



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

### Meeting Minutes

#### January 11, 2023; Virtual Meeting

**1. Introductions.** T. Matuszko opened the meeting at 11:05 am, announced it was being recorded, being held under Mass. Virtual Meeting provisions, and asked each person to introduce themselves and state the community they represented. He then introduced members present from BRPC. Attending the meeting were the following Committee members:

Channing Gibson, Lenox Representative  
Bob Jones, Lee Select Board & Representative  
Chris Rembold, Great Barrington Town Planner, Assistant Town Manager & Representative  
Steve Shatz, Stockbridge Representative (9:03am)  
Rene Wood, Sheffield Select Board & Representative

And: Tom Matuszko, BRPC  
Melissa Provencher, BRPC  
Lauren Gaherty, BRPC  
West Kelman, Esq., Seeger Weiss LLP, legal counsel  
Matt Pawa, Esq., Seeger Weiss LLP, legal counsel

Public: Joan Angelo, Lee

**2. Approval of 6/3/22 meeting minutes. A motion made by C. Rembold, seconded by C. Gibson, to approve the minutes as written was approved on a 4-0 roll call vote, with B. Jones Abstaining.**

**3. Comments from the Public.** None.

**4. & 5. Summary of Recent GE Submittals and ROR Committee comments.** Committee members reviewed summary tables that listed the recent comment documents that the ROR Committee had submitted to EPA during the past several months and the documents for which comments will be due in the next few months. The summary table, including the dates, was listed on the Agenda. Discussion turned to the two documents that are currently out for public comment regarding the design of the Upland Disposal Facility (UDF). Skeo has indicated having a lot of expertise with evaluating GE's current documents, soil & water data results and potential environmental impacts, but not sufficient engineering expertise.

**6. Expenditure of Funds.** An engineering firm with landfill design experience would be needed to complement Skeo's skills. The engineering firm of TRC had submitted a proposal to fulfill the engineering needs at a proposed cost estimate of \$16,750. TRC will be a consultant hired by the Committee's legal counsel, Seeger Weiss. Part of the proposal includes direct communications and working between Skeo and TRC staff. Getting continued technical assistance on the river cleanup, especially the design of the UDF and filing of the brief, are critical this time. Comments are due to EPA 2/13/23, which is a tight turnaround. **R. Wood, seconded by C. Gibson, made a motion for expenditure of funds for up to \$17,000 for engineering assistance as outlined by TRC; motion passed on a 4-0 roll call vote, with B. Jones Abstaining.** Once comments are drafted by Skeo and TRC they will be sent to BRPC as has been done in the past.

**7. Other Business.** W. Kelman briefly updated the Committee on the Jones v Town of Lee litigation: the appeal is moving forward, but he has not yet reviewed the filing. Further discussion was deferred until counsel is able to review the filing and provide guidance. Next meeting time was not set; it will be scheduled on an as-needed basis.

**8. Executive Session. Legal Strategy. On a motion made by S. Shatz and seconded by R. Wood, and passed by 5-0 roll call vote, the Rest of River Municipal Committee went into Executive Session, per MGL C.30a, §21(a) pursuant to Purpose 3, to discuss strategy with respect to litigation concerning the ROR cleanup and possible appeals as I find that an open meeting will have a detrimental effect on the Rest of River municipalities' litigation position. The Committee will not return to open session.** Legal counsel W. Kelman and M. Pawa will attend the executive session.

The Committee went into Executive Session at 11:22 am.

Respectfully submitted by  
Lauren Gaherty, Berkshire Regional Planning Commission

Meeting Materials: Meeting Agenda 1-11-23; Draft Meeting Minutes of 6-3-22