

KYLE HANLON, Chair
SHEILA IRVIN, Vice-Chair
MARIE RAFTERY, Clerk
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.
Executive Director

MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, February 1, 2018
At the Berkshire Regional Planning Commission Office
1 Fenn Street, Suite 201, Pittsfield, MA 01201

I. Call to Order

A. The meeting is called to order at: 4:00 p.m.

Vice-Chair Sheila Irvin 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:

Sheila Irvin, Vice-Chair
Chuck Ogden, Treasurer
CJ Hoss, Commission Development Chair
James Mullen, Regional Issues Committee Chair
Marie Raftery, At Large
John Duval, At Large

A quorum is present.

Others Present: none

Staff Present: Nathaniel Karns, Executive Director
Thomas Matuszko, Assistant Director
Marianne Sniezek, Office Manager
Susan Nawazelski, Office Assistant

II. Introduction of New Staff Member – Susan Nawazelski, Office Assistant

Susan Nawazelski joined the BRPC team on January 16th.

All present welcomed Susan to BRPC and introduced themselves.

III. Approval of Minutes of Executive Committee Meeting of November 2, 2017

Chuck Ogden moved to approve; seconded by Jamie Mullen. Unanimously approved with one abstention.

IV. Financial Reports

A. Expenditure Report

Everyone reviewed the completed expenditure list for
1. October

2. December
3. January

Jamie Mullen moved to approve the October, December and January Expenditures as presented; seconded by Chuck Ogden. Unanimously approved

B. Accounts Receivable Report

Staff is continuing to follow up on aged receivables over 90 days. None of the aged receivables are at risk.

C. Other – None

V. Delegate and Alternate Issues – None

VI. Environmental Review – Environmental Notification Form – Northeast Renewable Link Electric Transmission Line Project (Hancock, Lanesborough, Cheshire, Dalton, Hinsdale)

Nat explained the project has not been listed in the Environmental Monitor. Melissa Provencher is working on setting up an Environmental Review Committee meeting. The Electric Transmission Line is on the same path as the pipeline. The project does require an Environmental Impact Report. The comments will be due at the end of February.

Nat asked if the Executive Committee would allow the Environmental Review Committee to submit a comment letter.

Jamie Mullen made a motion to allow the Environmental Review Committee to submit a comment letter, seconded by CJ Hoss. Unanimously approved

VII. Items Requiring Action

A. Authorization for Assistant Director Thomas Matuszko to Sign on Behalf of BRPC in the Executive Director's Absence

As was briefly discussed at the November Executive Committee meeting, with the Executive Director's planned and anticipated absences from BRPC over the coming months, it is beneficial to have someone else authorized to sign various things when he is absent on behalf of the Commission. The types of things that typically have to be signed on a short time-frame include:

- Checks (Tom is already an authorized signatory; any check of \$5,000 or over requires two signatures)
- BRPC Debit/Credit Card Requests (a few purchases can only be done using the BRPC Debit Card; the card's use and amount must pre-approved in writing)
- Grant Contracts and Agreements (Tom should be designated "Acting Executive Director" for this purpose)
- Intergovernmental Agreements for work for Local and State entities
- Contracts with Consultants, Contractors, and Subrecipients

Nat explained all unopened bank statements showing the checks are reviewed by the Executive Director every month.

Jamie Mullen moved to approve Assistant Director Thomas Matuszko to sign on behalf of BRPC in the Executive Director's Absence; seconded by Chuck Ogden. Unanimously approved.

B. Authorization for Marianne Sniezek, Office Manager, to have Check Signing Authority

As with the above item, with the Executive Director's expected absences for more than a week at a time over the coming months, it is helpful to have a second person in the office who is authorized checks in case Tom is out. Marianne does not write checks or make journal entries so from a proper fiscal management and control standpoint, she is not inappropriate to have check signing authority. While Kyle is very good about coming by the office to sign things when asked, we also do not want to infringe on him too much. It is one thing to sign a couple of checks; it is another to have to sign several dozen checks after reviewing the purposes of the expenditures

Nat explained the with the CDBG Housing Rehab programs the turn-around time is small and the need for an additional staff as a signer is requested.

Jamie Mullen moved to approve Office Manager, Marianne Sniezek to have check signing Authority; seconded by Chuck Ogden. Unanimously approved.

C. Consideration of Increasing the Amount Required for Two Check Signatures

We currently require that any check of \$5,000 or more have two signatures. For general office purposes, this means just a handful of checks in a given month (health insurance, consultants). However, for the Housing Rehabilitation Program and paying contractors for that work, and with multiple housing rehabilitation projects getting underway, we can expect this need for two signatures to substantially increase. We have tried to consistently have one of the signatures be by an authorized signatory from the Executive Committee when two signatures are necessary as a fiscal management and control measure. We would like Executive Committee discussion about whether the amount requiring two signatures should be increased, at least for the housing rehabilitation program, or perhaps still require two signatures for checks of \$5,000 or more but authorize those to be authorized staff signatories.

There was a discussion to increase the amount requiring two signatures due to the growing housing rehabilitation programs and the need to cut more checks to contractors.

CJ Hoss moved to approve increasing the amount required for two check signatures (one staff and one Executive Committee member) from \$5,000 to \$15,000 for Department of Housing and Community Development (DHCD) Community Development Block Grant (CDBG) programs only; seconded by Jamie Mullen. Unanimously approved.

D. Approval to Submit Grant Application to the Mass. Department of Public Health to Act as a Determination of Need Fiscal Agent

The Executive Committee is requested to authorize after-the-fact the Executive Director to submit a grant application to Mass. Department of Public Health to act as a Determination of Need Fiscal Agent and to sign any resulting contracts. Determination of Need (DON) regulations require that proposals which call for a substantial capital expenditure by health care facilities set aside a sum for the Department of Public Health's Community-based Health Initiatives (CHI) program. DPH is seeking a qualified comprehensive fiscal agent to manage, ensure the evaluation of, and annually report on CHI funds allocated to the CHI Statewide Initiative Fund and the CHI Healthy Aging Fund. The Fiscal Agent will be responsible for the intake and management of CHI funds and the distribution of those funds under the direction of DPH and two statewide Advisory Committees. There is no BRPC match required.

Nat explained a certificate of need for large capital expenditures (EX: a new wing on a hospital) is required and a fee is assessed to the facility who receives the certificate of need. BRPC would be the fiscal agent to handle the money in and money out to the

subrecipients.

If received, the money will provide sustainability to the Public Health Program.

Jamie Mullen moved to approve the Executive Director to submit a grant application to the Mass. Department of Public Health to Act as a Determination of Need Fiscal Agent and to sign any resulting contracts on behalf of the Commission; seconded by Chuck Ogden. Unanimously approved.

E. Approval to Submit Technical Assistance Grant Application to the U.S. Economic Development Administration

The Executive Committee is requested to authorize the Executive Director to submit a grant application to the U.S. Economic Development Administration and to sign any resulting contracts. This funding will allow us to support the continuation of the Comprehensive Economic Development Strategy Committee, preparation of the required annual report on the CEDS, to obtain Economic Development District status, and to provide support to high priority economic development projects and initiatives in the region. There is a 1:1 match requirement and the match must be from non-federal funds (with one exception) but may be a "soft" (non-cash) match so the local economic development planning work, economic development related DLTA work, and Berkshire Mall Reuse Planning work qualifies.

Nat reported EDA review of BRPC CED's document was favorable. BRPC can apply for approximately \$40,000 to \$50,000 grant for a one-year contract.

Jamie Mullen moved to approve the Executive Director to submit a grant application to the U.S. Economic Development Administration and to sign any resulting contracts on behalf of the Commission; seconded by Chuck Ogden. Unanimously approved.

F. Approval to Submit Grant Application to the Massachusetts Service Alliance

The Executive Committee is requested to authorize the Executive Director to submit a grant application to the Massachusetts Service Alliance. Grant funds will be used to hold a Leadership Breakfast with Community Based Organizations (CBOs) and business owners. Participants will be educated about local emergency preparedness activities and their potential roles during a disaster, and will be encouraged to join the Community Organizations Active in Disasters (COAD) preparedness group. Requested grant funds total \$3,500 dollars and a 100% match is required. Match funds will come from Public Health Emergency Preparedness and MRC funds.

The grant is for education.

Jamie Mullen moved to approve the Executive Director to submit a grant application to Massachusetts Service Alliance and to sign any resulting contracts on behalf of the Commission; seconded by Chuck Ogden. Unanimously approved.

G. Approval to Apply to the Franklin Regional Council of Governments to Assume Responsibility for the Franklin County Medical Reserve Corps

The Executive Committee is requested to authorize application to the Franklin Regional Council of Governments to assume host agency responsibility for the Franklin County Medical Reserve Corps (MRC). As with the Berkshire County MRC Unit, actual oversight of the unit and its volunteers would be subcontracted to Fairview Hospital. The additional funds would allow the hiring of another part-time MRC coordinator, who would complement the skills of the current coordinator by taking on much of the "boots on the ground" recruitment, oversight and training of volunteers. This would benefit the Berkshire MRC as well. There is no match required.

Nat explained BRPC would take over the role for FRCOG for \$20,000. Most of the work is done by Fairview Hospital. When there is a need during an emergency or certain events, medical professionals and volunteers provide services. Examples are setting up flu clinics or shelters.

Jamie Mullen moved to approve the Executive Director to apply to the Franklin Regional Council of Governments to Assume Responsibility for the Franklin County Medical Reserve Corps and to sign any resulting contracts on behalf of the Commission; seconded by Marie Raftery. Unanimously approved.

H. Approval of Letter Regarding H.3906 & S.2160 – Legislation Clarifying Property Tax Exemptions for Solar and Wind Systems

A draft letter requesting positive action by the General Court on legislation which is under active consideration to clarify that commercial solar and wind systems are subject to local property taxation, absent PILOT agreements was considered. The Regional Issues Committee unanimously supports submitting such a letter.

Nat explained the bills are a reaction to a Tax Appeals Board ruling that exempted commercial wind and solar energy systems from property taxation. While communities typically enter into host community agreements with developers of such systems, not having the threat of a property tax during negotiating a host community agreement weakens the municipalities' leverage.

CJ Hoss moved to approve the Executive Director to submit a comment letter Regarding H.3906 & S.2160 – Legislation Clarifying Property Tax Exemptions for Solar and Wind Systems on behalf of the Commission; seconded by Chuck Ogden. Unanimously approved.

I. Approval to Contract with Berkshire Taconic Community Foundation for Data Support

The Executive Committee is requested to authorize the Executive Director to sign a contract with Berkshire Taconic Community Foundation to provide data support for the foundation. BTCF is seeking assistance in compiling data for a variety of data points to describe their region. BTCF is providing \$3,000 and there is no match required. The contract will run through the end of April 2018.

Jamie Mullen moved to approve the Executive Director to sign a contract Berkshire Taconic Community Foundation for Data Support on behalf of the Commission; seconded by CJ Hoss. Unanimously approved.

J. Other – Jamie thanked CJ Hoss for his contribution and volunteering his time on the Regional Issues Committee.

VIII. Committee Reports

A. Commission Development Committee

CJ Hoss reported the follow workshops and training:

5th Thursday

- March 29, 2018 at Mazzeo's – Topic culvert replacement and stream crossing standards
- May 31, 2018 at Cork n Hearth – Topic to be determined and possible speaker Don Dubendorf.

Next Full Commission Training Topic – Tiny Houses or Wireless Communication Regulations

Annual Dinner – October 25th at Country Club of Pittsfield.

Carole Owens has contacted James Howard Kunstler of Saratoga Springs to speak at BRPC's annual dinner and he has agreed.

B. Finance Committee

Chuck reported the Finance Committee met to recommend the 2.5% increase to Community Assessments. The FY2017 Audit was clean and there were no recommendations. Nat also explained BRPC is putting additional money into the trust for the Retirees Health Benefit trust as a way to stabilize our overhead rate. BRPC is targeting an overhead rate of 135%.

C. Regional Issues

Nat reported the Committee will be holding a meeting the first week in March, the topic will need to be determined if not the Housing Choice legislation. Nat's explained the committee wants to see how the Housing Choice Legislation lines up with Commission's comments before on various land reform legislation.

Other RPA's are concerned with the Governor's plan. The RPA's will be sending a joint letter expressing their concerns over the Housing Choice bill and other zoning and land reform things we want to accomplish would drop out and the legislature will not take this topic up for at least five more years.

CJ Hoss resigned from the Regional Issues Committee. Jamie Mullen will be looking for someone to become the Vice-Chair.

D. Other - None

IX. Executive Director's Report

A. Report on New Contracts/Agreements

Attached is a list of new contracts and agreements entered into since the November 2nd Executive Committee meeting.

B. Berkshire Regional Transit Authority BRTA Shared Ride Access to Work Study

The BRTA has been working on the issue of needing improved transportation for low-wage workers. Working with their consultant, McMahon, they have developed a study on how they might address this problem. The study may be found at:

<http://berkshireplanning.org/events/announcements/brta-releases-employment-based-transportation-study>. For further information contact Bob Malnati, BRTA Administrator at 499-2782, ext. 2871, Robert.Malnati@berkshirerta.com, or BRPC Transportation Program Manager Clete Kus at 442-1521, ext. 20 or ckus@berkshireplanning.org.

C. Mass College of Liberal Arts Berkshire Flyer Market Research Report

The Berkshire Flyer Work Group was established by MassDOT to determine the feasibility of replicating the success of the Cape Cod Flyer which provides train service, primarily aimed at tourists and second home owners, between Boston and Cape Cod. The work group has been meeting for several months. As part of the effort, an MCLA class has prepared a report on the potential market for this type of service if it were to be established between New York City and Pittsfield. A copy of the report will be posted on BRPC's website in the very near future but in the meantime, you may obtain a copy from BRPC Transportation Program Manager Clete Kus at 442-1521, ext. 20 or ckus@berkshireplanning.org.

D. Supreme Judicial Court Decision Upholding Local Zoning for Aeronautics Uses

We are pleased that the Massachusetts Supreme Judicial Court has found that local land use regulation of aeronautical uses (airports, helipads, etc.) is authorized without requiring approval of the Massachusetts Aeronautics Commission. This decision arises from the case of *Roma, III, Ltd. v. Board of Appeals of Rockport*. A copy of KP Law's (who represented Rockport) eUpdate on the decision was attached. This decision overturns the Land Court's decision in *Hanlon v. Town of Sheffield*. BRPC had supported legislation to clarify the authorization of local land use regulation of aeronautics uses; with this decision, that legislation is no longer necessary.

E. Local Planning Assistance Grant Awards from the Executive Office of Energy & Environmental Affairs

We are pleased that all four grant applications from the Berkshires for this new planning assistance program were funded. Pittsfield is receiving funds to help it develop a form-based zoning code for its downtown. BRPC submitted three applications on behalf of various municipalities. Egremont, North Adams, and Sheffield will receive assistance in developing appropriate zoning tools and land use policies to promote increased housing opportunities for older adults to age in their communities. These tools will have applicability across the Berkshires. Lanesborough is receiving assistance to plan for the reuse of the Berkshire Mall property. Cheshire is receiving assistance to implement housing recommendations made in the town's new master plan. For further information, contact Assistant Director Tom Matuszko at tmatuszko@berkshireplanning.org or 442-1521, ext. 34.

Tom explained the grant BRPC received has three components. The assistance is for the Lanesborough Mall, Cheshire housing and Age Friendly Berkshire housing. The purpose of the Cheshire portion of the grant maybe redirected to be more aligned on what the planning board wants for the town of Cheshire or the funds could be redirected to the Age Friendly Berkshires housing component.

F. New Massachusetts Housing Choice Program

As the Commission was briefed at its January 18th meeting, Governor Baker announced a new Housing Choice Program on December 11th. Based on additional information that has been provided in the past week, it appears that more Berkshire municipalities may be able to seek Housing Choice designation than we first could determine. The details of the program are still being finalized but communities that achieve the designation potentially will receive fairly flexible funds for capital improvements as the community defines those. It has become apparent that it is very important for all towns and cities to accurately report their housing unit building permits on an annual basis (we have some local building officials that have not reported any building permit activity for at least five years). Details have yet to be released for the Small Town Program which would potentially benefit most Berkshire towns. For further information, contact Assistant Director Tom Matuszko at 442-1521, ext. 34 or tmatuszko@berkshireplanning.org.

G. Massachusetts Cannabis Control Commission Draft Regulations

The Cannabis Control Commission has developed draft regulations which were approved for release on December 21st. The draft regulations may be found at: <https://www.mass.gov/files/documents/2017/12/22/DraftRegulations122117.pdf>. The CCC will hold a public hearing at BCC in Pittsfield on Monday, February 5th starting at 8:30 a.m. The public hearing announcement may be found at <https://www.mass.gov/event/notice-of-public-hearing-cannabis-control-commission-252018-pittsfield-ma-2018-02-05t083000>. Assistant Director Tom Matuszko (442-1521, ext. 34 or tmatuszko@berkshireplanning.org) is the lead BRPC staff member providing assistance on this topic.

H. Appointment of BRPC Public Health Program Manager Laura Kittross to State Determination of Need's Health Aging Advisory Committee

We are pleased that our Public Health Program Manager, Laura Kittross, has been appointed to the State's Determination of Need Healthy Aging Advisory Commission. A copy of the appointment letter is attached. Her appointment reflects the good efforts by Laura and her staff with Age Friendly Berkshires.

I. District Local Technical Assistance Contract and Project Requests

Final approval of our contract with the State for DLTA for 2018 has been delayed but should be forthcoming shortly. Because of that delay by the State, we have not yet been able to notify communities of the status of their requests for DLTA assistance. However, we received 28 requests (due to some duplications, the number of potential projects is 23). For further information, contact Assistant Director Tom Matuszko at tmatuszko@berkshireplanning.org or 442-1521, ext. 34.

BRPC received the notice to proceed on January 29, 2018. Work has begun.

J. Brownfield Revolving Loan Fund Closing on Clean-up Funds for Greylock Works, North Adams

We closed on a brownfield loan for clean-up of contamination at the former Greylock/Cariddi Mill on Rte. 2 in North Adams over Christmas in the amount of \$250,000. For further information, contact Environmental & Energy Program Manager Melissa Provencher at 442-1521, ext. 22 or mprovencher@berkshireplanning.org.

K. Offer of Surplus Equipment to Municipalities

We have a few pieces of older equipment which we have replaced which we are offering to our municipalities (old printer, fax machine, etc.) The municipalities were all sent a list of the surplus equipment.

L. Other – A recent Supreme Judicial Court case, overturned Hanlon v. Sheffield which had severely limited municipal authority over private airfields and helipads. Communities through their zoning say this land can or cannot be used for aeronautic purposes.

The Massachusetts Aeronautics Commission (MAC) role is to say the flying in or out is safe and done properly.

VIII. Old Business

A. Status of Search for New Executive Director

Sheila reported the committee had its first interviews. There will another first round interview next week.

- February 8, 2018 – an additional first round interview
- February 15, 2018 at 5 pm. – interviews round 2
- February 22, 2018 at 5:30 pm. - Commission recommends Executive Director and approval to authorize the Executive Committee to negotiate salary, start date at their March 1, 2018 meeting in Executive Session. Nat is gathering information from our peer RPA's.

B. Other – None

IX. New Business

A. March 15th Commission Meeting

We have several potential items for the agenda thus far for the March 15th meeting:

- Heather Boulger, Executive Director of the Berkshire County Regional Employment Board, will make a presentation. This is another follow-up to the discussion at the September Commission meeting generated by the presentation of the Rural Policy Advisory Commission data.
- The Commission Development Committee would like to have presentations/discussions on Tiny Houses and on the implications of 5G networks.
- Laura Brennan could make a presentation on the work she is doing for four Berkshire towns in providing local economic development assistance at the municipal level
- Mark Maloy has done some very interesting work on indicators of housing and the economy in the region

Whether all of these fit on an agenda was discussed.

Sheila asked if topics or some of the topics for the March 15, 2018 meeting could be rolled into the February 22, 2018 meeting since the February 22nd meeting has only one topic. The February Special Meeting could be held from 5:30 to 7:30 pm. The March 15th meeting could be eliminated. All agreed.

The following topic for February 22, 2018 would be preferred:

1. Recommend new Executive Director
2. Heather Boulger, Executive Director of the Berkshire County Regional Employment Board.
3. Tiny Houses or the implications of 5G networks.
4. Mark Maloy, Indicators of housing and the economy in the region.

B. Other - None

X. Adjournment

Jamie Mullen moved to adjourn the meeting which was seconded by Chuck Ogden. The meeting was adjourned at 5:40 p.m.

Materials distributed or presented during this meeting:

Agenda

Minutes

Check Registers

Aged Receivables

Executive Director's Memo

Technical Assistance Report

New Grants received

Susan Nawazelski Resume

Draft letter on H.3906 and S.2160 – legislation clarifying property tax exemptions for solar and wind systems

New Grants received 11/2/17-2/1/2018

KP Law eUpdate – SJC Affirms Authority of Cities and Towns to Regulate Use of Land for Private Aircraft

DPH Letter appointing Laura Kittross to the Determination of Need's Healthy Aging Advisory Committee