



BRPC

Berkshire Regional Planning Commission

JOHN DUVAL, Chair
MALCOLM FICK, Vice-Chair
SHEILA IRVIN, Clerk
BUCK DONOVAN, Treasurer
THOMAS MATUSZKO, A.I.C.P.
Executive Director

MEETING NOTICE

There will be a meeting of the

BERKSHIRE REGIONAL PLANNING COMMISSION

on Thursday, January 19, 2023 at **7:00** p.m.

This will be a **Virtual** meeting as allowed by Ch. 107 of the Acts of 2022 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2023.

To participate virtually join Zoom meeting at <https://us02web.zoom.us/j/3926128831>, Meeting ID: 392 612 8831, Phone: 646.558.8656, 301.715.8592, 312.626.6799, 669.900.9128

Meeting Material: Written materials for the meeting are posted on **BRPC's website: www.berkshireplanning.org**. Click on the Calendar of Events for the meeting and available materials will be listed.

Agenda

(All times estimated)

I. Opening

(7:00-7:05)

A. Call to Order

B. Roll Call

C. Approval of Minutes of the November 17, 2022 meeting

II. Comments from the Public

(7:05-7:10)

Members of the public may offer comments regarding topics on the agenda or other matters they wish to bring to the Commission's attention. Comments are limited to no more than three minutes and are to be directed to the Commission. Commenters must state their names.

III. Delegate and Alternate Issues

(7:10-7:15)

Delegates and Alternates may bring up any issue not on the agenda for discussion.

IV. Executive Committee Actions

(7:15-7:20)

Executive Committee actions taken on the Commission's behalf at its December 2022 and January 2023 meetings are presented for discussion.

V. Approval of Community Assessments for FY 2024

(7:20 - 7:25)

The BRPC Finance Committee has proposed a 2.5% increase in community assessments for FY 2024. By law, BRPC must notify municipalities of their assessments no later than February each year so that they may be included in city/town budgets.

VI. Approval of BRPC Bylaw Amendments

(7:25 - 7:40)

The BRPC Commission Development Committee is recommending amendments to the BRPC Bylaws. The proposed amendments were previously distributed and are included in the meeting material.

VII. The Berkshire Regional Planning Commission Recommendation to the Rural Policy Advisory Commission (7:40-7:45)

The legislation creating the Massachusetts Rural Policy Advisory Commission, MGL 23A Section 66, states that one member shall be from the Berkshire Regional Planning Commission. The current BRPC Executive Director Thomas Matuszko was previously the Berkshire Regional Planning Commission member. We are seeking the approval of the Berkshire Regional Planning Commission to recommend to Governor Healey that Thomas Matuszko, Berkshire Regional Planning Commission Executive Director be re-appointed as the Berkshire Regional Planning Commission representative to the Rural Policy Advisory Commission as established by MGL 23A Section 66.

VIII. Municipal Services (7:45 – 8:00)

Increasingly we have been hearing how difficult it is becoming for communities to attract and retain staff to provide essential services, such as Treasurer, Accountant, etc. This has been a topic of discussion at the BRPC Regional Issues Committee meeting. We would like to have an open discussion about your thoughts to address this issue.

IX. Resilient Land Initiative (8:00-8:20)

On January 4, the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) released the [Resilient Lands Initiative \(RLI\) Vision](#). The Resilient Lands Initiative will guide actions aimed at conserving, restoring and caring for the land – to help both nature and people. In this way, it is a powerful strategy to reduce the impacts of climate change on our most vulnerable populations. Bob O'Connor from EEA will provide a brief overview.

X. Executive Director's Report (8:20 – 8:30)

XI. Adjournment (8:30)

Other interested citizens and officials are invited to attend.

All times listed are estimates of when specific agenda items may be discussed.

City and Town Clerks: Please post this notice



DRAFT FULL COMMISSION MEETING MINUTES **November 17, 2022**

This was a hybrid meeting as allowed by Ch. 107 of the Acts of 2022, extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20, until March 31, 2023.
Some participants were at BRPC offices, and others connected via Zoom.

I. Opening

A. The meeting was called to order at 6:31 pm.

Vice Chair Malcolm Fick stated that per the open meeting law, BRPC records all meetings. Others may record the meeting after informing the Chair. Any documents presented must be provided to the Chair at the meeting.

B. Roll Call

The following Commission members were present:

Mike Mach – Adams Delegate
John Duval – Adams Alternate 7:03
Peter Traub – Cheshire Delegate
Caleb Darby – Dalton Delegate
Mary McGurn – Egremont Delegate
Malcolm Fick – Great Barrington Alternate
Richard Roussin – Hinsdale Delegate
Barb Davis-Hassan – Lanesborough Delegate
Mark Smith – Lenox Alternate
Kyle Hanlon – North Adams Delegate 7:04
Mark Anthony – Otis Delegate
Sari Hoy – Sheffield Delegate
Nancy Socha – Stockbridge Delegate
Christine Rasmussen – Stockbridge Alternate
Amanda Hamilton – Tyringham Delegate
Sarah Hudson – Tyringham Alternate
Don Gagnon – Washington, Delegate
Kent Lew – Washington, Alternate
Roger Bolton – Williamstown Alternate
Doug McNally – Windsor Delegate

Staff Present:

Thomas Matuszko – Executive Director
Marianne Sniezek – Administration Program Manager
Kate Hill Tapia – Office Administrator
Laura Brennan – Economic Development Program Manager
Mark Maloy – GIS, Data & IT Program Manager

Karen Pelto – Recovery Grant Specialist
Wylie Goodman – Senior Economic Planner

Others Present:

Brittany Polito, iBerkshire; Pittsfield Community Television (late)

C. Approval of Minutes of July 14, 2022, Meeting

Roger Bolton moved to approve July 14, 2022, draft meeting minutes.

Amanda Hamilton seconded the motion. The minutes were approved with a roll call vote.

Yes:

Mary McGurn – Egremont Delegate
Barb Davis-Hassan – Lanesborough Delegate
Sari Hoy – Sheffield Delegate
Amanda Hamilton – Tyringham Delegate
Roger Bolton – Williamstown Alternate
Doug McNally – Windsor Delegate

Abstained:

Mike Mach – Adams Delegate
Caleb Darby – Dalton Delegate
Malcolm Fick – Great Barrington Alternate
Richard Roussin – Hinsdale Delegate
Mark Smith – Lenox Alternate
Mark Anthony – Otis Delegate
Nancy Socha – Stockbridge Delegate
Don Gagnon – Washington Delegate

II. Comments from the Public

There were no comments from the public.

III. Delegate & Alternate Issues

Special Municipal Employee (SME) Status – Barb Davis-Hassan followed up on this topic she brought up at the Executive Committee. She found a general bylaw sample with SME direction.

IV. Executive Committee Actions

There were no questions about the Executive Committee's actions from the July, September, October, and November 2022 meetings.

V. Comprehensive Economic Development Strategy

The five-year Comprehensive Economic Development Strategy (CEDS) draft was distributed and presented for approval. It must be submitted to the Economic Development Administration. More information is at [Berkshire Comprehensive Economic Development Strategy \(CEDS\) - Berkshire Regional Planning Commission \(berkshireplanning.org\)](https://berkshireplanning.org/).

The presentation is posted on the [website](#) under Agenda & Minutes, meeting presentations. BRPC staff thanked Kyle Hanlon for chairing the CEDS committee and leading the many meetings it took to develop the document. Kyle thanked Laura Brennan and Wylie Goodman for their "mountain of work" and a great-looking document.

Barb Davis-Hassan made a motion to approve the CEDS as presented, seconded by Roger Bolton, and approved by a roll call vote:

Mike Mach – Adams Alternate
Peter Traub – Cheshire Delegate
Caleb Darby – Dalton Delegate
Mary McGurn – Egremont Delegate
Malcolm Fick – Great Barrington Alternate
Richard Roussin – Hinsdale Delegate
Barb Davis-Hassan – Lanesborough Delegate
Mark Smith – Lenox Alternate
Kyle Hanlon – North Adams Delegate
Mark Anthony – Otis Delegate
Sari Hoy – Sheffield Delegate
Nancy Socha – Stockbridge Delegate
Amanda Hamilton – Tyringham Delegate
Don Gagnon – Washington, Delegate
Roger Bolton – Williamstown Alternate
Doug McNally – Windsor Delegate

VI. Survey Results – Recent Movers and Second Homeowners

Results from these 2022 surveys were presented: [Survey-of-Recent-Movers-Results-220825.pdf \(berkshireplanning.org\)](#) and [Survey-of-Second-Homeowners-Results-220825.pdf \(berkshireplanning.org\)](#). The summary presentation may be found on the [website](#).

VII. Berkshire Funding Focus

Recovery Grant Specialist Karen Pelto described the [Berkshire Funding Focus](#) (BFF) initiative, clarifying that it is not a grant writing service. BFF was established to support Berkshire County entities to identify and pursue federal and state funds for pandemic-related recovery and organizational and sector capacity building for the long term. BRPC serves as the fiscal host and as one of the partners.

VIII. Priorities for Berkshire County

The following opinions were shared about the county's most pressing issues to share with the new Administration and State Senator for the upcoming legislative session.

- Review (and reduce) regulations
 - home renovations

- make sure those affected by the regulations are "at the table"
- new residential construction (consistency between rural & urban)
- Chapter 90 formula
- Workforce development
- Housing
 - especially "workforce" housing
 - support for rural communities that don't meet requirements like access to public transportation
- Ensure sustainable agriculture and small businesses
- Incentives for sophisticated medical care (equipment & specialists)
- Reimbursement for school transportation
- Cost of open space for rural communities
- Funding for rural schools
- Funding for town center infrastructure (sewer & water)

IX. Executive Director's Report

A. 120 Day Notice Waiver Request

BRPC received a request to waive the 120 day notice requirement to allow the Department of Conservation and Recreation to possibly acquire an interest in approximately one hundred and ninety-one +/- acres of land in the Town of Cheshire. The property is currently used for forestry and recreation. The proposed use for the property is as protected open space for conservation and recreation as an addition to the Mount Greylock State Reservation.

B. District Local Technical Assistance Solicitation

BRPC has not received the DLTA contract for the 2023 calendar year; however, solicitations to municipalities will be sent in the next several weeks, so BRPC staff are ready to work on approved projects.

C. Municipal Digital Equity Planning Program

The Massachusetts Broadband Initiative (MBI) opened the [Municipal Digital Equity Planning Program application](#). Municipalities (individually or as a region) can apply via a simple online application. MBI hosted a [webinar with the MMA](#) on 11/15. The goal of the Program is to enable municipalities, or other local bodies of government, to engage in planning activities related to digital equity and bridging the digital divide. These activities will result in strategic documents to identify communities' needs, interests, and key assets and provide a framework to guide future municipal decision-making and potential investments and activities to increase access and usage of the internet for those most impacted by the COVID-19 pandemic. They will also prepare municipalities to submit grant proposals to existing or forthcoming state or federal programs to support digital equity activities. There are two options to pursue digital equity planning activities with the support of a pre-qualified planning consultant (such as BRPC): a short-term planning charrette or a longer-term Digital Equity Plan process. Municipalities can apply for digital equity planning support individually or jointly as "regions."

BRPC is a pre-qualified consultant to work with municipalities.

D. Other - none

X. Adjournment

Kyle Hanlon motioned to adjourn, seconded by Sarah Hudson, and approved by roll call vote. The meeting adjourned at 8:34 pm.

Mike Mach – Adams Delegate
Peter Traub – Cheshire Delegate
Caleb Darby – Dalton Delegate
Mary McGurn – Egremont Delegate
Malcolm Fick – Great Barrington Alternate
Richard Roussin – Hinsdale Delegate
Barb Davis-Hassan – Lanesborough Delegate
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Mark Anthony – Otis Delegate
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Executive Director

MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission
FROM: Thomas Matuszko, Executive Director
DATE: January 13, 2023
SUBJ: Executive Committee Actions for December 2022 and January 2023

Per the bylaws, actions taken by the Executive Committee on the Commission's behalf are reported and presented for discussion at the next Commission meeting. The Executive Committee took the following actions at the December 2022 and January 2023 meetings.

Executive Committee Actions on December 1, 2022

Approved the minutes of the November 3, 2022, BRPC Executive Committee

Approved the October 2022 expenditures report

Approved Surplus Inventory Disposal

Approved the disposal of surplus inventory per the policy, depending on the value and condition of equipment, offering to municipalities, then non-profits, then either advertised for sale or offered to staff. Finally, if there is no interest, it is responsibly destroyed.

Executive Committee Actions on January 5, 2023

Approved the minutes of the December 1, 2022, BRPC Executive Committee

Approved the November 2022 expenditures report

Approved Revisions to the Telework Policy

The Telework Policy was revised to require that newly hired full-time permanent employees be required to work in-office at least four days per week for the first month to facilitate the onboarding and orientation process.

Approval of Line of Credit Increase

Approval was authorized to increase the line of credit to a maximum of \$500,000.

Approval to propose bylaw revisions to the full Commission

Approval was authorized to present bylaw changes to the full Commission for approval at the January 19, 2023 meeting.

BRPC FY24 Assessment

12.15.2022

Note: Actual census Population for 2020 used

FY24 Finance Committee RECOMMENDATION 2 1/2% Increase

		Option A	Option A	Option B	Option B	RECOMMENDED	RECOMMENDED
		No increase in total assessment over FY23	No Change from FY23 to FY24	1% increase over FY23 Total	Change from FY23 to FY24 with 1% increase	2.5% increase over FY23 Total	Change from FY23 to FY24 with 2.5% increase
		0.83057	0.00	0.83890	0.00833	0.85130	0.0207
		\$ 107,165.09	(0.0)	\$ 108,236.74	\$ 1,071.65	\$ 109,844.22	\$ 2,679.13
Municipality	4/1/2020 Population						
Adams	8166	\$ 6,782.43	-	\$ 6,850.25	\$ 67.82	\$ 6,951.99	\$ 169.56
Alford	486	\$ 403.66	-	\$ 407.70	\$ 4.04	\$ 413.75	\$ 10.09
Becket	1931	\$ 1,603.83	-	\$ 1,619.87	\$ 16.04	\$ 1,643.93	\$ 40.10
Cheshire	3258	\$ 2,706.00	-	\$ 2,733.06	\$ 27.06	\$ 2,773.65	\$ 67.65
Clarksburg	1657	\$ 1,376.25	-	\$ 1,390.01	\$ 13.76	\$ 1,410.66	\$ 34.41
Dalton	6330	\$ 5,257.51	-	\$ 5,310.09	\$ 52.58	\$ 5,388.95	\$ 131.44
Egremont	1372	\$ 1,139.54	-	\$ 1,150.94	\$ 11.40	\$ 1,168.03	\$ 28.49
Florida	694	\$ 576.42	-	\$ 582.18	\$ 5.76	\$ 590.83	\$ 14.41
Great Barrington	7172	\$ 5,956.85	-	\$ 6,016.42	\$ 59.57	\$ 6,105.77	\$ 148.92
Hancock	757	\$ 628.74	-	\$ 635.03	\$ 6.29	\$ 644.46	\$ 15.72
Hinsdale	1919	\$ 1,593.86	-	\$ 1,609.80	\$ 15.94	\$ 1,633.71	\$ 39.85
Lanesborough	3038	\$ 2,523.27	-	\$ 2,548.50	\$ 25.23	\$ 2,586.35	\$ 63.08
Lee	5788	\$ 4,807.34	-	\$ 4,855.41	\$ 48.07	\$ 4,927.52	\$ 120.18
Lenox	5095	\$ 4,231.75	-	\$ 4,274.07	\$ 42.32	\$ 4,337.54	\$ 105.79
Monterey	1095	\$ 909.47	-	\$ 918.56	\$ 9.09	\$ 932.21	\$ 22.74
Mount Washington	160	\$ 132.89	-	\$ 134.22	\$ 1.33	\$ 136.21	\$ 3.32
New Ashford	250	\$ 207.64	-	\$ 209.72	\$ 2.08	\$ 212.83	\$ 5.19
New Marlborough	1528	\$ 1,269.11	-	\$ 1,281.80	\$ 12.69	\$ 1,300.84	\$ 31.73
North Adams	12961	\$ 10,765.02	-	\$ 10,872.67	\$ 107.65	\$ 11,034.15	\$ 269.13
Otis	1634	\$ 1,357.15	-	\$ 1,370.72	\$ 13.57	\$ 1,391.08	\$ 33.93
Peru	814	\$ 676.08	-	\$ 682.84	\$ 6.76	\$ 692.98	\$ 16.90
Pittsfield	43927	\$ 36,484.44	-	\$ 36,849.28	\$ 364.84	\$ 37,396.55	\$ 912.11
Richmond	1407	\$ 1,168.61	-	\$ 1,180.30	\$ 11.69	\$ 1,197.83	\$ 29.22
Sandisfield	989	\$ 821.43	-	\$ 829.64	\$ 8.21	\$ 841.97	\$ 20.54
Savoy	645	\$ 535.72	-	\$ 541.08	\$ 5.36	\$ 549.11	\$ 13.39
Sheffield	3327	\$ 2,763.31	-	\$ 2,790.94	\$ 27.63	\$ 2,832.39	\$ 69.08
Stockbridge	2018	\$ 1,676.09	-	\$ 1,692.85	\$ 16.76	\$ 1,717.99	\$ 41.90
Tyringham	427	\$ 354.65	-	\$ 358.20	\$ 3.55	\$ 363.52	\$ 8.87
Washington	494	\$ 410.30	-	\$ 414.40	\$ 4.10	\$ 420.56	\$ 10.26
West Stockbridge	1343	\$ 1,115.46	-	\$ 1,126.61	\$ 11.15	\$ 1,143.35	\$ 27.89
Williamstown	7513	\$ 6,240.07	-	\$ 6,302.47	\$ 62.40	\$ 6,396.07	\$ 156.00
Windsor	831	\$ 690.20	-	\$ 697.10	\$ 6.90	\$ 707.46	\$ 17.26
Berkshire County	129026	\$ 107,165.09	\$ -	\$ 108,236.74	\$ 1,071.64	\$ 109,844.22	\$ 2,679.13

BYLAWS

BERKSHIRE REGIONAL PLANNING COMMISSION

Revised January 20, 1972

Second Revision February 21, 1974

Third Revision May 21, 1981

Fourth Revision February 20, 1997

Fifth Revision September 18, 1997

Sixth Revision September 20, 2007

Seventh Revision – May 21, 2009

Eight Revision – November 21, 2013

Ninth Revision – July 16, 2015

Tenth Revision – May 16, 2019

Eleventh Revision – January 19, 2023

A. Purpose, Powers and Duties of the Berkshire Regional Planning Commission

- A.1. The Berkshire Regional Planning Commission, hereafter referred to as the Commission, serves the cities and towns of Berkshire County and their common good through the provision of technical assistance, planning education, maintenance of a forum for the discussion of regional issues and the delivery of regional planning services. The Commission enables member cities and towns to jointly plan and promote, with the greatest efficiency and economy, the coordinated and orderly development of the area within its jurisdiction and the general welfare and prosperity of the citizens in accordance with Massachusetts General Laws (MGL) Chapter (c.) 40B, Section (§) 2. In addition, the Commission shall carry out such other functions and responsibilities specified in federal, state, and local laws, ordinances and regulations which do not conflict with the provisions of MGL c. 40B.
- A.2. All plans, resolutions and recommendations of the Commission that shall be adopted, ~~or shall be~~ added to, or changed, unless noted elsewhere in these by-laws, must be adopted or amended, as the case may be, by a majority vote at an official Commission meeting.
- A.3. The Commission shall make appointments to specified regional committees or authorities as required or requested by state, federal, regional or local entities.
- A.4. The Commission shall establish rules of procedure for its activities.
- A.5. The Commission may enter into contracts, purchase or lease office space, equipment or supplies and accept gifts and contributions.
- A.6. The Commission may employ staff, including an Executive Director, and experts to provide regional planning and other services.
- A.7. The Commission must adopt an annual budget showing all anticipated revenues and expenses for the coming fiscal year. Upon approval of the Executive Committee, the Treasurer may borrow in anticipation of revenues.
- A.8. The Commission shall submit an annual report to the cities and towns within ~~the region~~ Berkshire County showing the status of its plans and programs.

B. Jurisdiction and Membership

B.1. Pursuant to MGL c. 40B, § 3, a planning district has been designated consisting of all of the cities and towns within Berkshire County. The planning district's jurisdiction is all of Berkshire County. Its cities and towns have all been admitted to membership in the planning district, whose governing body is the Berkshire Regional Planning Commission. The Commission consists of one member of the planning board of each member city and town, known as the delegate ~~, elected annually by said planning board and certified in writing. Each city and town, acting through its Chief Executive official, may also appoint, pursuant to MGL c. 40B § 4, and~~ an alternate designee, known as the alternate, to act in the delegate's absence.

B.2. The cities and towns admitted to membership in the planning district are:

Adams	Great Barrington	New Ashford	Savoy
Alford	Hancock	New Marlborough	Sheffield
Becket	Hinsdale	North Adams	Stockbridge
Cheshire	Lanesborough	Otis	Tyringham
Clarksburg	Lee	Peru	Washington
Dalton	Lenox	Pittsfield	W. Stockbridge
Egremont	Monterey	Richmond	Williamstown
Florida	Mount Washington	Sandisfield	Windsor

C. Election or Appointment of the Commission

C.1 The delegate from each member town or city shall be elected by its planning board or community development board annually, subsequent to town or city elections. The election of the delegate shall be certified to the Commission in writing by each local planning or community development board. If a planning or community development board fails to elect a delegate in any year, the previously named delegate shall continue to serve until a successor is elected as long as the delegate remains a member of the local planning or community development board.

C.2. Each town or city may also have an alternate, who may or may not be a planning board member, who shall be a resident of the city or town the designee represents and shall be appointed annually subsequent to city or town elections. The alternate shall be certified to the Commission by the Mayor in a city, confirmed by the council, or in a town by the Selectmen, or in towns with a manager form of government by the Town Manager. The alternate may attend meetings of the Commission and shall assume the rights and duties of the delegate when the delegate is absent. If a town or city fails to appoint an alternate in any year, the previously named alternate shall continue to serve until a successor is appointed, provided they remain a resident of the city or town.

C.3. If a vacancy occurs during the year, the appointing board or official shall be notified and requested to fill the vacancy.

D. Commission Organization

D.1. Each year at the first meeting after July 1, but to be held no later than August 31st, the Commission shall elect from among its membership a Chair, Vice Chair, Clerk, and Treasurer. If any of these positions becomes vacant, the Commission shall elect at its next meeting a delegate or alternate to fill the position until the next annual

election. To ensure continuity of operation, the Chair, Vice-Chair, Clerk, and Treasurer shall be eligible to continue to serve in that capacity, until the first meeting after July 1, even though they may no longer be an elected member of a planning or community development board or have been appointed as an alternate by the city or town.

- D.2. All meetings of the Commission and its committees are subject to the Open Meeting Law: MGL c. 39 § 23A. Regular meetings of the Commission shall be held at least six times annually. Special meetings may also be held at the call of the Chair or at the call of a majority of the membership. Notices of all meetings shall be distributed to all delegates and alternates at least five calendar days prior to all meetings.
- D.3. A quorum of the Commission shall consist of the duly named delegates or alternates from at least eight member cities and towns. Lack of a quorum shall not prevent the delegates or alternates at an officially called meeting from coming to order and discussing or passing a motion to continue said meeting to a later time.
- D.4. The Conflict of Interest Law, MGL c. 268A, prohibits delegates or alternates from participating in any official action affecting their own financial interests, from using their position to obtain unwarranted privilege, or from acting in a manner that would cause a reasonable person to conclude that they can be improperly influenced or that a person could unduly enjoy their favor in the performance of their duties. During any Commission discussion, if any delegate or alternate believes the Conflict of Interest Law applies to them, they are required to disqualify themselves from participation in the discussion and are required to leave the meeting room when the issue is under consideration.
- D.5. Each member city and town shall be accorded one vote to be cast by the delegate or, in the absence of the delegate, by the alternate. Decisions of the Commission shall be made by majority vote of those member cities and towns present and voting, with the exception of the adoption of a comprehensive plan of development. Adoption of a comprehensive plan of development shall be in accordance with MGL c. 40B § 5 and shall be by a majority vote of the delegates or alternates of the cities and towns which have been admitted to membership in the planning district.
- D.6. By a two-thirds vote of all of its member municipalities, the Commission shall vote annually to ~~reconfirm~~ confirm the authorization of the Executive Committee to act in the name of and on behalf of the Commission. This authorization may be modified or terminated pursuant to MGL c. 40B § 4a.
- D.7. The Commission shall keep complete and accurate records of all official meetings in accordance with the Open Meeting Law and the Public Records Laws, including meeting minutes. Copies of any adopted resolutions shall become part of the minutes. Minutes shall be prepared for review and adoption, or amendment and adoption, by the Commission at its next regular meeting. The approved minutes shall be kept at the Commission office and shall be a public record.
- D.8. The Commission may establish at any time special and standing committees, which are empowered to make recommendations to the Executive Committee and the Commission. The members of such committees and their duties shall be clearly defined and recorded in the minutes of the meeting at which the such a committee is authorized. Each committee shall establish operating practices, keep minutes, and report their recommendations to the Commission or Executive Committee, as

appropriate. Each committee shall have a chair, who shall be a delegate or alternate, appointed by the Commission Chair, subject to approval by the Commission, except that the Commission Chair shall serve as Executive Committee chair. To insure continuity of committee operations, except for the Executive Committee, if a committee chair position becomes vacant, the committee vice-chair shall assume the position of committee chair. If no vice-chair exists, the Executive Director may serve as interim cChair until a new cChair is appointed and approved. The Commission Chair, in consultation with the committee chair, shall appoint members of committees, ~~except that elected Commission officers are automatically members of the Executive Committee.~~ Non-Commission members may be appointed to any committee, except the Executive Committee, when their participation would enhance the activities of a particular committee. Such non-Commission members shall be full voting members of the committee to which they are named, but they shall not make up a majority of the membership of any committee. The Commission may exempt this requirement. To ensure continuity of operation, committee members shall be eligible to continue to serve in that capacity until the first meeting after July 1, even though they may no longer be an elected member of a planning or community development board or have been appointed as an alternate by the city or town.

- D.9. The Commission may appoint delegates or alternate delegates, BRPC employees, or other persons at any time to special or standing committees, commissions or the like not under the jurisdiction of the Commission. After the initial appointment, such appointments will may be made annually by the Executive Committee and subject to ratification by the full Commission at its next meeting. The appointed member(s) of such committees, commissions or the like and their respective duties shall be clearly defined and recorded in the minutes of the meetings at which the Executive Committee and Commission approve such appointments. Each person so appointed shall provide a semi-annual written or oral report to the Commission on the committee's, commission's or the like's activities and actions taken. Each person so appointed shall also provide the Executive Director with a timely resignation notice, when necessary.

D.10. Standing Committees of the Commission

- D.10.1 The Executive Committee shall consist of nine (9) members. The members shall include all elected officers of the Commission, the chairs of all standing committees, and, in order to have an odd number of members, up to three (3) member(s) at large. ~~At least one (1) member shall have knowledge of transportation issues.~~ Member(s) at large are appointed by the Commission Chair, subject to the approval of the Commission. A quorum of the Executive Committee shall consist of a majority of its members. The Commission Chair shall serve as Executive Committee Chair. The Executive Director, or in their absence, a designee, of the Commission shall be an ex-officio non-voting member of the Executive Committee.

The Executive Committee shall formulate general programs for the Commission, in accordance with specific needs, plans and goals of the Commission. The Executive Committee shall report its actions at the next Commission meeting for discussion.

The Executive Committee shall meet monthly, or more or less frequently as necessary, and shall have the authority to act on behalf of the Commission

between scheduled Commission meetings, subject to annual authorization by a two thirds ballot vote of the Commission. All delegates and alternates shall be provided with a meeting notice and agenda of Executive Committee meetings at least five calendar days in advance of the meeting.

The Executive Committee shall have the following powers: disbursement of Commission funds based upon a warrant approved by the Executive Committee; borrowing funds in anticipation of revenue; authorizing signatory authority on checks; hearing and resolving personnel grievances; establishing personnel policies; authorizing applications for federal, state and local aid and grants; seeking contributions; entering into contracts; approving comments on proposals of a regional or inter-community nature; approving submittal of comments for projects undergoing state or federal agency review; establishing policy for responding to requests for planning related technical assistance; authorizing planning services; and approving submittal of comments on legislation or regulations which affect the region or member municipalities.

- D.10.2. The Commission Development Committee shall consist of at least four (4) members. It shall consider Commission education, membership, structure, and process, including periodic evaluation of the performance of the Commission. Periodically, the Committee shall also review the Commission's bylaws to determine whether amendments are needed to enhance the operations of the Commission.

A nominating subcommittee of the Committee, comprised only of delegates and alternates and consisting of at least three members, shall recommend a slate of officer candidates for the next fiscal year. Such slate of candidates shall reflect the Commission's desire to rotate officers and be representative of all areas of the region. Such slate shall be provided to delegates and alternates at least 14 days prior to the first meeting after July 1 of each year.

- D.10.3. The Environmental Review Committee shall consist of at least five (5) members. It shall review projects requiring state or federal environmental permits. It may review requests for funding assistance issued by ~~from~~ state or federal agencies and local land use actions for potential regional impacts and compliance with adopted regional plans. The Committee shall advise the Commission or the Executive Committee regarding its recommendations and requested conditions. ~~before a given project or action is approved or denied by state, federal, or local authorities.~~

- D.10.4. The Finance Committee shall consist of at least four (4) members including the Commission Treasurer who shall serve as Chair. It shall have oversight over the Commission's financial operations and shall review the annual audit. It shall recommend the per capita assessments ~~of the~~ for member cities and towns for the next fiscal year and present such recommendation to the Commission for approval no later than in February and shall recommend a full budget for the next fiscal year for Commission action prior to the beginning of the next fiscal year.

- D.10.5. The Regional Issues Committee shall consist of at least five (5) members. It shall provide recommendations to the Commission ~~identifying~~ important

regional issues or policies facing Berkshire County and provide recommendations to the Commission. It ~~shall~~ may also provide recommendations on proposed state or federal legislation or ~~regulations,~~ regulations and make recommendations to the Commission concerning requests from municipalities for policy or guidance on regional issues. and study regional issues and policies.

E. Duties of the Elected Officers of the Commission

E.1. The duties of the elected officers of the Commission are as follows:

E.1.1. The Chair shall preside at all meetings of the Commission and shall serve as Executive Committee Chair. The Chair shall serve as the Commission's voting representative to the Berkshire Metropolitan Planning Organization. The Chair shall appoint members at large to the Executive Committee and committee chairs. In consultation with the committee chairs, the Chair shall appoint the members of any special and standing committees. Except for the Executive Committee, where the Chair is a voting member, the Chair shall be an ex-officio, non-voting member of all other committees. The Chair may execute contracts and other legal documents as authorized by and on behalf of the Commission, unless the Commission authorizes its Executive Director to execute said documents on its behalf.

E.1.2. The Vice Chair shall assume the responsibilities of the Chair in the Chair's absence, with the exception of acting as the representative to the Berkshire Metropolitan Planning Organization, unless otherwise designated. If the position of Chair becomes vacant, the Vice Chair shall act as the Chair in all matters until the position is again-filled as set forth in Section D.1 of these Bylaws.

E.1.3. The Clerk shall call the roll and record the attendance of delegates and alternates at Commission meetings. The Clerk shall authenticate, when necessary, acts, orders and proceedings of the Commission.

E.1.4. The Treasurer shall be the Chair of the Finance Committee. The Treasurer's duties shall include keeping the Commission's financial records with appropriate assistance from the staff and being responsible for all financial affairs of the Commission in accordance with the requirements of MGL c. 40B. The Treasurer shall make an annual report to the Commission as soon as possible after the close of the fiscal year and at such other times as the Commission may request. The Treasurer shall give a bond for the faithful performance of their his/her duties as surety in such sums and upon such conditions as the Commission may require with a surety company authorized to transact business in the Commonwealth. The Commission shall pay for the cost of the bond.

E.1.5. The elected officers shall serve ex-officio as members of the board of directors of the affiliated non-profit corporation.

F. Employment and Duties of Executive Director and Assistant Director

- F.1. The Commission shall employ an Executive Director. The Executive Director shall serve as the Chief Administrative Officer of the Commission and is responsible for the administration and direction of the Commission staff, its activities and work programs. The Executive Director is accountable to the Executive Committee and Commission and shall perform ~~their his/her~~ duties under policies established by the Commission in conformance with applicable laws and statutes.
- F.2. The Executive Director is responsible for hiring technical and clerical staff, as authorized by the Commission, and for related personnel management and administrative actions. The Executive Director may execute contracts and other legal documents as authorized by and on behalf of the Commission. A written description of the responsibilities of the position of the Executive Director shall be prepared by the Executive Committee. At least every five years the position description shall be reviewed and as necessary updated jointly by the Executive Committee and the Executive Director. In consultation with the Executive Director, the duties of the Executive Director may be modified by the Commission upon a majority vote of those voting at a regularly scheduled Commission meeting. On an annual basis, the Executive Director shall prepare a review of ~~their his/her~~ accomplishments for the preceding year and goals for the upcoming years as part of ~~their his/her~~ performance evaluation by the Executive Committee.
- F.3. The Executive Director shall serve ex officio as a member of the board of directors of the affiliated non-profit corporation.

F.4. The Commission may employ an Assistant Director, whose duties will be developed by the Executive Director. When authorized by the Executive Director, the Assistant Director shall assume the responsibilities of the Executive Director. If the Executive Director is unable to fulfill their duties due to medical reasons or other reasons as determined by the Commission Chair and approved subsequently by the Executive Committee, or the Executive Director position becomes vacant, the Assistant Director shall serve as Interim Director until the position is filled through the normal hiring practice of posting the position and reviewing applicants.

G. Amendments of the Bylaws

- G.1. These bylaws may be amended at any meeting of the Commission by a two-thirds vote of those voting provided that a copy of the proposed amendment(s), and ~~meeting notice of such action of its pendency,~~ has been sent to all Commission delegates, alternates, and chief executive officials of member municipalities at least one week prior to such meeting.
- G.2. In addition to an amendment(s) proposed by the Commission Development Committee, at a full Commission meeting, any delegate or, in their absence, alternate may propose an amendment in writing, be placed on the agenda at a next full Commission meeting for discussion. Such proposed amendment, provided it receives endorsement by at least one quarter of those voting at the meeting at which it is ~~proposed~~discussed, shall be provided to each delegate, alternate and chief elected officials of member municipalities at least one week prior to the next full Commission meeting at which time members may vote on its adoption.

BERKSHIRE REGIONAL PLANNING COMMISSION

Management Letter

June 30, 2022

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Adelson & Company PC

CERTIFIED PUBLIC ACCOUNTANTS

Established 1938
AUDIT | TAX | ADVISORY

Gary J. Moynihan, CPA
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Of Counsel:
Richard F. LaFleche, CPA
Vincent T. Viscuso, CPA

November 25, 2022

To the Commission Members of the
BERKSHIRE REGIONAL PLANNING COMMISSION
1 Fenn Street, Suite 201
Pittsfield, MA 01201

Dear Commission Members,

In connection with our audit of the financial statements of Berkshire Regional Planning Commission as of June 30, 2022, we have made a review of the Organization's accounting, financial, and administrative policies and procedures. While the primary objective of such a review is to afford us a basis of determining the scope of our audit procedures, it nevertheless presents us with an opportunity to submit, for your consideration, suggestions for changes in procedures, which in our opinion, would strengthen internal control or contribute to the improvement of operating efficiency.

The review was not designed for the purpose of expressing an opinion on internal accounting control, and it would not necessarily disclose all weaknesses in the system.

The Commission has maintained good fiscal management of its operations. No significant financial reporting control problems were noted during the current year's audit examination.

We would like to express our thanks and appreciation to Berkshire Regional Planning Commission and its personnel for the cooperation given us during the course of our audit.

Sincerely,

ADELSON & COMPANY PC

Comments and Recommendations

1. With the implementation of GASB Statement No. 87, *Leases*, the Commission must review and evaluate all lease and similar contract agreements (i.e. embedded leases) on an annual basis to determine if right-to-use assets or long-term lease receivables need to be reported on the Commission's Statement of Net Position. For contracts meeting the definition of a lease, a lessee is required to recognize a lease liability and an intangible right-to-use asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources.

Recommendation:

As a best practice, the Commission should adopt a policy in their Accounting Policies and Procedures Manual to review and evaluate all lease and similar contract agreements to assist in determining lease treatment according to GASB Statement No. 87, *Leases*. This policy should also require documentation of certain criteria, such as the terms of the lease/contract, term length (including all renewal options), discount rate, variable payments, and residual values in a single spreadsheet. This spreadsheet should also be made available to the auditors at year-end.

Action Taken:

The Commission has added the following language to its financial policies and procedure:

Annually, the Commission reviews and evaluates all leases and similar contract agreements to determine lease treatment in accordance with GASB 87, *Leases*. In accordance with the standard, the Commission, as a lessee, is required to recognize intangible right-of-use assets and corresponding lease liabilities for all leases that are not considered short-term. Leases that meet the following requirements will not be considered short-term: 1) the maximum possible lease terms(s) is non-cancelable by both lessee and lessor, and is more than 12 months, and 2) the annual lease payment is greater than \$5,000. All information shall be organized to include the lease terms, term length, renewal options, discount rate, variable payments and residual values and shall be made available to external auditors at year-end. A lease liability spreadsheet should be maintained along with supporting leases. Type of leases may include (office space, copier, software, or a vehicle). In addition, the project setup form has been updated to include the tracking of any lease agreements for new contracts

Status of Prior Year Recommendations

There are no comments and recommendations for the year ended June 30, 2021.

BERKSHIRE REGIONAL PLANNING COMMISSION
SCHEDULE OF FINDINGS AND QUESTIONED COSTS

June 30, 2022

Section I – Summary of Auditors' Results

Financial Statements

Type of auditors' report issued: Unmodified

Internal control over financial reporting:

- Material weaknesses identified? ☐yes ☒no
- Significant deficiencies identified? ☐yes ☒none reported

Noncompliance material to financial statements noted? ☐yes ☒no

Federal Awards

Internal Control over major programs:

- Material weaknesses identified? ☐yes ☒no
- Significant deficiencies identified? ☐yes ☒none reported

Type of auditors' report issued on compliance for major federal programs: Unmodified opinion on all major programs

- Any audit findings disclosed that are required to be reported in accordance with 2 CFR Section 200.516(a)? ☐yes ☒no

Identification of major federal programs:

Assistance Listing Number

Federal Grantor

11.307

Economic Development Administration/Economic Adjustment Assistance

See detail on Schedule of Expenditures of Federal Awards

Dollar threshold to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee? ☒yes ☐no

Section II – Financial Statement Findings

There were no findings for the year ended June 30, 2022.

Section III – Federal Award Findings and Questioned Costs

There were no findings or questioned costs for the year ended June 30, 2022.

Status of Prior Year Audit Findings and Questioned Costs

There were no findings or questioned costs for the prior year ended June 30, 2021.

RPAC Legislative Priorities - Draft 01.13.23

Legislation	Description
An Act Relative to the Rural Policy Advisory Commission	1. Administrative fixes to include SRPEDD 2. Creates Office of Rural Policy
Housing Production: - An Act empowering cities and towns to impose a fee on certain real estate transactions to support affordable housing - An Act Empowering Cities and Towns to Impose a Fee on Home Sales Over One Million Dollars to Support Affordable Housing / - Chapter 90 Formula Change - Making Winter Roads Program permanent and funded	Generally, supporting a fee on home sales for production of affordable housing - variety of bills to monitor: - Transfer fee bill, - HERO - and/or bill that creates a fee on home sales over \$1m -
An Act Strengthening Local Food Systems (Formerly An Act support the Commonwealth's farmers)	Agricultural Omnibus - allows MDAR to buy, protect, sell land; includes a circuit rider Technical Assistance to famers; Next generation and microbusiness support
An Act to Reform Payments in Lieu of Taxes for State-Owned Land	Implementation of new, more equitable distribution formula
Municipal and Public Safety Building Authority	This would create an authority to provide capacity and Technical Assistance, standard design plans, funding assistance. Multiple versions likely to be filed.
An Act Relative To Accelerating Improvements To The Local And Regional Public Health System To Address Disparities In The Delivery Of Public Health Services (SAPHE 2.0)	SAPHE 2.0. Standardizes local PH delivery; adds credentialing requirements
Rural Schools Omnibus Bill	Implementation of recommendations in Rural Schools Report: \$60m for rural and small schools, SPED; transportation, health insurance; etc.
An Act Relative to Transformative Development Initiatives in Rural Communities	Rural village center economic development strategy
An Act Relative to Unpaved Roads	Convenes a working group to id and evaluate how to maintain and improve dirt, gravel and low volume roads
An Act Creating a Green Bank to promote Clean Energy in Massachusetts	Would codify a Green Bank to raise funds and invest in efforts to reduce greenhouse gas (GHG) emissions, and leverage federal funding opportunities
An Act to enhance agricultural operations	Allows farm vehicles, specifically ATVs, to travel on public ways
Extending timeframe for municipalities to decide whether they want to take Chapter 61 land	New file to provide more time for municipalities to decide fate of land being removed from 61 status - from 90 to 120 days.
Increase MassGrowth Capital	Funding for CDCs to provide small business support
	others to monitor: Food System Literacy; Agricultural Equity; Bridge and Culvert funding or program

The Commonwealth of Massachusetts
State House, Boston 02133
Western Massachusetts Passenger Rail Commission

Rep. William M. Straus
House Chair

Sen. Brendan P. Crighton
Senate Chair

PUBLIC HEARING NOTICE

Date of Hearing: January 24, 2023
Time: 10 AM
Location: John W. Olver Transit Center
Address: 12 Olive Street, Greenfield MA

Please be advised that Representative William Straus and Senator Brendan Crighton, co-chairs of the Western Massachusetts Passenger Rail Commission, have announced the second of six public meetings of the Commission, which are being held pursuant to §60 of Chapter 176 of the Acts of 2022. The legislature established this commission to investigate and receive public testimony concerning potential public entities with the ability to design, permit, construct, operate and maintain passenger rail service proposals from the East-West Passenger Rail Study Final Report.

The meeting is scheduled for **January 24, 2023 at 10 a.m.** at the John W. Olver Transit Center in Greenfield. A sign-in sheet at the hearing location will be made available for those persons who wish to address the Commission in-person.

Members of the public wishing to view and participate in the meeting remotely may do so by accessing a livestream of the meeting that will be made available on the [MassDOT website](#). Remote participants may click on the "raise hand" icon, which will signify to the Commission that they wish to be heard virtually, and they will be called on during the public comment period of the hearing. Please note that Zoom Webinar attendees will join in listen-only mode. They will be automatically muted and will not appear on video for the hearing. When a remote participant is called on to address the Commission, the meeting organizer will unmute them for the purpose of providing their testimony.

Additionally, you may submit written testimony by email to commission staff at: Siobhan.Morrissey@mahouse.gov.

MEETING AGENDA

1. **Call to Order**
2. **Open Floor for Discussion among Membership**
3. **Public Comment Period**

This agenda has been prepared in advance and does not necessarily include all matters which may be taken up at this meeting. You may contact commission staff with any questions via email at: Siobhan.Morrissey@mahouse.gov.



MEMORANDUM

TO: Berkshire Regional Planning Commission Delegates & Alternates
FROM: Thomas Matuszko, Executive Director
DATE: January 13, 2023
SUBJ: January 19, 2023, Commission Meeting

A. BRPC 2022 Audit

Attached are the Management letter and the Summary of Auditor's Results from the FY2022 Audit. The results are from Adelson's testing of the Commission's financials, including Federal Awards. There were no findings or questioned costs for the year ending June 30, 2022. The Commission is a low-risk auditee. A low-risk auditee requires less testing. BRPC has been a low-risk auditee for several years. This opinion was reported to the federal government. The management letter contains the comments and recommendations that are based on Adelson's observations during their review. Adelson recommended as a best practice, the Commission should adopt a policy in their Accounting Policies and Procedures Manual to review and evaluate all lease and similar contract agreements to assist in determining lease treatment according to GASB Statement No. 87, Leases. The Commission has added language to its financial policies and procedure.

B. Staff updates

- Transportation Planned Justin Gilmore is resigning to take a position with MassDOT – District 1. We wish him good luck.

C. DLTA Program for 2023

Requests for assistance are due Friday January 27, 2023. This year additional funding is being made available to enable us to help municipalities or other local and regional public entities take advantage of federal, state and other funding opportunities. We have received our signed contract hence we are able to start working on these projects in early February.

D. Rural Policy Advisory Commission Update

Attached is a draft list of legislative priorities of the RPAC.

E. Passenger Rail

- West-East Rail – The second public meeting of the Western MA Passenger Rail Commission will be held on January 24, 2023 at 10:00 am at the Olver Transit Center in Greenfield. Attached is a hearing notice.
- Berkshire Flyer - The Flyer working group met. The Flyer is scheduled to run from Memorial Day through Columbus Day. Marketing will begin.
- Northern Tier Passenger Rail – A public workshop was held on Wednesday January 11th. A lower cost and higher cost alternative was presented. The next step is to develop 4 other alternatives. Material is available at

F. Healthy Soils Action Plan

On January 4, the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) released the [Healthy Soils Action Plan](#). The Healthy Soils Action Plan provides an assessment of the condition of our soils and a blueprint for how we can effectively conserve and protect, restore, and properly manage our soils to improve the vitality of nature around us and the health and quality of life of our residents.

G. Municipal Digital Equity Planning Program

The Massachusetts Broadband Initiative (MBI) continues to accept applications to their Municipal Digital Equity Planning Program, [Municipal Digital Equity Planning Program application](#). Several Berkshire municipalities have submitted applications and at least one town Sheffield has been approved to begin the process. These planning activities will result in strategic documents designed to identify the community's needs, interest, and key assets and provide a framework that will guide future municipal decision-making and potential investments and activities that will increase access and usage of the internet for those most impacted by the COVID-19 pandemic. They will also prepare municipalities to submit grant proposals to existing or forthcoming state or federal programs to support digital equity activities.