



BRPC

Berkshire Regional Planning Commission

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APPROVED MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, June 4, 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. Kyle Hanlon also recorded the meeting.

B. Roll Call:

Kyle Hanlon, Chair
Sheila Irvin, Clerk
John Duval, Vice Chair
Malcolm Fick, Treasurer
Roger Bolton, Environmental Review Committee Chair
Rene Wood, Commission Development Committee Chair
Buck Donovan, At-Large

Others Present: Jack Guerino, iberkshire staff

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

II. Approval of Minutes of Executive Committee Meeting on May 7, 2020

Sheila Irvin moved to approve the minutes of the May 7, 2020 meeting which was seconded by Roger Bolton. It was approved by roll call vote from Buck Donovan, John Duval, Rene Wood, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon.

III. Financial Reports

A. May Expenditures Report

Rene Wood moved to approve the May Expenditures report which was seconded by Sheila Irvin. It was approved by roll call vote from Buck Donovan, John Duval, Rene Wood, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon.

B. Accounts Receivable Report

Marianne reported Monterey paid their past due assessment invoice. Tom reported their will be a big push to clean up aged receivables by year end.

C. Line of Credit Report

The line of credit was not needed over the last month.

D. Other –

Tom recapped the Full Commission approval for the FY21 Assessments to not increase. A letter and new invoices will be sent out.

IV. Delegate & Alternate Issues – none

V. Items Requiring Action

A. Approval to Submit a Grant Application to the Massachusetts Department of Environmental Protection 604b Water Quality Assessment Program

The Executive Committee was requested to authorize the Executive Director to submit a grant application to the Massachusetts Department of Environmental Protection’s 604b Water Quality Assessment Program for the Southwest Branch Housatonic 604b Water Quality Assessment project. The proposed project will build upon work previously conducted under a 604b grant under which BRPC partnered with the Housatonic Valley Association (HVA) to conduct bacteria monitoring. The Southwest Branch Housatonic, in Pittsfield, is currently listed as impaired for bacteria (E.coli) and sediment. It was confirmed through the previous project that the Southwest Branch still does not meet state standards for bacteria. Maloy, Jacoby and Smith Brooks were identified as potential sources of contamination. The goal of the proposed project is to identify remediation and restoration projects that can ultimately allow the Southwest Branch to be removed from the state’s impaired waters list. The amount requested is anticipated to be \$50,000. There is no match. Environmental and Energy Program Manager Melissa Provencher, MProvencher@berkshireplanning.org is the BRPC contact.

Malcolm Fick moved to approve the Executive Director, on behalf of the Commission, to submit a grant application to the Massachusetts Department of Environmental Protections 604b Water Quality Assessment. The motion was seconded by Rene Wood. It was approved by roll call vote from Buck Donovan, John Duval, Rene Wood, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon.

B. Approval to Submit a Request to the U.S. Forest Service for Forest Stewardship Funds

The Executive Committee was requested to authorize the Executive Director to submit a request to the U.S. Forest Service for Forest Stewardship Funds for the Mohawk Trail Woodlands Partnership (MTWP) Forest Resiliency and Carbon Sequestration Project. This project would build upon the work

currently being done in the MTWP area through the MVP program to research carbon sequestration and resiliency best practices by implementing those practices in the MTWP area. These funds would be used as match funds to a larger MVP grant for the same purpose. The amount requested is \$60,000. There is a 1:1 match required, which would be provided by the MVP grant. BRPC contact is Tom Matuszko, tmatuszko@berkshireplanning.org

Tom further explained the U.S. Forest Service for Forest Stewardship Grant would be to implement the work from the studies done under the Adams Mohawk Trail Woodlands Partnership (MTWP) Municipal Vulnerability Preparedness (MVP) grant that is conducting studies on Carbon Sequestration.

Malcolm Fick moved to approve the Executive Director, on behalf of the Commission, to submit a request to the U.S. Forest Service for Forest Stewardship Funds. The motion was seconded by Rene Wood. It was approved by roll call vote from Buck Donovan, John Duval, Rene Wood, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon.

C. Other – None

VI. Committee Reports

A. Regional Issues Committee

The Regional Issues Committee met on May 20, 2020. The main topic of the meeting was proposed changes to the SMART regulations regarding solar installations. Comments were approved by the full Commission at its May 21st meeting.

Tom reported the committee decided not to have regular meetings until after the summer unless there was a need.

B. Commission Development Committee

The Commission Development Committee met on Monday May 21, 2020. The main topic of the meeting was to approve the recommendation of the Nominating Committee. In addition, educational topics were also discussed.

Tom discussed having short educational meetings. A possible topic could be closing streets down for outdoor dining. At this time, it was decided to wait until September to have education meetings. Marianne reported BRPC received the refund for the deposit on the Annual Dinner.

C. Finance Committee

The Finance Committee met on May 12, 2020. The main agenda item was the FY21 budget which was approved at the May 21, 2020 Full Commission meeting.

Malcom reported the FY21 budget revenue covered expenses. If there are any significant changes in revenue the Finance Committee would meet.

D. CEDS Committee

The CEDS (Comprehensive Economic Development Strategy) Committee met on May 27, 2020. The main agenda items were the EDA and CDBG recovery applications being prepared.

Kyle reported at the meeting the Committee reviewed the EDA Cares Act application and the allocation of funds of that money if awarded. The EDA grant will be submitted next week. The other two CDBG applications are for North and South county micro-enterprise businesses. The CDCG grants are due June 12th.

E. Other – None

VII. Executive Director's Report

A. Report on New Contracts/Agreements

New Grants and Contracts received / initiated 5/1/2020 to 5/31/2020

- Otis –Hazard Mitigation Plan - \$11,250
- Adams - Mohawk Woodlands Partnership (Outdoor Center Greylock Glen) - \$20,000
- BTI – Milltown Outdoor Recreation Plan Phase 2 - \$18,130

Grants and Contracts Not received

- Brownfield Regional Assessment Grant - \$300,000

B. Guardian Life Contribution to Berkshires Tomorrow Inc.

Tom was pleased to report that Berkshires Tomorrow was awarded \$6,000 from the Pittsfield Campus of the Guardian Life Insurance Company of America who wanted to donate \$30,000 to local organizations who are providing community support during the pandemic. Berkshires Tomorrow was one of the top 5 vote-getters for its support to secure meals for children from local restaurants, distributed when school districts are not providing meals.

C. COVID-19 Related

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

- Since the Governor's non-essential business closure order, the office has remained closed. All staff, with a very few exceptions, have been prohibited from going into the office and are working remotely.
- Contractually we still have not learned about any contracts being canceled and funding taken back.
- Public Health staff are still very heavily engaged. In addition to response, staff is trying to monitor re-opening requirements. Public health is in the forefront with monitoring re-opening compliance.
- We are finalizing two types of recovery applications. One of these is to the EDA for technical assistance to small businesses. The other is two

submissions we are working on with Adams and Lenox for assistance to low to moderate micro-businesses.

D. Berkshires Tomorrow Inc. (BTI) Update

Below is a periodic update of BTI activities from 5/1/20 through 5/26/20.

- BTI received an additional \$18,500 from Milltown Operating Foundation, dba Milltown Capital, for the continuation of the Outdoor Recreation Plan.
- BTI received an additional \$35,000 from the Berkshire Taconic Community Foundation to cover costs for the weekend food program.

E. East-West Rail

The next meeting of the East-West Rail Advisory Committee will be held online and is scheduled for **Wednesday, June 10, from 1:00 PM to 2:30 PM**. The agenda will include a presentation of work completed since February, as well as a discussion of next steps. The East-West Rail connection, as was the Berkshires Housatonic Line, was specifically mentioned in the press event announcing a new major legislation proposed by Senator Markey and Congressman Neal, the *Building Rail Across Intercity Networks to Ride Around Interior of the Nation (BRAIN TRAIN) Act* to authorize \$5 billion annually, for a total of \$25 billion over five years.

F. 120 Day Waiver Request

Tom reported he had received and approved, based upon a similar affirmative vote by the Select Board, a waiver of the 120-day notice requirement to purchase an APR (agricultural preservation restriction) on 31.2 acres in Sheffield (Dube Property.)

G. BCETF Update

Given the uneven use of online learning in the region's schools and the prospect that some version of online learning will continue into the future, the BCETF (Berkshire County Education Task Force) will be purchasing a Learning Management System (Canvas) for school systems who want to use it. A LMS is an easy way for teachers, students, and parents to conduct online learning. A common platform across the county would readily enable teachers to share best management practices. It is expected to be operational in time for Fall.

There was a discussion on the challenges to on-line learning due to motivation of students, lack of the infrastructure, affordability, and the burden on parents.

H. Transportation Documents

The UPWP (Unified Planning Work Program) is available on the BRPC website, www.berkshireplanning.org, for review and comment. The UPWP is the work plan for the transportation planning staff for the upcoming federal fiscal year, October 1, 2020 – September 30, 2021.

I. Massachusetts Attorney General's Small Business Relief Partnership Grant Program

Tom was pleased to announce that our application was successful from the Attorney General's Small Business Relief Partnership Grant Program to create a fund that 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 amount received was \$45,000. Tom thanked Senior Planner Laura Brennan, lbrennan@berkshireplanning.org for her good work on the application.

Tom reported BRPC was one of three RPA's award the Small Business Relief grants. The application is simple, if you meet the criteria, the money will be distributed first come first serve. The money must be spent by September 30, 2020.

J. Other –

Tom reported BRPC will be advertising for a new planner position for the Public Health Program.

VIII. Old Business

A. BRPC Office Reopening

Per the Governor's guidance, the BRPC office is allowed to open at 25% capacity, with the caveat that if work can be done from home it should be done from home. Tom reported he had not yet formally opened the office. At the last meeting, the Executive Committee expressed a desire to review a re-opening plan prior to implementation. Tom presented the plan which would be implemented starting June 8th. Items in the plan:

- The office remains closed to outside visitors until further notice, unless by appointment and with an upper limit of 1-2 visitors (few enough to maintain social distance);
- All committee meetings remain virtual for as long as they are allowed to;
- Staff is given the choice to continue to work remotely until further notice;
- There is a limit of 5-6 staff to be allowed in the office at any one time according to a known schedule;
- Staff who did want to come into the office must self-certify that they are not ill and have not been knowingly exposed to someone who has been sick with the virus;
- Staff must follow best practices, such as wearing a mask at all times when staff are not in their offices or their cubicles, closing the lunch room except for access to the sink, educational signs, frequent hand washing, etc.; and
- There are office space best practices, such as daily sanitizing all surfaces.

The committee reviewed the BRPC Covid-19 Re-open Plan. The document will be modified to be the Partial Re-opening Plan.

B. FY 21 Merit Increase

At the April meeting, the Executive Committee set the following FY21 merit increase for BRPC staff, which is based on performance:

- Exceptional - 3%
- Exceeds Expectations - 2%
- Meets Expectations - 1%
- Needs Improvement - 0%
- Unsatisfactory - 0%

The Executive Committee wanted to review this range closer to the beginning of the fiscal year, given the uncertainty caused by COVID-19. At the May Full Commission meeting, an FY21 budget was approved which showed no unsecured revenue. Our budget looks very solid for the next fiscal year. Tom recommended we keep this range and implement it for FY 21.

Roger Bolton moved to approve the FY21 merit increases as presented which was seconded by Rene Wood. It was approved by roll call vote from Buck Donovan, Rene Wood, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon.

IX. New Business

A. Cash Payment to Staff Over Accrual Limits

BRPC limits the amount of vacation time an employee may accrue to a total of 140 hours. In addition, BRPC requires all staff who have earned compensatory time to use it by the end of the same fiscal year, June 30th, it was accrued in or lose it. Due to the "Stay at Home" and now "Safer at Home" orders from the Governor Tom has relaxed those requirements. He has let employees exceed the vacation time accrual limit and carryover unused compensatory time. It did not seem very practical to *require* staff to take time off if they were supposed to stay at home. In addition, over the last 3 months some staff have been incredibly busy in response to COVID-19. Requiring those staff to take time off would certainly have impacted our performance.

Tom requested approval to make payments to staff subject to the following conditions:

- Staff must either have accrued compensatory time or be over the 140-hour vacation limit. Vacation payments will only be made to reduce the overage down to the maximum 140-hour limit. Compensatory time payments will be made to reduce the amount down to 0 hours.
- This will be a one-time payment. Staff must bring their vacation accrual down to 140 hours no later than June 30, 2021 and their compensatory time limit down to 0 by July 15, 2021.

Currently the BRPC overhead rate is within the 140% target. These payments would be paid within the current fiscal year. Tom is concerned that carrying

these amounts owed over to the next fiscal year may contribute to increasing next year's overhead rate. This situation could be compounded if staff get sick, which has the double impact of reducing billable hours and increasing sick time payments. There are only a few staff that are eligible to take advantage of this option.

Rene Wood moved to approve a cash payment as presented to staff over accrual limits which was seconded by Sheila Irvin. It was approved by roll call vote from Buck Donovan, Rene Wood, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon.

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." Performance reviews and evaluation are conducted annually for other BRPC staff at the end of the Fiscal Year. The Executive Committee decided to do the Executive Directors review mid - July.

C. Summer Commission Meeting

Summer has normally been a slower time around BRPC, although this year is anything like normal. In previous years, we reduced the number of meetings and/or put Executive Committee and Full Commission meetings back to back. Although, this year with meetings being allowed to be virtual it is easier to schedule them. We do have at least one important item that needs to be attended to: the election of officers. The earlier we have the officers set, the earlier we can get the Executive Committee and Committee members set so that we can start up in the fall sooner. Tom proposed that we:

- Postpone the July 2nd Executive Committee meeting which is the Thursday before the July 4th holiday.
- Hold the July Executive Committee meeting and Full Commission meeting on the same day, either July 9th or the 16th.
- Cancel the August 6th Executive Committee meeting (Tom is hoping to be on vacation the first two weeks in August.)
- Resume a normal first Thursday Executive Committee meeting on September 3rd.

There was a discussion about having both meetings on July 16th on the third Thursday of the month.

Rene Wood moved to hold the Executive Committee at 5pm on July 16th and the Commission meeting after the Executive meeting at 6 pm which was seconded by Malcolm Fick. It was approved by roll call vote from Buck Donovan, Rene Wood, Roger Bolton, Malcolm Fick, Sheila Irvin, and Kyle Hanlon.

C. Other – None

x. Adjournment

The meeting was adjourned at 4:49 pm by a motion made by Rene Wood and seconded by Malcolm Fick.

Attachments:

- Unapproved Minutes of Executive Committee Meeting of May 7, 2020
- May Expenditures Report
- May Accounts Receivable Report
- Line of Credit Report
- Memo – Executive Committee Agenda Items
- Unapproved Minutes of the Regional Issues Committee of May 20, 2020
- Unapproved Minutes of the Commission Development Committee meeting of May 21, 2020
- Unapproved Minutes of the Finance Committee meeting of May 12, 2020
- BRPC COVID-19 Re-Opening Plan DRAFT effective June 8, 2020