

Mark Pruhenski
Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

REVISED: Item 2. Open Meeting Law Complaint and Response

Selectboard Meeting via Zoom and in person at 334 Main Street Great Barrington MA
Order of Agenda for Tuesday, August 29, 2023, at 6:00 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84727797185?pwd=NDFRUjFITE12eDN3bE5LaTNBQ0RmZz09>

Webinar ID: 84727797185

Dial-in, audio-only: (929) 205 6099

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and Governor Healey's March 29, 2023 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Selectboard will be conducted both in-person and via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public and committee members may attend the meeting in person, or, for those who wish to do so remotely may by following the instructions at the top of this agenda. For those who are not in-person every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

1. Call to Order Selectboard Special Meeting
2. **Open Meeting Law Complaint and Response**
3. Public Input Session for the Proposed Real Estate Transfer Fee
4. Citizen Speak Time

Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.

5. Selectboard's Time
6. Media Time
7. Adjournment

Next Selectboard Meeting

September 11, 2023

September 18, 2023

October 2, 2023

October 23, 2023

November 6, 2023

November 20, 2023

December 4, 2023

December 18, 2023

Mark Pruhenski, Town Manager

Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

GREAT BARRINGTON TOWN CLERK
AUG 16 2023 PM 2:17

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Jonathan Last Name: Hankin

Address: 43 West Plain Road

City: Great Barrington State: MA Zip Code: 01230

Phone Number: 4133295069 Ext. _____

Email: jbhankin@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Great Barrington Selectboard

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 8/15/23

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The last meeting minutes of the board posted is from 5/22/23. Since that date there have been meetings without minutes posted on 6/12, 6/13, 6/26, 7/10, 7/24, and 8/2

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Post the minutes on the Town website expeditiously to allow the public access to the information discussed.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain Information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Jonathan Ab...

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

August 29, 2023

Mr. Jonathan Hankin (jbhankin@gmail.com)
43 West Plain Road
Great Barrington MA 01230

RE: Open Meeting Law Complaint of August 16, 2023

Dear Mr. Hankin,

The Selectboard is in receipt of your Open Meeting Law (OML) complaint. Your complaint alleges the following:

1. “The last meeting minutes of the board posted is from 5/22/23. Since that date there have been meetings without minutes posted on 6/12, 6/13, 6/26, 7/10, and 8/2.”

The action requested is as follows:

1. “Post the minutes on the town website expeditiously to allow public access to the information discussed.”

As a result of the above complaint, the Selectboard/Town Manager’s staff posted any missing approved minutes to the website in the usual location.

In addition, it’s important to note that all of our Selectboard meetings are recorded and posted publicly within 24-48 hours on our website.

The Selectboard continues to obey and respect the Open Meeting Law by operating in a transparent manner at all times. We hope this response clears up any concerns you may have and we thank you for bringing this matter to our attention.

Sincerely,

Stephen Bannon
Chair

cc: Office of the Massachusetts Attorney General