

**BERKSHIRE REGIONAL TRANSIT AUTHORITY
MEETING OF THE ADVISORY BOARD**

August 7, 2025

3:00 PM

BRTA Intermodal Transportation Center, Second Floor Board Room, 1 Columbus Avenue, Pittsfield,
MA 01201

ADVISORY BOARD MINUTES

Berkshire Regional Transit Authority Advisory Board Members Present:

William Elovirta, Becket; Ray Killeen, Cheshire; Mary Reilly, Lanesborough; Mindi Morin, Lenox; Frank Abbott, Monterey; Sherry Youngkin, New Ashford; Sandra Lamb, North Adams; Mayor Peter Marchetti, Pittsfield; Rene Wood, Sheffield; Jamie Minacci, Stockbridge; Brian O'Grady, Williamstown; and Douglas McNally, Windsor.

Berkshire Regional Transit Authority Advisory Board Members Absent:

Sarah Fontaine, Adams; Charles Ketchen, Alford; Ron Boucher, Clarksburg; John Boyle, Dalton; Melanie Vicneire, Egremont; Joan Lewis, Florida; Phillip Orenstein, Great Barrington; James Rodda, Hancock; Margaret Gregory, Hinsdale; Andrea Wadsworth, Lee; Keith Torrico, Mt. Washington; Stuart Lawrence, New Marlboro; Brandi Page, Otis; Verne Leach, Peru; Alan Hanson, Richmond; Justin Kaczowski, Savoy; Stephen Deloye, Washington; Andrew Potter, West Stockbridge; and Brian Morrison, Rider Representative.

Also, present: Robert Malnati, Sarah Vallieres, and Gina LePage King, BRTA; Bobby Quintos; BTM, and Brittany Polito: iBerkshires

	Voting Shares	Present	
Adams	2.76	0.00	
Alford	1.00	0.00	
Becket	1.08	1.08	
Cheshire	3.66	3.66	
Clarksburg	1.00	0.00	38.50 needed for quorum.
Dalton	2.47	0.00	48.18 when called to order
Egremont	1.02	0.00	
Florida	1.00	0.00	
Great Barrington	3.69	0.00	
Hancock	1.00	0.00	
Hinsdale	1.29	0.00	
Lanesborough	2.29	2.29	
Lee	3.55	0.00	
Lenox	4.42	4.42	
Monterey	1.02	1.02	
Mt. Washington	1.00	0.00	
New Ashford	1.07	1.07	
New Marlborough	1.00	0.00	
North Adams	6.15	6.15	
Otis	1.00	0.00	
Peru	1.04	0.00	
Pittsfield	20.93	20.93	
Richmond	1.00	0.00	
Savoy	1.00	0.00	
Sheffield	1.05	1.05	
Stockbridge	2.95	2.95	
Washington	1.00	0.00	
West Stockbridge	1.00	0.00	
Williamstown	2.52	2.52	
Windsor	1.04	1.04	
Rider Representative	1.00	0.00	
Disability Community	1.00	0.00	

1) **ROLL CALL**

D. McNally called the Advisory Board Meeting to order at 3:00 PM.

2) **MINUTES OF THE JUNE 10, 2025, MEETING- VOTE**

J. Minacci made a motion to accept the minutes for the June 10, 2025, meeting. S. Lamb seconded the motion. The minutes of June 10, 2025, were approved with the abstention of R. Wood, S. Youngkin, and M. Morin.

3) **OPEN MEETING LAW COMPLAINT DISCUSSION**

R. Wood recused from the vote and excused herself from the table because she is the complainant. R. Malnati stated that it was not necessary, but R. Wood chose to leave and sit in the public seating section. On Tuesday, July 22, 2025, R. Malnati received an email from D. McNally stating he received an open meeting law complaint. R. Malnati looked at the open meeting law guide to find out how to respond. R. Malnati reviewed with the Board page 21 of the guide with step-by-step directions on how to respond. On the same day R. Malnati sent an email to the Board on behalf of D. McNally with the open meeting law complaint and a copy of the open meeting law guide. He asked who would be available for meeting August 7, 2025, 3pm or 4pm. On July 24th an email was sent confirming the Board meeting time of 3 pm with the meeting agenda. R. Malnati stated he would read page 21 of guide to the board. "Upon receipt, the Chair of the public body should distribute copies of the complaint to the members of the public body for their review. The public body has 14 business days from the date of the receipt to meet and review the complainant's allegations." 14 business days would be Monday August 11, so we are within the 14 days. "Take remedial action if appropriate, notify the complainant of the remedial action, and forward a copy of the complaint and description of the remedial action taken to the complainant. The Public Body must simultaneously notify the Attorney General that it has responded to the complainant and provide the Attorney General with a copy of the response and description of any remedial action taken. While public body may delegate responsibility for responding to the complaint to counsel or another individual, it must first meet to do so. It's not required to respond to unsigned complaints or complaints not made on the Attorney General's complaint form." It was on the Attorney General's complaint form, so we are here to meet and discuss. The next item on the agenda will be an action. My preference for the action would be that we present it to counsel for an opinion. As stated in the guide, we had to meet first to talk about it before we could send it off to counsel. With that there is a copy of the complaint and it's opened up for discussion.

Through discussion it was determined that a majority of the Advisory Board believed that there was an open meeting law violation in regard to the Search Committee meeting. R. Killeen said that we miss a lot of things. P. Marchetti was concerned that if it wasn't open to the public, it should have been a public meeting and went into executive session. He was also not convinced that this should be sent to counsel because the Board needs to come up with the immediate action and due to timing of the response. J. Minacci shared the concerns of both and discussed the confusion about BRTA subcommittees. R. Malnati shared that he expected an extension would be requested. J. Minacci wasn't sure of the need for an extension. R. Malnati explained the Search Committee was put together to review applications for the Administrator position and the Finance Committee had to weigh in on who sat on the Search Committee. R. Killeen discussed the meeting should have been open to the public and gone into executive session. R. Malnati discussed the purpose of that ad hoc meeting (Search Committee) was to review the applicant pool, refine it, and then bring it to the BRTA Advisory Board. The Finance Committee was to okay the members of the Search Committee. D. McNally shared the Finance Committee was an open meeting and was posted, the Search Committee was not. R. Malnati said the Search Committee was the meeting that Rene was talking about and was a Zoom meeting to review applicants and provide the top 5 candidates. P. Marchetti asked if that meeting was posted, to which R. Malnati replied no. J. Minacci asked who was on the Search Committee and how was it prepared. D. McNally explained at the Advisory Board meeting, the Finance Committee was seeking volunteers to appoint to a Search Committee. There were 3 volunteers and R. Malnati said this is in the minutes of the May BRTA Advisory Board meeting. M. Morin shared that she was at this meeting where it was announced if anyone was interested in volunteering. R.

Malnati mentioned in the June BRTA Advisory Board meeting minutes that were just approved, the Administrator's Report discussed 3 volunteers for the Search Committee and the number of applications received. This ad hoc committee was only to assess whether there were qualified candidate and narrow the field. They would review applications, referencing the job description, check references, and present those candidates to the Advisory Board. At the previous Board meeting it was clear the interview and evaluation of these applicants would be done in public before the whole Board. There was discussion about going back and opening up the Search Committee to more members, have the applications available for Board Members who would like to read them, or let all Board Members read them.

The discussion shifted to the BRTA Advisory Board Bylaws. P. Marchetti said the bylaws need to be updated to address the issue that there are committees meeting that don't exist, including the ad hoc Search Committee. R. Malnati stated the last time the bylaws changed were in 2013 and some terminology need to be updated. This could be done at the August 28th meeting. Through discussion, B. Elovirta asked if the bylaws could authorize the Advisory Board to appoint special ad hoc committees. S. Youngkin agreed not to list all of the committees as you can't predict now what you may need in the future. P. Marchetti said language could be added that says from time to time the Advisory Board Chair may set up a special committee as needed, like a Search Committee and to provide a couple of examples.

There was agreement by the BRTA Advisory Board to send the 16 applications to the whole Board. D. McNally shared that 1 applicant already took another position. R. Malnati asked if the discussion of applications should be done in executive session at the Board meeting. D. McNally agreed that there are some local candidates and the Board should be able to freely express their opinions and some may be negative. P. Marchetti discussed the confidential nature of these applications. R. Malnati read page 15 of the Open Meeting Law Guidance referencing the ability to meet in executive session. R. Malnati said he would email the resumes on Friday with the BRTA staff's list for each candidate. D. McNally reiterated the applications are confidential and not to be discussed outside the Board.

D. McNally discussed figuring out the best practices of interviewing candidates and all questions should be created ahead of time without a lot of questions from the peanut gallery as it could get out of control fast.

P. Marchetti asked for clarification of the Open Meeting Law complaint response #3 and did not understand why the actions need to be re-done since January 25. R. Wood explained her response of the lack of information about the Advisory Board and its actions with no information for the public to review. R. Malnati stated the Board and Finance Committee minutes get posted, along with the agenda, on the Open Government section of the BRTA website. It was determined by members of the Board, that information is on the website and accessible to all.

****UPDATE:** R. Killeen added to these minutes at the 8/28/25 Advisory Board Meeting. In his opinion there was no intent to exclude anyone from the meeting.**

4) OPEN MEETING LAW COMPLAINT ACTION- VOTE

P. Marchetti made a motion to "do all of the things that we said." Send it to legal counsel for review and then submit the response to the complainant and the Attorney General's office. M. Reilly seconded the motion and the BRTA Advisory Board and approved this motion, with one abstention, R. Wood.

D. McNally reminded everyone on the commitment from all to read the applications and use the cheat sheet. He also asked as he has already contacted some applicant's references and how to handle this. P. Marchetti advised to say the Advisory Board is meeting on August 28th to discuss next steps.

5) NEXT MEETING AUGUST 28, 2025

R. Malnati scheduled next meeting August 28, 2025 at 4 PM.

6) **ADJOURNMENT**

J. Minacci made a motion to adjourn, S. Lamb seconded the motion, and was unanimous. The BRTA Advisory Board Meeting ended at 3:48 PM

MEETING MATERIALS

BRTA Advisory Board Packet 8/7/25, "250807 Board Packet"
Open Meeting Law Complaint, "BRTA OML Complaint 7-21-25"
Open Meeting Law Guidance, "OML Guide 2025"

Town	2) Minutes of June 10, 2025 Meeting - VOTE	4) Open Meeting Law Complaint Action-VOTE
Becket	Yes	Yes
Cheshire	Yes	Yes
Lanesborough	Yes	Yes
Lenox	Abstained	Yes
Monterey	Yes	Yes
New Ashford	Abstained	Yes
North Adams	Yes	Yes
Pittsfield	Yes	Yes
Sheffield	Abstained	Abstained
Stockbridge	Yes	Yes
Williamstown	Yes	Yes
Windsor	Yes	Yes