



Approved Executive Committee Minutes Thursday, November 7, 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 said if anyone else wanted to record it they 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

Sheila Irvin, Clerk, Pittsfield Delegate

Buck Donovan, Treasurer, Lee Delegate

Kyle Hanlon, At-Large, North Adams Delegate

Sam Haupt, At-Large, Peru Delegate

Christine Rasmussen, Regional Issues Committee Chair, Stockbridge Alternate

Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate

Douglas McNally, Commission Development Committee, Chair, Windsor Delegate (joined at 4:42 pm)

Mary McGurn, Egremont Delegate; Peter Traub, Cheshire Delegate; Neal Pilson, Richmond Select Board Chair (left early)

Staff Present: Tom Matuszko, Executive Director; Marianne Sniezek, Office Manager; Kate Hill Tapia, Office Administrator

III. Vote to Approve October 10, 2024 Minutes

Kyle Hanlon motioned to approve the October 10, 2024, meeting minutes. Sheila Irvin seconded the motion. The motion passed with affirmative votes from Malcolm Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Christine Rasmussen, and Sam Haupt. Sheila Irvin and John Duval abstained.

IV. Financial Reports

A. Vote to Approve the October 4 – November 1, 2024, Expenditures Report

Roger Bolton motioned to approve the October 4 – November 1, 2024 expenditures report. Kyle Hanlon seconded the motion. The motion passed

with affirmative votes from Malcolm Fick, Kyle Hanlon, Buck Donovan, Roger Bolton, Christine Rasmussen, Sam Haupt, Sheila Irvin, and John Duval.

B. Report on the Accounts Receivable – October 2024

Projects in Monterey are completed. BRPC will contact the Treasurer about past due invoices. There has been no response from the new town administrator.

C. Report on the Line of Credit

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

D. Report on EPA’s Limited Scope Review and Update from May 2024

As BRPC has been a recipient of ARPA funding, the EPA is conducting a review similar to an audit in that it requires sharing lots of documentation. There will be a three day onsite visit in January. Findings and recommendations will be shared in February. This has been time consuming for the Administration Program staff.

E. Report on Employee Short-Term Disability, Long-Term Disability and Life Insurance Rates and Retiree Medical and Prescription Coverage Rates for January 1, 2025

Rates for Employee Short-Term Disability, Long-Term Disability and Life Insurance will remain the same until January 1, 2027. Rates for Retiree medical and prescription coverage will increase 20.62%.

V. Open Comments from Berkshire Regional Planning Commission Delegates and Alternate Delegates, not to be further discussed at this meeting by the Executive Committee.

Christine noted and thanked Tom Matuszko, Mark Maloy and CJ Hoss for their work on the Energy Siting bill. There was no success in changing the legislation. This effort underscores an important role the Planning Commission can play in maintaining local control and influencing decision making. This will be discussed further in another section of the agenda.

VI. Items Requiring Action

A. Vote to Approve an Updated BRPC Sick Leave Policy

The Executive Committee was asked to approve an updated BRPC’s 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. Governor Healey recently signed the bill entitled: “An Act Promoting Access to Midwifery Care and Out-of-Hospital Birth Options” that requires this change.

Sheila Irvin moved to approve 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. Kyle Hanlon seconded the motion. The motion passed with affirmative votes by Malcolm Fick, John Duval, Kyle Hanlon, Buck Donovan, Sheila Irvin, Roger Bolton, Christine Rasmussen, and Sam Haupt.

B. Vote to Authorize the BRPC Chair to Vote to Approve an Amendment to the Berkshire Metropolitan Planning Organization (MPO) Memorandum of Understanding

Approval was sought for the BRPC Chair to vote in the affirmative for a proposed amendment to the Berkshire Metropolitan Planning Organization's Memorandum of Understanding (MOU) with the Berkshire Regional Transit Authority (BRTA). The proposed amendment to the MOU replaces language related to BRTA's responsibilities and reads as follows:

WHEREAS the Advisory Board of the Berkshire Regional Transit Authority (BRTA) is comprised of the chief elected officials or designee of 30 cities and towns that have joined to form a regional transit authority under the provisions of Chapter 161B of the Massachusetts General Laws. The BRTA has the statutory responsibility for providing public transportation on an exclusive basis in the area constituting the authority, to provide public transportation including long and short-range planning elements together with implementation schedules for public transportation improvement. The BRTA will develop and share information for financial plans and the annual listing of obligated projects in the form of the Transportation Improvement Plan (TIP) using the Berkshire MPO's public participation process. BRTA will cooperatively develop and share the following performance information: transportation performance data, selection of performance targets, reporting of performance targets, reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and collection of data for the State asset management plan.

Sheila Irvin moved to authorize 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. Kyle Hanlon seconded the motion. It passed with affirmative votes by Malcom Fick, John Duval, Kyle Hanlon, Buck Donovan, Sheila Irvin, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt.

VII. Committee Report and Discussion

A. Berkshire Metropolitan Planning Organization (MPO)

The MPO met on October 22, 2024, and discussed TIP amendments, performance measures updates, a BRTA memorandum of understanding change, and bridge conditions and maintenance. Minutes were not yet available. STEPS: Safe Streets for All, a project of BRPC's Transportation Program, held a public meeting last night highlighting recommendations to

improve safety at the 50 highest rate accidents places in the county. Funding will be sought to implement the recommendations.

B. Regional Issues Committee

The Regional Issues Committee met on October 23, 2024 and reviewed the status of relevant legislation and discussed future legislative priorities. While efforts to change proposed Energy Siting legislation were unsuccessful, BRPC learned about the legislation process and valuable allies. Minutes were not yet available.

VIII. Executive Director's Report

A. Report on New Contracts / Agreements

New Grants and Contracts received/initiated from 10/4/2024 to 10/31/2024.

- Mass DOT – Transportation Planning - \$944,734.32
- Department of Public Health - Bureau of Substance Addiction SORPEC - Additional \$37,500
- New England Rural Health Association - Rural Vaccine Equity Initiative 2025 - \$94,120.59
- Massachusetts Technology Collaborative - Municipal Digital Equity Planning Services - Dalton Implementation - \$3,442
- University of Baltimore - COCLI - Berkshire Post Overdose Program – Additional \$13,935
- MassCEC - Pittsfield Energy Coaching Program Implementation - \$300,00
- North Adams - Municipal Vulnerability Preparedness - \$1,061,203
- North Adams - Brownfields Inventory - \$20,000
- North Adams - Brownfields Cleanup - \$48,000

Grants and Contracts not received.

- Public Health did not receive the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) application to address social isolation and substance misuse in the Central Berkshire region - \$1,875,000 (5 years)
- Massachusetts Community One Stop for Growth application to update Sustainable Berkshires - \$200,000

B. Berkshires Tomorrow Inc. (BTI) Update

B.T.I. did not receive a Girls United Squad (GUS) grant from Lee Bank totaling \$8,698.56. The GUS is a group for youth, ages 5 through 11, who identify as female and of color.

C. Staff Updates

- Hired:
 - Michaela Grady, Housing Planner. Resume included with meeting material
- Open Positions:
 - Public Health Planner / Senior Planner - Behavioral Health/ Substance Use Disorder (SUD) [Public Health Planner/Senior Planner \(Substance](#)

[Use Disorders\) - Berkshire Regional Planning Commission
\(berkshireplanning.org\)](https://berkshireplanning.org)

D. Rural Policy Advisory Commission (RPAC) Update

The Rural Policy Advisory Commission did not meet in October. The next meeting is scheduled for November 8, 2024.

E. Seasonal Communities Advisory Council Update

The Seasonal Communities Advisory Council had no activity.

F. Passenger Rail

- West-East Rail – The Massachusetts Department of Transportation secured a nearly \$37 million grant from the Federal Railroad Administration to help cover track, signal, and infrastructure improvements at Springfield Union Station. The investment will increase rail capacity and reduce congestion, paving the way for future West-East Rail service. The funding will help finish design efforts for the Springfield Area Track Reconfiguration Project.
- Berkshire Flyer – No known activity over the past month.
- Northern Tier Passenger Rail – No known activity over the past month.

G. Citizen Planner Training Collaborative (CPTC) Fall/Winter Training Sessions

CPTC has announced its Fall / Winter training schedule for virtual workshops. [Webinar Series – CPTC](#). BRPC is hosting a session at 5:30 pm on December 5, 2024 on Drafting Zoning Amendments. CPTC will host an in person workshop on December 7, 2024 at Greenfield Community College, Greenfield, MA.

H. Massachusetts One Stop for Growth Awards

On October 24, 2024, the Healey Administration announced the Community One Stop for Growth Awards. Of the 756 applications submitted, 313 grants were awarded, totaling \$161 million. Berkshire County communities and organizations received 27 awards totaling \$11.4 million. The list of Berkshire County awardees is in the meeting material.

I. Federal Funds Infrastructure Office Outreach

The MA Federal Funds and Infrastructure Office (FFIO) launched a series of community events to introduce its office and share resources available to support cities and towns pursuing federal funding. This community tour aims to foster collaboration and engagement, and FFIO is eager to hear from you and answer your questions about federal funding opportunities. The event will be held on November 18, 2024 at 1 pm at the Berkshire Innovation Center

J. ADU Information

The Executive Office of Housing and Livable Communities (EOHLC) continues to develop material to assist communities with the implementation of the Accessory Dwelling Unit (ADU) provisions of the Affordable Homes Act, which becomes effective on February 2, 2025. EOHLC, the Attorney General's Office (AGO), and Massachusetts Municipal Association (MMA) are holding a webinar to give an overview of the new ADU law, EOHLC's next steps and an update on frequently asked questions. A recording of the November 4, 2024 webinar will be posted on the ADU website, www.mass.gov/adu.

K. Vanguard Visionary Award

BRPC was honored to receive a "Vanguard Visionary Award" from the [Blackshires Community Empowerment Foundation](#) at the recent graduation ceremony for the 2024 Blackshires Leadership Accelerator Program. The award honors those whose foresight and commitment have paved the way for the program's success and celebrates their role as early believers and foundational supporters.

IX. Old Business

A. Update and Discussion about Proposed Energy Siting Legislation

Since the last Executive Committee, there have been significant developments with the Clean Energy bill, including changes to permitting provisions for clean energy facilities and solar development. The clean energy provisions were removed from the Governor's proposed FY2024 closeout supplemental budget bill. The legislature finally reported a bill out of the conference committee, where it had stalled for months. The Senate approved this version of the legislation in informal session. The House was unable to approve the bill in informal session. It is likely to be brought to a vote along with the Economic Development Bill before the end of the calendar year either in informal session, with enough members present to overcome any challenge or a rare re-opened formal session. The vote would be an up or down vote without the potential for amendments. The bill is very likely to pass. The best way to try to address our concerns is through the development of regulations and guidance.

B. Vote to Recommend the Full Commission Amend the BRPC Bylaws to be Consistent with the Regional Planning Law, including the Terms for the BRPC Chair, Vice-Chair, Treasurer, and Clerk

At the January 18, 2024 meeting, the Commission voted to amend BRPC bylaws to allow Officers and Committee members to serve for two year terms instead of one year. This was done in error as the Regional Planning Law, MGL 40B, is prescriptive and states that the Chair, Vice- Chair, Treasurer and Clerk must be elected annually. The vote to amend the Bylaws should occur at the November Commission meeting.

The Executive Committee was asked to recommend that the Full Commission amend the BRPC Bylaws to be consistent with the Regional

Planning Law, including the terms for the BRPC Chair, Vice-Chair, Treasurer, and Clerk. Essentially, the Bylaws would revert to the version before the January 18th vote. A copy of the Bylaws was in the meeting material.

Roger Bolton moved to recommend 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. John Duval seconded the motion, it passed with affirmative votes from Malcolm Fick, John Duval, Sheila Irvin, Buck Donovan, Christine Rasmussen, Kyle Hanlon, Roger Bolton, and Sam Haupt.

C. Discussion about Legislative and Budgetary Priority Setting

BRPC continues to develop a better and more effective process to obtain budgetary and legislative items that benefit our communities. This process at the state level is complex. There was agreement that obtaining assistance to inform and guide us through the process may be beneficial, especially if the cost could be shared with the Franklin County Regional Council of Governments (FRCOG).

X. New Business

A. Discussion of Topics for the November Commission Meeting

The November 21, 2024 Commission meeting will be at 6:00 pm at the Greylock Glen Outdoor Center as a hybrid meeting. There will be a tour at 5:30 pm. Possible topics include:

- Election of BRPC Officers for one-year terms
- Amend BRPC Bylaws
- ADU presentation (EOHLC) – outreach planned to Building Inspectors, Planning Board members, Boards of Health
- Continued discussion of budgetary and legislative priorities

XI. Adjournment

Sheila Irvin made a motion to adjourn. Sam Haupt seconded the motion. The motion passed with affirmative votes by Malcolm Fick, John Duval, Kyle Hanlon, Buck Donovan, Sheila Irvin, Roger Bolton, Douglas McNally, Christine Rasmussen, and Sam Haupt. The meeting adjourned at 4:47 pm.

Additional Meeting Material:

- 2024.10.04 Unapproved Executive Committee Meeting Minutes - DRAFT
- October 4, 2024 – November 1, 2024 Expenditures Report
- October 2024 Aged Receivables Report
- 2024.11.05 Line of Credit Report
- 2024.11.02 Executive Director Memorandum
- BRPC Sick Leave Policy
- Draft Metropolitan Planning Organization (MPO) Memorandum of Understanding
- Resume – Michaela Grady
- Berkshire County One Stop for Growth Awards listing
- BRPC Bylaws Proposed 2024.11.21 Thirteenth Revision