

City of Boston BERDO Review Board
Public Meeting Minutes
Zoom Virtual Meeting
April 08, 2024 at 4:30 pm
[View recording here](#)

Board Members in Attendance: Rashida Boyd, Lovette Jacobs, Gail Latimore, Jack Nelson, Matt O'Malley, Lee Mastueda, Councilor Gabriela Coletta

Board Members not in Attendance: Stephen Ellis

Staff Present: Hannah Payne, Zengel "Ziggy" Chin

Others: Approximately 6 members of the public attended this meeting.

Motion to Nominate Acting Chair

4:35 pm: Environment staff H. Payne led a vote for Acting Chair. Board Member M. O'Malley made a motion to nominate Board Member L. Matsueda to serve as Acting Chair. Board Member J. Nelson seconded the motion. All Board Members in attendance (7) were in favor. The motion carried at 4:36 pm.

Call Meeting to Order

4:37 pm: A meeting of the Building Emissions Reduction and Disclosure Ordinance, hereafter referred to as (BERDO), within the Air Pollution Control Commission, was called to order on April 8 at 4:37 pm. This meeting was held virtually.

Roll Call

4:38 pm: The following BERDO Review Board members were in attendance: Acting Chair Lee Mastueda, Rashida Boyd, Councilor Gabriela Coletta, Lovette Jacobs, Gail Latimore, Jack Nelson, and Matt O'Malley.

The following Environment Department staff were in attendance: Hannah Payne, Zengel "Ziggy" Chin.

Others: Approximately 6 members of the public attended this meeting.

First Agenda Item: Approval of Meeting Minutes

4:40 pm: The Review Board voted on approving the [March 11 Meeting Minutes](#). Board Member J. Nelson made a motion to approve the meeting minutes. Board Member L. Jacobs seconded the motion. All Board Members in attendance (7) voted in favor. The motion carried at 4:41 pm.

Second Agenda Item: Update and Discussion on the Equitable Emissions Investment Fund.

4:41 pm: H. Payne provided updates on the feedback period for the Fund and presented two optional routes for dispersing the money during the first application cycle.

4:53 pm: Board Q&A Session

- G. Coletta asked if the Environment Department knew how many non-profits carried out decarbonization work as part of their regular programming.
 - H. Payne answered that she did not know how many there were in the area, but she could do research.
- J. Nelson sought confirmation that a non-profit would have to perform zero-over-time planning and engineering to be eligible for a grant agreement.
 - H. Payne confirmed and added that they could also perform workforce development as long as there is a building decarbonization component.
- L. Jacobs raised a concern relating to small building owners needing support. She is worried about a large non-profit organization getting a large percentage of the funds.
 - H. Payne suggested that the Board start with a grant opportunity to see what interest there is and then, at a later date, look to procure a vendor to deliver direct services. The Board does not have to release all the funds now. The Board can save some funds for future buildings that apply at a later date because they may be at an earlier stage of planning.
- G. Latimore is in favor of “Option 1” but is concerned that there is a small number of non-profits that can benefit from the funds. G. Latimore also asked for more clarification on additional funds that the Environment Department has.
 - H. Payne shared that the additional money she mentioned is separate from the EEIF funds, but the additional funds will also serve building owners.
- G. Latimore asked if there could be a third option to have the money stay with the City and be managed by the City.
 - H. Payne explained that what G. Latimore has suggested is close to “Option 2”, where the vendor can be anybody, and the Review Board can choose who the vendor will be servicing.

- L. Mastueda asked if there is a timeline for the Fund to be spent.
 - H. Payne explained that the Board needs to open applications for the EEIF this calendar year, but there is no timeline for spending the money.
- L. Mastueda stated that he is open to a hybrid approach where the Board primarily considers “Option 1” but simultaneously starts a process for finding vendors under “Option 2” to serve Environmental Justice communities.
- J. Nelson commented that “Option 2” would give the Board the most control and asked if it would be possible to have multiple contractors and control over where the vendor would complete the work.
 - H. Payne answered that she was not sure about the City process for getting multiple contractors under the same procurement, but that he was correct in that the Review Board would have control over where the vendor would complete the work.
- J. Nelson asked if it is possible to have building owners directly apply for the funds.
 - H. Payne answered that it is most likely not possible for a building owner to receive the funds directly because the money comes from the City's operating budget and there are many legal limitations from allowing the City to use the operating budget to do direct work on a private building, such as the Anti-Aid Amendment.
- G. Latimore asked for clarification about the discourse between J. Nelson and H. Payne.
 - H. Payne explained that it is very unlikely a non-profit can use the Fund to do projects on its own buildings; however, it can use the Fund to do decarbonization work for other building owners as part of their regular programming.
- M. O'Malley asked if the City and the Board would have oversight on how the non-profit invests the money under "Option 1".
 - H. Payne answered that there would be oversight through a grant agreement where the Review Board sets specific criteria, such as census tract, for the non-profit to choose who receives the services. She explained that under “Option 2”, the Review Board would have a more direct say and would be able to select buildings under specific criteria that the vendor would execute.

- M. O'Malley asked a follow-up question about whether a census tract could be used as a criterion.
 - H. Payne replied that she would investigate and can follow up to get a clear answer on this.
- M. O'Malley suggested that he could publicize the EEIF survey to get more responses. He also asked if the same stipulations would apply when the alternative compliance payments are in the pool of funds.
 - H. Payne answered that she believes the Anti-Aid amendment would not apply and that there would be fewer stipulations.
- M. O'Malley wondered if the language of 'any other environmental initiative' would allow some flexibility in the definition of the public benefit regarding the EEIF.
 - H. Payne clarified that the projects under the EEIF would need to support building decarbonization, but they could also provide additional environmental benefits, such as workforce development.
- M. O'Malley supported "Option 2" because it gives the Review Board a more active role. He explained that recipients would most likely welcome assistance in scoping decarbonization projects.
- L. Mastueda agreed with M. O'Malley's suggestion of extending the deadline for the EEIF survey. L. Mastueda asked for details on the timeline for rolling out the EEIF in the summer.
 - H. Payne answered that the Environment Department wants to collect feedback to integrate it and finalize the application. A draft of the scope of work and feedback from the Board regarding these drafts also need to be provided. She stated that she thinks having the EEIF available in the summer is possible.
 - L. Mastueda requested that the Environment Department provide a more concrete timeline for the EEIF for the next meeting.
- G. Latimore commented that getting more feedback from the EEIF survey would be beneficial and suggested sending the survey link to anybody who has commented on BERDO regulations.
 - J. Nelson asked if sending the survey link to the individuals in the different working groups would be possible.

- H. Payne thanked the members for their suggestion and confirmed the survey had been shared with most people who have commented in the past via the newsletter and to members of the working groups.

5:37 pm: Acting Chair L. Matsueda opened a public comment period.

- Y. Torrie asked if Option 1 is similar to the way MassSave works with their technical assistance providers; it might be helpful to use MassSave as a model for how Option 1 could work.
- Y. Torrie also shared that in the commercial real estate working group, many folks are burnt out. It is becoming harder to get deep engagement from individuals.

5:47 pm: Acting Chair L. Matsueda closed the public comment period.

Third Agenda Item: Administrative Updates

5:48 pm: H. Payne shared that the City has contracted with RDH Building Science to provide technical capacity building to the Review Board. She also provided an update on the Review Board open seat nomination. Lastly, the Environment Department proposed either canceling or moving the May 27, 2024 meeting depending on the number of applications that are queued due to the Memorial Day holiday.

- A member of the public shared that Hessann Farooqi's nomination was shared publicly.
- Councilor Coletta added that the Mayor has put forward his nomination to the committee.

H. Payne also shared that at the following Air Pollution Control Commission meeting, on April 10, the APCC will vote on minor corrections to the Regulations.

The next meeting is scheduled for April 22.

Meeting Adjournment

5:54 pm: Board Member G. Latimore made a motion to adjourn the meeting. Board Member M. O'Malley seconded. All Board Members in attendance (7) were in favor, and the motion carried at 5:55 pm.