



HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

Meeting Minutes

August 15, 2023; Virtual Meeting

Introductions: T. Matuszko opened the meeting at 9:02am, announced it was being recorded and that any member of the public could do so upon informing the Chair, which several people did; was being held under MA virtual meeting provisions; and asked each ROR representative to introduce themselves and state the community they represented. Members then introduced themselves. A quorum was present.

Attending the meeting were the following Committee members:

Joshua Bloom, Lee non-voting 2nd Representative

Channing Gibson, Lenox Representative

Robert Jones, Lee Select Board & Representative

Chris Rembold, Great Barrington Assistant Town Manager and Great Barrington's Representative

Steve Shatz, Stockbridge Representative

Rene Wood, Sheffield Select Board & Representative

and: Tom Matuszko, BRPC

Melissa Provencher, BRPC

Public in attendance: Clarence Fanto, Dianne Carroll, Leslee Bessman, Janice, Anne Langlais, Debbie, Paula, Steve, J. Herkimer, Thomas Bosworth, resident, 860-672-6867, and 413-243-3353.

The first item was a vote to approve the minutes of the 5/25/23 meeting. Before this proceeded, J. Bloom stated the vote was illegal according to the Intergovernmental Agreement (IGA), as he had not received meeting materials as required by the IGA and the meeting notice was posted incorrectly, thus no action should be taken on this item. He also stated M. Provencher had told him she did not need to provide such information to him. After discussion, in which M. Provencher denied making such a statement, it was determined that J. Bloom's email address was correct on the email sent out with the materials to all ROR Committee members, including him, in a time sufficient manner, and he said he would check his email again. After noting that all notifications and postings had been properly made, the question was called by S. Shatz.

A motion to accept the minutes as presented was made by S. Shatz, seconded by C. Rembold, and approved 4-0-1 on a roll call vote, with R. Jones voting no.

The next item was cited as an Administrative Item by T. Matuszko, namely the commencement of renegotiation to extend the Housatonic Rest of River Municipal Committee Intergovernmental Agreement between the Towns of Great Barrington, Lee, Lenox, Sheffield, and Stockbridge, and the Berkshire Regional Planning Commission. The discussion was whether members wished to do so. R. Jones stated his opposition to the continuation of the Committee and that he did not want to be in an agreement with, and subject to actions by, the other four towns. Spoke of self-rule and that Lee would handle matters without the other towns. C. Rembold reviewed the Committee's purpose, the important role it plays, and that Great Barrington would like to see it continued. S. Shatz asked R. Jones, based on the comments he had just made, if Lee was planning to withdraw from the IGA, which R. Jones answered No.

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J. Bloom noted that the Committee is no longer needed as the issues the Committee sought to address are over. T. Matuszko reminded all that the appeal process is still open, as HRI and HEAL may elect to appeal the ruling by the 1st Circuit of Appeal to the Supreme Court. The two organizations have made no comment on this matter.

R. Jones brought up the \$15,000 spend by the Committee to be an intervenor in this court case on the side of the Settlement Agreement, not on the side of the Town of Lee or HRI/HEAL. He also stated the four other Select Board are not being kept informed by their Committee representatives, as he monitors Select Board agendas and meeting minutes from the other towns. Time to step back. R. Wood said Lee seemed to be against all the other towns, sorry to be so accused by Lee's representatives, and that she would vote no on #5, and the hutzpah of letting the other 4 towns pay Lee's share of the costs. R. Jones corrected her by noting it was Town voters at a Town Meeting that had ordered the Select Board to not pay their share of the ROR Committee bills. She thanked him for the correction. It appeared all municipalities except Lee were in favor of opening renegotiations. There was no vote taken as not so listed on the agenda and was an Administrative Item.

Agenda item #5, Discussion and vote on the role and process of the Housatonic Rest of River Municipal Committee to provide comments on some or all of the Rest of River Permit submittals and related materials, as listed on 3 cited EPA websites. T. Matuszko said he was seeking clarification as to how to proceed, as numerous documents, including one on the Upland Disposal Facility, either released or soon be released. He explained the process the Committee has been following with the use of Skeo services, BRPC's role, and, when needed TRC, to help inform comments submitted to the EPA.

Discussion got into #6 on the agenda, which will be noted under that item. It was called to T. Matuszko's attention the IGA was not being discussed, and the discussion turned back to the issue of providing comments.

J. Bloom asked about the qualifications and backgrounds of the two mentioned consultants, which T. Matuszko explained. He also noted that TRC was not conflicted by being in GE's stable of engineering firms. S. Shatz said that as long as the IGA is in force, the Committee should continue to provide comments.

A motion to approve the ROR Committee continuing to follow its current process with regard to submitting comments on GE materials to the EPA was made by R. Wood, seconded by S. Shatz, and approved 4 -0 -1 on a roll call vote, with R. Jones voting his vote to stand.

Item #6: discussion and vote on the expenditure of funds, up to \$10,000 for engineering services to be provided by TRC Companies Inc. to review and prepare comments on the Upland Disposal Facility (UDF) Pre-Design Investigation (PDI) Data Summary Report and related documents, had generated discussion under #5, which was:

- C. Gibson had read the document referenced above, commented on its technical nature, and was concerned about issues surrounding groundwater, including several estimations provided. He favored engaging TRC.
- C. Rembold queried when comments are due to the EPA, (10/9/23), and stated the need to move quickly.

R. Wood commented that the Committee's previously submitted remarks on the UDF had made a difference.

A motion to approve the expenditure of funds, up to \$10,000 for engineering services to be provided by TRC Companies Inc. to review and prepare comments on the Upland Disposal Facility (UDF) Pre-Design Investigation (PDI) Data Summary Report and related documents was made by C. Gibson, seconded by S. Shatz, and approved 3 - 0 - 2 on a roll call vote, with R. Jones and R. Wood abstaining.

The Committee next discussed and voted on an estimated budget of time and out of pocket expenses of the Housatonic's ROR's Committee's legal counsel, Seeger Weiss LLP, and BRPC from 7/1/23 – 12/31/23. At the start
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of this discussion, J. Bloom cited the IGA and a clause against proactive legal payments and thus said this item was not valid to discuss and vote on.

It was pointed out that no bills were being requested to be paid, but rather to approve a budget. He then requested the bills be given to him before the approval took place, but as no invoices were presented or part of this item, there were none to give him. He and the Town of Lee will be presented with invoices when they are asked to be approved for payment, as is the case with all member towns. R. Wood questioned if the proposed budget item on Seeger Weiss could wait until notice of appeal to Supreme Court and that BRPC's bills from 7/1/23 to present should be presented for payment. She was also told the matter is a proposed budget. C. Rembold called the question.

A motion to approve the estimated budget of time and out of pocket expenses of the Housatonic's ROR's Committee's legal counsel, Seeger Weiss LLP, and BRPC from 7/1/23 – 12/31/23, as presented, was made by S. Shatz, seconded by C. Gibson, and approved 4 - 0 - 1 on a roll call vote, with R. Jones abstaining.

Public comments: T. Matuszko opened the meeting to public comments reminding all of the two minute limit for comments. After each person spoke, he thanked each speaker for their comments. T. Matuszko noted after a few speakers that the public comment period was for comments, and not a Q &A period.

Anne Langlais: asked T. Matuszko a number of questions, including: Purpose of the IGA; Where did the idea of the Committee come from; IGA administrative questions; and What was the background and education of committee members re: PCBs.

Janice Pratt: Thanked J. Bloom and R. Jones for speaking up for Lee; ROR committee members are all corrupt; don't trust any committee members; accused Matt Pawa, legal counsel, of lying before the 1st Circuit Court of Appeal.

Thomas Bosworth: provided his long family history in the Berkshires; a lawyer representing various residents in various cities, all of whom are impacted. Brought up M. Pawa's comments at the 1st Circuit that all towns agreed; serious concerns about what's going on. Will be back; not going away. (T. Matuszko muted him after several comments about being over his two minute limit.)

Steve VanDill: asked what compensation BEAT and Mass Audubon had received from GE and BRPC. R. Wood said no money received to date and no money from BRPC. S. Shatz cited where he could find the answers he sought and noted that the assertion of funds to BEAT and Mass Audubon was almost a libelous assertion.

Judy Herkimer: stated she would like public comments to be at the start of the meeting, rather than the end, or having the ability to submit written comments on all agenda items prior to the meeting so Committee members could know what the public wants to say. Noted that speakers interrupted are from Lee and against the UDF and no questions answered except those from Steve VanDill. She has been involved with the UDF site for 30 years. Did not know how committee members, except those from Lee, slept at night. Suggested all members, BRPC and consultants take an ethics course.

There were no additional public comments.

A motion to adjourn was made by C. Gibson, seconded by C. Rembold, and approved 5-0 on a roll call vote.

The meeting was adjourned at 10.05am

Respectfully submitted by,

Rene Wood,
Sheffield's Representative

Meeting Materials:

- Meeting Agenda 8-5-23
- Draft 5/25/23 Meeting Minutes
- Document titled: *Opportunities for input on Housatonic Rest of River Permit Submittals*
- Estimated budget of time and out of pocket expenses of the Housatonic Rest of River Municipal Committee's legal counsel, Seeger Weiss, LLP, and the Berkshire Regional Planning Commission from 7-1-23 – 12/21-23