



BRPC

Berkshire Regional Planning Commission

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berkshireplanning.org

MEETING NOTICE

There will be a meeting of the EXECUTIVE COMMITTEE
of the
BERKSHIRE REGIONAL PLANNING COMMISSION
Thursday, September 12, 2024 at **4:00 p.m.**

This will be 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.

To participate virtually join the Zoom meeting at

<https://us02web.zoom.us/j/3926128831?omn=82203015694>

Meeting id: 392 612 8831, Phone: 646.558.8656, 646 931 3860, 312.626.6799, 301 715 8592

Meeting materials are on BRPC's website: www.berkshireplanning.org. Click the calendar of events, then the meeting name, and follow the link to materials.

AGENDA

(all times approximate)

- I. Call to Order & Open Meeting Law Statement (4:00)
- II. Roll Call of Executive Committee Members Attending the Meeting
- III. Vote to Approve Minutes of the Executive Committee Meeting of August 1, 2024* (4:05)
- IV. Financial Reports (4:10)
 - A. Vote to Approve the July 24,2024 – September 1, 2024, Expenditures Report*
 - B. Report on the Aged Receivables / Assessments – August 2024
 - C. Report on the Line of Credit
 - D. Report on the FY 24 Closeout
- V. Open Comments from Berkshire Regional Planning Commission Delegates and Alternate Delegates, not to be further discussed at this meeting by the Executive Committee (4:15)
- VI. Items Requiring Action* (4:20)
 - A. Vote to Authorize the Disposal or Offering to Municipalities of Surplus Equipment. This Includes 6 HP ProBook Computers and one Dell Monitor to be Disposed of and 6 ProBook and 1 EliteBook Computers to be Offered to Municipalities*
 - B. Vote to Approve the Submission of a Grant Application to the U.S. Department of Housing and Urban Development, FY24 Pathways to Removing Obstacles to Housing (PRO Housing) Program and as an Element of that Application Approve a PRO Housing Certification for Multijurisdictional Entity Applicants*
- VII. Committee Reports and Discussion (4:30)
 - A. Regional Issues Committee
 - B. Metropolitan Planning Organization

City and Town Clerks: Please post this notice pursuant to the Open Meeting Law, MGL c. 30A, §§ 18-25.

Please Note:

For information regarding postponements or cancelations on the day of a scheduled meeting, please call Berkshire Regional Planning Commission at (413) 442-1521, x5

- C. Environmental Review Committee
- D. Commission Development Committee
- VIII. Executive Director's Report (4:40)
 - A. Report on New Contracts / Agreements
 - B. Berkshires Tomorrow Inc. (BTI) Update
 - C. Staff Updates
 - D. Rural Policy Advisory Commission (RPAC) Update
 - E. Passenger Rail
 - F. 2024 Annual Statewide Conference for Municipal Officials and Staff
 - G. 2024 Moving Together Conference
 - H. Department of Conservation and Recreation Land Acquisition Sandisfield
 - I. Annual Meeting Reminder
- IX. Old Business (4:45)
 - A. Report on the Open Meeting Law Determination
 - B. Discussion about the Annual Meeting
- X. New Business (4:50)
 - A. Vote to Approve the Executive Director's FY 24 Performance Review and FY 25 Salary Adjustment*
 - B. Discussion of Topics for the September Commission Meeting
- XI. Adjournment* (5:05)

BRPC has adopted the BRPC website www.berkshireplanning.org as its official posting method as allowed by 940 CMR29.00 section 29.03 (3) (b) since November 2010. The Meeting Notice, Agenda and meeting materials are on BRPC's website: www.berkshireplanning.org. Click the calendar of events, then the meeting name, and follow the link to materials.

* Items Requiring Action



DRAFT Executive Committee Minutes
Thursday, August 1, 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 4:00 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 not recording the meeting, and anyone else who wanted to record it needed to inform him.

II. Roll Call:

Office Administrator Kate Hill Tapia read the roll call:

Malcolm Fick, Chair, Great Barrington Alternate

John Duval, Vice Chair, Adams Alternate

Buck Donovan, Treasurer, Lee Delegate

Sheila Irvin, Clerk, Pittsfield Delegate (not present)

Douglas 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 (not present)

Sam Haupt, At-Large, Peru Delegate

Staff Present: Thomas Matuszko, Executive Director; Marianne Sniezek, Office Manager; Laura Brennan, Assistant Director and Economic Development Program Manager; Kate Hill Tapia, Office Administrator

III. Vote to Approve the July 2, 2024 Minutes

Doug McNally moved to approve the July 2, 2024, meeting minutes. Roger Bolton seconded the motion. It was approved by a roll call vote from Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

IV. Financial Reports

A. Vote to Approve the June 28 – July 25, 2024, Expenditures Report

Roger Bolton moved to approve the June 28 – July 25, 2024 Expenditures Report. Doug McNally seconded the motion. The \$49,000 Outdoor Center refers to payment for a climate change exhibit at Greylock Glen. The report was approved by a roll call vote from Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

B. Report on the Accounts Receivable/ Assessments – July 2024

There were no questions.

C. Report on the Line of Credit

There has been no need to use the line of credit.

V. Comments from Berkshire Regional Planning Commission Delegates and Alternate Delegates

None

VI. Items Requiring Action

A. Vote to Authorize the Executive Director to Enter into Intergovernmental Agreements and Contracts with Municipalities

The Executive Committee was requested to authorize the Executive Director to enter into intergovernmental agreements and contracts with municipalities in FY 25.

Sam Haupt moved to authorize the Executive Director to enter into intergovernmental agreements and contracts with municipalities in FY 25. Doug McNally seconded. The motion was approved unanimously by roll call vote: Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

B. Vote to Approve the Submission of a Grant Application to the Massachusetts Interlocal Insurance Association Wellness Program.

The Executive Committee was requested to authorize the Executive Director to submit a grant application to the Massachusetts Interlocal Insurance Association (MIIA) Wellness Grant "A Great Place to Work" program and approve any resulting contracts and agreements. BRPC is seeking the full \$5,000 allotment. A portion (approximately 14%) of the funds will be used to purchase a Soda Stream system and flavor enhancers, branded tumblers for onsite staff, an air purifier for each suite, and a privacy screen for the massage chair. The remaining funds will be used to continue providing healthy snacks for the office. The staff lead on this application is Marianne Sniezek, msniezek@berkshireplanning.org, 413-442-1521 x13.

Doug McNally moved to authorize the Executive Director to submit a grant application for \$5000 to MIIA's Wellness Program for wellness items for BRPC staff. Roger Bolton seconded the motion. The motion was approved unanimously by roll call vote: Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

C. Vote to Approve Changes to the BRPC Personnel Pay Plan to Remove an Offsite Senior Planner Position and Add 3 Offsite Positions: a Public Health Subject Matter Expert, Public Health Community Coordinator, and Group Purchasing Coordinator.

The Executive Committee was requested to approve changes to the BRPC personnel pay plan to remove an offsite Senior Planner position and add three offsite positions: Public Health Subject Matter Expert, Public Health Community Coordinator, and Group Purchasing Coordinator.

These changes bring job titles in line with job responsibilities. The Public Health Subject Matter Expert and Group Purchasing Coordinators are reclassifying current employees' positions. The Public Health Community Coordinator position would be a new position, but it needs to be established along with a Position Description to obtain funding for it.

Roger Bolton moved to approve changes to the BRPC personnel pay plan to remove an offsite Senior Planner position and add three offsite positions: Public Health Subject Matter Expert, Public Health Community Coordinator, and Group Purchasing Coordinator. Buck Donovan seconded the motion. The motion was approved unanimously by roll call vote: Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

VII. Committee Report and Discussion

A. Commission Development Committee

The Commission Development Committee's July 2, 2024, meeting was postponed until September 12 due to a lack of a quorum. It will be at 5:30 p.m. following the Executive Committee meeting.

B. Berkshire Brownfields Committee

The Brownfields Committee met on July 8, 2024. Several sites previously approved for assessment were approved for additional assessments: Hide Hill/Former Tannery Dump, North Adams, Carpenter's Variety, Great Barrington, Rising Pond Parcel, Great Barrington, JB Paper Factory, Pittsfield, 370 Wahconah (former Bel Air Mill), Pittsfield, 100 Woodlawn, Pittsfield, Tyler Street, Pittsfield (3 parcels), Stetson Cleaners, Pittsfield, Windsor Mill, North Adams, Niagara Mill, Lenox. One site, Heritage State Park, North Adams, was discussed and approved for an environmental site assessment. Draft minutes have not yet been prepared.

C. Metropolitan Planning Organization

The MPO met on July 23, 2024. Amendments for highway and transit changes were approved to the 2024 – 2028 Transportation Improvement Program (TIP). An amendment to the 2024 – 2028 TIP related to the increase in costs for the Pittsfield East Street project was authorized for public comment. Draft unapproved minutes were in the meeting materials.

VIII. Executive Director's Report

A. Report on New Contracts / Agreements

New Grants and Contracts received/initiated from 06/27/2024 to 07/25/2024.

- Lanesborough – Economic Development Planning - \$11,000

- Franklin Regional Council of Governments– Emergency Preparedness Planning - \$169,656
- Environmental Protection Agency - Revolving Loan Fund 2022 – Additional \$2,350,000
- Massachusetts Technology Collaborative - Municipal Digital Equity Planning Services – Monterey - \$32,621.41
- Southern Berkshire Regional Emergency Planning Committee - After Action Report - \$4,212.50

Grants and Contracts not received:

There is no immediate impact on the Public Health Program's budget.

- HRIA (MCHAAF) Community Health Improvement Plan (CHIP)
- HRIA (MCHAAF) Healthy Aging (Senior. Exercise Parks)
- HRIA (MCHAAF) PSE Grant (Gray to Green expansion/continuation)

B. Berkshires Tomorrow Inc. (BTI) Update

- The B.T.I. Board of Directors authorized the President to sign an agreement between Berkshires Tomorrow and BRPC's Software Lease for 67 Subscriptions for Microsoft Office 365 and Microsoft Defender for FY2025. Tom Matuszko will sign for BRPC. Total \$17,160.00.
- The B.T.I. Board of Directors authorized the President to sign an agreement between BPRC and Berkshires Tomorrow for Consulting Services to set up the Federal Fund Accountability and Transparency Act Subaward Reporting System (FSRS) and sub-award grant compliance. This agreement will be up to \$10,000. Tom Matuszko will sign for BRPC.

C. Staff Updates

Open Positions:

- Public Health Community Social Worker
- Public Health Trainer
- Public Health Medical Reserve Corp (MRC) Assistant Coordinator

Reclassifications:

- Pat Mullins – PT Project Specialist
- Nancy Slattery – PT Public Health Nurse

D. Rural Policy Advisory Commission (RPAC) Update

The Rural Policy Advisory Commission did not meet in July 2024.

E. Passenger Rail

- West-East Rail – No known activity over the past month.
- Berkshire Flyer – Ridership of the Berkshire Flyer has been slightly lower but generally similar to last year. It appears that on-time performance has improved. Last mile transportation has been sparingly used.
- Northern Tier Passenger Rail – No known activity over the past month.

F. Economic Development Administration (EDA) Success Story – Berkshire Innovation Center (BIC)

EDA promoted the BIC’s EDA award of \$900,000 as a success story on the main EDA website, highlighting the Berkshire Innovation Center Manufacturing Academy. BIC established the Berkshire Innovation Center Manufacturing Academy, to help foster growth in the advanced manufacturing sector. Assistant Director Laura Brennan was instrumental in obtaining this award. For more information, see <https://www.eda.gov/impact/success-stories/workforce-development/eda-funded-manufacturing-revival-underway-new-england>

G. Conference Committee FY 2025 State Budget

On July 18, the FY25 Budget Conference Committee released its budget for the Governor's approval. The Governor had until 7/29/24 to review the budget. The Legislature had until 7/31/24 to override any vetoes. A summary prepared by the Metropolitan Area Planning Council was attached. Some key items for BRPC:

- The DLTA program was level-funded at \$3 million
- The Grant Assistance Program (GAP) was level-funded at \$2 million
- The Efficiency & Regionalization Program was level funded at \$600,000
- The SAPHE (State Action for Public Health Excellence) was funded as \$10.1 million
- A technical fix was made to the GAP program to allow RPAs to use FY24 GAP for both state and federal grants instead of just federal

Specific to BRPC:

- \$75,000 was obtained to support the work of Berkshire Funding Focus
- \$200,00 for the Berkshire County Opioid Education and Awareness Task Force

Tom thanked Berkshire County legislators for supporting the larger statewide budget items, especially Senator Mark's strong support for the Berkshire Funding Focus and Opioid Education and Awareness Task Force.

IX. Old Business

A. Discussion and Vote to Select the Kusik Award Winner for 2024

One nomination was received for the Kusik Award winner: Representative Smitty Pignatelli for his service to the communities in southern Berkshire County.

Doug McNally moved to award Representative Smitty Pignatelli the 2024 Kusik Award. Roger Bolton seconded the motion. The motion was approved unanimously by roll call vote: Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

B. Discussion about the Annual Meeting

Balderdash Cellars' barn has been reserved for Wednesday, September 25. Potential speakers include Congressman Neal and Mass Energy &

Environmental Affairs Secretary Tepper.

C. Update of the Proposed National Interest Electric Transmission Corridor (NIETC)

BRPC is unaware of any action by the U.S. Department of Energy's proposed New York – New England NIETC designation. It isn't clear when a decision will be made. Eversource has said the current right-of-way is sufficient and they would not use eminent domain power. New substations will need land and there is agreement that capacity improvements are needed. Federal subsidies would help, and consumers might see reduced rates.

Tom is communicating with relevant municipal officials. It was suggested that an Eversource presentation to that group might be useful.

X. New Business

No new business.

XI. Adjournment

Doug McNally made a motion to adjourn the meeting at 4:38 p.m., seconded by Sam Haupt, and unanimously approved by a roll call vote: Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

Additional Meeting Material:

- 2024.07.02 Unapproved Executive Committee Meeting Minutes - DRAFT
- June 28 - July 25, 2024 Expenditures Report
- July 2024 Aged Receivables Report
- 2024.07.24 Line of Report
- 2024.07.25 Executive Director Memorandum
- FY25 Personnel Pay Plan Ranges
- 2024.07.23 Unapproved Metropolitan Planning Organization Meeting Minutes – DRAFT
- FY25 Conference Committee Budget Summary

BERKSHIRE REGIONAL PLANNING COMMISSION

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For the Period From Jul 24, 2024 to Sep 1, 2024

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18325	7/24/2024	TD CARD SERVICES	12,413.86	---	---	July 2024 Credit Card Payment #1 Support
18326	7/31/2024	BECKS PRINTING	822.11	679 BGNGEVS/MassSave	Berkshire Gas / National Grid / Eversource - Mass Save Community First Partnership	Printing
18327	7/31/2024	LAURA BRENNAN	20.50	432 LAN/EDP	Lanesborough - Shared Economic Development Planner	Expense Form
18328	7/31/2024	TIFFANY BROUILLETTE	624.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18329	7/31/2024	CARR HARDWARE & SUPPLY CO INC	123.95	040 ADMIN	Admin	Office Supplies
18330	7/31/2024	CITY OF NORTH ADAMS	243.15	737 COMM/ARTBERK24	Communities/Organizations - Cultural Districts - ArtWeek	Return of Unspent ArtWeek Grant Funding
18331	7/31/2024	COMMONWEALTH OF MASSACHUSETTS	319,635.38	650 DPH/SS	Public Health Excellence for Shared Services	Return of Unspent DPH Grant Funding
18332	7/31/2024	DANIELLE COOMES	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18333	7/31/2024	FEDEX	45.90	---	Varied Projects	Postage
18334	7/31/2024	KAMARA FLASCHER	640.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18335	7/31/2024	SIOGA CLUB OF BERKSHIRE COUNTY INC	100.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18336	7/31/2024	RYAN GRIFFIS	53.73	775 LAN/PM	Lanesborough - Pavement Management	Expense Form
18337	7/31/2024	TOWN OF GREAT BARRINGTON	243.16	737 COMM/ARTBERK24	Communities/Organizations - Cultural Districts - ArtWeek	Return of Unspent ArtWeek Grant Funding
18338	7/31/2024	JUSTIN HERVIEUX	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18339	7/31/2024	SETH JENKINS	103.85	---	Varied Projects	Expense Form
18340	7/31/2024	DAVID KELLEY	920.00	040 ADMIN	Admin	Cleaning Services
18341	7/31/2024	PETER LAROCHELLE	99.16	690 DCR/OUTRECWEB	Department of Conservation and Recreation - Outdoor Recreation Website	Expense Form
18342	7/31/2024	JOCELYN LATVALLA	207.83	---	Varied Projects	Expense Form
18343	7/31/2024	TOWN OF LENOX	243.15	737 COMM/ARTBERK24	Communities/Organizations - Cultural Districts - ArtWeek	Return of Unspent ArtWeek Grant Funding
18344	7/31/2024	CHRISTIE LEWIS	75.04	745 SHF/EOHLC/CDBG	Sheffield EOHLC - Housing Rehabilitation	Expense Form
18345	7/31/2024	ANDREW MCKEEVER	70.69	---	Varied Projects	Expense Form
18346	7/31/2024	KELLIE MEISL	640.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18347	7/31/2024	LUKE PEPLOWSKI	184.92	690 DCR/OUTRECWEB	Department of Conservation and Recreation - Outdoor Recreation Website	Expense Form
18348	7/31/2024	CITY OF PITTSFIELD	243.16	737 COMM/ARTBERK24	Communities/Organizations - Cultural Districts - ArtWeek	Return of Unspent ArtWeek Grant Funding
18349	7/31/2024	LIANA RICE	62.98	738 BTI/NEA/CUL	BTI - National Endowment for the Arts - Cultural Plan: Pittsfield	Expense Form

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18350	7/31/2024	BRETT ROBERTS	114.50	---	Varied Projects	Expense Form
18351	7/31/2024	JAZU STINE	192.29	681 NEHA-FDA/FSPA	NEHA - Alliance Food Safety Program Advancement	Expense Form
18352	7/31/2024	VALLEY GREEN SHREDDING, LLC	42.50	040 ADMIN	Admin	Recycling
18353	7/31/2024	WILLIAMSTOWN CHAMBER OF COMMERCE	243.16	737 COMM/ARTBERK24	Communities/Organizations - Cultural Districts - ArtWeek	Return of Unspent ArtWeek Grant Funding
18354	8/1/2024	BLUE 20/20	219.92	040 ADMIN	Admin	Vision Insurance
18355	8/1/2024	MIIA HEALTH BENEFITS TRUST	2,492.13	040 ADMIN	Admin	Dental Insurance
18356	8/1/2024	MIIA HEALTH BENEFITS TRUST	64,394.65	040 ADMIN	Admin	Health Insurance
18357	8/1/2024	MUTUAL OF OMAHA	1,552.65	040 ADMIN	Admin	Life; STD; LTD
18358	8/1/2024	CITY OF PITTSFIELD	425.00	040 ADMIN	Admin	Parking
18359	8/1/2024	THE COOPER CENTER, LLC	8,895.18	040 ADMIN	Admin	Rent
18360	8/1/2024	BRITNEY DANIALS	614.74	---	Varied Projects	Expense Form
18361	8/1/2024	VALERIE BIRD	391.28	283 BPHA/INSP	Berkshire Public Health Alliance - Regional Public Health Inspections	Expense Form
18362	8/1/2024	SOPHIE CARNES JANNEN	140.86	650 DPH/SS	Public Health Excellence for Shared Services	Expense Form
18363	8/1/2024	MONASIA CEASAR	158.59	650 DPH/SS	Public Health Excellence for Shared Services	Expense Form
18364	8/1/2024	JILL DAUGHERTY	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18365	8/1/2024	LESLIE DRAGER	50.00	284 BPHA/PHN	Berkshire Public Health Alliance - Regional Public Health Nursing Program	Expense Form
18366	8/1/2024	EDWARD FAHEY	315.99	283 BPHA/INSP	Berkshire Public Health Alliance - Regional Public Health Inspections	Expense Form
18367	8/1/2024	SHARRON FRAZIER-MCCLAIN	400.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18368	8/1/2024	MASS STATE BOARD OF RETIREMENT	13,454.48	---	---	Retirement
18369	8/1/2024	RAYNIER MEDINA OLIVO	192.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18370	8/1/2024	COURTENY MOREHOUSE	351.97	---	Varied Projects	Expense Form
18371	8/1/2024	MAEGAN MOYNAHAN	550.00	610 HRIA/G2G	Health Resources in Action - Gray to Green	Subcontractor
18372	8/1/2024	DWAYNE MYERS	106.40	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18373	8/1/2024	ANDREW OTTOSON	138.43	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Expense Form
18374	8/1/2024	NANCY SLATTERY	133.97	650 DPH/SS	Public Health Excellence for Shared Services	Expense Form
18375	8/1/2024	COLIN SYKES	327.19	650 DPH/SS	Public Health Excellence for Shared Services	Expense Form
18376	8/1/2024	KJ NOSH CATERING CO	476.00	755 BTI/HNE/PHCOMO	BTI - Health New England - PH Community Outreach	Feet on the Street Catering Services
18377	8/1/2024	BERKSHIRES TOMORROW INC	887.51	778 BRPC/FSRS	BRPC - Consulting Services Federal Fund Accountability and Transparency Act	Reimbursement for Subcontractor Services

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18378	8/14/2024	18 DEGREES INC	2,588.54	652 DPH/SORPEC	Department of Public Health - Bureau of Substance Addiction	Subcontractor
18379	8/14/2024	THE BRIEN CENTER	12,792.20	---	Varied Projects	Subrecipient
18380	8/14/2024	CENTRAL BERKSHIRE HABITAT FOR HUMANITY	22,500.00	610 HRIA/G2G	Health Resources in Action - Gray to Green	Subcontractor
18381	8/14/2024	REBECCA DODGE	480.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18382	8/14/2024	GROUP ARCHITECTURE & URBANISM CO	28,987.50	753 PTS/MVPA	Pittsfield Francis Ave Parklet and Routing Study	Subcontractor
18383	8/14/2024	THE COOPER CENTER, LLC	3,900.00	040 ADMIN	Admin	Improvements - Soundproof Ceiling Tiles
18384	8/14/2024	CHRISTOPHER KOWALSKI	64.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18385	8/14/2024	KELLIE MEISL	8.38	755 BTI/HNE/PHCOMO	BTI - Health New England - PH Community Outreach	Reimbursement
18386	8/14/2024	MAEGAN MOYNAHAN	937.50	664 CLK/MVPA	Clarksburg - Municipal Vulnerability Preparedness	Subcontractor
18387	8/14/2024	ANN MARIE MUTZ	1,030.00	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Subcontractor
18388	8/14/2024	APA NORTHERN NEW ENGLAND CHAPTER	355.00	545 EOHLCDLTA24	District Local Technical Assistance 2024	Conference - Hoss, C
18389	8/14/2024	QUALPRINT	459.00	758 UBALT/COCLI	University of Baltimore - COCLI - Berkshire Post Overdose Program	Printing
18390	8/14/2024	RAINBOW DISTRIBUTING COMPANY INC	97.93	040 ADMIN	Admin	Water
18391	8/14/2024	REBECCA ROUGHLEY	46.50	560 COMVEN/GPUR	Communities/Vendors - FY24 Group Purchasing	Expense Form
18392	8/14/2024	SHAMIA SHEPHERD	1,030.00	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Subcontractor
18393	8/14/2024	SOURCEPASS COMPUWORKS LLC	1,965.43	040 ADMIN	Admin	Computer Maintenance
18394	8/14/2024	TD CARD SERVICES	2,258.12	---	---	July 2024 Credit Card Payment #2 Support
18395	8/14/2024	TPX COMMUNICATIONS	1,485.75	040 ADMIN	Admin	Telephone
18396	8/14/2024	THE COOPER CENTER, LLC	1,943.09	040 ADMIN	Admin	Utilities
18397	8/14/2024	VALLEY GREEN SHREDDING, LLC	42.50	040 ADMIN	Admin	Recycling
18398	8/14/2024	WESTSIDE LEGENDS INC	7,500.00	610 HRIA/G2G	Health Resources in Action - Gray to Green	Subcontractor
18399	8/14/2024	REGENERATIVE DESIGN GROUP CO-OP INC	23,628.05	664 CLK/MVPA	Clarksburg - Municipal Vulnerability Preparedness	Subcontractor
18400	8/15/2024	NBCC	70.00	678 NERHA/RVE24	New England Rural Health Association - Rural Vaccine Equity Initiative 2024	UNO Space Fee
18402	8/15/2024	MASS STATE BOARD OF RETIREMENT	13,054.23	---	---	Retirement
18403	8/21/2024	BECKS PRINTING	723.82	---	Varied Projects	Printing
18404	8/21/2024	BERKSHIRE GROWN INC	15,494.27	715 USDA/RFSP	USDA - Regional Food System Partnerships Program	Subrecipient

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18405	8/21/2024	COMMUNITY RECREATION ASSOCIATION INC	10,000.00	678 NERHA/RVE24	New England Rural Health Association - Rural Vaccine Equity Initiative 2024	Subcontractor
18406	8/21/2024	HARRINGTON HEEP LLP	1,677.50	040 ADMIN	Admin	Legal Services
18407	8/21/2024	DANIEL HASSETT	259.78	650 DPH/SS	Public Health Excellence for Shared Services	Expense Form
18408	8/21/2024	MACFARLANE OFFICE PRODUCTS, INC.	706.44	040 ADMIN	Admin	Copying
18409	8/21/2024	PITTSFIELD PCTV COMMUNITY TELEVISION	100.00	440 MassDOT/TPL24	MA Department of Transportation Planning	Annual Membership
18410	8/21/2024	rites of passage and empowerment inc	70.00	652 DPH/SORPEC	Department of Public Health - Bureau of Substance Addiction	Ticket Reimbursement
18411	8/21/2024	SEQIRUS USA INC	12,290.98	653 BRPC/INSREIMB	BRPC - Insurance Reimbursement	2024/2025 Vaccinations
18412	8/21/2024	SHAMIA SHEPHERD	515.00	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Subcontractor
18413	8/21/2024	JAZU STINE	233.96	681 NEHA-FDA/FSPA	NEHA - Alliance Food Safety Program Advancement	Expense Form
18414	8/21/2024	ELIZABETH STRICKLER	1,418.67	---	Varied Projects	Subcontractor
18415	8/21/2024	WB MASON COMPANY INC	464.71	040 ADMIN	Admin	Office Supplies
18416	8/29/2024	BERKSHIRE COUNTY SHERIFFS OFFICE	55,000.00	659 DPH/LHSCT	Department of Public Health - Local Health Support Covid-19 Contact Tracing	Subcontractor
18417	8/29/2024	BERKSHIRES TOMORROW INC	4,290.00	040 ADMIN	Admin	Software Lease
18418	8/29/2024	BERKSHIRE BOUNTY INC	7,831.52	715 USDA/RFSP	USDA - Regional Food System Partnerships Program	Subrecipient
18419	8/29/2024	DONOVAN O'CONNOR & DODIG, LLP	109.58	166 EPA/RLF	Environmental Protection Agency - Brownfields Revolving Loan Fund	Legal Services
18420	8/29/2024	EMPLOYERS ASSOCIATION OF THE NORTHEAST	180.00	040 ADMIN	Admin	Meeting - Bartley, K
18421	8/29/2024	FAIRVIEW HOSPITAL	1,316.31	518 FRCOG/BMRC	FRCOG Berkshire Medical Reserve Corps	Subcontractor
18422	8/29/2024	MICHIGAN TECHNOLOGICAL UNIVERSITY	1,495.00	440 MassDOT/TPL24	MA Department of Transportation Planning	Subcontractor
18423	8/29/2024	MATTHEW SMITH	1,500.00	652 DPH/SORPEC	Department of Public Health - Bureau of Substance Addiction	Subcontractor
18424	8/29/2024	VALLEY GREEN SHREDDING, LLC	42.50	040 ADMIN	Admin	Recycling
18425	8/31/2024	SHARRON FRAZIER-MCCLAIN	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18426	8/31/2024	SIOGA CLUB OF BERKSHIRE COUNTY INC	162.50	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18427	8/31/2024	DAVID KELLEY	920.00	040 ADMIN	Admin	Cleaning Services
18428	8/31/2024	KELLIE MEISL	640.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18429	9/1/2024	BLUE 20/20	219.92	040 ADMIN	Admin	Vision Insurance
18430	9/1/2024	MUTUAL OF OMAHA	1,613.48	040 ADMIN	Admin	Life; STD; LTD
18431	9/1/2024	THE COOPER CENTER, LLC	8,895.18	040 ADMIN	Admin	Rent
1017	7/31/2024	101 MOBILITY	1,100.00	710 CEDAC/HMLP	CEDAC Home Modification Loan Program	Subcontractor
1018	7/31/2024	A PLUS HVAC INC	11,994.23	710 CEDAC/HMLP	CEDAC Home Modification Loan Program	Subcontractor
1170	8/21/2024	CMV CONSTRUCTION SERVICES INC	18,533.59	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Subcontractor

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From Jul 24, 2024 to Sep 1, 2024

Filter Criteria includes: Report order is by Date.

<u>Check #</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>	<u>Department</u>	<u>Department Description</u>	<u>Expense</u>
Total			<u>723,380.57</u>			

July 2024 Credit Card Payment #1 Support

<u>Check #</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>	<u>Department</u>	<u>Department Description</u>	<u>Expense</u>
REDUCE ADVANCE PAYMENT FROM JUNE			(4,718.84)			
CCARD	6/22/2024	BITLY INC	(21.75)	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Credit - Tax Expense
CCARD	6/26/2024	AMAZON.COM	369.96	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	MassCALL Event Supplies
CCARD	6/26/2024	TEMPTOP	(26.25)	650 DPH/SS	Public Health Excellence for Shared Services	Credit - Tax Expense
CCARD	6/27/2024	STATACORP LLC	925.00	650 DPH/SS	Public Health Excellence for Shared Services	Computer Software
CCARD	6/27/2024	AMAZON.COM	1,975.94	650 DPH/SS	Public Health Excellence for Shared Services	Computer Equipment
CCARD	6/27/2024	AMAZON.COM	472.98	650 DPH/SS	Public Health Excellence for Shared Services	Computer Equipment
CCARD	6/27/2024	AMAZON.COM	522.64	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	MassCALL Event Supplies
CCARD	6/27/2024	AMAZON.COM	207.80	650 DPH/SS	Public Health Excellence for Shared Services	PHE Supplies
CCARD	6/28/2024	IDEASTAGE.COM	891.32	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Community Engagement Materials
CCARD	6/28/2024	AMAZON.COM	354.55	650 DPH/SS	Public Health Excellence for Shared Services	PHE Supplies
CCARD	6/28/2024	AMAZON.COM	115.98	040 ADMIN	Admin	Office Supplies
CCARD	6/28/2024	AMAZON.COM	44.00	650 DPH/SS	Public Health Excellence for Shared Services	PHE Supplies
CCARD	6/28/2024	AMAZON.COM	19.64	650 DPH/SS	Public Health Excellence for Shared Services	PHE Supplies
CCARD	6/29/2024	SUNSTATION USA	1,901.37	650 DPH/SS	Public Health Excellence for Shared Services	Sunscreen Station Supplies
CCARD	6/30/2024	AMAZON.COM	324.29	650 DPH/SS	Public Health Excellence for Shared Services	PHE Supplies
CCARD	7/1/2024	MEDIUMCUBE INC	540.99	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	BOAPC Website Maintenance
CCARD	7/1/2024	MEDIUMCUBE INC	0.16	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Foreign Transaction Fee
CCARD	7/2/2024	AMAZON.COM	0.62	040 ADMIN	Admin	Office Supplies
CCARD	7/3/2024	AMAZON.COM	49.98	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	BPOP Supplies
CCARD	7/3/2024	ENVIRONMENTAL SYSTEMS RESEARCH INST INC	120.00	040 ADMIN	Admin	ARC GIS Service
CCARD	7/3/2024	UNITED STATES POSTAL SERVICE	15.03	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Naloxone Kit Postage
CCARD	7/3/2024	AMAZON.COM	(37.54)	040 ADMIN	Admin	Credit - Supply Return
CCARD	7/3/2024	AMAZON.COM	129.92	040 ADMIN	Admin	Office Supplies

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From Jul 24, 2024 to Sep 1, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Amount	Department	Department Description	Expense
CCARD	7/3/2024	ELEGANT STITCHES INC	191.32	610 HRIA/G2G	Health Resources in Action - Gray to Green	G2G Event Supplies
CCARD	7/6/2024	STAPLES	34.48	040 ADMIN	Admin	Office Supplies
CCARD	7/8/2024	AMAZON.COM	18.12	040 ADMIN	Admin	Office Supplies
CCARD	7/8/2024	AMAZON.COM	47.98	040 ADMIN	Admin	Office Supplies
CCARD	7/8/2024	BIG Y SUPERMARKET	66.40	610 HRIA/G2G	Health Resources in Action - Gray to Green	G2G Event Supplies
CCARD	7/8/2024	LIBERTY PIZZA	140.45	610 HRIA/G2G	Health Resources in Action - Gray to Green	Meals - G2G Event
CCARD	7/8/2024	AMAZON.COM	28.99	040 ADMIN	Admin	Office Supplies
CCARD	7/9/2024	STRAIGHT TALK WIRELESS	37.41	040 ADMIN	Admin	Telephone
CCARD	7/9/2024	CODE42	9.99	040 ADMIN	Admin	Computer Software
CCARD	7/10/2024	BIG Y SUPERMARKET	250.00	755 BTI/HNE/PHCOMO	BTI - Health New England - PH Community Outreach	Community Outreach Supplies
CCARD	7/10/2024	BB'S HOTSPOT, LLC	370.00	755 BTI/HNE/PHCOMO	BTI - Health New England - PH Community Outreach	Meals - Community Outreach Event
CCARD	7/12/2024	ZOOM VIDEO COMMUNICATIONS, INC.	40.00	040 ADMIN	Admin	Software Subscription
CCARD	7/16/2024	AMAZON.COM	24.87	440 MassDOT/TPL24	MA Department of Transportation Planning	Transportation Event Supplies
CCARD	7/16/2024	AMAZON.COM	155.99	040 ADMIN	Admin	Office Supplies
CCARD	7/17/2024	LIBERTY PIZZA	118.02	610 HRIA/G2G	Health Resources in Action - Gray to Green	Meals - G2G Event
CCARD	7/18/2024	SAGE SOFTWARE, INC.	3,589.00	040 ADMIN	Admin	Accounting Software Subscription
CCARD	7/18/2024	UNITED STATES POSTAL SERVICE	19.55	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Naloxone Kit Postage
CCARD	7/18/2024	MARKETPLACE CAFE	138.48	283 BPHA/INSP	Berkshire Public Health Alliance - Regional Public Health Inspections	Meals - BPHA Meeting
CCARD	7/18/2024	PERFECTGIFT.COM	2,955.02	---	Varied Projects	Gift Cards

Total 12,413.86

July 2024 Credit Card Payment #2 Support

Check #	Date	Payee	Amount	Department	Department Description	Expense
CCARD	7/23/2024	UNITED STATES POSTAL SERVICE	4.87	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Naloxone Kit Postage
CCARD	7/23/2024	OTTOS KITCHEN	67.37	772 PHIWM/BCFG	Public Health Institute of Western Massachusetts - Berkshire County Focus Group	Meals - Focus Group
CCARD	7/23/2024	CUSTOM CORNHOLE BOARDS INC	179.90	772 PHIWM/BCFG	Public Health Institute of Western Massachusetts - Berkshire County Focus Group	Event Supplies
CCARD	7/24/2024	DUN & BRADSTREET	1,633.90	040 ADMIN	Admin	Subscription Installment #4

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From Jul 24, 2024 to Sep 1, 2024

Filter Criteria includes: Report order is by Date.

<u>Check #</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>	<u>Department</u>	<u>Department Description</u>	<u>Expense</u>
CCARD	7/24/2024	CONSTANT CONTACT, INC	81.00	040 ADMIN	Admin	Newsletter Subscription
CCARD	7/24/2024	NEW ENGLAND RURAL HEALTH ASSOCIATION	275.00	678 NERHA/RVE24	New England Rural Health Association - Rural Vaccine Equity Initiative 2024	Conference - Zapata, J
CCARD	7/29/2024	AMAZON.COM	16.08	040 ADMIN	Admin	Office Supplies

Total 2,258.12

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Aug 31, 2024

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is pri

Customer ID	Customer	Over 90 days	Amount Due	Notes
284 BPHA/PHN/CLK	TOWN OF CLARKSBURG		767.62	
284 BPHA/PHN/HAN	TOWN OF HANCOCK		551.25	
284 BPHA/PHN/PER	TOWN OF PERU		577.50	
284 BPHA/PHN/RIV	RIVER RUN APARTMENTS	200.00	333.33	Payment processing per Nicole at River Run
284 BPHA/PHN/SAV	TOWN OF SAVOY		577.50	
350/BCBOHA	BERKSHIRE COUNTY BOARDS OF HEALTH		88.39	
440/TPL	MASSDOT#75425 - TPL		48,546.82	
560 COMMVENPUR	COMMUNITY VENDOR PURCHASING		8,800.00	
560 SEALCOATING	SEALCOATING INC		2,895.02	
560 TONLINO	TONLINO & SONS		533.16	
679 EV/MASSSAVE/CFP	EVERSOURCE		4,166.66	
679 NG/MASSSAVE/CFP	NATIONAL GRID		7,291.66	
684 MON/DEP319	TOWN OF MONTEREY		2,178.37	
685 HVA/BCCCP	HOUSATONIC VALLEY ASSOCIATION		25,537.14	
712 MAPC/WRHSAC/EEMC	WESTERN REGION HOMELAND SECURITY	2,524.88	4,286.36	Per FRCOG, payment to be processed in upcoming weeks
713 MON/MVPA	TOWN OF MONTEREY		10,414.10	
718 LEE/SRPP	TOWN OF LEE		5,532.67	
724 HAN/MVP	TOWN OF HANCOCK		706.08	
728 MAPC/MCSP	METROPOLITAN AREA PLANNING COMMISSION		12,656.64	
733.00 USDOT	USDOT EQUITY CONCERNS	19,134.69	47,615.82	Invoice submitted to USDOT late July - Payment processing
733.01 SS4A	OFFICE OF TRANSPORTATION PLANNING		1,035.26	
741 BMC/MBI/DEBERK	BAYSTATE MEDICAL CENTER	7,517.43	7,517.43	Payment processing per Diane, Baystate Health
742 MON/OSRP	TOWN OF MONTEREY	11,188.31	15,000.00	CJ to follow up again
743 BTI	BERKSHIRES TOMORROW, INC.		14,700.00	
745 SHF/CDBG	TOWN OF SHEFFIELD		9,683.75	
750 LAN/MP COMM MA	COMMONWEALTH OF MASS		35,641.00	
751 EOEEA/WSH/ZR COM	COMMONWEALTH OF MASS		19,959.00	
752 BWD/MVP	BRIGGSVILLE WATER DISTRICT		5,408.40	
753 PTS/MVPA	CITY OF PITTSFIELD		60,056.94	
758 UBALT/COCLI/BPOP	UNIVERSITY OF BALTIMORE		8,258.52	
763 TOWN OF LEE	TOWN OF LEE		31,774.47	
764 TOWN OF MONTEREY	TOWN OF MONTEREY		17,733.52	
766 SAV/CUL	TOWN OF SAVOY		1,919.64	
TOWN OF WILLIAMSTOWN	TOWN OF WILLIAMSTOWN		6,555.97	

Report Total 40,565.31 419,299.99

Current Balance
\$0.00

Available Credit	\$500,000.00
Amount Due	\$0.00
Payment Due Date	Sep 5, 2024



It appears you don't have any recent activity.

When available, this is where your account activity will display.

All available activity has been retrieved. More may be available via date-range search.



MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission

FROM: Thomas Matuszko, Executive Director

DATE: September 6, 2024

SUBJ: Agenda Items – September 12, 2024, Executive Committee Meeting

VI. Items Requiring Action

A. Vote to Authorize the Disposal or Offering to Municipalities of Surplus Equipment. This Includes 6 HP ProBook Computers and one Dell Monitor to be Disposed of and 6 ProBook and 1 EliteBook Computers to be Offered to Municipalities*

BRPC's guidance for dealing with surplus property is to dispose of non-functioning or poor condition equipment. Equipment in good condition is first offered to the region's municipalities, then non-profit organizations, and then items valued over \$200 are attempted to be sold, and finally if there is no interest from those efforts, offered to staff. The Executive Committee is requested to authorize the environmentally safe disposal or donation of surplus laptops and tablets. The full list of equipment is in the meeting materials.

B. Vote to Approve the Submission of a Grant Application to the U.S. Department of Housing and Urban Development, FY24 Pathways to Removing Obstacles to Housing (PRO Housing) Program and as an Element of that Application Approve a PRO Housing Certification for Multijurisdictional Entity Applicants*

The Executive Committee is requested to authorize the Executive Director to submit a grant application to the U.S. Department of Housing and Urban Development, FY24 Pathways to Removing Obstacles to Housing (PRO Housing) program and approve any resulting contracts and agreements, including a PRO Housing Certification for Multijurisdictional Entity Applicants (See attached form.)

The PRO Housing program is intended to empower communities that are actively taking steps to remove barriers to affordable housing and seeking to increase housing production and lower housing costs over the long term. The application is still taking shape but may include items related to removing

barriers to housing development, such as providing assistance with housing financing, assessing rental units that have gone off the market, housing rehabilitation activities, and affordable housing restrictions. Staff have approached several municipalities as partners. The budget too is being developed but the maximum amount that can be requested is \$7 million over the 6 year performance period of the grant. No match is required. The BRPC contact is Community Planning and Development Program Manager CJ Hoss, choss@berkshireplanning.org.

VII. Committee Reports and Discussion

A. Regional Issues Committee

The Regional Issues Committee met on August 28, 2024. The main agenda items were an update on the Affordable Homes Act legislation and clean energy related legislation. Draft, unapproved minutes from the meeting are not yet available.

B. Metropolitan Planning Organization (MPO)

The MPO met on August 27, 2024. Amendments were approved to the 2024 – 2028 Transportation Improvement Program (TIP) for changes to the highway and transit sections. An amendment to the 2024 – 2028 TIP related to the increase in costs for the New Marlborough Keyes Hill Road bridge and removal of the Lee Meadow Street Bridge (and subsequent reprogramming in FFY 2025.) was approved. Various funding amendments related to BRTA funding were also approved. A 5th amendment to increase funding for the Pittsfield East Street project was approved for public comment. Draft unapproved minutes are in the meeting materials.

C. Environmental Review Committee

The Department of Conservation and Recreation filed an Environmental Notification Form (ENF) for the demolition of several buildings at Jug End State Reservation in Egremont. These buildings are generally in disrepair. Staff and two members of the ERC attended the remote consultation session for the demolition. BRPC comments aren't warranted for this demolition project.

An ENF for the reconstruction and related work of Mount Washington Road, Egremont is expected to be noticed in the 9/11/24 edition of the Monitor.

D. Commission Development Committee

The Commission Development Committee is scheduled to meet on September 12, 2024.

VIII. Executive Director's Report

A. Report on New Contracts/Agreements

New Grants and Contracts received/initiated from 07/26/2024 to 09/05/2024.

- MIIA Wellness Grant Program - \$5,000
- Adams – Outsource Planner - \$11,000
- Lanesborough – Stormwater Management - \$11,000

- Franklin Regional Council of Governments – Medical Reserve Corps - \$44,112
- Dalton – Stormwater Management - \$11,000
- Cheshire – Stormwater Management - \$7,500
- National Environmental Health Association - U.S. Food and Drug Administration – Alliance Inspector Training - \$5,000
- Dalton Fire District - Americans with Disabilities Act Improvement Plan - \$4,500
- BTI - Executive Office of Energy and Environmental Affairs - Berkshires Outside Website Phase II - \$40,000

Grants and Contracts not received.

We did not receive the following:

- The Senate Appropriations Committee did not include funding for Berkshire Regional Planning Commission's Preventing Alcohol Misuse and Addiction project totaling \$149,936.
- Substance Abuse and Mental Health Services Administration (SAMHSA) SPF-PFS for Alcohol Prevention - \$375,000 per year/4 years.
- Public Health Next 50 -Home Share Program A Home Share program involves the exchange of services for free or low-cost housing. \$100,000 per year/3 years

B. Berkshires Tomorrow Inc. (B.T.I.) Update

- The B.T.I. Board of Directors authorized the President to sign an agreement with Berkshire Regional Planning Commission and any other contracts not exceeding \$9,999, including a 2% administrative fee. The agreement is to support the Medical Reserve Corps Unit Coordination.
- The B.T.I. Board of Directors authorized the President to sign an B.T.I. agreement with the Mass Cultural Council for \$2,500. The agreement is to support FY2025 Cultural Activities (Berkshires).

C. Staff Update

- Open Positions:
 - Public Health Community Social Worker
 - Public Health Senior Planner - Behavioral Health/ Substance Use Disorder (SUD)
 - Housing Rehab Specialist
 - Public Health Medical Reserve Corp (MRC) Assistant Coordinator

Resigned:

- Nikki Lewis – Public Health Senior Planner - Behavioral Health/ Substance Use Disorder (SUD)

Reclassification:

- Aleesha Siddiqui – Intern accepted into the AmeriCorps Fellowship Program working in the Digital Equity Initiative.

D. Rural Policy Advisory Commission (RPAC) Update

The Rural Policy Advisory Commission did not meet in August, 2024.

E. Passenger Rail

- West-East Rail – No known activity over the past month.
- Berkshire Flyer – Ridership of the Berkshire Flyer has been slightly lower, but generally like last year. It appears on-time performance has improved. Last mile transportation has been sparingly used.
- Northern Tier Passenger Rail – On August 12, 2024, MassDOT released the Northern Tier Passenger Rail Study draft final report for public comment. The study is posted [here](#). The draft final report includes the study's evaluation of transportation conditions along the Northern Tier, alternatives development and analysis processes, and findings and recommendations. The 60-day public comment period ends Saturday, October 12, 2024. Comments may be submitted on the website form <https://www.mass.gov/northern-tier-passenger-rail-study>

F. 2024 Annual Statewide Conference for Municipal Officials and Staff

The Massachusetts Association of Regional Planning Agencies (MARPA) and the Division of Local Services (DLS) are sponsoring the 2024 Annual Statewide Conference for Municipal Officials and Staff. The event will be held at Holy Cross College in the Hogan Center Conference Center on Tuesday, October 8, 2024. The Conference will feature a keynote speech from Lt. Governor Driscoll, a panel of Healey-Driscoll Administration officials and several breakouts on pressing municipal and regional issues.

The Conference will be held on Tuesday October 8th, 8:30 a.m. - 12:30 p.m. at Holy Cross College/Hogan Conference Center (1 College St, Worcester, MA 01610). Registration is at <https://mapc.ma/marpa-2024>. The attendance fee is \$20.

G. 2024 Moving Together Conference

MassDOT is sponsoring its Moving Together Conference featuring workshops and panels that highlight current pedestrian, bicyclist and public transportation topics and allowing for networking with colleagues representing diverse interests from the public, academic and private sectors

The Workshop will be held on Wednesday October 23, 2024 from 7:45 am - 4:30 pm, at the Sheraton Boston Hotel, 39 Dalton Street, Boston, MA. Some of the topics at this year's conference will include:

- MassTrails
- Transit Connectivity
- Bicycle Counts
- Systemwide Accessibility
- Climate Resiliency
- Safe Streets/Smart Trips High School Video Contest
- Site Visits

Registration is at [UMTC/Baystate Roads - UMTC \(umasstransportationcenter.org\)](https://umasstransportationcenter.org)

H. Department of Conservation and Recreation Land Acquisition Sandisfield

The Commonwealth of Massachusetts, acting through its Department of Conservation and Recreation (DCR) has under consideration the acquisition of land comprising approximately 64 acres off Town Hill Road in the Town of Sandisfield. The property is currently undeveloped and used for forestry and open space. The proposed use for the property will be protected open space and recreation as part of Otis State Forest. Attached is a locus map marked "Exhibit A" which shows the property in which DCR is interested.

I. Annual Meeting Reminder

Berkshire Regional Planning Commission will hold its Annual Meeting and Reception on Wednesday, September 25th from 5-7pm at Balderdash Cellars in Richmond. MA Executive Office of Housing and Livable Communities' Secretary Ed Augustus will offer the keynote remarks. During the event, the 2024 Kusik Award will be presented to Representative Smitty Pignatelli. Register [HERE](#).

IX. Old Business

A. Report on the Open Meeting Law Determination

The Division of Open Government within the Office of the Attorney General found that BRPC violated the Open Meeting Law by failing to include the names of the anticipated appointees on the notice for the June 6 meeting. See attached letter.

B. Discussion about the Annual Meeting

Staff will provide an update about the Annual Meeting planning.

X. New Business

C. Vote to Approve the Executive Director's FY 24 Performance Review and FY 25 Salary Adjustment*

BRPC's Bylaws require "On an annual basis, the Executive Director shall prepare a review of his/her accomplishments for the preceding year and goals for the upcoming years as part of his/her performance evaluation by the Executive Committee."

BRPC salaries are based on performance reviews. The Executive Committee is requested to approve the Executive Director's FY 24 Performance Review and FY 25 Salary Adjustment.

A. September Commission Meeting

- CEDAC Home Modification Loan Program
- Roundtable discussion from Delegates and Alternates about important issues facing their community

XI. Adjournment*

Additional Meeting Material:

- 2024.08.01 Unapproved Executive Committee Meeting Minutes - DRAFT

- July 24, 2024 – September 1, 2024 Expenditures Report
- August 2024 Aged Receivables Report
- 2024.08.24 Line of Credit Report
- 2024.09.06 Executive Director Memorandum
- Surplus and Disposable Equipment List August 2024
- PRO Housing Certifications for Multijurisdictional Entity Applicants
- 2024.08.27 Unapproved Metropolitan Planning Organization Meeting Minutes
– DRAFT
- 2024 Annual Statewide Conference for Municipal Officials and Staff Flyer
- Department of Conservation and Recreation Proposed Land Acquisition –
Sandisfield
- 2024 BRPC Annual Meeting Invitation
- Open Meeting Law Complaint Determination



BRPC

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201
Pittsfield, MA 01201
T: (413) 442-1521 · F: (413) 442-1523
TTY: 771 or (800) 439-2370
berkshireplanning.org

August 19, 2024

Per IT Program Manager Mark Maloy, BRPC staff seek approval by the Executive Committee for the disposal or offering to towns of the following equipment:

Surplus to be offered to towns:

Inventory #	Date	Serial Number	Model	Operating System
1281	7/6/2016	5CG6261CGG	HP EliteBook 850 E3	Windows 10
1385	6/19/2019	5CD9054SOW	ProBook 470 G5	Windows 10
1387	6/19/2019	5CD9054RXK	ProBook 470 G5	Windows 10
1396	3/2/2020	5CD937CVPN	Probook 450 G6	Windows 11
1397	3/2/2020	5CD937CTN0	Probook 450 G6	Windows 11
1403	3/26/2020	5CG9184RCH	Probook 650 G4	Windows 11
1411	6/29/2020	5CD0234DGC	HP ProBook 450 G7	Windows 11

To be disposed of – do not work, or poor condition:

Inventory #	Date	Serial Number	Model	Operating System
1427	6/29/2020	5CD0234DR4	HP ProBook 450 G7	Windows 11
1429	6/29/2020	5CD0234DMQ	HP ProBook 450 G7	Windows 11
1437	6/29/2020	5CG948349V	HP ProBook 650 G5	Windows 11
1447	7/7/2020	5CD023773X	HP ProBook 450 G7	Windows 11
1458	10/30/2020	5CD0378PHR	HP ProBook 450 G7	Windows 11
unknown		2CE31800P5	HP ProBook 4540s	unknown
1583	1/10/2022	CN-0T6133-46633-58R-0K3S	Dell Monitor	

PRO HOUSING CERTIFICATIONS FOR MULTI JURISDICTIONAL ENTITY APPLICANTS

The multijurisdictional entity applicant(s) certifies that:

Affirmatively Further Fair Housing -- The jurisdiction(s) will affirmatively further fair housing.

The Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (URA)

-- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24.

Anti-Lobbying --To the best of the jurisdictions' knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction(s) -- The submission of the PRO Housing application is authorized under State and local law (as applicable) and the jurisdiction(s) possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan – If any member(s) of the multijurisdictional entity applicant is a recipient of funding under Title I of the Housing and Community Development Act of 1974, the entity certifies that the housing activities to be undertaken with PRO Housing funds are consistent with the strategic plan in the jurisdictions' consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.

Build America, Buy America (BABA) – It will comply with Title IX, Subpart A of the Infrastructure Investment and Jobs Act of 2021 (41 U.S.C. 8301 et seq.).

Public Participation – It is in full compliance with the PRO Housing streamlined public participation requirements found in Section VI.E of the PRO Housing NOFO.

Community Development Plan -- If any member(s) of the multijurisdictional entity applicant is a recipient of funding under Title I of the Housing and Community Development Act of 1974, the entity certifies that its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR parts 91 and 570.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with PRO Housing funds, it has developed its proposal so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The proposal may also include activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional PRO Housing Certification).
2. Overall Benefit. The aggregate use of PRO Housing funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons.
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with PRO Housing funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if PRO Housing funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with PRO Housing funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than PRO Housing funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than PRO Housing funds if the jurisdiction certifies that it lacks PRO Housing funds to cover the assessment.

Excessive Force -- Each member State or local government has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K and R; and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

Compliance with RFRA -- The grant will be conducted and administered in conformity with the requirements of the Religious Freedom Restoration Act (42 U.S.C. 2000bb) and 24 CFR 5.109, allowing the full and fair participation of faith-based entities.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Printed Name and Title of Authorized Official



BRPC

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201
Pittsfield, MA 01201
T: (413) 442-1521 · F: (413) 442-1523
TTY: 771 or (800) 439-2370
berkshireplanning.org

MINUTES OF THE Berkshire Metropolitan Planning Organization (MPO) Tuesday, August 27, 2024

Meeting Held Via Zoom Video Communications

Meeting Materials: <https://berkshireplanning.org/event/berkshire-mpo-meeting-3/>

MPO Representatives/Alternates Present:

Stephen Woelfel	MassDOT (Representing Secretary Monica Tibbits-Nutt)
Francisca Heming	MassDOT District 1 (Representing Highway Administrator Gulliver)
Sarah Vallieres	BRTA
Sam Haupt	BRPC
Ricardo Morales	City of Pittsfield
Christine Hoyt	North Subregion Delegate
John Boyle	North Central Subregion Delegate
Gordon Bailey	Southeast Subregion Delegate

Others Present:

Jane Winn	BEAT
Clete Kus	BRPC
Anuja Koirala	BRPC
Nick Russo	BRPC
Ryan Griffis	BRPC
Chris Klem	MassDOT
Peter Frieri	MassDOT

I. Call to Order – Introductions

Mr. Krevat called the meeting to order at 4:04 p.m. Meeting attendees introduced themselves via a roll call conducted by Mr. Kus.

II. Opportunity for Public Comment

There were no public comments.

III. Approval of Meeting Minutes from June 25, 2024

ACTION: Mr. Malnati introduced a motion, seconded by Mr. Boyle, to approve the minutes of the June 25, 2024 MPO meeting.

Mr. Kus conducted a roll call:

Mr. Krevat:	Yea
Ms. Heming:	Yea
Mr. Malnati	Yea
Mr. Morales	Yea
Mr. Boyle	Yea
Mr. Bailey	Yea

IV. Approval of an amendment (4th amendment) to the 2024-2028 TIP for changes to the Highway and Transit sections identified

below and authorize the Chairman to sign the certification documents on behalf of the MPO members

HIGHWAY: 1) Increase funding for Project 609078 New Marlborough Keyes Hill Road bridge and change funding source. 2) Remove Lee, Meadow Street bridge replacement project (607597) and reprogram in FFY 2025, increase cost to \$3,653,679 with On-System non-NHS NGBP funds.

TRANSIT: 1) Add 5311 Operating Assistance funds (BRTA011862), 2) add 5310 funds (BRTA011844) and local funds for vehicle purchase, 3) add \$364,104 GOBOND funding for 3 Type E2A Vans in FFY 2025 and 4) add \$970,611 GOBOND funding in FFY 2026 for 5 low floor vans (BRTA011845).

Ms. Koirala provided details on the fourth amendment for highway and transit which was introduced at the previous MPO meeting and approved for a 21-day comment period. For highway, the cost of bridge replacement in New Marlborough cost had increased to \$5,395,160; and the bridge replacement in Lee cost increased to a new value of \$3,653,679 and needed to be moved from 2024 to 2025.

Regarding the transit amendment: for the first project, in 2024 BRTA received matching operational funding from state and local funds, totaling \$448,646 each. And for the second project, the town of Great Barrington received funds at the rate of 80/20 from the state, in addition to local funds being used to purchase an electric vehicle, totaling \$87,941 and \$21,985 respectively. In 2025, BRTA intends to utilize funding from GOBOND for the purchase of three E2A vans with total value of \$364,104. And in 2026, BRTA will use vehicle replacement GOBOND funds to purchase five low-floor vans totaling \$970,611.

No public have been received for any projects. Mr. Bailey requested clarification on where “local matching” in funding would be received from for the project in Great Barrington. Ms. Koirala clarified that local funds would be from the town, as well as other neighboring municipalities which contributed as well. Mr. Haupt added that in future presentations it would be beneficial for more details to be provided. Mr. Krevat mentioned that press releases for transit grants did contain more details, and that they can be shared with moving forward.

ACTION: Mr. Bailey introduced a motion, seconded by Mr. Malnati, to approve the amendment to the 2024-2028 TIP for changes to the Highway and Transit sections and authorize the Chairman to sign the certification documents on behalf of the MPO members.

Mr. Kus conducted a roll call:

Mr. Krevat:	Yea
Ms. Heming:	Yea
Mr. Malnati	Yea
Mr. Haupt	Yea
Mr. Morales	Yea
Ms. Hoyt	Yea
Mr. Boyle	Abstain
Mr. Bailey	Yea

V. Consideration of an amendment (5th amendment) to the 2024-2028 TIP to address the cost increase to Pittsfield East Street project (604003) and authorize a 21-day public comment period

Mr. Koirala detailed the cost increase for the reconstruction of East Street (Route 9) in Pittsfield, which was originally slated for \$10,423,290 in FFY 2024, has since grown by \$2,799,466 to a new total of

\$13,222,756. No additional regional funding is available to supplement this increase, however, MassDOT has indicated that will provide additional funding from Statewide Roadways Reconstruction Funds in 2025. Mr. Koirala invited Mr. Frieri from District 1 to provide his comments, in which he noted that there was an 18-month span between design completion in which there were significant increases in industry materials costs. Mr. Bailey questioned whether the EPA had been considered as a funding source – Mr. Haupt agreed. Mr. Krevat acknowledged that looking into additional funding sources was a reasonable course of action moving forward, but would not impact any ongoing projects.

ACTION: Mr. Malnati introduced a motion, seconded by Mr. Bailey, to approve the amendment (5th amendment) to the 2024-2028 TIP to address the cost increase to Pittsfield East Street project (604003) and authorize a 21-day public comment period.

Mr. Kus conducted a roll call:

Mr. Krevat:	Yea
Ms. Heming:	Yea
Mr. Malnati	Yea
Mr. Haupt	Yea
Mr. Morales	Yea
Ms. Hoyt	Yea
Mr. Boyle	Yea
Mr. Bailey	Yea

VI. Status reports from Member Agencies

Mr. Frieri provided an update on District 1 improvements currently scheduled. The bridge replacement in Alford is currently received a notice to proceed in January and is currently under construction; the final design for East Street (Route 9) in Pittsfield is actively advancing; the bridge replacement in Cheshire received a notice to proceed was issued in March; the bridge replacement in Lee will be moving to 2025, and the bridge replacement in New Marlborough was submitted on June 14 and is under review by MassDOT.

Mr. Malnati mentioned that BRTA received its fourth hybrid bus and a fifth is expected to be delivered shortly. BRTA is wrapping up its tri-annual review with the federal transit administration, which has requested updated language for its MPO agreement. Details will be transmitted to BRPC soon.

Mr. Kus noted that BRPC is continuing its work for the Safe Streets for All program, and the dashboard being designed will be shared with the MPO when available. Pavement evaluations for Berkshire municipalities are ongoing for the summer. BRPC is collaborating with BRTA to identify potential changes to the MOU, as previously stated by Mr. Malnati. Mr. Kus also noted that caucuses to elect subregion delegates to the MPO will take place in August.

VII. Other Business

There was no other business.

VIII. Next Meeting date – August 27, 2024

The next MPO meeting is scheduled to be held on August 27th, 2024.

ACTION: Mr. Boyle motioned to adjourn, seconded by Mr. Malnati. Mr. Krevat adjourned the meeting at 4:23 p.m.

Documents and Exhibits Used:

- [Agenda](#)
- [BMPO Meeting Minutes June 25, 2024 DRAFT](#)

- [BMPO FFY 2024-2028 Highway TIP 4th Amendment](#)
- [BMPO FFY 2024-2028 Transit TIP 4th Amendment](#)
- [BMPO FFY 2024-2028 Highway TIP 5th Amendment](#)
- [MassDOT District 1 TIP Projects Update](#)

DRAFT

REGISTER NOW

2024 MARPA-DLS CONFERENCE

OCTOBER 8, 2024

Program Begins: 9:00 AM, Close: 1:00 PM

Doors Open: 8:30 AM

COLLEGE OF THE HOLY CROSS

Hogan Campus Center

1 College Street

Worcester, MA 01601

Register at: mapc.ma/marpa-2024

**BROUGHT TO YOU BY THE MASSACHUSETTS ASSOCIATION OF REGIONAL
PLANNING AGENCIES & DIVISION OF LOCAL SERVICES**

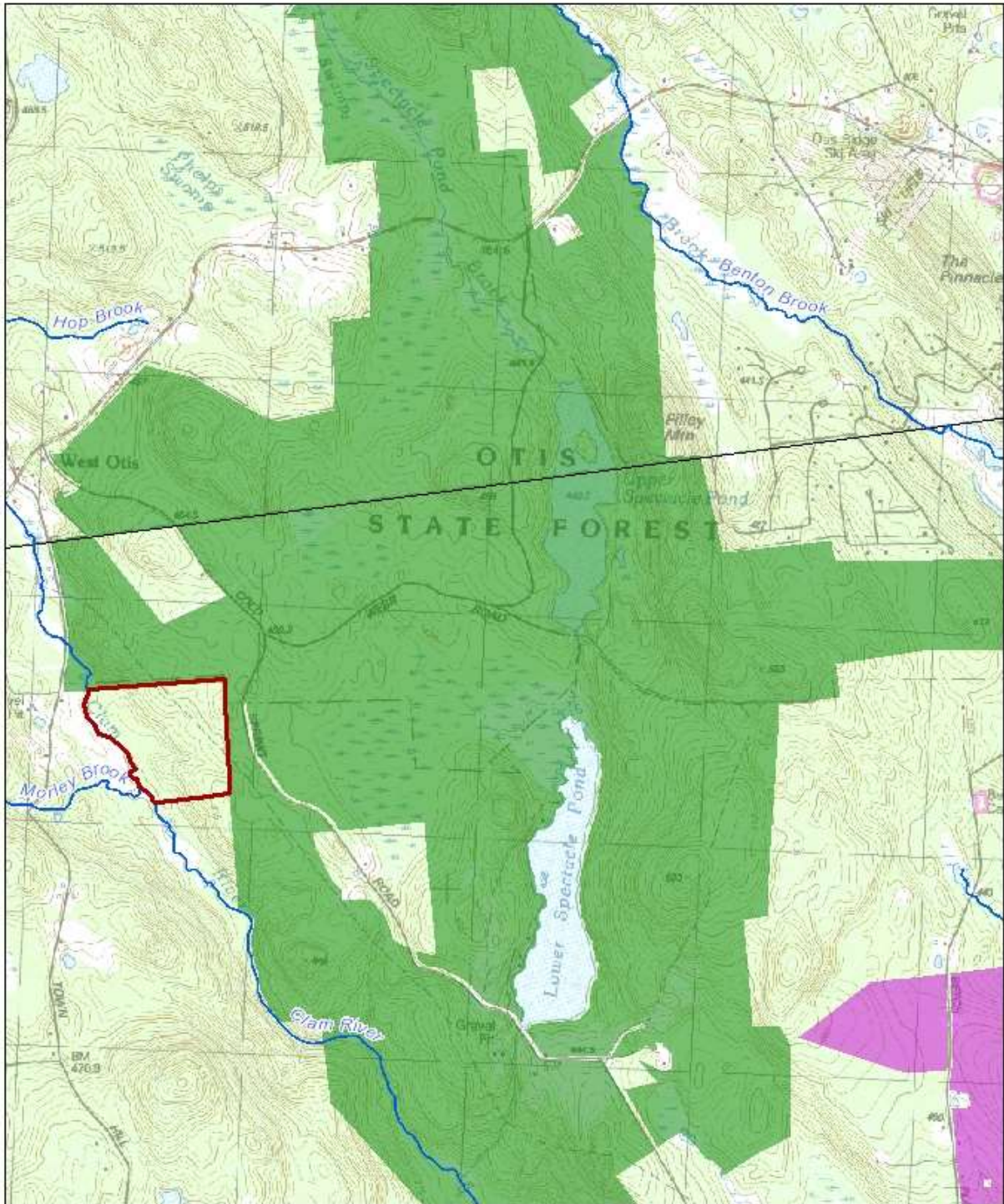


DLS


DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE



Exhibit A



Legend

 Subject Property

1:25,000



Please join
Berkshire Regional Planning Commission
for our

2024 Annual Meeting & Reception
Wednesday, September 25
5–7 pm

Honoring Representative Smitty Pignatelli
with the
2024 Kusik Award

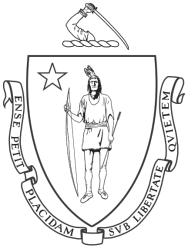
Balderdash Cellars
81 State Road Richmond, MA 01254

\$35 per person
registration required @ [Eventbrite](#)
by *Thursday, September 19*

4:00 Commission Meeting
5:00 Welcome & BRPC Highlights
• Guest Speaker
• Kusik Award
7:00 Farewell

*Accessible parking and building. Accessible bathrooms in separate building.
ASL interpretation and other accommodations available upon advance request.*

The original invitation posted in the August Common Ground e-newsletter is no longer valid. Sorry for any inconvenience.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

August 9, 2024

OML 2024 – 151

VIA EMAIL ONLY

Thomas Matuszko
Executive Director
Berkshire Regional Planning Commission
tmatuszko@berkshireplanning.org

RE: Open Meeting Law Complaint

Dear Mr. Matuszko:

This office received a complaint from Catherine Foster on July 5, 2024¹, alleging that the Berkshire Regional Planning Commission (the “Commission”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Commission on June 5. You responded to the complaint, on behalf of the Commission, by letter dated June 20. The complaint alleges that the Commission posted an insufficiently specific notice for a meeting to be held on June 6. Specifically, the complaint alleges that the notice did not include the names of the individuals to be appointed to committees and did not include attachments that corresponded with two topics listed on the notice.

Following our review, we find that the Commission violated the Open Meeting Law by failing to include the names of the anticipated appointees on the notice for the June 6 meeting. We find that the Commission did not violate the Law in the other ways alleged. In reaching this determination, we reviewed the original complaint, the Commission’s response, the request for further review, and the notice and minutes of the meeting held on June 6, as well as the supplemental materials listed as attachments on the notice.²

¹ All dates in this letter refer to the year 2024.

² The supplemental materials are available at <https://berkshireplanning.org/about/agendas-and-minutes/>.

FACTS

We find the facts to be as follows. On June 4 at 8:18 A.M., the Commission posted notice for a meeting to be held on June 6 at 4:00 P.M. The notice included eleven topics. The sixth topic was entitled “Items Requiring Action” and contained five subheadings, three of which were the following: “B. Vote to Re-appoint Members to Special or Standing Committees or Commissions not Under the Jurisdiction of the Commission;” “C. Vote to Approve Amendments to BRPC’s Professional Development Program;” and “D. Vote to Approve Revisions to BRPC’s Telework Policy.” The notice also listed 17 “attachments” which were documents that the Commission would consider during the meeting, and which corresponded with specific topics listed on the notice. Three of the attachments were the “Executive Director’s Memorandum” which included the names of three public bodies and the individuals to be appointed to those bodies, a draft of the Professional Development Program, and the proposed Telework Policy Amendment. The attachments were posted to the Commission’s website, www.berkshireplanning.org.

The June 6 meeting was held as planned. During the meeting, the Commission approved one set of meeting minutes, a financial report, and the submission of a grant application for a rain garden; appointed three different individuals to three separate public bodies; approved amendments to the Professional Development Program which would allow staff to obtain professional certificates or degrees; approved a one year extension to the Commission’s Telework Policy; and received updates and reports from subcommittees and the Executive Director.

DISCUSSION

The Open Meeting Law requires that public bodies post notice 48 hours in advance of a meeting, not including weekends and holidays, and include “the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A, § 20(b). Public bodies are required to list topics in a meeting notice with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b). We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. See OML 2024-122; OML 2018-7; OML 2015-35.³

The complaint alleges that the notice of the June 6 meeting was insufficiently specific as it did not include the names of the individuals to be appointed. Here, the June 6 meeting notice included the following topic: “Vote to Re-appoint Members to Special or Standing Committees or Commissions not Under the Jurisdiction of the Commission,” but did not list the specific committees or commissions nor the names of the candidates under consideration for appointment. The Commission explains that the names of the individuals to be appointed were included in the Executive Director’s Memorandum which was listed on the notice as an attachment and posted on the Commission’s website. Even for public bodies that use a website as their official notice posting location and therefore may post supporting documentation alongside the meeting notice, a meeting notice must include the level of specificity that the Open Meeting

³ Open Meeting Law determinations may be found at the Attorney General’s website, <https://www.mass.gov/the-open-meeting-law>.

Law requires; we do not review the contents of an accompanying meeting packet. See OML 2020-31 (finding that a public body violated the Open Meeting Law where required level of specificity was contained within a meeting packet but was not included on the notice itself). Moreover, we have consistently stated that the names of applicants for appointment, which are known 48 hours in advance of a meeting, should be posted on a meeting notice. See OML 2021-181; OML 2020-80; OML 2016-150; OML 2013-163. While we acknowledge that the names of the specific individuals as well as the public bodies that they were being appointed to were included in the Executive Director's Memorandum, and we find no indication of an intention to deprive the public of this information, the names should have been included on the meeting notice itself and not just included in the attached memo, which required users to navigate to a separate page and document. See OML 2020-21. Thus, we find that the Commission violated the Open Meeting Law by posting an insufficiently specific meeting notice.

The complaint also alleges that the notice did not include the amendments to the Professional Development Program or the revisions to the Telework Policy that the Commission planned to review and discuss during the June 6 meeting. The Open Meeting Law does not require that a public body attach supporting documents to a meeting notice or that it publicly post a "meeting packet" that contains such documents. See OML 2022-19; OML 2021-181. We find that the notice described the two topics at issue, "Vote to Approve Amendments to BRPC's Professional Development Program" and "Vote to Approve Revisions to BRPC's Telework Policy," with sufficient specificity. The Commission was not required to include attachments pertaining to each of these topics, even if its usual practice has been to do so.

Although the Open Meeting Law does not require that a public body affirmatively provide copies of documents to persons in attendance at a meeting, we encourage public bodies, whenever feasible, to provide meeting attendees with copies of all documents they intend to discuss. Particularly where viewing such documents would be helpful to following the conversation during the meeting, providing copies of documents that the Commission intends to discuss promotes transparency and public access to government deliberations. See OML 2022-199; OML 2016-94.

CONCLUSION

For the reasons stated above, we find that the Commission violated the Open Meeting Law by failing to include the names of the anticipated appointees on the notice for the June 6 meeting. We order the Commission's immediate and future compliance with the Open Meeting Law, and we caution that similar future violations could be considered evidence of an intent to violate the Law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Commission or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Kerry Kilcoyne
Assistant Attorney General
Division of Open Government

Assisted by Andrea Royo, Legal Intern

cc: Catherine Foster (via email: galcath@gmail.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.