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## APPROVE Berkshire Regional Planning Commission Executive Committee Minutes Thursday, May 1, 2025

This was a virtual meeting as allowed by An Act relative to extending certain COVID-19 measures adopted during the state of emergency extending certain provisions of the Open Meeting Law, G.L. c.30A sec.20 until June 30, 2027.

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

Chair Malcolm Fick called the meeting to order at 4:00. He stated that BRPC was recording the meeting and said if anyone else wanted to record it, they needed to inform him. iBerkshires stated they were recording the meeting.

### II. Roll Call:

Assistant Director Laura Brennan read the roll call:

Members Present:

Malcolm Fick, Chair, Great Barrington Alternate  
John Duval, Vice Chair, Adams Alternate  
Sheila Irvin, Clerk, Pittsfield Delegate  
Buck Donovan, Treasurer, Finance Committee Chair, Lee Delegate  
Kyle Hanlon, CEDS Committee Chair, North Adams Delegate - late  
Sam Haupt, Peru Delegate  
Christine Rasmussen, Regional Issues Committee Chair, Stockbridge Alternate  
Douglas McNally, Commission Development Committee Chair, Windsor  
Delegate

Members not Present:

Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate

Others Present:

None

Staff Present:

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

### III. Vote to Approve April 3, 2025 Minutes

Doug McNally motioned to approve the April 3, 2025 meeting minutes. Buck Donovan seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Sheila Irvin, Buck Donovan, Doug McNally, Christine Rasmussen and Sam Haupt.

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

##### **A. Vote to Approve the March 28 – April 24, 2025 Expenditures Report**

Doug McNally motioned to approve the March 28 – April 24, 2025 expenditures report. Sam Haupt seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Sheila Irvin, Buck Donovan, Doug McNally, Christine Rasmussen and Sam Haupt.

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

Tom reported we are in good shape with the aged receivables.

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

The Line of Credit has not been used.

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

Tom reported EPA has suspended Environmental Justice programs. BRPC does not have grants that would be directly affected. BRPC's Air Quality monitoring program with EPA has not been cancelled. Tom recently received a memo from the Federal Highways Administration related to our transportation planning contract stating BRPC cannot do anything related to DEI and must comply with Civil rights laws. Funds cannot be used for Sanctuary cities were called out in the memo. Marianne reported there have been no delays in federal payment to BRPC.

#### **V. Open Comments from Berkshire Regional Planning Commission**

##### **Delegates and Alternate Delegates not to be further discussed at this meeting by the Executive Committee.**

Doug reported the Westfield River Wild and Scenic Advisory Committee has three current initiatives that impact towns in Berkshire County. The first is an event in Middlefield related to brine solution usage on roads. They will offer two towns \$15,000 to purchase brining equipment and up to \$5,000 matching funds. The second initiative is invasive species training events. Lastly, they have hired a part-time support person to assist towns in grant writing. Savoy and Washington are currently working on culvert grants

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

##### **A. Vote to Approve an Exception to the Dual Signature Requirement for Payments up to \$15,000 Related to the Home Modification Loan Program (HMLP)**

The Executive Committee was requested to approve an exception to BRPC's current financial policy that requires dual signatures on checks over \$5,000 and up to \$15,000 for payments related to the Home Modification Loan Program (HMLP).

Sam Haupt moved to approve an exception to BRPC's current financial policy that requires dual signatures on checks over \$5,000 and up to \$15,000 for payments related to the Home Modification Loan Program (HMLP). Doug McNally seconded the motion. The motion passed with

affirmative votes from Malcolm Fick, John Duval, Sheila Irvin, Buck Donovan, Doug McNally, Christine Rasmussen, and Sam Haupt.

**B. Vote to Approve the Berkshire Regional Planning Commission Personnel Pay Plan for FY 2026**

The Executive Committee was requested to approve the Berkshire Regional Planning Commission Personnel Pay Plan for FY 2026. This plan reflects the market rate adjustment the Executive Committee approved at the April meeting. A range was added for the Executive Director and Project Specialist positions to comply with the newly adopted Massachusetts Pay Transparency Act. The intern position has been simplified.

Doug McNally moved to vote to approve the Berkshire Regional Planning Commission Personnel Pay Plan for FY 2026. Sam Haupt seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Sheila Irvin, Buck Donovan, Doug McNally, Christine Rasmussen, and Sam Haupt.

**VII. Committee Report and Discussion**

**A. Nominating Subcommittee**

The Nominating Subcommittee of the Commission Development Committee met on April 3, 2025 and discussed potential officers for FY 2026.

**B. Commission Development**

The Commission Development Committee met on April 3, 2025, and discussed the Nominating Subcommittee's proposal for the FY26 slate of officers. Meeting minutes were in the meeting materials.

The Commission Development Committee met again on April 17 and discussed the FY26 slate of officers and possible bylaw adjustment to have the Commission Development Committee serve as the nominating committee moving forward. Draft minutes were not available.

Doug reported the FY26 slate of officers to be presented to the Full Commission in May and voted on at the summer meeting:

Malcolm Fick, Chair

Buck Donovan, Vice Chair

John Duval, Treasurer & Finance Committee Chair

Sheila Irvin, Clerk

**C. Regional Issues Committee**

The Regional Issues Committee met on April 9, 2025. The agenda was selecting legislative priorities and clean energy siting and permitting. Draft minutes were not yet available.

Christine Rasmussen reported possible priorities to an keep eye on in the budget and for this legislative session:

- Rural school funding was not increased.

- An increase in the per pupil amount from \$30 to \$150 per student
- An increase of \$122 million for regional school transportation
- Grants to install energy infrastructure in schools.
- \$190 million in the budget for free school meals with no income restriction.

Other items mentioned:

- Any group that has a license to sell beer and wine could convert their license into an alcohol beverage license with local approval.
- Metropolitan Area Transportation Authority MTA has a program that is called MBTA communities related to housing density.
- EOHLG guidance and decisions from the Attorney General on ADU's is available for municipalities trying to apply the law in their community.

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

The TAC met on April 15, 2025. The 2026 – 2030 Transportation Improvement Program (TIP) and Unified Planning Work Program were discussed. The next meeting is May 27. Draft unapproved minutes are in the meeting's materials packet.

Sam reported the TIP is moving forward and the UPWP promoting West east rail service. Tom commented that these are state grant funds but Federal Rail Administration is imposing a lot of conditions on the monies.

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

The MPO met on April 22, 2025, and approved an administrative adjustment and amendment to the 2025 – 2029 Transportation Improvement Program (TIP). Development and authorization of a public comment period were discussed for the 2026 – 2030 TIP. There was an update about the Micro-transit Feasibility Study and reports from Member Agencies. The next meeting is May 27, 2025. Draft unapproved minutes were in the meeting's materials packet.

#### **F. Finance Committee**

The Finance Committee met on April 29, 2025 and approved the FY26 budget to recommend to the Commission at the May meeting. Home Modification Loan Program payments, OPEB Trust balance, and the employer portion of State Retirement were also discussed. Draft minutes were not yet available.

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

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

New Grants and Contracts received/initiated from 3/28/2025 to 4/24/25.

- Department of Public Health - Bureau of Substance Addiction Services - State Opioid Response - Prevention in Early Childhood - \$350,000
- MOSAIC RIZE Massachusetts Foundation Opioid Settlement Matching Funds – \$8,817
- Mass Cultural Council - Cultural Activities - \$2,450

- National Association of County and City Health Officials - Reimagining Health and Public Safety Overdose Initiatives - \$120,000
- UMass Boston - Southern Berkshire Ambulance Regionalization Study Mapping - \$12,500

Grants and Contracts not received.

- We are not aware of any grants not received.

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

- No activity in April.

## **C. Staff Updates**

- New Employees
  - Nicole Ogg was hired as a Temporary Part Time Project Specialist for the Community Planning Program.
- Open Internships Positions
  - Digital Navigator

## **D. Rural Policy Advisory Committee**

The Rural Policy Advisory Commission met on April 11, 2025. The agenda included a presentation and discussion with EEA staff on clean energy siting, potential PILOT formula changes and advocacy, review of RPAC legislative priorities, and an update from the RPAC's legislative members and the Director of Rural Affairs.

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

Since the Seasonal Communities Advisory Council met on March 12, 2025 in Stockbridge, Council members have been meeting in three working groups to provide guidance on the forthcoming regulations. These working groups will meet three times before the next Advisory Council meeting in May. Tom is on the Year-Round Housing and Metrics & Further Designation Working Groups.

## **F. Passenger Rail**

- West-East Rail – No known activity over the past month.
- Berkshire Flyer – Although not formally announced, Amtrak has begun selling tickets for a summer 2025 schedule. This weekend service would start June 20, 2025 and continue through September 7, 2025.
- Northern Tier Passenger Rail – Staff from the Franklin Regional Council of Governments, the Montachusett Regional Planning Commission and BRPC continue to develop a proposal to analyze the economic benefits of this passenger rail service.

## **G. Rural and Western Massachusetts Conference**

The Annual Rural and Western Mass Conference will be held Saturday, May 3, 2025 from 8:00 am – 1:00 pm at the Delaney House in Holyoke. The focus is on helping small and rural towns put ideas into action. More information is at Massachusetts Select Board Association Western and Rural Massachusetts Conference - Massachusetts Municipal Association (MMA).

Those without a MMA account may contact Anneke Craig, MMA Member Program Coordinator, at [acraig@mma.org](mailto:acraig@mma.org) to register.

#### **H. 120-Day Notice Waiver**

The Commonwealth of Massachusetts, acting through its Department of Conservation and Recreation (DCR), has under consideration the acquisition of an interest in approximately 14.5 +/- acres of land, or other property interest therein, 2.4 +/- acres in the Town of Savoy and 12.1 +/- acres in the Town of Hawley. The property is currently undeveloped forest land. The proposed use of the property is to protect open space for outdoor public recreation and natural resource protection, which will be incorporated into Dubuque Memorial State Forest. DCR must notify certain officials, including Tom, 120 days before a purchase. DCR stated it may be necessary to complete the transaction in less than the 120 day notice period and requested he waive the 120 notice requirement, which he did. A locus map is included with the meeting material.

#### **I. Fifth Thursday Event**

The evening of May 29, 2025 was announced for the next in-person BRPC 5th Thursday networking and learning event. A representative from the Executive Office of Energy and Environmental Affairs, EOEEA Deputy Asst. Secretary for Environmental Policy Corrin Meise-Munns is scheduled to provide an update on the Massachusetts Integrated Land Use Strategy. This effort would ostensibly tie together many of the recently released plans by the Healy administration. It will be held at Mazzeo's Ristorante, 1015 South Street, Pittsfield, from 4 pm – 6 pm (program begins at 5 pm). Tickets are \$20/person and can be purchased online via the [Events calendar](#).  
Malcolm all to promote this event.

### **IX. Old Business and Discussion**

#### **A. Discussion about the Amicus Brief related to the Discontinuance of Roads**

The Amicus Brief has been filed. A hearing is scheduled for 9:00 am on Wednesday, May 7, 2025. In addition to BRPC, Barnstable County, Plymouth County, and the Franklin Regional Council of Governments signed on to the North Andover brief. A copy of the filing can be accessed at [SJC-13721 23 Amicus North Andover Et Al Brief.pdf](#)

It is a very large file and may take a long time to download.

Christine Rasmussen reported that Central Massachusetts Regional Planning Commission (CMRPC) also signed the amicus brief.

#### **B. Discussion about Regional Planning Agency State Retirement Legislation**

As has been reported over the years, the state retirement system, which many Regional Planning Agencies (RPAs) are a part of, did not invoice those RPAs for the employer share. An audit of the state retirement system identified this error, and the state retirement system has been trying to

collect the employer share from those RPAs, in many instances hundreds of thousands of dollars in supposed arrears. BRPC had special legislation that exempted us from employer shares. However, the retirement system is now trying to make BRPC pay the employer share. For years, both sides have proposed legislation, in the case of the RPAs, to state we are exempt from the employer share. This year's RPA bills, H. 2889 and S. 1805 (An Act Relative to Regional Planning Agencies), had an initial hearing at the Joint Committee on Public Service on Monday, April 14, 2025. Tom provided support for that legislation. A support letter was in the meeting material.

Tom reported that seven other RPAs would have to pay but BRPC would not have to pay the employer portion of the expense for the past. If passed BRPC would have to pay the expense in the future.

## **X. New Business**

### **A. Discussion Regarding Potentially Amending the BRPC Bylaws to have the Commission Development Committee serve as the Nominating Committee**

The BRPC Bylaws require that the Commission Development Committee establish a subcommittee of the Commission Development Committee, the Nominating Subcommittee, to recommend a slate of officers for the next fiscal year. This Nominating Subcommittee is to be comprised only of Delegates and Alternates. In theory, non-Commission Development Committee Member Delegates or Alternates could serve on the Nominating Committee and not be on the Commission Development Committee. In practice, at least for the last several years, the only Nominating Committee members have been Commission Development Committee members. Requiring a separate subcommittee adds another step.

There was discussion about amending the bylaws. If this requirement is intended to enable a wider group of Delegates and Alternates to engage in the determination of BRPC leadership, this could occur in other ways, such as participation at a Commission Development Committee public meeting when this topic is discussed, providing input at a Full Commission meeting where candidates are announced before being voted on at a subsequent meeting, or making a nomination from the floor when votes are taken.

Tom explained one other bylaw item to be reviewed is who chairs a meeting if the chair and Vice-chair are not present. Should it be the Executive director if needed. BRPC would review the bylaws and do all the changes needed in the fall.

### **B. Discussion about Topics for the May 15, 2025 Commission Meeting**

Potential topics for the May 15, 2025 Commission Meeting include:

- Adoption of the FY 26 Budget
- Report of the Nominating Committee

- Authorization for the Executive Committee to Act on Behalf of the Committee
- Authorization to submit the CEDS Annual Report
- Authorization for the Chair to vote to approve the FFY 2026 Unified Planning Work Program at the MPO meeting.
- Authorization for the Chair to vote to approve the FFY 2026 - 2030 Transportation Program at the MPO meeting.
- Presentation on the Auditor's Report about PILOT Payments
- Presentation on the State's Housing Plan
- Other ideas – Regulations for solar facility siting

Tom asked about having BPRC's Annual Meeting on the 3rd Thursday October 16, 2025. The next Executive meeting, the summer schedule for the Executive Committee and Commission will be discussed.

## **XI. Adjournment**

Sam Haupt made a motion to adjourn. Doug McNally seconded the motion. The motion passed with affirmative votes from Malcolm Fick, John Duval, Buck Donovan, Doug McNally, Christine Rasmussen, Kyle Hanlon and Sam Haupt. The meeting adjourned at 5:00 pm.

### **Documents and Exhibits Used:**

- 2025.04.03 Executive Committee Meeting Minutes – Unapproved DRAFT
- 2025.03.28 – 2025.04.25 Expenditures Report
- 2025.04 Accounts Receivables Report
- 2025.04 Line of Credit Report
- 2025.04.26 Executive Director Memorandum
- Proposed FY 26 BPRC Personnel Pay Plan
- 2025.04.03 Nominating Sub-Committee Meeting Minutes - Unapproved Draft
- 2025.04.03 Commission Development Committee Meeting Minutes
- 2025.04.15 Transportation Advisory Committee Meeting Minutes – Unapproved DRAFT
- 2025.04.22 Metropolitan Planning Organization Meeting Minutes – Unapproved DRAFT
- Memo to Finance Committee and Proposed BPRC FY 26 Budget
- Map showing proposed DCR acquisition
- March 2025 – Technical Assistance Memorandum