



Meeting Minutes for September 5, 2023, at 6:30 PM,

This meeting was held in person, in meeting room #4 at the Carver Town Hall

This meeting is being videotaped and rebroadcast by Area 58 TV.

Attendees: Savery Moore, Acting Chairman; Patrick Meagher, Treasurer; Johanna Leighton, Member; Roger Noblett, Member

Also in attendance: Tom Bott, Town Planner; Bob Delhome, RTE 44 Development, Kathleen O'Donnell, Counsel for the RDA

Absent:

Meeting opened by Mr. Moore at 6:42 PM

Discussion and possible vote(s):

- **Reorganization -**

Mr. Moore –

As Pro Tem Chair, I will turn the meeting over to Tom Bott, Town Planner to begin the reorganization of the Board.

Chair -

Mr. Bott - I will now call for nominations for the Chairperson to the Redevelopment Authority –

I would like to nominate Johanna Leighton as Chairperson for the Redevelopment Authority: Mr. Moore

Second: Mr. Noblett

Mr. Bott – Are there any other nominations? None heard

Roll Call Vote was taken and nomination was approved (3-0-1, Ms. Leighton)

Mr. Bott turned the meeting over to the new Chairperson, Johanna Leighton

Vice Chair –

Ms. Leighton – I would like to call for nominations for the Vice Chair to the Redevelopment Authority.

I would like to nominate Savery Moore as Vice Chairperson for the Redevelopment Authority: Ms. Leighton

Second: Mr. Noblett

Ms. Leighton – Are there any other nominations? None heard

Roll Call Vote was taken and nomination was approved (3-0-1, Mr. Moore)

Treasurer -

Ms. Leighton – I would like to call for nominations for the Treasurer to the Redevelopment Authority.

*I will nominate Pat Meagher as Treasurer for the Redevelopment Authority: Mr. Moore
Second: Mr. Noblett*

Roll Call Vote was taken and nomination was approved (3-0-1, Mr. Meagher)

- **Open Meeting Law – Acknowledge receipt of complaint by Robert Belbin concerning notice of August 1, 2023 meeting. Discussion and vote to authorize response thereto –**

Mr. Moore – If it okay with Ms. Leighton, I will continue on with tonight’s agenda as I helped put it together. Ms. Leighton - That would be my suggestion as well.

Mr. Moore - We were served with an open meeting violation after our August 1 meeting for the lack of information on the agenda regarding the hiring of a consultant to help us, moving forward, particularly with the Rte. 44/North Carver Project. This is to acknowledge the receipt of the complaint by Bob Belbin concerning the notice of August 1, 2023. We will have a discussion and a motion after the discussion. There is a letter, written by KPLaw to the Assistant Attorney General with our response to Mr. Belbin’s complaint. It will become part of our minutes. Basically, we did not take a vote to have Ms. Clarke become our consultant, we took a vote to put forward a request for proposal to hire a consultant; that is all we voted on. KP Law is saying that we did not violate the Open Meeting Law because our agenda did state that we would have a discussion on the utilization of a consultant. All we did was vote to ask for resumes. When we receive resumes and application letters, at that point we will have to put on the agenda the names of the people who have submitted their resume’s and then have another meeting where we vote to hire a consultant. I think the letter is pretty clear and it does refer back to the meeting and the Area 58 recording for the Assistant Attorney General to reference.

Mr. Moore - I will need a motion

*I Move that we acknowledge receipt of the Open Meeting Law complaint filed by Mr. Robert Belbin concerning the notice of our August 1, 2023 meeting and that we vote to authorize Attorney Gregg Corbo, of KP Law to respond on our behalf: Ms. Leighton
Second: Mr. Noblett*

Discussion:

Mr. Meagher – This individual has made it his mission to look into the smallest infractions and details of committees and what he thinks runs afoul of the Open Meeting Law. This has been going on for the last few years. It has cost this Town 10’s of thousands of dollars. There has never been a finding with his complaints. This is insignificant and should stop. There has never been one significant issue. We put our time in and do the best we can for the good of the Town. Individuals such as this just spends all his time looking for the smallest of issues. This has bothered me for a long time and I hope it stops. He does have every right to do this. Mr. Moore – As you stated, he does have every right to do this. The Town does spend a lot of money responding to each one. In this case, RDA does pay for it, not the Town.

Mr. Noblett – I don’t necessarily agree with him on this issue but I do like a watchdog for the people of this community. In this country we are allowed to do that. He stands his ground if he feels there is something wrong. As we have said, many times, he could also reach out to Board members and come to meetings and state his opinion. I do think there are a lot of things going on this Town and a lot of things that should be questioned. I do, however, think that this group is very honest with what happens, there are no gray areas and I have been happy to be a member of this board. I did not like the negative attention this action brought to this authority.

Ms. Leighton – Mr. Belbin had his say but we continue on. We are going to be hiring. There has been a lot of talk on Social Media to “clean the slate”. We work well as a Board and will continue.

Mr. Noblett – There was a question regarding whether this is a paid position, through us or the Town? Mr. Moore – We will get to that; right now, we are just voting on the Open Meeting Law complaint.

Approved: Unanimous (4-0)

- **RFQ (Request for Qualifications) for Consultant to be presented. This will be posted on Town website as advertisement for qualified candidates to submit a resume -**

Mr. Moore – If approved tonight, with will be posted on the Town Website. I sent individual emails to you, asking for input, individually.

Mr. Moore read the qualifications to the Board and audience. See Exhibit A

*Motion to approve the Request for Proposal as written and to post it on the Carver Website: Ms. Leighton
Second: Mr. Noblett*

Discussion: In answer to Roger's question, the funds for this position will come from the RDA.

Approved: Unanimous (4-0)

- **Presentation by Robert Delhome, Route 44 Development, on Preliminary Subdivision Plan for North Carver Green Business Park site –**

Mr. Delhome, RTE 44 Development, with Susan Murphy, Legal Counsel

This has been a project that we have been collaborating on for many years. We appreciate the tenacity in terms of this process. There has been a lot of discussion regarding the Subdivision Recission Plan as well as the Draft Definitive Subdivision Plan. This evening is just to refresh in terms of the progress we have made and the next steps relative to the development of the North Carver Green Business Park. Our commitment is to remain in alignment with the intent of the original URP. We are responding to changes in the marketplace. We were all excited about the Hillwood Opportunity and are all disappointed that this will not be moving forward.

We entered into a Development Agreement in 4/2016. Since 4/2016, we have completed a total of 16 parcel acquisitions, with a willing seller and a willing buyer. We have undertaken the remediation and cleaning of the aggregated parcels. There was a commercial sewerage and septic treatment plant there, there was large stockpiles of degrading materials, impacts to ground water from both onsite and offsite sources. On the site we implemented the first cap of a PFAS impacted area. We will be filing the completion paperwork with the DEP, this fall. We are very proud of undertaking that initiative and that we were able to find a regulatory path forward to achieve closure. The Town, with Massworks funding as well as funding from Rte. 44 Development, has now completed the relocation of Montello Road, now with the new section of Green Park Way.

We have been exploring alternate development options for the parcel, since the failure of the Hillwood transaction. To be very clear on this, a Subdivision Plan of the land has always been contemplated by the URP. I am looking forward to being able to show and compare the plan in the URP that was approved and the current plan that is being drafted in support of the Definitive Subdivision Plan filing. Also, within the URP, strategic subdivision of the land as an essential activity to achieve redevelopment has always been contemplated.

Everything that is being undertaken today, had always been contemplated within the URP (since 2016). The steps taken are:

1. We filed the Recission Plan with the Planning Board
2. State required preliminary Subdivision plan filed in March
3. The definitive subdivision plan has to be submitted within 7 months and have targeted October for completion.

Mr. Moore – Have they given any reasons for the decrease of Hillwood like projects? Mr. Delhome – I think there are a few things. The warehouse/distribution center model is rethinking its approach to very large million sq. ft. plus primary distribution centers. There has

also been a lot of construction of that type of space, the lending rates and inflationary environment that we are in and also the lengthy permitting processing. We saw a lot of transactions not go forward in the last quarter of 2022.

Mr. Moore – So they are looking at this as a long-term change in what people are looking for as opposed to something cyclical that would come back. Mr. Delhome – I think so; that is how we are seeing the market and our advisors have shared with us as well. We think it is an amazing site; we have invested a lot into the site and are committed to what happens in that footprint. There are not a lot of sites like it in Massachusetts. There hasn't been compelling interest, as of yet, for 1 million sq. ft buildings right now. We think this is a great time to undertake the subdivision planning process now. Ms. Leighton – At the Town Meeting in 2021 that Hillwood was involved, there was a change to building height. The Town today has the 65' height still available as you have filed the necessary paperwork to preserve what was voted in. Mr. Delhome – Yes, I think there was a number of different property owner filings within that timeframe. Our understanding is that by filing at the point in time that we did, that we then preserved what was voted in at the 2021 Town Meeting. Ms. Leighton – At the last Planning Board Meeting, your proposal was to remove Park Ave and retitle it to give you an open space? Mr. Delhome – Yes, that had been contemplated in the original plan. Ms. Murphy – Park Ave had been approved in 94/95 and was never built out to the subdivision standards. It was on a plan, recorded at the Registry of Deeds and it shows up on the Assessors records but it didn't really exist. Working with the Planning Department, it was decided to clean the slate and come back with what was intended. Ms. Leighton – Hillwood had a plan to remove all the little parcels and make it into larger parcels. Are you removing all of the little parcels in this plan?

Mr. Delhome – That is exactly what we are doing. We are clearing the slate and introducing a new plan. There isn't anything that we are doing that hadn't already been contemplated in the original URP. Ms. Leighton – I was excited for Hillwood, especially with what they were going to contribute to this Town; what about this plan? Mr. Delhome – The line of communications is still open. We got excited about those community benefits, as well. There has been a lot of confusion over the difference with a Plan and a Project. This plan is not yet linked to a project. Mr. Moore – Hillwood was also not yet a project; it was just a proposal.

Mr. Meagher – The development of a project will be what it is. One of my biggest concerns was the Community Benefits Agreement; I would hate to see that disappear. We put so much effort into that, especially the fire chief. I would like to look at that as a starting point. Mr. Delhome – That was for a potential project that failed to materialize. To what extent those benefits contributed to the project no longer being attainable, I don't know. What we can commit to is the same attentiveness and attention to detail and commitment to finding the right vertical development partners will continue. What that will yield in regard to project specific Community Agreements, I don't know. I think it would only be fair to say that that was something that specific to something that Hillwood contemplated. It's not something that Route 44 can set that up as a minimum expectation. Mr. Meagher – Yes, What I mean is more to have that type of approach. Ms. Leighton – We were told how lucky we were with that benefits package. Ms. Murphy – If you think about the scale of what Hillwood was going to build, they could afford to offer that. Once they realized the costs were no longer going to be doable. The 4 or 5 smaller parcels that are being proposed you are going to have smaller business that wants to build and they may not have the resources of that of Hillwood. The likelihood of these smaller parcels needing 65' is unlikely. Pretty much all of the things that Hillwood Community Agreement was donating are gone as the project is gone. The reasoning behind the agreement is gone. I think that is why Bob is saying to take it one potential user at a time. Mr. Delhome – I understand what Pat is asking; we view our role as the Redevelopment partner to the RDA and to the Town and also being stewards of the right vertical partners. We will continue to take that disciplined approach of saying that we have collectively (the Town, RDA and Rte. 44 Development) invested to create the best project that can be here to meet the original intent that was in the URP. The market conditions are a challenge. The Definitive Subdivision Plan in draft form right now is giving us a flexible plan and can accommodate some changes with a prospective end user. This is not blocking a larger footprint development; this plan can accommodate that.

Mr. Noblett – I was the least involved as I am the newest member. You took land that was really terrible and made it buildable at your own expense. You had hopes, it is a shame it didn't happen. I hope this Town can get behind the new plan. Mr. Delhome – We are doing our best; we made a significant investment, time and dollars. Our goal was to get a fair and reasonable return on the investment being made, resolve the underlying environmental issues and then allow economic development to take place within the North Carver URP.

Mr. Moore – I believe that there are things within the permitting process that makes sure Town services are healthy enough to support whatever goes in there. Even though the Community Benefits Agreement has gone away, they will not be able to build anything that they want. Mr. Delhome – That's right. Each project would have to come before the Planning Board and RDA jointly in order to go through

the approval process. Right now, we are just creating the Subdivision. Mr. Moore – And Site Plan Review which requires emergency services.

Mr. Delhome presented the plan to the RDA, with comparison to the original plan.

Mr. Delhome – This new plan gives us the flexibility to respond to the market.

Mr. Bott – What you are seeing has not been filed; this is part of what they are investigating filing. Ms. Murphy – This is a conceptual plan; what would go to the Planning Board would be in much more detail.

Mr. Delhome – There is a third plan in the packet; it's the same plan but just in a different orientation. This is the more appropriate way to lay it out from an engineering and planning perspective.

Mr. Noblett – The original preliminary plan was 3 lots: now it's 6 lots? Mr. Delhome – Yes. Mr. Noblett – The blackline is property you own but are not included in this project? Mr. Delhome – No, we don't own that. Mr. Delhome indicated, on the map, the land that is owned by Rte. 44 Development. Mr. Moore – The parcel that you own now, is it all one piece? Ms. Murphy – The assessors records have it as the original plan in 2016.

Mr. Meagher – Will that be restrictive in some way; What if Hillwood wants the whole thing? Ms. Murphy – It could be rescinded; there is flexibility. Ms. O'Donnell – They could also buy all of the lots.

Mr. Delhome – We felt this would position the site more favorably within the market. While the market and the industry are on a soft pause, we want to use this window available to go through the definitive subdivision plan process. If we don't go through this now and an interested party presents, we would have to go through it then. Ultimately, the market will drive the end user. This gives us flexibility regardless of which way the market goes. Ms. Leighton – You are still looking at warehousing, distribution? Ms. Murphy – Whatever uses are allowed under the by-Law. Ms. O'Donnell – I believe that includes light manufacturing, office, manufacturing and warehousing are the uses in the plan, and also whatever uses are allowed under the Green Business District.

Mr. Bott – As you well know, nothing is easy in the land use business. The easiest thing to do is to erase a lot line between two lots. The second easiest thing to do is to create new lots from the frontage that is there. It's an ANR Plan; the Planning Board shall forthwith, within 21-days, endorse a plan that has frontage.

Mr. Moore – Do you have an aerial board? Mr. Delhome -No, but next time we will.

Mr. Delhome – We do own a couple of parcels that are not within the subdivision/URP, the Webby property. These were needed for the construction of the new roadway.

Mr. Moore – You mentioned earlier that you capped the PFAS area. Is that the one in the southwest corner? Mr. Delhome – Yes. There were two different locations of source areas. These are predated to any of our involvement. Some was biosolids that were brought in during the early 2000s. There were a lot of eyes on it and a fair amount of record keeping. Those materials were the most significant source area. There is also an offsite area. Mr. Moore – There is a plume coming across Route 44. Ms. Leighton – Where is the second one? Mr. Delhome – That was consolidated into a single cap area. That had much lower levels. Ms. Leighton – Have you completed all of the investigation for PFAS? Mr. Delhome – Yes, there are an incredible amount of data collected. We really benefited from the involvement of the environmental professional that we engaged, Jim Bagley. Jim is an expert on ground water and had a long association with the site due to the Ravensbrook Landfill site which had been a source of contamination this site as well. Jim had spent many years studying it. When we came on in 2010/2013, we enlisted Jim to help us and has been the LSP of record for this site and bringing it through the process. The physical work on site has been completed, vegetation has started to grow on the cap and now the final paperwork will be filed with the regulators. Mr. Moore – Are they happy with what you have done? Mr. Delhome – This is very unique in that it is one of the very large sites that had the underlying PFAS impacts to ground water where there was a clear path forward in terms of a remediation action. Most of these sites that have these types of conditions are very difficult, if not impossible to get to a regulatory stable or closure outcome. The fact that that was able to be done here, was very unique in terms of sites of this scale.

Mr. Noblett – Everything that you are saying is well documented for anyone with questions. Ms. Murphy – Yes, the DEP has a database online that is accessible to all. You can go online and find every paper ever filed on any piece of land. Mr. Delhome – This is a fully transparent process.

Ms. Leighton – I have spoken to you prior to this about the houses with the solar on the roofs and a garage. Mr. Delhome – We just received our final proposal (two in total). 1) Board the houses and monitor or 2) demolish the structures. We have to go through and evaluate those two options. Ms. Leighton – The Melville property is 61A; what is your responsibility to that? Mr. Delhome – It's not active; we are not in the cranberry industry. We don't envision them being operated as cranberry bogs in the future and will allow it to come back to its original state. Mr. Moore – I believe those bogs are called wetland bogs or natural bogs as opposed to upland bogs which are purpose built. If they are wetland bogs, they are protected forever. Ms. Murphy – All of the wetlands will be shown on Subdivision Plan.

Mr. Noblett – With all the obstacles; are there any options for solar panels and bypass the expenses for you, rather than develop it? Mr. Delhome – We are looking at all options; we would like to generate an appropriate return on the investment. Ms. O'Donnell – Solar panels were not included in the uses for the URP. Ms. Murphy – One of the goals of the URP is to create that commercial tax revenue for the Town. Mr. Noblett – That is what the Town needs to hear. I love green space but eventually you need the revenue to keep the Town running. Mr. Moore – Of all of the places in Carver, this is the best location for it.

Mr. Moore – Is your next step is to finalize this and present it to the Planning Board? Ms. Murphy – Yes, it will be filed sometime in October with lots of back and forth with the Planning Department, Mr. Bott and Conservation.

Ms. Leighton – The Planning Board keeps asking about what the RDA thinks; can we put together a letter that we are in support? Ms. O'Donnell – There is no legal requirement but it would be nice to do.

Mr. Moore – A question that has been asked a lot, does this constitute a major change? Ms. O'Donnell – No, it does not, we are not changing anything. This is just a plan, not a project.

Mr. Moore – Question to Mr. Bott - At what point will the Planning Board and RDA get together? Mr. Bott – Not until there is a project.

Mr. Meagher – Thank you for coming in tonight and giving us a very informational presentation. In my time on this Board, we have had a very professional relationship and there was always a lot of credibility there.

Mr. Delhome - If you need more communication; we are happy to come back and answer any questions.

- **Wade Street, Observations from site visit conducted on August 16, 2023. Next steps –**

Mr. Moore – We (Conservation and RDA) did go out for a site visit. There are three remaining small items that need to be taken care of by the Boulay family. They don't have to be completed, but there has to be an agreement in place prior to the Conservation Comm taking the property.

1. Garden that is fenced in has a small encroachment
2. Where they removed the barn, there is a coiled wire coming out of the ground. This needs to be removed.
3. Two sections of fencing that is on the Town owned land.
4. Johanna - There is a St. Francis statue that should be removed as well as a backhoe bucket.

Mr. Moore – I will be writing an email to the Boulays. We do have a discussion on this at the next Con Comm meeting (9/20/23). Ms. O'Donnell – You could give them a license for that corner of the garden which is revokable at any time. Mr. Moore – They are raised and held in place by rocks. This will be public property and could be a hazard.

Treasurers Report:

Mr. Meagher -

Account balances as of August 31, 2023

| | |
|--------------|-------------|
| Checking | \$128.99 |
| URP | \$1,280.44 |
| Money Market | \$59,618.57 |

Nothing is outstanding

Motion to accept the Treasurers Report, as written: Ms. Leighton

Second: Mr. Noblett

Approved: Unanimous (4-0)

Topics not anticipated by the Chair 48 hours in advance of the meeting

Mr. Moore - Roger sent me an email regarding Indian Street and new home construction. They are blocking the whole road and there is difficulty with parking and accessing Conservation trails. Mr. Moore – Roger was asking what could be done. This should go to the Building Inspector and he can go out and have a conversation with the contractors. As far as the future, Carver owns conservation land there. The adjoining land was Clark Griffiths, who donated it to Buzzards Bay Coalition. They are in the process of developing a plan for all of the property they inherited from Mr. Griffiths, which includes the property across from the boat ramp on Lakeview that continues through to South Main Street, adjacent to the Fire Department. Also, a 6–7-acre parcel on Indian Street which abuts Carver owned Conservation land. Mr. Noblett – There is a huge piece of land out there, Bay State something; there are signs. Mr. Moore - Buzzards Bay Coalition. Mr. Noblett – There is a bog and a couple “for sale” signs. They are taking everything they can out of there. Mr. Moore – Google maps doesn’t show borders; I see the bog you are talking about. Mr. Noblett – Right next to it is Conservation Land. Now it’s stripped with “for sale” signs. Conservation will have to take a look at that.

Members Notes:

- Savery Moore – Nothing tonight
- Pat Meagher - Nothing tonight
- Johanna Leighton – Nothing tonight

Minutes – August 1, 2023

We will table the minutes for 8/1/23, until the next meeting

Discussion: We will have three sets to review at our next meeting – 6/20/23, 8/1/23 and 9/5/23

Next Meeting:

Our next meeting will be held on October 3, 2023 at 6:30 PM.

Adjournment:

Motion to adjourn at 8:43 PM: Ms. Leighton

Second: Mr. Noblett

Approved: Unanimous (4-0)

Exhibits

- A) RDA request for proposal/resume
- B) KP Law Open Meeting Law Complaint response

Exhibit A

**Carver Redevelopment Authority
Request for Proposal/Resume**

The Carver Redevelopment Authority is seeking a qualified consultant to assist the Authority through the ongoing development of the North Carver Green Business Park project in particular and other CRA projects as necessary.

Applicants must meet the following qualifications to be considered for this position:

- Awareness of Carver Redevelopment Authority mission, scope of work, and history.
- Experience in either Real Estate, Town Planning, Land Use Regulations and Law, or other property development fields.
- Municipal experience with local government Departments and Boards, including financial aspects, by-laws, and preparing for Annual Town Meeting
- Specific familiarity with Carver Zoning Bylaws, particularly as they pertain to the Green Business Park zoned area.
- Full understanding of the steps involved in creating and following through on an Urban Renewal Plan in Massachusetts.
- Knowledge of the local real estate environment, both residential and commercial.
- Ability to read and understand plans (site, survey, engineering, infrastructure building, etc.)
- Time and availability to conduct extensive research on behalf of the RDA on the project(s) for which he/she is engaged.

Any interested person should submit a letter of application and a resume to rda.contact@carverma.org. Please include desired salary.

Exhibit B

September 4, 2023

Gregg J. Corbo
gcorbo@k-plaw.com

Ms. Carrie Benedon
Assistant Attorney General
Director, Division of Open Government
Office of Attorney General
One Ashburton Place, 20th Fl.
Boston, MA 02108

Re: Town of Carver Redevelopment Authority -
Open Meeting Law Complaint Dated August 7, 2023

Dear Ms. Benedon:

KP Law, P.C. represents the Town of Carver Redevelopment Authority (the "Authority"). The Authority (the "Authority") received the attached Open Meeting Law Complaint on August 7, 2023, concerning the notice for the Authority's August 1, 2023 meeting. The Authority met on September 5, 2023, acknowledged receipt of the complaint and authorized this response.

The Complainant alleges that the notice for the August 1, 2023 meeting did not comply with the posting requirements of the Open Meeting Law because the notice did not contain sufficient detail concerning the Authority's discussion and vote to invite resumes for the position of consultant. Specifically, the Authority's meeting notice contained the item "Utilization of Consultant". Discussion of the item began at approximately the 7:54 minute mark of the meeting.¹ During the discussion, the Authority discussed its need for the expertise of consultants on certain projects, its authority to retain consultants and the procedure for doing so. During the discussion, at approximately 10:00 into the meeting, Authority member Leighton invited all members of the public to apply for the position.

Former RDA member Sharon Clarke was in attendance at the meeting and was invited by the chair to participate in the discussion. As the discussion progressed, Authority Member Leighton stated to her that "it is amazing that you're here" (See discussion at 15:00) and asked her if she would be interested in applying for the position. After further discussion, at approximately 17:39 minutes into the meeting, the following motion was voted "To ask Ms. Sharon Clarke, former Chair of the RDA to submit a resume for the purpose of becoming the consultant for the RDA primarily on the urban renewal plan for the North Carver site but also on a number of other smaller items that she was involved in in her prior role here that are still open." The Authority did not vote to award the position to Ms. Clarke or any other person and after taking that vote it moved on the other matters.

¹ The Authority's August 1, 2023 meeting can be viewed in its entirety via the following link:
<http://area58.tv/video/carver-redevelopment-authority-august-1-2023/>

A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). Meeting notices must contain the date, time, and place of the meeting, as well as a listing of topics that the chair reasonably anticipates will be discussed. G.L. c. 30A, § 20(b). The list of topics shall have “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b). A topic is sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. See Attorney General Open Meeting Law Determination, OML 2015-35. When reviewing a meeting notice for sufficiency, unless it is clearly insufficient on its face, the notice is not reviewed standing alone. See Attorney General Open Meeting Law Determinations, OML 2016-149; OML 2015-109; OML 2014-155. Rather, the sufficiency of the notice is based on what was actually discussed at the meeting to determine if the notice was sufficiently specific to make the public aware of topics that were discussed. See Attorney General Open Meeting Law Determination, OML 2016-149.

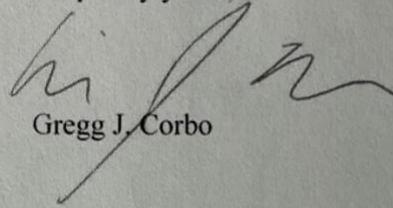
In this matter, the Authority's notice stated that it intended to discuss the utilization of consultants. During its deliberation of the matter, the Authority engaged in a general discussion concerning its need for input from outside consultants, its authority to hire consultants and the procedures that would be used. The Authority discussed the creation of a job description and made an open invitation to all members of the public to apply. Former Authority member Sharon Clarke was in attendance during the meeting and was allowed to provide input to the Authority as to the procedures used in the past. As a result of the discussion, Ms. Clarke was invited to apply for the position. No decision was made as to whether or not to accept her application and neither Ms. Clarke nor any other person was hired as a consultant.

Based on the discussion that occurred during the meeting, the topic “utilization of consultant” was sufficiently detailed to inform members of the public that the Authority intended to have a broad discussion of the topic, which it did. During its discussion, although a specific individual who was in attendance at the meeting was discussed, no binding decisions were made. The Open Meeting Law does not require a public body to list all tangential topics related to a discussion. See Attorney General Open Meeting Law Determination, OML2021-153. Here, it was clear from the course of the discussion that the Authority had no intention of hiring a specific individual for the position of consultant and it did not do so. Rather, it simply invited one person to apply, along with all other members of the public. Through this response, the Authority acknowledges that it cannot hire a particular person as a consultant unless it votes to do so at a duly noticed public meeting, which notice should include the name or names of persons who may be voted upon. Therefore, based on the discussion that actually took place at the meeting, there was no violation of the Open Meeting Law as to the Authority's August 1, 2023 meeting notice.

September 4, 2023
Page 3

Thank you for your attention to this matter.

Very truly yours,



Gregg J. Corbo