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## **Executive Committee Minutes Thursday, March 6, 2025 APPROVED**

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.30A sec.20 until March 31, 2025.

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

Executive Director Tom Matuszko called the meeting to order at 4:02 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 Manager Marianne Sniezek read the roll call:

#### Members Present:

John Duval, Vice Chair, Adams Alternate (arrived at 4:16 pm)

Sheila Irvin, Clerk, Pittsfield Delegate

Buck Donovan, Treasurer, Finance Committee Chair, Lee 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

Kyle Hanlon, CEDS Committee Chair, North Adams Delegate

#### Members not Present:

Malcolm Fick, Chair, Great Barrington Alternate

#### Others Present:

Mary McGurn, Egremont Delegate; Attorney Christine O'Connor, Town Council North Andover; Attorney Gwen King; James – Great Barrington

#### Staff Present:

Tom Matuszko, Executive Director; Laura Brennen, Assistant Director; Marianne Sniezek, Office Manager

### **III. Vote to Approve February 6, 2025 Minutes**

Doug McNally motioned to approve the February 6, 2025 meeting minutes.

Roger Bolton seconded the motion. The motion passed with affirmative votes

from Sheila Irvin, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt. Kyle Hanlon abstained.

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

##### **A. Vote to Approve the January 29 – February 27, 2025 Expenditures Report**

Kyle Hanlon motioned to approve the January 29 – February 27, 2025 expenditures report. Roger Bolton seconded the motion. The motion passed with affirmative votes from Sheila Irvin, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

Line 19012 is a subcontractor payment to the Sheriff's office for a substance use and misuse project. Tom will confirm if it is working with inmates or the general public.

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

There were no questions about this report.

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

The Line of Credit has not been used.

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

To date, one contract has been affected. The USDA Mobile Farmers Market project with Berkshire Grown. USDA has not been processing payments past January 19, the President's executive order date. Over twenty states have appealed the executive order, but USDA was not listed as one of the agencies, so the freeze stands.

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

Egremont Delegate Mary McGurn thanked Tom for the excellent letter to Massachusetts Broadband Institute (MBI) regarding the BEAD extension. It was well stated and would be welcome for Egremont. The intricacies of the application process for smaller ISPs are difficult. Tom gave all the credit to Wylie Goodman, our staff expert on digital equity.

#### **VI. Items Requiring Action**

##### **A. Vote to Approve the Submission of a Grant Application to the U.S. Environmental Protection Agency for Brownfields Revolving Loan Fund Supplemental Funding**

The Executive Committee was requested to authorize the Executive Director after the fact to submit a grant application to the U.S. Environmental Protection Agency for Brownfields Revolving Loan Fund Supplemental Funding and sign any resulting contracts and agreements.

Recent loan and subgrant activity include Greylock Works in North Adams, Eagle Mill in Lee, and Ried Cleaners in Great Barrington. We have

committed all available funds and have been unable to meet demand fully. Additional funding is needed to support the cleanup at Ried Cleaners in Great Barrington, along with the expected/potential need at the Former Tannery Dump in North Adams and one or more sites in Adams and Pittsfield. We need additional funds in the loan pool to keep these important redevelopment projects moving forward. There is no required match. The staff lead on this project is Environmental & Energy Program Manager Melissa Provencher [mprovencher@berkshireplanning.org](mailto:mprovencher@berkshireplanning.org)

Douglas McNally moved to authorize the Executive Director after the fact to submit a grant application to the U.S. Environmental Protection Agency for Brownfields Revolving Loan Fund Supplemental Funding and sign any resulting contracts and agreements. Kyle Hanlon seconded the motion. The motion passed with affirmative votes from Sheila Irvin, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, Kyle Hanlon, and Sam Haupt.

- B. Vote to Approve joining an Amicus Brief related to the Discontinuance of Roads, specifically the Commonwealth of Massachusetts Supreme Judicial Court No. SJC-13721, Town of Concord, Plaintiff-Appellee, v. Neil E. Rasmussin, Anna Rasmussin, Brooks S. Read, Susannah Kay, Russell Robb III, Leslie Robb and Thomas Wray Falwell, Trustees of the Pippin Tree Land Trust, and President and Fellows of Harvard College, Defendants-Appellants.**
- The Executive Committee was requested to approve joining an Amicus Brief related to the Discontinuance of Roads, specifically the Commonwealth of Massachusetts Supreme Judicial Court No. SJC-13721, Town of Concord, Plaintiff-Appellee, v. Neil E. Rasmussin, Anna Rasmussin, Brooks S. Read, Susannah Kay, Russell Robb III, Leslie Robb and Thomas Wray Falwell, Trustees of the Pippin Tree Land Trust, and President and Fellows of Harvard College, Defendants-Appellants.

A lower court ruling, now under appeal by the Supreme Judicial Court, has retroactively held that certain discontinued roads around the Commonwealth are not fully discontinued but have a latent general public easement for travel. If sustained, the decision retroactively affects planning decisions and impairs over a thousand property deeds and titles throughout the state. The City of North Andover is preparing this Amicus Brief, and BRPC has been asked to join it, along with other parties, including the Franklin Regional Council of Government. The brief is still in draft form and will likely be submitted in mid-March. A summary of the situation relating to Berkshire County was contained in the meeting material.

Attorney O'Connor shared more information about the brief and challenges of the ruling, such as great costs to municipalities if there are previously unrecorded public rights. Plymouth and Franklin Council of Governments have signed on to the Amicus brief, and they are seeking other municipalities and county government bodies to support it.

The brief is going to the Supreme Judicial Court, arguing that the lower court decision should be overturned. It was suggested that the Executive Committee give Tom the authority to sign on BRPC's behalf.

Doug McNally moved to vote to approve that BRPC joins an Amicus Brief related to the Discontinuance of Roads, specifically the Commonwealth of Massachusetts Supreme Judicial Court No. SJC-13721, Town of Concord, Plaintiff-Appellee, v. Neil E. Rasmussin, Anna Rasmussin, Brooks S. Read, Susannah Kay, Russell Robb III, Leslie Robb and Thomas Wray Falwell, Trustees of the Pippin Tree Land Trust, and President and Fellows of Harvard College, Defendants-Appellants.

Sam Haupt seconded the motion. The motion passed with affirmative votes from John Duval, Sheila Irvin, Buck Donovan, Doug McNally, Roger Bolton, Kyle Hanlon, and Sam Haupt.

Christine Rasmussen recused herself from the discussion and the vote.

## **VII. Committee Report and Discussion**

### **A. Regional Issues Committee**

The Regional Issues Committee met on February 5, 2025. There was an update on Accessory Dwelling Unit Regulations and a discussion about legislative priorities. The February 26 meeting was canceled due to a lack of quorum. Draft meeting minutes were not yet available.

Christine reported a few concerns that are being tracked:

- That MassSAVE has pending legislation that would cut their weatherization programs by \$500,000
- Jim Arciero, House Chair of the Joint Committee on Transportation wants to visit communities and hear concerns, so we should be ready, especially since the Governor is trying to increase funding for road and bridge repairs
- Increasing Chapter 70 funding for school aid
- ADU Communities Act and implementation of the Homes Act

### **B. Transportation Advisory Committee (TAC)**

The TAC met on February 18, 2025. Topics included a discussion on developing the 2026 – 2030 Transportation Improvement Program and project evaluation scores and a presentation on Berkshire County's Safe Travel and Equity Plan for our Streets (STEPS) Comprehensive Safety Action Plan. The next meeting is scheduled for March 18, 2025. Draft meeting minutes were not yet available.

### **C. Berkshire Brownfields Committee**

The Brownfields Committee met on February 25, 2025. Brooke Healy, Town of Lee Planner, was approved as a new member of the Brownfields Committee. Coby Tarjick, Community Development Program Manager, is the new representative for Adams. Sites for Environmental Site Assessments and the revolving loan fund were discussed. More funding is being sought. Draft meeting minutes were not yet available.

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

The MPO met on February 25, 2025. Amendments to the TIP were considered for approval. There was a presentation on Safety Performance Measure Targets and a discussion on developing the 2026 – 2030 Transportation Improvement Program and project evaluation. Draft meeting minutes were not yet available.

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

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

New Grants and Contracts received/initiated from 1/31/2025 to 2/27/2025.

- Pittsfield - 5 Year Consolidated Plan & 2026 Annual Action Plan - \$35,000
- Adams - ADA Self-Evaluation and Transition Plan - \$45,000
- Toxics Use Reduction Institute (TURI) - Plastics and Microplastics Reduction - \$7,000
- Dalton – Digital Equity Implementation – \$17,327.34

#### **Grants and Contracts not received.**

- We are not aware of any grants not received.

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

- No activity in February.

#### **C. Staff Updates**

- New Staff and Interns – resumes in materials
  - o Sam(antha) Kittle, Public Health Emergency Preparedness Planner
  - o Christy Lemoine, Medical Reserve Corps Assistant Coordinator
  - o Angeli Franz, Public Health Gray to Green Intern
- Open Positions:
  - o Public Health Training Specialist
  - o Youth Advisory Board Consultant
- Internships
  - o Digital Navigator
  - o Outdoor Recreation
  - o Youth Prevention & Mental Health

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

The Commission met on February 14, 2025. The main items on the agenda were a discussion about the upcoming Western Mass–Rural Conference, the Auditor's recently released report on PILOT payments, and the priority bills in the legislative session.

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

The Council did not meet in February 2025.

#### **F. Passenger Rail**

- West-East Rail – No known activity over the past month.
- Berkshire Flyer – A summer 2025 schedule has not been announced yet. Construction activity on the line from NYC to Albany may limit the availability of trains. It is possible there will not be service in 2025.
- Northern Tier Passenger Rail – Congressman McGovern convened a meeting in Greenfield on February 28, 2025 with MassDOT, legislators, and other key stakeholders. The purpose of the meeting was to strategize about the next steps to move this service forward. MassDOT reported they intend

to apply to the Federal Rail Authority (FRA) Corridor ID grant program in the fall, assuming it is still available. This grant would contain more details about the service plan and needed improvements.

**G. FY2026 Medical, Dental, and Vision Costs**

- In FY 26, the medical insurance rates will increase 12.45%. MIIA's average medical rate increase is 14.84%.
- In FY 26, the dental insurance rate will increase by 6.57%. MIIA's average medical rate increase is 6.7%.
- In FY 26, the Blue 20/20 Vision insurance will not change.

**H. A Home for Everyone: A Comprehensive Housing Plan for Massachusetts**

The Massachusetts Executive Office of Housing and Livable Communities (EOHLC) released its statewide housing plan. The plan outlines the housing challenges facing Massachusetts, identifies currently unmet and projected housing needs, sets goals for housing production and preservation, and outlines five overarching strategies for tackling the crisis. Along with the plan, EOHLC is publishing the first iteration of a Statewide Housing Needs Assessment as a companion document for those interested in the detailed analysis. The full report can be accessed at [A Home for Everyone: Massachusetts' Statewide Housing Plan | Mass.gov](#).

**I. Building for Tomorrow Report**

The Unlocking Housing Production Commission (UHPC) recently released its report, "**Building for Tomorrow**," which provides over 50 recommendations to increase housing supply and lower costs for Massachusetts residents. There are recommendations across four broad themes: economic incentives and workforce development in the housing industry, updating land use and zoning practices, streamlining regulations, codes, and local permitting, and bolstering state planning and local coordination.

**J. Vacant Storefront Properties Grant Program**

The Massachusetts Vacant Storefront Grant Program was created to aid municipalities in revitalizing their downtown and commercial areas by encouraging the occupancy of long-term vacant storefronts. The program allows municipalities to use refundable tax credits to attract businesses to prominent vacancies within a community's downtown and/or commercial area. Several changes to the program this year make it a more attractive option for municipalities to provide tax relief for businesses. More information is included in the meeting material and can be obtained at [Massachusetts Vacant Storefronts Program \(MVSP\) | Mass.gov](#).

**K. CPTC (Citizen Planner Training Collaborative) Annual Conference**

The 30th CPTC Annual Conference for Massachusetts citizens and professional planners will be held at Holy Cross College in Worcester on Saturday, March 15, 8:00 am to 3:30. The 18 workshops include core subjects and current topics in Massachusetts municipal planning. The cost is \$95. Registration is required by March 11. More information is at [Annual Conference – CPTC](#).

**L. Accessory Dwelling Unit Model Zoning**

The Executive Office of Housing and Livable Communities, in partnership with MAPC and MHP, will hold a webinar on the ADU Model Zoning, published on [www.mass.gov/adu](http://www.mass.gov/adu) on March 11. The webinar will be held from 3:00 – 4:30 pm on Tuesday, March 11, 2025. Registration is at [Webinar Registration - Zoom https://us06web.zoom.us/webinar/register/WN\\_vAaHhL-XS0K2XXcmaWKMCg#/registration](https://us06web.zoom.us/join/https://us06web.zoom.us/webinar/register/WN_vAaHhL-XS0K2XXcmaWKMCg#/registration))

## **IX. Old Business**

### **A. Discussion about Proposed Article 97 Regulations**

The Executive Office of Energy and Environmental Affairs has re-opened the comment period for proposed Article 97 Regulations as requested via a letter. Comments are now due by 5:00 pm March 26, 2025. An explanation of the process is included in the meeting materials. The regulations can be found at [Article 97 & An Act Preserving Open Space in the Commonwealth \(M.G.L. c. 3, § 5A\) | Mass.gov.](#)

This law says if land has been protected by conservation or other restrictions, it takes an act of both branches of the legislature to take the land out of protection. These comments relate to the effort to codify the regulations that have not been established to accompany the law. There is concern about expanding solar use of these properties and too much authority for the Secretary of Environmental Affairs.

### **B. Discussion about the Potential for the Open Meeting Law to require in-person meetings after March 31, 2025**

The provision for flexible remote public meetings expires on March 31, 2025. The Governor filed legislation in the Municipal Empowerment Act to extend those provisions. In addition to the Open Meeting Law provisions in the Municipal Empowerment Act, the Massachusetts Municipal Association and Massachusetts Association of Regional Planning Agencies also strongly support bills filed by Rep. Danielle Gregoire and Sen. Jacob Oliveira, HD.2863 and SD.1850, respectively, entitled An Act to modernize municipal meetings, town meetings, and local elections.

These proposals would codify the public meeting provisions that have been overwhelmingly successful over the past five years. It is not certain that provisions to allow flexible remote public meetings will be extended by the March 31 deadline. Before the relaxation of the virtual option due to COVID, there was an option for remote participation subject to certain requirements. Excerpts from the Open Meeting Law are included in the meeting material. Tom highlighted a couple of those requirements:

- The regional or district public body must vote by a simple majority to allow remote participation per the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.
- A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d);

There is likely a gap before the legislature acts; when they do, it will be a short-term extension. Tom recommended that the Commission adopt a provision that we can hold hybrid meetings under the condition that the Chair and a quorum must be present in the same room. This would need to be decided at the upcoming Commission meeting on March 20. It could be rescinded if the legislature does act.

## **X. New Business**

### **A. Discussion about Topics for the March 20,2025 Commission Meeting**

Potential topics include:

- Adopt Remote Participation Provisions of the Open Meeting Law
- Presentation on the Auditor's Report about PILOT Payments
- Presentation on the State's Housing Plan
- Approve Comments of Article 97 regulations
- Presentation about the Vacant Storefront Properties Grant Program

It was agreed to pursue a presentation about the Building for Tomorrow Report and recommendations to remove barriers to housing development, especially the zoning components. Mary McGurn will share a plan summary with Tom, focusing on zoning.

## **XI. Adjournment**

Roger Bolton made a motion to adjourn. Kyle Hanlon seconded the motion. The motion passed with affirmative votes from John Duval, Sheila Irvin, Buck Donovan, Roger Bolton, and Christine Rasmussen. The meeting adjourned at 5:04 pm. Doug McNally and Sam Haupt needed to leave early.

### **Additional Meeting Material:**

- 2025.02.02 Executive Committee Meeting Minutes – Unapproved DRAFT
- January 28, 2025 – February 27, 2025 Expenditures Report
- February 2025 Account Receivables Report
- 2025.02.24 Line of Credit Report
- 2025.03.06 Executive Director Memorandum
- Berkshire County Road Discontinuances Summary
- Resume - Samantha Kittle
- Resume – Christine Lemoine
- Resume Angeli Franz
- Notice to Reviewers – Proposed Open Space Act Regulations (310 CMR 52)
- Open Meeting Law Regulations Excerpt
- January 2025 – Technical Assistance Memorandum