



# BRPC

Berkshire Regional Planning Commission

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## **EXECUTIVE COMMITTEE MEETING MINUTES - APPROVED**

Thursday, June 3, 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: 5:01 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

John Duval, Vice Chair

Sheila Irvin, Clerk

Malcolm Fick, Treasurer

Roger Bolton, Environmental Review Committee Chair

Buck Donovan, Lee Delegate, At-Large

Rene Wood, Sheffield, Alternate

Others Present: Nancy Socha, Stockbridge, Delegate; Fred Shubert, Richmond Alternate; Sarah Hudson, Alternate

Staff Present: Thomas Matuszko, Executive Director; Marianne Sniezek, Office Manager; Kate Hill Tapia, Office Administrator

### **II. Approval of Minutes of Executive Committee Meeting on May 6, 2021**

Sheila Irvin moved to approve the minutes of the May 6, 2021 meeting, which was seconded by Rene Wood and approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, Kyle Hanlon, and John Duval. Rene Wood abstained.

### **III. Financial Reports**

#### **A. May Expenditures Report**

There was no discussion on the attached report.

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

**B. Accounts Receivable Report & Assessments**

Marianne reviewed the aged accounts receivable and payments received which were numerous.

**C. Line of Credit Report**

Marianne reported that BRPC paid down the full balance due on the Line of Credit: \$125,000.00 in principle and \$280.39 interest on 5/24. The bank incorrectly applied the interest so \$177.08 showed as due with \$124,822.92 as paid. The available balance to borrow is \$229,822.92. TD bank is making the correction.

**D. Correction to the April Accounts Receivable Report**

The April Account Receivable report correction was reported by Marianne. It showed the Town of Adams as having an amount of \$99,368.71 due BRPC for more than 90 days. This was incorrectly entered. The invoice, correctly reflected in this month's report, had not been sent to the town due to a staff miscommunication.

**E. Other - None**

**IV. Delegate & Alternate Issues**

- A.** Nancy Socha noted and appreciated BRPC Planner assistance with Stockbridge's by laws.
- B.** Rene Wood asked who best contact is for Tri-Town multi-town grant application. She was referred to Laura Kittross, Public Health Manager.

**V. Items Requiring Action**

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

The Executive Committee was requested to retroactively authorize the Executive Director to submit three complimentary grant applications and sign resulting contracts and agreements: two to the Environmental Protection Agency and a 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 [agean@berkshireplanning.org](mailto:agean@berkshireplanning.org) and Planner Emily Lange [elange@berkshireplanning.org](mailto:elange@berkshireplanning.org) are working on this effort.

BRPC's Energy and Environmental Planning and Public Health Departments will collaborate on this work alongside 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.

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 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 amount is \$30,000). The application was submitted on May 20, 2021, so the Executive Committee was asked to retroactively authorize this submission. The grant requires a 5% match which will come from current BRPC grants Gray to Green and Affordable Access to Regional Coordination.

The second application is to EPA's Environmental Justice Small Grants program for \$75,000 which requires no funding match. Like Healthy Communities, EJ Small Grants funds projects that address local environmental and public health issues in underserved communities and community empowerment. Program funds will cover the same tasks as Healthy Communities and include promoting tenant's rights. 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 would 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. The grant does not require a match.

Rene Wood moved to retroactively authorize the Executive Director to submit three applications: one to the EPA's Healthy Communities Grant Program for \$28,020.71, a second to the EPA's Environmental Justice Small Grants program for \$75,000, and a third for \$10,000 from the Toxic Use Reduction Institute's Community Grants. Sheila Irvin seconded the motion. It was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Rene Wood, and Kyle Hanlon.

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

The Executive Committee was requested to retroactively 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](mailto:lkittross@berkshireplanning.org) is the BRPC contact.

Rene Wood moved to retroactively authorize the Executive Director to accept grant funds and to sign any resulting contracts and agreements related to a \$39,400 grant the Public Health Program received from the Western Region Homeland Security Advisory Council. It was seconded by Roger Bolton. The motion was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Rene Wood, and Kyle Hanlon.

**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 was 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](mailto:ckus@berkshireplanning.org) is the BRPC contact.

Tom noted that the Adventure Trail is a \$2 million project of which this grant activity would be a small piece.

Rene Wood moved to authorize the Executive Director to submit (after the fact) a grant application and 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 for \$60,000 to advance the design and permitting of the North Adams Adventure Trail. The motion was seconded by Malcolm Fick and was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Rene Wood, and Kyle Hanlon.

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

The Executive Committee was 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 member municipalities to assist them with energy planning and technical assistance.

Technical assistance services include becoming a designated Green Community, maintaining Green Community status by assisting with grant and annual reporting requirements, applying for competitive grants, and incorporating 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 per municipality or public body is \$150,000. No local match is required. BRPC staff contact is Emily Lange, Energy and Environmental Planner, [elange@berkshireplanning.org](mailto:elange@berkshireplanning.org)

Rene Wood moved 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 to assist municipalities with energy planning and technical assistance services under this grant. The motion was seconded by Malcolm Fick and was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Rene Wood and Kyle Hanlon.

## **E. Other**

## **VI. Committee Reports**

### **A. Finance Committee**

Malcolm Fick reported that the BRPC Finance Committee met after the Executive Committee meeting May 6, 2021. The committee reviewed the proposed FY 22 budget and recommended it to the Commission, who approved it.

### **B. Berkshire Brownfields Committee**

The Berkshire Brownfields Committee report was made by Sheila Irvin. They met May 20, 2021 and 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 Greylock WORKS clean-up in North Adams, and received an update on Powerhouse Square's 34 Bridge Street property in Great Barrington. Their loan repayment was due April 2021.

There was discussion about the 34 Bridge Street property and the bank's efforts to get repayment. BRPC is "third in line" as a creditor. The lack of repayment does not affect BRPC's budget but it would reduce the amount of

funds available for future clean-up projects. BRPC does have legal counsel for this situation.

**C. Commission Development Committee**

Rene Wood reported that the BRPC Commission Development Committee (and the associated Nominating Committee) met May 20, 2021. The main agenda items were to finalize the recommended slate of officers for FY22, recommend 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. Lieutenant Governor Polito is first choice for a speaker with Secretary Kennealy as back up.

**D. Berkshire MPO**

Kyle Hanlon reported that the Berkshire MPO met May 25, 2021. The main agenda items were approval of the FY22-26 TIP and 2022 Unified Planning Work Program (UPWP). The UPWP is the work plan for the transportation planning staff or the upcoming federal fiscal year, October 1, 2021 – September 30, 2022. Both documents are on BRPC's website.

**E. Environmental Review Committee**

The Environmental Review Committee met April 27, 2021. Per Chair Roger Bolton's report, 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. Tori Kim acknowledged issues with MEPA's procedure for publicizing projects. Tom noted that there will be a more formal process in the fall. BRPC coordinated the meeting and many other regional planning agency staff attended.

**F. Regional Issues Committee**

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

**G. Other**

Rene Wood brought up the US Census Bureau Differential Privacy Policy presentation at the full Commission meeting May 20<sup>th</sup>. She noted concerns about the impact this would have on usefulness and legitimacy of the census data as well as the impact on communities like Pittsfield if they were to lose their urban status. She raised the question about the impact this policy (if adopted) could have on redistricting. Tom confirmed her concerns and noted some states have already challenged the policy in court. Tom believes the census numbers are to be announced in late September and will confirm that with BRPC's Data Manager, Mark Maloy.

**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. Tom clarified that while disappointing to not receive this funding, it does not impact the BRPC budget. It means less money available to communities for clean-ups.

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

There were 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.
- A BRPC staff person left abruptly leaving a few projects with June 30 deadlines.
- Openings: Public Health Nurse, Senior Transportation Planner and Finance Office Assistant position, 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**

Tom reported that DLTA funding is not in the Senate version of the budget and Conference Committee members have not been assigned yet. Some are confident it will be in the final budget. Tom is concerned and will continue to watch it closely. He stated his appreciation of Senator Hinds co-sponsoring both rejected amendments.

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

Tom reported he was unaware of any activity this month.

#### **G. Other - None**

### **VIII. Old Business**

#### **A. BRPC's Revised Telework Policy**

Tom presented a revised Telework Policy with a return to office at full strength June 15 instead of August 1, 2021.

Rene Wood moved to approve the revised Telework Policy. The motion was seconded by Sheila Irvin and was approved by roll call vote from Roger Bolton, Malcolm Fick, Sheila Irvin, John Duval, Buck Donovan, Rene Wood, and Kyle Hanlon.

#### **B. Annual Meeting**

This was discussed under the Commission Development Committee report. The plan is to hold an in-person Annual meeting Thursday September 16, 2021, jointly with the Berkshire County Selectmen's Association at the Stationary Factory in Dalton with the September Commission meeting held prior to the Annual Meeting.

#### **C. Office Space**

Proposals for BRPC Office space were due June 1st. Tom reported that five proposals were received. Per the bid announcement, BRPC has 60 days from

June 1 (Friday, July 30) to decide. Tom intends to present a decision for input at the July Executive Committee meeting.

Tom reported that there are issues to be worked out regarding access to the front door. It will remain locked due to security, not COVID-19, concerns.

#### **D. Other - None**

### **IX. New Business**

#### **A. Kusik Award**

The Executive Committee will call for Kusik award nominations. If there is a worthy person, granting the award at the annual meeting will proceed. It was stated that the award should not be given "for the award's sake."

#### **B. Open Meeting Law Requirements**

Tom reported that 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 proposed to change the Open Meeting Law, including one that would extend the Governor's emergency provision through September 1, 2021. The Governor's bill also extends deadlines regarding outdoor alcohol and balance billing for COVID-19 treatments. Tom submitted testimony in favor of hybrid meetings.

Tom noted that if these bills do not get adopted, the next Executive Committee meeting in July would be an in-person meeting.

Fred Schubert asked if Richmond's Board of Health could make their own decision about remote meetings. He was referred to Laura Kittross, Public Health Program Manager to confirm.

#### **C. The Special Joint Committee on Redistricting**

Tom encouraged members to register to participate in the Special Joint Committee on Redistricting's virtual hearing for 1st Congressional District (CD1) residents at 6:00 pm Monday June 21, 2021. The hearing will be an opportunity to offer 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.

Tom reported that has spoken with Berkshire County legislators except Representatives Smitty Pignatelli and John Barrett who he intends to reach out to. There was agreement with Tom's key points to emphasize in BRPC's testimony: keeping Berkshire County within one congressional district and one state senate district. Tom noted that Berkshire County may lose a state representative since the districts need to have larger population and geographic size.

Rene Wood asked about the potential impact of the Census Bureau's Differential Privacy Policy and the "noise" that may affect redistricting.

#### **D. Summer Meeting Schedule**

The Executive Committee agreed to the following July meeting plan:

- Hold the July Executive Committee meeting and Full Commission meeting on July 8<sup>th</sup>.
- If virtual meetings are still allowed, 5:00 p.m. for Executive and 6:00 p.m. for full Commission. If meeting will be in-person: 5:30 Executive and 6:30 Commission (with food).
- Cancel the August 5th Executive Committee meeting (Tom will be on vacation then.)

#### **E. Executive Director's Performance Review**

According to BRPC's Bylaws that 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." The Executive Committee requested that Tom submit his performance review for the July 8<sup>th</sup> Executive Committee meeting.

#### **Other**

#### **X. Adjournment**

The meeting was adjourned at 6:25 pm by a motion made by Roger Bolton and seconded by Rene Wood. It was approved by roll call vote from Roger Bolton, Sheila Irvin, John Duval, Buck Donovan, Rene Wood and Kyle Hanlon. Malcolm Fick had to leave the meeting early.

#### **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