



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE Meeting Minutes

April 13, 2023; Virtual Meeting via Zoom technology

**1. Roll Call.** T. Matuszko opened the meeting at 9:02 am being held under Mass. Virtual Meeting provisions. The meeting was not being recorded, but those attending could record it if they wished; those recording must notify the moderator and announce it to those present; J. Bloom and C. Fanto indicated that they were recording the meeting. He asked each Committee member to introduce themselves and state the community they represented. Attending the meeting were the following Committee members:

Channing Gibson, Lenox Representative  
Bob Jones, Lee Select Board & Representative  
Chris Rembold, Great Barrington Town Planner, Assistant Town Manager & Representative  
Steve Shatz, Stockbridge Representative  
Rene Wood, Sheffield Select Board & Representative

And: Tom Matuszko, BRPC  
Melissa Provencher, BRPC  
Lauren Gaherty, BRPC

Public: Clare Lahey, Josh Bloom, Clarence Fanto, Anne Langlais, Janice, Nancy Mc (Great Barrington resident), Cornelia Kalischer, Brenda St Pierre, 413-281-5451, Robert Wespiser.

**2. Approval of March 27, 2023 meeting minutes. A motion made by R. Wood, seconded by C. Gibson, to approve the minutes; minor typographical errors were corrected (p. 1 “unleased” to “unleashed” and p. 2 “seriousness of” to “seriousness on”; motion to approve as amended passed unanimously 5-0 via roll call vote.**

**3. Review of Open Meeting Law Complaint Filed by Joshua Bloom regarding the Committee’s March 27, 2023 Meeting.** T. Matuszko opened the discussion summarizing the complaint made by J. Bloom, which stated that Item #6 on that meeting’s agenda was inadequate in detail about what the expenditure of funds would be about, specifically that it was for funds for legal counsel; the complaint also noted that the public comment period preceded this item so that the public was not able to speak directly to this item; he requested that the vote take on this item on March 27<sup>th</sup> be rescinded and that the Committee take another vote after public comment. T. Matuszko outlined the advice that legal counsel has given in response to this complaint, which was provided to BRPC on behalf of the Committee; in summary counsel advised that going forward the Committee should provide additional detail regarding expenditure of funds. **A motion made by R. Wood and seconded by S. Shatz to forward legal counsel response to J. Bloom’s complaint.** Upon request by R. Wood, T. Matuszko read the full text of the response to Mr. Bloom (**attached to these minutes**). Most directly regarding the complaint: “Going forward, the Committee’s staff will clarify on this type of topic additional details about the nature of the expenditure proposed under consideration by the Committee such as: 6. Approval of Expenditure of Funds for Additional Legal Work on Rest of River Cleanup Litigation.” Also, in compliance

with state law, the Committee has submitted Mr. Bloom's complaint and the Committee's response to the Attorney General's Division of Open Government.

Discussion of the complaint ensued. S. Shatz noted that the vote for legal counsel expenditure was entirely within the authority of the Committee pursuant to the Intergovernmental Agreement that all 5 ROR towns have signed. B. Jones stated that he did know the reason for expenditure of funds because he is Lee's representative on the Committee; he also stated that he found it upsetting that the agenda item did not have more detail for the public's understanding and therefore supports J. Bloom's concerns in his complaint; he supports having a public comment period at meetings because we're all neighbors here. B. Jones thought the Committee's role was to oversee GE's cleanup activities, not to weigh in on a legal dispute against HRI. Why interfere with a legal process when we're here to oversee the cleanup?

R. Wood responded that she believes that B. Jones is not looking at the totality of what this Committee has done, working hard for over a decade on the cleanup of the Rest of River; Committee members have spent thousands of hours over this time working for their respective towns; Mr. Jones is fairly new to the Committee and, not having the full history, should not disparage its work; the Committee's interest is in supporting the Settlement and is currently in litigation in First District Court to support it.

B. Jones restated that he takes exception that his constituents must put up with a toxic dump being put over an aquifer; the three Lee Select Board members who signed the Settlement are long gone. He made a motion to open a public discussion period in this meeting regarding these issues; the motion was not seconded and did not carry.

At a request from C. Rembold, the Committee proceeded to vote on the motion on the table (response to J. Bloom's complaint). **Motion carried via roll call vote: 4 ayes, 1 no (B. Jones).**

**4. Adjournment. A motion made by R. Wood and seconded by C. Gibson, to adjourn the meeting; motion passed on roll call vote unanimously.** The Committee adjourned at 9:32 am.

Respectfully submitted by  
Lauren Gaherty, Berkshire Regional Planning Commission

Meeting Materials: Meeting Agenda 4-13-23; Draft Meeting Minutes of 3-27-23; Email response to J. Bloom 4-13-23 Re: Response to Open Meeting Law Complaint Filed on March 31, 2023.