

BERKSHIRE REGIONAL PLANNING COMMISSION  
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KYLE HANLON, Chair  
JOHN DUVAL, Vice-Chair  
SHEILA IRVIN, Clerk  
MALCOLM FICK, Treasurer

THOMAS MATUSZKO, A.I.C.P.  
Executive Director

**DRAFT MINUTES OF THE EXECUTIVE COMMITTEE MEETING**

Thursday, May 7, 2020

**Virtual Meeting** as allowed by Massachusetts  
Governor Charlie Baker's Executive Order dated March  
12, 2020 suspending certain provision of the Open  
Meeting Law, G.L. c.30 sec.20.

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

**A. The meeting was called to order at: 4:00 p.m.**

Chair Kyle Hanlon started the meeting by reading a statement regarding the Open Meeting Law. BRPC records all meetings. Others may record the meeting after informing the chair. Any documents presented must be left with the Chair of the meeting.

**B. Roll Call:**

Kyle Hanlon, Chair  
Sheila Irvin, Clerk  
John Duval, Vice Chair  
Malcolm Fick, Treasurer  
CJ Hoss, Regional Issues Committee Chair  
Roger Bolton, Environmental Review Committee Chair  
Rene Wood, Commission Development Committee Chair  
Sam Haupt, At-Large

Others Present: AJ Enchill – Senator Hinds' Aide

Staff Present: Thomas Matuszko, Executive Director, Marianne Sniezek, Office Manager

**II. Approval of Minutes of Executive Committee Meeting on April 2, 2020**

Sheila Irvin moved to approve the minutes of the April 2, 2020 meeting which was seconded by Roger Bolton and approved.

**III. Financial Reports**

**A. April Expenditures Report \***

Sheila Irvin moved to approve the April Expenditures Report which was seconded by Malcolm Fick and approved.

**B. Accounts Receivable Report** – Malcolm Fick is following up with the treasurer in Monterey regarding the past due assessment invoice.

**C. Assessments**

Tom reported he had a request from a community to keep the BRPC community assessment level funded for FY21. This request was made in response to the fiscal challenges municipalities are facing and will likely face next year in response to COVID-19. BRPC approved a 2.5% increase in January. It would largely be a symbolic gesture as the total amount of the increase would be \$2,613.78.

There was discussion about keeping the assessment level funded as a goodwill gesture.

Roger Bolton made a motion to keep the FY2021 assessments at the same level as FY2020, and a letter to be sent to the communities, motion was seconded by Rene Wood and approved.

**D. Line of Credit Report** – not needed

**E. Other** – Tom reported at this time no contracts have been cut or cancelled. The Executive Office of Energy and Environmental Affairs (EOEEA) will allow extensions of time on contracts. On the Transportation side, Tom reported that we have not heard whether any of the projects are on hold or have been cancelled.

**IV. Delegate & Alternate Issues** – none

**V. Items Requiring Action**

**A. After the Fact Approval to Submit an Application to the Massachusetts Attorney General's Small Business Relief Partnership Grant Program\***

The Executive Committee was requested to authorize the Executive Director (after the fact) on behalf of the Commission, to submit a grant application(s) to the Massachusetts Attorney General's Small Business Relief Partnership Grant Program and to sign any resulting contracts and agreements to create the Berkshire County Small Business Recovery Fund. This fund would provide small for-profit businesses in Berkshire County with emergency assistance to address fixed debt, payroll, accounts payable, lost sales, lost opportunities, and other working capital expenses that could have been recognized had the COVID-19 pandemic not occurred. The focus of this fund would be on fixed costs that couldn't be avoided despite the applicant's inability to operate as they did prior to regulations pertaining to non-essential business functions. The amount requested was \$50,000. There is no match required. Senior Planner Laura Brennan, [lbrennan@berkshireplanning.org](mailto:lbrennan@berkshireplanning.org) is the BRPC contact.

Rene Wood moved to approve the Executive Director to submit all Grant applications (A-H items on the agenda) on behalf of the Commission and to sign any resulting contracts and agreements. This motion was seconded by Malcolm Fick and unanimously approved.

**B. Approval to Submit Grant Applications to the U.S. Economic Development Administration within the U.S. Department of Commerce for COVID-19 Recovery Efforts\***

The Executive Committee was requested to authorize the Executive Director to submit grant application(s) to the U.S. Economic Development Administration (EDA) within the U.S. Department of Commerce and to sign any resulting contracts and agreements related to COVID-19 recovery efforts. The Notice of Funding Availability (NOFA) is expected to be released soon by the EDA. We expect to submit two applications. One application would be for staff time to provide technical assistance to municipalities and businesses. The second application would be

to capitalize a revolving loan fund for small businesses. At this time, we don't know the amount requested. There will be a required match but we don't know what the requirement will be. This match would need to be provided through other complementary grants. Senior Planner Laura Brennan, [lbrennan@berkshireplanning.org](mailto:lbrennan@berkshireplanning.org) is the BRPC contact.

This request was approved by the combined approval cited previously.

**C. Approval to Submit Grant Application(s) to the Massachusetts Department of Housing and Economic Development Community Development Block Grant Program for COVID-19 Recovery Efforts\***

The Executive Committee was requested to authorize the Executive Director on behalf of the Commission to submit a grant application(s) to the Massachusetts Department of Housing and Economic Development (DHCD) Community Development Block Grant Program (CDBG) and to sign any resulting contracts and agreements related to COVID-19 recovery efforts. The CDBG program just released the first step to determining how COVID-19 CDBG funds can be used, an amendment to its one-year plan. This amendment identifies allowable use of the funds. At this point staff doesn't have any other details about the application process. We expect to submit some type of application(s). At this time, we don't know the amount requested nor about match requirements. Community and Economic Development Program Manager, Pat Mullins, [pmullins@berkshireplanning.org](mailto:pmullins@berkshireplanning.org) is the BRPC contact.

This request was approved by the combined approval cited previously.

**D. Approval to Submit a Grant Application(s) to the Massachusetts Executive Office of Energy and Environmental Affairs Planning Assistance Grant Program\***

The Executive Committee was requested to authorize the Executive Director on behalf of the Commission to submit a grant application(s) to the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) Planning Assistance Grant (PAS) Program and to sign any resulting contracts and agreements. The PAS Program provides funding to conduct a wide range of planning activities, such as comprehensive Master Plan development, zoning bylaw review and preparation. We have been in communication with several communities about possible grant applications. There is a match requirement, which in previous years has been provided by District Local Technical Assistance (DLTA) or municipal funds. Tom Matuszko is the BRPC contact, [tmatuszko@berkshireplanning.org](mailto:tmatuszko@berkshireplanning.org).

This request was approved by the combined approval cited previously.

**E. Approval to Submit a Grant Application(s) to the Mohawk Trail Woodlands Partnership – Implementation Grants Program\***

The Executive Committee was requested to authorize the Executive Director to submit a grant application(s) to the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) Mohawk Trail Woodlands Partnership (MTWP) – Implementation Grants Program and to sign any resulting contracts and agreements. This grant program is open to communities in north Berkshire County who have accepted the MTWP provisions. BRPC is also eligible to apply. BRPC's application would offer business planning, technical assistance or other support to start-up or existing enterprises that are natural resource based businesses in the MTWP region, especially those impacted by COVID-19. The allowable maximum amount for regional planning agencies is \$65,000. Staff anticipates applying for the maximum amount. There is no match requirement. Tom Matuszko is the BRPC contact, [tmatuszko@berkshireplanning.org](mailto:tmatuszko@berkshireplanning.org).

This request was approved by the combined approval cited previously.

**F. Approval to Submit Grant Application to the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA), Rural Communities Opioid Response Program Implementation Program\***

The Executive Committee was requested to authorize the Executive Director on behalf of the Commission to authorize the Executive Director to submit a grant application to the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA), Rural Communities Opioid Response Program Implementation Program and to sign any resulting contracts and agreements. This grant is a continuation of prevention, treatment, and recovery interventions that were addressed in a prior RCORP-Planning grant (FY 20), as well as an expansion of additional activities. Grant funds will be used to implement additional prevention and harm reduction interventions (i.e. mobile syringe access, expanded access to naloxone), expand the reach of the Beacon Recovery Community Center, a program of the Northern Berkshire Community Coalition, to facilitate additional recovery coaching in North Berkshire, and to provide enhanced/coordinated re-entry services for men and women who are in recovery as well as those who are currently using/experiencing addiction who are leaving the Berkshire County House of Correction and Chicopee (Women's House of Correction). The amount requested is \$1 million, spread over 3 years. There is no match required. Additional Funded Grant Partners are the Northern Berkshire Community Coalition, Tapestry, Berkshire County Sheriff's Office, The Brien Center. Principal Planner Jennifer Kimball [jkimball@berkshireplanning.org](mailto:jkimball@berkshireplanning.org), is the BRPC contact.

This request was approved by the combined approval cited previously.

**G. Approval to Submit Grant Application to the U.S. Center for Disease Control and Prevention National Center for Environmental Health\***

The Executive Committee was requested to authorize the Executive Director on behalf of the Commission to authorize the Executive Director to submit a grant application to the U.S. Center for Disease Control and Prevention National Center for Environmental Health and to sign any resulting contracts and agreements. The intent of this grant is to provide data to help Boards of Health identify and address environmental health hazards and improve private drinking water supplies and recreational beaches. The Berkshire Public Health Alliance (BPHA) would create an accessible county wide database of environmental health information that can be used to guide public health policy in Berkshire County. BPHA would then work with three or more local Boards of Health to identify and address local environmental health drinking water and beach issues associated with affordable housing on small lots with onsite wells and septic systems or small community water systems which are on or near recreational waters. The allowable amount to request is between \$40,000 to \$150,000. No match is required. Senior Planner Sandra Martin [smartin@berkshireplanning.org](mailto:smartin@berkshireplanning.org) is the BRPC contact.

This request was approved by the combined approval cited previously.

**H. Other – none**

**VI. Committee Reports**

**A. Regional Issues Committee**

The Regional Issues Committee April meeting was canceled. The committee is trying to schedule a meeting on Wednesday, May 20, 2020 to review proposed changes to the SMART regulations regarding solar installations to be able to recommend comments for consideration by the full Commission at its May 21st meeting. (A State House News Services Article was attached.)

Tom reported that the Regional Greenhouse Gas Initiative (RGGI) could be a future topic for the

Regional Issues Committee to look at.

## **B. Commission Development Committee**

The Commission Development Committee met at 4:00 pm on Monday, May 4, 2020. The main agenda was to establish a Nominating Committee to nominate a slate of officers for FY 2021. The Nominating Committee met immediately after the Commission Development Committee.

Rene reported:

- Next meeting May 21, 2020 – Recommend Slate of Officers for FY2021 to the Full Commission
- Possible new Training Topic - Regional Greenhouse Gas Initiative (RGGI)
- The Commission Development Committee recommended cancelling the reservation for the Annual Dinner and receive a \$500 refund.

## **C. Finance Committee**

The Finance Committee is scheduled to meet at 4:00 pm on May 12, 2020. The main agenda item is the FY21 budget which needs to be acted on at the May 21, 2020 Full Commission meeting.

## **D. Brownfields Committee**

Tom referred Executive Committee members to a memo prepared by Brownfield Program Manager Melissa Provencher which contained a report from the April 22, 2020 meeting. Tom also reported Gt. Barrington received a Brownfield Clean-up Grant but that BRPC did not receive the Brownfield Regional Assessment Grant.

## **E. Other - none**

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

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

### New Grants and Contracts received / initiated 3/28/2020 to 4/30/2020

- Adams – Mohawk Trail Woodland Partnership Regional Adaptation & Resilience Project - \$839,756
- Mass Department of Environmental Protection – Nonpoint Source Regional Coordinator - \$100,000
- Dept. of Elementary and Secondary Education (DESE) – School District Regionalization - \$100,000
- Berkshires Tomorrow Inc./Mill Town – Fridge Filler Program Covid-19 - \$34,300
- Berkshires Tomorrow Inc./Gilbert Family – Fridge Filler Program Covid-19 - \$14,700
- Berkshires Tomorrow Inc./ AARP – Loneliness Social Isolation Community Conversation Zoom Event - \$1,470
- Berkshires Tomorrow Inc./Tufts Age Friendly Berkshires Covid-19 Outreach & Support - \$9,800
- Franklin County Sheriff's Dept./Office of Juvenile Justice Delinquency Prevention (Opioid) - \$42,475

### Grants and Contracts Not received

- Massachusetts Community Health Fund/Health Resources in Action (HRIA) Healthy Aging Fund - \$100,000
- Westfield River Wild & Scenic - \$12,215

## B. Staff Update

- Program Associate Laura Dorr was laid off on Wednesday, April 15, 2020. Laura worked primarily in the CDBG Program. The nature of her work with the CDBG program essentially required her to be in the office. There were few, if any work items that she could conduct by telecommuting.

## C. COVID-19 Related

Tom reported he has been asked to be on a re-opening advisory subcommittees with EOEEA on how and when to re-open and which activities can be safely opened up in a phased approach. Phase I – with no contact and conditions. Phase II – with contact and condition. AJ Enchill added that the Senator is serving on the reopening advisory board member in a capacity to observe only. AJ offered if there are concerns or recommendations that you all have, reach out to him and he can add it to the Senator's constituent database. Tom also reported that a member of the Rural Advisory Policy Committee is on the reopening advisory committee and Tom will reach out to her.

**Listed below are some of the key items** related to COVID-19.

- Since the Governor's non-essential business closure order, the office has been closed. All staff, with a very few exceptions, have been prohibited from going into the office and are working remotely. If staff need to go into the office they need to get Tom's approval. Very few staff have gone into the office for essential services, such as IT services to support the Public Health staff and financial services.
- Operationally we have allowed staff to take some equipment home, such as a printer or laptop to enable them to be more productive at home. We increased the office's internet speed to improve functionality. Operationally Tom reported he finds routine administrative items take longer, such as signing a contract. Also, there is much less cross-over transfer of information that routinely occurs in an office setting, such as over hearing a conversation about a project at lunch. Hence it requires more effort to maintain communication channels. On the plus side, scheduling and attending meetings is much easier.
- Contractually we still have not learned about any contracts being canceled and funding taken back. Tom recently had a contract which was supposed to end on June 30, 2020 get extended. Tom also has unofficially learned that the Executive Office of Energy and Environmental Affairs may extend all contracts that were supposed to end June 30<sup>th</sup> and allow unexpended funds to rollover. A potentially bigger impact is from the municipal end. We have several contracts with municipalities. With the imposition of town spending freezes I am uncertain about those payments and contracts.
- BRPC has loosely split the BRPC COVID-19 staff efforts into response and recovery. The Public Health staff are still very heavily engaged with the response and are still coordinating the local public health response to this crisis. Related to recovery efforts we have concentrated efforts on understanding the needs of the municipalities and businesses and trying to understand and access available funding. The Massachusetts Association of Regional Planning Agencies, (MARPA) has compiled an initial list of activities that regional planning agencies had done involving COVID-19. A list of the BRPC activities that was prepared for the MARPA was included in the meeting material.

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

A periodic update of BTI activities from 3/23/20 through 5/1/20 was presented.

- BTI received an additional \$20,850 from the BUW/BTCF COVID-19 Emergency Response Fund to reimburse restaurants who provide the meals to children in Berkshire

County.

- BTI received \$35,000 from the Milltown Operating Foundation, dba Milltown Capital for the COVID-19 Front Line Worker Fridge Filler Program to provide meals to front-line workers and essential childcare employees.
- BTI received \$12,000 from Berkshire United Way to cover costs for care packages of groceries to be distributed to Pittsfield Public School families in need during school vacation.
- BTI received \$10,000 to allow Age Friendly Berkshires to broaden outreach and supports for older- adult residents, their caregivers, municipalities, non-profit social service agencies serving the disabled community and the economically disadvantaged, and other community groups, to maintain healthy food access, obtain mental health assistance and remain safely at home during the Covid-19 isolation and recovery period.
- BTI received \$15,000 from the Gibson Family Foundation for COVID-19 Front Line Worker Fridge Filler Program to supplement that program.

#### **E. East-West Rail**

MassDOT is still working on the East-West Rail Study and had hoped to have a meeting with the full advisory committee by the end of April. MassDot is still working to narrow the six preliminary alternatives down to three for final analysis. The latest word we had was that MassDOT wanted to complete the study by the end of the fiscal year.

#### **F. Rural Policy Advisory Commission**

The Rural Policy Advisory Commission met on April 27, 2020. The main agenda item was to prioritize COVID-19 needs for rural communities.

#### **G. SAPHRE Legislation**

Governor Baker recently signed An Act Relative to Strengthening the Local and Regional Public Health System, (aka. SAPHRE) into law. This law strengthens local public health by investing in local public health to create a system that can respond to every day responsibilities and to emergent issues of the future, especially important given the COVID-19 crisis. The law will:

- Ensure that all members of the local public health workforce have access to essential training.
- Create an incentive grant program to support more effective and efficient delivery of services by increasing sharing across municipalities.
- Move Massachusetts toward national standards for a 21st century public health system.

The law was advocated for by the Special Commission on Local & Regional Public Health. The BRPC Public Health Program Manager Laura Kittross was a member of that Commission.

#### **H. District Local Technical Assistance Funding**

In a “normal” year our state legislature would be in the midst of the state budget preparation with the Senate preparing theirs. As could be observed in the sheet containing BRPC activities related to COVID-19, DLTA funding has been incredibly helpful in dealing with the crisis. Going forward with recovery, DLTA funds will continue to be instrumental. Funds can allow for technical assistance and also can be used to match other grants. With the dire predictions about state revenue shortfall and the intense competing interests from COVID-19, it will be important to continue to promote the DLTA program as an important program for Berkshire communities.

Tom told AJ Enchill that DLTA funding allowed for Covid-19 response and recovery by BRPC. The DLTA funding is very important and should survive in the budget.

## **I. 120 Day Waiver Requests**

Tom reports he has received 2 requests to waive the 120-day notice requirement for the Massachusetts Department of Conservation and Recreation to acquire an interest in land, one in Egremont and one in North Adams.

- Egremont – This is an approximately two and one-half acre parcel of undeveloped woodland that would become an addition to the Jug End State Reservation and Wildlife Management Area. In as much as the Egremont Select Board has approved his request, I have as well.
- North Adams – This is an approximately 45 acre parcel of forested land / open space in close proximity to the Savoy State Forest. I have not had the opportunity to confer with North Adams officials yet.

## **J. Other - none**

## **VIII. Old Business**

### **A. Annual Meeting**

The scheduled date for the Annual meeting is Thursday September 24th. We had proposed to do a joint meeting with the Berkshire County Selectman's Association. The venue was to be the Holiday Inn & Suites, 1 West Street, Pittsfield, MA. The Holiday Inn has informed us that if we cancel by May 8th we will be able to get our \$500 reservation fee back. Given the uncertainty of the re-opening or possible rebound effect from COVID-19 we should discuss if we should cancel. The Commission Development Committee will discuss at its upcoming meeting. Tom reported he has not conferred with the Selectman's Association. The Executive Committee recommended to cancel the meeting.

### **B. Payroll Protection Plan**

Tom has decided not to pursue the Payroll Protection Plan program. After a thorough analysis of costs and alternatives, it was decided that this was not the most cost advantageous option for the agency. BRPC currently has a good cash flow and these funds would be better served by those in greater need.

### **C. Other**

AJ Enchill said that Senator Hinds wants to hear about the regional challenges that our communities are facing and any recommendations for assistance. At the state level the Senator's office wants to fill in the gaps from federal assistance. The communities have lost revenue from room taxes. Business owners also need assistance. Both entities need cash assistance. AJ explained Pittsfield, as Gateway City, is entitled to \$2,500 Entitlement grants for small businesses.

## **IX. New Business**

### **A. Review of the Part-Time Employment Policy**

Currently BRPC has two classifications of employees, Full-time and Part-time. Full-time employees must work 35 hours per week, are eligible for all the employee benefits such as health and dental insurance and must be enrolled in the Massachusetts Public Retirement System. Part-time employees by our definition must work less than 20 hours per week, are not eligible for employee benefits such as health or dental and are not in the Massachusetts Public Retirement System but pay Social Security instead. We do not have a provision where an

employee works more than 20 but less than 35 hours per week. One reason for this has to do with the benefits. BRPC pays for 75% of the cost of health and dental insurance. We must offer health and dental insurance to employees working 20 or more hours at the same 75/25% ratio. There would be a disproportionate benefit to an employee working less than 35 hours / week compared to an employee working 35 hours per week as the 75% share of the insurance is a fixed cost. Also, BRPC's indirect cost allocation plan is based on employee billable hours. There would also be a disproportionate cost to BRPC as our per employee cost for insurance would remain the same but the employee would work less hours that could be attributed to the indirect cost allocation formula.

With the closure of the schools and daycare centers, employees with children may find it challenging to balance child care or home schooling needs with telecommuting full-time, 35 hours / week. Tom requested approval to relax this Full-time / Part-time distinction and allow employees with children or other COVID-19 related needs to work less than 35 hours / week. In these case-by-case instances employees would determine a fixed number of hours per week. Pay would be reduced proportionately. BRPC, however, would still assume the full 75% share of the benefits. The employee's retirement benefits would remain the same.

Rene Wood motioned to allow the reduction of hours and continued pay for staff benefits for a restricted time and to report back to the Executive Committee by its July meeting. Motion was seconded by Roger Bolton and approved.

## **B. May Commission Meeting**

We have several possible topics for the May Commission meeting.

- Approval of the FY21 Agency Budget
- Report of the Nominating Committee
- Other - Topics discussed for future meetings  
Topical presentations on the recently developed Massachusetts Rural Plan as developed by the Rural Policy Advisory Commission. The next topic would be "Community," which includes Education, Housing and Public Health.
- Open discussion about upcoming town meeting items
- Report on the recently completed Outdoor Recreation Plan for the County.

Tom explained that the May Commission meeting could also be a virtual meeting as the program allows for up to 100 people. It was decided to let the Chair set the agenda for the meeting.

## **C. Other**

Rene Wood mentioned CPTC Workshop, Roles & Responsibilities is being offered online on May 14, 2020 at and a notice should go out to all boards. AJ Enchill added that Senator Hinds, as a member of the reopening advisory committee, would like to hear of any concerns or recommendations from the region and any observations. All should be sent to AJ. Tom also reported a member of the Rural Advisory Policy Committee is on a committee. Tom can also share to them.

## **X. Adjournment**

The meeting was adjourned at 4:57 pm by a motion made by Sheila Irvin and seconded by CJ Hoss.

Attachments:

- Unapproved Minutes of Executive Committee Meeting of April 2, 2020
- April Expenditures Report
- April Accounts Receivable Report & Assessments

- Line of Credit Report
- Memo – Executive Committee Agenda Items
- CDBG-CV Substantial Amendment
- Article – SMART regulation changes
- Memorandum – Brownfields Committee April 22, 2020 meeting
- BRPC Staff COVID-19 Activities
- SAPHRE legislation Fact Sheet
- Technical Assistance Memo – March 2020

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