

HOLLAND BOARD OF HEALTH

Minutes May 1, 2015

Meeting called to Order at 9:15 am

Members in attendance Dana Manning, Ken Ference

Approval of minutes:

Minutes for March 12, 2015 Reviewed

Motion to approve DM

Second KF

All in favor: DM, KF

While approving minutes Dave Kowalski stormed into the meeting and accused us of not telling him there was a meeting. The meeting was posted, and the scheduling of the meeting took place at the last meeting. If Dave was truly not aware of the meeting it was an oversight. Fortunately the Town Clerk, his recall assistant called him and told him that there was a BOH meeting taking place so Dave arrived to the meeting in plenty of time to join the meeting. Just one set of minutes had been reviewed. Dave accused the members of breaking the law by not inviting him to the meeting when he was going to be discussed. He said Larry Mandell was a witness that the last meeting was adjourned

Motion to approve minutes of February 24, 2015 and April 9, 2015 by DM

Second by KF

All in favor:

DM and KF

Motion to Accept fees for 2015

Second KF

All in favor: DM and KF

There are 5 Open Meeting Law Complaints that have been filed by Dana Manning (BOH- Member) Against Dave Kowalski (BOH Member.) With Dave storming out of the meeting earlier it makes it impossible to have any sort of constructive conversation about the reasons for these complaints. The additional problem is that since one Board member is accusing another Board member of OML violations, really both members need to recuse themselves from any votes or consequences that could be imposed or any actions to remedy future situations. As such Dana Manning suggested that the complaints simply be sent to the Division of Open Government for review, and then Dave Kowalski will also then have a fair opportunity to reply to the complaints. Copies of the complaints will be sent via USPS mail to Mr. Kowalski and to the Division of Open Government with a letter explaining that the Board cannot deliberate or discuss the problems because it involves two board members and that we are requesting their assistance to review these complaints because these complaints are all time sensitive.

Letter to DoOG was written to explain why we need their help to evaluate 5 OML complaints filed against Dave Kowalski.

On the desk of the BOH was a new OML complaint filed by Dave Kowalski against Dana Manning and Ken Ference for what he believes was an illegal move into executive session. The minutes were pulled for the April 23<sup>rd</sup> 2015 meeting. The meeting never moved into executive session which is reflected in the minutes and a copy of those minutes will be sent to the Division of open Government and to Mr. Kowalski for clarification.

In addition Mr. Kowalski's complaint was filed with the town clerk not the BOH. Dana Manning was confused as to why Mr. Kowalski's complaint went to the town clerk and not directly to the board of Health. Meeting time was used to look up the requirement. The instructions for filing an OML complaint state, "For complaints alleging a violation of the Open Meeting Law by a public Body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred." These complaints are all being filed against individuals not against the public body

Dana Manning makes a motion to adjourn at 10:44  
Seconded by KF  
All in favor: DM and KF

Approved 5-14-2015

  
