



final 3-12-18

OFFICE OF
Planning Board
7 Main Street, Unit #7
HUBBARDSTON MASSACHUSETTS 01452
978-928-1400 x209

**Planning Board Minutes
June 12th 2017 1:00 pm**

Location: Library Basement Conference Room

Attending Members: Vincent Ritchie, Chairman, Thomas Bratko, Thomas Robinson

Members not attending: Craig Boissoneau, Kendall Daly

General Public Attending: Deborah Ecker, KP Law

Chairman called the meeting to order.

The chairmen asked for motion to go into executive Session pursuant to G.L. c. 30A, §21 (a)(1): “ To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.” Specifically, the Board will discuss an Open Meeting Law complaint dated June 5, 2017, filed against them pertaining to their meeting of May 31, 2017.

Motion made by Thomas Robinson, 2nd by Thomas Bratko

Vote: Thomas Bratko –Yes, Thomas Robinson - Yes, Vincent Ritchie - Yes

Motion Carries

Chairman Ritchie read the Open Meeting Law (OML) complaint into the record. Ms. Ecker said she had reviewed the complaint and watched the YouTube video of the May 5th PB meeting. Ms. Ecker told the committee that in her opinion the Planning Board had violated the OML by not notifying Ms. Bolduc and that the chair should have cut off Mr. Robinson after he realized that the comments he was making were more than he anticipated. Mr. Bratko questioned Ms. Ecker and said that he did not think the OML required that a person needed to be notified if discussion in open secession. Ms. Ecker informed Mr. Bratko that he was incorrect and that the law was very clear that Ms. Bolduc should have been notified. When Mr. Bratko asked to see a copy of the law Ms. Ecker looked through her papers and said she could not find it easily but she said I would “just have to trust her, that it was in fact the law.” Mr. Ritchie said that he was unaware of the law that said Ms. Bolduc should have been notified. He said that if the law did in fact say that than “I guess I did violate the open meeting law.” After some more questions and comments from the committee about the OML, Ms. Ecker again assured the board that the board did violate the law. She advised that the board should just admit it violated the OML and that should be included in our response. She said in most cases like this the AG office will just give a warning because the infraction was not done intentionally. She said that the AG office may require the Planning Board to complete the OML online training. It was the general consensus of the Planning Board members, based on Ms. Ecker’s recommendation that the committee should admit that the OML was violated by the Planning Board and that we should have Ms. Ecker write the response. Mr. Bratko stated that he would go along with Ms. Ecker writing and sending the response only because Ms. Ecker was so sure that the board had violated the OML.

Thomas Robinson made motion to have Ms. Ecker write a response to the open meeting complaint by Ms. Bolduc dated 6/5/2017, Thomas Bratko 2nd. Vote Thomas Bratko Yes, Thomas Robinson Yes, Vincent Ritchie Yes.

Several times during the discussion Planning Board members asked Ms. Ecker about other issues the board was having with other OML complaints and other Planning Board issues. Ms. Ecker said she would not discuss any other issues at that meeting that were not part of this complaint. The board complied with Ms. Ecker's request.

Motion made by Thomas Bratko to adjourn Executive Session meeting, Thomas Robinson 2nd, Vote, Thomas Bratko, Yes, Thomas Robinson Yes, Vincent Ritchie yes.

Motion made by Thomas Bratko to adjourn Planning Board meeting, Thomas Robinson 2nd, Vote All voted yes.

Meeting adjourned.

Meeting Minutes by

Thomas Bratko
Planning Board, Clerk

Approved

VkR
Vincent Ritchie, Chair

3-12-18
date

Attachment: OML Complaint dated June 5, 2017 – C Bolduc to Planning Board



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Christine Last Name: Bolduc

Address: 163 Jackson Lane

City: Barre State: MA Zip Code: 01005

Phone Number: +1 (978) 928-1400 Ext. 109

Email: hcricket18@aol.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): The Town of Hubbardston Planning Board

Specific person(s), if any, you allege committed the violation: Tom Robinson, Vincent Ritchie

Date of alleged violation: May 31, 2017

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.

On May 31, 2017 I believe the Hubbardston Planning Board violated the Open Meeting Law. The Planning Board had on the agenda "Tom Robinson Report On Investigation". During this "report" that Tom Robinson gave at a Planning Board meeting, which I would like to remind you was not a Planning Board issue but yet a personal one. This incident involved Tom Robinson and Janet Baczewski and was unrelated to the Planning Board as it was a record request made by Tom Robinson. This "report" that Tom gave was to discredit, humiliate, and slander a great deal of people including myself. He used his position as a planning board member to publicly do this.

I believe that this meeting should have been in an executive session, but this was not the agenda of the board members. One reason to have an executive session is "to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties." I was never notified of this meeting as well as the other people slandered in this video.

I believe that the chairman of the Planning Board Mr. Vincent Ritchie is responsible as well for not conducting the planning board meeting in a professional manner. It was his duty as a chairman of the board to recognize that Tom Robinson was violating the rights of all of the people that he discussed, but yet Mr. Ritchie never advised Tom of the laws that prevent things like this from happening. I hold Tom Robinson responsible for all of the things he said including the slandering of several Board of Selectmen, Town Administrator, Board of Health and myself. I also believe that there is some responsibility that needs to be taken by the Planning Board Clerk who posts meetings as there should have been some communication as to what was going to be discussed and if there was anyone who needed to be notified.

I would also like to note that most of the "report" that Tom Robinson gave in this meeting was from an executive session that was held on May 15, 2017 in which the minutes have still not been released.

Mr. Tom Robinson used his public position to speak about a personal matter and while doing so he and the planning board should be held responsible for violating the rights of the people that were the subject of this "report" as they were not notified of this agenda item and they should have been able to speak on their behalf.

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.

I believe that appropriate fines should be imposed by the Attorney General. I also believe that the Planning Board should give a written apology to all of the people that were effected by this. I believe the article from the Gardner News should be retracted as well as this video be edited and this part taken off the Internet. The Board of Selectmen should look into the integrity of this board who felt that they could do what they did and decide if any further punishment is deemed necessary.

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: Chris Bolden

Date: 6/5/17

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO: