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## Executive Committee Minutes Thursday, February 6, 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:

Members Present:

Malcolm Fick, Chair, Great Barrington Alternate  
John Duval, Vice Chair, Adams Alternate - late  
Buck Donovan, Treasurer, Finance Committee Chair, Lee Delegate  
Sam Haupt, TAC Chair, At-Large, Peru Delegate – left early  
Christine Rasmussen, Regional Issues Committee Chair, Stockbridge Alternate  
Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate  
Douglas McNally, Commission Development Committee Chair, Windsor Delegate

Members not Present:

Sheila Irvin, Clerk, Pittsfield Delegate  
Kyle Hanlon, CEDS Chair, At-Large, North Adams Delegate

Others Present:

Mary McGurn, Egremont Delegate; Laura Mensi, Monterey Delegate; James, Great Barrington Citizen and Mike Lucia

Staff Present:

Tom Matuszko, Executive Director; Laura Brennen, Assistant Director;  
Marianne Sniezek, Office Manager; Kate Hill Tapia, Office Administrator.

### III. Vote to Approve January 2, 2025 Minutes

Doug McNally motioned to approve the January 2, 2025 meeting minutes. Roger Bolton seconded the motion. The motion passed with affirmative votes from Malcolm Fick, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

#### **IV. Financial Reports**

##### **A. Vote to Approve the December 19, 2024 – January 28, 2025 Expenditures Report**

Roger Bolton motioned to approve the December 19, 2024 – January 28, 2025 expenditures report. Doug McNally seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Buck Donovan, Sam Haupt, Christine Rasmussen, Roger Bolton, and Doug McNally.

##### **B. Report on the Accounts Receivable – January 2025**

BRPC staff and Buck Donovan have contacted Monterey regarding the past due funds. Tom reported that the town did not bill for the \$15,000 FY24 state Open Space Recreation grant, and funds are no longer available to the town. Tom and Malcolm may attend a select board meeting for a resolution.

MassTech paid \$29,000, and New Marlborough's \$12,000 90-day invoice is paid.

##### **C. Report on the Line of Credit**

The Line of Credit has not been used.

##### **D. Report on Federally Funded Contracts**

Tom reported on the freeze on federal funds that the courts blocked. BRPC receives funds directly from the federal government and the Department of Justice for opioid prevention. The revenue is for staff time. The Brownfields revolving loan fund is from the EPA and has little staff time. Before the freeze, BRPC loaned money to Greylock Works and the Eagle Mill.

BRPC met with MassDOT. Federal Highway Administration funding is potentially at risk.

BRPC will look at funding sources. BRPC has enough funds for the current fiscal year as state agencies already have funds for the federal fiscal year. There will be a ripple effect in the future. It is not business as usual.

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

Sam reported on a presentation at the Woodlands Partnership of Northwest Massachusetts about the [State Auditors' report on PILOT Funding](#).

Legislation is needed to correct the inequities in the calculations that favor eastern and urban municipalities—more below in the Executive Director's report.

#### **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 was requested to authorize the Executive Director after the fact to submit a grant application to the TURI grant program and sign any resulting contracts and agreements. This grant would allow for public education around plastics, conduct research, educate food establishments, especially those that do take out, about alternatives to plastics, and develop a municipal toolkit for reducing plastics. FY25 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. The BRPC contact is [Jaymie Zapata](#).

Douglas McNally moved to authorize the Executive Director after the fact to submit a grant application to the TURI grant program and sign any resulting contracts and agreements. Roger Bolton seconded the motion. The motion passed with affirmative votes from Malcolm Fick, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

**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 was requested to authorize the Executive Director to submit a grant application to the 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's contact is [Andy Ottoson](#).

Doug McNally moved to authorize the Executive Director to submit a grant application to the SAMHSA Strategic Prevention Framework – Partnerships for Success for Communities and Tribes Program and sign any resulting contracts and agreements. Roger Bolton seconded the motion. The motion passed with affirmative votes from Malcolm Fick, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

**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 was 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 coordination of access to health care in central Berkshire County (south and north counties have had this grant in the past). Primary 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](#).

Doug McNally moved 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. Roger Bolton seconded the motion. The motion passed with affirmative votes from Malcolm Fick, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

## **VII. Committee Report 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 and 2023-2027 Year 2 Performance Report (due in June) to EDA were discussed. Draft minutes were in the meeting materials. The next meeting is March 12. Two new priority projects will be discussed.

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

The ERC met on January 21, 2025. The Committee voted to amend its committee practices (in the meeting materials) in response to MEPA requiring more EIRs. The Committee ERC 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 (in meeting material). Draft minutes were not yet available.

### **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. The auditor complimented the BRPC staff, who "make their job easy" with great recordkeeping. There were no findings.

Staff reported on the need for and costs associated with moving the IT system from server based to cloud based. Staff also reported that EPA's Limited Scope Review went well. The meeting materials contain draft minutes and material related to the Audit and Capitalization of Assets policy.

### **D. Berkshire Metropolitan Planning Organization (MPO)**

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 was endorsed. There was a presentation on hydrogen buses. Minutes were not yet available.

Other Committee reports:

Regional Issues Committee met on February 5, 2025. Minutes were not available.

Doug, BRPC's representative to the Westfield River Wild and Scenic Advisory Committee, reported that funding is available to help municipalities inventory and find resources to address invasive species and improve culverts. A grant writing mentor program to build local capacity is also underway.

## **VIII. Executive Director's Report**

### **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.**

- Tom reported that BRPC was not awarded the HUD Pro housing grant.

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

- The BTI board approved the following:
  - BTI FY 2025 Budget
  - Treasurer Buck Donovan and President Malcolm Fick to sign BTI's 2024 tax return prepared by our accountant, Adelson & Company PC
  - 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 summer interns

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

The Commission did not meet in January 2025.

### **E. Seasonal Communities Advisory Council Update**

The Council did not meet in January 2025.

### **F. Passenger Rail**

- West-East Rail – No known activity over the past month.
- Berkshire Flyer – No known activity over the past month.
- Northern Tier Passenger Rail – No known 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). A 16-member statewide Advisory Group comprised of municipal transportation officials was established. The Advisory Group identified common challenges and developed a set of options for administrative and funding solutions. A report summarizes their 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 was included in the meeting materials. The full report can be accessed at [Chapter 90 Program Advisory Group - A Report on Challenges & Recommendations for Improvement](#).

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

[Pursuing Equitable State-Owned Land Reimbursements for Municipalities](#)

The report documents the disparity in per-acre reimbursements between those municipalities with state owned land holding 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 was included with the meeting material. This is a potential Commission meeting presentation.

**I. Transportation Funding Task Force Report**

The Healey Administration established the [Transportation Funding Task Force](#) in January 2024 to recommend a long-term, sustainable transportation funding plan. The Task Force's report contains recommendations to stabilize the state's transportation system, maintain it, support housing or economic development, and transform the systems using new transportation-related revenues and technologies. An Executive Summary is included with the meeting material. Tom noted that it is disappointing that there is no mention of a funding rail.

**J. Municipal Empowerment Bill**

The Healey Administration recently filed the Municipal Empowerment Bill 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, including permanently enabling municipalities to permit hybrid public meetings, reforming procurement rules, and establishing enforcement mechanisms to encourage the timely removal of double poles. Several new provisions have been added to help local officials improve public health and lower costs. More information can be found at [Municipal Empowerment Act | Mass.gov](#). A line by line summary of the bill was included in the meeting materials.

**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 was included with the meeting material.

## **IX. Old Business**

### **A. The 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, and 1 Washington.

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

Comments were submitted on proposed accessory dwelling unit regulations. A copy was included in the meeting material.

The State Housing Plan was released. BRPC thinks the housing need numbers for Berkshire County are low. The plan could be a Commission meeting topic.

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

Tom decided that since the Administration Program staff did not have time to update BRPC's personnel policies, BRPC's legal counsel could compile them into one document, verifying their legality and identifying missing policies. That work is complete, and a red-line document with significant markups is ready for review. Minor edits will be accepted, and Tom will highlight significant changes and bring the document to a future Executive Committee meeting for review and approval.

## **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. It provides that land or easements subject to Article 97 shall not be used for other purposes or disposed of without the Legislature's two-thirds roll call vote. EOEEA is proposing changes to the regulations that address Article 97. Included in the meeting materials were comments Tom submitted. His main concerns were 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. Christine alerted Senator Mark and Representative Davis.

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

The provision allowing public meetings to be 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. If it or some other provision to continue to allow virtual public meetings is not approved, BRPC will need to determine how to proceed with meetings.

## **XI. Adjournment**

Doug McNally made a motion to adjourn. Roger Bolton seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Buck

Donovan, Doug McNally, Roger Bolton, and Christine Rasmussen. The meeting adjourned at 5:05 pm.

**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