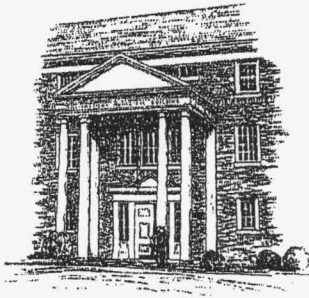


AG

BASE VERSION OK'd 5-0*



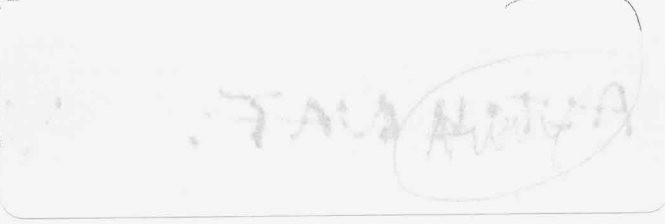
Town of Williamstown

Planning Board
31 North Street
Williamstown, Massachusetts 01267



Amy Jeschawitz
Chairman
Phone/Fax: 413-458-9344

Monday May 16, 2016
Mr. David M. Leja
141 Luce Road
Williamstown, MA 01267



* with amendments

RE: Open Meeting Law Complaint

Dear Mr. Leja:

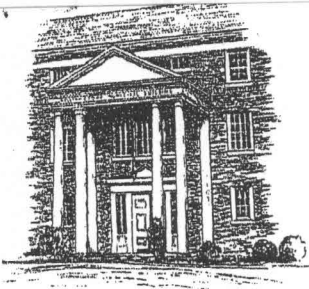
The Planning Board has received your complaint of May 8, 2016 regarding alleged violations of the Open Meeting Law (OML) by three members of the board, Sarah Gardner, Ann McCallum, and Elizabeth McGowan. At a duly posted public meeting on Monday May 16, 2016 the Board discussed this alleged violation and we believe that based on factual evidence regarding the events that occurred between the meetings of April 28 and May 4 that no violation of the OML took place. We base this assertion on the following findings of fact.

- The so called "Gardner Amendment" is a revision of a bylaw draft created originally by town staff members. This was discussed by the Board in several open public meetings starting on April 12, 2016. A copy of this proposal has been posted on the Board's Google Drive public folder since April 8, 2016.
- Board Members Gardner and McCallum worked on revising this document between the April 28 and May 4 meeting. This did not constitute a quorum of the Board and is not a violation of the OML.
- Gardner and McCallum contacted town staff via email to discuss various concepts within the so called "Gardner Amendment" on Monday May 2. Following this meeting the proposal was posted to the publicly available Google Drive site. Copies of these emails are attached. This meeting involving two Board members and a staff member did not constitute a violation of the OML.
- The "Gardner Amendment" along with all other documents discussed at the May 4 meeting were distributed via the same public Google Drive system. Staff notified the entire Board via email of these postings. There was more than 48 hours available for Board members to review the postings. This is standard procedure for distribution of documents. These emails are also attached for your records.

Based on this evidence we conclude that no violation of the Open Meeting Law has occurred.

Sincerely,

Amy Jeschawitz
Chair, Williamstown Planning Board



Town of Williamstown

Planning Board
31 North Street
Williamstown, Massachusetts 01267



Amy Jeschawitz
Chairman
Phone/Fax: 413-458-9344

Monday May 16, 2016

Mr. David M. Leja
141 Luce Road
Williamstown, MA 01267

RE: Open Meeting Law Complaint

ALTERNATE Sarah Gardner Version

Dear Mr. Leja:

The Planning Board has received your complaint of May 8, 2016 regarding alleged violations of the Open Meeting Law (OML) by three members of the board, Sarah Gardner, Ann McCallum, and Elizabeth McGowan. At a duly posted public meeting on Monday May 16, 2016 the Board discussed this alleged violation and we believe that based on factual evidence regarding the events that occurred between the meetings of April 28 and May 4 that no violation of the OML took place. We base this assertion on the following findings of fact:

1. Jason Hoch, Town Manager, and Andrew Groff, Town Planner, along with board member Ann McCallum, prepared a proposed revision to a citizen's petition on April 7. This proposed revision was posted on Google Docs on April 8 and discussed at the Planning Board meetings on April 12 and April 28.
 2. Board members McCallum and Gardner worked on revisions to the April 8 bylaw. They met with Andrew Groff and he posted this document on Google Docs on May 2, 2016 as background materials for the Board meeting of May 4, 2016. This meeting and other meetings between McCallum and Gardner alone did not violate the OML because a meeting of two board members does not constitute a quorum of the Board.
 3. Andrew Groff and Amy Jeschawitz also worked on bylaw revisions. These documents were also posted on Google Docs as background materials for the board's May 4, 2016 meeting.
- The Gardner/McCallum revisions and the Jeschawitz revisions were posted on Google docs before the meeting. All board materials are made available to the board members before board meetings by posting the materials on Google docs. All the proposed revisions to the citizen's petition along with all other documents discussed at the May 4 meeting were distributed via the same public Google Drive system. Staff notified the entire Board via email of these postings. There was more than 48 hours available for Board members to review the postings. This is standard procedure for distribution of documents to be discussed at a board meeting. These emails are also attached for your information.

Based on this evidence we conclude that no violation of the Open Meeting Law has occurred.

Sincerely,

Amy Jeschawitz
Chair, Williamstown Planning Board