his reason for not going into executive session, and no one can say that we voted against you. Nick said he was sorry, but he thought Wes does not understand rules of procedure.

Bob thinks that it is incredibly difficult to stipulate that ahead of time.

Wes just wants this to be a document that we don't have to receive to be able to go into executive session. For example, Wes continued, if you didn't distribute all the information you have such as email from Margo, Steve's letter, Dawn's letter...we could not go into executive session because of Jim's motion, and he wanted to exclude this from the material.

John said that Wes sounds like he might want to rescind his vote.

John said to bring this up, that Wes sounds now like he wished he voted....
(unintelligible) The vote was 5, 4, 1.

Some confusion. Steve said something unintelligible.

Dawn said, If you resign, we can.

Jim said one has nothing to do with the other. We have a motion requesting material. At our next meeting we will decide if we want to go into executive session. That is where we are at. We cannot vote to go into executive session until our next meeting.

Jim said that this is requesting a piece of information, that is all it is and lets stop there.

Motion: That the chair shall request of Mr. Cuddy a written signed statement from the on duty wet shelter manager, of his recollections of the event s of the evening of 10/24/05.

Amendment: However the absence of such statement will have no bearing on whether we will be able to take the vote on going into executive session.

Vote on amendment: 4 in favor 5 opposed 1 abstain

Main motion

Vote: 7 in favor 2 opposed 1 abstain

Motion to adjourn

Dawn seconds

Jim passed out his corrected documents

Vote: 5 favor 4 opposed 1 abstain