

TOWN OF ST. GERMAIN

OFFICE OF THE CLERK

P.O. BOX 7

ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org

MINUTES SPECIAL TOWN BOARD MEETING: JANUARY 10, 2019

1. **Call to Order:** Chairman Tom Christensen called the meeting to order at 5:30 P.M.
2. **Pledge of Allegiance**
3. **Roll Call, Establish a Quorum:** Tom Christensen, Doug Olson, Ted Ritter, Jim Swenson, Brian Cooper, Tom Martens, town clerk, Steve Garbowicz, town attorney. There was also three other people in attendance.
4. **Open Meeting Verification:** Mr. Christensen noted that he had posted the meeting agenda at three locations in town on January 9, 2019 before 5:30 P.M.
5. **Discussion /Action Items:**
 - a. **Open Records request from John Bourgeois requesting Constant Contact email list of recipients and Town Board Meeting Agendas email list of recipients.** Mr. Christensen stated that there has been an open records request from John Bourgeois for lists of email recipients and their email addresses. Mr. Christensen added that there is no statute authorizing complying with the request nor is there a statute prohibiting the request. Attorney Garbowicz stated that he is conservative when it comes to open records requests and would recommend supplying the lists. He would rather do that than go to court. Mr. Garbowicz thought that supplying the list of email recipients for town board meeting agendas was not even a close call. He thought that they are open records. Mr. Garbowicz advised Mr. Christensen to send an email to each of the recipients advising them that their names and email addresses have been requested through open records and that they may be receiving emails from another party. Mr. Christensen should also advise the recipients that they can let him know if they want their names and email addresses given out or not. If they reply that they do not want their information given out, Mr. Christensen does not need to give their information to Mr. Bourgeois. The recipients would still continue to receive the meeting agendas.

Mr. Bourgeois also requested the names and email addresses of the recipients from the Constant Contact list. Mr. Ritter explained that Constant Contact is a third party vendor from California. The town has subscribed for the Constant Contact services. There is an annual fee. Recipients for the Constant Contact can either be added to the list by Mr. Ritter or they can go to the town's website to sign up. Mr. Ritter creates the Constant Contact messages and sends them via the town's website and email address. Constant Contact has a privacy policy that prohibits its customers from giving out any client information. If the town gave out the information, Constant Contact could terminate the town's services. Penny Strom noted that Constant Contact is a permission based system. Mr. Garbowicz once again said that it is not worth fighting over. He advised that Mr. Ritter send a letter as stated above advising the recipients that their information has been requested through an open records request and that they should advise Mr. Ritter whether or not they want their information given out. They also would still continue receiving the Constant Contact messages.

Attorney Garbowicz stated that Mr. Ritter and Mr. Christensen, when they send their notices to the recipients, should give the recipients two business days to reply. Since tomorrow is Friday, the recipients will have until 5:00 P.M. on Monday to respond. Mr. Garbowicz also thought that letters should periodically be sent out advising the recipients that there may be open record requests for their information and that they can opt out of having their information given out. The name of the person making the request could be included in the letter, but Mr. Garbowicz advised against it. He also added that the purpose of the open records request doesn't make any difference. Mr. Garbowicz also advised Mr. Martens that when he sends the list of names and email addresses to Mr. Bourgeois that he should include a cover letter that includes the date of the open records request.

Motion Cooper seconded Olson that per John Bourgeois’s open record request, a courtesy notice shall be sent to all Constant Contact members and the town chairman’s list of email addresses that receive town related information, asking for permission to release their name and email addresses. A reply will be needed within two business days. After the two business days, the list of email addresses and names shall be released to the requester as soon as possible. By a voice vote: Yes – 5, No – 0. Motion carried unanimously.

6. Next Town Board Meeting Date – Regular Town Board Meeting, Monday, January 14, 2018

- 7. Adjourn:** Motion Cooper seconded Olson that the meeting be adjourned. By a voice vote: Yes – 5, No – 0. Motion carried unanimously. Meeting adjourned 6:16 P. M.

Town Clerk

Chairman Supervisor Supervisor

Supervisor Supervisor