



# BRPC

Berkshire Regional Planning Commission

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## **REGIONAL ISSUES COMMITTEE – Meeting Minutes**

Wednesday, December 7, 2022

*via Zoom*

### **I. Call to Order**

The meeting was called to order at 4:01 pm by Tom Matuszko. The meeting was recorded. Tom M. provided an explanation of the Regional Issues Committee as a standing committee of BRPC, for the benefit of our guest speaker Jay DiPucchio. He also described the content of recent meetings, which has focused on the challenges of staff recruitment and retention within municipal governments, as well as various models for handling those challenges such as shared services arrangements or a council of governments model such as what is done in Franklin County.

#### Committee Members Present

Malcolm Fick, BRPC Vice Chair; Alternate from Great Barrington  
Andrew Groff, Williamstown  
Sheila Irvin, Pittsfield  
Christine Rasmussen, Stockbridge Board of Selectmen  
Eleanor Tillinghast, Mount Washington (non-Commission member)

#### Committee Members Absent

John Duval, BRPC Chair  
Chris Rembold, Great Barrington

#### BRPC Staff Present

Laura Brennan, Economic Development Program Manager  
Tom Matuszko, Executive Director

#### Guests/Public Present

Jay DiPucchio  
Kent Lew, Alternate from Town of Washington  
Paul Sieloff, BMMA Chair  
Jon Sylbert, Sandisfield Town Manager

### **II. Public Comments**

There were no public comments.

### **III. Approval of September 28<sup>th</sup> and October 26<sup>th</sup> Meeting Minutes**

(This portion of the agenda was postponed until the end of the meeting, after attendees had an opportunity to review draft minutes.) Eleanor T. made a motion to accept both sets of minutes as written. Andrew G. seconded. A roll call vote was taken. Christine R. abstained.

### **IV. Community Sustainability**

Tom M. explained that Linda Dunlavy had been a previous guest speaker, who shared information about their shared services program at FRCOG. She had then suggested that we

invite Jay DiPucchio for more information about the council of governments model. Tom invited Jay to introduce himself and give an overview. Jay D. was the Franklin County Administrator from 1988 to 1999. He was the founding Executive Director of the Council of Governments from 1997 to 1999. He currently owns a small manufacturing company but remains involved on a volunteer level.

In terms of the creation of the CoG, Jay described some of the key issues, primarily sustainability and the need for shared services. He stated that there is a need for educating the public about the need for increased capacity within municipal staff. When counties were created, services such as courts, jails, and property records were about all they were expected to provide. Markets have changed and some wealthier counties, primarily in eastern Massachusetts, had the revenues to create recreational programs, nursing homes, etc. Poorer counties did not have the same ability to generate revenues but still benefited from a strong sense of regional identity. Franklin County has long had a context for intermunicipal collaboration. County Commissioners were established as an RPA in 1963, serving as the oversight body under 40B. They experimented with incrementally adding some programs over the years: engineering, assessor consulting, etc. Pricing for these programs was subsidized by the county assessment, with the application of modest direct fees. As the Commonwealth put pressure on the jail and courthouse funding formulas, other services experienced pressure as well.

In order to continue to grow other regional municipal services, a mechanism was needed to protect their assessment core. There was a general piece of legislation that allowed counties to establish charters, which did not speak to financing. Their first charter attempt was in 1988 and concluded with a failure at the polls in a general election. The central issue was the role of the county Advisory Board's oversight of the functions of the regional planning agency. The failure of that proposal was a good thing, in Jay's opinion, as it lacked the detail that would be needed moving forward. Barnstable County, an area that also benefited from a strong regional identity, attempted a charter at around the same time, and secured significant funding simultaneously.

Franklin County's second charter attempt also had some issues. The proposal segregated revenue streams of the jail, courthouse, and registry, leaving the county assessment for the towns to determine. This proposal made it further through state legislative committees but stalled in Ways and Means when the session ended. During the process, they had engaged with every Board of Selectmen, Finance Committee, and other town board throughout the region to explain what they were trying to do. This reminded people of the context for collaboration. The outreach built and renewed relationships and raised the level of understanding of what could be done, beyond the land use function of the RPA.

Rather than refile, they worked closely with Administration and Finance, Division of Local Services, and DOR in developing the third version of the charter. The towns were offered an opportunity to join a voluntary organization. If they decided not to join, they would keep that portion of the county assessment themselves. The allocation would hold, and if the council of governments was not successfully established, that portion of the assessment would come back to service the core of the county.

Meanwhile, outreach through meetings, press releases, speaking tours, local cable access and radio appearances, continued, maintaining a presence and familiarity of the concept. The third charter made it through the legislature and then moved to annual town meetings. This allowed them to address any criticism during town meeting deliberations. Jay stated he personally attended about 25 town meetings and had strong support overall.

Jon Sylbert thanked Jay for this presentation and expressed that he would want to share the content with all Berkshire County communities. He stated that the obligation of the Berkshire Municipal Managers Association is to begin to seed this out, first to other

administrators and managers, and then to finance and select boards, creating a similar context for collaboration. There are some significant differences in how this might need to be approached within Berkshire County in present day versus what Franklin County experienced many decades ago.

Tom M. asked Jay DiPucchio whether town administrators were engaged during their process, or how it was driven at the local level. Jay explained that at the time there were very few full-time town administrators or managers, and part of their educational campaign focused on the need for professional staff to support elected Select Board members. Instead, they needed to rely on Select Board chairs and Finance Committee members to be actively involved. Larger communities were able to articulate the need for increased capacity, despite having some professional staff. Past history of those larger towns having occasionally accessed capacity was helpful.

Kent Lew reminded the group that although the BMMA is an important group in continuing the conversation, some communities still lack a town manager or administrator to actively participate and remain connected. He also raised the issue of the very large geographic area of Berkshire County, and although there is a strong regional identity, there are also sub-regional identities of northern, central, and southern, which may create some undertow. Jay indicated that they have similar though not as distinct sub-regions that they need to communicate across. He shared that they had chosen to avoid use of the words "regional" or "regionalization" too often, even though it ended up as part of their name. He felt that the regional terminology sometimes raised more concerns than the term "county", and it is still a balance they need to strike in their communication and programming. Engaging from the bottom up rather than imposing from the top down is both a better approach and more well received by individual localities and subregions.

Tom M. indicated that some northern Berkshire communities are moving in this direction by beginning to share services, and Andrew G. confirmed that their non-profit ambulance service is now being shared, and Williamstown is providing assessor and planning services for some neighboring towns and will be partnering with Adams and North Adams for a shared HR director (based out of the Adams Town Hall). Lee and Lenox also share an HR director, a larger role because those communities each have their own school districts.

Jay described some political behavior that occurred during their outreach, with public officials sometimes privately expressing doubt about the need for a council of governments, but expressing enthusiasm publicly, or vice versa.

Jon Sylbert responded to Kent Lew's concern about BMMA not providing full participation of towns and noted that many communities have only recently begun to have paid staff serving in manager or administrator roles, so it would not offer a complete solution or method of communication. Eleanor T. added the comment that towns that have hired administrators or managers have already moved local public opinion towards an increased level of comfort about somewhat removed decision making and may be interested in regional services arranged through BRPC; other towns may be interested in one town offering services directly to another. She emphasized that preserving town identity is important to many people and will need to be taken into consideration.

Tom M. asked Jay DiPucchio how long the total process took to successfully approve a charter. Jay indicated that it took about ten years. Jon Sylbert responded that he felt the relationships between Berkshire County towns and the state have come a long way, and although this is not a quick process, it may not require that same time frame. Jay expressed that there were advantages and disadvantages to the timing that Franklin County experienced. Unloading the burdens of expenses and administration related to jails, courts, and registry services contributed to the slow process. In Berkshire County's case, these are no longer issues pertinent to RPA roles and responsibilities, but the grassroots effort to

make a shift would still be a substantial undertaking. Tom M. indicated that an effort to form something similar to Barnstable County in Berkshire County was unsuccessful.

Jon Sylbert stated that the DOR and DLS have a high level of awareness of the concerns that are leading to these types of conversations, so there is potential for cooperation at the state level. However, funding presents different challenges than what Franklin County experienced. Andrew G. reinforced that while there has been some initial success with intermunicipal agreements in northern Berkshire County, they are inherently fragile and rely on personal relationships. A regional council of governments that builds these relationships institutionally stands a better chance of longevity.

Eleanor T. asked Jay asked about the relationship or overlap between the oversight bodies of FRCOG. Jay explained that the Council itself is composed of Select Board member or designee from each municipality. They have budgetary oversight over non-grant funds. The Executive Committee is composed of two people from the Council, two people elected regionally, and one person from the Regional Planning Board. The Exec. Committee has oversight over the Executive Director (by charter a "strong" Executive Director) and is charged with assisting with policy development and hiring and firing of the Executive Director. The Franklin Regional Planning Board is composed of a Planning Board member from every municipality and several at-large representatives from across the County. They act in an advisory capacity to the Executive Committee and the Council. The planning responsibilities fall under the Regional Planning Board.

Tom M. asked for clarification regarding how the RPA existed prior to elimination of county government. In Franklin County's case, the RPA was established within county government, which was not the case in Berkshire County or most other places other than Barnstable.

There was some discussion about whether dissolution of county government happened uniformly, and Jay provided an explanation of the variations around that timeframe. There remains a patchwork to this day. He described that convincing federal agencies of the parallels between a council of governments and a "county" is an ongoing effort. Tom M. asked about the assessment amount that FRCOG receives from municipalities. Jay answered that it is about \$480,000.00. This is considerably lower than it was at the beginning of the process. They have built loyalty by reinforcing that they were not trying to be bigger than the communities but rather being there for them. Tom M. indicated that BRPC's current assessment is just over \$100,000.00. This does not allow for the same type of flexible work that FRCOG is able to do. Tom M. reiterated from previous conversations that this effort cannot be led by BRPC, but rather from the ground up. We can lend support through data and information, but we cannot "campaign" for this solution in Berkshire County. Malcolm F. stated that BRPC has stepped in on some services that are not directly planning related, such as group purchasing or public nursing, but government functions such as this needs to be led by local governments determining to collaborate. Jay indicated that Hampshire County made one significant adjustment to the template charter that had been used in Franklin County: instead of a Council they had a representative from every town called a County Commissioner. The problem was that these Commissioners were not necessarily connected to the Selectboard, and that connection is critical. The group discussed the issue of the lack of a strong Selectboard Association in Berkshire County. Kent Lew suggested reaching out to Christine Hoyt and trying to rejuvenate the group with this idea in mind. Jon Sylbert expressed support for that idea, and Tom agreed to invite Christine to the next meeting of the Regional Issues Committee.

Paul Sieloff stated that he would report back to BMMA members on the discussion. Many of them are already stretched to capacity but given the potential benefits and relief that this project could offer them and their towns, should be interested and supportive. He expressed strong support for BRPC and encouraged the group to still consider instituting shared services beyond what is currently available to meet some of the needs being discussed,

before anything more formal were pursued. He also expressed concern about the capacity of select board members to devote any additional time to a new regional initiative.

#### **VI. Topics for Future Consideration**

BRPC will invite Christine Hoyt to participate in the January meeting.

**Next Committee Meeting Date – January 25<sup>th</sup>, 2023 at 4pm**

#### **VII. Adjournment**

Malcolm F. made a motion to adjourn, Eleanor T. seconded. The meeting was adjourned at 5:24 p.m. after a roll call vote.