

# Amherst's progressive reputation on trial at stormy Board of Registrars meeting

Updated 4:48 PM; Wednesday, May 12, 2021

By [Jim Russell | Special to The Republican](#)

[AMHERST](#) – The town's progressive reputation ended up on trial during a stormy Board of Registrars meeting Monday, when board member Demetria Shabazz said she may resign, accusing the municipality of voter "disenfranchisement" involving more than 100 rejected signatures on a citizens petition related to Jones Library.

Shabazz accused the town's attorney, Gregg Corbo of KP law of using "scare tactics," after he spoke against her suggestion that would involve examining the rejected signatures.

Corbo said her idea could lead to litigation.

The May 10 BOR meeting reviewed an open meeting law complaint filed against the board involving an April 21 meeting.

During public comment the BOR and town's legal counsel were harshly criticized by residents for alleged "voter suppression" activities and conflicts of interest.

The open meeting law complaint was brought by proponents of a town-wide vote on the proposed \$36.3 million Jones Library expansion and renovation project the Amherst Town Council approved April 5.

Attorney Carol Gray is among those leading an effort to force a town-wide vote, using the voter-veto provision in town charter.

Gray filed the complaint, alleging the BOR's April 21 meeting's agenda lacked adequate information for the public to understand what that meeting was called to do.

This meeting agenda states: "1. Call to Order, 2. Delegation of authority and duties listed under Charter Sections 8.2, 8.3, and 8.4 to Town Clerk Office Staff, 3. Public Comment, 4. Adjourn."

The complaint alleged impermissible "deliberation/communication among BOR members prior" to this meeting; and "Failure to conduct required deliberations in public".

The board deadlocked Monday on a 2-2 vote, meaning no acknowledgement the BOR violated the law.

The board consists of four members, Amherst Town Clerk Susan Audette, as Ex Officio, Jacqueline Gardner, a registered Democrat, Shabazz, registered Democrat, and Jaime Wagner, registered Republican.

Shabazz and Wagner voted yes; Audette and Gardner voted no on the motion.

The board is scheduled to further discuss the matter during a 2 p.m. meeting Thursday.

The town clerk's determination the citizens petition lacked enough signatures, to force a town-wide vote, is disputed.

Audette and Shabazz were both absent from the April 21 when authority was allegedly granted, by the BOR, to the clerk's office, to determine the number of certifiable signatures.

Whether there was a quorum at this meeting, is also disputed.

Corbo said Monday that even though Audette was not in attendance, an assistant town clerk, Amber Martin, who chaired it, was the third member, thus a quorum.

Attorney John Bonifaz, who did not sign the petition, said voting rights issues are being abused and said he became involved because of the town's removal of signatures from the petition.

He said the alleged voter suppression is of great concern, as is the town counsel's actions to enable this.

Bonifaz said there was no quorum at the April 21 meeting and the BOR had zero authority to conduct any business, including delegating to the clerk's office purported task of certifying signatures.

Corbo said that even if there was no quorum on April 21, the clerk's office already possessed authority and therefore a right to certify signatures.

Audette during Monday's meeting said the April 21 meeting was to add "a layer of transparency" to the process.

Bonifaz said it is not a government function to convene "symbolic meetings" with no concrete purpose.

During the May 10 meeting Shabazz said she may resign from the BOR out of concerns the municipality is trampling on voters' rights to petition their government.

"I am appalled," she said. "This is a disenfranchisement. . . this foolishness," Shabazz said. "I am going to have to leave this board."

Also, just prior to the BOR's May 7 meeting, KP Law Attorney Lauren Goldberg, while coaching Audette on managing the meeting, told clerk to text her during meeting if needed.

Town Manager Paul Bockelman via email was asked about propriety of this in light of state guidelines that say: "the best practice is for public body members to avoid the use of electronic devices during meetings. . .if those electronic communications are not shared with members of the public."

Assistant Town Manager Dave Ziomek said Bockelman would respond when he returns from vacation May 17.