



HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE AGENDA

Tuesday October 3, 2023 at 11:00 AM

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 Zoom meeting at

<https://us02web.zoom.us/j/82440868004?pwd=M1hCUjl1Sy8zYkloY2VTWnVGQTRydz09>

Meeting ID: 824 4086 8004, Passcode: 686672

Phone: 646.558.8656, 301.715.8592, 312.626.6799, 669.900.9128

1. Call to Order & Open Meeting Law Statement
2. Roll Call of Housatonic Rest of River Municipal Committee Members Attending the Meeting
3. Vote to Approve Minutes of the Housatonic Rest of River Municipal Committee Meeting of August 15, 2023*
4. Comments from the Public - Commenters must state their name. Comments are limited to no more than 2 minutes.
5. Discussion and vote to submit comments to the Environmental Protection Agency on the Upland Disposal Facility (UDF) Pre-Design Investigation (PDI) Data Summary Report and related documents, for the proposed UDF in Lee.*
6. Discussion and vote to recommend to the Select Boards in Lee, Lenox, Stockbridge, Great Barrington, and Sheffield to amend the Intergovernmental Agreement (IGA) to eliminate the monetary reserve fund (\$1,500,000) (referred to in section 3. c. of the IGA) initially established to pay for legal, consulting, and other expenses, fees or costs incurred related to the revised permit and to add those funds to the total compensation available to the Municipalities according to the distribution provisions in the IGA section 3.*
7. Discussion and vote on the expenditure of funds, up to \$10,000, for legal services to be provided by Mirick, O'Connell, DeMallie & Lougee, LLP to assist with items related to the release of Escrow Funds for the GE Rest of River Cleanup.*
8. Discussion and vote on the expenditure of funds, up to \$5,000, for legal services to be provided by of the Housatonic Rest of River Municipal Committee's legal counsel, Seeger Weiss LLP to assist with items related to the release of Escrow Funds for the GE Rest of River Cleanup.*
9. Discussion and vote on the motion requested by the Lee Select Board in a letter dated August 15, 2023, *"that the Rest of River Committee demands that BRPC and its employees (BRPC) act as an impartial facilitator amongst the five towns, and that BRPC shall in no manner provide any opinions, statements, documents or communication in any form, verbal or written, that shall*

*convey a bias (perceived or otherwise) toward any aspect of the Rest of River project. Furthermore, that BRPC appoint a new staff member to oversee and chair the Rest of River Committee". **

10. Discussion and vote on the motion requested by the Lee Select Board in a letter dated September 19, 2023 *"Move to accept the termination of the Town of Lee's participation in the Rest of River Municipal Committee with cause, and to release the sum of \$25,394,789.28 plus interested accrued from September 19, 2023 to the release of funds from the RoR Escrow account. AND, to pay the Town of Lee 45.90904% of any funds left in the monetary reserve of \$1,500,000 when the RoR is dissolved."**
11. Executive Session: Pursuant to MGL Chapter 30A, § 21(a)(7) to comply with, or act under the authority of M.G.L. c. 30A, the Open Meeting Law, to approve the January 11, 2023 executive session minutes and to review the minutes of the Committee's prior unreleased executive sessions for possible release or continued nondisclosure.*
12. Adjournment*

Attachments:

- Unapproved Minutes of the August 15, 2023, Housatonic Rest of River Municipal Committee Meeting

* Items Requiring Action

City and Town Clerks: Please post this notice pursuant to Open Meeting Law MGL c. 30A, §§ 20.