



# BRPC

Berkshire Regional Planning Commission

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## **APPROVED MINUTES OF THE EXECUTIVE COMMITTEE MEETING**

Thursday, September 3, 2020

**Virtual Meeting** as allowed by Massachusetts Governor Charlie Baker's Executive Order dated July 16, 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: 4:07 p.m.**

Vice-Chair John Duval 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

John Duval, Vice Chair

Sheila Irvin, Clerk

Malcolm Fick, Treasurer

Roger Bolton, Environmental Review Committee Chair

Rene Wood, Commission Development Committee Chair

CJ Hoss, Regional Issues Committee Chair

Buck Donovan, At-Large

Sam Haupt, At-Large

Others Present: Edward Regendahl, Egremont Delegate, Fred Schubert, Richmond Alternate, Tammy Daniels, iberkshires staff

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

### **II. Approval of Minutes of Executive Committee Meeting on July 16, 2020**

CJ Hoss moved to approve the minutes of the July 16, 2020 meeting which was seconded by Roger Bolton. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon. Sam Haupt abstained.

### **III. Financial Reports**

#### **A. July & August Expenditures Report**

Kyle asked for a roll call vote.

Approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

## **B. Accounts Receivable Report & Assessments**

Tom reported no issues with the 90-day aged receivables.

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

The line of credit was not needed over the last month. Tom reported cash flow is currently very good.

## **D. Unaudited FY20 Financial Results for BRPC**

Tom reported that BRPC ended FY 2020 with a surplus in the General Fund of approximately \$4,137 which was lower than our budgeted amount of \$15,000. BRPC used additional funds in the General fund for grant applications. BRPC put \$87,258 into our Retiree Health Insurance Trust Fund, which was higher than the budgeted amount of \$45,000. The Retiree Health Insurance Trust Fund balance at year end was \$654,998 out of the approximately \$1.85 million estimated Total OPEB Retirees Health liability. Tom reported it is our intention to continue to add each year to the trust to fund the unfunded amount. The unfunded liability increased in FY20 from \$1,128,729 million to \$1,198,909 due to changes in staff, staff plan changes and insurance rate changes.

Tom reported setting the overhead rate for the year makes it easier to manage projects and allowed BRPC to put more money into the Trust fund last year. Rene commended BRPC on the larger amount funded into the trust. Marianne reported BRPC had 118 projects in FY 2020. The committee recommended to announce at the next Commission meeting the number of projects and to point out projects that are not the normal projects done in the past. The COVID-19 related projects and the use of the District Local Technical Assistance (DLTA) funds should be highlighted.

Tom also reported he would provide language for letters of support for funding for DLTA in the State budget.

## **E. Indirect Cost Rate**

BRPC's Cost Allocation Method combines its indirect program expenses into a pool which are allocated to each program in proportion to the direct salaries of the staff members who work on each program according to federal guidance specified in The Uniform Guidance ([2 CFR § 200](#)). The Uniform Guidance also defines the cognizant agency as the Federal agency responsible for reviewing and approving the governmental unit's indirect cost rate on behalf of the Federal Government and further states that "*the cognizant agency responsible for review and approval is the Federal agency with the largest dollar value of total Federal awards with a governmental unit.*" Consistently, year-to-year, Federal Highway Administration (FHWA)

with funds passed through MassDOT has provided the largest dollar value of Federal awards to BRPC. Our indirect cost rate has been consistently reviewed and approved by MassDOT through an agreement with FHWA. Recently the federal Economic Development Administration (EDA), which is in the Department of Commerce, is not recognizing MassDOT as our indirect cost rate approval entity and is requiring us to secure an indirect rate approved by EDA as a condition of a possible EDA CARES Act application.

BRPC recently applied for an indirect rate with EDA. EDA could approve a rate that is different than the indirect rate from MassDOT. Our auditors did not think having two rates would be a problem. If the EDA indirect rate is lower, BRPC would possibly need to subsidize the difference from the General Fund or another source. If BRPC was to be audited by the state, all contracts should be treated equal. It was not sure how long it will take to receive an EDA's indirect rate.

- F. Other** – Tom reported on September 1, 2020 a “Payroll Tax Holiday,” where employers could stop the deductions of Social Security and Medicare and deduct and pay it later, went into effect. Deferring the tax deductions is an option for employers. BRPC will still take the deductions based on a recommendation from the Employers Association of the Northeast and the uncertainty of this Payroll Tax Holiday.

#### **IV. Delegate & Alternate Issues – None**

#### **V. Items Requiring Action**

##### **A. Modify Disposal of Surplus Property Procedure**

The Executive Committee was requested to approve a modification to BRPC's Disposal of Surplus Property Procedure. This procedure had not been modified in the last 10 years. The two key modifications were to offer surplus property to non-profit organizations if municipalities don't want it and to increase the dollar amount from \$100 to \$200 for which BRPC tries to sell an item not wanted by a municipality or non-profit.

Tom explained the change in the policy would increase the amount from \$100 to \$200 and offer the items to municipalities first then non-profit organizations.

Rene Wood moved to approve a modification to BRPC's Disposal of Surplus Property Procedure. The motion was seconded by Malcolm Fick. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

##### **B. Approve Surplus Property Items\***

The Executive Committee was requested to approve a list of surplus property

according to our procedure. Most of these items are desktop computers which are no longer needed with our transition to laptops to enable staff to seamlessly transition between telecommuting and in-office work.

Rene Wood moved to approve to offer surplus property per BRPC procedures. The motion was seconded by Malcolm Fick. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

### **C. Approve Modifications to the Personnel Pay Plan\***

The Executive Committee was requested to approve a modification to the Personnel Plan by adding a Grant and Procurement Specialist Position. This position is a professional level position which requires a significant amount of time devoted to both routine administrative tasks and complex, compliance related decision-making responsibilities for two programs: Community Development Block Grant (CDBG) and Berkshire County Regional Group Purchasing (BRGPP).

After a short discussion on the Group Purchasing Program, Tom reported he would give the Executive Committee a review of the program at the next Executive meeting. The program pays for itself and BRPC will continue to improve the program. BRPC has learned the program needs year-long attention.

Rene Wood moved to approve a modification to the Personnel Plan by adding a Grant and Procurement Specialist Position. The motion was seconded by Roger Bolton. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

### **D. Approve Acceptance of Supplemental Budget Funds**

The Executive Committee was requested to authorize BRPC to accept \$250,000 from the Executive Office of Administration and Finance and authorize the Executive Director to enter into necessary contracts and agreements related thereto. Senator Hinds had an amendment approved to section 2A, in item 1599-1232 of the Supplemental Budget, by adding the following: "provided further, that not less than \$250,000 shall be expended for the Berkshire Regional Planning Commission to assist businesses, municipalities, and non-profit institutions in acquiring supplies and adapting to the 2019 novel coronavirus pandemic." The details of how these funds would be spent are still being finalized but generally they would be used for reimbursement of costs related to adapting to the COVID-19 pandemic.

Rene Wood moved to approve the Executive Director, on behalf of the Commission, to accept \$250,000 from the Executive Office of Administration and Finance and authorize the Executive Director to enter into necessary

contracts and agreements. The motion was seconded by Roger Bolton. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

#### **E. Approve Receipt of IT Bond Bill Funds**

The Executive Committee was requested to authorize BRPC to accept \$500,000 through the IT Bond Bill and authorize the Executive Director to enter into necessary contracts and agreements related thereto. Senator Hinds had an amendment approved to section 2G, in item 1100-2514 of the IT Bond Bill, by adding the following: "provided further, that not less than \$500,000 shall be expended for the Berkshire Regional Planning Commission for the purpose of a grant program for Berkshire County businesses to undertake internet infrastructure upgrades." This would be funding through a bond bill, so it's certainly not a guarantee that it would be appropriated – it would require the Baker Administration to program it into a capital budget.

Tom explained these funds are for business in the region. Municipalities are not eligible for these funds.

Rene Wood moved to approve the Executive Director, on behalf of the Commission, to accept \$500,000 through the IT Bond Bill and authorize the Executive Director to enter into necessary contracts and agreements. The motion was seconded by Roger Bolton. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

#### **F. Other -None**

### **VI. Committee Reports**

#### **A. Environmental Review Committee**

The Environmental Review Committee met on August 18, 2020. The main topic of the meeting was an Expanded Environmental Notification Form (EENF) and Request for Waiver of Mandatory Environmental Impact Report for the Watson Road dam removal in Hinsdale. Due to the submission deadline not coinciding with an Executive or Commission meeting, comments were sent from the Environmental Review Committee.

Roger reported the Environmental Review Committee examined one project where the environmental impacts were low. There was no public money involved in this project. The comment letter was sent by BRPC staff.

Rene Wood moved to endorse the Watson Road Dam Removal EENF, EEA #16249 comment letter sent by BRPC Staff. The motion was seconded by Malcolm Fick. It was approved by roll call vote from Rene Wood, CJ Hoss,

Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

**B. Other – None**

**VII. Executive Director’s Report**

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

New Grants and Contracts received / initiated 7/1/2020 to 8/31/2020

- Health Resources in Action - Community Health Improvement Plan 5yr - \$300,005.64
- Health Resources in Action Pittsfield Grey to Green 5yr - \$931,766.49
- Berkshire Community Action Council, Inc.– Berkshire Remote Learning Initiative - \$94,675
- Metropolitan Area Planning Council (MAPC) – Vaccination Exercise Series - \$33,000
- Sandisfield – Public Health Nursing Services - \$2,000
- Peru – Public Health Inspectional Services - \$7,842
- Berkshire County Boards of Health Association - Public Health Support Services - \$11,000
- Dept. of Energy Resources – Regional Energy Planning Assistants - \$15,500
- Lanesborough – Stormwater Management Plan Support - \$11,000
- Lanesborough – Road Condition Survey - \$4,925

Grants and Contracts Not received - None

**B. Staff Updates**

- Recent Hire: Beth Carroll started as the Finance Office Assistant. Beth will help with the day to day financial transactions as well as assist with office administration activities, such as time sheets. (Resume was attached.)
- Current Hiring: There open positions for the environmental planner position and part-time offsite Specialist position to serve as Project Facilitator for the Berkshire Remote Learning Initiative (BRLI).

Tom reported someone has accepted the position of the Grant and Procurement Specialist and will start on September 21, 2020.

**C. Committee Membership**

The Committee membership for FY 21 has mostly been finalized.

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

Below is an update of BTI activities from 7/16/20 through 8/26/20.

- Repurposed unspent funds totaling \$20,562.12 from the \$35,000 received from Milltown Operating Foundation, dba Milltown Capital, for the COVID-19 Front Line Worker Fridge Filler Program to the continuation of the Outdoor Recreation Plan for Berkshire County.
- Approved the receipt of \$15,000 from the Berkshire United Way to support the Berkshire Remote Learning Initiative

#### **E. CDBG CARES Act Awards**

Adams (\$850,000), Lenox (\$765,000) and North Adams (\$121,050) received awards from the CDBG CARES act funding to assist low to moderate populations. These funds will provide assistance to micro-enterprises. BRPC staff, primarily Patricia Mullins, assisted with the Lenox and Adams applications. BPRC staff will have a primary role in Lenox and secondary role in Adams to implement the grants.

#### **F. The Resilient Lands Initiative**

The Resilient Lands Initiative through the Executive Office of Energy and Environmental Affairs is focused on developing a ten-year plan for land conservation in Massachusetts that reduces vulnerability to climate change and builds resilience in natural communities. A year-long process of stakeholder meetings has led to creation of a [Resilient Lands Initiative's draft Vision Summary](#). While the summary contains some details, a public comment period is underway to inform a more thorough set of recommendations. Comments can be submitted before September 17 to Bob O'Connor, Forest & Land Policy Director for the Massachusetts Executive Office of Energy & Environmental Affairs, at [Robert.oconnor@mass.gov](mailto:Robert.oconnor@mass.gov)

#### **G. Economic Development Bond Bill**

The Economic Development Bond Bill (H4887, S2874), contains many important items related to housing, food security and broadband. There are two directly impactful items: a rural and small town development fund; and municipal and regional grant program. The rural and small town development fund (funded in H4887 at \$10 million and in S2874 at \$20 million) will be for a competitive program of grants or other financial assistance to support economic development, job creation and housing and climate resilience initiatives to promote economic opportunity and prosperity in small towns or rural areas (7,000 population or less). The municipal and regional grant program (funded in both bills at \$10 million) will be for grants and technical assistance to be made to municipalities and regional applicants, to support planning and locally-driven initiatives related to community development, housing production, workforce training and economic opportunity, childcare

and early education initiatives and climate resilience initiatives, including nature-based solutions projects.

#### **H. East-West Rail Update**

There has been no activity of the East-West Rail Advisory Committee since the last Executive Committee.

#### **I. Rural Policy Advisory Commission**

The Rural Policy Advisory Commission has not met since June 25, 2020.

#### **J. Other – None**

### **VIII. Old Business**

#### **A. Review of Staff Top Ten Commitments – FY 20**

A review of the work items the BRPC staff committed to making significant progress during the last fiscal year was presented in the meeting materials.

There was no discussion.

#### **B. Executive Director Review**

BRPC's Bylaws require "On an annual basis, the Executive Director shall prepare a review of his/her accomplishments for the preceding year and goals for the upcoming years as part of his/her performance evaluation by the Executive Committee." A brief written summary was provided immediately prior to the previous meeting that was discussed.

After a discussion a motion for a merit increase based on performance was made.

Rene Wood moved to approve the Executive Director's merit increase of 3% retroactive to July 1, 2020. The motion was seconded by Roger Bolton. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

#### **C. Annual Meeting**

Previously there was a decision to cease preparations for the BRPC Annual Meeting, typically held in the Fall. Given the current situation vis-à-vis COVID-19 an in-person meeting is still not possible.

It was decided instead of the annual meeting to have BPRC's annual report be a statement of BPRC's accomplishments with pictures to be distributed to the Commission, non-profits and other organizations.

**D. Other - None**

**IX. New Business**

**A. Review BRPC Values Statement**

The recent protests in the wake of police shootings and the Black Lives Matter demonstrations has provided the opportunity to re-examine how all of us may contribute to systemic racism and discrimination. The BRPC values statement touches on issues of diversity, equity and inclusion but is not explicit.

Tom asked the Committee their thoughts on changing the BRPC Values Statement to have a clearer statement on diversity, equity and inclusion.

After a discussion a motion was made for the next steps.

Rene Wood moved to bring the current BRPC Values Statement to the Full Commission to engage a discussion on changing the Values Statement to include diversity, equity and inclusion. A decision would not be made at the next Full Commission meeting. The motion was seconded by Sheila Irvin. It was approved by roll call vote from Rene Wood, CJ Hoss, Buck Donovan, John Duval, Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon and Sam Haupt.

**B. Staff Top Ten Commitments – FY 21**

Similar to last year, staff is preparing Top Ten Commitments for FY 21.

Tom reported this will be presented at the next Executive Committee meeting.

**C. Citizen Planner Training Collaborative (CPTC) Fall Virtual Workshops**

CPTC's Fall workshop series will be virtual. CPTC would like to partner with Regional Planning Agencies to hold these virtual workshops. CPTC would administer the registration and payments and the RPAs administer the actual Webinar, if possible, with assistance from CPTC, if needed. Both CPTC and the RPAs would perform outreach for the workshops. Like the in-person workshops, the Webinars will be open to people outside the host region.

CPTC wants RPAs to identify the workshops they would want to administer from the following:

- Roles and Responsibilities of Planning and Zoning Boards

- Adopting and Revising Rules and Regulations
- Introduction to the Zoning Act
- Design Review
- Special Permits and Variances
- Drafting Zoning Amendments
- Introduction to Subdivision Control and ANR
- Fair Housing Laws
- Site Plan Review
- Zoning with Overlay Districts
- Vested Rights and Nonconforming Uses and Structures
- Creating Master Plans
- Zoning Exemptions
- Planning with Community Support
- Fair, Defensible Land Use Decisions
- Chapter 40B

It was decided the virtual trainings BRPC would coordinate should be Roles and Responsibilities of Planning and Zoning Boards and Fair, Defensible Land Use Decisions.

#### **D. Orientation for new BRPC Members**

Typically, BRPC has an orientation prior to the September Full Commission meeting.

After a discussion it was decided Tom would contact new BRPC members. If there is interest in a virtual orientation one would be provided.

#### **E. September Full Commission Meeting (Virtual) – September 17, 2020**

The possible topics for the September Full Commission meeting were discussed.

- Review of Staff Top Ten Commitments – Skip
- Quick walk-through of the new BRPC website – Yes, where to find information and projects.
- Revisions to BRPC’s value statement – Yes, engage a discussion.
- Recognition of outstanding Berkshire County responses to COVID-19 - Yes for Recognition and Thank you.
- A report about what really happened from the Public Health perspective in response to COVID-19 – Not discussed
- A report on the State Budget – Not discussed
- Open discussion about how communities want to work with BRPC. – Instead a survey could be sent asking communities what they want.
- A report on where BRPC’s expertise is with examples of BRPC’s good qualities.

#### **F. Other – None**

## **X. Adjournment**

The meeting was adjourned at 5:50 pm by a motion made by Roger Bolton and seconded by Sam Haupt.

### Attachments:

- Unapproved Minutes of Executive Committee Meeting of July 16, 2020
- July-August Expenditures Report
- August Accounts Receivable Report
- Line of Credit Report
- Memo – Executive Committee Agenda Items
- BRPC Disposal of Surplus Property Procedure
- BRPC List of Surplus Property August 2020
- BRPC Personnel Pay Plan
- Grant and Procurement Specialist Position Description
- BRPC Watson Road Dam EENF Comments
- Beth Carroll resume
- BRPC Committee membership
- Resilient Lands Initiative Summary
- CDBG CARES Act Announcement
- FY 20 BRPC Staff Top Ten Commitment Results
- BRPC Adopted Mission, Vision and Values Statement