



Executive Committee Minutes Thursday, June 20, 2024

Virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

I. Call to Order & Open Meeting Law Statement

Chair Malcolm Fick called the meeting to order at 4:01 p.m. as a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025. He stated that BRPC was recording the meeting, and anyone else who wanted to record it needed to inform him.

II. Roll Call:

Read by Clerk

Malcolm Fick, Chair, Gt Barrington Alternate

John Duval, Vice Chair, Adams Alternate (muted throughout the meeting)

Buck Donovan, Treasurer, Lee Delegate

Sheila Irvin, Clerk, Pittsfield Delegate

Doug McNally, Commission Development Committee, Chair, Windsor Delegate

Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate

Christine Rasmussen, Regional Issues Committee Chair, Stockbridge Alternate

Kyle Hanlon, At-Large, North Adams Delegate

Sam Haupt, At-Large, Peru Delegate

Staff Present: Thomas Matuszko, Executive Director; Marianne Sniezek, Office Manager; Melissa Provencher, Environmental & Energy Program Manager

Others present: Robert Graves, Hinsdale Town Administrator; Cory Campbell, Williamstown Delegate (for the NIETC topic)

III. Approval of June 6, 2024 Minutes

Doug McNally moved to approve the June 6, 2024, meeting. The motion was seconded by Roger Bolton with a correction regarding the Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements Projects. These provide water for *North* Adams, not Adams.

The minutes with the correction were approved by a roll call vote from Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

IV. Review of Open Meeting Law Complaint Filed by Catherine Foster on June 6, 2024, regarding the Executive Committee's June 6, 2024 Meeting(

The Executive Committee reviewed the Open Meeting Law Complaint received about its June 6, 2024 meeting from Catherine Foster. According to the Open Meeting Law Guide and Education Materials, December 2023, "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 receipt to meet to review the complainant's allegations, 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 Executive Director read the complaint which was included in the meeting materials. The Chair had authorized the Executive Director to distribute the Complaint to Executive Committee members.

The complaint is available to the public as it is part of this meeting's materials. Part of BRPC's response is that as a regional body, BRPC is allowed to adopt an alternative method of notice which is BRPC's website. The information sought via the complaint was included in the meeting material and therefore was available to the public.

The date the website was adopted as the alternative method of notice was not included and it will be added. There was agreement that the response addresses the complaint's concerns effectively addressed and suggests a remedy.

It was suggested that the alternative method of notice statement be included in all BRPC agendas as Tom did for this meeting's agenda. As noted above, the date this was adopted will be added to the statement.

V. Vote to Delegate the Responsibility to Respond to the Open Meeting Law Complaint Filed by Catherine Foster on June 6, 2024, to Counsel and the Executive Director

According to the Open Meeting Law Guide and Education Materials, December 2023, "While the public body may delegate responsibility for responding to the complaint to counsel or another individual, it must first meet to do so." Enclosed with this meeting's material was a draft Response to Open Meeting Law Complaint Filed on June 6, 2024.

Sam Haupt moved to delegate the response to the Open Meeting Law Complaint filed by Catherine Foster on June 6, 2024, to the BRPC Executive Director and Counsel; Roger Bolton seconded the motion. It was approved by a roll call vote from Malcolm Fick, Sheila Irvin, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

VI. Items Requiring Action

A. Vote to Approve the Submission of Four Grant Applications to the

Planning Assistance Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA).

The Executive Committee was requested to authorize the Executive Director to submit four grant applications and to sign any resulting contracts and agreements to the Executive Office of Energy and Environmental Affairs FY2025 Planning Assistance Grant Program. The applications are as follows:

- 1) Town of Great Barrington Open Space and Recreation Plan (OSRP) for \$37,500 to develop a town-wide OSRP. The District Local Technical Assistance program will provide the requisite matching funds.
- 2) Town of Lee Downtown and Housing Zoning for \$41,250 to assess alternatives and implement new zoning in the town's downtown area while also focusing on creating new housing opportunities. The District Local Technical Assistance program will provide matching funds.
- 3) City of Pittsfield Open Space and Recreation Plan for \$41,250 to develop a city-wide Open Space and Recreation Plan. The District Local Technical Assistance program will provide matching funds.
- 4) Town of Sheffield Zoning and Housing Advocacy for \$33,750 to develop housing-focused zoning changes, promote housing advocacy, and develop a greater understanding of methods for increasing housing diversity, especially in the town center. Community Planning Program Manager CJ Hoss, choss@berkshireplanning.org, is the project lead.

Doug McNally motioned to authorize the Executive Director to submit the following four grant applications and to sign any resulting contracts and agreements to the Executive Office of Energy and Environmental Affairs FY2025 Planning Assistance Grant Program.

- 1) Town of Great Barrington Open Space and Recreation Plan for \$37,500
- 2) Town of Lee Downtown and Housing Zoning for \$41,250
- 3) City of Pittsfield Open Space and Recreation Plan for \$41,250
- 4) Town of Sheffield Zoning and Housing Advocacy for \$33,750

Christine Rasmussen seconded it. A roll vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

B. Discussion and Vote to Ratify Comments to the Massachusetts Environmental Policy Act (MEPA) Office on the Expanded Environmental Notification Form (EENF) for the City of North Adams Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements Prepared by the BRPC Environmental Review Committee

The Executive Committee was requested to ratify comments to the MEPA Office on the EENF for improvements to the aging Mount Williams Reservoir

and Notch Reservoir dams and spillway and ancillary dam features in North Adams. Comments are due before June 21, 2024. A draft of the Environmental Review Report was in the meeting materials.

The Environmental Review Committee found the EENF a good discussion of the alternatives and they recommend going to a final EIR, skipping the draft stage. Melissa Provencher reported that a remote consultation session was well attended and the project was well received as designed. These dams are at risk and a high priority and the reservoirs supply water to North Adams. There is more design work to happen and dams will be worked on one at a time. The work will likely continue through 2026-27. The public will need to be kept informed.

Doug McNally motioned to ratify the comments the Environmental Review Committee prepared for the MEPA Office on the EENF regarding improvements to the aging Mount Williams Reservoir and Notch Reservoir dams and spillway and ancillary dam features in North Adams. Roger Bolton seconded it. A roll vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

C. Discussion and Vote to Submit Comments on the US Department of Energy (DOE) process for "National Interest Electric Transmission Corridor" (NIETC) designation and the proposed designation of the corridor that extends into New York state and traverses Windsor, Peru, Hinsdale, Dalton, Cheshire, Lanesborough, and Hancock in Berkshire County and before crossing into Franklin County

The US Department of Energy has a designation process called "National Interest Electric Transmission Corridor" (NIETC). The designation is for certain transmission line corridors across the country that need greater grid capacity. One of the proposed NIETCs is the New York-New England corridor.

The designation is a 4 phase process. Phase 1 was completed December 2023, with DOE releasing the US DOE 2023 National Transmission Needs Study. The process is in Phase 2, which includes publishing the preliminary list of corridors for potential NIETC designation and providing the opportunity to comment on this list in advance of Phase 3. The next phase, Phase 3: Public Engagement, is described to refine the geographic boundaries of potential further NIETCs and conduct environment reviews, which is proposed to happen in Fall 2024 and led by DOE.

The public comment period on Phase 2 ends on Monday, June 24 at 5 p.m. Among other items, DOE is seeking comments on the geographic boundaries of the potential NIETCs and potential impacts on environmental, community, and other resources within the potential NIETCs.

A draft comment letter is included in the meeting materials. The Environmental Review Committee chose to defer to the Executive Committee

and did not develop comments of their own.

Windsor residents would like a comment that the rationale for the expansion is to promote the decarbonization of energy use and should include a ban of using the right-of-way for transporting fossil fuels.

Tom spoke with representatives of DOE. Their role is limited to defining the corridor to prevent environmental impacts. He needs a vote on the structure of the comments: a cover letter with highlights and town by town summaries and maps addressing where the corridor should NOT go, or where it should be minimized. Not expanding the existing corridor may also be an option.

A revised version of the comments was shared prior to the meeting. Roger asked that there be a comment on the effect on the economies of the communities which is in the revised draft. DOE said the mile-wide width is the starting point. Tom reviewed the region-wide impacts that are addressed in the comments. The process may end after this Phase 2. There is a need to connect New England to the grid.

Roger clarified that members of the Environmental Review Committee informed the Commission's discussion of this topic.

The federal standards are different than MEPA. In Massachusetts, the proponent is responsible for preparing the environmental impact report. For federal projects, the federal agency puts together the documents.

BRPC staff will share the final document with Town Administrators and keep them informed.

Sam Haupt motioned to approve the proposed structure for submitting comments on the US Department of Energy (DOE) process for the "National Interest Electric Transmission Corridor" (NIETC) designation and the proposed designation of the corridor that extends into New York state and traverses Windsor, Peru, Hinsdale, Dalton, Cheshire, Lanesborough, and Hancock in Berkshire County and before crossing into Franklin County, authorize the Executive Director and BRPC staff to complete and submit the document.

Doug McNally seconded it. A roll vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

VII. Adjournment

Sam Haupt motioned to adjourn the meeting at 4:50 p.m., seconded by Kyle Hanlon, and unanimously approved by a roll call vote: Malcolm Fick, Sheila Irvin, Buck Donovan, Doug McNally, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

Material accompanying the meeting:

- Meeting Notice and Agenda, Thursday June 20, 2024 meeting of the Berkshire Regional Planning Commission Executive Committee
- Unapproved Minutes of the June 6, 2024 Executive Committee meeting
- Executive Directors Memorandum - Agenda Items – June 20, 2024, Executive Committee Meeting
- Open Meeting Law Complaint form about June 6, 2024 Executive Committee meeting
- Draft Response to Open Meeting Law Complaint about the June 6 Executive Committee meeting
- Environmental Review Report - Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements
- Initial Draft – Comments on proposed National Interest Electric Transmission Corridor - New York-New England corridor
- Revised Draft - Comments on proposed National Interest Electric Transmission Corridor - New York-New England corridor
- Memorandum - May 2024 Assistance Activities