



# BRPC

Berkshire Regional Planning Commission

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## APPROVED MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, April 1, 2021

**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: 4:01 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

Malcolm Fick, Treasurer

Roger Bolton, Environmental Review Committee Chair

CJ Hoss, Regional Issues Committee Chair

Buck Donovan, Lee Delegate, At-Large

René Wood, Sheffield Delegate; At-Large

John Duval, Adams Duval, Vice Chair

Others Present: Fred Shubert, Richmond Alternate; Nancy Socha, Stockbridge Delegate; Brittany Polito, iBerkshires

Staff Present: Thomas Matuszko, Executive Director; Marianne Sniezek, Office Manager; Kate Hill Tapia, Office Administrator; Melissa Provencher, Environmental & Energy Program Manager

### **II. Approval of Minutes of Executive Committee Meeting on March 4, 2021**

René Wood moved to approve the minutes of the March 4, 2021 meeting, which was seconded by Malcolm Fick approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, Buck Donovan, John Duval and Kyle Hanlon, René Wood.

### **Financial Reports**

#### **A. March Expenditures Report**

Malcolm Fick motioned to approve the report and Sheila Irvin seconded the motion. The report was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, Buck Donovan, John Duval, Kyle Hanlon, René Wood.

**B. Accounts Receivable Report & Assessments**

There was no discussion.

**C. Line of Credit Report**

The BRPC Line of Credit is still showing a balance of \$125,000. BRPC paid \$457.47 in interest over the last month. We have not yet received payment of \$125,000 for the second payment for the Berkshire Adaptation fund project which was completed by the end of February. Once we receive that payment, we should be able to pay back the line of credit, likely by end of April if not before. The rate is 4%.

**D. FY20 Audit Update**

Our Auditor has completed the FY20 Audit. The Finance Committee met on Monday March 29, 2021 to review the audit. To quote the management letter, "Berkshire Regional Planning Commission has maintained good fiscal management of its operations. No significant financial reporting control problems were noted during the current year's audit examination." There was one recommendation related to our Brownfield Revolving Loan fund, which we will act on in the coming year. The Finance Committee accepted the audit.

Malcolm Fick, Chair of the Finance Committee and Tom Matuszko, Executive Director thanked Admin and Finance staff Marianne Sniesek and Linda Ludwig for their extra work on the audit and congratulations on the clean report.

**III. Delegate & Alternate Issues**

**IV. Items Requiring Action**

**A. Approval to Submit Grant Applications to the AARP to the Community Challenge Grant Program**

The Executive Committee was requested to authorize the Executive Director to submit two grant applications to the AARP Community Challenge Grant Program and to sign any resulting contracts and agreements. These are projects of the Grey to Green Project.

Working with the Morningside Elementary School, Public Health staff are applying for \$70,000 to support existing efforts by the Morningside administrative staff and students for the development of a basketball court and an age friendly "community area" for all ages. Positioned behind the Second Street Jail, and lined with barbed wire fence, the Morningside school seeks to increase the sense of welcome in the all-ages play area, by applying

for funds to the AARP to support a court, benches, perennial plantings, and painted murals to beautify the space.

Working with Habitat for Humanity, Public Health staff are applying for \$15,000 to support community gardening initiatives, as well as effort to support the beautification of existing public parks. While we are still working on the details with our partners, these funds will support material purchase, as well as neighborhood events to celebrate volunteers and project partners. Neither application has a BRPC match requirement. Primary staff contact for these grant submissions: Allison Egan, Public Health [aegan@berkshireplanning.org](mailto:aegan@berkshireplanning.org)

René Wood moved to approve to authorize the Executive Director to submit two grant applications to the AARP Community Challenge Grant Program and to sign any resulting contracts and agreements. Roger Bolton seconded the motion. It was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, Buck Donovan, John Duval, Kyle Hanlon and René Wood.

**B. Approval to Submit a Grant Application to the Barr Foundation\***

The Executive Committee was requested to authorize the Executive Director to submit two grant applications to the Barr Foundation and to sign any resulting contracts and agreements. Both applications are to support the work of the Berkshire County Education Task Force.

One application for \$240,000 is to continue the Portrait of a Graduate work that was begun last year. The aim of the project is to support deep research, stakeholder engagement, and discussion leading to a collective vision of what all high school students will know and be able to do by and beyond graduation.

The second application for \$100,000 is to continue the research to promote greater collaboration among the region's school districts. Specifically, BCETF seeks funding to increase organizational capacity, to support collaborative projects, to advance equity, and to build public will, with the aim of advancing innovative solutions to address complex public education challenges in the region.

Neither application has a BRPC match requirement.

Half of The Portrait of a Graduate funds were received 3/31 as payment up front. Tom noted that these efforts are led by Jake Eberwein, who has worked very hard on these efforts and deserves the congratulations.

Roger Bolton moved to approve to authorize the Executive Director to submit two grant applications to the Barr Foundation to support the work of the Berkshire County Education Task Force and to sign any resulting contracts and agreements. It was seconded by René Wood. The motion was approved

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

**C. Approval of Merit Increase Range for FY 2022\***

Approval was requested to set the Merit Increase range for FY 2022. BRPC employees do not get automatic pay increases such as an automatic step increase or cost of living increase. MassDOT, which according to our contract with them, must approve pay increases, will not allow straight Cost of Living increases. All pay increases, therefore, are based on performance as documented in written performance evaluations. As a minimum we try to prevent employees losing ground financially one year to the next. This year the Northeast Urban Cost of Living increased by .987% from February 2020 to February 2021. According to our previous practice this sets the base for a merit increase.

Based on our policy regarding annual pay increases, the following increases were proposed for FY 2022 based on performance ratings for the past year:

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

Although the situation is improving, like last year, given the financial and fiscal uncertainty caused by the COVID pandemic, this recommendation should be considered an austerity recommendation in that in a typical year, many employees receive a Meets Expectation rating. Those employees would essentially remain whole. Those employees that have excelled, and there have been some, would be recognized and compensated modestly for their efforts.

René Wood moved to set the Merit Increase range for FY 2022 based on performance as documented in written performance evaluations at the rates listed above. The motion was seconded by CJ Hoss and was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, John Duval, Kyle Hanlon and René Wood. Buck Donovan abstained.

**D. Approval to Increase the Depreciation Threshold**

Approval was requested to increase the depreciation threshold from \$1,000 to \$2,500. This increase was recommended by our Auditor and provides more flexibility when we buy such items as computers, which cost slightly over \$1,000.

Malcolm Fick moved to increase the depreciation threshold from \$1,000 to \$2,500. The motion was seconded by Roger Bolton and was approved by roll

call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, John Duval, Kyle Hanlon and René Wood. Buck Donovan abstained.

## **VII. Committee Reports**

### **A. Regional Issues Committee**

The Regional Issues Committee met on March 10, 2021. The main agenda item was to finalize comments on the Clean Energy and Climate Plan for 2030. Those comments were approved by the Commission at the March 18, 2021 meeting. The next meeting is scheduled for April 28, 2021. The main agenda item will be to prepare comments on the proposed changes by the Census to the urbanized area definition. Draft unapproved minutes from the March 10<sup>th</sup> meeting were included. CJ Hoss, Committee Chair, thanked the BRPC staff for a great thorough job of reviewing the plan and preparing the comments.

### **B. Commission Development Committee**

The Commission Development Committee met at 6:00 pm on Thursday March 18, 2021. The main agenda was to establish a Nominating Committee to nominate a slate of officers for FY 2022. The next meeting is scheduled for May 20, 2021. Draft unapproved minutes from the March 18<sup>th</sup> meeting were included.

### **C. Nominating Committee**

The Nominating Committee met at 6:30 pm on Thursday March 18, 2021. The main agenda item was to recommend a slate of officers for FY 2022. Kyle Hanlon participated as he is stepping down from Commission Chair in the new fiscal year. The next meeting is scheduled for May 20, 2021.

### **D. Environmental Review Committee**

The Environmental Review Committee met at 4:00 pm on March 22, 2021. The main agenda item was to prepare comments to proposed modifications to the MEPA regulations related to climate adaptation / resiliency, environmental justice, and longer-term corrective modifications. Comments were due March 31, 2021. Since this was prior to the Executive Committee meeting, comments were submitted by staff after being approved by the Environmental Review Committee. Roger Bolton, Committee Chair, was very grateful for BRPC Staff Melissa Provencher and Courteny Morehouse's work on this. Minutes of that meeting have not yet been prepared. The comment letter to Secretary Executive Office of Energy and Environmental Affairs is in the meeting materials that were emailed and are posted on the BRPC website.

René Wood motioned to approve the comments to proposed MEPA regulation changes. Malcolm Fick seconded the motion. A roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, Buck Donovan, John Duval and

Kyle Hanlon, René Wood was unanimous affirmative.

#### **E. CEDS Committee**

The CEDS Committee met at 1:00 pm on March 25, 2021. The main agenda topics were a review of the recently awarded EDA grant, a solicitation for input on a survey to assess needs of businesses and non-profits, and a solicitation for input on technical assistance needs of municipalities.

Interviews are underway for the EDA Grant Senior Economic Development Planner who will work with municipalities, community organizations and individuals to build resiliency for crisis like the pandemic. Berkshire Benchmarks will be updated and indicators added as part of this effort.

#### **F. Other**

There were questions and discussion about the Brownfield Trust and the loan to Powerhouse One that is due the end of April. No recipient has defaulted on a loan but there is concern this one might. There is litigation between Powerhouse and their bank (in 1<sup>st</sup> position for repayment) and separately, a tenant. BRPC is in 3<sup>rd</sup> position for repayment. We have sought legal counsel in case there is default. The EPA's purpose for these loans is to grant them in high-risk situations where traditional financial institutions are not willing to take the risk. There is no financial impact on BRPC as an organization if the loan is not repaid. It would result in a \$500,000 reduction in the Brownfield revolving loan funds available for projects in Berkshire County. BRPC can apply for supplemental loans and in some cases may offer grants instead of loans.

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

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

##### New Grants and Contracts received / initiated 03/01/2021 to 03/31/2021

- Becket – Pavement Assessment Study- \$3,500
- FRCOG - Western Mass Mountain Biking - \$32,250
- NEAETC, Community Research Initiative of New England, Inc. - Hepatitis C V - \$12,000
- Becket – ADA Self Evaluation & Transition Plan - \$20,000

##### Grants and Contracts not received

We are not aware of any grants and contracts not received in this period.

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

Below is an update of BTI activities from 3/1/2021 through 3/31/2021:

- We completed Berkshires Tomorrow Inc. tax filing and submitted it to the IRS.

### **C. Staff Update**

- Transportation Program Manager recently had his 10-year anniversary with BRPC.
- James Woods has been hired as an ADA Project Specialist. This is a temporary position to assist us with several ADA Self-Assessment and Transition plan projects we have.
- Lynne Lemanski has been hired as a Finance Project Specialist. This is a part-time temporary position primarily to assist with keeping invoicing current in the face of an increasing number of projects.
- Senior Planner Laura Brennan will be promoted to Economic Development Program Manager. As our work on economic development has increased, Tom decided to create a separate program area in BRPC to call greater attention to it.

### **D. Rural Policy Advisory Commission Update**

The Rural Policy Advisory Commission (RPAC) has finalized its legislative priorities for this session. A copy of those priorities was attached.

### **E. HereforGood Volunteer Month Sponsorship**

BRPC is a sponsor to the HereForGood Month effort. April is National Volunteer Month. The Berkshire United Way (BUW) and Northern Berkshire United are coordinating the HereForGood Volunteer Month. Throughout April they will support safe, diverse volunteer opportunities across the county. BUW plans to engage over 300 volunteers in over a dozen different volunteer opportunities from a StoryWalk™ that gets kids outside to packing and distributing 20,000 meals to those in need. Tom encouraged everyone, as he did his staff, to support this effort. More information is at [Volunteer Center](#).

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

Tom reported he did not have knowledge of any activity this month.

### **G. Northern Tier Passenger Rail Study**

In 2019, state legislation was approved calling for a feasibility study of passenger rail service between North Adams and Boston. On March 12, 2021 MassDOT issued a Request for Proposal for the North Tier Rail Study, with bids scheduled to be opened on April 16th. Further details regarding the study can be found in this document: [Northern Tier Passenger Rail Study - Scope of Work \(trainsinthevalley.org\)](#).

### **H. Westfield River Wild and Scenic River Report**

Marie Raftery is BRPC's representative to the Westfield River Wild and Scenic River Committee. Attached is the report she provided about activities of that committee in 2020. Tom appreciated Marie's role and this groups efforts.

## **I. Other - none**

## **IX. Old Business**

### **A. Office Space**

Inasmuch as the COVID vaccine seems to be effective, there is a greater likelihood of the public health emergency being lifted in the next several months, and society returning to a more interactive state, Tom has decided to pursue securing office space as quickly as possible. We hope to go out to bid in the next several weeks. Optimistically we may be able to finalize our new lease by October 1<sup>st</sup>. If not, Tom will seek a short-term extension for our current space.

In the meeting materials is a list of the office space requirements used for the 2011 procurement, which was subsequently extended in 2016. Tom asked for feedback on those requirements, especially the requirement that we be located within one mile of Park Square and within a 5-minute walk of a BRTA bus Route. Downtown is defined as within a 15-minute walk of our current location of Fenn & North St.

Committee members asked about staff preferences in terms of telework. Staff have been surveyed and there has been much discussion of what will happen when the emergency is lifted. Based on this and Tom's research on the topic, he is considering a minimum of 2-3 in-office days weekly and core work hours of 10-4 when everyone is accessible. Given this, each staff person needs their own desk area. Some staff members have issues with the parking and lighting downtown, others do not.

It was noted that employees are looking for flexibility, so the option to telecommute is key to attracting candidates. Reducing use of paper files will reduce the need for storage space. BRPC is going digital as much as laws allow.

There was discussion about the pros and cons of being downtown Pittsfield, and general agreement that as the county's planning organization whose mission is to lead on land-use; it is important to stay in center of the county's urban center. CJ Hoss agreed to be part of a committee about the office lease.

### **B. Vacation and Comp Time**

BRPC has limits on the amount of vacation and comp time staff can accrue as well as when that time must be used. For instance, all comp time is supposed to be used by July 15<sup>th</sup>. With the COVID related lock-down Tom relaxed those limits and let staff exceed them. Tom intends to continue to relax those limits until the Governor ends the declaration of a public health emergency. A small number of staff who were at or near their limit prior to the COVID lock-down and a small number of staff working at the vaccination



clinics have a significant amount of accrued time. In some instances, a significant degradation of performance would occur if staff were required to use all their time. Working with individual staff, Tom intends to provide an option of a combination of a payout or continued carryover of unused time. For those staff choosing to carryover time, a definitive plan of when they would use that time would need to be prepared. My goal is that all staff would be below the established limits no later than June 30, 2022, provided the public health emergency is lifted early enough in FY 22.

René Wood motioned to approve the relaxed vacation and comp time accrual limits and the combination of a payout and continued carryover of unused time. Roger Bolton seconded and it was approved by roll call vote by Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, John Duval, Kyle Hanlon, René Wood and Buck Donovan.

### **C. Other**

The question of BRPC receiving funds from the American Rescue Plan Act of 2021 was discussed because there are significant funds available for counties. In regions like ours, without county government, the funds are distributed to municipalities. Tom said BRPC's services are available as always to help towns figure out best use of those funds. He recommends one-time expenses such as infrastructure.

It was noted that there are several ways BRPC could support regional efforts such as wastewater treatment, sewer and broadband. A shared housing planner was also mentioned to help municipalities develop all types of housing by changing zoning laws and other barriers to improve the housing situation.

## **X. New Business**

### **A. Changes to the BRPC Telework Policy**

This was also discussed under the Office Space topic. The current BRPC Telework (Telecommuting) Policy allows telework in limited instances, with prior approval of each instance required. It is not permitted on an ongoing, routine basis. The policy was relaxed that policy due to the COVID crisis when BRPC has gone to all remote work for periods of time as required. BRPC has made the necessary changes with our network and have purchased laptops for all staff to enable staff to function very well remotely. Generally, Tom believes the transition has gone well. Overwhelmingly, staff have indicated a preference to be able to continue to telework. Correspondingly, due to the COVID crisis, Tom allowed more flexibility in staff work schedules. Our current policy requires staff to show a minimum of 7 hours per day, Monday through Thursday, either billed to a combination of leave or projects. Tom intends to modify both policies to allow greater use of teleworking and greater flexibility in schedules. Tom will have a draft policy for May's Executive Committee meeting.

## **B. May Full Commission Meeting (Virtual) May 20, 2021**

We can finalize the specific agenda at the May Executive Committee meeting. Here are some items for the agenda:

- Report of the Nominating Committee
- Adoption of the FY 22 budget
- Comments from the Regional Issues Committee on changes to designating Urbanized Areas in the Census
- Approval of required transportation documents

## **C. Other - None**

## **XI. Adjournment**

The meeting was adjourned at 5:25 pm by a motion made by CJ Hoss and seconded by Malcolm Fick. It was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, CJ Hoss, Buck Donovan, John Duval, Kyle Hanlon and René Wood.

### Attachments:

- Unapproved Minutes of the March 4, 2021 Executive Committee Meeting
- Line of Credit Report
- FY2020 Draft Audit Management Letter
- Memo – Executive Committee Agenda Items
- Propose Capitalization of Assets Policy
- Unapproved Minutes of the March 10, 2021 Regional Issues Committee meeting
- Unapproved Minutes of the March 18, 2021 Commission Development Committee meeting
- Resume – J. Woods
- Resume – L. Lemanski
- 2021 Rural Policy Advisory Commission Legislative Priorities
- 2020 Westfield River Report
- 2011 – 2016 BRPC Office Requirements
- February Technical Assistance

\* Items Requiring Action