

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
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FINAL

Meeting Minutes, Board of Agriculture MassDEP Central Regional Office 8 New Bond Street, Worcester, MA 06/12/18

Board Members in Attendance: Chair Abrams, Laura Sapienza-Grabski, Lucinda Williams, Judy Leab, Lydia Sisson, Fred Dabney, Skip Vadnais, Jr., Crystal Card, and Michelle Harvey with Noli Taylor, and Alison Carr via remote participation.

- 1. Call to Order:** Chair Abrams called the meeting to order at 2:10pm and acknowledged that the Board has a quorum with Noli Taylor and Alison Carr participating remotely for geographic reason. In accordance with the Open Meeting Law, the Chair employed remote participation with all votes being taken via roll call. Ms. Sapienza-Grabski, Chair Abrams, and MDAR indicated they are recording the meeting.
- 2. Open Meeting Law (OML) Complaint:** The Board reviewed the OML complaint filed by Ms. Sapienza-Grabski dated May 9th, 2018 (attached). Margaret Callanan, General Counsel for MDAR directed the Board to the complaint documents in members packets and advised as a public body the Board needs to disseminate the complaint to the public members and must meet to review the complaint within 14 business days. If the Board cannot meet within 14 business days an extension may be granted by the Attorney General's Office (AGO) and the Board must meet within the time allotted by the AGO. In this case, Ms. Callanan advised that the AGO provided the Board an extension until June 15th, 2018. Within this timeframe the Board needs to meet and send the complainant a response. The Board needs to discuss the complaint today, review it, and then respond by this Friday to complainant. The Board can delegate the responsibility consistent with the Board's conversation and meeting today to legal/staff to draft and send response letter (attached).

Discussion: Mr. Vadnais, Jr. inquired with Chair Abrams regarding how to proceed. Chair Abrams suggested discussing the matter and for Counsel to respond. Ms. Sapienza-Grabski stated the reasons for her complaint is based on an email sent to the Board after the January 18th, 2018 meeting that included a memo from Chair Abrams to the Board. The email was sent to the Board on January 24th, 2018 with the Chair's memo dated January 18th, 2018. According to Ms. Ms. Sapienza-Grabski the Chair's memo was not distributed to the Board at the January 18th meeting and the memo goes over content, makes assumptions and deliberates.

In regards to these meeting minutes of 06/12/18, under this section two (2) of the minutes, Ms. Sapienza-Grabski would like to add a comment to reflect Mr. Vadnais' had stated that he

did not receive the letter from the Chair. (Added to 6/12/19 meeting minutes per the Board's vote on 11/14/18)

Mr. Vadnais, Jr. commented that deliberation is more a matter of discussion and questioned if handing someone a document indicated deliberation if there is no going back and forth. Ms. Callanan mentioned there are some gray areas here however, reports and factual information may be sent out but best practices are to funnel things through staff to send out to the Board. Board members weighed in and indicated they either couldn't find their last meeting packet or indicated the memo was not in their packet of materials. However, the Chair and staff recall providing the memo at the meeting. The Board and Counsel discussed the Open Meeting Law (OML) and when it is allowable to bring new information to a meeting. Counsel advised it is best practice to have everything on the agenda and if something is raised as new business it is best not to take a vote until the public is put on notice. Ms. Sapienza-Grabski mentioned she was going to email audios of the meetings to all Board members. She recalled on November 8th she brought up a meeting taking place on November 9th that the Farmland Advisory Panel (FAP) was weighing in on when both Chair Abrams and Mr. Dabney were not at the meeting. Ms. Sapienza-Grabski thought this was a violation of the OML. Ms. Sisson recalled an OML training last year and that members were to send everything through the Department. The Board discussed audio recordings of the meeting however, members indicated they don't all have time to review the recordings.

Ms. Taylor exited the call at this time.

Going back to the complaint, Ms. Sisson suggested the response to the complaint be with the best intentions the Board tighten up their understanding of the OML. Ms. Sisson also remarked that the Board needs to accept that sometime there are mistakes that take place when collating meeting packets but there was no intention to violate the OML. Ms. Williams concurred with Ms. Sisson's approach and said she would also like a review of what should be included in the meeting minutes. The Board briefly continued to deliberate items under new business, whether drafting of complex motions prior to meetings is acceptable, and the amount of detail included in the minutes.

Ms. Carr exited the call at this time.

Action Taken: Mr. Vadnais, Jr. made a motion that the Board invite the AG's Office to educate the Board on the Open Meeting Law. The motion was seconded by Mr. Dabney. Roll Call Vote – Mr. Vadnais, Jr. – Aye, Mr. Dabney – Aye, Ms. Leab – Aye, Ms. Sapienza-Grabski – Aye, Ms. Williams – Aye, Ms. Sisson – Aye, Ms. Card – Aye, Ms. Harvey – Aye, and Chair Abrams – Aye. The motion unanimously passed.

Discussion: Commissioner Lebeaux found on the AG's website that periodic online trainings and webinars are offered for OML however, he does not know if they would come out and provide the Board a training. Mr. Vadnais, Jr. suggested AG's Office be asked to conduct a training and if not have MDAR Counsel do the training. The Commissioner also suggested that if the issue is whether a certain document was distributed at a meeting; perhaps a simple remedy is to number the documents and the Chair or whoever read for the record the documents received at the meeting. That should help avoid this kind of situation. **Action Taken:** Ms. Williams made a motion to also explore best practices for meeting agendas and minutes. The motion was seconded by Mr. Vadnais, Jr. **Discussion:** Ms. Sapienza-Grabski pointed out that some members may not know what others have requested for the agenda

and it would be helpful if the topics could be forwarded ahead of time. Mr. Vadnais mentioned this is not part of the OML. **Action Taken:** None.

Discussion: Ms. Callanan asked the Board before adjourning if they wanted to delegate to staff a response to the complaint. **Action Taken:** Mr. Vadnais, Jr. made a motion for Counsel to draft the letter responding to the complaint. The motion was seconded by Ms. Williams. **Roll Call Vote** – Mr. Vadnais, Jr. – Aye, Mr. Dabney – Aye, Ms. Leab – Aye, Ms. Sapienza-Grabski – Aye, Ms. Williams – Aye, Ms. Sisson – Aye, Ms. Card – Aye, Ms. Harvey – Aye, and Chair Abrams – Aye. The motion unanimously passed.

3. **Date, Time and Location of Next Meeting:** Wednesday, July 11th, 2018 at 10am. The meeting location is: MA Division of Fisheries and Wildlife, Richard Cronin Building, Room 110, 1 Rabbit Hill Road, Westborough, MA. **Discussion:** Commissioner Lebeaux advised the Board that he has a scheduling conflict on July 11th. Other Board members advised it would be better to meet in August. Chair Abrams advised the Board is looking at Wednesday, August 8th and not July 11st for its next meeting to which members agreed. **Action Taken:** None.

Adjournment: **Action Taken:** Ms. Sisson made a motion to adjourn the meeting at 3:08pm. The motion was seconded by Mr. Vadnais Jr. **Roll Call Vote** – Mr. Vadnais, Jr. – Aye, Mr. Dabney – Aye, Ms. Leab – Aye, Ms. Sapienza-Grabski – Aye, Ms. Williams – Aye, Ms. Sisson – Aye, Ms. Card – Aye, Ms. Harvey – Aye, and Chair Abrams – Aye. The motion unanimously passed.