



BRPC

Berkshire Regional Planning Commission

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EXECUTIVE COMMITTEE MINUTES

Thursday, April 20, 2023

Virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

I. Call to Order & Open Meeting Law Statement

A. The meeting was called to order at 5:01 pm.

Chair John Duval called the meeting to order as a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

Brittany Polito and Joshua Bloom reported recording the meeting.

II. Roll Call:

Read by Office Administrator Kate Hill Tapia:

John Duval, Chair, Adams Alternate

Malcolm Fick, Vice Chair, Gt Barrington Alternate

Sheila Irvin, Clerk, Pittsfield Delegate

Buck Donovan, Treasurer, Lee Delegate

Rene Wood, Commission Development Committee Chair, Sheffield Alternate

Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate

Kyle Hanlon, At-large, North Adams Delegate

Sam Haupt, At-large, Peru Delegate

Others Present: Joshua Bloom; Gail Ceresia; Brittany Polito; Mike Mach, Adams Delegate; Jonathan James, Delegate New Marlborough

Staff Present: Thomas Matuszko, Executive Director; Marianne Sniezek, Office Manager; Kate Hill Tapia, Office Administrator

III. Approval of April 6, 2023 Minutes

Kyle Hanlon moved to approve the April 6, 2023 meeting minutes. The motion was seconded by Rene Wood and approved by a roll call vote from John Duval, Malcolm Fick, Sheila Irvin, Roger Bolton, and Kyle Hanlon. Buck Donovan and Sam Haupt abstained; no verbal response from Rene Wood.

IV. Review of Open Meeting Law Complaint Filed by Joshua Bloom on April 6, 2023, regarding the Executive Committee's April 6, 2023 Meeting

Tom Matuszko read the following statement:

Review of Open Meeting Law Complaint:

- We received an Open Meeting Law complaint from Joshua Bloom on April 6, 2023, concerning the Committee's April 6, 2023 meeting.
- Everyone should have a copy of the complaint.
- The complaint alleges that the Committee violated the Open Meeting Law for a few reasons:
 - First, the Committee's meeting notice did not include topics concerning financial expenditures of the Housatonic Rest of River Municipal Committee.
 - Second, the complaint questions two topics on the meeting notice.
 - And Third, public comment was not received by the Committee at the April 6 meeting.
 - There were some other issues raised in the complaint that do not pertain to the April 6 meeting or are not within the Committee's purview under the Open Meeting Law.

- Regarding the Rest of River financial expenditures, this was not on the meeting notice because there were no expenditures related to the Rest of River Municipal Committee in the period covered by the financial reporting for the April 6 meeting.

- Regarding the meeting notice topics, counsel has advised that under the Open Meeting Law, meeting notice topics must have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting, which means a reasonable member of the public could read the topic and understand the anticipated nature of the Committee's discussion.

- One topic mentioned in the complaint read "Other (For information only)". This follows a practice of the Committee to address topics that were not reasonably anticipated when preparing and posting the meeting notice. To avoid any confusion, going forward, this recurring topic will be removed from meeting agendas. If a topic comes up after posting, the meeting notice will be amended if possible and the Chair will identify the new topic at the meeting.

- Another topic read "Delegate & Alternate Issues." Each of BRPC's municipalities has a Delegate and an Alternate Delegate. This agenda item was to enable the Delegates and Alternates to share any items occurring in their municipalities. Going forward, this topic will be clarified to read "Comments from Berkshire Regional Planning Commission Delegates & Alternate Delegates."

- Regarding public comment, counsel has advised that under the Open Meeting Law the Committee is not required to have a public comment period or to receive public comment at meetings. The Committee sometimes has public comment listed on its meeting notices or accepts public comment at meetings on a case-by-case basis, but it opted not to do so at the meeting

on April 6. Future meetings may include a public comment period.

- Counsel has prepared a draft response letter to this complaint.
- I am looking for a motion and a vote to delegate responsibility to respond to this Open Meeting Law complaint to counsel and the Executive Director.

V. Vote to Delegate the Responsibility to Respond to the Open Meeting Law Complaint Filed by Joshua Bloom on April 6, 2023, to Counsel and the Executive Director

Rene Wood moved to delegate the responsibility to respond to the open meeting law complaint filed by Joshua Bloom on April 6, 2023, to counsel and the executive director. Roger Bolton seconded the motion, which was approved by a roll call vote: John Duval, Malcolm Fick, Sheila Irvin, Roger Bolton, Rene Wood, Kyle Hanlon, Buck Donovan, and Sam Haupt.

X. Adjournment

Rene Wood motioned to adjourn the meeting, seconded by Kyle Hanlon, and unanimously approved by a roll call vote: John Duval, Malcolm Fick, Buck Donovan, Rene Wood, Sheila Irvin, Roger Bolton, Kyle Hanlon, and Sam Haupt.

The meeting adjourned at 5:10 pm.

Attachments:

- Unapproved Minutes of the April 6, 2023, BRPC Executive Committee Meeting