



MEETING NOTICE

There will be a meeting of
the
EXECUTIVE COMMITTEE
of the
BERKSHIRE REGIONAL PLANNING COMMISSION
on Thursday, June 3, 2021 at **5:00** p.m.
(note different start time from other regularly scheduled meetings)

This will be a **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.

Information to join the meeting is:

<https://us02web.zoom.us/j/3926128831>

Meeting ID: 392 612 8831

Call in information: 312.626.6799, 646.558.8656, 301.715.8592, 346.248.7799, 669.900.9128

Meeting Material: All written materials for the meeting are posted on BRPC's website: www.berkshireplanning.org. Click on the calendar of events for the meeting and materials available will be listed.

AGENDA

- I. Call to Order & Open Meeting Law Statement (5:00)
- II. Approval of Minutes of the Executive Committee Meeting of May 6, 2021* (5:05)
- III. Financial Reports (5:10)
 - A. May Expenditures Report *
 - B. Accounts Receivable Report & Assessments
 - C. Line of Credit Report
 - D. Correction to the April Accounts Receivable Report
 - E. Other
- IV. Delegate & Alternate Issues (5:15)
- V. Items Requiring Action* (5:20)
 - A. Approval to Submit Grant Applications to the Environmental Protection Agency and Toxic Use Reduction Institute*
 - B. Approval to Accept Grant Funds from the Western Region Homeland Security Advisory Council*
 - C. Approval to Submit a Grant Application to the Mohawk Trail Woodlands Partnership Implementation Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs*

City and Town Clerks: Please post this notice pursuant to M.G.L. Chapter 39, Section 23B

Please Note:

For information regarding postponements or cancellations on the day of a scheduled meeting, please call Berkshire Regional Planning Commission at (413) 442-1521, x5

- D. Approval to Submit Grant Applications to the Massachusetts Department of Energy Resources*
 - E. Other
- VI. Committee Reports (5:30)
- A. Finance Committee
 - B. Berkshire Brownfields Committee
 - C. Commission Development Committee
 - D. Berkshire MPO
 - E. Environmental Review Committee
 - F. Regional Issues Committee
 - G. Other
- VII. Executive Director's Report (5:35)
- A. Report on New Contracts / Agreements
 - B. Berkshires Tomorrow Inc. Update
 - C. Staff Update
 - D. Rural Policy Advisory Commission Update
 - E. District Local Technical Assistance Funding
 - F. West-East Rail Update
 - G. Other
- VIII. Old Business (5:40)
- A. BRPC's Revised Telework Policy
 - B. Annual Meeting
 - C. Office Space
 - D. Other
- IX. New Business (5:50)
- A. Kusik Award
 - B. Open Meeting Law Requirements
 - C. The Special Joint Committee on Redistricting
 - D. Summer Meeting Schedule
 - E. Executive Director's Performance Review
 - F. Other
- X. Adjournment (5:10)

Attachments:

- Unapproved Minutes of the May 6, 2021 Executive Committee Meeting
- May 2021 Expenditures Report
- May 2021 Accounts Receivable Report
- May 2021 Line of Credit Report
- Memo – May 28, 2021 Executive Committee Agenda Items
- Resume – K.Walto
- BRPC's Revised Telework Policy
- Joint Committee on State Admin and Regulatory Oversight Bill Summaries
- Senate Committee on Ways and Means Bill Summaries
- Memo - April 2021 Technical Assistance

* Items Requiring Action



DRAFT MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, May 6, 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: 4:05 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
John Duval, Vice Chair
Sheila Irvin, Clerk
Malcolm Fick, Treasurer
Roger Bolton, Environmental Review Committee Chair
Buck Donovan, Lee Delegate, At-Large
Sam Haupt, Peru Delegate; At-Large

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

Staff Present: Thomas Matuszko, Executive Director; Marianne Sniezek, Office Manager; Kate Hill Tapia, Office Administrator; Wylie Goodman, Senior Planner Economic Development; Mark Maloy, GIS, Data & IT Program Manager

Tom introduced Wylie Goodman, the Senior Planner for Economic Development, a new position to work primarily on the EDA grant.

C. Approval of Minutes of Executive Committee Meeting on April 1, 2021

Sheila Irvin moved to approve the minutes of the April 1, 2021 meeting, which was seconded by Roger Bolton and approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, Buck Donovan, Sam Haupt and Kyle Hanlon, John Duval.

II. Financial Reports

A. April Expenditures Report

Tom explained that the Mass Audubon consulting fee is for environmental education for the Greylock Center in Adams.

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

B. Accounts Receivable Report & Assessments

There are two large outstanding items, one from USDA for Farmers Markets and another with Adams for MVP Mohawk Trail work. John Duval offered to look into the payment from Adams. Tom reported that remote work is slowing down government employees' ability to process fund distributions.

C. Line of Credit Report

The BRPC Line of Credit is still showing a balance of \$125,000. We paid \$442.72 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. It was suggested to ask Senator Hinds to follow up since his earmark provided **the** funding.

D. Other - None

III. Delegate & Alternate Issues - None

IV. Items Requiring Action

A. Approval of Comments to the U.S. Census Bureau Regarding Proposed Changes to the Definition of Urbanized Areas

BRPC Data Program Manager, Mark Maloy drafted a letter about the U.S. Census Bureau proposed change to the definition of urbanized areas. This could result in Berkshire County losing urbanized area designations. He explained that it is a purely statistical exercise, but it would have unintended consequences. Committee members noted it is a fine letter and agreed they are concerned about consequences if this change goes into effect.

Malcolm Fick moved to approve the Executive Director submit the letter with a modification to the U.S. Census Bureau regarding proposed changes to the definition of urbanized areas. Sheila Irvin seconded the motion. It was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Sam Haupt and Kyle Hanlon.

B. Approval of Changes to BRPC's Personnel Pay Plan

BRPC's policy requires a comprehensive review of the Commission's salary structure to be performed no less often than every two years to ensure the agency remains competitive in both personnel recruitment and retention. BRPC management conducted that review. Generally, most of the positions are within range to the other regional planning agencies. Program Managers'

ranges needed to be adjusted. And the intern salary needs an increase to conform to a new minimum wage law. The proposed Personnel Pay Plan showed the new salary ranges for FY 2022 and included new public health nurse staff positions (explained below).

BRPC was recently awarded a large grant from the Department of Public Health to increase cooperation among communities. The length of time of the funding depends on the legislature. Some of those funds will be used to hire public health nurses and administrative support. Currently the public health nurses are independent contractors. Per Massachusetts labor laws, you cannot have the same positions filled by contractors and employees, it must be one or the other.

Sheila Irvin moved to approve the changes to BRPC's Personnel Pay Plan. It was seconded by Sam Haupt. The motion was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Sam Haupt and Kyle Hanlon.

C. Approval of Surplus Inventory

The Executive Committee needed to approve the list of surplus equipment that was shown on an attached document, Surplus Equipment 2021.04.26. According to BRPC's policy, depending on the value and condition of equipment, it is offered to the municipalities, then non-profits, then either advertised for sale or offered to staff. Finally, if there is no interest it is responsibly destroyed.

Malcolm Fick moved to approve the disposal plan for surplus equipment. The motion was seconded by Roger Bolton and was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Sam Haupt and Kyle Hanlon.

D. Other - None

V. Committee Reports

A. Regional Issues Committee

The Regional Issues Committee met April 28, 2021. The main agenda item was to review and recommend comments on the proposed changes by the U.S. Census to the Urbanized Area definition. Those comments were discussed under a previous agenda topic. Draft unapproved minutes from the April 28th meeting were not yet available. The next meeting is scheduled for May 26, 2021. The proposed main agenda item will be to understand the Census's differential privacy policy, which is a technique used by the Census to insert "noise" into the Census results (basically distort the actual number) to protect individual privacy. Tom is very concerned about the impact of inaccurate counts as so many organizations rely on census numbers. Discussion reported that town managers are also very concerned about this. Al Blake reported that Representative Farley-Bouvier and Senator Hinds will

hold a hearing in June as they sit on the redistricting committee. He will let Tom know so this can be shared with the full commission.

B. Environmental Review Committee

The Environmental Review Committee met April 26, 2021. The main agenda item was to prepare comments on the Environmental Notification Form for the Eagle Mill Redevelopment project in Lee. Comments were due April 27, 2021. Since this was prior to the Executive Committee meeting, comments were submitted by staff after being approved by the Environmental Review Committee. Minutes of that meeting have not yet been prepared. The comments that were submitted were included with the meeting material

The committee appreciated Melissa Provencher and Clete Kus's (BRPC Program Managers for Environmental & Energy and Transportation respectively) great work on the comment letter. It was concerning that at a recent consultation session the MassDOT staff did not seem concerned about the serious traffic safety issues the project could create. It is hoped MassDOT will get involved and offer solutions.

Al Blake asked if the project has considered ground source heat pumps. He recommended that alternative energy sources be suggested as early as possible and offered his assistance. Other big projects like this have missed that opportunity. Tom said that BRPC can see that it is recommended to the developer.

Roger Bolton motioned to approve (after the fact) the comments as prepared and submitted on the Eagle Mill Redevelopment project in Lee. Malcolm Fick seconded, and it pass unanimously by a roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Sam Haupt and Kyle Hanlon.

C. Berkshire MPO

The Berkshire MPO met April 27, 2021. The main agenda items were amendments to the FY 21-25 TIP, authorization to release the FY22-26 TIP, a presentation about the [ArcGIS Story Map about the Berkshire bike path](#), and a preview of the 2022 Unified Planning Work Program (UPWP).

D. Finance Committee

The Finance Committee is scheduled to meet after this Executive Committee meeting. The main topic of the meeting will be a review of the proposed FY 22 budget.

E. Nominating Subcommittee

The following slate of officers was proposed and will be presented at the full commission meeting at the May 20th meeting.

Chair – John Duval

Vice Chair – Malcom Fick

Treasurer – Buck Donovan

VI. Executive Director’s Report

A. Report on New Contracts/Agreements

New Grants and Contracts received / initiated 04/01/2021 to 04/30/2021.

- BARR Foundation –Portrait of a Graduate Action Plan - \$240,000
- Berkshire United Way – Match to EDA COVID-19 Regional Recovery Project - \$150,000
- Franklin County Sheriffs Dept/Office of Juvenile Justice Delinquency Prevention (Opioid) - year 3 – \$67,896.01 of \$106,450
- Stockbridge ADA Self-evaluation and Transition Plan - \$40,000

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

The following were BTI activities from 4/1/2021 through 4/30/2021:

- The Berkshire Opioid Abuse Prevention Collaborative received a \$5,000 Berkshire County Taconic Foundation James and Robert Hardman Fund grant.

C. Staff Update

- Wylie Goodman has been hired as a Senior Economic Development Planner. Her resume was attached.

D. Rural Policy Advisory Commission Update

The Rural Policy Advisory Commission (RPAC) met on April 9, 2021. The main agenda items were a discussion about the upcoming state budget, potential staffing for an Office of Rural Policy, and a discussion of Municipal governance issues in rural communities.

E. U.S. Department of Agriculture New Rural Renewable Energy Pilot Program

On April 1, 2021, the U.S. Department of Agriculture (USDA) announced it is requesting public input from interested parties to help create a new Rural Renewable Energy Pilot Program. The Consolidated Appropriations Act, 2021 (PL116-260) provided \$10 million to USDA to develop a pilot program that provides financial assistance to rural communities to further develop renewable energy. This request for information sought input to help develop options for the Rural Renewable Energy Pilot Program. A comment letter submitted by staff was attached.

F. West-East Rail Update

Tom reported he was unaware of any activity this month.

G. State Budget

Tom is monitoring the state budget process. DLTA funding is in the Governor’s budget and has passed the House but not through the Senate yet.

VII. Old Business

A. BRPC’s Revised Telework Policy

A revised BRPC Telework Policy was presented and discussed. If trends

continue, Tom expects to be back in the office at full strength August 1, 2021 per the Governor's plan and dependent on health metrics. The question about requiring vaccinations to prevent someone getting sick was raised. There is no plan to require them at this point. It was suggested to monitor what towns are doing.

Roger Bolton moved to approve the BRPC's Revised Telework Policy. It was seconded by Sam Haupt. The motion was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Sam Haupt and Kyle Hanlon.

Discussion led to the topic of remote meetings and a question about BRPC full commission and committee meetings going back to in-person meetings. It was noted that before the pandemic people did participate via phone provided a physical quorum was achieved. Having a quorum has always been a concern. How would it work if a quorum would have to be in-person and others can stay remote? According to the current law, the Commission would have to vote to allow remote participation and have it applied to all committees.

B. Office Space

Proposals for BRPC Office space are due June 1st. To date, there have been few inquiries. Our current landlord granted a 2-month extension until November 30, 2021.

C. Other - None

VIII. New Business

A. Changes to the June Executive Committee Meeting Time

The committee agreed to change the June 3rd start time from 4:00 pm to 5:00 pm. to accommodate Tom's participation as a presenter at a leadership training.

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

Possible agenda items for the May 20th Full Commission meeting.

- Report of the Nominating Committee
- Adoption of the FY 22 budget
- Presentation and approval of required transportation documents
- Census update – differential privacy policy
- Roundtable discussion about town meeting zoning (or other items) outcomes
- Presentation from UMass Donahue Institute staff about the U.S. Census differential privacy policy – it was agreed this would be interesting and helpful to understand it better.

C. Addition of Juneteenth Holiday

A motion was made by Al Blake and seconded by Sheila Irvin to recommend

to the full Commission at the May 20th meeting to establish Juneteenth/June 19 as an additional floating holiday for BRPC. The motion was approved unanimously by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Sam Haupt and Kyle Hanlon.

IX. Adjournment

The meeting was adjourned at 5:22 pm by a motion made by Sheila Irvin and seconded by Malcolm Fick. It was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Sam Haupt and Kyle Hanlon.

Attachments:

- Agenda
- Unapproved Minutes of Executive Committee Meeting of April 1, 2021
- April 2021 Expenditures Report
- April 2021 Accounts Receivables
- Line of Credit Report
- Memo – Executive Director
- Census Urbanized Area Letter
- Personnel Plan FY22
- Surplus Equipment list
- Eagle Mill ENF Comment Letter
- MPO Minutes April 27, 2021 Draft
- Resume – W. Goodman
- Rural Energy Pilot Program Comments
- March 2021 Technical Assistance Memo

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From May 1, 2021 to May 24, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Amount	DEPT #	DEPT Description	Expense Description
15209	5/1/21	MUTUAL OF OMAHA	543.52	40 ADMIN	Admin	Life: STD; LTD
15210	5/1/21	CITY OF PITTSFIELD	225.00	40 ADMIN	Admin	Parking
15211	5/1/21	THE COOPER CENTER, LLC	4,557.00	40 ADMIN	Admin	Rent
15212	5/3/21	AAIM TRAINING AND CONSULTING LLC	60.00	40 ADMIN	Admin	Background check, Goodman
				440.05 TPL21 & 40 ADMIN	Admin	440.05 TPL & BRPC Office Space
15213	5/3/21	NEW ENGLAND NEWSPAPERS, INC.	403.40	ADMIN	Admin	440.05 TPL & BRPC Office Space
15214	5/3/21	DONOVAN O'CONNOR & DODIG LLP	295.00	166 EPA/RLF-HAZ	Brownfields Revolving Loan Fund	Legal Services
15215	5/3/21	EMPLOYERS ASSOC.OF THE NORTHEAST, INC.	850.00	40 ADMIN	Admin	Annual Membership
15216	5/3/21	H TERRY DESIGNS LLC	195.00	40 ADMIN	Admin	Website support
15217	5/3/21	MASS STATE BOARD OF RETIREMENT	7,212.32	---	---	Retirement
15218	5/3/21	MIIA HEALTH BENEFITS TRUST	1,773.94	40 ADMIN	Admin	Dental Insurance
15219	5/3/21	MIIA HEALTH BENEFITS TRUST	35,686.89	40 ADMIN	Admin	Health Insurance
15220	5/3/21	STEPHEN MURRAY	108.00	526 BCSO	Berkshire County Sheriff's Office - OPIOID21	Business cards
					US Dpt of Health & Human Services - Health Resources and Services Administration - HIV Capacity Development & Planning	Subcontractor
15221	5/3/21	NORTH ADAMS AMBULANCE SERVICE, INC.	2,500.00	571 HRSA/HIV		Subcontractor
15222	5/3/21	PARTNERS FOR A HEALTHIER COMMUNITY, INC.	2,968.75	526 BCSO	Berkshire County Sheriff's Office - OPIOID21	Subcontractor
					Massachusetts Department of Elementary and Secondary Education - BCETF - Region 2021	Subcontractor
15223	5/3/21	KENNETH M. ROCKE	520.00	638 DESE REGIONAL21	BCETF - Region 2021	Subcontractor
15224	5/3/21	VANASSE HANGEN BRUSTLIN, INC.	1,312.50	547 EOEAA/SW	Stormwater	Subcontractor
15225	5/10/21	PHILIP ARNOLD	79.52	---	Varied Projects	Expense Report
				602 DPH/COVIDREB & 284 BPHN	Public Health Nursing /	Nurses
15226	5/10/21	JUNE AXT	2,590.00	284 BPHN	Public Health Nursing /	Nurses
15227	5/10/21	VALERIE BIRD	447.20	---	Varied Projects	Expense Report
15228	5/10/21	COREY CALLANDER	330.00	623 BTI/BCETF/BRLISU	Berkshire Remote Learning Support Initiative Support	Subcontractor
15229	5/10/21	GWENDOLYN CARIDDI	127.12	---	Varied Projects	Expense Report
15230	5/10/21	SARAH CARLETON	595.00	638 DESE/REGIONAL21	MA Dept Elem/Sec Education - BCETF	Subcontractor
15231	5/10/21	KATHY CIMINI	1,977.50	Varied PHN	Public Health Nursing	Nurses
15232	5/10/21	PAULA E. DOWNER	1,175.00	Varied PHN	Public Health Nursing	Nurses
15233	5/10/21	LESLIE DRAGER	6,826.50	Varied PHN	Public Health Nursing	Nurses
15234	5/10/21	EDWARD M. FAHEY	311.06	---	Varied Projects	Expense Report
15235	5/10/21	DAVID W. KELLEY	240.00	40 ADMIN	Admin	Cleaning
15236	5/10/21	LAURA KITTROSS	206.28	---	Varied Projects	Expense Report
15237	5/10/21	MARK MALOY	79.16	---	Varied Projects	Expense Report
15238	5/10/21	MCKESSON MEDICAL - SURGICAL	268.31	284 BPHN/PHN	Public Health Nursing	Supplies
15239	5/10/21	PATRICIA A. MULLINS	75.44	---	Varied Projects	Expense Report
15240	5/10/21	KARA POTTER	805.00	Varied PHN	Public Health Nursing	Nurses

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From May 1, 2021 to May 24, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Amount	DEPT #	DEPT Description	Expense Description
15241	5/10/21	HEATHER QUIMBY	1,435.00	Varied PHN	Public Health Nursing	Nurses
15242	5/10/21	TD BANK	2,618.00	40 ADMIN	Admin	Credit Card Payment
15243	5/10/21	WILLIAM THORNTON	169.68	---	Varied Projects	Expense Report
15244	5/10/21	ALEXANDER VALENTINI	391.78	---	Varied Projects	Expense Report
15245	5/10/21	VALLEY GREEN SHREDDING, LLC	35.00	40 ADMIN	Admin	Recycling
15246	5/10/21	BERKSHIRE SPRINGS	82.06	40 ADMIN	Admin	Water
15247	5/10/21	JAMES WOODS	204.60	---	Varied Projects	Expense Report
15248	5/10/21	LAURA BRENNAN	22.40	---	Varied Projects	Expense Report
				570		
15249	5/10/21	FEDEX	21.29	SHFNMBOTS/CDBG19	Sheffield New Marl Otis CDBG FY19	Postage
15250	5/10/21	W.B. MASON COMPANY, INC.	283.76	40 ADMIN	Admin	Supplies
15251	5/10/21	VANASSE HANGEN BRUSTLIN, INC.	2,090.00	547 EOEAA/SW	Stormwater	Subcontractor
1104	5/10/21	AK CONSTRUCTION	11,250.00	522 CHS/NMB/CDBG18	Cheshire CDBG	Subcontractor
1105	5/10/21	AK CONSTRUCTION	11,250.00	522 CHS/NMB/CDBG18	Cheshire CDBG	Subcontractor
1106	5/10/21	AK CONSTRUCTION	7,618.50	522 CHS/NMB/CDBG18	Cheshire CDBG	Subcontractor
1107	5/10/21	AK CONSTRUCTION	5,850.00	522 CHS/NMB/CDBG18	Cheshire CDBG	Subcontractor
				570		
1194	5/10/21	AK CONSTRUCTION	3,562.50	SHFNMBOTS/CDBG19	Sheffield New Marl Otis CDBG FY19	Subcontractor
				570		
1195	5/10/21	HENRY E BARTLETT III & GARY SCHOONMAKER	10,305.00	SHFNMBOTS/CDBG19	Sheffield New Marl Otis CDBG FY19	Subcontractor
15252	5/10/21	MIIA HEALTH BENEFITS TRUST	9,462.68	40 ADMIN	Admin	April Balance Due Health Insurance
1108	5/10/21	HENRY E BARTLETT III & GARY SCHOONMAKER	8,100.00	522 CHS/NMB/CDBG18	Cheshire CDBG	Subcontractor
15253	5/10/21	MIIA HEALTH BENEFITS TRUST	233.55	40 ADMIN	Admin	April Balance On Dental Insurance
1196	5/10/21	HENRY E BARTLETT III & GARY SCHOONMAKER	4,050.00	VOID	VOID	VOID
1196V	5/10/21	HENRY E BARTLETT III & GARY SCHOONMAKER	-4,050.00	VOID	VOID	VOID
				570		
1197	5/10/21	HENRY E BARTLETT III & GARY SCHOONMAKER	4,050.00	SHFNMBOTS/CDBG19	Sheffield New Marl Otis CDBG FY19	Subcontractor
				570		
1198	5/10/21	HENRY E BARTLETT III & GARY SCHOONMAKER	6,975.00	SHFNMBOTS/CDBG19	Sheffield New Marl Otis CDBG FY19	Subcontractor
				570		
1199	5/12/21	AK CONSTRUCTION	2,862.00	SHFNMBOTS/CDBG19	Sheffield New Marl Otis CDBG FY19	Subcontractor
EFT	5/12/21	ZOOM VIDEO COMMUNICATIONS, INC.	40.00	40 ADMIN	Admin	Subscription
EFT	5/17/21	UNANET TECHNOLOGIES	410.46	40 ADMIN	Admin	CLOUD BILLING 05/10/21-11/30/21
15254	5/17/21	COMPUWORKS	2,487.50	40 ADMIN	Admin	QTRLY SUPPORT
15255	5/17/21	MIKE SCUTIERI	200.00	40 ADMIN	Admin	OFFICE CLEANING

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From May 1, 2021 to May 24, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Amount	DEPT #	DEPT Description	Expense Description
15256	5/17/21	TPX COMMUNICATONS	932.76	40 ADMIN	Admin	Telephone
15257	5/17/21	MASS STATE BOARD OF RETIREMENT	7,564.85	---	---	Retirement
14978V	5/17/21	BERKSHIRES TOMORROW, INC.	-1,800.00	VOIDED	VOIDED	VOIDED
15258	5/17/21	BERKSHIRES TOMORROW, INC.	1,800.00	40 ADMIN	Admin	Software Lease Payment Replacement CK 14978V
EFT	5/17/21	TRAILFORKS	35.99	628 FRCOG/MASSTRAIL	Focusing on mountain biking	
15259	5/17/21	MIRICK, O'CONNELL, DEMALLIE & LOUGEE	40.00	10 GENERAL	General	Legal Services
15260	5/19/21	1BERKSHIRE	6,298.97	637 EDA/COVIDRRP	EDA COVID-19 Regional Recovery Project	Subcontractor
15261	5/19/21	DONOVAN O'CONNOR & DODIG LLP	120.00	166 EPA/RLF-HAZ	Brownfields Revolving Loan Fund	Legal Services
15262	5/19/21	THE COOPER CENTER, LLC	794.40	40 ADMIN	Admin	Utilities
Total			<u>183,142.14</u>			

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of May 31, 2021

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is pri

Customer ID	Customer	Over 90 days	Amount Due	Notes
10 WINDSOR/MAPS	TOWN OF WINDSOR		900.00	
10/BTCF	BERK.TACONIC COMMUNITY FOUNDATION		300.00	
283 BHPA/INSP/LAN	TOWN OF LANESBOROUGH		6,250.00	
284 BPHA/PHN NAS	TOWN OF NEW ASHFORD		2,500.00	
284 BPHA/PHN/SAV	TOWN OF SAVOY	500.00	1,000.00	These were sent late.
284 BPHA/PHN/SND	TOWN OF SANDSFIELD	1,000.00	1,500.00	These were sent late.
284 BPHA/PHN/TRITOWN	TRI-TOWN HEALTH DEPT		6,289.00	
284 TYRINGHAM	TOWN OF TYRINGHAM		1,250.00	
284/BHPN/PHN/BKT	TOWN OF BECKET	875.00	1,750.00	These were sent late.
284/BHPN/PHN/CHS	TOWN OF CHESHIRE	1,077.50	2,155.00	Notified Board of Health
284/BHPN/PHN/DAL	TOWN OF DALTON	1,452.25	2,904.50	These were sent late.
284/BHPN/PHN/NAD	CITY OF NORTH ADAMS	2,363.25	4,726.50	These were sent late.
284/BHPN/PHN/WMST	TOWN OF WILLIAMSTOWN	1,598.25	3,196.50	These were sent late.
284/BPHN/PHN/CLK	TOWN OF CLARKSBURG	679.25	679.25	Notified TA - Researching
284/BPHN/PHN/GTB	TOWN OF GREAT BARRINGTON	1,447.00	2,894.00	These were sent late.
284/BPHN/PHN/WSH	TOWN OF WASHINGTON		500.00	These were sent late.
319/ROR	REST OF RIVER COMMITTE MEMBERS	5,155.44	5,155.44	STK has invoice and is sending payment.
326/BURN/OTIS	TOWN OF OTIS	95.00	95.00	Called/Emailed
326/BURN/STOCKBRIDGE	TOWN OF STOCKBRIDGE	95.00	95.00	Emailed new address - Fire Dept
326/BURN/WINDSOR	TOWN OF WINDSOR	95.00	95.00	Called/Emailed
349 BSAS/EOHHS	BUREAU OF SUBSTANCE ABUSE		22,594.78	
350/BCBOHA	BERKSHIRE COUNTY BOARDS OF HEALTH ASSOC	2,753.02	5,011.08	LK will pay next week
440/TPL17	MASSDOT#75425 - TPL13		52,012.38	
466 LAN/SW	TOWN OF LANESBOROUGH		2,919.97	
490 USDA	USDA	33,631.22	33,631.22	Payment processed 5/26, expected within a week
493 RCH/EP	TOWN OF RICHMOND	475.00	1,311.00	LB - Was following Up
522 TOWN OF CHESHIRE	TOWN OF CHESHIRE		35,968.50	
527 LEN/MP	TOWN OF LENOX		8,840.44	
533 FCSD/OJJD	SDF-SHERIFF'S DEPARTMENT, FRANKLIN		1,551.19	
538 ADM/CLNUP	TOWN OF ADAMS		676.52	
550 DOER/AARC	COMMONWEALTH OF MASSACHUSETTS		35,852.49	
560 APALACHEE	APALACHEE, LLC	438.53	438.53	R. Slick
560 CHAMPION SALT	CHAMPION SALT		4,262.93	
570 SHF-NMB-OTS/CDBG	TOWN OF SHEFFIELD		69,367.54	
580 EOEEA/DAL/PLANA	EXEC OFFICE OF ENERGY AND ENV		2,608.32	
588 TOWN OF GTB	TOWN OF GREAT BARRINGTON		3,369.52	
592 DEP/319REGC	DEPT OF ENVIRONMENTAL PROTECTION		4,253.60	
597 ADM/MTWP-MVP	TOWN OF ADAMS		99,368.71	

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of May 31, 2021

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is pri

Customer ID	Customer	Over 90 days	Amount Due	Notes
614 MAPC/VACEXER	METROPOLITAN AREA PLANNING COUNCIL	11,465.74	11,465.74	Late Payers
615.01 BTI	BERKSHIRES TOMORROW, INC.	2,100.00	2,100.00	All set.
618 LEN/CDBG-CV	TOWN OF LENOX	29,755.67	29,755.67	Transition re: retired DHCD staff slowed payment. Now rectified
623 BTI/BCETF/BRLISU	BERKSHIRES TOMORROW, INC.		6,644.49	
626 WST/MP	TOWN OF WEST STOCKBRIDGE		10,002.70	
649 BCTF	BERKSHIRE TACONIC COMMUNITY FOUNDATION		5,000.00	
PARKING PERMIT FEES	PARKING PERMIT FEES		25.00	
TOWN OF LEE	TOWN OF LEE		2,500.00	

Report Total

97,052.12 495,767.51



America's Most Convenient Bank®

Current Balance

\$177.08

Available Credit

\$229,822.92

Amount Due

\$0.00

Payment Due Date

Jul 5, 2021

Date	Description	Debit	Credit
ACCOUNT HISTORY			
5/24/2021	PAYDOWN		\$124,822.92
5/24/2021	PAYMENT (INTEREST)		\$457.47
4/27/2021	PAYMENT (INTEREST)		\$442.70
3/31/2021	PAYMENT (INTEREST)		\$457.47
2/24/2021	PAYMENT (INTEREST)		\$619.79
1/22/2021	ADVANCE	-\$125,000.00	

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MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission
FROM: Thomas Matuszko, Executive Director
DATE: May 28, 2021
SUBJ: Agenda Items – June 3, 2021 Executive Committee Meeting

III. Financial Reports

C. Line of Credit Report

On 5/24/21, we authorized to pay down the full balance due on the Line of Credit, \$125,000.00 in principle and \$280.39 interest. However, when the bank did the actual pay off, the interest was applied incorrectly. Hence, as the report indicates, we have an amount due \$177.08 and showing us having paid \$124,822.92. This leaves an available balance to borrow, should we need to of \$229,822.92. TD bank is making the correction but it will take several days for it to be reflected in the statement.

D. Correction to the April Accounts Receivable Report

The April Account Receivable report showed the Town of Adams as having an amount of \$99368.71 due to us for more than 90 days. Due to a BRPC error this was incorrectly entered. The invoice, correctly reflected in this month's report, was never sent to town due to a staff miscommunication.

E. Other

V. Items Requiring Action

A. Approval to Submit Grant Applications to the Environmental Protection Agency and Toxic Use Reduction Institute*

The Executive Committee is requested to authorize the Executive Director to submit three complimentary grant applications and to sign any resulting contracts and agreements: two to the Environmental Protection Agency and the third to the Toxic Use Reduction Institute. The three grant proposals are related in scope and support the work of one unified project. Senior Planner Alison Egan aegan@berkshireplanning.org and Planner Emily Lange elange@berkshireplanning.org are working on this effort.

BRPC's Energy and Environmental Planning and Public Health Departments will collaborate on this work alongside project partners: Habitat for Humanity, Berkshire Environmental Action Team (BEAT), and the City of Pittsfield Health Department. The project addresses indoor air quality and environmental hazards as well as energy efficiency issues in homes in the Morningside and Westside neighborhoods of Pittsfield, as residents of these neighborhoods experience disparate health outcomes from the rest of the

city. BRPC staff will develop a collection of resources on the warning signs and remedies of common indoor environmental hazards, the importance of energy efficiency, and how to access State and City programs to address these and other issues. BRPC staff will train the Habitat for Humanity community navigators on this material, who will then conduct door to door outreach to residents and local daycares, and the City of Pittsfield Health Department staff, who will incorporate materials into routine home inspections.

The first application is to the EPA's Healthy Communities Grant Program for \$28,020.71 over two years (maximum request able amount is \$30,000). The application was submitted on May 20, 2021, and so we ask that the Executive Committee retroactively authorize this submission. This grant requires a match of 5% which will come from current BRPC grants Gray to Green and Affordable Access to Regional Coordination as there is overlap between these projects and the grant proposal in scope and staff. If successful, the Healthy Communities grant will fund BRPC's community outreach, development of educational materials, strategy advisement from BEAT, trainings, outreach performed by the community navigators, and follow up with residents.

The second application is to EPA's Environmental Justice Small Grants program for \$75,000 which requires no funding match from BRPC. Like Healthy Communities, EJ Small Grants funds projects that address local environmental and public health issues, though this program focuses more heavily on underserved communities and community empowerment. Program funds will cover the same tasks as Healthy Communities (if both proposals are successful efforts will be expanded to reach more households in Morningside/Westside) and include additional tasks related to promoting tenant's rights. The Morningside and Westside neighborhoods have a high percentage of renters and substandard conditions of rental units are well documented by the City. Related tasks will include neighborhood listening sessions, educating tenants on their rights to habitable conditions and fair rents, outreach to landlords about the State and City programs to remediate hazards and substandard conditions and improve energy efficiency, and data collection for the City of Pittsfield.

The third application is for the Toxic Use Reduction Institute's Community Grants for \$10,000. This grant will fund the creation of kits that will include recipe books, containers, and the ingredients to mix non-toxic cleaning and pest management agents. The kits will be delivered to residents and daycares by Habitat for Humanity's community navigators as part of their door to door outreach. This grant does not require a match.

B. Approval to Accept Grant Funds from the Western Region Homeland Security Advisory Council*

The Executive Committee is requested to authorize the Executive Director to accept grant funds and to sign any resulting contracts and agreements

related to a grant the Public Health Program received from the Western Region Homeland Security Advisory Council. This \$39,4000 grant is to develop a detailed Scope of Services (SOS) which will direct the procurement and work of a consultant in the fall to complete a COVID-19 After Action Report (AAR) and Improvement Plan (IP) for the region by October 5, 2021. No match is required. Public Health Program Manager Laura Kittross, lkittross@berkshireplanning.org is the BRPC contact.

C. Approval to Submit a Grant Application to the Mohawk Trail Woodlands Partnership Implementation Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs*

The Executive Committee is requested to authorize the Executive Director to submit (after the fact) a grant application and to sign any resulting contracts and agreements to the Mohawk Trail Woodlands Partnership Implementation Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs. This \$60,000 application would be teamed up with a \$20,000 application from North Adams to advance the design and permitting of the North Adams Adventure Trail. BRPC will provide in-kind services, valued at \$6,000 as match. Transportation Program Manager, Clete Kus, ckus@berkshireplanning.org is the BRPC contact.

D. Approval to Submit Grant Applications to the Massachusetts Department of Energy Resources*

The Executive Committee is requested to authorize the Executive Director to submit grant applications to the Department of Energy Resources Green Communities division for the Regional Energy Planning Assistance program. BRPC will enter into MOUs with a number of member municipalities to assist them with various energy planning and technical assistance services under this grant.

Technical assistance services include helping a municipality become a designated Green Community, maintain Green Community status by assisting with grant and annual reporting requirements, apply for competitive grants, and incorporate regional school districts into the program. Municipal clean energy planning services include assistance in developing a net-zero plan for municipal buildings, preparing a GHG inventory, and preparation toward developing a community-wide net-zero plan. Regional clean energy planning assistance services include coordinating multi-town efforts such as launching campaigns to increase the adoption of renewable technologies and community-wide capacity building activities.

The maximum funding available per municipality is \$150,000. No local match is required. The primary BRPC staff contact is Emily Lange, Energy and Environmental Planner, who can be reached at elange@berkshireplanning.org

E. Other*

VI. Committee Reports

A. Finance Committee

The BRPC Finance Committee meet after the Executive Committee meeting

on May 6, 2021. The committee reviewed the proposed FY 22 budget and recommended the FY22 budget to the Commission, which was approved.

B. Berkshire Brownfields Committee

The Berkshire Brownfields Committee met on May20, 2021. The Committee approved a grant from the Revolving Loan Fund to demolish and remediate the former Sun Cleaners property in North Adams, approved a modification of the Scope of Work for the GreylockWORKS clean-up in North Adams, and received an update on the 34 Bridge Street property in Great Barrington.

C. Commission Development Committee

The BRPC Commission Development Committee (and the associated Nominating Committee) met on May 20, 2021. The main agenda items were to finalize the recommended slate of officer for FY22, recommend we hold an in-person Annual Meeting on September 16, 2021, jointly with the Berkshire County Selectmen’s Association, and conduct a training for new planning board members.

D. Berkshire MPO

The Berkshire MPO met on May 25, 2021. The main agenda items were approval of the FY22-26 TIP and approve the 2022 Unified Planning Work Program (UPWP)(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, 2021 – September 30, 2022.

E. Environmental Review Committee

The Environmental Review Committee met on April 27, 2021. The main agenda item was a discussion with Tori Kim, Assistant Secretary of Energy and Environmental Affairs/MEPA Director about proposed changes to the MEPA regulations in response to our recently submitted comments. BRPC coordinated this meeting for other regional planning agency staff to attend as well and there were many representatives from RPAs.

F. Regional Issues Committee

The Regional Issues Committee did not meet on May 26, 2021 as previously indicated.

G. Other

VII. Executive Director’s Report

A. Report on New Contracts/Agreements

New Grants and Contracts received / initiated 05/01/2021 to 05/31/2021

- Berkshire Tomorrow Inc./ Berkshire County Taconic Foundation –Parent to Advocate Website - \$4,900
- Dalton – CDBG Administration for Housing Rehabilitation & ADA self-evaluation - \$290,304.00

Grants and Contracts not received

- U.S. Environmental Protection Agency for Brownfields Assessment Funding \$300,000.

B. Berkshires Tomorrow Inc. (BTI) Update

There was no BTI activities from 5/1/2021 through 5/31/2021.

C. Staff Update

- Ken Walto has been hired as a part-time Project Specialist, initially to work on some DLTA projects.
- Openings – BRPC has current opening for a Public Health Nurse, Senior Transportation Planner and Finance Office Assistant position, [Employment & Internship Opportunities - Berkshire Regional Planning Commission \(berkshireplanning.org\)](https://www.berkshireplanning.org/employment-internship-opportunities)

D. Rural Policy Advisory Commission Update

There was no May meeting of the Rural Policy Advisory Commission (RPAC). The next meeting is tentatively scheduled for June 9th from 2:00 to 4:30.

E. District Local Technical Assistance Funding

As I write this, the Senate budget was not available for viewing yet on the website, but based on the vote on the amendments, it appears DLTA funding is not in the Senate Version of the budget. This means that the Conference Committee will have to add it to the final budget. We are appreciative of Senator Hinds co-sponsoring both rejected amendments.

F. West-East Rail Update

To my knowledge, there has been no public activity this month.

G. Other

VIII. Old Business

A. BRPC's Revised Telework Policy

Consistent with the ever changing nature of the COVID crisis, since the last Executive Committee meeting, the date when we can go back in to the office at full strength has changed from August 1, 2021 to June 15, 2021. Hence, our newly adopted Telework Policy has to be amended to reflect the new date. Revised version attached.

B. Annual Meeting

The Executive Committee should ratify the Commission Development Committee's recommendation that we hold an in-person Annual meeting this year. The proposal is to hold it on Thursday September 16, 2021, jointly with the Berkshire County Selectmen's Association at the Stationary Factory in Dalton. Prior to the Annual Meeting, we would hold the September Commission meeting.

C. Office Space

Proposals for BRPC Office space are due June 1st. I will provide a report of the responses we received at the meeting. We have 60 days from June 1 to make a decision. We will target the date of the July Commission meeting to finalize the decision.

D. Other

IX. New Business

A. Kusik Award

Last year we did not offer the Kusik award to recognize outstanding planning

efforts, one of the reasons cited was that we didn't have a venue to present the award. The Executive Committee needs to decide if we are going to offer it this year.

B. Open Meeting Law Requirements

The relaxation of the Open Meeting Law that allowed virtual public meetings will end June 15, 2021 with the end of the Governor's State of Emergency, unless there is legislative action to permanently allow virtual public meetings. There are several bills currently proposed to change the Open Meeting Law, including one proposed by the Governor that would extend his emergency provision through September 1, 2021. That bill is before the Senate Ways and Means Committee with a hearing scheduled for next Tuesday June 1, 2021. The Governor's bill also extended deadlines regarding outdoor alcohol and balance billing for COVID-19 treatments. The Senate Ways and Means Committee is accepting written testimony until Tuesday June 1 at 5pm.

There are 4 bills related to public meetings (each have a House and Senate version so technically 8 bills but really just 4 texts) and 1 bill that would permit corporate bodies to hold remote meetings. Each of these proposals would make the changes permanent. These bills are before the Joint Committee on State Administration and Regulatory Oversight with a hearing scheduled for next Wednesday June 2, 2021.

I intend to submit testimony. I suggest others do as well. If some combination of these bills don't get adopted after Thursday our next meeting would be an in-person meeting and we should make plans accordingly.

C. The Special Joint Committee on Redistricting

The Special Joint Committee on Redistricting will hold a virtual hearing for residents of the 1st Congressional District (CD1) starting at 6:00 pm on Monday June 21, 2021. This hearing provides an opportunity for area residents to offer their opinions on local and community interests that the Committee should consider on the division of the Commonwealth into 9 Congressional Districts, 40 Senatorial Districts, 160 Representative Districts, and 8 Councilor Districts. I would like to have an initial discussion about key points that should be emphasized in BRPC's testimony.

D. Summer Meeting Schedule

In previous years, we reduced the number of meetings and/or put Executive Committee and Full Commission meetings back to back. We 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. I propose that we:

- Postpone the normally scheduled July 1st 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 8th or the 15th – with the Full Commission meeting first on the schedule to elect officers.

- Cancel the August 5th Executive Committee meeting (I will be on vacation then.)
- Depending on the meeting schedule the new Chair proposes, possible resume a normal first Thursday Executive Committee meeting on September 2nd.

E. Executive Director Performance 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 should determine how it wants to handle the annual Performance Review of the Executive Director.

F. Other

Kenneth E. Walto

Experience

Town of Dalton, Dalton, MA
2001–2020 (retired)

Town Manager,

- Managed small town, \$19 million budget, 50+ employees, 3 labor unions
- Prepared annual operating & capital budget, managed capital projects
- Overall supervision of facility maintenance including buildings, parks, cemeteries, streets, sewers etc.
- Massachusetts Certified Public Purchasing Official (recertification required)

Brien Center, Pittsfield, MA
1999–2001

Operations Manager,

- Directed 3 departments: Property Maintenance (25 locations), Payroll & Benefits (350 full and part-time employees), Grants & Contracts (30 state and local)
- Professional staff of six

City of Pittsfield, Pittsfield, MA
Dept. Community Development
1980–1999

Commissioner /Acting Director

- Directed multi-faceted program with \$4 million annual budget
Program emphasis: public works, urban renewal, housing, economic development
- Professional staff of ten

Deputy Director

- Chief financial and administrative officer for department
- Preparation and management of annual budget
- Preparation of financial reports and supervision of accounting, including payroll
- Oversight of large scale economic development projects

Economic Development Manager/Planner,

- Directed or participated in creation of four industrial parks
- Set up and directed four small business loan programs.
- Responsible for budgeting and financial reporting for community development programs

Berkshire Regional Transit Authority, Pittsfield, MA
1976–1980

Assistant to Administrator

- Participated in establishment of regional transit authority including route planning, service contracting, acquisition of capital equipment and construction of transit garage

Education

Rensselaer Polytechnic Institute - Troy, NY

- M.S., Economics 1989
- Thesis – *Productivity & Technical Change in the Plastics Products Industry*

Northeastern University - Boston, MA

- B.A., Economics, 1976
- Graduated: *High Honors and Department Honors*
- Co-operative work assignments: *Berkshire Regional Transit Authority, Urban Coalition*

Brunel University - Uxbridge, U.K.

- Student Exchange 1975
- Co-operative work assignment: *Wilkinson-Match Ltd.*

Berkshire Community College – Pittsfield, MA

- Courses 1978-1980: *Calculus, Trigonometry, Drafting, Art*

References

Furnished upon request

Recent Past Affiliations

Massachusetts Municipal Management Association
Massachusetts Municipal Human Resources Association
International City/County Management Association
Small Town Administrators of Massachusetts
Massachusetts Interlocal Insurance Association Board of Directors
Berkshire Regional Planning Commission Brownfields Committee

BRPC Telework Policy

Teleworking is the option of working from home or another location for part of the work week. Teleworking is optional. Employees are not required to telework. Telework is a privilege that can be revoked if an employee is not meeting his or her expectations while working outside the office. Based on the nature of the position, not all positions are eligible to telework.

Compensation and Work Hours

An employee's compensation, benefits, work status and work responsibilities do not change due to participation in the teleworking program.

The amount of time the employee is expected to work in a pay period does not change because of participation in the teleworking program. Teleworking employees are expected to work the BRPC core hours of 10:00 am to 4:00 pm Monday through Thursday. An alternative regular telework schedule is available by approval from an employee's supervisor and with approval of the Executive Director. An example of an alternative regular work schedule is if an employee is taking a 4-month course and the classes are Mondays and Wednesdays from 10:00 am to 12:00 pm. Employees are expected to be in-office a minimum of two days per week Monday through Friday during the core hours.

Equipment/Tools

BRPC will provide the following tools or equipment for an employee to perform their duties: computer laptop, computer software, access to phone service through Voice over Internet Protocol (VoIP), voicemail, email, and access to the BRPC network. A signed BRPC Equipment Use Agreement is required for all equipment provided by BRPC. Employees are not allowed to install software on a BRPC laptop which has not been approved by the BRPC GIS, Data, and IT Manager. All files worked on at a telework location must be stored on the BRPC network.

Personal laptops shall not be used for BRPC work. BRPC is not responsible for the cost, repair or service of an employee's personal equipment used in teleworking, unless otherwise previously approved by the employee's supervisor and Executive Director.

The use of equipment, software, data supplies provided by BRPC for use at a telework location is exclusively limited to authorized persons and for purposes relating to BRPC business.

Workspace

Employees must designate a workspace within the remote work location for

placement and installation of equipment to be used while teleworking. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment. Any BRPC materials taken to a remote workspace must be kept in a designated work area and not be made accessible to others. BRPC reserves the right to inspect an employee's telework workspace.

Liability

BRPC assumes no responsibility for injuries occurred in an employee's telework work location outside the agreed upon core work hours or for injuries that occur during core hours but do not arise out of and in the course of employment. BRPC assumes no liability for damages to employee's real or personal property resulting from participation in the telework program. Workers' compensation coverage is limited to designated workspace in employees' homes or alternate work locations. Employees agree to practice the same safety habits they would use at the BRPC office and to maintain safe conditions in their alternate work locations. Employees must follow normal procedures for reporting illness or injury.

Reimbursement of Expenses

Office supplies - Out-of-pocket expenses for office supplies incurred by an employee while teleworking will not be reimbursed unless by prior approval of the employee's supervisor.

Mileage - The following mileage rates will apply when a teleworking employee uses their own vehicle for BRPC business:

- Teleworking employees will not be reimbursed for mileage related to coming to the BRPC office from a telework location; and
- Teleworking employees will be reimbursed for mileage at the current IRS rates to attend in-person meetings. Mileage shall be calculated as the lesser amount from:
 1. the telework location to the meeting location; or
 2. from the BRPC office to the meeting location.

Office space - BRPC is not responsible for operating costs, home maintenance, internet, or other costs incurred by an employee in the use of their homes or other location as teleworking alternate work locations.

Dependent Care

Teleworking is not a substitute for dependent care. Teleworkers will not be available during BRPC core hours to provide dependent care.

Communication

Unless otherwise occupied by BRPC work activities, employees must be available by phone and email during core hours. Teleworking does not

exempt employees from in-person meetings or field work. Employees must still be available for in-person staff meetings, and other meetings deemed necessary by management.

BRPC Policies

Teleworking employees remain obligated to comply with all BRPC rules, practices and instructions including policies relating to information security and data protection.

Evaluation

This policy shall be in effect from ~~August 1~~ June 15, 2021 through June 30, 2022, at which time it will be evaluated to determine if it should be continued. The evaluation will include but not be limited to the following items:

- Overall productivity of BRPC as measured by such items as new grants or contracts, reports from grantors, grant extensions, and reports from community members
- Accessibility of employees during core hours
- Transference of material to the BRPC network

Joint Committee on State Admin and Regulatory Oversight

Tuesday June 2nd 2021, starting 10:30am

Must sign up to testify via zoom [by 4pm Friday 5/28](#)

There are 4 bills related to public meetings (each have a House and Senate version so technically 8 bills but really just 4 texts), 1 bill related to tolling permits and 1 bill related to permitting corporate bodies to hold remote meetings.

SENATE MEMBERS



Marc R. Pacheco
Chair



Rebecca L. Rausch
Vice Chair

John J. Cronin
Walter F. Timilty
John C. Velis

Bruce E. Tarr (Ranking Minority)

HOUSE MEMBERS



Antonio F. D. Cabral
Chair



Christine P. Barber
Vice Chair

Carmine Lawrence Gentile
Maria Duaine Robinson
Christopher M. Markey
Michelle L. Ciccolo
Mary S. Keefe
Paul J. Donato
Paul A. Schmid, III
Steven G. Xiarhos (Ranking Minority)
F. Jay Barrows

***note:** [public body](#) in statute would include RPAs

Public meetings

HB3152 (HD2828) - An Act to modernize participation in public meetings

SB2082 (SD2143) - An Act to modernize participation in public meetings

Sponsor: Rep. Denise C. Garlick (D)
Sen. Jason M. Lewis (D)

Summary: Adds definition of “adequate, alternative means of public access” to GL 30A (Open meeting law) and amends existing statute to require its application to deliberations, such as telephone or video conferencing, and to note the alternative means in their minutes;
Allows municipal public bodies experiencing financial hardship to request a waiver of that provision from the AG’s office.

Bill Text: [02/18/2021 - As Filed \(PDF\)](#)

Citations: MGL 30A:18

Comments: Only extends financial hardship waiver possibility to “municipal public body” and NOT other public bodies who are impacted by requirement to have “adequate, alternative means of public access”

HB3213 (HD2918) - An Act updating the Open Meeting Law to support remote participation
SB2104 (SD1842) - An Act updating the Open Meeting Law to support remote participation

Sponsor: Rep. James J. O'Day (D)
Sen. Rebecca Rausch (D)

Summary: Amends various provisions of the open meeting law to support remote participation;

- repeals language requiring approval of remote participation by the Attorney General and requiring a physical quorum for such meetings of public bodies (section 1);
- authorizes public bodies to allow remote participation, provided all members are clearly audible to each other regardless of location and there is adequate public access to deliberations (section 2);
- allows those entitled or required to appear to do so by remote means (section 2);
- authorizes executive bodies of municipalities to develop and adopt standards and guidelines for remote meetings (section 2).

Bill Text: [02/18/2021 - As Filed \(PDF\)](#)

Citations: MGL 30A, MGL 39:23D

Comments: Great to see repeal of language requiring approval of remote participation and physical quorum in one place.
As written here, an executive body of a municipality would set standards. There is no parallel path for other public bodies to set standards for other parts of their agency.

HB3224 (HD3776) - An Act relative to virtual meetings of appointed statewide public bodies
SB2037 (SD2367) - An Act relative to virtual meetings of appointed statewide public bodies

Sponsor: Rep. Maria Robinson (D)
Sen. Julian A. Cyr (D)

Summary: Amends various provisions of the open meeting law to support remote participation

- repeals language requiring approval of remote participation by the Attorney General and requiring a physical quorum for such meetings (section 1);
- Inserts new section 20A within Chapter 30A (OML) to enable statewide public body with appointed members to allow remote participation with remote members able to count for quorum

Citations: MGL 30A, MGL 39:23D

Comments: Great to see repeal of language requiring approval of remote participation and physical quorum in one place.
Only allows remote participation for statewide public bodies with appointed members

HB3227 (HD1261) - An Act to permit enhanced public access to deliberations of public bodies and to permit improved efficiency of public bodies
SB2055 (SD1021) - An Act to permit enhanced public access to deliberations of public bodies and to permit improved efficiency of public bodies

Sponsor: Rep. Jeffrey N. Roy (D)
Sen. Paul Feeney (D)

Summary: Amends [GL 30A:18](#) and [GL 30A:20](#) (Open Meetings of Public Bodies) to authorize “Public Internet Discussions” as part of the meetings of public bodies; defines “Public Internet Discussion” to include observation of, and participation in, public meetings by members of the public via the internet.

Bill Text: [02/03/2021 - As Filed \(PDF\)](#)

Citations: MGL 30A:18, MGL 30A:20, MGL 30A:22

SB2065 (SD1199) - An Act extending the lifespan of permits held at the start of the COVID-19 pandemic

Sponsor: Sen. Adam G. Hinds (D)

Summary: Extends by two years the approval of permits and other approvals or determinations of rights issued by a municipal, regional or state governmental entity during the period from March 20, 2020 to March 10, 2021; excludes permits issued under certain state laws and permits issued by the federal government; provides for specific procedures for sewer permits and in the case of property transfers.

Bill Text: [02/12/2021 - As Filed \(PDF\)](#)

Citations: MGL 131, MGL 161A, MGL 21, MGL 21A, MGL 21D, MGL 249, MGL 258, MGL 25A:17, MGL 30, MGL 665, MGL 6C, MGL 81:21

HB3183 (HD2931) - An Act relative to permitting public corporations to hold remote annual and special meetings

Sponsor: Rep. Bradley H. Jones, Jr. (R)

Summary: Replaces Section 7 of chapter 156D to enable remote annual or special meetings of shareholders.

Bill Text: [02/18/2021 - As Filed \(PDF\)](#)

Citations: MGL 156D

Senate Committee on Ways and Means

Written testimony due Tuesday June 1 by 5pm. <https://malegislature.gov/Events/Hearings/Detail/3750>

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Chair



[Cindy F. Friedman](#)
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[Jason M. Lewis](#) (Assistant Vice Chair)

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[Ryan C. Fattman](#)
[Bruce E. Tarr](#)

SB27 (SD1345) - An Act relative to extending COVID-19 accommodations for municipalities in elections and for representative Town Meetings

Sponsor: Sen. William N. Brownsberger (D)

Summary: Extends the availability of local government and voting provisions enacted during the COVID-19 state of emergency from expiring until the later of the expiration of the state of emergency or June 30, 2021.

Impacted provisions are:

- reductions on town meeting quorum requirements (section 7 of ch.92 of 2020),
- holding remote representative town meeting (section 8)
- holding town meetings outside municipality borders (section 9), and
- voting by mail in annual or special muni or state primary or election (section 99 of ch227 of 2020).

Bill Text: [02/16/2021 - As Filed \(PDF\)](#)

Citations: [227 of the Acts of 2020](#), [92 of the Acts of 2020](#)

SB2452 (SD2634) - An Act to temporarily extend certain measures adopted in the state of emergency

Sponsor: Governor Charlie Baker (R)

Summary: Extends allowances established during the pandemic for short periods of time:

- Remote deliberations by public bodies until September 1, 2021,
- local outdoor alcohol service until November 29, 2021, and
- the prohibition on balance billing for COVID-19 treatment until January 1, 2022.

Bill Text: [05/26/2021 - As Filed \(PDF\)](#)

Citations: MGL 111:1, MGL 260, MGL 30A, MGL 40A



MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission

FROM: Thomas Matuszko, Executive Director

DATE: May 5, 2021

RE: April 2021 Assistance Activities

This report highlights technical assistance provided by the staff of the Berkshire Regional Planning Commission for the month of April 2021. This assistance was provided in response to requests received as identified in the Board/Organization column. Responses to requests were supported by local assessment funds or grant funds, if available and permitted by the funding agencies. This report is intended to keep municipal officials informed regarding the uses to which local assessment funds are put and to indicate the types of local and technical assistance that BRPC can provide. If assistance to others may be useful to your community, please feel free to contact us for details.

Town/City/State	Municipal Technical Assistance	Board/Organization
MA	Correspondence regarding National Environmental Protection Act (NEPA) research	Congressman Neal
MA	Calls re: National Environmental Protection Act (NEPA) requirements and exclusions; research for three white papers	Congressman Neal
Pittsfield	Lake and watershed management plan discussion via Zoom	Lake Onota Preservation Association (LOPA) and City of Pittsfield
Sheffield	Natural Resources & Water Maps update	Conservation Commission
Sheffield	Road Map	Select Board

Assistance Recipient	Non-Municipal Technical Assistance	Organization
None		