



Approved Executive Committee Minutes
Thursday, October 10, 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 pm as a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025. He stated that BRPC was recording the meeting, and anyone else who wanted to record it needed to inform him.

II. Roll Call:

Chair Malcom Fick read the roll call:

Kyle Hanlon, At-Large, North Adams Delegate

Buck Donovan, Treasurer, Lee Delegate

Christine Rasmussen, Regional Issues Committee Chair, Stockbridge Alternate

Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate

Sam Haupt, At-Large, Peru Delegate

Douglas McNally, Commission Development Committee, Chair, Windsor Delegate

Malcolm Fick, Chair, Great Barrington Alternate

Laura Mensi, Monterey Delegate

Mary McGurn, Egremont Delegate

Sheila Irvin, Clerk, Pittsfield Delegate (not present)

John Duval, Vice Chair, Adams Alternate (not present)

Staff Present: Tom Matuszko, Executive Director, Laura Brennan, Assistant Director and Economic Development Program Manager.

III. Vote to Approve the September 12, 2024 Minutes

Doug McNally made a motion to approve the September 12, 2024, meeting minutes. Roger Bolton seconded the motion. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, and Douglas McNally. Christine Rasmussen and Sam Haupt abstained.

IV. Financial Reports

A. Vote to Approve the September 3, 2024 – October 3, 2024, Expenditures Report

Roger Bolton made a motion to approve the September 3, 2024 – October 3, 2024 expenditures report. Kyle Hanlon seconded to the motion. Roger Bolton asked for an explanation on the \$5,000+ expense on municipal air conditioning. Tom Matuszko said that the air conditioning equipment was to provide cooling stations in some municipal buildings during periods of extreme heat. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.

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

Tom Matuszko said that several large payments are due to BRPC from the MVP program and that BRPC staff needs to follow up with the municipalities (Pittsfield, Monterey, etc.) to make sure these payments are still coming. Laura Mensi said that Monterey had a meeting that evening to discuss this outstanding payment.

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, not to be further discussed at this meeting by the Executive Committee.

None.

VI. Items Requiring Action

A. Vote to Approve the BRPC Use of AI (Artificial Intelligence) Policy

Doug McNally made a motion to approve the proposed Artificial Intelligence Policy. Roger Bolton seconded the motion. Roger Bolton said that he was pleased to see the policy and that it seems complete. Malcom Fick asked if the policy should list specific AI tools rather than reference a dynamic list of tools. Laura Brennan said that there was discussion on this question when developing the policy and concern that not including the list in the policy would create loopholes. It was acknowledged that the list will have to be updated as BRPC adopts new tools. Malcom Fick suggested that the policy is left in its original form and that it is revised at a later date if the list frequently changes. Doug McNally suggested that the policy be revised to reference that the list of approved tools can be added to by staff members. Christine Rasmussen asked how volunteers need to change their workflow to comply with the policy. Tom Matuszko said that the policy applies to employees and subcontractors, not volunteers. Mary

McGurn said that the policy is very limited, does not include many of the most advanced Large Language Models (LLM) and generative tools, and that it provides insufficient support for employees. Tom Matuszko said that the intention of the policy was to take small initial steps. However, he would be willing to revise the policy to include more tools if the Executive Committee thought this was needed. Malcom Fick said that the Executive Committee should postpone approving the policy and revisit it at the next meeting. Tom Matuszko agreed. No action was taken on this item.

- B. Vote to Approve the Submission of a Grant Application to the U.S. Environmental Protection Agency's Healthy Communities Program
Doug McNally made a motion to approve the submission of a grant application to the U.S. Environmental Protection Agency's Healthy Communities Program. Kyle Hanlon seconded the motion. Tom Matuszko said that BRPC wants to build on some of the work it has been doing with air quality monitoring to bring the issue of respiratory health more into the forefront. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.
- C. Vote to Approve the Submission of a Grant Application to the RIZE Massachusetts Mosaic (Mosaic Opioid Recovery Partnership) Municipal Matching Grant Program
Kyle Hanlon made a motion to approve the submission of a grant application to the RIZE Massachusetts Mosaic (Mosaic Opioid Recovery Partnership) Municipal Matching Grant Program. Roger Bolton seconded the motion. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.
- D. Vote to Recommend Thomas Matuszko as the Berkshire Regional Planning Commission Appointment to the Seasonal Communities Advisory Council being Convened by the Executive Office of Housing and Livable Communities pursuant to the Affordable Homes Act.
Doug McNally made a motion to recommend Thomas Matuszko as the Berkshire Regional Planning Commission appointment to the Seasonal Communities Advisory Council being convened by the Executive Office of Housing and Livable Communities pursuant to the Affordable Homes Act. Kyle Hanlon seconded the motion. Roger Bolton asked if that state already has any programs that provide funds to seasonal communities. Tom Matuszko said that the seasonal communities designation would provide benefits to communities in Berkshire County, Cape Cod, and the Islands that are affected by seasonal populations. The nature of these benefits will be determined by the advisory council. Christine Rasmussen said she was concerned that the allowance of 400sqft dwelling units would necessitate additional discussion regarding storage units, cars, garages, etc. Tom Matuszko said that these provisions are not mandated, but that

the advisory council will be evaluating them. Also, the seasonal communities designation is opt-in for municipalities. Roger Bolton said he hoped the designation would not create burdensome regulation for municipalities. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.

VII. Committee Report and Discussion

A. Commission Development Committee

Doug McNally said that the Development Committee had nothing to report to the Executive Committee.

B. Comprehensive Economic Development Committee

Roger Bolton said that Laura Brennan had presented a plan for the next 6-8 months for preparing and submitting the second-year progress report. Also, the CEDS Committee heard presentations on the Greylock Glen project and the Eagle Mill Redevelopment. Laura Brennan said that the CEDS Committee would like to continue to hear such presentations because hearing directly from project proponents allows the Committee to understand the project on a deeper level and ask questions. Tom Matuszko said that there is an open house at Greylock Glen October 11 at 9am.

VIII. Executive Director's Report

A. Report on New Contracts / Agreements

New Grants and Contracts received/initiated from 09/6/2024 to 10/03/2024.

- Berkshire County Boards of Health Association – Support Services - \$11,000
- Monterey - DEP 319 Hupi Road Drainage Improvements – Additional \$8,060
- Housatonic Valley Association - Berkshire Clean Cold Connected Partnership - \$41,000
- Washington - Municipal Vulnerability Preparedness Action – \$311,994
- Environmental Protection Agency Revolving Loan Fund – Additional \$3,650,000
- Public Health Institute of Western Massachusetts - Berkshire Health Systems Community Health Needs - \$15,000
- Lanesborough - Municipal Vulnerability Preparedness - Western Massachusetts Regional Unpaved Roads Project - \$432,096
- Berkshire County Sheriff's Office – Opioid Abuse Prevention - \$50,000

Grants and Contracts not received.

At this time, staff was not aware of any grants not received in this period.

B. Berkshires Tomorrow Inc. (BTI) Update

The B.T.I. Board of Directors authorized the President to sign an agreement with Berkshire Regional Planning Commission and any other contracts to support the FY2025 Vaccination Clinics not to exceed \$10,000, including a 2% administrative fee.

C. Staff Updates

Hired:

- o David Pill - Housing Rehab Specialist – Resume was attached

Open Positions:

- o Public Health Community Social Worker, [Public Health Community Social Worker - Berkshire Regional Planning Commission \(berkshireplanning.org\)](#)
- o Public Health Planner / Senior Planner - Behavioral Health/ Substance Use Disorder (SUD) [Public Health Planner/Senior Planner \(Substance Use Disorders\) - Berkshire Regional Planning Commission \(berkshireplanning.org\)](#)
- o Housing Planner, [Housing Planner - Berkshire Regional Planning Commission \(berkshireplanning.org\)](#)

Resigned:

- o John Roughley, Housing Rehab Specialist

D. Rural Policy Advisory Commission (RPAC) Update

The Rural Policy Advisory Commission met on September 18, 2024. The main agenda items were a presentation by representatives from the Executive Office of Livable Communities about the Affordable Homes Act, especially related to Accessory Dwelling Units and a presentation on the Massachusetts Farmland Action Plan, [download \(mass.gov\)](#).

E. Passenger Rail

- [West-East Rail](#) – No known activity over the past month.
- [Berkshire Flyer](#) – No known activity over the past month.
- [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 at <https://www.mass.gov/northern-tier-passenger-rail-study>. The 60-day public comment period ends Saturday, October 12, 2024. Comments may be submitted on the website form [MassDOT Public Forms \(massdotpi.com\)](#) Comments included.

F. 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. It 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.

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

- G. Central Berkshire Habitat for Humanity Community Partner Award
BRPC was recently awarded a Community Partner Award by the Central Berkshire Habitat for Humanity at their recent Annual meeting. BRPC works most closely with the Central Berkshire Habitat for Humanity on the Gray to Green project, currently being led by Senior Planner, Jaymie Zapata. The award announcement was included.

Tom Matuszko urged Executive Committee members to read the Habitat for Humanity item as it was quite complimentary to work done by BRPC staff.

H. Federal Matching Funds Grant

The Massachusetts Federal Funds & Infrastructure Office has recently released guidance (included in the meeting material) related to the [recent legislation](#) making state funding available with the goal of making federal grant applications more competitive. The guidance contains FAQs about how the funds will be made available and has more details about the [online form](#) that can be used to request matching funds as part of this process.

Tom Matuszko said that he wanted to highlight the matching funds that are available through the Federal Funds and Infrastructure Office for grant applications. He thinks this is a very good opportunity for municipalities to access grant funding and that interested municipalities should begin working on applications as soon as possible.

IX. Old Business

A. Update and Discussion about the Proposed Energy Siting Legislation

Tom Matuszko said that working with Christine Rasmussen and Eleanor Tillinghast, BRPC provided comments to Berkshire County's legislators about the proposed energy siting legislation. The comments emphasized the following:

- Solar development should be encouraged on previously developed land and discouraged on greenfield land;
- The SMART program should provide meaningful adders to make solar development on developed land feasible, and make solar development on greenfield land infeasible;
- The number of consolidated permits the energy facility siting board issues should initially be limited;
- Similar to 40B legislation related to housing, municipalities that already have much solar development should be able to limit the number of consolidated permits issued;
- There needs to be tighter control over what development is allowed on

- Article 97 land;
- The commercial regulations for commercial-scale solar development need clarification;
- Municipalities need access to additional funding to intervene in the consolidated permitting process.

Christine Rasmussen said BRPC reviewed the Department of Energy Resource's potential solar development survey and can conclude from the data that Berkshire County would be unfairly targeted by this legislation because of the abundance of sites that can accommodate 125MW generation facilities.

B. Discussion about the Terms for the BRPC Chair, Vice-Chair, Treasurer, and Clerk

Malcom Fick said that Massachusetts law specifies that officer terms must be one year. The Commission will have to approve a change to the bylaws at its meeting in November so BRPC can come back into compliance with state law. Tom Matuszko said that he would like to have a discussion with the executive directors of the other regional planning agencies to see if they were interested in proposing some simple amendments to the regional planning law that would give the agencies more flexibility. Doug McNally asked if the law precluded sub-committee chairpeople or committee members from serving two-year terms. Tom Matuszko said the law does not apply to committee members, but it is prescriptive that the alternate delegates need to be appointed annually by their chief elected official. This is unlike delegates, who only need to be appointed once so long as they remain on the planning board. He also said that he would like to be more proactive in contacting municipalities before the end of the fiscal year and prompting them to appoint alternates. Roger Bolton asked if committee chairs could still be appointed for two-year terms. Tom Matuszko said he did not know and that the law needed closer review. Malcom Fick said that appointing an alternate who is serving a one-year term to a two-year chairperson term could create administrative tensions.

C. Discussion about the BRPC Annual Meeting

Several Executive Committee members said they were happy with the venue and the format of the meeting.

X. New Business

A. Vote to Approve the Executive Director's F.Y. 24 Performance Review and F.Y. 25 Salary Adjustment

Roger Bolton said that he was impressed by the Executive Director's Performance Review report and was pleased to be reminded of the scope and variety of BRPC's activities and Tom Matuszko's attention to issues of succession and staff turnover. Malcom Fick said that he appreciated the annual goal of "strengthening the participation and engagement of delegates and alternates." Tom Matuszko said that he has started

pursuing this goal and is systematically reaching out to municipalities to ensure that alternates are properly appointed. He is also trying to speak with selectboards about the seasonal communities designation and get feedback about the impact of seasonal populations. Doug McNally made a motion to approve the Executive Director's performance review. Buck Donovan seconded the motion. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.

Tom Matuszko said that for FY2025, BRPC gave all staff a 2.5% salary increase, plus an additional increase based on performance. Staff members who were deemed "exceptional" received a 3% increase, staff members who were deemed to "exceed expectations" received a 2% increase, staff members who were deemed to "meet expectations" received a 1% increase, and staff members who were deemed to "need improvement" received no increase. Roger Bolton said that he believed Tom Matuszko had performed at an "exceptional" level and deserved the 3% salary increase, as long as he would not be the sole senior-level staff member to receive such an increase. Tom Matuszko said that one other senior-level staff member had received the 3% increase. Roger Bolton moved to approve the 3% salary increase. Doug McNally seconded this motion. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.

B. Discussion of Topics for the November Commission Meeting

The Executive Committee agreed that the Commission meeting will take place on Thursday, November 21st at the Greylock Glen outdoor center. The meeting will be hybrid, if possible. An open house will begin at 5 pm to allow members to tour the Greylock Glen facility. The meeting will begin at 6 pm. Tom Matuszko will invite a speaker from EOHLC to speak about the ADU bylaw. Tom Matuszko will also consider inviting Senator Paul Mark and Representative John Barrett. The Commission will discuss legislative and budgetary priorities for FY2025.

XI. Adjournment

Doug McNally made a motion to adjourn. Roger Bolton seconded the motion. The motion passed unanimously, with affirmative votes by Malcom Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.. The meeting adjourned at 5:11 pm.

Additional Meeting Material:

- 2024.09.03 Unapproved Executive Committee Meeting Minutes – DRAFT
- September 3 – October 3, 2024 Expenditures Report
- September 2024 Aged Receivables Report
- 2024.10.05 Line of Credit Report
- 2024.10.04 Executive Director Memorandum

- BRPC October 1, 2024 Use of AI Policy
- Chapter 150, Section 32 Seasonal Communities designation
- David Pill resume
- October 4, 2024 BRPC letter to Governor Healy regarding Northern Tier Passenger Rail
- Central Berkshire Habitat for Humanity award letter
- Commonwealth Federal Matching Funds Application Guidance
- October 3, 2024 BRPC letter to Delegates and Alternates regarding September 2024 Assistance Activities
- Executive Director FY 24 Performance Evaluation