



BRPC

Berkshire Regional Planning Commission

MALCOLM FICK, Chair
JOHN DUVAL, Vice-Chair
SHEILA IRVIN, Clerk
BUCK DONOVAN, Treasurer
THOMAS MATUSZKO,
Executive Director

MEETING NOTICE

posted 11/16/24 12:35 KHT

There will be a meeting of the
BERKSHIRE REGIONAL PLANNING COMMISSION
On Thursday, November 21, 2024 at **6:00 p.m.**

This will be a hybrid meeting: Virtual and in person, 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.

The in person Meeting will be held at the Greylock Glen Outdoor Center, 135 Gould Road, Adams, MA 01220

There will be Tour of the newly opened Outdoor Center starting at 5:30

The Virtual Meeting can be accessed at:

<https://us02web.zoom.us/j/3926128831?omn=83359450622>

Meeting ID: 392 612 8831

Meeting Materials are posted at www.berkshireplanning.org. Click on the meeting in the Events Calendar to open them.

Agenda

(All times approximate)

I. Opening

(6:00-6:05)

- a) *Call to Order and Open Meeting Law Statement*
- b) *Roll Call of Commission Members Attending the Meeting*
- c) *Vote to Approve Minutes of the September 25, 2024 Full Commission Meeting*

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

(6:05-6:10)

BRPC Delegates and Alternates may offer comments on any item not on the agenda. Any discussion or action will be referred to a future meeting and not discussed at this meeting.

III. Comments from the Public

(6:10-6:15)

Members of the public may offer comments regarding topics on the agenda or other matters they wish to bring to the Commission's attention. Comments are to be directed to the Commission. Commenters must state their names and the city or town they are from. Any discussion or action will be referred to a future meeting and not discussed at this meeting.

IV. Presentation and Discussion Related to the Accessory Dwelling Unit (ADU) Provisions of the Affordable Homes Act

(6:15-7:00)

Representatives from the Massachusetts Executive Office of Housing and Livable Communities, Chris Kluchman, Director Livable Communities, Filipe Zamborlini, Manager, Community Assistance, and Catherine Neill, ADU Coordinator, EOHLC as well as representatives from the Attorney Generals' Office, Margaret Hurley, Regional Chief, Esme Carmello, Director, AGO will present the Accessory Dwelling Unit provisions of the Massachusetts omnibus housing bill, The Affordable Homes Act, passed earlier this year and answer questions.

- V. North County Legislative Update (7:00 – 7:25)**
Representative John Barrett will review the previous (and still ongoing) legislative session and highlight important budgetary and legislative priorities relating to North County as well as the Commonwealth.
- VI. Presentation of Executive Committee Actions (7:25-7:30)**
Executive Committee actions taken on the Commission’s behalf at its October 10, 2024 and November 7, 2024 meetings are presented for discussion.
- VII. Vote to Amend the BRPC Bylaws (7:30–7:35)**
The BRPC Executive Committee has recommended the BRPC Bylaws be amended to be compliant with the Regional Planning Law. At the January 18 2024 Commission meeting, there was a vote to change the officers’ terms to bi-annual. This is inconsistent with the law that established regional planning agencies. Officers are required to be elected annually. This amendment requires a two-thirds vote of Delegates or Alternates attending a Commission meeting.
- VIII. Vote to Elect BRPC Officers for FY 2025 (7:35 – 7:40)**
The Regional Planning Law requires BRPC Officers to be elected annually. The officers for FY 25 need to be elected. The following slate of officers is proposed for FY 2025:
- Chair: Malcolm Fick, Great Barrington Alternate
- Vice Chair: John Duval, Adams Alternate
- Clerk: Sheila Irvin, Pittsfield Delegate
- Treasurer: Buck Donovan, Lee Delegate
Nominations will be taken from the floor.
- IX. Report and Possible Discussion of the Executive Director’s Report (7:40 – 7:45)**
- X. Adjournment (7:45)**

Other interested citizens and officials are invited to attend.

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

City and Town Clerks: Please post this notice

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.



DRAFT FULL COMMISSION MEETING MINUTES **September 25, 2024**

This was an in-person meeting held at Balderdash Cellars, 81 State Road, Richmond, MA 01254.

I. Opening

A. The meeting was called to order at 4:12 p.m.

Chair Malcolm Fick stated that per the open meeting law, BRPC was recording this meeting. Others may record the meeting after informing the meeting Chair. Documents presented must be provided to the Chair at the meeting.

B. The following Commission members were present:

John Duval – Adams Alternate
Alex Glover – Alford Delegate
Robert Collins – Dalton Delegate
Mary McGurn – Egremont Delegate
Pedro Pachano – Great Barrington Delegate
Malcolm Fick – Great Barrington Alternate
Sheila Irvin – Pittsfield Alternate
Christine Rasmussen – Stockbridge Alternate
Doug McNally – Windsor Delegate

Towns with no Delegate or Alternate present:

Becket, Cheshire, Clarksburg, Florida, Hancock, Hinsdale, Lanesborough, Lee, Lenox, Monterey, Mount Washington, New Ashford, New Marlborough, North Adams, Otis, Peru, Richmond, Sandisfield, Savoy, Sheffield, Tyringham, Washington, West Stockbridge, Williamstown

Staff Present:

Thomas Matuszko, Marianne Sniezek, Laura Brennan, Brett Roberts

Others Present: Kathe Warden-Becket, Karan Disecky-Cheshire, Claire O'Callahan, Berkshire Eagle

C. Vote to Approve Minutes of the August 1, 2024 Commission Meeting

Douglas McNally motioned to approve the August 1, 2024, draft meeting minutes. Alex Glover seconded the motion. There was no discussion. The motion was approved unanimously.

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

There were no comments.

III. Comments from the Public

There were no comments.

IV. Presentation of Executive Committee Actions

Malcolm Fick said that the packet of materials distributed to Commission members includes Executive Committee actions that were taken on the August 1 and September 12, 2024 meetings.

V. Presentation of the Home Modification Loan Program

Senior Planner Brett Roberts said that many people want to stay in the region and continue living in their homes but cannot afford to modify their homes to meet their needs as they age or those of their children with disabilities.

The Home Modification Loan Program (the Program) provides up to \$50,000 to homeowners to modify their home to meet the needs of a household member, such as wheelchair ramps and elevators, accessible bathrooms, and the construction of accessory dwelling units (ADUs) for aging parents. Once the modification is completed, a 50-year mortgage equal to the cost of the modification is put on the house. The program income criteria are very generous – a one-person household income must be below \$207,800 to qualify. The homeowner must provide adequate documentation from a physician. The homeowner works directly with the BRPC and the homeowner's selected contractor. There is no bidding process, the homeowner can select any contractor.

There is no cap on the number of loans. Information has been sent to Councils on Aging and Brett will be visiting COAs in person. The Program may be appropriate for homeowners not qualifying for CDBG funding. Second homes are not eligible.

The process starts with contacting BRPC's program associate, Christie Lewis at clewis@berkshireplanning.org or 413-442-1521 ext. 23 for an application. Christie can help fill it out. If approved, the homeowner finds a contractor and gets a quote. BRPC verifies the homeowner's income and needs for the project. BRPC will send the project to the state for final inspection and approval if it is approved.

Lowering kitchen cabinets and countertops would qualify under the Program. The project costs are covered upfront, and the homeowner doesn't pay for anything. Eligibility for addressing future needs would depend on the documentation provided by a physician or other care professional. Septic systems are not covered but air conditioning and ventilation may be if the homeowner has a respiratory issue.

VI. Discussion and Identification of BRPC Legislative Priorities

Tom Matuszko said the Regional Issues Committee has been serving as an ad-hoc legislative issues committee. BRPC is working on a structure to address legislative priorities better. This meeting's materials include a list of legislative priorities the Rural Policy Advisory Commission assembled. The categories are rural advocacy, rural economic development, roads, bridges, culverts, schools, housing, municipal operations, agriculture, municipal building needs, public health, and climate.

The legislation included under the priorities are bills filed in the previous session. The legislature has been in informal session since July. There is some discussion of going back into formal session to address stranded bills.

The major bills that BRPC and the Rural Policy Advisory Committee are concerned about that are still in conference committee are the economic development bond bill, the climate bill, and the so-called municipal modernization bill, which is important because it contains language extending the open-meeting law provisions that allow for virtual meetings.

BRPC and the Regional Issues Committee worked with local legislators, including Senator Mark, to communicate legislative priorities. The Rural Policy Advisory Committee has also allowed BRPC to connect with legislators from other rural areas of the state, such as the Pioneer Valley and Cape Cod.

Some of the issues discussed were:

- Chapter 90 funding increases to cover the expenses of road, bridge, and culvert maintenance and construction. Level funding is not enough.
- Rural communities must work together and cannot be seen as competing over these funds.
- Inflation is outpacing the town's ability to fund construction projects.
- Delays in bidding, securing easements, getting state approval, etc., mean project costs increase when they are finally completed.
- Fewer projects are funded as they become more expensive, and funding remains at the same level.
- Simplifying Chapter 90 application process.

It was suggested that BRPC identify budgetary priorities and communicate them to legislators when a new legislative session begins in January.

Tom Matuszko said that if the Commission finds the broad categories of legislative priorities acceptable, BRPC will continue to focus on them.

VII. Discussion of Important Items Facing Your Municipality

This discussion was skipped due to time constraints.

VIII. Adjournment

Pedro Pachano made a motion to adjourn. Doug McNally seconded the motion. The motion passed unanimously.

The meeting was adjourned at 4:55 p.m.

The next meeting is scheduled for Thursday, November 21, 2024, at 6:00 p.m.

BYLAWS

BERKSHIRE REGIONAL PLANNING COMMISSION

Revised January 20, 1972

Second Revision February 21, 1974

Third Revision May 21, 1981

Fourth Revision February 20, 1997

Fifth Revision September 18, 1997

Sixth Revision September 20, 2007

Seventh Revision – May 21, 2009

Eighth Revision – November 21, 2013

Ninth Revision – July 16, 2015

Tenth Revision – May 16, 2019

Eleventh Revision – January 19, 2023

Twelfth Revision – January 18, 2024

Thirteenth Revision – November 21, 2024

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

Berkshire County showing the status of its plans and programs.

B. Jurisdiction and Membership

B.1. Pursuant to MGL c. 40B, § 3, a planning district has been designated consisting of all of the cities and towns within Berkshire County. The planning district's jurisdiction is all of Berkshire County. Its cities and towns have all been admitted to membership in the planning district, whose governing body is the Berkshire Regional Planning Commission. The Commission consists of one member of the planning board of each member city and town, known as the delegate and an alternate designee, known as the alternate, to act in the delegate's absence.

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

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

C. Election or Appointment of the Commission

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

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

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

D. Commission Organization

D.1. ~~The positions of Chair, Vice Chair, Clerk and Treasurer shall be filled for two-year terms. During election years, a~~At the first meeting after July 1, but to be held no later than August 31st, the Commission shall elect from among its membership a Chair, Vice Chair, Clerk, and Treasurer. If any of these positions becomes vacant, the

Commission shall elect at its next meeting a delegate or alternate to fill the position until the next ~~bi-annual~~ election. To ensure continuity of operation, the Chair, Vice-Chair, Clerk, and Treasurer shall be eligible to continue to serve in that capacity, until the first meeting after July 1 ~~-of their second year holding an officer position~~, even though they may no longer be an elected member of a planning or community development board or have been appointed as an alternate by the city or town.

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

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

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

D.10. Standing Committees of the Commission

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

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

The Executive Committee shall meet monthly, or more or less frequently as necessary, and shall have the authority to act on behalf of the Commission between scheduled Commission meetings, subject to annual authorization

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

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

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

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

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

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

- D.10.5. The Regional Issues Committee shall consist of at least five (5) members. It shall identify important regional issues or policies facing Berkshire County and provide recommendations to the Commission. It may also provide recommendations on proposed state or federal legislation or regulations and

make recommendations to the Commission concerning requests from municipalities for policy or guidance on regional issues.

E. Duties of the Elected Officers of the Commission

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

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

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

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

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

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

F. Employment and Duties of Executive Director and Assistant Director

F.1. The Commission shall employ an Executive Director. The Executive Director shall serve as the Chief Administrative Officer of the Commission and is responsible for the administration and direction of the Commission staff, its activities and work programs. The Executive Director is accountable to the Executive Committee and Commission and shall perform their duties under policies established by the

Commission in conformance with applicable laws and statutes.

- F.2 The Executive Director is responsible for hiring technical and clerical staff, as authorized by the Commission, and for related personnel management and administrative actions. The Executive Director may execute contracts and other legal documents as authorized by and on behalf of the Commission. A written description of the responsibilities of the position of the Executive Director shall be prepared by the Executive Committee. At least every five years the position description shall be reviewed and as necessary updated jointly by the Executive Committee and the Executive Director. In consultation with the Executive Director, the duties of the Executive Director may be modified by the Commission upon a majority vote of those voting at a regularly scheduled Commission meeting. On an annual basis, the Executive Director shall prepare a review of their accomplishments for the preceding year and goals for the upcoming years as part of their performance evaluation by the Executive Committee.
- F.3 The Executive Director shall serve ex officio as a member of the board of directors of the affiliated non-profit corporation.
- F.4 The Commission may employ an Assistant Director, whose duties will be developed by the Executive Director. When authorized by the Executive Director, the Assistant Director shall assume the responsibilities of the Executive Director. If the Executive Director is unable to fulfill their duties due to medical reasons or other reasons as determined by the Commission Chair and approved subsequently by the Executive Committee, or the Executive Director position becomes vacant, the Assistant Director shall serve as Interim Director until the position is filled through the normal hiring practice of posting the position and reviewing applicants.

G. Amendments of the Bylaws

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



BRPC

Berkshire Regional Planning Commission

MALCOLM FICK, Chair
JOHN DUVAL, Vice-Chair
SHEILA IRVIN, Clerk
BUCK DONOVAN, Treasurer
THOMAS MATUSZKO,
Executive Director

MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Thomas Matuszko, Executive Director
DATE: November 14, 2024
SUBJ: Executive Committee Actions for
October 10 and November 7, 2024 Meetings

Per the BRPC bylaws, actions taken by the Executive Committee on the Commission's behalf are reported and presented for discussion at the next Commission meeting. The Executive Committee took the following actions at the October 10 and November 7, 2024 Executive Committee meetings.

Executive Committee Actions on October 10, 2024

Approved the minutes of September 12, 2024, BRPC Executive Committee meeting.

Approved the September 3 – October 3, 2024, Expenditures Report.

Approved the submission of a grant application to the U.S. Environmental Protection Agency's Healthy Communities Program for air quality monitoring.

Approved the submission of a grant application to the RIZE Massachusetts Mosaic (Mosaic Opioid Recovery Partnership) Municipal Matching Grant Program.

Approved to award Representative Smitty Pignatelli with the 2024 Kusik Award.

Recommended that Thomas Matuszko be appointed as the Berkshire Regional Planning Commission to the Seasonal Communities Advisory Council being convened by the Executive Office of Housing and Livable Communities pursuant to the Affordable Homes Act.

Voted to approve the Executive Director's FY24 Performance Review and FY25 3% salary increase.

Executive Committee Actions on November 7, 2024

Approved the minutes of October 10, 2024, BRPC Executive Committee meeting.

Approved the October 4 – November 1, 2024, Expenditures Report

Approved the updated Sick Leave Policy to include the new covered reason for the use of sick time to address the employee's physical and mental health needs and

those of their spouse if the employee or the employee's spouse experiences pregnancy loss or a failed assisted reproduction, adoption, or surrogacy.

Authorized the BRPC Chair to vote in the affirmative for the proposed amendment to the Memorandum of Understanding between the Berkshire Metropolitan Planning Organization and the Berkshire Regional Transit Authority.

Recommended that the Full Commission amend the BRPC Bylaws to be consistent with the Regional Planning Law with annual terms for the BRPC Chair, Vice-Chair, Treasurer and Clerk.



MEMORANDUM

TO: Berkshire Regional Planning Commission Delegates & Alternates
FROM: Thomas Matuszko, Executive Director
DATE: November 14, 2024
SUBJ: November 21, 2024, Commission Meeting

A. Drought Alert

Due to three months of below normal rainfall, Energy and Environmental Affairs (EEA) Secretary Rebecca Tepper recently declared a Level 3 - Critical Drought in the Central and Northeast Regions, and a Level 2 - Significant Drought in the Western, Connecticut River Valley, and Southeast Regions of the Commonwealth. Included in the meeting material is a one page "Drought Alert" that provides information on the current drought conditions and how communities across the Commonwealth can do their part on water conservation and drought preparedness. For more information on the current drought conditions, technical guidance regarding drought management actions and for drought-related tools and outreach materials, please visit www.mass.gov/ma-drought-management; for water conservation information, go to www.mass.gov/conservemawater.

B. Economic Development Bond Bill

The House and Senate today approved a \$4 billion Economic Development Bond Bill, [H.5100](#), that includes funding for a range of grants, programs, and specific earmarks as well as policy provisions in the more than 300-page bill.

This includes:

- [SAPHE 2.0](#). Includes provision that would ensure minimum public health standards for every community, increase capacity and effectiveness by encouraging municipalities to share services, create a uniform data collection and reporting system, and establish a sustainable state funding mechanism to support local boards of health and regional health departments.
- [Public health workforce](#). Includes a provision to admit Massachusetts into the national nurse licensure compact and creates a pathway for physicians previously authorized to practice medicine outside of the US to practice in MA, both of which will help alleviate the critical workforce challenges facing the health care sector.
- [Rural Development](#): \$100m for the Rural Development Fund and creates a rural policy development program to promote economic opportunity and prosperity in rural communities.

Investments:

- \$400m for MassWorks Infrastructure program
- Climatetech Industry investments including \$200m for clean energy investments fund, \$200m for wind industry investments trust fund and \$30m for a new program to expand employment opportunities in climatetech
- \$100m for Local Economic Development Grants
- \$30m for Brownfield Redevelopment
- \$10m for the Broadband Middle Mile program
- \$9.5m for the Downtown Vitality Fund

In addition, BRPC is included in the bill for not less than \$200,000 for business resiliency and succession planning activities. There are numerous other local earmarks. I am working my way through the bill and hope to have a comprehensive list soon. A summary of the bill is included in the meeting material.

C. Climate Bill

The Climate Bill was finally approved by the legislature with the expedited siting provisions which BRPC has previously commented on.

D. Wholistic Land Use Plan

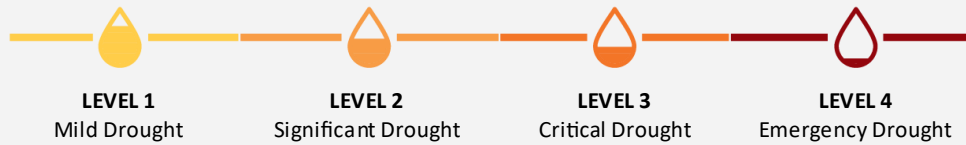
The Executive Office of Energy and Environmental Affairs (EEA) recently initiated the development of a Wholistic Land Use Plan. This effort seeks to provide a focal point and tool for state interagency coordination of intersecting policy decisions and potentially conflicting goals and plans, such as those related to housing production, land preservation for carbon sequestration, and clean energy production and transmission. This planning effort will also be the vehicle where the state develops a mitigation hierarchy that will be used for the siting and permitting of clean energy facilities as adopted by the recently adopted Climate Bill to avoid, minimize or mitigate impacts of siting on the environment, people and goals and objectives of the Commonwealth for climate mitigation, carbon storage and sequestration, resilience, biodiversity and protection of natural and working lands to the extent practicable.

E. MassDOT's Office of Transportation Planning Municipal Grants Engagement Group

MassDOT has established a new group to work with municipalities and RPAs to maximize the amount of federal transportation discretionary funding. MassDOT staff will work with applicants on grant preparation, grant implementation and administration. MassDOT contact is Derek Krevat derek.krevat@dot.state.ma.us.

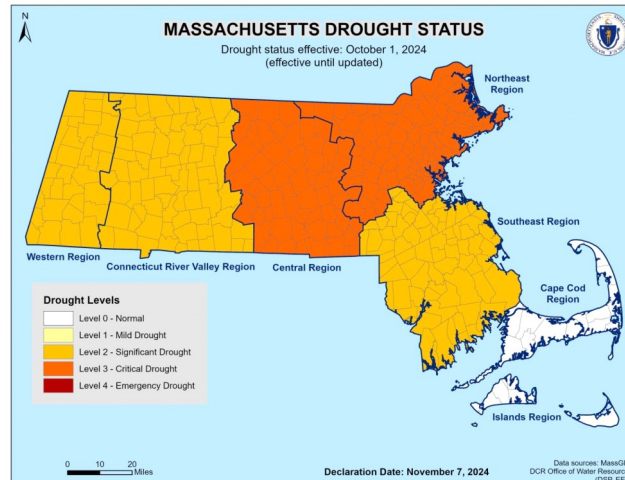
MASSACHUSETTS DROUGHT ALERT

November 8, 2024



DROUGHT STATUS

The Massachusetts Executive Office of Energy and Environmental Affairs (EEA) has declared a **Level 3 – Critical Drought** in the Central and Northeast Regions, and a **Level 2 – Significant Drought** in the Western, Connecticut River Valley, and Southeast Regions. The Cape Cod and Islands Regions remain at a **Level 0 – Normal Conditions**.



Secretary of Energy and Environmental Affairs:
Rebecca L. Tepper

Director of MEMA:
Dawn Brantley



For Information on **Water Conservation** click [here!](#)

Private Well owners click [here!](#)

CURRENT CONDITIONS

Due to unprecedented low rainfall over the last two months, with many locations recording their lowest rainfall ever, the Commonwealth is experiencing significant drought conditions. Wildfires are occurring across the state (208 fires in October and 115 fires in November so far). Smoke effects from extended drought fires have impacted local communities. Since August, all regions, except Cape and Islands, have seen a rainfall deficit of 7 to 9 inches. Streamflow has dropped significantly, resulting in dry brooks and streambeds, increased ponding, exposed beaches and sediments, and limited fish passage. Groundwater levels are declining in all regions.

WHAT YOU SHOULD DO

ALL DROUGHT REGIONS

Residents, Facilities & Businesses

- Minimize overall water use
- Run dishwashers & washing machines only at full capacity
- Fix leaks immediately
- Take shorter showers
- **Ban on open flame & charcoal fires at state parks**

Cities & Towns

- Use [outreach materials](#) to inform users about drought/water conservation tips and
- Establish a year-round water conservation program
- Enforce water use restrictions with stringent penalties
- Prepare to activate emergency inter-connections with other water suppliers
- Implement drought surcharge/seasonal water rates
- Establish/enhance water use reduction targets
- Conduct targeted outreach to top water users
- Establish a leak detection program
- Develop/refine local drought management plan for water supply
- Prohibit washing of hard surfaces, vehicles, boats

Learn more at www.mass.gov/ma-drought-management

Economic Development Bond Bill

[H.5100 \(11A Report Outsites, 11A Report Insides\)](#)

For questions: Leah Robins (lrobins@mapc.org), Norman Abbott (nabbott@mapc.org), Georgia Barlow (gbarlow@mapc.org), Matt Walsh (mwalsh@mapc.org)

On November 7th, the Conference Committee working to reconcile the House and Senate versions of *An Act relative to strengthening Massachusetts' economic leadership*, or "The Economic Development Bond Bill" announced they had an agreement in principle. On November 12th, the bill, [H.5100](#), was released by the Committee. It includes \$3.95b in bond authorization, which is \$500k more than the bill the House passed and \$1.5b more than the bill the Senate passed. The funding will be made available until June 30, 2034. The bill includes several priorities across the economic development, arts and culture, procurement and public health sectors.

The House plans to vote on the bill on Thursday (11/14) and the Senate stated their intention to vote on the bills shortly. The bill can no longer be amended, although the Governor could veto certain sections, which are unlikely to be overridden.

Key Legislative Provisions

Economic Development

- \$400m for MassWorks Infrastructure Program
- \$250m for the Mass Impact grant program to provide grants to support large, transformational projects to drive economic growth
- \$100m for the Seaport Economic Councils to support marine economies in coastal communities
- \$100m for grants to government agencies to workforce development, higher education, tourism, and arts and culture for a number of uses including repairs, renovations, planning studies, construction, remediation and more.
- \$100m for the Applied AI Hub
- \$99m for Advanced Manufacturing for flexible grants to through Mass Tech Collaborative (MTC)
- \$90m for the Underutilized Property Program to support the redevelopment of underutilized, blighted, or abandoned buildings (the House proposed \$40m)
- \$75m for the Massachusetts TechHub to establish a new program modeled on the EDA Regional Tech Hubs Program (The Senate proposed \$115m)
- \$35m for Community Development Financial Institutions (CDFIs) for grants to community development financial institutions to help disadvantaged and underserved businesses
- \$30m for the Brownfields Redevelopment Fund
- Establishes a digital interactive media tax credit pilot program, to support production companies and maintain students in the Commonwealth.
- \$10m for the Broadband Middle Mile program

- \$8m for historic preservation grants only to communities that are MBTA Community Compliant.
- Rewrites Chapter 23A Section 3H and includes language that requires the Permit Regulatory Office to consult with municipal officials and regional planning agencies responsible for local review procedures prior to approving or denying a proposed priority development site.
- Repeals the Interagency Permitting Board members and duties section in favor of new language included Section 40 of this bill.

Climatetech & Life Sciences

- \$580m for the Life Sciences Capital Fund the (Senate proposed \$225m)
- Reauthorizes the Life Sciences Breakthrough Fund, adding health equity, biosecurity, digital health, and artificial intelligence to the mission of the Life Sciences Center and increasing its annual tax authorization to \$40m from \$30m.
- \$200m for the Clean Energy Investments Fund
- \$200m for the Wind Industry Investment Trust Fund
- \$30m for a new program to expand employment opportunities in climatetech

Arts and Culture

- \$9.5m for the Downtown Vitality Fund, a slightly modified version of one of our arts and culture legislative priorities.
- \$40m for a competitive grant program administered by MOTT to improve facilities and destinations
- \$50m for Mass Cultural Facilities Fund
- \$7m per year live theater production tax credit

Public Health

- Creates a pathway for physicians previously authorized to practice medicine outside the US to practice in Massachusetts.
- Includes SAPHE 2.0, which would ensure minimum public health standards for every community, increase capacity and effectiveness by encouraging municipalities to share services, create a uniform data collection and reporting system, and establish a sustainable state funding mechanism to support local boards of health and regional health departments.
- Includes a provision to admit Massachusetts into the national nurse licensure compact, which will help alleviate the critical workforce challenges facing the health care sector.

Rural Policy

- \$100m for the Rural Development Fund

- Creates a rural policy development program to promote economic opportunity and prosperity in rural communities.

Other Priorities & Programs of Note

- \$150m for Library Construction Grants to through the Board of Library Commissioners
- \$50m for the Nursing Facilities Capital Grant Program
- Empowers local housing authorities and other governmental bodies to conduct a single procurement for design, installation and service of broadband
- Allows for the construction of a soccer stadium in Everett. However, no public funding can be used, and public infrastructure improvements would require private matching funds
- Makes changes to the existing Civil Service system and allows municipalities to draw from a broader list of applicants for fire fighters and police.
- Creates a micro mobility vehicle commission to regulate micro mobility vehicles, including on bike paths, sidewalks and shared use paths. MMA but not MAPC are included on the commission.
- Requires students graduating from high school to submit an application for state and federal aid, as well as a FAFSA. It also establishes the FAFSA Trust Fund to assist with implementation.
- Allows campaign funds to be used for childcare services.
- Requires public school districts and charter schools to hire or appoint a diversity, equity and inclusion officer or establish a diversity team
- Removes requirements that a restaurant liquor license holder be a United States citizen, thereby creating a pathway for other qualified immigrants.
- Authorizes public agencies and municipalities to enter into project labor agreements for public works contracts.

Programs and Policies of Note that Were **NOT Included**

- Local Option Happy Hour (Included in the Senate)
- Juvenile Jurisdiction
- Clean fuel standards program to help reduce emissions of transportation fuels by 80% from 1990 levels by 2050
- The Educator Diversity Fund
- EV Charging Weights and Measures
- Prohibiting the Weaponization of Robots