



# BRPC

Berkshire Regional Planning Commission

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## MEETING NOTICE

There will be a meeting of the  
EXECUTIVE COMMITTEE  
of the  
BERKSHIRE REGIONAL PLANNING COMMISSION  
Thursday, April 20, 2023 at **5:00 p.m.**

This will be a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

To participate virtually join Zoom meeting at <https://us02web.zoom.us/j/3926128831>, Meeting ID: 392 612 8831, Phone: 646.558.8656, 301.715.8592, 312.626.6799, 669.900.9128

**Meeting materials are on BRPC's website: [www.berkshireplanning.org](http://www.berkshireplanning.org).** Click the calendar of events, then the meeting name, and follow the link to materials.

## AGENDA

- I. Call to Order & Open Meeting Law Statement
- II. Roll Call of Executive Committee Members Attending the Meeting
- III. Vote to Approve Minutes of the Executive Committee Meeting of April 6, 2023\*
- IV. Review of Open Meeting Law Complaint Filed by Joshua Bloom on April 6, 2023 regarding the Executive Committee's April 6, 2023 Meeting
- V. Vote to Delegate the Responsibility to Respond to the Open Meeting Law Complaint Filed by Joshua Bloom on April 6, 2023 to Counsel and the Executive Director\*
- VI. Adjournment

### Attachments:

- Unapproved Minutes of the April 6, 2023, BRPC Executive Committee Meeting

\* Items Requiring Action

**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



## **DRAFT EXECUTIVE COMMITTEE MINUTES**

Thursday, April 6, 2023

Hybrid meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

### **I. Call to Order & Open Meeting Law Statement**

#### **A. The meeting was called to order at 4:01 pm.**

Chair John Duval called the meeting to order as a hybrid meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

#### **B. Roll Call:**

Read by Office Administrator Kate Hill Tapia:

John Duval, Chair, Adams Alternate

Malcolm Fick, Vice Chair, Gt Barrington Alternate

Sheila Irvin, Clerk, Pittsfield Delegate

Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate

Rene Wood, Commission Development Committee Chair, Sheffield Alternate

Kyle Hanlon, At-large, North Adams Delegate

Others Present: Christine Rasmussen, Stockbridge; Laura Mensi, Monterey; James, Great Barrington; Nancy, Great Barrington; Josh Bloom.

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

### **II. Approval of March 2, 2023 Minutes**

Rene Wood moved to approve the March 2, 2023 meeting minutes. The motion was seconded by Sheila Irvin and approved with the correction of the omission of Kyle Hanlon's name under the Roll Call, by a roll call vote from John Duval, Malcolm Fick, Rene Wood, Sheila Irvin, Roger Bolton, and Kyle Hanlon.

### **III. Financial Reports**

#### **A. February 24 to March 30, 2023 Expenditures Report**

Rene Wood moved to accept the report as presented, and Kyle Hanlon seconded the motion. There were no questions. A roll vote approved it from John Duval, Malcolm Fick, Rene Wood, Sheila Irvin, Roger Bolton, and Kyle Hanlon.

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

The document was not in the packet. It will be in May's packet.

**C. Line of Credit Report**

There has been no need to draw on the line of credit.

**D. Line of Credit Increase**

TD Bank approved the line of credit increase; implementation is in process.

**E. Irrevocable Stand-By Letter of Credit**

A stand-by letter of credit is a legal document that guarantees TD Bank's commitment to BRPC's bank accounts. As of March 20, 2023, BRPC's Stand-by letter of credit was \$2,737,737, plus the FDIC insurance of \$500,000 totaled \$3,237,727, enough to cover all our bank balances. There was a question if this was a loan, which was answered that it is not a loan but a federal guarantee.

**F. Other**

There was no other business discussed.

**IV. Delegate & Alternate Issues**

There was a question why there was no opportunity for comments from the public. It was explained that typically the Executive Committee meetings do not have an agenda item related to comments from the public. Full Commission meetings in the past had a Comments from the Public agenda, but BRPC Committees did not have a Comments from the Public Agenda. It was clarified that the Chair and Executive Director set agendas for these meetings and did not include that item for this meeting.

**V. Items Requiring Action**

**A. Approval to Dispose of Surplus Property**

The Executive Committee was requested to approve a list of file cabinets as surplus property according to BRPC's policy which, depending on the value and condition of equipment, requires surplus property be offered to the municipalities, then non-profits, then advertised for sale or offered to staff and finally, if there is no interest, it is responsibly destroyed..

Rene Wood motioned to approve the list of file cabinets as surplus property; Roger Bolton seconded it. A roll call vote approved it from John Duval, Malcolm Fick, Sheila Irvin, Rene Wood, Kyle Hanlon, and Roger Bolton.

**B. Approval of Salary Merit Increase for FY24**

Approval was requested to set the following salary merit increase range for FY24:

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

It was explained that BRPC employees do not get automatic pay increases such as an automatic step increase. Pay increases are based on performance as documented in written performance evaluations.

Kyle Hanlon motioned to approve the FY24 salary merit increase range at 3% Exceptional, 2% Exceeds Expectations, 1% Meets Expectations, and 0% Needs Improvement; Roger Bolton seconded it. A roll call vote approved it from John Duval, Malcolm Fick, Sheila Irvin, Kyle Hanlon, Rene Wood, and Roger Bolton.

### **C. Approval of Personnel Pay Plan for FY24**

The Executive Committee was requested to approve the proposed Personnel Pay Plan for FY24 which was included in the meeting material. It was explained that BRPC's personnel policy requires a comprehensive review every two years with the last one done in 2021. The proposed Personnel Pay Plan recommended a \$3,000 adjustment to the ranges of most salaried positions and corresponding adjustment of salary levels of individual salaries, with a corresponding increase of \$1.65 / hour for hourly positions. The Planner position was recommended to increase an additional \$5,749. FY 24 merit increases would be based on FY23 salaries prior to the range adjustments. Other recommended changes included the elimination of the Office Manager Position, Office Assistant I and Office Assistant II positions, the combination of the Grant Procurement Specialist, Housing Specialist and Planner positions into one line item, and increasing the intern wage to \$15.00 / hour to comply with the minimum wage.

Rene Wood motioned to approve the Personnel Pay Plan for FY24 as presented; Sheila Irvin seconded it. A roll call vote approved it from John Duval, Malcolm Fick, Rene Wood, Sheila Irvin, Roger Bolton, and Kyle Hanlon.

### **D. Approval to Submit Grant Application to MassCEC's EMPower Innovation and Capacity Building Program**

The Executive Committee was requested to authorize the Executive Director to submit a \$50,000 grant application and sign any resulting contracts and agreements with MassCEC's EMPower Innovation and Capacity Building Program. Funding is for a report on strategies to address the lack of energy and green technologies contractors.

Rene Wood motioned to approve the submission of a \$50,000 grant application to fund a report on strategies to address the lack of energy and green technologies contractors and the signing of any resulting contracts and agreements with MassCEC's EMPower Innovation and Capacity Building Program; Sheila Irvin seconded it. A roll call vote approved it from John Duval, Malcolm Fick, Rene Wood, Sheila Irvin, Roger Bolton, and Kyle Hanlon.

**E. Approval to Submit Grant Application to USDA Urban Agriculture and Innovative Production (UAIP) Program**

The Executive Committee was requested to authorize the Executive Director, after the fact, to submit a \$238,374 grant application and sign any resulting contracts and agreements with the USDA Urban Agriculture and Innovative Production (UAIP) Program for a Pittsfield Agricultural Network planning project.

Rene Wood motioned to approve, after the fact, the submission of a \$238,374 grant application and signing of any resulting contracts and agreements with the USDA Urban Agriculture and Innovative Production (UAIP) Program for a Pittsfield Agricultural Network planning project; Malcolm Fick seconded it. A roll call vote approved it from John Duval, Malcolm Fick, Rene Wood, Sheila Irvin, Roger Bolton, and Kyle Hanlon.

**F. Other** (for information only) – none  
There was no other business discussed.

**VI. Committee Reports**

**A. Environmental Review Committee**

The committee met on March 9, 2023. Comments on New England Power Company's E131 Asset Condition Refurbishment Project, EEA# 16663, were discussed and prepared. Due to a deadline, these comments were submitted to MEPA by the Environmental Review Committee as authorized by the Executive Committee at their earlier meeting. It was reported that they were ratified by the Commission at its meeting on 3/16/23.

**B. Transportation Advisory Committee**

The TAC met on March 21, 2023. The main agenda item and discussion was the preliminary draft project listing and funding scenarios for the 2024 – 2028 Transportation Improvement Program. Draft meeting minutes are not available.

**C. Regional Issues Committee**

The Regional Issues Committee did not meet in March; the next meeting is scheduled for April 26.

**D. Commission Development Committee**

A meeting is planned for April 18 to confirm a proposed slate of officers for FY24.

**E. Metropolitan Planning Organization**

The MPO met on March 28, 2023. The agenda items included approval of two amendments to the 2023-2027 TIP, approval of the 2024-2027 TIP funding scenario, approval of the Performance Measure Tracking improvements related to road reliability, and an update about the Regional Transportation Plan. Draft minutes of the meeting were included in meeting material which contained greater detail about discussion that occurred at the meeting.

## **F. Finance Committee**

The tentative meeting is scheduled for April 27.

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

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

New Grants and Contracts received/initiated from 2/23 to 3/30/2023.

- Cheshire Community Association – Cheshire Economic Development Planning - Phase 1 - \$10,000
- Monterey - MVP Action Grant Route 23 Culvert Replacement - \$28,550.50
- New England AIDS Education & Training Center - Community Research Initiative - \$8,500

Grants and Contracts not received.

BRPC is not aware of any grants and contracts not received.

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

There has been no recent activity.

### **C. Staff Update**

Williams College Intern

- Michael Keegan, Outdoor Recreation (resume attached)

Open Positions:

- Community Planning
- Transportation Planning
- Public Health

### **D. Rural Policy Advisory Commission (RPAC) Update**

The RPAC did not meet in March. The Governor established a Director of Rural Affairs to represent rural issues across various state agencies.

### **E. Passenger Rail**

- West-East Rail - The Special Commission to address West-East Passenger Rail governance and operations held hearings in March in Northampton and Springfield. The March 31, 2023 deadline for a report of findings and recommendations was extended to June 30, 2023.
- Berkshire Flyer - The Berkshire Flyer working group is working on advertising and securing rental cars at the BRTA Intermodal Center in anticipation of the Memorial Day start. There have been promising communications with Hertz car rental and Zipcar.
- Northern Tier Passenger Rail – No additional activity has occurred since the January 11, 2023 meeting. Information is at [Northern Tier Passenger Rail Study | Mass.gov](#).

## **F. Open Meeting Law**

Governor Healy signed the supplemental budget bill extending pandemic-related authorizations set to expire on March 31 and April 1, as follows:

- Allows remote and hybrid meeting options for public bodies through March 31, 2025
- Allows remote and hybrid participation options for representative town meetings through March 31, 2025
- Permits reduced quorums for open town meetings through March 31, 2025
- Extends the expedited outdoor dining permit process and allows restaurants to offer to-go cocktails through April 1, 2024

## **G. Retirement Legislation**

At MARPA's (Massachusetts Association of Regional Planning Agencies) encouragement, H2426 & S1682 bills were filed in the MA legislature to exempt regional planning agencies in the state retirement system from paying the agency contribution. The Joint Committee on Public Service held a hearing about the bills on April 4. A compromise is likely that would require BRPC to start contributing. Written testimony may be provided until 5:00 pm April 11, 2023. [malegislature.gov](http://malegislature.gov)

## **H. MassDOT Transportation Innovation Conference 2023**

The annual MassDOT conference is May 2-3 at the DCU Center, 50 Foster Street, Worcester. This conference provides a forum for innovative transportation systems, management ideas, and initiatives focusing on MassDOT's infrastructure investment. Register at [MassDOTInnovation.com](http://MassDOTInnovation.com).

## **I. 120 Day Notification Waiver**

BRPC received and the Executive Director approved a 120-day notification waiver for the Department of Conservation and Recreation to acquire an interest in approximately 110 acres in Savoy potentially. A map was included.

## **J. Other (for information only)**

There was no other business discussed.

## **VIII. Old Business**

### **A. Personal, Family, and Medical Leave Policy**

BRPC has over 50 employees, so it must comply with the federal Family and Medical Leave Act (FMLA). This item was a follow-up to the discussion from the previous meeting where staff were encouraged to comply with the FMLA but not remove any current benefits. Aside from some clarifying language, including language to reflect other more recent BRPC Policies, the main changes were related to military personnel, including allowing FMLA to be used when a family member is deployed or injured.

The Executive Committee was asked to approve the revised policy. Malcolm Fick motioned to approve the revised Personal, Family, and Medical Leave Policy; seconded by Sheila Irvin and unanimously approved by a roll call vote: John Duval, Malcolm Fick, Rene Wood, Sheila Irvin, Roger Bolton, and Kyle Hanlon.

- B. Other** (for information only) –  
There was no other business discussed.

## **IX. New Business**

### **A. Utility Transmission Lines**

Discussion about the Expanded ENF for New England Power's transmission line improvements at the March Commission meeting ended with a suggestion that the Commission might want to prepare comments to MEPA about the short time period to review projects for transmission lines, given the complexity of the projects and the fact they cross multiple municipalities.

Local permitting authorities such as Conservations Commissions can request expert advice that must be paid for by the Proponent. The Proponent is the only party that may request an extension. BRPC generally does alert municipalities of ENF notices.

It was also suggested that BRPC consider identifying consultants who could be "at the ready" to assist municipalities with these reviews. Expanding the electrical grid is critical to meeting energy efficiency and supply changes as oil-based products are used less. This could be especially important given a initiative from the Biden Administration, the so-called Justice 40 Communities, which gives priority to communities which meet certain criteria. In Berkshire County these communities are parts of North Adams, Adams, Pittsfield, and all of Stockbridge. Related to this topic is that there will be a new grant program for communities to get prepped for EV charging stations.

### **B. May 18 Commission Meeting**

Potential items required or previously mentioned:

- Adoption of the FY24 budget
- Report of the Nominating Committee
- Transportation Improvement Plan (will need to approve in July)
- "Primer" on digital equity planning
- Cyber security
- Meet with legislator(s)

### **C. Other**

There was no other business discussed.

## **X. Adjournment**

Kyle Hanlon motioned to adjourn the meeting at 4:53 pm, seconded by Roger Bolton, and unanimously approved by a roll call vote:



John Duval, Malcolm Fick, Rene Wood, Sheila Irvin, Roger Bolton, and Kyle Hanlon.

Attachments:

- Unapproved Minutes of the March 2, 2023, BRPC Executive Committee Meeting
- February 24 to March 30, 2023 Expenditures Report
- Accounts Receivable Report
- March Line of Credit Report
- Executive Director's Memorandum
- Surplus Equipment - File Cabinets
- Personnel Pay Plan FY24
- Resume – Michael Keegan, Outdoor Recreation Intern, Williams College
- DCR 120 Notice Waiver – Savoy
- Personal, Family, and Medical Leave Policy
- February Technical Assistance Memo

DRAFT