

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

## **MEETING NOTICE**

posted 2/3/2025;

(all times approximate)

There will be a meeting of the EXECUTIVE COMMITTEE 11:40 am, KHT

of the

#### BERKSHIRE REGIONAL PLANNING COMMISSION Thursday, February 6, 2025 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=88291336451

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**

- I. Call to Order & Open Meeting Law Statement
- II. Roll Call of Executive Committee Members Attending the Meeting
- III. Vote to Approve the Minutes of the Executive Committee Meeting of January 2, 2025\*
- IV. Financial Reports and Discussion
  - A. Vote to Approve the December 19, 2024 January 28, 2025 Expenditures Report\*
  - B. Report on Accounts Receivables January 2025
  - C. Report on the Line of Credit January 2025
  - D. Report on Federally Funded Contracts
- V. Open Comments from Berkshire Regional Planning Commission Delegates and Alternate Delegates, not to be further discussed at this meeting by the Executive Committee (4:10)
- VI. Items Requiring Action\*
  - A. Vote to Approve the Submission of a Grant Application to the Toxic Use Reduction Institute (TURI) Grant Program\*
  - B. Vote to Approve the Submission of a Grant Application to the Substance Abuse and Mental Health Services Administration (SAMHSA) Partnerships for Success Program\*
  - C. Vote to Approve the Submission of a Grant Application to the Health Resources and Services Administration (HRSA) Rural Health Network Development Planning Program\*
- VII. Committee Reports and Discussion
  - A. Comprehensive Economic Development Strategy (CEDS) Committee
  - B. Environmental Review Committee (ERC)
  - C. BRPC Finance Committee
  - D. Berkshire Municipal 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

#### (4:05)

(4:15)

(4:25)

(4:00)

VIII.	<ul> <li>Executive Director's Report and Discussion</li> <li>A. Report on New Contracts / Agreements</li> <li>B. Berkshires Tomorrow Inc. (BTI) Update</li> <li>C. Staff Updates</li> <li>D. Rural Policy Advisory Commission (RPAC) Update</li> <li>E. Seasonal Communities Advisory Council Update</li> <li>F. Passenger Rail</li> <li>G. Chapter 90 Report</li> <li>H. State Auditor Report – Pursuing Equitable State-Owned Land Reimbuursements for Municipalities</li> <li>I. Transportation Funding Task Force Report</li> <li>J. Municipal Empowerment Bill</li> </ul>	(4:35)
	K. Accessory Dwelling Unit Regulations	
IX.	Old Business and Discussion	(4:45)
	<ul> <li>A. Report on Surplus Equipment Distributed</li> <li>B. Report on Accessory Dwelling Unit Comments on Regulations</li> <li>C. Discussion of BRPC Personnel Handbook</li> </ul>	
Х.	New Business and Discussion	(4:55)
	A. Report on Comments Submitted on Proposed Changes to Article 97 regulations	
	B. Discussion about the Potential for the Open Meeting Law to Require In-person M after March 31, 2025.	eetings
XI.	Adjournment*	(5:00)
me	C has adopted the BRPC website <u>www.berkshireplanning.org</u> as its official posting thod as allowed by 940 CMR29.00 section 29.03 (3) (b) since November 2010. The . The Meeting Notice, Agenda and meeting materials are on BRPC's website: w.berkshireplanning.org. Click the calendar of events, then the meeting name, an follow the link to materials.	-

\* Items Requiring Action



#### DRAFT Executive Committee Minutes Thursday, January 2, 2025

This was 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.

#### 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: <u>Members Present:</u> Malcolm Fick, Chair, Great Barrington Alternate John Duval, Vice Chair, Adams Alternate Buck Donovan, Treasurer, Finance Committee Chair, Lee Delegate Kyle Hanlon, CEDS Chair, At-Large, North Adams Delegate Sam Haupt, TAC Chair, 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

<u>Members not Present:</u> Sheila Irvin, Clerk, Pittsfield Delegate

#### Others Present:

Mary McGurn, Egremont Delegate; Mark Smith, Lenox; Brittany Polito, iberkshire staff

#### Staff Present:

Tom Matuszko, Executive Director; Laura Brennen, Assistant Director; Marianne Sniezek, Office Manager; Kate Hill Tapia, Office Administrator; Cornelius (CJ) Hoss, Community Development & Housing Program Manager

#### III. Vote to Approve December 5, 2024, Minutes

Kyle Hanlon motioned to approve the December 5, 2024, meeting minutes. Doug McNally seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Buck Donovan, Kyle Hanlon, Sam Haupt, Christine Rasmussen, Roger Bolton, and Doug McNally.

#### IV. Financial Reports

#### A. Vote to Approve the November 28 – December 20, 2024, Expenditures Report

Doug McNally motioned to approve the November 28 – December 20, 2024 expenditures report. Kyle Hanlon seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Buck Donovan, Kyle Hanlon, Sam Haupt, Christine Rasmussen, Roger Bolton, and Doug McNally.

- **B. Report on the Accounts Receivable December 2024** Buck Donovan followed up with Monterey officials on outstanding invoices, and additional copies have been sent. No further action is needed currently.
- **C. Report on the Line of Credit** The Line of Credit did not need to be used. Cash flow is still good.
- V. Open Comments from Berkshire Regional Planning Commission Delegates and Alternate Delegates not to be further discussed at this meeting by the Executive Committee.

Mary McGurn thanked the Commission for the honor of the tribute to her late husband and Select Board Chair, George McGurn, in the 2024 Annual Report.

#### VI. Items Requiring Action

A. Vote to Authorize the Environmental Review Committee to Submit Comments to the Massachusetts Environmental Policy Act (MEPA) Office on Behalf of the Berkshire Regional Planning Commission on the Expanded Environmental Notification Form and Environmental Impact Report for the Berkshire Natural Resources Property Exploration Wells Project in Great Barrington

The Executive Committee was asked to authorize the Environmental Review Committee to submit comments to the Massachusetts Environmental Policy Act (MEPA) Office on behalf of the Berkshire Regional Planning Commission on the Expanded Environmental Notification Form (EENF) and Environmental Impact Report for the Berkshire Natural Resources Property Exploration Wells Project in Great Barrington.

The Prudential Committee for the Great Barrington Fire District is exploring a new groundwater supply to supplement its sole source (The Green River Infiltration Gallery, developed in 1934). The District wants to install up to two exploration wells on property owned by the Berkshire Natural Resources Council. The project requires one or more State Agency activities. It exceeds the review threshold for an Environmental Notification Form (ENF) because of the alteration of 5,000 or more sf of bordering or isolated vegetated Wetlands.

An Environmental Impact Report (EIR), in addition to the EENF, is required because the project site is within one mile of mapped Environmental Justice (EJ) Communities. Comments may or may not be needed.

Roger Bolton moved to authorize the Environmental Review Committee to submit comments, if necessary, to the Massachusetts Environmental Policy Act (MEPA) Office on behalf of the Berkshire Regional Planning Commission on the Expanded Environmental Notification Form and Environmental Impact Report for the Berkshire Natural Resources Property Exploration Wells Project in Great Barrington. Douglas McNally seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Buck Donovan, Kyle Hanlon, Sam Haupt, Christine Rasmussen, Roger Bolton, and Doug McNally.

#### B. Vote to Authorize the BRPC Executive Director to Submit Comments to the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) on Accessory Dwelling Units Draft Regulations

The Executive Committee was asked to authorize the BRPC Executive Director to submit comments to the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) on Accessory Dwelling Units (ADU) Draft Regulations.

The Massachusetts Executive Office of Housing and Livable Communities (EOHLC) has drafted regulations intended to clarify the administration of the new ADU law. Comments may be provided by January 10, when there will also be a public hearing. Final regulations will be issued by the effective date of the ADU law, February 2, 2025. BRPC collected comments from various municipalities and prepared draft comments that are in the meeting materials. Cornelius Hoss reviewed the comments highlighting concerns related to the following:

- Single Family Zoning District
- Non-conformities
- Principal Dwellings
- Parking

Much discussion occurred about parking and concerns that some regulations are only relevant to urban communities with robust public transit. There is concern about ADUs approved by special permit before the new law, giving the property owner the right to build a second one if it is 900 sq ft or less and complies with other regulations. Tom and CJ will continue to edit the comments incorporating the discussion.

Doug McNally moved to authorize the BRPC Executive Director to submit comments to the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) on Accessory Dwelling Units Draft Regulations. Sam Haupt seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Buck Donovan, Kyle Hanlon, Sam Haupt, Christine Rasmussen, Roger Bolton, and Doug McNally.

#### VII. Committee Report and Discussion

#### A. Berkshire Metropolitan Planning Organization (MPO)

The MPO met on December 31, 2024, and discussed TIP amendments and

approval of project listings proposed for MassDOT's Resilience Improvement Plan for culverts. Draft minutes have not been prepared.

B. **BRPC Finance Committee** The Finance Committee will meet on January 23, 2025, to review and approve the FY2024 BRPC Audit.

### VIII. Executive Director's Report

#### A. Report on New Contracts/Agreements

New Grants and Contracts received/initiated from 11/27/2024 to 12/20/2024.

- Public Health Institute of Western Mass Support of 413 Cares Regional Partnership 2025 - \$11,100
- MAPC Western Region Homeland Security Advisory Council -Emergency Planning - \$24,500
- Pittsfield ADA Planning Grant \$40,000
- North Adams ADA Planning Grant \$50,000
- Williamstown ADA Planning Grant \$45,000 Grants and Contracts not received.
- BRPC is not aware of any grants that have not been received.

## B. Berkshires Tomorrow Inc. (BTI) Update

- The BTI board approved the following:
  - Revision of BTI Bylaws
     The change is to align BTI Bylaws to the recently changed BRPC
     bylaws and the election of BRPC's officers from biannually to annually.
  - Yearly Election of Officers. (The FY2025 officers do not receive compensation.)

President:	Malcolm Fick
Vice President:	John Duval
Treasurer:	Buck Donovan
Clerk:	Marianne Sniezek

Directors: Sheila Irvin, Thomas Matuszko, Malcolm Fick, John Duval, Buck Donovan

- Director and Officers' Yearly Conflict of Interest Statements
- Check registers:
  - July 1, 2023, to June 30, 2024
  - July 1, 2024, to November 30, 2024

## C. Staff Update

- Open Positions:
  - o Community Social Worker
  - Public Health Training Specialist
  - Public Health Planner/Sr Planner (Emergency Preparedness)
- Internships
  - o Outdoor Recreation Internships
  - o Other programs are assessing their needs for summer interns
- <u>Retired</u>
  - Lauren Gaherty Lauren started at BRPC as an intern in 1997. In 1998, she was hired as a full-time planner. Lauren retired from full-

time work in 2019 and worked as a part-time project specialist assisting the Community Planning and Environmental Programs.

## D. Rural Policy Advisory Commission (RPAC) Update

The Rural Policy Advisory Commission met on met on December 13, 2024. The main agenda items were an update from the Director of Rural Affairs and a discussion about legislation and legislative priorities for the upcoming legislative session.

#### E. Seasonal Communities Advisory Council Update

Seasonal Communities Advisory Council met on December 12, 2024. It was primarily an introductory/organizational meeting. Executive Office of Housing and Livable Communities staff released and discussed an initial guidance document. The Bylaws and Guidance documents were included with the meeting material. So far, the following eight Berkshire County towns are designated seasonal communities: Alford, Becket, Hancock, Monterey, Mount Washington, Otis, Stockbridge, and Tyringham. The benefits are not yet clear.

#### F. Passenger Rail

- <u>West-East Rail</u> MassDOT released the results of an initial feasibility study regarding the location of a future train station in Palmer. Six sites met the criteria; the existing historic station did not. The next step is more analysis of the sites with conceptual designs scheduled for mid-2025.
- Berkshire Flyer No known activity over the past month.
- <u>Northern Tier Passenger Rail</u> No known activity over the past month.
- **G. BRTA Announces New Pilot Pittsfield Paratransit Evening Service** Berkshire Regional Transit Authority (BRTA) received funding from the Massachusetts Department of Transportation for pilot evening Paratransit service through June 30, 2025. This pilot evening service, launched December 18, 2024, is for BRTA Paratransit customers traveling to or from Adams, North Adams, Williamstown, Cheshire, Lanesborough, New Ashford, Pittsfield, Dalton, Hinsdale, Lenox, Lee, Stockbridge, and Great Barrington, Monday – Saturday, 7 pm-10 pm. This project aims to enhance and expand the ability of eligible BRTA Paratransit customers who require an accessible vehicle for travelling in the evenings to destinations within these communities. Riders must call (413) 499-2782 extension 3 to book transportation. Additional information is available at info@berkshirerta.com.

#### H. Department of Conservation and Recreation Proposed Land Acquisition – Adams

The Commonwealth of Massachusetts, acting through its Department of Conservation and Recreation (DCR), is considering the acquisition of land comprising approximately 110 acres off of East Mountain Road in the Town of Adams. The property is currently undeveloped forested land used for outdoor recreation and as a woodlot. The proposed use of the property will be for natural resource protection and outdoor public recreation, and it will be managed as part of the Savoy Mountain State Forest. A locus map marked "Exhibit A," which shows the property in which DCR is interested, was included in the meeting material.

#### I. EOTSS and Cyber Security Opportunities

The Office of Municipal and School Technology within the Massachusetts Office of Technology Services and Security (EOTSS) supports local government efforts to effectively serve their residents, students, and employees' use of technology. Ralph DeLeo, <u>ralph.deleo@mass.gov</u>, (617) 626-4626, ensures municipalities are current with cyber security measures. Berkshire County municipalities have a very low participation rate in the EOTSS training sessions. There are several programs municipalities can participate in, such as the <u>Municipal Cybersecurity Awareness Grant Program</u> Mass.gov. Interested municipal officials should contact Mr. Deleo.

#### J. Permit Extension Act

The Massachusetts Economic Development Bill included a provision to support development by allowing vetted and approved projects more time to begin construction and reduce the risk of being affected by new zoning language passed after the project's approval. The bill provides a blanket twoyear permit extension for state and local permits for projects approved during a tolling period covering 2023 and 2024. The bill would also protect projects approved under municipal special permits from retroactive zoning changes for three years; the current protection is one year. A summary of the provisions prepared by the Mirick O'Connell law firm was included in the meeting material.

#### K. Addiction and Substance Use Disorder Bill

Late in the legislative session, the Governor signed the Addiction and Substance Use Disorder Bill, which de-stigmatizes substance use disorder and emphasizes recovery and care. These provisions should assist our work through the Berkshire Overdose and Addiction Prevention Collaborative. A summary of the bill prepared by the State House News was included with the meeting material.

#### IX. Old Business

#### A. The U.S. Department of Energy's (DOE) National Interest Electric Transmission Corridor (NIETC) Phase 3 Determination

The DOE has announced the electric transmission corridors that will undergo the next phase (Phase 3) of the NIETC designation. The transmission corridor through Berkshire and Franklin Counties, the so-called New York-New England corridor was not selected. DOE's press release was included in the meeting material.

#### X. New Business

#### A. Discussion of Topics for the January 16 Commission Meeting

- Invite newly elected State Representative Leigh Davis
- Set FY 26 Assessment
- Continued discussion of budgetary and legislative priorities

#### XI. Adjournment

Kyle Hanlon made a motion to adjourn. Roger Bolton seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Sheila Irvin, Buck Donovan, Douglas McNally, Roger Bolton, Christine Rasmussen, and Kyle Hanlon. The meeting adjourned at 4:54 pm.

#### Additional Meeting Material:

- 2024.12.05.04 Executive Committee Meeting Minutes Unapproved DRAFT
- November 28, 2024 December 20, 2024 Expenditures Report
- December 2024 Aged Receivables Report
- 2025.01.05 Line of Credit Report
- 2024.12.28 Executive Director Memorandum
- ADU Comments to EOHLC Unapproved DRAFT
- Seasonal Communities Advisory Council Bylaws 12.12.2024
- Seasonal Communities Guidelines 12.12.2024
- Map DCR Proposed Acquisition-Adams
- Permit Extension Summary
- DOE-NEITC Phase 3 Determination 12.16.24
- Addiction and Substance Use Disorder Bill Summary State House News.
- November 2024 Technical Assistance Memorandum

Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

<u>Check #</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>	<b>Department</b>	Department Description	<u>Expense</u>
18815	12/26/24	413SHIRTS.COM LLC	1,487.50	758 UBALT/COCLI	University of Baltimore - COCLI - Berkshire Post Overdose Program	Thrive Totes
18816	12/26/24	BECKS PRINTING	969.00	758 UBALT/COCLI	University of Baltimore - COCLI - Berkshire Post Overdose Program	Thrive Patches
18817	12/26/24	CENTRAL BERKSHIRE HABITAT FOR HUMANITY	300.00	610 HRIA/G2G	Health Resources in Action - Gray to Green	Subcontractor
18818	12/26/24	CHESTER COMMON TABLE INC	1,025.00	688 WSH/MVPA	Washington - Municipal Vulnerability Preparedness Action	MVP Catering Services
18819	12/26/24	TOWN OF DALTON	3,000.00	682 NEHA-FDA/FSOP	NEHA-FDA Retail Flexible Funding - Capacity Building - Alliance Food Safety Program Online Permitting	Full Circle Fees Reimbursement
18820	12/26/24	FULL CIRCLE TECHNOLOGIES INC	11,500.00	682 NEHA-FDA/FSOP	NEHA-FDA Retail Flexible Funding - Capacity Building - Alliance Food Safety Program Online Permitting	Subcontractor
18821	12/26/24	TOWN OF GREAT BARRINGTON	1,000.00	682 NEHA-FDA/FSOP	NEHA-FDA Retail Flexible Funding - Capacity Building - Alliance Food Safety Program Online Permitting	Full Circle Fees Reimbursement
18822	12/26/24	HARRINGTON HEEP LLP	805.00	040 ADMIN	Admin	Legal Services
18823	12/26/24	KATHRYN HEEDER HOCKER	400.00	758 UBALT/COCLI	University of Baltimore - COCLI - Berkshire Post Overdose Program	Subcontractor
18824	12/26/24	MACFARLANE OFFICE PRODUCTS, INC.	661.88	040 ADMIN	Admin	Copying
18825	12/26/24	MIRICK O'CONNELL	455.00	040 ADMIN	Admin	Legal Services
18826	12/26/24	RAINBOW DISTRIBUTING COMPANY INC	117.91	040 ADMIN	Admin	Water
18827	12/26/24	NED SAVISKI	240.00	681 NEHA-FDA/FSPA	NEHA-FDA Retail Flexible Funding - Maintenance & Advancement Base - Alliance Food Safety Program Advancement	Subcontractor
18828	12/26/24	TROUT UNLIMITED INC	364.16	688 WSH/MVPA	Washington - Municipal Vulnerability Preparedness Action	Subcontractor
18829	12/31/24	MARIE BRADY	40.20	652 DPH/SORPEC25	Department of Public Health - Bureau of Substance Addiction - SOR-PEC Community Circle	Monthly Expense Form
18830	12/31/24	LAURA KITTROSS	60.29	516 FRCOG/EPP	Franklin Regional Council of Governments - Emergency Preparedness Planning	Monthly Expense Form
18831	12/31/24	ANN MARIE MUTZ	1,030.00	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Subcontractor
18832	12/31/24	ANDREW OTTOSON	128.61		Varied Projects	Monthly Expense Form
18833	12/31/24	JAYMIE ZAPATA	151.55		Varied Projects	Monthly Expense Form

Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

<u>Check #</u>	<u>Date</u>	Payee	<u>Amount</u>	<b>Department</b>	Department Description	<u>Expense</u>
18834	1/7/25	BADIE DESIGNS LLC	6,734.00		Varied Projects	Website Maintenance
18835	1/7/25	KRYSTAL BARTLEY	36.58	010 GEN	General	Monthly Expense Form
18836	1/7/25	BECKS PRINTING	658.00	758 UBALT/COCLI	University of Baltimore - COCLI - Berkshire Post Overdose Program	Rack Cards
18837	1/7/25	VALERIE BIRD	332.99	650 DPH/SS	Department of Public Health - Shared Services	Monthly Expense Form
18838	1/7/25	BLUE 20/20	214.38	040 ADMIN	Admin	Vision Insurance
18839	1/7/25	SOPHIE CARNES JANNEN	97.98	650 DPH/SS	Department of Public Health - Shared Services	Monthly Expense Form
18840	1/7/25	MONASIA CEASAR	253.81	650 DPH/SS	Department of Public Health - Shared Services	Monthly Expense Form
18841	1/7/25	BRITNEY DANIALS	151.61		Varied Projects	Monthly Expense Form
18842	1/7/25	ALISON DIXON	29.48		Varied Projects	Monthly Expense Form
18843	1/7/25	LESLIE DRAGER	79.48	284 BPHA/PHN	Berkshire Public Health Alliance - Regional Public Health Nursing Program	Monthly Expense Form
18844	1/7/25	EDWARD FAHEY	220.18	283 BPHA/INSP	Berkshire Public Health Alliance - Regional Public Health Inspections	Monthly Expense Form
18845	1/7/25	GEMINI CREATIVE LLC	800.00	709 MMP/BFF25	Massachusetts Marketing Partnership / MA Office of Travel & Tourism - Berkshire Funding Focus	Website Migration
18846	1/7/25	SIOGA CLUB OF BERKSHIRE COUNTY INC	200.00		Varied Projects	Space Fee
18847	1/7/25	WYLIE GOODMAN	47.97		Varied Projects	Monthly Expense Form
18848	1/7/25	MICHAELA GRADY	68.88		Varied Projects	Monthly Expense Form
18849	1/7/25	DANIEL HASSETT	493.94		Varied Projects	Monthly Expense Form
18850	1/7/25	HOOSIC RIVER REVIVAL INC	297.00	785 NAD/MVPA	North Adams - Municipal Vulnerability Preparedness Action Grant	Subcontractor
18851	1/7/25	CORNELIUS HOSS	12.46	751 EOEEA/WSH/ZR	Executive Office of Energy & Environmental Affairs - Washington Zoning Recodification	Monthly Expense Form
18852	1/7/25	DAVID KELLEY	1,150.00	040 ADMIN	Admin	Cleaning Services
18853	1/7/25	CHRISTOPHER KOWALSKI	544.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18854	1/7/25	JOCELYN LATVALLA	91.52		Varied Projects	Monthly Expense Form
18855	1/7/25	MA STATE BOARD OF RETIREMENT	13,865.92			Retirement
L8856	1/7/25	ANDREW MCKEEVER	162.27		Varied Projects	Monthly Expense Form
18857	1/7/25	KELLIE MEISL	640.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18858	1/7/25	МНОА	150.00		Varied Projects	Job Advertisements
18859	1/7/25	MIIA HEALTH BENEFITS TRUST	2,532.68	040 ADMIN	Admin	Dental Insurance

#### BERKSHIRE REGIONAL PLANNING COMMISSION Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

Check #	<u>Date</u>	Payee	<u>Amount</u>	<u>Department</u>	Department Description	<u>Expense</u>
18860	1/7/25	MIIA HEALTH BENEFITS TRUST	66,951.93	040 ADMIN	Admin	Health Insurance
18861	1/7/25	COURTENY MOREHOUSE	88.24		Varied Projects	Monthly Expense Form
18862	1/7/25	MAEGAN MOYNAHAN	1,250.00		Varied Projects	Subcontractor
18863	1/7/25	MUTUAL OF OMAHA	1,545.22	040 ADMIN	Admin	Life; STD; LTD
18864	1/7/25	DWAYNE MYERS	112.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18865	1/7/25	CITY OF PITTSFIELD	525.00	040 ADMIN	Admin	Parking
18866	1/7/25	DAVE PILL	287.44	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Monthly Expense Form
18867	1/7/25	REGENERATIVE DESIGN GROUP CO-OP INC	22,320.00	664 CLK/MVPA	Clarksburg - Municipal Vulnerability Preparedness	Subcontractor
18868	1/7/25	THE COOPER CENTER, LLC	8,895.18	040 ADMIN	Admin	Rent
18869	1/7/25	BRETT ROBERTS	66.88		Varied Projects	Monthly Expense Form
18870	1/7/25	NANCY SLATTERY	130.40	650 DPH/SS	Department of Public Health - Shared Services	Monthly Expense Form
18871	1/7/25	ELIZABETH STRICKLER	2,410.31		Varied Projects	Subcontractor
18872	1/7/25	COLIN SYKES	229.56	650 DPH/SS	Department of Public Health - Shared Services	Monthly Expense Form
18873	1/7/25	TD CARD SERVICES	470.92			December 2024 Credit Card 1189 Payment
18874	1/7/25	TD CARD SERVICES	8,899.39			December 2024 Credit Card 9068 Payment
18875	1/7/25	COREY WALKER	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18876	1/7/25	WB MASON COMPANY INC	935.54	040 ADMIN	Admin	Office Supplies
18877	1/7/25	всвона	90.00	350 BCBOHA	Berkshire County Boards of Health Association - Support Services	Event Ticket Reimbursement
18878	1/7/25	BERKSHIRES TOMORROW INC	4,341.45		Varied Projects	Pelto Reimbursement & Software Lease
18879	1/7/25	AYISHETU BRAIMAH	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18880	1/7/25	THE BRIEN CENTER	11,366.95		Varied Projects	Subrecipient
18881	1/7/25	REBECCA DODGE	480.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18882	1/7/25	KAMARA FLASCHER	640.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18883	1/7/25	JUSTIN HERVIEUX	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18884	1/7/25	SERGIO ORELLANA RAMOS	64.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor

Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

<u>Check #</u>	<u>Date</u>	Payee	<u>Amount</u>	<u>Department</u>	Department Description	<u>Expense</u>
18885	1/7/25	OTIS OBSERVER	40.00	725.05 MassTech/DE-OWWB	Massachusetts Technology Collaborative - Municipal Digital Equity - Implementation Application	Advertising
18886	1/7/25	KRISTANY SKORPUT	480.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18887	1/7/25	JAZU STINE	346.74		Varied Projects	Monthly Expense Form
18888	1/7/25	STRONG TOWNS	1,000.00	440 MassDOT/TPL	MA Department of Transportation Planning	Subcontractor
18889	1/7/25	WOLF VALENTIN	544.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18890	1/7/25	WJ BLUEPRINT & DIGITAL GRAPHICS	13.00	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Printing
18891	1/15/25	AAIM EA TRAINING & CONSULTING LLC	532.74	040 ADMIN	Admin	Background Checks - Pill, D; Grady, M; Gonzalez, N
18892	1/15/25	ARTFUL MIND	675.00	737 COMM/ARTBERK25	Communities/Organizations - Cultural Districts - ArtWeek Berkshires 2025	Advertising
18893	1/15/25	BETA GROUP INC	5,115.13		Varied Projects	Subcontractor
18894	1/15/25	MATTHEW BRYAN	544.32	776 SBREPC/AAR	Southern Berkshire Regional Emergency Planning Committee - After Action Report	Subcontractor
18895	1/15/25	BSC GROUP INC	1,144.79	783 LAN/MVP	Lanesborough - Municipal Vulnerability Preparedness	Subcontractor
18896	1/15/25	CENTRAL BERKSHIRE HABITAT FOR HUMANITY	31,571.96	782 MassCEC/IMP	MassCEC - Pittsfield Energy Coaching Program Implementation	Subcontractor
18897	1/15/25	DANIELLE COOMES	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18898	1/15/25	JILL DAUGHERTY	320.00	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Subcontractor
18899	1/15/25	ENVIRONMENTAL SYSTEMS RESEARCH INST INC	120.00	524 DAL/SW	Dalton - Stormwater Management Support	Subcontractor
18900	1/15/25	FEDEX	9.20	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Postage
18901	1/15/25	CHARLENE GRANDSON	236.60	652 DPH/SORPEC25	Department of Public Health - Bureau of Substance Addiction - SOR-PEC Community Circle	Subcontractor
18902	1/15/25	GROUP ARCHITECTURE & URBANISM CO	10,427.50	753 PTS/MVPA	Pittsfield Francis Ave. Parklet and Routing Study	Subcontractor
18903	1/15/25	CHARLES KANIECKI	2,000.00	650 DPH/SS	Department of Public Health - Shared Services	Subcontractor

Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

Check #	Date	Payee	<u>Amount</u>	<b>Department</b>	Department Description	<u>Expense</u>
18904	1/15/25	CHRISTIE LEWIS	146.63	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Monthly Expense Form
18905	1/15/25	STEPHANIE QUETTI	1,257.68	652 DPH/SORPEC25	Department of Public Health - Bureau of Substance Addiction - SOR-PEC Community Circle	Subcontractor
18906	1/15/25	REBECCA ROUGHLEY	302.98	560 COMVEN/GPUR	Communities/Vendors - FY25 Group Purchasing	Monthly Expense Form
18907	1/15/25	ROUX ASSOCIATES INC	14,251.25	702 EPA/ASSESS	Environmental Protection Agency Assessment	Subcontractor
18908	1/15/25	SOURCEPASS COMPUWORKS LLC	2,185.50	040 ADMIN	Admin	Computer Maintenance
18909	1/15/25	TPX COMMUNICATIONS	1,474.34	040 ADMIN	Admin	Telephone
18910	1/15/25	VALLEY GREEN SHREDDING, LLC	42.50	040 ADMIN	Admin	Recycling
18911	1/15/25	MA STATE BOARD OF RETIREMENT	13,514.09			Retirement
18912	1/22/25	18 DEGREES INC	2,434.20	652 DPH/SORPEC25	Department of Public Health - Bureau of Substance Addiction - SOR-PEC Community Circle	Subcontractor
18913	1/22/25	TOWN OF BECKET	4,000.00	682 NEHA-FDA/FSOP	NEHA-FDA Retail Flexible Funding - Capacity Building - Alliance Food Safety Program Online Permitting	Full Circle Fees Reimbursement
18914	1/22/25	BERKSHIRE BOTANICAL GARDEN	592.00	688 WSH/MVPA	Washington - Municipal Vulnerability Preparedness Action	Subcontractor
18915	1/22/25	DONOVAN O'CONNOR & DODIG, LLP	147.30	040 ADMIN	Admin	Legal Services
18916	1/22/25	MIIA PROPERTY & CASUALTY GROUP, INC	4,195.00			Workers Comp Audit
18917	1/22/25	RAINBOW DISTRIBUTING COMPANY INC	87.94	040 ADMIN	Admin	Water
18918	1/22/25	THE COOPER CENTER, LLC	8,895.18	040 ADMIN	Admin	Rent
18919	1/22/25	SHAMIA SHEPHERD	515.00	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Subcontractor
18920	1/22/25	THE COOPER CENTER, LLC	2,416.24	040 ADMIN	Admin	Utilities Reimbursement
18921	1/22/25	WANDER BERKSHIRES	150.00	646 DPH/MASSCALL3	Department of Public Health MASS CALL 3B - Substance Misuse Prevention	Space Fee
18922	1/22/25	TIGHE & BOND INC	9,500.00	688 WSH/MVPA	Washington - Municipal Vulnerability Preparedness Action	Subcontractor
18923	1/22/25	BERKSHIRE BOUNTY INC	1,186.00	715 USDA/RFSP	USDA - Regional Food System Partnerships Program	Subrecipient
18924	1/22/25	BERKSHIRE GROWN INC	10,017.08	715 USDA/RFSP	USDA - Regional Food System Partnerships Program	Subrecipient
18925 2/2025 at 11	1/22/25	PIONEER VALLEY PLANNING COMMISSION	53,525.00	783 LAN/MVP	Lanesborough - Municipal Vulnerability Preparedness	Subcontractor

#### BERKSHIRE REGIONAL PLANNING COMMISSION Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Рауее	<u>Amount</u>	<b>Department</b>	Department Description	<u>Expense</u>
18926	1/22/25	VALLEY GREEN SHREDDING, LLC	42.50	040 ADMIN	Admin	Recycling
18927	1/22/25	MCKESSON MEDICAL - SURGICAL	18,085.17	653 BRPC/INSREIMB	BRPC - Insurance Reimbursement	2024/2025 Vaccination Supplies
18928	1/23/25	MATTHEW BRYAN	524.03	040 ADMIN	Admin	COBRA Reimbursement
18929	1/23/25	UNIVERSAL PAYROLL ASSOCIATES INC	42.60	040 ADMIN	Admin	Payroll Processing
18930	1/28/25	KIDZONE CHILD CARE EDUCATIONAL CTR INC	365.00	652 DPH/SORPEC25	Department of Public Health - Bureau of Substance Addiction - SOR-PEC Community Circle	Transportation Services
18931	1/28/25	TOWN OF SHEFFIELD	3,500.00	653 BRPC/INSREIMB	BRPC - Insurance Reimbursement	BOH Mini Grant
1028	1/21/25	BERKSHIRE FENCE AND ACCESSORIES INC	4,147.00	710 CEDAC/HMLP	CEDAC Home Modification Loan Program	Subcontractor
1029	1/21/25	BERKSHIRE FENCE AND ACCESSORIES INC	2,055.00	710 CEDAC/HMLP	CEDAC Home Modification Loan Program	Subcontractor
1030	1/21/25	BERKSHIRE FENCE AND ACCESSORIES INC	6,245.00	710 CEDAC/HMLP	CEDAC Home Modification Loan Program	Subcontractor
1031	1/22/25	COMMONWEALTH OF MASSACHUSETTS	105.00	710 CEDAC/HMLP	CEDAC Home Modification Loan Program	Subcontractor
1068	1/22/25	DONOVAN O'CONNOR & DODIG, LLP	292.50		Varied Projects	Legal Services
1187	1/6/25	ATLAS TECHNICAL CONSULTANTS LLC	752.00	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Subcontractor
1188	1/6/25	JOE WILKINSON & SONS EXCAVATING INC	740.00	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Subcontractor
1189	1/6/25	JOE WILKINSON & SONS EXCAVATING INC	1,377.50	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Subcontractor
1190	1/15/25	CMV CONSTRUCTION SERVICES INC	13,747.50	745 SHF/EOHLC/CDBGHR	Sheffield EOHLC - Housing Rehabilitation	Subcontractor
1207	1/27/25	BHDC-RLD LEE LLC	160,193.00	716 EPA/RLF2	Environmental Protection Agency Revolving Loan Fund 2022	Requisition #5
1208	1/27/25	GREYLOCK WORKS	613,860.46	716 EPA/RLF2	Environmental Protection Agency Revolving Loan Fund 2022	Requisition #3

Total

1,199,012.79

#### December 2024 Credit Card 1189 Payment Support

Check #	Date	Payee	<u>Amount</u>	<b>Department</b>	Department Description	Expense
CCARD	12/2/24	BJS WHOLESALE CLUB	255.26	010 GEN	General	MIIA Grant Wellness
CCARD	12/3/24	BIS WHOLESALE CLOB	255.20	010 GEN	General	Snacks

Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	<u>Amount</u>	Department	Department Description	<u>Expense</u>
					Massachusetts Technology	
CCARD	12/9/24	MARKET 32	85.46	725.05 MassTech/DE-OWWB	Collaborative - Municipal Digital Equity -	Focus Group Meals
					Implementation Application	
CCARD	12/17/24	BJS WHOLESALE CLUB	130.20	010 GEN	General	MIIA Grant Wellness
CCARD	12/1//24	BJS WHOLLSALL CLOB	130.20	010 GEN	General	Snacks

Total

470.92

#### December 2024 Credit Card 9068 Payment Support

Check #	Date	Payee	<u>Amount</u>	Department	<b>Department Description</b>	Expense
CCARD	12/2/24	AMAZON.COM	149.90	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Supplies
CCARD	12/3/24	AMAZON.COM	10.96	040 ADMIN	Admin	Office Supplies
CCARD	12/3/24	NATIONAL ASSOC OF DEVELOPMENT ORG	3,000.00	677 EDA/EDD	EDA Economic Development District	Membership Renewal
CCARD	12/3/24	MICROSOFT.COM	44.80	040 ADMIN	Admin	Computer Software
CCARD	12/4/24	PADDLE.NET	12.00	010 GEN	General	Calendar Widget for Clinics
CCARD	12/4/24	UNITED STATES POSTAL SERVICE	11.35	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Naloxone Kit Postage
CCARD	12/4/24	AMAZON.COM	47.96	609 HRIA/CHIP	Health Resources in Action County Health Initiative - Community Health Improvement Planning	CHIP Supplies
CCARD	12/4/24	AMAZON.COM	175.50	040 ADMIN	Admin	Office Supplies
CCARD	12/4/24	AMAZON.COM	53.74	010 GEN	General	Event Supplies
CCARD	12/5/24	STRAIGHT TALK WIRELESS	37.42	040 ADMIN	Admin	Telephone
CCARD	12/6/24	AMAZON.COM	933.02	754 DOJ/BPOP	Department of Justice - Berkshire Post Overdose Program	Supplies
CCARD	12/8/24	AMAZON.COM	61.02	040 ADMIN	Admin	Office Supplies
CCARD	12/10/24	BIG Y SUPERMARKET	200.00	526 BCSO/OPIOID	Berkshire County Sheriff's Office - Opioid Prevention	BVIR Participant Compensation
CCARD	12/10/24	MA ALLIANCE FOR ECONOMIC DEVELOPMENT	35.00	040 ADMIN	Admin	Meeting - Brennan, L
CCARD	12/11/24	WALMART.COM	85.13	610 HRIA/G2G	Health Resources in Action - Gray to Green	G2G Event Supplies
CCARD	12/11/24	RAMUNTOS	371.04	664 CLK/MVPA	Clarksburg - Municipal Vulnerability Preparedness	MVP Event Meals
CCARD	12/12/24	ZOOM VIDEO COMMUNICATIONS, INC.	48.00	040 ADMIN	Admin	Software Subscription

Check Register For the Period From Dec 19, 2024 to Jan 28, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	<u>Amount</u>	<b>Department</b>	Department Description	<u>Expense</u>
CCARD	12/12/24	AMAZON.COM	134.05	652 DPH/SORPEC25	Department of Public Health - Bureau of Substance Addiction - SOR-PEC Community Circle	Event Supplies
CCARD	12/12/24	DOVETAILLEARNING.ORG	137.50	652 DPH/SORPEC25	Department of Public Health - Bureau of Substance Addiction - SOR-PEC Community Circle	Bright Futures Club Supplies
CCARD	12/12/24	BB'S HOTSPOT, LLC	370.00	526 BCSO/OPIOID	Berkshire County Sheriff's Office - Opioid Prevention	BVIR Event Meals
CCARD	12/13/24	AMAZON.COM	26.98	040 ADMIN	Admin	Office Supplies
CCARD	12/19/24	ECOFLOW.COM	2,548.94	678 NERHA/ROOTC	New England Rural Health Association - Root Cause Solutions Exchange	NERHA Supplies
CCARD	12/19/24	HOME DEPOT	279.98	678 NERHA/ROOTC	New England Rural Health Association - Root Cause Solutions Exchange	NERHA Supplies
CCARD	12/24/24	CONSTANT CONTACT INC	88.00	040 ADMIN	Admin	Newsletter Subscription
CCARD	12/28/24	BITWARDEN INC	37.10	040 ADMIN	Admin	Software Subscription

Total

8,899.39

Aged Receivables As of Jan 31, 2025

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

Customer ID	Customer	Over 90 days	Amount Due	Notes
283 BPHA/INSP/RCH	TOWN OF RICHMOND		4,865.00	
283 BPHA/INSP/WSH	TOWN OF WASHINGTON		1,181.25	
284 BPHA/PHN/ADM	TOWN OF ADAMS		1,091.75	
284 BPHA/PHN/BHDC	BERKSHIRE HOUSING DEVELOPMENT CORP		600.00	
284 BPHA/PHN/FLA	TOWN OF FLORIDA		577.50	
284 BPHA/PHN/HAN	TOWN OF HANCOCK		551.25	
284 BPHA/PHN/RCH	TOWN OF RICHMOND		1,125.00	
284 BPHA/PHN/RIV	RIVER RUN APARTMENTS		200.00	
284 BPHA/PHN/WSH	TOWN OF WASHINGTON		577.50	
326/BURN/EGR	EGREMONT FIRE DEPARTMENT		115.00	
326/BURN/GTB	GREAT BARRINGTON FIRE DEPT		115.00	
326/BURN/NAS	TOWN OF NEW ASHFORD		115.00	
326/BURN/SHF	TOWN OF SHEFFIELD		115.00	
326/BURN/WSH	TOWN OF WASHINGTON		115.00	
350/ВСВОНА	BERKSHIRE COUNTY BOARDS OF HEALTH ASSOC		908.56	
427 ADM/BFASSESS	TOWN OF ADAMS	1,121.40	2,360.47	Melissa P to follow up
440/TPL	MASSDOT#75425 - TPL	-	53,090.43	
446 GTB/EP	TOWN OF GREAT BARRINGTON		5,112.50	
514 ADM/EP	TOWN OF ADAMS		1,262.50	
518-519 FRCOG/BRMC	FRANKLIN REGIONAL COUNCIL OF GOVT	6,495.69	6,495.69	Laura K will follow up
560 PECKHAM	PECKHAM MATERIALS CORP	2,292.94	2,292.94	Becky will follow up
560 SUPERIOR PLUS	SUPERIOR PLUS ENERGY	170.93	170.93	Becky will follow up
647 GTB/CLNUP	TOWN OF GREAT BARRINGTON	904.10	1,832.39	Melissa P to follow up
664 CLK/MVP	TOWN OF CLARKSBURG		23,184.15	
669 CHS/SW	TOWN OF CHESHIRE		4,900.63	
684 MON/DEP319	TOWN OF MONTEREY	18,595.93	18,595.93	Town Administrator is working on payment
685 HVA/BCCCP	HOUSATONIC VALLEY ASSOCIATION		10,133.27	
713 MON/MVPA	TOWN OF MONTEREY	10,414.10	10,414.10	Town Administrator is working on payment
724 HAN/MVP	TOWN OF HANCOCK		96.20	
725.03 MASSTECH/CLK	725.03 MASSTECH/CLK		29,713.00	
738 BTI/NEA/CUL	BERKSHIRES TOMORROW, INC.		14,500.71	
742 MON/OSRP	TOWN OF MONTEREY	15,000.00	15,000.00	Town Administrator is working on payment
753 PTS/MVPA	CITY OF PITTSFIELD		26,921.31	
756 EOHLC/SS	COMMONWEALTH OF MASS		879.31	
757 NMB/OSRP	TOWN OF NEW MARLBOROUGH	7,812.46	16,571.83	CJ to follow up
758 UBALT/COCLI/BPOP	UNIVERSITY OF BALTIMORE		27,523.74	
764 TOWN OF MONTEREY	TOWN OF MONTEREY	17,733.52	17,733.52	Town Administrator is working on payment
766 SAV/CUL	TOWN OF SAVOY	8,328.63		Courteny to follow up
780 BTI/EOEEA/BOW	BERKSHIRES TOMORROW, INC.		8,909.26	
781 PHIWM/CHNA	PARTNERS FOR A HEALTHIER COMMUNITY		7,500.00	
785 NAD/MVP	CITY OF NORTH ADAMS		7,186.07	
788 NAD/BFINV	CITY OF NORTH ADAMS		2,105.23	
790 NAD/BFCLN	CITY OF PITTSFIELD		1,009.58	
792 PTS/5YRAA	CITY OF PITTSFIELD		3,161.59	
794 SAV/CRMA	TOWN OF SAVOY		3,164.35	
COOK INSURANCE	CHARLES COOK		35.40	
GAHERTY INSURANCE	LAUREN GAHERTY		677.06	
MULLINS, PATRICIA	PATRICIA MULLINS		112.84	

Report Total

**88,869.70** 346,262.35



Accounts

Current Balance

Available Credit Amount Due Payment Due Date \$500,000.00 \$0.00 Feb 5, 2025

↑ ? ₽

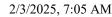


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## MEMORANDUM

- TO: Executive Committee, Berkshire Regional Planning Commission
- FROM: Thomas Matuszko, Executive Director
- DATE February 2, 2025
- SUBJ: Agenda Items February 6, 2025, Executive Committee Meeting

## VI. Items Requiring Action

# A. Vote to Approve the Submission of a Grant Application to the Toxic Use Reduction Institute (TURI) Grant Program\*

The Executive Committee is requested after the fact to authorize the Executive Director to submit a grant application to the TURI grant program and sign any resulting contracts and agreements. This grant will allow for education around plastics use to the public, conduct research, and educate food establishments, especially those that do take out, about alternatives to plastics, and to develop a municipal toolkit for reduction of plastics. FY 25 funding is expected to be \$6,500 for part of this work, with an additional \$15,000 possible in FY 26. There is no match. There are not expected to be subcontractors. BRPC contact is Jaymie Zapata, jzapata@berkshireplanning.org.

#### B. Vote to Approve the Submission of a Grant Application to the Substance Abuse and Mental Health Services Administration (SAMHSA) Partnerships for Success Program\*

The Executive Committee is requested to authorize the Executive Director to submit a grant application to SAMHSA Strategic Prevention Framework – Partnerships for Success for Communities and Tribes Program and sign any resulting contracts and agreements. This grant would allow for work on alcohol use reduction and prevention for adults in Berkshire County. These five-year grants allow for funding of \$250,000 – 600,000 per year. Expected partners include the Brien Center, Berkshire Health Systems, Berkshire Pride, and others. There is no match required. There would be subcontractors/subrecipients. BRPC contact is Andy Ottoson, aottoson@berkshireplanning.org

C. Vote to Approve the Submission of a Grant Application to the Health Resources and Services Administration (HRSA) Rural Health Network Development Planning Program\*

The Executive Committee is requested to authorize the Executive Director to submit a grant application to HRSA's Rural Health Network Development Planning Program and sign any resulting contracts and agreements. This grant would allow for work on coordinating access to health care in central

1 Fenn St., Suite 201, Pittsfield, MA 01201 T: (413) 442-1521 · F: (413) 442-1523 berkshireplanning.org TTY: 771 or 1(800) 439-2370 Berkshire County (south and north counties have had this grant in the past). Primary expected partners are expected to be Berkshire Health Systems (BHS) and the Brien Center. This one-year grant requests \$100,000 for planning purposes and allows successful groups to qualify for implementation grants in the future (pending future appropriations). There is no match required. There would be subcontractors/subrecipients. BRPC contact is Laura Kittross, <u>lkittross@berkshireplanning.org</u>

## VII. Committee Reports and Discussion

## A. Comprehensive Economic Development Strategy (CEDS) Committee

The CEDS Committee met on January 15 2025. Cody Chamberlain, Economic Recovery Corp Fellow gave an update. The Adventure to Ashuwillticook Trail Project US DOT grant award was discussed. The 2023-2027 Year 2 Performance Report to EDA was also discussed. Draft minutes are in the meeting materials.

#### **B.** Environmental Review Committee (ERC)

The ERC met on January 21, 2025. The Committee discussed and voted to amend its general committee practices (included with the meeting material). As authorized by the Executive Committee at the January meeting, the ERC also submitted an Environmental Review Report on the Expanded Environmental Notification Form (EENF) and proposed Environmental Impact Report (EIR) for the Great Barrington Fire District Exploration Wells (included with the meeting material).

### C. BRPC Finance Committee

The Finance Committee met on January 23, 2025 to review and approve the FY2024 BRPC Audit and Capitalization of Assets Policy. A report was given by staff about the need for and costs associated with moving our IT system from server based to cloud based. Staff also reported that EPA's Limited Scope Review went well. Draft minutes are in the meeting materials as well as the material related to the Audit and Capitalization of Assets policy.

#### **D.** Berkshire Metropolitan Planning Organization

The MPO met on January 28, 2025. Amendments to the TIP were considered and approval of project listings proposed for MassDOT's Resilience Improvement Plan for culverts endorsed. Minutes are not yet available.

## VIII. Executive Director's Report and Discussion

#### A. Report on New Contracts/Agreements

New Grants and Contracts received/initiated from 12/21/2024 to 1/30/2025.

- Executive Office of Housing and Livable Communities District Local Technical Assistance 2025 – \$214,214
- Lanesborough Digital Equity Implementation \$14,850
- Greylock Flume Brownfields Cleanup 48,000
- Berkshire Health System Fairview Medical Reserve Corps \$15,545.24
- Adams Open Space and Recreation Plan \$40,000
- Great Barrington ADA Self-Evaluation and Transition Plan 45,000

• New Marlborough - ADA Self-Evaluation and Transition Plan – \$3,500

## Grants and Contracts not received.

• We are not aware of any grants not received.

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

- The B.T.I. board approved the following:
  - o B.T.I. FY 2025 Budget
  - Treasurer, Buck Donovan, and President, Malcolm Fick, to sign BTI's 2024 tax return prepared by our accountant, Adelson & Company PC
  - $\circ$   $\,$  Accept a \$400 donation from Blackshires for training.

## C. Staff Update

- Open Positions:
  - Community Social Worker
  - Public Health Training Specialist
  - Public Health Planner/Sr Planner (Emergency Preparedness)
- Internships
  - Outdoor Recreation Internships
  - Youth Prevention & Mental Health Internship
  - Other programs are assessing their needs for the summer interns

## D. Rural Policy Advisory Commission (RPAC) Update

The Rural Policy Advisory Commission did not meet in January 2025.

## E. Seasonal Communities Advisory Council Update

The Seasonal Communities Advisory Council did not meet December 12, 2025.

## F. Passenger Rail

- <u>West-East Rail</u> No known activity over the past month.
- <u>Berkshire Flyer</u> No known activity over the past month.
- Northern Tier Passenger Rail No know activity over the past month.

## G. Chapter 90 Report

In March 2024, the Healey Administration instructed the Massachusetts Department of Transportation (MassDOT) and the Executive Office for Administration and Finance (A&F) to convene a group of municipal officials to discuss challenges and potential improvements in the Chapter 90 Local Roads Program (the Program). MassDOT and A&F assembled a 16-member statewide Advisory Group comprised of municipal transportation officials from across the Commonwealth. The Advisory Group identified common challenges and developed a set of options for administrative and funding solutions for state officials to consider and prepared a report that summarizes the Group's recommendations and new opportunities for the Program's administration, funding, and formula, and explores the Chapter 90 Program's history and evolution. An Executive Summary is included. The Full Report can be accessed at <u>Chapter 90 Program Advisory Group - A Report on Challenges &</u> <u>Recommendations for Improvement</u>.

## H. State Auditor Report – Pursuing Equitable State-Owned Land Reimbursements for Municipalities

The State Auditor's Office recently released a report, Pursuing Equitable State-Owned Land Reimbursements for Municipalities (https://www.mass.gov/doc/pursuing-equitable-state-owned-landreimbursements-for-municipalities/download.) The report documents the disparity in per-acre reimbursements between those municipalities with state owned land holding of at least 50% of the land area of the town (mostly rural towns) and those with less than 50% of the land area of a town. It contains recommendations to remove those disparities. An Executive Summary is included with the meeting material.

## I. Transportation Funding Task Force Report

The Healey Administration established the <u>Transportation Funding Task Force</u> in January 2024 to make recommendations for a long-term, sustainable transportation funding plan. That Task Force recently released its report which contains recommendations designed to stabilize the existing transportation system in the state, enhance the system to ensure it can be maintained and support other priorities such as housing or economic development and transform the systems using new transportation related revenues and technologies. An Executive Summary is included with the meeting material.

## J. Municipal Empowerment Bill

The Healey Administration recently filed the Municipal Empowerment Bill with the goal to relieve administrative burdens, support fiscal strength and expand tools available to support communities. The bill retains major efficiency measures that were part of the legislation filed last session. This includes permanently enabling municipalities to permit hybrid public meetings, reforming procurement rules, and establishing enforcement mechanisms to encourage the timely removal of double poles. Additionally, several new provisions have been added to help local officials improve public health and lower costs. More information can be found at <u>Municipal</u> <u>Empowerment Act | Mass.gov</u>. A line by line summary of the bill is included in the meeting material.

## K. Accessory Dwelling Unit Regulations

The Executive Office of Housing and Livable Communities (EOHLC) released its final version of regulations for accessory dwelling units. The regulations are effective as of January 31, 2025. More information can be found at https://www.mass.gov/info-details/accessory-dwelling-units#adu-regulations-. A copy of the regulations is included with the meeting material.

## IX. Old Business

## A. Report on Surplus Equipment Distributed

According to BRPC's Disposal of Surplus Policy, seven laptops were given to the following towns:

3 Dalton, 3 Otis, 1 Washington

## **B.** Report on Accessory Dwelling Unit Comments on Regulations

At the previous Executive Committee meeting we discussed submitting comments on, at that time, proposed regulations related to Accessory Dwelling Units. A copy of the comments submitted is included in the meeting material.

## **C. Discussion of Personnel Handbook**

Many months ago, we discussed the need and a process for updating the BRPC personnel policies. At that time I thought we could do the work inhouse and incrementally bring changes to the Executive Committee for approval. That process was unworkable as the day-to-day demands on Admin staff did not allow the time needed. I have asked our legal counsel to take our existing personnel policies and compile them into one document, verify there have been no legal changes and correct then if there have been and identify missing policies. That work is complete and I have a red-line document, with significant mark-ups. I would like to discuss a process with the Executive Committee to have this document finalized and approved. I suggest that instead of going over the document line-by-line, that I summarize the key changes. We could have a slightly longer Executive Committee meeting to review and approve.

#### X. New Business

## A. Report on Comments Submitted on Proposed Changes to Article 97 regulations

Article 97 of the Amendments to the Massachusetts Constitution establishes a right to a clean environment including its natural, scenic, historical, and aesthetic qualities for the citizens of the Commonwealth. Article 97 also declares the conservation of natural resources a public purpose and provides that land or easements subject to Art. 97 shall not be used for other purposes or disposed of without a two-thirds roll call vote of the Legislature. EOEEA is proposing changes to the regulations that address Article 97. Included in the meeting materials are comments I submitted. My main concerns were that there was a lack of effective public notice, including climate change mitigation in the definition of Natural Resource Value and providing too much authority with the Secretary of EOEEA.

#### **B.** Discussion about the Potential for the Open Meeting Law to Require In-person Meetings after March 31, 2025.

The provision to allow public meetings to be held entirely remotely expires on March 31, 2025. Although the Governor has included a provision in the Municipal Empowerment Bill to continue to allow virtual public meetings it is uncertain if that Bill will be approved by March 31<sup>st</sup>. If it, or some other provision to continue to allow virtual public meetings, is not approved we will need to determine how to proceed with our BRPC meetings.

#### XI. Adjournment\*

Additional Meeting Material:

- 2025.01.02 Executive Committee Meeting Minutes Unapproved DRAFT
- December 19, 2024 January 28, 2025 Expenditures Report
- January 2025 Aged Receivables Report
- 2025.02.05 Line of Credit Report
- 2025.02.02 Executive Director Memorandum
- January 15, 2025 Comprehensive Economic Development Strategy Meeting Minutes – Unapproved DRAFT
- Environmental Review Report Great Barrington Fire District Exploration Wells
- Statement of Procedures of the Environmental Review Committee of BRPC
- 2025.01.23 BRPC Finance Committee Meeting Minutes Unapproved Draft
- BRPC FY24 Audit Management Letter
- BRPC FY24 Audit Final Governance Letter
- Capitalization of Assets Policy Approved 01.23.2025
- Executive Summary Chapter 90 Report
- Executive Summary Auditors PILOT Report
- Executive Summary Transportation Funding Task Force Report
- Municipal Empowerment Act 2025 Section-by-Section Summary
- 760 CMR 71 FINAL REGULATIONS 1-17-25
- BRPC Comments on Proposed ADU Regulations
- BRPC comments on 301 CMR 52 (TM)
- December 2024 Technical Assistance Memorandum

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#### **CEDS COMMITTEE MEETING MINUTES**

Virtual Meeting via Zoom January 15, 2024

**Committee Members Present** Roger Bolton, Williams College (Retired) Linda Clairmont, Berkshire Community College Michael Coakley, City of Pittsfield Robert DelMastro, Massachusetts Small Business Development Center Malcom Fick, BRPC Chair (ex-officio non-voting member) Kyle Hanlon, BRPC, CEDS Chair Lesley Herzberg, Berkshire County Historical Society Ben Lamb, 1Berkshire Bryana Malloy, MassHire Berkshires Laurie Mick, City of Pittsfield Tom Matuszko, BRPC Executive Director Laurie Mick, PERC (Pittsfield Economic Development Corporation) Mike Nuvallie, City of North Adams Chris Rembold, Town of Great Barrington Ben Sosne, Berkshire Innovation Center

<u>Committee Alternates Present</u> Jayne Bellora Jayne, Massachusetts Small Business Development Center Kevin Pink, 1Berkshire

<u>Committee Members Absent</u> A.J Enchill, Berkshire Black Economic Council Shannon Smith, Berkshire Agricultural Ventures

BRPC Staff Present Laura Brennan, Assistant Director & Economic Development Program Manager Wylie Goodman, Senior Economic Development Planner Thomas Matuszko, Executive Director

<u>Guests Present</u> Alex LaValley, 1Berkshire Cody Chamberlain, 1Berkshire Allison Schmitt, EforAll

#### 1. Call to Order

Kyle Hanlon called the meeting to order at 1:01 p.m. This meeting was conducted via Zoom as allowed by Chapter 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law M.G.L. Chapter 30 Section 20 until March 31, 2025. Laura Brennan conducted roll call.

#### 2. Acknowledgement/Introduction of Guests/non-Committee Members

Kyle Hanlon and Laura Brennan welcomed guests in attendance including Allison Schmidt from

EforAll Berkshire County and Alex LaValley from 1Berkshire. Rob Del Mastro, a regional director at SBDC, was welcomed as a new member of the committee.

#### 3. Approval of Minutes from October 9, 2024

Ben Lamb made a motion to approve the minutes of the October 9, 2024, meeting. Roger Bolton seconded the motion. The motion passed unanimously.

#### 4. Update from Economic Recovery Corps Fellow, Cody Chamberlain

Cody Chamberlain shared about an up-to \$1M grant opportunity from NSF (Excellent Grant – Experiential Learning in Emerging Technologies) to create an entrepreneurial accelerator program for young people to hire their peers to do STEM work for them (e.g., website and app development). He has been in discussion about this with Berkshire Community College. The application is due in late February. Cody is open to finding additional partners. The award might be awarded until later this year. The primary applicant will be BCC with support from 1Berkshire and the BIC. Linda Clairmont applauded Cody for his work initiating this discussion.

#### 5. Update re: Adventure to Ashuwillticook Trail Project grant award from US DOT

Laura Brennan announced that Berkshire Regional Planning Commission received approval for approximately \$17.3 million grant from the US Department of Transportation's RAISE program. This funding will be used for full engineering, design, and permitting of a 9.3-mile section of the shared-use Ashuwillticook Trail in Northern Berkshire, connecting cultural institutions, hotels, retailers, and restaurants. The trail will be shovel-ready for construction and will be added to the state's transportation improvement plan. The project is seen as a major opportunity for the region that will provide 25-miles of contiguous connectivity rivaling other regions of the state (Cape Cod). Karen Pelto was instrumental in making the application so strong. Ben Lamb, Ben Sosne, and Michael Nuvallie reinforced how impactful this project will be to the region and noted the hurdles involved to bring it to fruition.

#### 6. 2023-2027 Berkshire County CEDS – Year 2 Performance Progress Report to EDA

#### a. Economic Conditions – review and discussion of ACS-informed data

Laura Brennan discussed the upcoming year's EDA performance report, which will be due in June 2025. She then shared economic indicators of note from American Community Survey data released in December 2024. They include:

**Labor Force Participation** increased by 1,600 workers or 2.5%. This is well below pre-pandemic levels, but the first time BRPC has seen an increase in the last several years.

**Annual Unemployment Rate** experienced a slight increase from 2023 to 2024 by .2% but overall was low, as it is nationally, too.

**Median Household Income (MHI)** was \$72,565, which is lower than Massachusetts and the U.S. The MHI is also significantly lower than neighboring counties. Going forward, BRPC will start comparing Berkshire County to regions in other parts of the country of the same size and geographic density that also have arts/culture and outdoor recreation as key parts of their economy. In terms of MHI, Berkshire County is behind in absolute numbers as well as in its growth rate. Linda Clairmont noted that another potential comparison location might be Mass. Gateway Cities. Chris R. noted that we could also compare Berkshire County to the new Mass. designation of Seasonal Communities, as this may open opportunities, including exemptions for homeowners to assist with Cost of Living. Tom M. shared that the Seasonal Communities in our region include ((Monterey, Mt. Washington,, Otis,

Alford, Hancock, Becket, Stockbridge, Tyringham). Ben L. added that the designation, like a credential, can be helpful for us to have, especially when dollars follow policy.

**Per Capita Income** is significantly higher than the U.S. but not as high as Mass. overall. Berkshire County does not appear to be as low as adjacent counties vis a vis PCI. Laura B. speculated that older adults living alone in single-family homes with incomes that are stagnant, or declining may explain the results. The difference between PCI vs MHI thus reflects household size and an aging population. Roger B. hypothesized that we have a small number of very rich individuals in Berkshire County,

which skews the arithmetic mean without affecting the median. Laura Brennan noted that BRPC pays more attention to MHI because it is a measure of economic distress for EDA that helps when apply for funding.

**Annual Wage by Sector** is based on two-digit NAICS codes. They have grown but slower than Massachusetts but not necessarily the country.

**24-month Unemployment** is lower than at this time last year and is better than when we submitted the last Five-year CEDS. On this measure of economic distress, the county is continuing to improve. Another round of data will come out in June, so we will have a few more months of data to analyze.

EDA was recently reauthorized by Congress with the goal to expand ways that communities can measure their economic conditions, which will be helpful to the county.

#### b. Committee review of SWOT - discussion

Roger Bolton shared his recommendation that a new opportunity was the availability of the Bard College at Simon's Rock Campus for redevelopment. Chris Rembold noted that in the near-term the campus is an economic threat or liability but could be a great opportunity in the future to create jobs and bolster the town's tax base. The loss of Simon's Rock undercuts the town's strength due to the loss of an academic leader. Roger offered that our region would likely be less vulnerable going forward than other rural communities due to our having two state institutions and one private college.

Tom Matuszko returned to the topic of the requirements that come with the Seasonal Communities designation including one that there must be a provision to allow tiny homes although we are unsure re: lot size requirement or how it affects water/sewer requirements, for example. Under-sized lots can be used for housing. Details remain to be seen.

Linda Clairmont discussed the strengths and a weakness for BCC. She noted that free community college for students has been a considerable success with a 32% increase in enrollment. The school's work preparing people for the workplace is good, but a challenge/weakness is workforce training programs, which are not free and are mostly grant-funded and can be fickle and inconsistent. Workforce community education thus needs to find a diverse pool of funding and not be solely reliant on grants so they can build out a portfolio of programs. She expressed questions regarding the change in administration and the lack of knowledge about their future investment interests.

Ben Lamb commented that remote work is a strength, given the number of people who came to the Berkshires during the pandemic and stayed. However, the risk is that people do not become integrated into the community. 1Berkshire is now working on initiatives to address this. Another risk is business succession, which is accelerating as many small businesses are reaching the end of their lives and are not being transitioned to new ownership or becoming employee-owned. Older owners retiring businesses (grey tsunami) are not preparing or thinking about preparing for transition. This potentially poses a threat to our downtowns. These owners need support and exposure to outside markets. 1Berkshire is doing some work around this topic. Berkshire Funding Focus has been an important partner. He also noted issues with the potential loss of grant funding as well as capacity issues to

achieve goals when grant funding is in abundance, but organizations cannot deliver given time-limited deadlines.

Ben Sosne noted investments in specific industries statewide that could be good for the region that the BIC is tracking such as a bill that will provide funding in key sectors such as climate tech and reauthorization of life science centers as well as funding from MassTech related to advanced manufacturing, applied AI, robotics, and tech hubs. The governor and state administration are supportive of the Berkshires, but we need to provide them with impactful programs that they think have potential. He felt William Stanley Development Park was primed for a big project and reaffirmed Ben Lamb's statement that BFF has been tremendously helpful.

Ben Lamb shared that there had been a listening session recently about the state's new policy on ADUs. Ben felt this was a great opportunity, especially for "over-housed" individuals so that these could be re-imagined for more people in need of housing, with the caveat that funding remains an open question. Tom Matuszko stated that BRPC submitted comments to ask for clarification about short-term rentals and what is allowable. He also noted that more resources are needed to make ADUs financially viable.

Laura B. stated there will be more opportunities for people to revisit the SWOT.

#### c. Priority Project Updates solicitation – issued early 2025 (due no later than 2/28)

Laura B. has received many comments and updates already submitted. They are due on February 28<sup>th</sup> and asked people who have not yet responded to send them.

#### d. Priority Projects – discussion of potential additions (due no later than 3/31)

Laura Brennan stated that she continues to welcome new submissions of Priority Projects and reported that we have received two new ones that were provided in the packet (2025 Halloween Costume Exchange – Great Barrington; Simon's Rock college campus repurpose/reuse – Great Barrington). We will vote on new projects at the next meeting. People can submit ideas that do not rise to the level of a Priority Project but could fit into another part of the plan. Chris Rembold noted the Bard project which the school is looking to sell. The town is looking at possible overlay zoning to ensure it is feasible for the campus to be used for other purposes. He hopes to work with BRPC through DLTA on this and hopes it can become a CEDS Priority Project. Mass Development may also be engaged as a partner. There is a link in the agenda for new submissions.

#### e. Priority Projects – discussion of potential removals

Laura Brennan noted that some projects are removed because they are completed (White Terrace – Pittsfield) or lose steam. She will be reaching out to people about a few projects that may meet one of these criteria.

#### 7. Adjournment

Ben Lamb made a motion to adjourn the meeting. Chris Rembold seconded the motion. The motion was carried unanimously. The meeting adjourned at 2:00 p.m..

Next Meeting – March 12, 2025

#### Documents & Exhibits Used:

Minutes from October 9, 2024 CEDS Committee Agenda 1.15.24 SWOT Notes – 2024 Annual Report Response 1 – Priority Project Response 2 - Priority Project

## Berkshire Regional Planning Commission Environmental Review Report

January 22, 2025

SUBJECT:	Great Barrington Fire District Exploration Wells
EOEEA#:	16906
LOCATION:	Great Barrington
<b>REVIEW TYPE:</b>	EENF and Proposed EIR
PROPONENT:	Great Barrington Fire District
COMMENTS DUE:	January 22, 2025

#### **Project Description**

The Great Barrington Fire District has submitted an Expanded Environmental Notification Form (EENF) and a Proposed Environmental Impact Report (PEIR) for the Berkshire Natural Resources Property Exploration Wells Project located on the Berkshire Natural Resources Property Council (BNRC) property on State Road (Routes 23 and 183) in Great Barrington.

The PEIR was submitted in conjunction with the EENF for consideration under the Rollover EIR provision set forth in the Massachusetts Environmental Policy Act (MEPA) regulations at 301 CMR 11.06(13). The MEPA Office has instructed that if comments are submitted they should be comments on the PEIR.

The Great Barrington Fire District is exploring a new groundwater supply to supplement its sole source (The Green River Infiltration Gallery; PWS ID 1113000-01G) that was developed in 1934. Because the District does not have a redundant public water supply source and the existing supply system is 89 years old and cannot be taken off-line for rehabilitation, the need for a redundant public water supply source has been identified. For over two decades, the District has been investigating alternative water backup supply sources to meet the growing demands of the District. For various reasons the numerous proposed backup supply locations have been dropped from further consideration leaving the District with no other site options for a backup water supply. As climate change leads to rising temperatures, the infiltration rates of the basin are expected to decrease, reducing the availability of water over time. This underscores the urgent need for a supplementary water source to ensure the District's needs are consistently met.

The Project entails the installation of up to two (2) exploration wells within the BNRC property to gather critical information about groundwater and assess the feasibility of utilizing the Site as a redundant water supply able to sustain a maximum daily pumping rate of approximately 1.45 mgd.

Due to temporary and permanent impacts to bordering vegetated wetlands the Project has triggered the MEPA ENF threshold:

• 301 CMR 11.03(3)(b)(1)(d): Alteration of 5,000 or more sf bordering or isolated vegetated wetlands

Since the project is located within one mile of an Environmental Justice neighborhood, the Project requires a mandatory EIR. The project does not have extensive regional impacts and will be thoroughly regulated by the State and the property owner.

#### Statement of Procedures of the Environmental Review Committee of BRPC

The Environmental Review Committee (ERC) drafts the BRPC's comments and recommendations on proposed projects, policies, permits, and other actions that will have substantial effects on the natural and/or social environment and have regional significance in the sense of effects beyond one locality. It may also draft comments on actions that affect primarily a single locality, if the BRPC's and ERC's technical knowledge and experience can assist local authorities in their own review. The proposed actions include ones from the private sector and ones from the Federal, State, and local governments.

The majority, but by no means all, of these actions are ones subject to approval by various Massachusetts state agencies, especially the Executive Office of Energy and Environmental Affairs (EEA), in which case BRPC comments are addressed to the Secretary of EEA. Reviews by EEA are governed by the Massachusetts Environmental Policy Act (1977). An office in EEA, the Massachusetts Environmental Policy Act Office (MEPA), manages EEA's review process, and its staff ensures wide dissemination of information to local and regional agencies such as BRPC and encourages their participation in the EEA review.

Following is the time-line for the ERC's consideration of a proposed action. It takes account of limitations on staff time, limited times available for ERC meetings, and the short period that MEPA and other agencies typically allow for public comments.

1. BRPC staff receives information on the proposed action. The information may come directly from MEPA (such as a listing in MEPA's regular publication *The Environmental Monitor*), from some other permitting authority, or some other source. If the action requires approval by EEA, the information will include one of the following documents the proposer has filed with MEPA: Environmental Notification Form (ENF); Notice of Project Change; Expanded Environmental Notification Form (ENF); Draft Environmental Impact Report (DEIR); Final Environmental Impact Report (FEIR); Single Environmental Impact Report (SEIR). While the Commission has historically had a policy of commenting on all MEPA projects requiring a mandatory EIR, the rules of procedure allow for the discretion of the Chair recognizing the fact that MEPA rules may require an EIR on a project that is not regional in scope, limited resources may make it unfeasible to call a meeting and prepare comments, and it may not be possible to convene a quorum of the ERC in advance of the comment deadline.

2. Staff studies the information and forms an opinion on whether the Commission should comment on the action. It then gives the ERC Chair the information it has received, including a copy of any MEPA document, and the staff's recommendation. The ERC Chair studies the information and decides whether the ERC will meet.

3. If staff do not recommend making comments, and the Chair agrees, the ERC does not meet. Staff notifies other ERC members of the decision, provides those members a copy of the information along with the staff's recommendation, and gives members an opportunity to object to the Chair's decision. A member should channel an objection through the staff, and not

notify other ERC members, in order to avoid any appearance of deliberation that violates the Open Meeting Law. Staff relays the objection to the ERC Chair, who considers it. If the Chair still does not call a meeting, the formal process ends, but of course any member of the ERC may exercise their right to send personal opinions directly to EEA or other relevant authority. If the Chair now decides to call a meeting, the process is as described in below.

4. If the staff recommended making comments, the Chair will normally agree and calls an ERC meeting. In the rare case where the Chair disagrees, the procedure for considering objections by other ERC members is as in the previous paragraph.

5. If the ERC meets, staff prepares a draft of comments for the meeting, and if at all practical it distributes it to ERC members sufficiently in advance to allow the members to prepare for the meeting.

6. In its meeting the ERC considers the staff's draft comments, and it may make additions and changes. With limited exceptions, it does not specify exact language, but comes to some consensus and relies on staff to express it in a revised draft. In the meeting the ERC Chair gives priority for participation to ERC members and staff, but permits representatives of the proponent to answer questions, and if time permits he or she recognizes members of the public for brief comments. The ERC does not expect a proponent to give a summary of the action; it relies on members' prior reading of the information and staff's draft comments.

7. It is essential for the Executive Committee and the full Commission to have a role in the process. The ideal procedure is for both Executive Committee and the full Commission to consider the ERC report, make any desired changes, then the Commission sends the final report to the Secretary of EEA or other relevant agency. However, normally the Executive Committee meets only monthly and the full Commission only bimonthly. The review processes, especially MEPA's, are usually so short that the ERC cannot get Commission approval before a deadline, and sometimes cannot get Executive Committee approval either. In these cases, the Executive Committee Committee and Commission approvals may be after the fact.

8. Sometimes the ERC process will begin but not be completed before the next Executive Committee meeting, and the deadline for comment is before the second upcoming Executive Committee meeting. In this case, the ERC Chair will ask the Executive Committee to allow the ERC to submit comments directly to the relevant agency, and then ask the Executive Committee and the Commission to approve the comments after the fact. As the ERC Chair is a member of the Executive Committee, he or she will be able to answer questions from the Executive Committee when the latter considers the comments. The Chair or other ERC member will also endeavor to attend the Commission meeting when the Commission considers them.

9. The ERC Chair will endeavor to inform the Executive Committee and the Commission of decisions by the EEA Secretary or other agencies concerning the proposed action, in an effort to educate both about the general processes of environmental review and the avenues for effective BRPC participation.

END



#### DRAFT FINANCE COMMITTEE MEETING

Thursday, January 23, 2025, 4:00 p.m.

This was 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.

All agreed to allow the use of Zoom's AI technology to summarize the meeting.

#### I. Call to Order & Open Meeting Law Statement

The meeting was called to order at 4:00 pm.

Chair Buck Donovan called the meeting to order, read the Open Meeting Law statement, and stated that the meeting was being recorded. Staff member Kate Hill Tapia read the roll call.

**Roll Call** - Buck Donovan, Sheila Irvin, Sam Haupt, Kyle Hanlon (at 4:13 pm), Malcolm Fick (ex-officio member) Present: David Irwin, Adelson & Company P.C. Staff present: Marianne Sniezek, Tom Matuszko, Mark Maloy, Kate Hill Tapia

Not present: John Duval

# II. Vote to approve the Minutes of the Finance Committee Meeting of April 30, 2024

Sam Haupt moved to approve April 30, 2024, meeting minutes with the correction that Malcolm Fick is an ex-officio member, not at-large. Sheila Irvin seconded the motion. It was approved by a roll call vote from Buck Donovan, Sheila Irvin, and Sam Haupt.

# III. Vote to approve the Minutes of the Finance Committee Meeting of December 2, 2024

Sheila Irvin moved to approve December 2, 2024, meeting minutes with the correction that Malcolm Fick is an ex-officio member, not at-large., Buck Donovan seconded. It was approved by a roll call vote from Buck Donovan and Sheila Irvin, with Sam Haupt abstaining.

# IV. Vote to approve FY2024 BRPC Audit presented by Adelson & Company PC

Dave reviewed the audit of the Commission's financials for FY24, explaining each section. There were no findings. Adelson issued a clean opinion. The one recommendation is to get a more sophisticated and cloud-based accounting system. This is in process and was discussed later in the meeting.

Dave thanked Marianne and Principal Finance Administrator, Linda Ludwig, for their work and organization that makes the accountants' job of preparing the audit easy. Especially the monster spreadsheet Marianne maintains with program funding details linked to the income statement and balance sheet.

The Committee and Tom agreed that Marianne and Linda do an incredible amount of work well and thanked Adelson & Company for their work.

Kyle Hanlon moved to approve the FY2024 BRPC Audit, which Sheila Irvin seconded. It was unanimously approved by a roll call vote from Buck Donovan, Sheila Irvin, Sam Haupt, and Kyle Hanlon.

V. Vote to approve an increase in the Capitalization of Assets Policy Buck asked for a motion per the accountant's recommendation to increase the amount in the Capitalization of Assets Policy from \$2,500 to \$5,000 and comply with the federal minimum threshold.

Sheila Irvin moved to approve an increase in the Capitalization of Assets Policy from \$2,500 to \$5,000, which Kyle Hanlon seconded. It was unanimously approved by a roll call vote from Buck Donovan, Sheila Irvin, Sam Haupt, and Kyle Hanlon.

VI. Report on IT needs and costs including new Accounting Software Mark Maloy explained the needs, bid process, and costs. Including Sage Intacct, accounting software:

BRPCs network is aging and needs replacement. The primary server has several critical issues and is causing downtime every day. The cost to keep it working will be several thousand dollars.

A cloud-based environment will alleviate the potential for hardware failure and large one-time expenditures every few years for server replacements. Plan components include:

Switching to Sage Intacct accounting software at a cost of \$34,000 if a contract is signed by February 7 (\$10,000 more after). Three bids were sought and Sage is the cheapest. Mark is checking with other companies who have gone through this migration process for their thoughts and experience. This cost will be depreciated over five years. There is an annual cost of \$27,420, which will be spread across 12 months each year. The plan is to be live by June 1, if not July 1.

The second component is moving to SharePoint and Microsoft Entra ID for file storage. This is more complicated as there are a number of moving pieces, such as GIS data storage, timing for Sage Intacct migration, planning of our sites, and permissions.

This will go out to bid for this migration once a full scope is received from BRPCs current service provider, expected this week. The estimated cost of this migration is \$45,000, which will be depreciated and spread over 5 years. There are also additional annual expenses of around \$15,000, but \$9,500 of existing annual expenses will no longer be needed, so the net increase is about \$5,500. Final prices will be determined once bids are returned. The hope is to go live on this migration by July 1.

Overall, BRPC is looking at around \$80,000 that will be depreciated over 5 years and an increase in annual expenses of around \$30,000.

## VII. Report on the EPA Limited Scope Review

The EPA's limited scope review of BRPC's policy and procedures and specific projects of the Environment and Energy Program required a great deal of research and documentation. There was only a \$ 48.81 discrepancy sent in an off-cycle report, eliminating the one finding in the limited scope review. EPA will not come to BRPC for three days because all information was provided. The BRPC team was praised by the EPA in the exit meeting for their responsiveness and thorough documentation.

Tom also appreciated Marianne and Linda's work on this with help from Melissa Provencher, Environment and Energy Program Manager.

## VIII. Report on State Retirement (employer portions)

Tom reported that competing legislation to make regional planning agencies (RPAs) exempt from or required to pay the employer's share of employees' state retirement have once again been filed. This has been the case for several years. The RPA's version of the legislation nearly made it to a vote in the last legislative session. It isn't clear yet if the same opposition player is active in the legislature.

## IX. Report on OPEB Trust Balance as of 01/17/2025

Marianne explained the Mission Square Trust Balance of \$1,756,908.78 as of 01/17/2025. At the end of the June 2024 audit, the balance was \$1,539,603.77. BRPC contributed \$134,762 in FY24.

X. Next Meeting – End of April prior to the Executive Committee on May 1<sup>st</sup> and the Commission meeting on May 15, 2025.

Tuesday April 29, 2025, 4:00

XI. Adjournment The meeting was adjourned at 4:42 pm by a motion made by Sheila Irvin, seconded by Kyle Hanlon.

Adjourned by roll call vote from Buck Donovan, Sheila Irvin, Sam Haupt, and Kyle Hanlon.

Attachments:

- Unapproved Minutes of Finance Committee Meeting of 4/30/2024
- Unapproved Minutes of Finance Committee Meeting of 12/2/2024
- BRPC 2024 Draft Financial Statements FY24 Draft
- BRPC Draft 2024 Governance Letter 1.14.2024
- BRPC Draft 2024 Management Letter 1.14.2024
- Capitalization of Assets Policy Draft
- Mission Square Rep Trust Balances as of 01/17/2025

## BERKSHIRE REGIONAL PLANNING COMMISSION

## Management Letter

## June 30, 2024

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Adelson & Company PC CERTIFIED PUBLIC ACCOUNTANTS

Partners Bryan P. Comalli, CPA Russell A. Faerber, CPA Timothy D. Loehr, CPA Zachary G. Ziemba, CPA Sylvia Zygawski, CPA

Established 1938 Audit | Tax | Advisory <u>Directors</u> Gary J. Moynihan, CPA Carol J. Leibinger-Healey. CPA David M. Irwin, Jr., CPA <u>Of Counsel</u> Richard F. LaFleche, CPA

December 16, 2024

To the Commission Members of the BERKSHIRE REGIONAL PLANNING COMMISSION 1 Fenn Street, Suite 201 Pittsfield, MA 01201

Dear Commission Members,

In connection with our audit of the financial statements of Berkshire Regional Planning Commission as of June 30, 2024, we have made a review of the Organization's accounting, financial, and administrative policies and procedures. While the primary objective of such a review is to afford us a basis of determining the scope of our audit procedures, it nevertheless presents us with an opportunity to submit, for the Organization's consideration, suggestions for changes in procedures that, in our opinion, would strengthen internal control or contribute to the improvement of operating efficiency.

The comments and recommendations in this letter are based upon observations made in the course of such review. The review was not designed for the purpose of expressing an opinion on internal accounting control, and it would not necessarily disclose all weaknesses in the system. The matters discussed herein were considered during our examination of the above mentioned financial statements, and they did not modify the opinion expressed in our report on those financial statements.

We will review the status of these comments during our next audit engagement. We have already discussed these comments and suggestions with various Organization personnel, and we will be pleased to discuss them in further detail at your convenience. We are also available to provide guidance to assist the Organization in implementing the recommendations.

We would like to express our thanks and appreciation to Berkshire Regional Planning Commission and its personnel for the cooperation given us during the course of our audit.

Sincerely,

Adeloon + Company PC

ADELSON & COMPANY PC

100 NORTH STREET, PITTSFIELD, MA 01201, PHONE (413) 443-6408, FAX (413) 443-7838 WWW.ADELSONCPA.COM 
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#### **Comments and Recommendations**

1. The Commission uses Sage 50 on a server environment as its accounting and general ledger software. The Commission's activity has grown significantly in recent years, and in fiscal year 2024, the Commission had approximately 170 active projects. The Commission's accounting needs have outgrown the functionalities of its current system.

#### Recommendation:

As part of its upcoming information technology upgrades, the Commission should consider implementing a new accounting system which is designed to handle fund accounting, such as Abila MIP Fund Accounting Software or Sage Intacct.

## Action Taken:

The Commission is actively working with Sage to convert Sage 50 to Sage Intacct, a cloud-based accounting and financial management software.

### Status of Prior Year Recommendations

1. As recommended, the Organization has updated its procedures to obtain quarterly verification of the filing of its payroll taxes through the Federal EFTPS and Mass Tax Connect websites.



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Partners Bryan P. Comalli, CPA Russell A. Faerber, CPA Timothy D. Loehr, CPA Zachary G. Ziemba, CPA Sylvia Zygawski, CPA

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December 16, 2024

To the Executive and Finance Committee BERKSHIRE REGIONAL PLANNING COMMISSION

We have audited the financial statements of Berkshire Regional Planning Commission as of and for the year ended June 30, 2024, and have issued our report thereon dated December 16, 2024. Professional standards require that we advise you of the following matters relating to our audit.

## Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated June 5, 2024, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of the system of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the system of internal control of the entity solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

#### Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

#### **Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, and our firm, have complied with all relevant ethical requirements regarding independence.

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#### **Qualitative Aspects of the Entity's Significant Accounting Practices**

#### Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the entity is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during the year ended June 30, 2024. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

#### Significant Accounting Estimates

Accounting estimates and related disclosures are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are:

Management's estimate for long-term lease related asset (right-of-use asset) and related lease obligation, which is based upon analysis of lease contracts and similar agreements and discounted cash flows of future minimum lease payments. We evaluated the key factors and assumptions used to develop this estimate and determined that it is reasonable in relation to the financial statements taken as a whole.

**Management's accrual for Other Post-Employment Benefits (OPEB liability),** which is based upon an actuarial valuation of its OPEB plan. We evaluated the key factors and assumptions used to develop this estimate and determined that it is reasonable in relation to the financial statements taken as a whole.

## Financial Statement Disclosures

The financial statement disclosures are neutral, consistent, and clear.

#### Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

### **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards also require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. There were no adjustments proposed by us.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. None of the misstatements identified by us as a result of our audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.



### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the entity's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

### **Representations Requested from Management**

We have requested certain written representations from management, which are included in the management representation letter dated December 16, 2024.

## **Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

## Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the entity, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the entity's auditors. There are no audit findings for fiscal year 2024.

This report is intended solely for the information and use of the Executive Committee, Finance Committee, and management of Berkshire Regional Planning Commission and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Adelson + Company PC ADELSON & COMPANY PC



## Capitalization of Assets Policy Approve 01/23/2025

The Berkshire Regional Planning Commission has adopted the following policy related to capital assets: Capital assets are defined by the government as assets with an initial individual cost of more than \$5,000 and an estimated useful life of more than one year. Donated capital assets are recorded at estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend lives of assets are not capitalized.

# Chapter 90 Program Advisory Group

A Report on Challenges & Recommendations for Improvement







January 2025



## **Executive Summary**

In March 2024, the Healey/Driscoll Administration instructed the Massachusetts Department of Transportation (MassDOT) and the Executive Office for Administration and Finance (A&F) to convene a group of municipal officials to discuss challenges and potential improvements in the Chapter 90 Local Roads Program (the Program).

MassDOT and A&F assembled a 16-member statewide Advisory Group comprised of municipal transportation officials from across the Commonwealth. Over five meetings between June and December, members shared insights and experiences related to the Program, identified common challenges and developed a set of options for administrative and funding solutions for state officials to consider.

This report summarizes the Group's recommendations and new opportunities for the Program's administration, funding, and formula, and explores the Chapter 90 Program's history and evolution.

## **Program Overview**

The Chapter 90 Program, established in 1973 and authorized through Massachusetts General Laws Chapter 90, Section 34, provides annual funding for municipalities to improve local transportation infrastructure. Funding is distributed based on a formula of local road mileage, population, and employment. Since its creation, the Program has experienced one formula change and various administrative changes to maximize the benefit and impacts for all municipalities.

MassDOT manages the Program, overseeing contracts, project requests, reimbursements, and Program compliance. Municipalities manage project planning and implementation.

## **Program Challenges**

The Advisory Group identified five common challenges municipalities face:

- Funding Levels: The Chapter 90 Program has been funded at \$200 million annually since 2012, except for a one-time increase in 2015. The current funding has not kept pace with municipal needs considering inflation, rising construction costs, and the impacts of climate change. Also discussed as a part of this challenge is that staff capacity and funding levels make it difficult for municipalities to conduct robust planning for their Chapter 90 investments. Smaller municipalities in particular struggle with this, often using funds as road conditions change, to meet short-term needs, or not at all. Meanwhile, other communities save funds year-over-year to accomplish a larger project. Taken together, this can result in a large sum of Program dollars being left unspent or uncommitted at any given time, though the funds are still needed by the communities.
- Distribution Formula: The Program's distribution formula, based on roadway mileage, population, and employment, might not adequately reflect the current needs of some municipalities, considering changing demographics and work patterns over the past 50 years.
- Timing of Funding Availability: The annual legislative process for fund authorization, typically completed in summer, forces municipalities to wait until the middle of the construction season to start a project, which is not always feasible.

- Municipal Staff Training: It can be challenging for staff to become knowledgeable about the Program regulations, the use of Grant Central, and the MassDOT prequalification process. Staff often are responsible for many other duties in addition to overseeing the Chapter 90 Program, so the time required to learn the mechanics of the Program can strain staff resources. This circumstance is worsened by workforce challenges at the local level, resulting in high turnover.
- **Eligible Activities:** Municipalities identified the need to expand eligible expenditures to include more preservation activities necessary for extending the life of existing transportation assets.

## **Recommended Program Improvements**

## **Funding Improvements**

- Program Size: The Advisory Group recommended increasing the Program size to \$404.6 million to account for inflation since 2012 and other environmental factors that are driving up construction costs. This report includes an impact analysis of funding increases for municipalities across three different scenarios:
  - \$250 million, a 25% funding increase;
  - \$300 million, a 50% funding increase; and
  - \$404.6 million, representing adjustment for inflation since 2012.
- Distribution Formula: The Advisory Group recommends adjusting the Program's distribution formula to make Chapter 90 distributions more equitable statewide. The group explored various formula factors to assess what impacts municipal apportionments, and recommends applying a new formula to any Program size increase beyond \$200 million, choosing from among the following scenarios:
  - Reducing the weight of employment in the formula;
  - Eliminating employment from the formula; and
  - Apportionments based solely on municipally-owned road mileage.

Other formula scenarios were also discussed and are detailed in the report. However, the group agreed that any formula change should de-emphasize the current employment factor.

## **Administrative Improvements**

The final section of this report includes a set of recommended administrative changes to the Chapter 90 Program, as identified by the Advisory Group. These changes include:

- Multi-Year Authorization: Consider how multi-year authorizations might make funding availability more consistent and enable better local planning.
- Capital Planning for Municipalities: Create opportunities to support or encourage long-term capital planning of Chapter 90 funds by municipalities through new planning tools and/or multiyear funding authorizations.
- Enhanced Training and Guidance: Increase MassDOT's support to communities through online and in-person training and improved user guides to help navigate the Program, Grant Central, and the prequalification process. Continue to refine Grant Central and other tools.
- **Expanded Project Eligibility:** Expand eligible project categories to include various preservation activities.

# OFFICE OF THE STATE AUDITOR

## Pursuing Equitable State-Owned Land Reimbursements for Municipalities

Municipal Impact Study - Issued January 24, 2025

**Prepared By:** Division of Local Mandates

Office of State Auditor Diana DiZoglio Massachusetts State House, Room 230 Boston, MA 02133 auditor@massauditor.gov www.mass.gov/auditor

Butler's Toothpick, Salisbury Beach State Reservation, Salisbury, MA

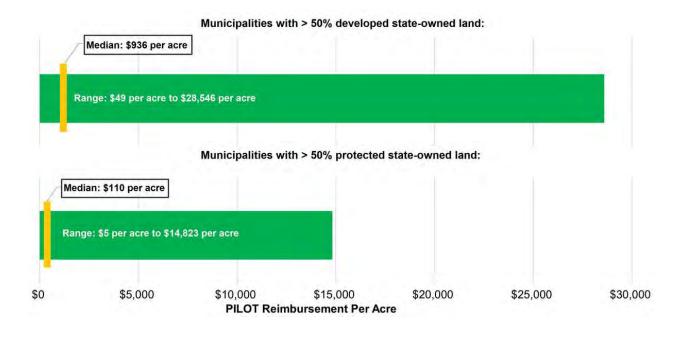
## **EXECUTIVE SUMMARY**

Local aid programs in Massachusetts play a crucial role in supporting essential municipal services. Among these is a program that allocates payments in lieu of taxes (PILOT) to 297 municipalities that host state-owned land. The Commonwealth owns over 705,000 acres of land (*hereinafter* "Commonwealth land holdings"), of which 461,000 acres are state-owned land eligible for the state's PILOT program (*hereinafter* "state-owned land" or "PILOT acreage").<sup>1</sup> The PILOT program reimburses municipalities for unrealized property tax revenue for both *developed* and *protected* land.<sup>2</sup> At least 92% of the land in the PILOT program is *protected* (such as parks, forests, beaches, and wildlife management areas (WMAs)), while the remaining 8% is developed.<sup>3</sup>

Over the years, the process for determining the value of state-owned land for the PILOT program has changed. Historically, development potential was factored into the valuation of individual state-owned land parcels. In the late 2010s, municipal modernization reforms sought to simplify the valuation process by applying the percentage change in the market value of a municipality's taxable properties to its state-owned land.<sup>4</sup> The historical valuation process and fluctuating market values across municipalities contribute to the PILOT program having a wide range of reimbursement rates *per acre* for state-owned land (both developed and protected), from a low of \$5 per acre to a high of \$28,546, with the median reimbursement being \$127 per acre as of FY 2024.<sup>5</sup>

The disparity in per-acre reimbursements remains apparent when comparing municipalities with mostly protected state-owned land holdings to those with mostly developed state-owned land holdings.<sup>6</sup> For municipalities whose state-owned land holdings are at least 50% protected, PILOT reimbursements per acre range from \$5 to \$14,823, with a median of \$110 per acre. Comparatively, municipalities with state-owned land holdings that are at least 50% developed have PILOT reimbursements per acre ranging from \$49 to \$28,546, with a much higher median of \$936 per acre (see Figure 1).<sup>7</sup>

## **Figure 1** — Comparison of PILOT Reimbursements for Municipalities with Primarily Developed and Primarily Protected State-Owned Land, FY 2024<sup>8</sup>



Narrowing the lens further to the 129 municipalities with state-owned land holdings exceeding 1,000 acres, reimbursement rates per acre range from \$5 to \$926, with a median reimbursement of \$62 per acre.<sup>9</sup> Protected land makes up most of the PILOT acreage in these municipalities. Lower reimbursements per acre are particularly pronounced in central and western Massachusetts — 90 of the 129 municipalities are located in these regions, and 80 of those have PILOT reimbursements below the state median (\$127 per acre) with rates per acre ranging from \$5 to \$120.<sup>10</sup> These municipalities, in their remarks to DLM, point to low per-acre reimbursements, large state-owned land holdings, and continued acquisitions of land by the Commonwealth as reasons for their struggles to generate tax revenues and fund local services.

While appropriations to the PILOT program are at an all-time high, there continues to be a wide range of reimbursement rates per acre across municipalities for stateowned land — even for protected land holdings of similar size. Since DLM last examined this program in 2020, the Commonwealth has increased funding by 72% from \$30 million in FY 2020 to \$51.5 million in FY 2024.<sup>11</sup> Merely increasing funding, however, does not address the significant differential in reimbursement rates per acre. The recommendations made in this report are intended to support an equitable allocation of funding. Below is a summary of DLM's findings, with links to each page listed.

Finding 1 Page 18	The valuation formula for state-owned land does not account for the environmental and public health benefits produced by protected land.
Finding 2 Page 20	Increasing appropriations have resulted in larger PILOT reimbursements to municipalities but have masked inequities in per-acre reimbursements.
Finding 3 Page 23	75% of municipalities hosting at least 1,000 acres of state-owned land receive PILOT reimbursements below the state median of \$127 per acre.
Finding 4 Page 29	If appropriations do not grow at the same rate as state-owned land values, PILOT reimbursements will be difficult to predict, creating uncertainty in municipal budgetary planning.

DLM also provides recommendations in this report, which relate to the findings above:

Recommendation 1 Page 33	Target annual supplemental funding to municipalities with PILOT reimbursements per acre below the state median to account for the conservation and recreation value of their protected land.
Recommendation 2 Page 44	Increase PILOT funding by at least the average percentage change in state-owned land values to protect municipalities experiencing lower land value growth from losing funding to municipalities with higher land value growth.
Recommendation 3 Page 46	Establish a hold-harmless safeguard to provide funding stability so municipalities can plan for future expenditures knowing their funding will not decrease year by year.

DLM developed an interactive dashboard that includes information about state-owned land values and PILOT reimbursements at the local level, as well as visualizations that reflect the report's findings and recommendations.

# Please click here to access the dashboard and use it as a companion while reviewing the report.



Georgetown/Rowley State Forest, Georgetown, MA

## Massachusetts Transportation Funding Task Force

Final Report • January 2025



## 2. EXECUTIVE SUMMARY

Governor Healey established the Transportation Funding Task Force in January 2024 to make recommendations for a long-term, sustainable transportation funding plan.

During the past year, the Task Force reviewed current and projected revenue sources; compared those sources to benchmarks and trends in peer and neighboring states; explored innovative financing approaches and alternative pricing mechanisms; and analyzed the strong connections between transportation and health, labor, jobs, economic development, land use, and housing.

The Task Force, comprising experts from around the state, included representatives of municipalities, regional planning bodies, labor, industry, health care, state and local officials, business leaders and other policy experts. Together, they organized recommendations around the following framework for improving transportation funding:

- <u>Stabilize</u>: Address the immediate financial challenges that strain the ability of our public transportation agencies and services to operate. Evaluate the critical aspects of the state's core transportation infrastructure which are in poor condition, vulnerable to climate change, and in need of repair and modernization.
- <u>Enhance</u>: Update transportation funding policies, ensure the system can be maintained in a state of good repair and resilience, support housing, economic development, workforce, health and climate priorities, and prioritize investment in modern infrastructure.
- <u>Transform</u>: Assess and consider new transportation-related revenues and technologies to support long-term investments that ensure the state's transportation infrastructure moves towards resilience and sustainability for future generations.

Highlights from the report's recommendations are:

## **Stabilize**

- Allocate half of Fair Share revenues to transportation over time
- Expand capital capacity for transportation by dedicating a significant portion of Fair Share revenue to the CTF
- Use Fair Share to stabilize public transportation agency operations
- Maintain predictable and stable funding for investments in Regional Transit Authorities and microtransit providers
- Increase investment in the Chapter 90 local roads programs by at least 50% to improve local transportation infrastructure condition
- Make an additional \$500 million investment to repair bridges that are in poor condition and prevent additional at-risk bridges from falling into poor condition, using lifecycle asset management principles
- Create a coordinated fund of \$100-\$500 million to support an accelerated small bridge and culvert program that addresses climate vulnerabilities
- Deploy critical funds throughout all regions of the Commonwealth

## **Enhance**

 Review and update the state's existing revenue policies and statutes, many of which have not been updated in a decade or more

- Review and realign policies to encourage and support EV adoption and decarbonization, including use of existing tax credits and incentives
- Update and right-size the suite of user-based fees and existing revenue sources to align with comparable states and jurisdictions while supporting the state's climate, housing and economic development objectives
- Empower municipalities to unlock local and regional revenue sources for infrastructure investment

## **Transform**

- Assess and implement a phased approach to establishing a more equitable roadway pricing system that eases congestion and better addresses climate change
- Consider adoption of a differential user-based approach to pricing which may include VMT, tolling, and other approaches as a methodology

Together, these recommendations advance Massachusetts' transportation funding policy towards the vision and themes present in Section 5 and reiterated throughout this report.

## **2.2 Recommendations**

The Task Force identified immediate needs and priorities of Massachusetts' transportation infrastructure and developed a suite of recommendations for considering new revenues and funding opportunities.

Accordingly, the Task Force recognizes that there are immediate and urgent needs to <u>stabilize</u> the operating conditions of public transportation agencies around the state, including the MBTA, RTAs, and microtransit services, and to address acute municipal needs for infrastructure funding, collaboration, and technical assistance for significant local and regional challenges. Similarly, there is urgency around building institutional capacity and funding for operations within MassDOT to accelerate the stabilization of core infrastructure, tackle the challenges of climate change, and <u>enhance</u> and <u>transform</u> the development of all components of the state's transportation infrastructure over the long term.

Figure 3: Stabilize, Enhance, and Transform Framework

## STABILIZE

Address the immediate financial challenges to the system that strain operations of our public transportation agencies and critical aspects of the state's core transportation infrastructure.

## ENHANCE

Update transportation funding policies, ensure the system can be maintained in a state of good repair and resilience, support policy priorities and invest in modern infrastructure. TRANSFORM

Assess and consider new transportation-related revenues and technologies to support longterm investments that ensure the transportation system's resilience and sustainability for future generations.

## Figure 4: Stabilize: Opportunities, Investments and Outcomes

Revenue Opportunity	<ul> <li>Dedicate half of Fair Share revenue to transportation uses over time</li> <li>Optimize new Fair Share revenues with transparent and clear initiatives</li> <li>Aggressively pursue federal funds</li> <li>Work with other states and cities to advocate for federal reauthorization, including support for transit, rail, and road priorities</li> </ul>
Investments	<ul> <li>Stabilize transit operating budgets</li> <li>Improve safety and ease congestion</li> <li>Prioritize state of good repair and resilience</li> <li>Provide reliable and recurring support to MassDOT operations and project delivery, including Rail, Highway, RTA, microtransit and grant programs</li> <li>Workforce investments across agencies</li> <li>Increase funding for Chapter 90, including rural</li> <li>Leverage Fair Share in CTF for capital</li> </ul>
Outcomes	<ul> <li>Reduce inventory of poor bridges and pavement</li> <li>Create strategy for culvert/small bridge resilience</li> <li>Multiyear solve of MBTA and RTA operating deficits</li> </ul>

	<ul> <li>Improve RTA and microtransit service offerings, ensuring equity across the state</li> </ul>
Figure 5: Enhance:	Opportunities, Investments and Outcomes
Revenue Opportunity	<ul> <li>Right-size existing revenue sources to align with the current size and scope of transportation in Massachusetts</li> <li>Regularly review existing own-source and user-based revenue sources to keep pace with inflation and neighboring/peer states</li> <li>Increase total amount of transportation revenue</li> <li>Address cost escalation and efficiency through policy and effective management</li> </ul>
Investments	<ul> <li>Support ongoing operating funding to extend stabilization of public transportation agencies and services</li> <li>Address state of good repair and resilience backlog of capital needs statewide</li> <li>Prioritize and extend investment to reinforce housing, economic development, and health benefits of safe, reliable transportation</li> <li>Invest in resilience upgrades to vulnerable infrastructure and decarbonization priorities</li> </ul>
Outcomes	<ul> <li>Bring Massachusetts' transportation revenue sources in line with neighboring/peer states and the Commonwealth's transportation needs</li> <li>Improve state of good repair and resilience</li> <li>Improve sustainability of operating and capital</li> </ul>
Figure 6: Transform.	Opportunities, Investments and Outcomes
Revenue Opportunity	<ul> <li>Consider new transportation-related revenues</li> <li>Consider new broad-based revenue sources</li> <li>Consider advanced/emerging strategies that align with current and anticipated transportation uses</li> <li>Pursue a reliable long-term funding strategy that promotes desired policy outcomes including climate, housing, health, jobs, and economic growth</li> </ul>
Investments	<ul> <li>Use revenue generated from new sources to permanently stabilize public transportation agencies' operating budgets</li> <li>Invest in MassDOT, MBTA, RTAs and microtransit for programs and projects that improve transportation reliability, safety, decarbonization and modal choice statewide</li> <li>Prioritize allocation of revenue generated from new sources to maintain SGR and resilience for the next generation</li> </ul>

Outcomes	<ul> <li>Capture new revenue for transportation</li> <li>Construction of capital projects that improve transportation and yield positive co-benefits</li> </ul>
	<ul> <li>Long-term funding solution for sustainable operating budgets</li> </ul>

The Task Force recognizes that the broader policy environment is in a period of uncertainty and change. The state's approach to moving from stabilization to enhancement to transformation will depend on state, federal, and local partnerships and other critical factors.

In the interim, the Commonwealth can and should make progress on immediate needs, using available resources and Fair Share revenue.

## <u>Stabilize</u>

The Task Force recommends immediate action to address urgent needs to stabilize the transportation system in Massachusetts, including the following:

- Deploy additional Fair Share revenues to stabilize public transportation operations
- Leverage additional Fair Share revenues for borrowing, using the CTF credit, to access more capital
- Maximize the use of Fair Share and other available transportation revenues with efficient and effective governance
- Aggressively pursue federal funding for transportation
- Support innovation through grants and collaboration between transportation providers, municipalities, employers, institutions, the business community, and community organizations

The Task Force recognizes that some additional measures may require legislation and policy deliberations and recommends an approach that optimizes Fair Share revenue to stabilize public transportation operations, including the MBTA, MassDOT, RTAs and microtransit. Demonstrating the ability to responsibly deploy new Fair Share revenue to solve existing challenges rebuilds public trust and confidence in the state's transportation infrastructure as a priority of greatest importance, allowing policy makers to move forward with future enhancements of our transportation infrastructure.

## **Fair Share Amendment**

In November 2022, Massachusetts voters passed the Fair Share Amendment, which imposed a 4% surtax on personal income above \$1 million. Fair Share revenue is dedicated to education and transportation uses. Fair Share revenue was first collected in 2023.

In Fiscal Year 2024 – the first full fiscal year of Fair Share collections – the state collected \$2.46 billion, significantly exceeding the \$1 billion benchmark for Fair Share revenues included in the state budget. The consensus tax revenue benchmark for Fair Share revenue in FY25 is \$1.3 billion.

Although Fair Share remains a new revenue source, Massachusetts expects to see similar collection trends in future years, which will allow the state to leverage this new revenue source for critical transportation investments.

The Task Force believes that Fair Share will be a significant source of new revenue, which can help to stabilize transportation funding in the near term.

The Task Force encourages MassDOT, the MBTA, RTAs, and state leadership to consider the following measures in the near term to strengthen fiscal management, transparency, and accountability at transportation agencies while the stabilizing investments above being deployed:

## Transportation Funding Task Force

- Adopt policies to embrace accountability, transparency, and fiscal stability
- Encourage efficiency and effectiveness steps including fee collection and recovery, were applicable
- Review user fees, transit pass fees, advertising, and other revenue generating activities on a regular basis, including considerations of technology capabilities and needs, inflation, peer agency comparisons, affordability, and equity
- Avoid practices that reduce financial stability and budget certainty
- Balance affordability with meaningful user-based cost sharing

## **Summary of Recommendations:**

- Dedicate half of Fair Share revenue to transportation uses over time
- Direct Fair Share revenue to transparent and clear initiatives
- Use Fair Share to stabilize public transportation infrastructure statewide
- Enhance fiscal management, accountability, and transparency of all transportation investments

## **Invest in MassDOT**

## **MassDOT Operations**

MassDOT has operating budget needs that affect its capacity to coordinate, provide technical assistance, and maximize the capital pipeline.



Operating funds at MassDOT can be invested in talent and workforce development, technology upgrades, lifecycle asset maintenance, capital project delivery capacity, and strategic implementation of climate and resiliency initiatives, consistent with the *Beyond Mobility Plan*.

Using Fair Share and other available revenues, MassDOT will be in a position to accelerate the deployment of federal funds, support local and regional infrastructure and transit partnerships, and effectively utilize CTF financing capacity through capital planning, engineering, design and project delivery across passenger rail, highway, bicycle, pedestrian, freight and other modes. MassDOT will continue to work on its *Strategic Business Plan* to ensure that the agency is poised to make these operational advancements as efficiently as possible.

Finally, the Task Force recognizes that federal support for transportation is a key element of MassDOT's funding needs and recommends that Massachusetts work with other states, labor, and related advocates to support federal investment in transportation infrastructure.

## MassDOT Capital

MassDOT's FY25-FY29 Capital Investment Plan, funded separately from agency operations, totals nearly \$16.7 billion across more than 1,700 projects. These projects are funded primarily from GO bonds, CTF bonds and federal funds. Although extensive, these investments fall short

of reaching the level of asset conditions, including for bridges, pavement and culverts, that MassDOT would achieve in its optimal plan.

In addition, MassDOT has committed a significant amount of future capital capacity for megaprojects including the Allston I-90 multimodal project, replacement of the Cape Cod Bridges, and deployment of EV infrastructure statewide, as well as other significant and regionally important infrastructure repair and replacement projects across the state.

The Task Force identified significant immediate and future needs for the MassDOT capital investment plan and supports initiatives in the state budget to dedicate Fair Share revenues to expand CTF financing capacity, unlock excess Fair Share and interest earnings on the state's Stabilization Fund, aggressively pursue federal funding, tap into third party contributions, and strengthen other funding partnerships to continue progress on these projects at state, federal, and local levels. The Task Force recommends continued efforts to maximize these funding approaches to boost capital investment for key transportation infrastructure.

Based on extensive review, the Task Force identified particular needs for MassDOT to further prioritize for investment:

- Local Roadways: Increase state investment in local infrastructure and make other program changes to better partner with cities and towns in the management of local transportation assets, including rural communities with needs exceeding the available \$200 million per year Chapter 90 program investment.
- **Easing Congestion**: Provide time savings benefits to commuters, improve commercial efficiency, and reduce environmental impacts in the form of air quality and emissions reductions while reducing travel times and uncertainty due to traffic.
- Safety Hotspots: Investments in critical safety junctures will allow MassDOT to flexibly fund critical improvements to intersections, bicycle, and pedestrian infrastructure, rail crossings, and other transportation-oriented safety concerns across the state, including particular needs identified in environmental justice communities.
- Lifecycle Asset Management: Prioritize investments that address bridge and pavement quality before it declines into poor condition. Where already in poor condition, facilitate construction repairs to return to satisfactory condition. Such improvements will save the Commonwealth money over the lifetime of the assets and support safer and smoother roadway travel. Enhanced capital investment should target the state's bridge conditions and pavement quality to reduce the backlog to below 10% of inventory in poor condition, with needs of \$500 million per year for bridge investments and \$50 million per year for pavement improvements above currently programmed capital spending to reach those thresholds.
- Statewide Culvert and Small Bridge Strategy: Establish resilient design standards and best practices and deploy innovative climate, contracting, ecological, and infrastructure solutions to upgrade culvert and small bridges to withstand the challenges of climate change.
- Large and Regionally Significant Projects: Adequately fund and carry out major capital projects that will enhance and transform Massachusetts' infrastructure after years of delay. To reach the construction stage, the pipeline of projects requires aggressive and continued progress on federal funding, innovative partnerships, and creative solutions.

Using Fair Share revenue to leverage additional capacity in the CTF bonding program and GANs to finance federally funded infrastructure improvements, MassDOT should consider additional investments, including the following targeted investment recommendations above.

## **Summary of Recommendations:**

- Invest Fair Share revenue in MassDOT operations and workforce
- Improve safety and ease congestion
- Prioritize state of good repair and resilience needs for bridges, pavement, and culverts

## **Stabilize Transit Providers**

The Task Force recognizes that the MBTA, RTAs and microtransit are systemically important to mobility, opportunity, economic growth, workforce and jobs, decarbonization of the transportation sector, education, health and quality of life in Massachusetts, with impacts that reverberate in the Commonwealth and beyond. As a result, the Task Force recommends urgent action to stabilize public transit operations for these critical systems.

## **MBTA Operations**

The MBTA's budget projections reveal recurring and growing structural operating deficits for the foreseeable future. Projected shortfalls are in the range of \$700 million - \$900 million per year, according to recent MBTA analyses. In previous years, the MBTA relied on one-time measures, state and federal stopgap funding, and MBTA reserves to avoid personnel and service cuts. Such dependencies are not sustainable and jeopardize the MBTA's ability to sustain adequate service levels into the future.

Future MBTA revenue projections assumed constrained revenues, due to the slower growth of the statewide sales tax relative to the growth of MBTA's overall expenses. MBTA's own-source revenues have also shown slow growth relative to expenses, with a fare recovery ratio below 20%. Expense projections assumed the continuation of MBTA workforce hiring and retention initiatives, leading to higher growth in operating costs.

The Task Force identifies the continuing structural operating deficits at the MBTA as a source of instability and risk for the state's transportation. As a result, the Task Force sees stabilizing the MBTA's operating budget as a high priority.

Consequently, the Task Force recommends bold action in the near term to stabilize the MBTA's operating budget, including but not limited to the following:

- Deploy Fair Share revenue to replenish reserves at the MBTA
- Rationalize the state's permanent subsidy to the MBTA to establish a stable foundation and predictable expectations for both state and MBTA
- Supplement state operating support for the MBTA using Fair Share
- Reduce debt and adopt debt management and debt affordability policies
- Continue state support for low-income fares
- Avoid other new policies that further destabilize fiscal condition

As complementary measures, the Task Force recommends that MBTA consider transparency, efficiency and effectiveness measures that preserve safety, reliability, and build upon recent

gains. This should assist the MBTA in restoring trust with oversight agencies and the public. Stabilizing the MBTA's operating budget will allow the MBTA to make reasonable long-term plans for addressing resilience, state of good repair, safety, reliability, rightsizing of workforce, all while shoring up resources for capital projects.

The Task Force does not recommend major workforce reductions or major service cuts by the MBTA and encourages reasonable and ongoing adjustments to bring expenses and revenues into better alignment. This approach should support MBTA's recent progress to restore trust and ridership with a focus on reliability and safety. MBTA's fare policy should continue to encourage riders to return while also maintaining healthy, sustainable user-based structure for stability.

## **MBTA Capital Investments**

MBTA's FY25-FY29 Capital Investment Plan contains \$9.6 billion in total spend. In addition, the state supplements MBTA capital funding with CTF funding through the Rail Enhancement Program. This level of investment, while sizable, is considered inadequate to fund the significant backlog of capital needs at the MBTA. According to the MBTA's 2023 CNAI analysis found that approximately 65% of the MBTA's assets were out of SGR as of July 1, 2021, totaling a SGR Index of \$24.5 billion. Of the nine functional asset classes included in the CNAI, Facilities (\$6.4 billion), Structures (\$5.3 billion), and Power (\$5.1 billion) had a high degree of assets beyond SGR, reflecting significant need in each of these classes, before accounting for modernization and resilience upgrades.

The successful Track Improvement Program to eliminate slow zones is an example of an approach that combines bold vision with serious focus on challenges that have long been overlooked at MBTA. This can serve as a model for future investments that will put MBTA on track to better overall condition. MBTA should maintain and extend the accomplishments of the TIP by prioritizing investments in core reliability and safety, routine maintenance, systems upgrades, and repairs to modernize and preserve functionality. These steps can and should include complementary efforts in procurement, maintenance and capital delivery, workforce skills and training, and cooperation with regulatory and permitting agencies to reduce the time and expense needed for maintenance and construction projects while maintaining high standards.

The availability of safe and reliable transit options for Eastern Massachusetts is vitally important to the state's economy, jobs, housing, health and well-being, and overall quality of life. MBTA's capital investments should reach these objectives throughout the entire service area, including via commuter rail and bus service. Investments should include those that enable mode shifts away from passenger vehicles to ease congestion and reduce emissions, facilitate transit-oriented development to alleviate the housing crisis, and improve competitiveness.

The Task Force recommends an approach that incorporates and includes climate resilience needs and SGR upgrades to integrate resilience and critical system needs to improve the MBTA system for all users with a long-term view that considers climate change and resilience needs in all aspects of planning. The Task Force also recognizes MBTA's attractive offering for riders while playing an instrumental role in decarbonization policy.

The state also has the opportunity to address MBTA capital investment needs through a targeted expansion of the CTF credit using dedicated Fair Share revenue. In the state's FY25 budget, Fair Share added new CTF borrowing capacity, opening up more upfront capital. The

Task Force recommends building upon this strategy to support additional capacity in the CTF by using Fair Share revenue to add reliability towards funding the capital investment plan. The MBTA sees particular urgency for enhanced investments in maintenance facilities and power systems due to the direct impact on service.

Finally, the Task Force recognizes that federal support for transit is a key element of MBTA's funding needs and recommends that MBTA work with other transit systems, states and cities to support increased federal investment in transit systems.

## **RTAs (Regional Transit Authorities)**

RTA operations and capital programs are funded by federal formula and discretionary programs, state funding, local funds, and fares and ancillary operating revenues. RTA ridership and operating revenue were both significantly disrupted by the COVID-19 pandemic and remain in the recovery phase. The decision by some RTAs to operate fare-free, relying entirely on public funds to support operating budgets, further reduced revenues in a period of growing expenses driven by inflationary pressures. Simultaneously, fare-free policies offer affordable mobility options to attract riders and meet their needs.

In the last two fiscal years, Fair Share revenue has been used by RTAs to drive innovation and promote equity, as well as filling gaps in funding needs in a post-COVID period. Revenue availability to RTAs should be maintained at a sustainable and predictable level to enable the ability for RTAs to engage with their communities, riders, employees, and other stakeholders in a planning process that extends longer than one fiscal year, allowing agencies to map a long-term budget and service strategy.

The Task Force recommends utilizing Fair Share revenue to provide predictable and stable funding support for RTAs including operational enhancements, expanded service hours and days, route expansions, and resiliency needs. RTAs should continue to prioritize state and federal formula funding for capital maintenance and support for programmed and service needs.

The availability of safe and reliable transit options for the people of Massachusetts is vitally important to the state's economy, jobs, housing, health and well-being, and overall quality of life. Investments in RTAs help to achieve these objectives throughout their service areas across the state. MassDOT and the RTAs should convene to identify opportunities to work together in regional groups, along with the MBTA, other locally based providers of transportation services, and local communities to meet service and funding needs. RTA investments should include those that enable mode shifts from passenger vehicles to ease congestion on roadways where possible, facilitate housing development near RTA service, and improve access and opportunity.

The Task Force also recognizes that RTAs and mass transit providers must offer an attractive option for riders, promoting ridership growth. As more travelers take shared transportation, progress towards decarbonization goals is achieved. The Task Force recommends an approach that incorporates and includes climate resilience needs and SGR upgrades to integrate resilience, reliability, passenger experience, accessibility, equity, and critical system needs to improve transit service and opportunity for all users with a long-term view that considers climate change and resilience in all aspects of planning. This includes electrification of fleets, maintenance facilities, and other facilities – a transformation that is already taking place with promising results due to the leadership of several RTAs.

The Task Force encourages further collaboration and innovation, led by RTAs and MassDOT, to identify areas of high need and consistent patterns of mobility demand that are not served either within or across RTA territories, including routes to health care hubs, employment centers, cultural and recreational destinations, and other regionally important areas.

The Governor and Legislature can support these efforts with pilots and other programs to expand the ability to enter into public-private partnerships and unique delivery opportunities as they emerge and develop.

The Task Force considers a balanced approach to reduced fares and fare-free service, as appropriate for individual RTAs. Such policies promote affordability and accessibility, while being coupled with investments in service and routes that serve the needs of riders.

Finally, the Task Force recognizes that ongoing federal support for transit is a key element of funding needs and recommends that the Massachusetts RTAs work with other regional and local transit systems and providers to seek additional federal investment.

## **Microtransit and Other Mobility Options**

The Task Force recognizes the vital importance of microtransit for individuals in communities around the state. The availability of safe and reliable mobility options for the people of Massachusetts is integral to the state's economy, jobs, housing, health and well-being, and overall quality of life. This is also true for individuals and families that live, work, or travel outside of existing RTA and MBTA service areas but seek the access, affordability, and mobility provided by these services. These services should not be placed into competition with, but can be complementary to, other public transportation options available to the people of Massachusetts. The Task Force recommends that MassDOT, microtransit operators, and other mobility providers continue to collaborate.

Microtransit, last mile, and other innovative mobility offerings are instrumental in enabling service to a wider range of passengers and meeting community requests and demands. The Task Force recommends continued support for innovative and flexible programming to enable mobility options and choices, including a need for routes that cross distinct RTA territories and meet community needs for access to jobs, health care, and affordable housing. The Task Force encourages the state to maintain grants that encourage microtransit, demand-response, community based, and last mile service. These creative solutions offer mobility opportunities to their users that would otherwise require a personal vehicle for the same trip.

MassDOT, RTAs, microtransit providers, and local governments can work together with educational and health care institutions, employers, and other partners to bring new mobility opportunities to the public in affordable, sustainable, and creative ways.

## **Summary of Recommendations:**

- Use Fair Share revenue to stabilize public transit operations statewide
- Maintain predictable and stable funding investments in RTAs, microtransit, and other mobility providers to enhance connectivity

## **Partner with Municipalities**

## **Municipalities**

The state's 351 municipalities oversee 90% of all public roads within the state (more than 30,000 miles), 46% of all bridges within the state (more than 3,700), approximately 75% of culverts, as well as sidewalks, paths, fleets, school transportation, and other local infrastructure. Municipalities' ability to raise revenues are limited due to the majority of revenues being generated through property taxes constrained by the provisions of Proposition 2 ½.

Massachusetts municipalities also receive federal and state transportation aid in the form of grants and formula funding. MassDOT and the state at-large play a role in supporting local governments and regional organizations in planning, executing, and funding transportation that benefits users across the state.

The Task Force recognizes that Fair Share revenue presents an opportunity to increase statewide investment in local roads, sidewalks, and transportation infrastructure through an increase to the Chapter 90 program and an extension of authorization beyond the typical one-year cycle, which does not allow local governments to engage in long term capital planning. Such investments will help to stabilize and enhance transportation infrastructure at a local level, where it is highly impactful to residents' daily lives, while improving key indicators tracked by MassDOT and federal authorities – safety and pavement quality.

Municipalities also receive additional state funding from MassDOT through various competitive grant programs, which could be reviewed by MassDOT to enhance their effectiveness, reach, and ease of access and usability by local partners. Regional planning agencies and resources within MassDOT for technical assistance, planning, and grant opportunities are additional ways to strengthen the partnership with municipalities and improve capacity to deliver meaningful infrastructure projects at the local level. The Task Force recognizes that there are ongoing and emerging needs for safety improvements and measures to ease traffic congestion, including intersections, pedestrian and bicycle infrastructure, rail crossings, and other sites throughout the Commonwealth, and encourages collaboration among state and local governments and residents to identify these conditions for improvement to make a material difference in the lives of residents.

The Task Force also acknowledges that transportation needs and available resources differ for each local community. Some communities may only be partially served by transit, and some not at all. Rural communities may be affected by additional burdens and disadvantages for transportation funding, as some local option revenues such as TNC fees, hotel/meals taxes, and a broad commercial tax base may be limited. The primary mechanism for MassDOT to provide financial assistance to cities and towns for transportation-related projects is the Chapter 90 program, which is apportioned annually to municipalities based on a formula that considers three factors: road mileage, population, and employment. The Task Force noted that revenue and funding opportunities for rural and less populated communities should be reviewed by MassDOT for further action.

The Task Force reviewed certain locally and regionally specific transportation challenges, including the Cape Cod region, which is connected to the rest of the state by two federally-owned bridges, as well as the Greater Boston, Cambridge, and Worcester area, where the Allston I-90 project promises to transform highway and intercity rail access. The Task Force

recognizes the exceptional efforts of the Healey-Driscoll Administration in securing a \$993 million discretionary federal Bridge Investment Program award and a \$372 million Multimodal Project Discretionary Grant Program award toward MassDOT's replacement of Cape Cod Bridges and \$345 million in federal Reconnecting Communities and Neighborhoods grant awards for replacement of the Allston Viaduct and for the cities of Haverhill, Lynn, Everett, Cambridge and Chelsea. The Task Force recommends continued efforts to pursue federal discretionary funding given the profound impact such awards have on project funding.

While these megaprojects are extraordinarily large and challenging, each region and community has distinct needs. In addition to maintaining extensive local infrastructure, municipalities have operating challenges to maintain and repair roadways, treat sidewalks and roads for weather conditions, transport school students, guide the movement of water through culverts, and meet safety and mobility needs.

As climate change yields more frequent storm surges and intense precipitation events, as well as heat and other challenges, municipalities are also faced with need to invest in resilience and electrification. Culverts represent a particularly pressing challenge for municipalities, with approximately 17,000 locally-owned culverts throughout the state. Obsolete and undersized culverts can be vulnerable to storm-related infrastructure damage. To fund the growing culvert maintenance need at the local level, municipalities have identified opportunities for greater support to evaluate, upgrade and improve locally owned culvert infrastructure.

The Governor and Legislature are encouraged to leverage Fair Share for urgent and longerterm needs, with attention to the particular concerns of each region and the issues facing different communities. Fair Share can most effectively be used to support various local transportation needs by buffering the Chapter 90 program, other statewide grant and funding programs, safety and resiliency efforts, and regional school transportation. MassDOT and Regional Planning Agencies can support municipal needs with both funding and technical assistance to deliver capital projects efficiently and effectively.

## **Summary of Recommendations:**

- Use Fair Share revenue to increase funding for Chapter 90 program
- Create a strategy for culvert and small bridge infrastructure resilience
- Review revenue and funding opportunities for local governments

## Leverage Fair Share

The Task Force identifies an immediate need to leverage Fair Share and maximize its impact to improve the transportation system in Massachusetts transparently and quickly.

In FY24, Fair Share generated \$2.46 billion. Based on the FY25 Fair Share budget allocation of \$1.3 billion, a 50% dedication to transportation would have a substantial impact on transportation funding. The Task Force considered opportunities to improve transparency and effectiveness of Fair Share on transportation, with the preferred approach being an even split with education.

The state is constrained in what it can borrow for transportation purposes using traditional GO bonds and CTF bonds. Fair Share revenues represent an opportunity to revitalize and extend

the borrowing capacity of the CTF, allowing for improved debt service coverage that increases the CTF's capacity to borrow for transportation.

The Task Force recommends dedicating a substantial portion of Fair Share revenue to the CTF, following the model supported by the Governor and Legislature in the FY25 budget. A portion of Fair Share revenues and other CTF revenues in the fund will be used to pay debt service on future CTF bonds, so that the state can maximize its borrowing capacity for modernization, state of good repair and resiliency investments. Funds above those required for debt service would remain available for operating budget stabilization and other transportation purposes.

The Task Force recommends that the Executive Office for Administration and Finance work with the Office of State Treasurer and Receiver-General to utilize Fair Share and the CTF credit in the most advantageous way to the Commonwealth to maintain a highly rated, flexible financing structure for capital needs.

## **Summary of Recommendations:**

- Dedicate Fair Share to CTF to expand CTF borrowing capacity
- Work with Treasurer to maintain CTF as a highly rated, flexible financing structure
- Use CTF to stabilize existing funding for transportation infrastructure

## **Secure Federal Funding for Transportation**

Massachusetts operates with a focused strategy of pursuing every available dollar of federal funding. The Task Force recommends the following actions to approach federal funding:

- Continue to pursue federal discretionary funding opportunities
- Work with other states and regional organizations to support reauthorization of federal transportation funding
- Streamline permitting and procurement policies that may enhance the effectiveness of grant opportunities and outcomes at the state and local levels
- Partner with local cities and towns, tribes, labor, the business community, and other stakeholders to optimize the impact of federal opportunities for Massachusetts

In 2024, Governor Healey signed legislation that unlocked liquidity from interest earned on the Commonwealth's Stabilization Fund to create a pool of \$750 million in state matching funds for the pursuit of federal funds across all sectors. The legislation also provides for debt reduction and debt defeasance. These goals are important for the Commonwealth's ability to pursue all avenues of federal funding while promoting long-term stability and sustainability of investments.

## Summary of Recommendations:

- Continue to aggressively pursue federal funds
- Deploy the recently enacted state matching funds pool to compete for federal funding and reduce transportation debt
- Work with other states and cities to advocate for federal reauthorization, including support for transit, rail, highway, and other transportation priorities

## **Enhance**

The Task Force recommends additional actions to enhance and extend investments at the state and local level. The Task Force recognizes that some of these measures may be actionable along a timeline that requires additional implementation, review, and consideration to balance significant priorities, all the while resulting in enhancements to transportation infrastructure.

The Legislature and Governor must work cooperatively to review and update the state's existing revenue policies and legislation, many of which have not been updated in a decade or more. Due to significant changes in commuting patterns, technology, and the effects of adverse weather effects, current revenue policies and legislation are out of date and out of step with current needs.

The present moment provides an opportunity to align the state's existing revenue sources with peer states and other comparable jurisdictions. Some of the revenue source benchmarks illustrated Massachusetts' low rates compared to peers, particularly for sources that have not been reviewed or updated in many years. Members debated a litany of potential revenue sources and considered ways to prioritize or deprioritize future adjustments, with one outcome being the need to right-size existing revenues. In general, revenue sources should be reviewed regularly to consider changing needs, conditions, technologies, usage patterns, and incentives. Sources of current state-level revenues used to fund transportation include, but are not limited to:

- Gas Tax
- Registry Fees
- Sales Tax
- Motor Vehicle Sales Tax
- Fares, Tolls, TNC Fees, and other point-of-use charges
- Fair Share (began in FY24)

The Task Force also recognizes the importance of equity and affordability and recommends considering mitigations like low-income fares, toll discounts, and other discounts when implementing new policy. Benchmarking against mitigation strategies in other states was conducted to compare to Massachusetts' policies.

The Task Force emphasized the importance of enabling mode shifts toward cleaner transportation choices around the state. The Task Force also noted the importance of decarbonization considerations to inform future pricing and policy initiatives. The Task Force reviewed policies, which are used in some other states, that would apply additional registry fees to EVs. Many members expressed caution that such policies might reduce incentives for electrification and EV adoption. Similarly, the Task Force reviewed but felt similar hesitancy around policies that would apply additional fees or costs to EV charging. In particular, the Task Force pointed to data in the Massachusetts Vehicle Census, illustrating that of the more than 5 million vehicles in the state's active vehicle count, 93.7% are internal combustion engine (ICE) vehicles, while the remainder are hybrid, plug-in hybrid, electric, or fuel cell vehicles. The Task Force recommends that the state continue to review existing policies that encourage and support EV adoption, including tax credits and other incentives, to confirm that they are efficient and aligned with desired policy outcomes.

The state's transportation agencies must continue to build trust with the public, demonstrating fiscal discipline and operational excellence to deliver the most optimal service. Infrastructure investments must be efficient, timely and perform within expected parameters.

The Task Force recommends that the state continue to evaluate opportunities to improve procurement processes, enhance contract delivery capabilities and explore innovative partnerships that maximize the value of all transportation investments.

## **Rationalize Existing Resources**

Massachusetts policymakers should consider right-sizing a suite of user-based fees and rationalizing existing resources to align with peer states and other comparable jurisdictions, including but not limited to the following:

- TNC Fees (including sales tax on TNC trips)
- Gas Tax and other fuel taxes
- Registry Fees
- Delivery and parking fees (for example, sales tax on commercial parking)
- Fares and other rider/user charges
- Stored-value or technology-based fees (E-ZPass transponders, transit fare passes, etc.)
- Tax exemptions
- Other emerging and appropriate funding sources

The Task Force recommends a thorough review and rationalization of existing resources as a routine part of good management, to be done with considerations of competitiveness, affordability, equity, and climate.

The state should also contemplate new strategies that might help modernize the transportation revenue structure using emerging trends, including but not limited to the following examples from other jurisdictions:

- Retail delivery fees and surcharges
- Transportation service fees and surcharges
- Bus Lane Enforcement and Traffic Camera Enforcement<sup>1</sup>

Each of these sources was identified by members as having co-benefits with other key policy areas, especially safety, affordability, and climate impacts. Together, they form an opportunity to enhance Massachusetts' transportation funding system.

## Summary of Recommendations:

- Rationalize and right-size existing user-based fees to align with peer states
- Assess new strategies to modernize transportation revenue structure using emerging trends
- Review and realign policies to encourage and support EV adoption

<sup>&</sup>lt;sup>1</sup> In December 2024, Legislature approved "An Act relative to bus lane enforcement" and "An Act concerning the safety of school children embarking and disembarking school buses," allowing public transit agencies and school districts, respectively, to use bus-mounted cameras to record parking and traffic infractions in bus lanes and around stopped school buses.

### **Unlock Local and Regional Options**

Massachusetts policymakers should contemplate new strategies that empower municipalities to unlock local and regional revenue sources for infrastructure investment, including but not limited to:

- Regional Ballot Initiatives
- Retail Delivery Fees (local option)
- Parking Fees or Surcharges (local option)
- Other emerging and appropriate policies

The Task Force notes that not all local communities are the same and hence might find different opportunities suitable for their needs. Each community must be empowered to make locally appropriate and thoughtful choices to enhance jurisdictional transportation infrastructure.

Massachusetts differs from many of its peer states because it does not generally rely on countybased governmental organizations to address regional transportation planning. Massachusetts can and should leverage its crucial Regional Planning Agencies, local and regional governments, and other organizations, allowing like-minded and similarly-impacted communities to cooperate to solve regional problems.

## Summary of Recommendations:

- Empower municipalities to unlock local and regional revenue sources
- Empower local and regional planning bodies to coalesce around transportation solutions

### **Equity in Pricing**

Massachusetts policymakers should continue to assess and implement a phased approach to establishing a more equitable roadway pricing system that enables mobility choice, eases congestion, supports other Commonwealth policy goals. Successful roadway pricing should contribute substantial additional revenue to enhance transportation infrastructure across the state.

### **Summary of Recommendations:**

- Phased approach to roadway pricing
- Easing congestion and saving time for commuters, businesses and drivers
- Encouraging cleaner transportation choices and mode shifts with reliable alternatives
- Fairness in pricing for users from different communities and regions

### **Clean and Resilient Transportation**

Climate change is a threat to human wellbeing and the health of the planet, and the effects of climate change are already affecting our transportation infrastructure in the Commonwealth. Massachusetts policymakers should continue to assess and implement the necessary policies to address this urgent threat.

Massachusetts' Clean Energy and Climate Plan (CECP) shows that transportation was responsible for 41.7% of statewide fossil fuel emissions in 2021 and obligates MassDOT and the MBTA to take measures to reduce their emissions impact. These steps include:

- Promoting alternatives to personal vehicle travel
- Decarbonizing vehicle fleets
- Building the necessary infrastructure to support the transition to electric vehicles
- Reducing climate risk of stationary assets, including underground stations and tunnels

The Task Force notes that the threat of climate change is part of the unprecedented context facing Massachusetts policymakers and demands a meaningful response at all levels of government.

# Summary of Recommendations:

- Take measures to improve resilience of transportation infrastructure in line with the CECP
- Continue to assess and implement strategies and policies to address climate threat

# **Transform**

Over the longer term, Massachusetts policymakers should continue to assess and implement a phased approach to establishing a more equitable transportation pricing system that aligns with the vision of easing congestion and addressing climate change. These actions could include:

- Assessing current toll prices in comparison to peer states and examining how toll revenue and financing strategies are used (e.g. borrowing against toll revenue)
- Assessing the current tolling network to identify gaps, inequities, and opportunities to rationalize incentives and revenues
- Contemplating variable time of day pricing and congestion pricing models while considering example best practices, the cost of deployment and equity impacts

Massachusetts policymakers may want to assess a differential user-based approach to pricing that incorporates VMT as a methodology, either at the point-of-use or on a regular basis using technology solutions. Benchmarking and peer analysis, as well as case studies, will continue to guide and inform the direction of these deliberations and developments.

## **Summary of Recommendations:**

- Continue to assess and implement a phased approach to establishing a more equitable roadway pricing system
- Assess sustainable funding options, including those that use best practices and ideas from peer states
- Consider the impacts of any transportation funding change on all policy area

### Long-term Implications

This report is replete with essential numbers and statistics, but the story behind Massachusetts' transportation infrastructure – a story of how our transportation infrastructure, a public good, is vital for everyone and everything.

The Task Force's vision for modern, well-funded transportation infrastructure – a vision that grew from months of input from Task Force members and their constituencies; prior reports, analyses, and publicly available data; and industry leaders – resulted in this report, with a vision that moves from stabilizing to enhancing to transforming transportation infrastructure.

Changes to the way that the Commonwealth funds its transportation infrastructure are essential to building the future of mobility for many reasons, including:

- **Climate change** poses an unprecedented threat to our planet and is linked to transportation. We are at a critical juncture to improve the resilience of transportation assets: switching from internal combustion vehicles to electric vehicles, electrifying transit fleets and installing electric vehicle charging infrastructure.
- **Housing** shortage in Massachusetts is linked to transportation. While the Administration has advanced major policies to fund housing expansion and address this crisis, a shortage of housing persists, particularly housing accessible by public transportation.
- **Congestion** on the state's roadway and transit network is frustrating for all who experience it. Unreliable commute conditions can undermine travelers' confidence and reduce the state's attractiveness to companies.
- Workers and employers alike find themselves frustrated by lengthy commutes and lost time due to congestion and transit issues. Students find themselves on school buses, stuck in traffic. Visitors deal with delays and receive negative perceptions of the Commonwealth. Economic growth, jobs, commerce, opportunity, education, and transportation are deeply interconnected.
- In addition, transportation is a social determinant of health; transportation directly impacts the ability of residents to access healthcare and the associated emissions affect overall health and wellbeing.

# **Municipal Empowerment Act**

# Section by Section Summary

**Public Health Council Membership (§ 1)** – This section adds a member to the Public Health Council, to be appointed by the Governor from a list of 3 nominated by the Coalition for Local Public Health.

**Make Permanent COVID-era Flexibilities: Public Meeting (§§ 2-5) –** These sections make permanent COVID-era flexibilities related to hybrid public meetings. They permit public bodies to hold meetings in a remote or hybrid format and make technical corrections to open meeting requirements.

Municipal Procurement (§§ 6-17) – These sections amend Chapter 30B in the following ways:

- exempts snow hauling from 30B (to match how snow removal's exemption);
- updates Chapter 30B section on exemption in a few areas to ensure the references correspond with the proper sections of general law, such as for design selection, roadway construction and energy procurements.
- Increases Chapter 30B thresholds for advertised procurements from \$50k to \$100k for all municipal purchasing, not just schools.
- Enables groups of cities and towns to award multiple contracts through the RFP process and purchase both supplies and services from collectively bid contracts;
- Eliminates the requirement to publish notice of invitations for competitive bids on COMMBUYS; and

**Flexibilities in Post-Retirement Employment (§§ 18, 84, 88)** – These sections establish a process by which municipalities and executive departments may apply to the Executive Office for Administration and Finance for a "critical shortage" exemption from certain post-retirement limitations on employment for specific job titles or classes; a direct response to concerns raised by municipal leaders during the Administration's listening sessions about critical local staffing shortages and provides this provision would sunset on January 1, 2028.

**OPEB Liability Trust Fund Technical Correction (§ 19)** – This section makes a technical change related to the OPEB Liability Trust Fund statute (G.L. c. 32B, § 20) by replacing the term "governing boards" with "governing body," allowing local legislative bodies to give said authorization for participation.

**Local Option Taxes 1 (§§ 20, 66)** – These sections establish a new local option Motor Vehicle Excise (MVE) surcharge of 5% and authorize municipalities to either dedicate the proceeds to a special purpose stabilization fund or treat as general fund revenue.

**Collection of Water Charges on Non-Resident Customers (§ 21) –** This section extends the option for municipalities and districts that provide utility services to impose liens when customers do not pay user charges when due to water services provided by water local departments to customers outside their borders.

**Cybersecurity Incident Reporting (§ 22)** – This section directs municipalities to report cybersecurity incidents to the Executive Office of Technology Services and Security.

Allow DIF Expenditure Efficiency (§ 23) – This section allows the "sinking fund" and "project cost" receipts, which are already being reserved, to be spent without appropriation. It would also change the name of the "sinking fund" to "debt service fund."

**Appointed and Combined Treasurer-Collector (§ 24)** – This section enables cities and towns to combine the appointed positions of collector of taxes and treasurer to a single appointed treasurer-collector position.

**Town Administrator Contracts (§ 25) –** This section resolves a discrepancy in current law by increasing the allowable term for an executive secretary or town administrator to serve, up to 5 years.

**Increase Intermunicipal Agreements for Local Finance Officials or Service (§ 26)** – This section allows communities to enter into intermunicipal agreements for the sharing of any municipal finance official or service, including accountants, auditors, treasurers, collectors, finance directors, or their equivalent, and relevant support staff.

**Regional Board of Assessors (§ 27)** – This section allows multiple communities to implement Regional Boards of Assessors, eliminating the necessity of each town having a local board, and aims to streamline the duties imposed upon such officials while reducing challenges communities have in filling vacancies.

**Borrowing for Acquisition of Interest in Land (§§ 28-30) –** These sections clarify municipal borrowing authority for acquisition of interests in land, construction or renovation of improvements to real estate, and improvements to waterways by requiring that the property interest, waterways, improvements to real estate, or projects for renovation or construction for which borrowing is undertaken under authority of § 7(1) be municipally owned or leased.

**Borrowing for School Projects (§ 31)** – This section increases from 30 years to 40 years the maximum bond term for school projects so that the costs are realized in a manner that more closely reflects the life expectancy of the project.

**Regional School Districts Refunding Bonds Technical Correction (§§ 32-34) –** This section makes a technical change that adds regional school districts to governmental entities authorized to issue refunding bonds.

**Amortization of Emergency Spending Deficit (§ 35)** – This section gives municipalities the ability to amortize emergency related deficit spending over the subsequent 3 fiscal years, rather than having to fund them in 1 fiscal year.

**Clarify City Budget Process (§ 36)** – This section clarifies that should there be a continuing budget, said budget shall be implemented without further approvals by the legislative body (including no ability to reduce or reject), and that the continuing budget cannot implement any new initiatives.

**Clarify Local Acceptance and Expenditure of Gifts and Grants (§ 37)** – This section clarifies G.L. c. 44, § 53A to allow the Selectboard in a town, City Council in a city, or school committee for school-related gifts or grants to be the default acceptor of any gifts or grants made to the community, even if the gift is made to a specific department or person.

**Departmental Revolving Payment of Employees (§ 38) –** This section amends the revolving fund statute to eliminate the requirement that payment from a revolving fund for wages or salaries for full-time employees may only be made if the revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid.

**Departmental Revolving Fund Spending Cap (§ 39)** – This section allows municipalities to maintain a previously approved spending cap for each departmental revolving fund until another vote, as opposed to the current inefficient system that requires a new vote each year even if the cap has not changed.

**Enterprise Fund Accounting (§ 40)** – This section allows a community to utilize enterprise fund accounting for Broadband-only MLPs and landfill purposes.

**PEG Access Funds (§§ 41-42)** – These sections allow municipalities who have accepted G.L. c. 44, § 53F 3/4 (PEG Access and Cable Related Fund) to spend the receipts credited to the fund without appropriation.

**Ch. 90 Expenditures (§ 43) –** This section codifies that Chapter 90 apportionments approved by MassDOT are spent without appropriation. The community would also be

permitted to spend in anticipation of funds in a manner similar to anticipated grants pursuant to G.L. c. 44, § 53A. While language allowing the expenditure to be spent without appropriation is traditionally included in each bond bill, this change would streamline that process.

**CPA Land Purchase (§ 44)** – This section clarifies the voting threshold for land purchase using CPA proceeds as being a two-thirds vote.

**Manufacturing/Research & Development Decisions (§ 45) –** This section allows assessors to abate personal property taxes, or assess additional taxes, to put into effect a final decision about the classification of a corporation as a manufacturing (M) or research and development (R&D) corporation.

**8 of 58 Paid Tax Bills (§ 46) –** This section eliminates the requirement that a paid tax be the result of an obvious clerical error (would still be limited to the last 3 fiscal years). This limitation currently prevents DLS from authorizing abatements in scenarios where a taxpayer would otherwise qualify.

**Technical Corrections to Distribution of Budgeted Aid (§ 47)** – This section makes technical edits to statute concerning distribution of budgeted aid to cities and towns to conform to current practice.

**Personal Exemptions/Trusts (§§ 48, 52, 62) –** These sections extend the local option cities and towns have for veterans whose domicile is held in trust, conservatorship or other fiduciary arrangement qualify as the owner for exemption purposes to seniors, blind persons and other individuals eligible for personal exemptions.

**Elderly Exemptions (§ 49) –** This section allows municipalities to increase existing senior property tax exemptions ("clause exemptions") by any amount above the current amount of \$500.

**Personal Exemptions/Trusts (§ 50)** – This section allows ownership criteria to be satisfied when a surviving minor is the only beneficiary.

**Reporting and Tax Treatment of Solar PILOTS (§ 51)** – This section inserts language found in G.L. c. 59, § 39H(b) to G.L. c. 59, § 5 Clause 45 to provide that any receipts derived from solar or wind PILOTs are considered part of the tax levy and constitute new growth within a community.

**COLA for Property Tax Exemptions (§ 52)** – This local option statute allows municipalities to increase property tax "clause exemptions" by an amount equal to the cost of living.

**Senior Means Tested Exemption (§§ 53, 85)** – These sections provide cities and towns with a local option to grant an additional property tax exemption to qualifying seniors. Criteria for exemption includes owning and living in the subject home, having durational residency, and qualifying based on certain other income and asset levels. The amount of the exemption is determined locally and provided for within the residential class, similar to the residential exemption.

**One Time Override for Non-Capital Expenses (§ 54) –** This section allows municipalities to adopt a 1-year override for non-capital expenditures. Similar to a capital outlay exclusion, which is a 1-year only increase in the amount to be raised by taxation to pay for a capital item for which a municipality could borrow, this would be for operating expenses.

**Central Valuation of Telecommunication and Utility Personal Property (§§ 55-58, 87)** – These sections centralize the valuation of telecommunication company personal property and utility company personal property in the Department of Revenue's Division of Local Services (DLS) to promote consistency in assessing and utility reporting throughout the Commonwealth. Extending central valuation to all telecom companies and to utility companies would result in a more efficient and cost-effective process for both municipalities and industry.

**Payment Date for ATB Jurisdiction (\$\$ 59-61,64) –** These sections make technical changes that relocate the "postmark" rule to determine when interest is incurred on property tax payments received by local tax collectors after their due date for purposes of appealing a local assessors' denial of an abatement application to the Appellate Tax Board appeal provision, rather than billing system statute.

**Equalizing Property Tax Appeals (§ 63)** – This section requires all property taxpayers to pay in full to appeal their property tax assessment. Currently, personal property taxpayers, such as utilities, need only pay half of the tax bill to preserve their right to appeal while residents and commercial taxpayers are required to pay in full.

**Collection of Motor Vehicle Excise (§ 65) –** This section allows a tax collector notify the Registry of Motor Vehicles of non-payment of the motor vehicle excise directly, after notifying the delinquent taxpayer of the intent to "mark" their license or registration for non-payment.

Allow Financing of Right of First Refusal Option (§§ 67-69) – These sections allow cities and towns, when exercising their right of first refusal under G.L. c. 61, 61A or 61B, to pay for the cost of the relevant chapterland purchase by utilizing the financing mechanism described in the Qualified Bond Act, G.L. c. 44A. **Local Option Taxes 2 (§§ 70-71)** – These sections increase the local option lodging tax on hotel, motel, and other rentals from a maximum of 6% to 7% (6.5% to 7.5% for Boston).

**Local Option Taxes 3 (§ 72)** – This section increases the local option meals tax from 0.75% to 1% of the sales price of a meal at a restaurant or local store.

**Bus Procurement (§ 73)** – These sections repeal a dated section, MGL c.71, s.7c, which limits the availability of state funding to start in-house school bus services when private transportation companies are available.

**Calculation of RSD Excess and Deficiency (E&D) (§ 74)** – This section modifies G.L. c. 71, § 16B 1/2 to conform to joint guidance promulgated by the Division of Local Services (DLS) and the Department of Elementary and Secondary Education (DESE) concerning the divisions' calculation of E&D.

**Fentanyl Strips (§§ 75-76)** – These sections declassify fentanyl strips as drug paraphernalia and clarify that anyone who in good faith administers fentanyl test strips shall not be subject to criminal or civil liability.

**Unemployment Insurance (§§ 77-78)** – These sections extend existing exemptions from unemployment insurance benefits, which are applicable to school employees absent during sabbaticals and school vacations with a "reasonable assurance" of returning to work, to employees who provide services to or on behalf of schools but are paid by municipalities. These sections also reduce the amount of unemployment insurance benefits to 65% for employees receiving government pensions.

**Double Pole Enforcement (§§ 79, 87)** – These sections allow cities and towns to enforce the statutory prohibition on keeping double poles after passing a local ordinance authorizing them to do so. The current 90-day requirement timeline for replacement would be increased to 180 days and penalties authorized to be imposed are limited to up to \$1,000 per occurrence. These sections also authorize the Department of Public Utilities and Department of Telecommunications and Cable to promulgate regulations to develop enforcement mechanisms and enhanced processes for addressing double poles.

**Shared Employees (§ 80)** – This section creates a limited exception to the conflict-ofinterest law in order to address potential violations of the law that arise when cities and towns share employees under inter-municipal agreements (IMAs) or other regional arrangements. It allows an employee of one city or town to take actions consistent with the shared goals of the agreement. **Bond and Note Premiums (§ 82)** – This section requires communities that used a Proposition 2 ½ debt excluded premium on capital to report the premium without adjusting the debt exclusion.

**Election Cost Reimbursement (§ 82)** – This section allows state reimbursements for Early Voting and Extended Polling Hours to both be accounted for in a special revenue fund, simplifying the budgeting process for elections. Currently, the former is treated as General Fund revenue and the latter is accounted for in a special revenue fund.

**Other Post Employee Benefit (OPEB) Commission (§ 83)** – This section establishes an OPEB Commission to take a look at opportunities to address unfunded liabilities from non-pension employee benefits.

# 760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

Section

- 71.01: Statement of Purpose
- 71.02: Definitions
- 71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts
- 71.04: Data Collection

### 71.01: Statement of Purpose

(1) St. 2024, c. 150, § 8 amends M.G.L. c. 40A, § 3 to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life. The Executive Office of Housing and Livable Communities is the regulatory agency that is authorized by St. 2024, c. 150, § 8 to promulgate 760 CMR 71.00 that establish rules, standards and limitations that will assist Municipalities and landowners in the administration of St. 2024, c. 150, § 8.

(2) St. 2024, c. 150, § 8 and 760 CMR 71.00 seek to balance municipal interests in regulating the use and construction of ADUs while empowering property owners to add much needed housing stock to address the Commonwealth's housing needs. St. 2024, c. 150, § 8 establishes that in certain circumstances the use of land or structures for ADUs are protected from zoning restrictions by providing that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, or the rental thereof, in a single-family residential zoning district, and imposes protections on ADUs through M.G.L. c. 40A, § 3, the Dover Amendment. The Act balances protection for these ADUs by authorizing municipalities to impose reasonable regulations on the creation and use of ADUs. St. 2024, c. 150, § 8, however, explicitly prohibits municipalities from imposing requirements on protected accessory dwelling units that require owner-occupancy of either the ADU or the principal dwelling and imposes limitations on Municipal parking requirements.

(3) 760 CMR 71.00 establishes definitions, standards, and limitations to assist in the local administration of M.G.L. c. 40A, § 3, para. 11, pursuant to St. 2024, c. 150, § 8. Nothing in 760 CMR 71.00 is intended to supersede state health and safety laws and regulations, such as, but not limited to the Building Code, Fire Code, M.G.L. c. 111, § 189A: Massachusetts Lead Law, or any federal laws.

<u>Accessory Dwelling Unit (ADU)</u>. A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

(a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;

(b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and

(c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in section 1 of chapter 64G; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Building Code. The Massachusetts state building code, 780 CMR.

<u>Bus Station</u>. A location serving as a point of embarkation for any bus operated by a Transit Authority.

<u>Commuter Rail Station</u>. Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

<u>Design Standards</u>. Clear, measurable and objective provisions of Zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU.

<u>Dwelling Unit</u>. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EOHLC. The Executive Office of Housing and Livable Communities.

<u>Ferry Terminal</u>. The location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Fire Code. The Massachusetts state fire code, 527 CMR 1.00.

<u>Gross Floor Area (GFA)</u>. The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there

are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

<u>Historic District</u>. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law.

<u>Lot</u>. An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of Zoning.

<u>Modular Dwelling Unit</u>. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

Municipality. Any city or town subject to the provisions of M.G.L. c. 40A.

<u>Principal Dwelling</u>. A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

<u>Prohibited Regulation</u>. Zoning or general ordinances or by-laws, or Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2).

<u>Protected Use ADU</u>. An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, § 1.

<u>Single-family Residential Dwelling</u>. A structure on a Lot containing not more than one Dwelling Unit.

<u>Single-family Residential Zoning District</u>. Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit.

<u>Site Plan Review</u>. A process established by local ordinance or by-law by which a Municipal board or authority may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

<u>Special Permit</u>. A permit issued by a Municipality's special permit granting authority pursuant to M.G.L. c. 40A, § 9.

<u>Subway Station</u>. Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.

<u>Transit Authority</u>. The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, § 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, § 3 or M.G.L. c. 161B, § 14.

<u>Transit Station</u>. A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

<u>Unreasonable Regulation</u>. Zoning or general ordinances or by-laws, or Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3).

<u>Use and Occupancy Restrictions</u>. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the current, or future, use or occupancy of the Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupants, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

<u>Zoning</u>. Ordinances and by-laws, including base, underlying, and overlay zoning, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, is subject to use and structure requirements that are uniform within the area.

(1) Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5) and 760 CMR 71.03(6), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-family Residential Zoning District; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.

(2) <u>Prohibited Regulation</u>. A Municipality shall not subject the use of land or structures on a Lot for a Protected Use ADU to any of the following:

(a) <u>Owner-Occupancy Requirements</u>. A requirement that either the Protected Use ADU or the Principal Dwelling be owner-occupied.

(b) <u>Minimum Parking Requirements</u>. A requirement of, as applicable:

1. More than one additional on-street or off-street parking space for a Protected Use ADU if all portions of its Lot are located outside a 0.5-mile radius of a Transit Station; or

2. Any additional on-street or off-street parking space for a Protected Use ADU if any portion of its Lot is located within a 0.5-mile radius of a Transit Station.

(c) <u>Use and Occupancy Restrictions</u>. A requirement that a Protected Use ADU be subject to a Use and Occupancy Restriction.

(d) <u>Unit Caps & Density</u>. Any limit, quota or other restriction on the number of Protected Use ADUs that may be permitted, constructed, or leased within a Municipality or Zoning District. Protected Use ADUs shall not be counted in any density calculations.

(e) <u>Relationship to Principal Dwelling</u>. A requirement that a Protected Use ADU be attached to or detached from the Principal Dwelling.

(3) <u>Unreasonable Regulation</u>.

(a) A Municipality may reasonably regulate and restrict Protected Use ADUs provided that any restriction or regulation imposed by a Municipality shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:

1. Does not serve a legitimate municipal interest sought to be achieved by local Zoning;

2. Serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or

3. Serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will:

a. Result in complete nullification of the use or development of a Protected Use ADU;

b. Impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or

c. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

(b) Municipalities shall apply the analysis articulated in 760 CMR 71.03(3)(a) to establish and apply reasonable Zoning or general ordinances or by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, as applicable:

1. <u>Design Standards</u>. Any Design Standard that:

a. Would not be applied to a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located or

b. Is so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.

2. <u>Dimensional Standards</u>. Any requirement concerning dimensional standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single-family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.

3. <u>Utilities, Safety, and Emergency Access</u>. Any requirement concerning utilities, safety and emergency access that is more restrictive than is permitted by state requirements, including under the Fire Code. A Municipality may not require a separate utility connection, such as water, sewer, electric, provided that a separate connection may be required by a Municipal or regional utility, investor-owned utility; by state law; by a local, regional, or state board or commission; or by court order.

4. <u>Environmental Regulation</u>. Any regulation for the protection of public health, safety, welfare and the environment pursuant to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, that is more restrictive than is required for a Single-family Residential Dwelling in the Zoning District in which the Protected Use ADU is located.* 

5. <u>Site Plan Review</u>. Site Plan Review concerning the Protected Use ADU that is not clear and objective or imposes terms and conditions that are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A.

6. <u>Impact Analysis, Studies, and Fees</u>. Any requirement for any impact analysis, study, report, or impact fee that is not required for the development of a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located.

7. <u>Modular Dwelling Units</u>. Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being used as a Protected Use ADU that is more restrictive than the Building Code.

8. <u>Historic Districts</u>. Municipalities may establish Design Standards and Dimensional Standards for Protected Use ADUs located in an Historic District that are more restrictive or different from what is required for a Single-family Residential Dwelling, or Principal Dwelling, in the Single-family Residential Zoning District; provided, however, that such standards are not unreasonable pursuant to 760 CMR 71.03(3)(a).

9. <u>Pre-existing Nonconforming Structures</u>. A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance, that could be used for, or converted into, a Protected Use ADU in conformance with the Building Code, 760 CMR 71.00, and state law.

(c) <u>Short-term Rentals</u>. Municipalities may establish restrictions and prohibitions on the Short-term Rental of Protected Use ADUs pursuant to M.G.L. c. 64G.

(4) <u>Enforceability of Restrictions and Regulations on Pre-existing ADUs</u>. A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760 CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.

(5) <u>Special Permits for Multiple ADUs on the Same Lot</u>. Notwithstanding 760 CMR 71.03(1), if a Municipality chooses to allow additional ADUs on the same Lot as a Protected use ADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.

(6) <u>Floodplain and Aquifer Protection Overlay Districts</u>. Municipalities may require a Special Permit for development of a Protected Use ADU in a floodplain or aquifer protection overlay if required for the Principal Dwelling, provided that the Special Permit is based on clear, objective, and non-discretionary criteria.

(7) Nothing in these regulations is intended to prevent a Municipality from adopting more permissive Zoning, or general ordinances or by-laws, or Municipal regulations than would be allowed under 760 CMR 71.03.

(8) <u>Address Assignment</u>. All ADUs shall be assigned an address consistent with the most current Address Standard published by MassGIS. ADU addresses shall be reported to MassGIS and EOHLC after assignment.

## 71.04: Data Collection

To assist EOHLC in the administration of M.G.L c. 40A, § 3, para 11, Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

# **REGULATORY AUTHORITY**

760 CMR 71.00: M.G.L. c. 40A, § 3, para. 11; St. 2024, c. 150, § 8.



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

January 9, 2025

Secretary Ed Augustus Commonwealth of Massachusetts Executive Office of Housing and Livable Communities 100 Cambridge Street Suite 300 Boston, MA 02114

### **Re: Accessory Dwelling Units – Draft Regulations**

Dear Secretary Augustus,

The Berkshire Regional Planning Commission (BRPC) commends the administration and legislature for removing regulatory barriers to allow the creation of accessory dwelling units (ADUs). Steps such as this have the potential to boost the supply and diversity of residential dwelling units, which is desperately needed in Berkshire County.

BRPC also appreciates efforts made by the Executive Office of Housing and Livable Communities (EOHLC) to address uncertainties within Section 8 of the Affordable Homes Act through the draft regulations released earlier this month. Staff has reviewed the draft regulations and discussed with communities in the region. The following are comments that BRPC believes will strengthen the regulations and remove uncertainty within our communities.

**Definition of a single-family zoning district** – This definition includes dwellings allowed "by special permit, variance, waiver, or other zoning relief or discretionary zoning approval." Overall, allowing an ADU by-right when a community has required a discretionary approval for a single-family dwelling appears to disregard whatever adverse impacts the community is trying to protect against, especially considering single-family homes are typically the most underregulated use for most communities. If a community requires a discretionary approval for a single-family residence, deference should be provided to the community in regulating residential uses, even for ADUs.

**Non-conformities** – Allowing by-right ADUs may be inconsistent with community goals regarding nonconformities. Communities that contain non-conforming single-family homes from a use perspective may be the result of a desire to eliminate new single family homes and discourage the continued use of singlefamily homes (e.g., industrial-focused districts). Where communities require a special permit for the construction of an accessory structure or addition on a non-conforming parcel, it should not preclude that exact requirement in doing so related to an ADU requiring new construction.

**Principal Dwelling** – The draft regulations are silent to applicability. The EOHLC webinars clearly state a principal dwelling can come in the form of a range of units, from single-family to multi-family. Given the focus on single-family residences in the regulations, EOHLC should clearly state the applicability beyond single-family residences.

**Parking** – The requirement of one parking space per ADU is reasonable. Removing this requirement in relationship to proximity to transit in Berkshire County is unreasonable. The Berkshire Regional Transit Authority services Berkshire County. From a geographic perspective, most routes traverse rural areas connecting the larger population centers. With the limitations to service on existing routes, especially on evenings and weekends, eliminating the requirement of on-site parking as a reasonable requirement does not reflect the reliance on automobiles and their prevalence throughout the region. Additionally, many

communities do not allow for overnight on-street parking and/or have on-street parking limitations during the winter months. Ensuring a community can require one parking space for an ADU (whether on-site or offsite, where practicable) is not an onerous requirement in Berkshire County.

Access to water/wastewater – Most of Berkshire County does not have access to public or private water and wastewater districts. Residences in most communities contain on-site wells and septic systems. This reality may not allow for the creation of ADUs without significant improvements or replacement. Clearly stating that the new law does not supersede local Board of Health purview may help protect rural communities from unreasonable expectations.

**Short Term Rentals** – Chapter 150, Section 7 of the Acts of 2024 includes text within the definition of an "Accessory dwelling unit" that is interpreted that a community can prohibit short term rentals. As recent as the December 16, 2024 EOHLC webinar, the guidance is that the use and occupancy restrictions included in the draft regulations "does not prohibit municipalities from restricting or prohibiting short-term rentals". More recently, communities have reached out questioning whether the draft regulations as written uphold that guidance or put limitations on prohibition based on the proposed 71.03 Section 3.b.8, "Short-term Rentals." The draft regulations state that "Any restrictions or prohibitions on Short-Term Rentals that are not consistent with M.G.L. c. 64G" shall be considered unreasonable. As written, several of our communities are concerned this may reduce their ability to limit the siting of short-term rentals. Given that short-term rentals are not a protected use, EOHLC should clarify the intent of the text included in the draft regulations to avoid confusion.

**Pre-existing ADUs** – BRPC is aware of concerns from communities related to pre-existing ADUs and how to interpret Section 4 of 71.03, Enforceability of Restrictions and Regulations on Pre-Existing ADUs. Some communities have existing ADUs that were approved via a special permit process. In instances where a unit was approved that does not meet the definition of a Protected Use ADU, there is concern that a by-right Protected Use ADU is now allowable in addition to a pre-existing ADU. If the intent is to allow a by-right Protected Use ADU where there is a pre-existing ADU onsite, we strongly urge EOHLC to reconsider. Regardless, the draft regulations could provide greater clarity on this concern raised by our communities.

BRPC appreciates the opportunity to provide this response to the draft regulations.

The BRPC Executive Committee endorsed the submittal of comments at its meeting on January 2, 2025.

Sincerely,

Thomas Matuszko Executive Director



January 22, 2025

Michael Gendron Open Space Act Coordinator Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs 100 Cambridge Street, Suite 900 Boston, MA 02114

## Re: 301 CMR 52 – Article 97 draft proposal

Dear Michael,

I write in response to the proposed amendments to Article 97 through 301 CMR 52. Western Massachusetts, and more specifically Berkshire County, contains significant Article 97 acreage. Any changes to Article 97 have the potential to dramatically impact the region.

Berkshire Regional Planning Commission was only recently made aware of this proposal. From the perspective of the agency and constituents that have reached out in recent days, the public comment period should be extended further as awareness of this proposal increases. An extension of the comment period would provide time to further review the proposal and provide substantive comments.

If the public comment period is not extended, I wish to share two primary concerns based on our initial review of the proposed regulations.

- Definition of "climate change mitigation" The definition for "Natural Resource Value" on page 2 of the proposal includes the term "climate change mitigation". Given the state's initiatives to create greater buildout of commercial scale renewable energy facilities, we are concerned with the scope of this definition. The definition must contain greater specificity about the term "climate change mitigation." BRPC strongly discourages this definition to include renewable energy development on Article 97 lands.
- 2) Authority of the Secretary of the Executive Office of Energy and Environmental Affairs The draft regulations appear to provide a significant increase into the authority of the Secretary, especially related to their discretion in making determinations regarding land replacement and in-lieu payment requirements. There should be a more inclusive review and approval process.

Thank you for your time and consideration related to the above comments.

Sincerely,

Thomas Matuszko Executive Director



# MEMORANDUM

- TO:Delegates and Alternates,<br/>Berkshire Regional Planning Commission
- FROM: Thomas Matuszko, Executive Director
- **DATE:** January 31, 2025

# RE: December 2024 Assistance Activities

This report highlights technical assistance provided by BRPC staff for December 2024. This assistance was in response to requests identified in the Board/Organization column. If available and permitted by the funding agencies, responses were supported by local assessment or grant funds. This report aims to inform municipal officials about how local assessment funds are used and indicate the types of local and technical assistance BRPC can provide. If assistance may be useful to your community, please feel free to contact us for details.

Town/City/State	Municipal Technical Assistance	Board/Organization
Dalton	Housing Program lien research	Select Board