



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

### Meeting Minutes

May 25, 2023; Virtual Meeting

**Introductions.** T. Matuszko opened the meeting at 8:01am, announced it was being recorded and that any member of the public could do so upon informing the Chair, which three people did; being held under MA virtual meeting provisions; and asked each ROR representative to introduce themselves and state the community they represented. The Committee was notified of the appointment of Joshua Bloom as a non-voting member from the Town of Lee. Members then introduced themselves.

Attending the meeting were the following Committee members:

Joshua Bloom, Lee non-voting 2nd Representative  
Channing Gibson, Lenox Representative  
Robert Jones, Lee Select Board & Representative  
Chris Rembold, Great Barrington Assistant Town Manager and Great Barrington's Representative  
Steve Shatz, Stockbridge Representative  
Rene Wood, Sheffield Select Board & Representative

and: Tom Matuszko, BRPC  
Melissa Provencher, BRPC

Public in attendance: Clarence Fanto, Peg Brion, Dianne Carroll, Leslee Bessman, Matt Carlino, Janice Braem and 1 unidentified person.

**Review of minutes of May 22, 2023 meeting.**

**A motion to accept the minutes as presented was made by C. Rembold, seconded by C. Gibson, and approved 5-0-0 on a roll call vote.** Discussion by R. Jones was on the wrong topic.

Discussion and vote the expenditure of funds, up to \$15,000, to enable the Housatonic Rest of River Municipal Committee's legal counsel, Seeger Weiss LLP, to prepare for and participate in oral argument in support of the EPA's order in the litigation matter Housatonic River Initiative, et al, v U.S Environmental Protection Agency, Docket No. 22-1398, filed in the US Court of Appeals for the First Circuit. This revote was ordered in an Email from Carrie Benedon, Assistant Attorney General, Division of Open Government, dated 5/19/23; OML 2023-86.

**A motion to approve this matter as presented was made by S. Shatz, seconded by C. Rembold, and approved 4-1-0 on a roll call vote, with R. Jones voting NAY,** after the following discussion and two separate motions.

- R. Jones made a motion to table the discussion and the vote on this until after the mediation process requested by the Town of Lee, in the Town's 5/22 letter, and that all the towns are to be working together.
- J. Bloom had several questions re: BRPC and other member's Select Board's actions on seeking legal advice on how to work the agenda item on the 3/27/23. T. Matuzko said he did not remember. J. Bloom

felt this was an important item as to the intent to deceive or not deceive the public and asked that the process be postponed on this matter until his question is answered.

- R. Wood commented that the AG response to the OML complaint required the vote to be redone and she does not wish to be in violation of the AG's order and that mediation is not underway at this time and that member towns have 30 days to possibly object to the mediator selected. She moved the question/motion.
- J. Bloom had additional questions about whether members informed their respective Select Board on the Jan and Mar 27, 2023 intervenor actions and also informed residents; cited the purposes of the Intergovernmental Agreement; asked how the Municipal Committee has served the community and negatively cited the Great Barrington Select Board; and sought the Committee's to stop his alleged limiting access to information.
- S. Shatz sought clarification of R. Jones motion, which died for lack of a second.
- **R. Wood moved the question (motion), seconded by S. Shatz, which was approved 4-1-0 on a roll call vote, with R. Jones voting NAY.** (see back to the motion approval on page 1)

**R. Jones made a motion to allow public comment, which was seconded by C. Rembold with it agreed by the motion maker and seconder that each person wishing to speak have 2-3 minutes to do so. The motion passed 4-1-0 roll call vote, with C. Gibson voting NAY.**

J. Bloom cited the lack of public comment period on the past three meetings and the Committee's repeated lack of interest in the public comments.

R. Wood, after requested clarification on what was covered under this public comment period, which was then covered in the motion before the vote, also noted, as the AG has responded several times to J. Bloom, that there is no requirement to have a public comment period.

#### **Public comments:**

Anne Langlais, Lee: Thanks for being allowed to provide public comments. Extremely disheartened by the ROR Municipal Committee's behavior, as the Committee has not been listening to Lee or taking care of its neighbor in that the other four towns have not listened because Lee doesn't want a toxic dump in their town. Baffling that the other four towns want to intervene, while Lee is trying to be neighborly but see this action from others, especially Stockbridge. Cited unwillingness to meet with Lee Select Board and that the lack of public comment is under the Chairman's Matuszko's control to correct and just put on the agenda.

Janice Breen, Lee: Echoed A. Langlais' comments. Sad the four towns are not sticking up for Lee and said it would be a different story if the dump was in any of the other member's backyards. Feels better options are available for cleanup; accused the four towns of working for GE and hurting people. Why would the four towns interfere in a lawsuit when a better cleanup can be gotten. Lack of empathy, sadness and anger cited. Requested the four towns to start looking out and sticking up for their neighbor, Lee.

Peg Biron, Lee: Thanks for being able to give public comments. Berkshire county is a neighborhood and cited poets' reference to it as "God's Country". Lee needs help and wished the members would reassess their position on this matter.

Dianne Carroll, Lee: Identified herself as an R.N. and cited her concerns about health. Requested help in Lee; need health and wellbeing throughout the County. Be kind to Lee and your neighbor. Wanted cleanup but needs to be done the right way. Appreciated being able to give comments and thanked the Committee for its work.

J. Bloom: asked his question again re: Select Boards' involvement in intervenor status. T. Matuszko reminded him that no one answered his question. J. Bloom then brought up a May 22 letter from T. Matuszko regarding the issue of the meeting link not being posted correctly, noting it could have been resolved if T. Matuszko had called the Lee Town Clerk. He requested a re-issuance of T. Matuszko's response. T. Matuszko stood by his letter and stated he would not argue with him. J. Bloom brought up that the BRPC website commitment to provides updates on ROR matters. T. Matuszko agreed to look into this and advised where to find information. J. Bloom then asked how the member towns are using the payments from GE to address socio-economic needs. R. Wood noted no funds have been provided and won't be until the appeal has run its course. She also noted the IGA and Settlement Agreement may answer a number of his questions.

R. Jones noted he conferred with his colleagues on the Select Board and was given his marching orders.

**A motion to adjourn was made by R. Wood, seconded by S. Shatz, and approved 5-0 on a roll call vote.**

The meeting was adjourned at 8:36am.

Respectfully submitted by

Rene Wood,  
Sheffield's Representative

Meeting Materials:

- Meeting Agenda 5-25-23
- Draft 5/22/23 Meeting Minutes
- Email from Carrie Benedon, Assistant Attorney General, Division of Open Government, dated 5/19/23; OML 2023-86.