

Christopher Rembold
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TOWN OF GREAT BARRINGTON MASSACHUSETTS

April 29, 2025

OFFICE OF THE TOWN MANAGER

Josh Landes
55 North Street
Pittsfield, MA 01201
jlandes@wamc.org

RE: Open Meeting Law Complaint Regarding Great Barrington
Special Town Meeting of April 17, 2025

Dear Mr. Landes:

This letter is in response to the Open Meeting Law complaint you submitted to the Town via e-mail on April 18, 2025.

The complaint asserts that on April 17, 2025 you were denied entry into the auditorium of Monument Mountain Regional High School, where a Special Town Meeting was being conducted. Your request for action is that the Town suspend the practice of conditional entry to public meetings.

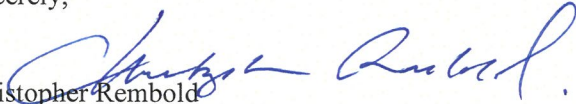
First, the Town acknowledges that a limitation on entry to the place of the Town Meeting, based on status as a Great Barrington resident and where the attendance had not reached the capacity of the auditorium, should not have occurred. We understand that the Moderator and any members of the Board of Registrars of Voters to whom you spoke at the school were relying on language in the Town Code regarding rules of Town Meeting. Section 41-7 of the Code states: "No person, unless a registered voter of the Town, may address a Town Meeting without special permission of the Moderator."

The Code provision does not relate to access to a Town Meeting. Going forward, the Town will not be limiting access based on voter or resident status of persons, and the Moderator will address this point at the start of the Annual Town Meeting on May 3, 2025.

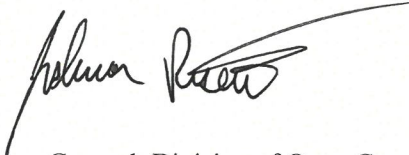
However, the Town will not be conducting a formal complaint review process as you referenced in the e-mail transmitting your complaint, review and response by the public body (per section 23 of Chapter 30A of the General Laws and 940 CMR 29.05). The reason is that a Town Meeting, a meeting of a town's legislative body, is not a "meeting" subject to the Open Meeting Law. Section 18 of Chapter 30A defines "meeting" with several exclusions. One of the exclusions is: "a session of a town meeting convened under section 9 of chapter 39 which would include the attendance by a quorum of a public body at any such session." G.L. c. 30A, §18. This is confirmed in the Massachusetts Attorney General's *Open Meeting Law Guide*, which lists the five exceptions to the definition of a "meeting" under the Open Meeting Law, including as follows: "Town Meetings, which are subject to other legal requirements, are not governed by the Open Meeting Law. See, e.g. G.L. c. 39, §§ 9, 10 (establishing procedures for Town Meeting)." (Open Meeting Law Guide and Educational Materials, pp. 8-9, December 2023). In addition, a moderator, as a single town officer, is not a "public body" under the Open Meeting Law.

We regret the situation that occurred on April 17. Again, the Town will be modifying its procedures going forward.

Sincerely,


Christopher Rembold
Interim Town Manager

Joshua Risen
Town Clerk



cc: Attorney General, Division of Open Government (openmeeting@mass.gov)
Moderator
Selectboard
Town Counsel