

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201
TELEPHONE (413) 442-1521 · FAX (413) 442-1523
Massachusetts Relay Service: TTY: 771 or 1-800-439-2370
www.berkshireplanning.org

SHEILA IRVIN, Chair
KYLE HANLON, Vice-Chair
MARILYN WILEY, Clerk
CHARLES P. OGDEN, Treasurer

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

MEETING NOTICE

There will be a meeting of the

EXECUTIVE COMMITTEE

on Thursday, April 3, 2014, 4:00 p.m.
at the Berkshire Regional Planning Commission Office
1 Fenn Street, Suite 201, Pittsfield, MA

Please Note: In the case of inclement weather on the day of the meeting, please call BRPC (413-442-1521, ext 15) to confirm if the meeting will still be held.

- | | | |
|------|---|--------|
| I. | Call to Order, Open Meeting Law Statement & Introductions | (4:00) |
| II. | Approval of Minutes of Executive Committee Meeting of March 6, 2014 * | (4:05) |
| III. | Financial Reports | (4:10) |
| | A. March Expenditures Report * | |
| | B. Accounts Receivable Report | |
| | C. Other | |
| IV. | Delegate & Alternate Issues | (4:15) |
| V. | Items Requiring Action * | (4:20) |
| | A. Approval for Executive Director to Sign Contract with MassDOT for Transit Planning Services for 4/1/2014-3/31/2015 | |
| | B. Approval to Submit Grant Application to the U.S. Department of Transportation for TIGER (Transportation Investment Generating Economic Recovery) Planning for Area Around Berkshire Medical Center | |
| | C. Approval for Executive Director to Sign Contract(s) with Western Massachusetts Homeland Security Advisory Council for Outreach and Evacuation Service Center Planning | |
| | D. Approval to Submit Grant Application to the Pew and Robert Wood Johnson Foundations for Community Health Impact Assessment | |
| | E. Approval to Potentially Submit Grant Application to U.Mass. for an Aging Assessment Grant | |
| | F. Approval to Potentially Submit Grant Application to U.S. Environmental Protection Agency for Healthy Communities Grant Program | |

- G. Approval to Potentially Submit Grant Application to the U.S. Department of Transportation for TIGER Infrastructure Grant to Modernize Tracks on Housatonic Railroad to Support Existing Manufacturers
 - H. Approval of Modification to Staff Development Policy
 - I. Approval of Merit Increases for FY 2015
 - J. Other
- VI. Committee Reports (4:40)
- VII. Executive Director's Report (4:45)
- A. Report on New Contracts/Agreements
 - B. Training for Conservation Commissioners, March 29th & April 5th, BRPC
 - C. Attorney General's Open Meeting Law Training Webinars, monthly starting April 8th
 - D. Farmland Access in the Berkshires, April 12th, Berkshire Athenaeum
 - E. Western Massachusetts Housing Workshop, April 25th, Holyoke Community College
 - F. Next 5th Thursday Dinner – May 29th, Topic will be "Planning for Climate Change"
 - G. Status of District Local Technical Assistance and Community Innovation Challenge Grants in FY 2015 State Budget
 - H. Advancement of Land Use Reform Legislation (H.1859)
 - I. Other
- VIII. Old Business (4:50)
- IX. New Business (4:55)
- A. May 15th BRPC Meeting
 - B. Other
- X. Adjournment (5:00)

* Items Requiring Action

Attachment: Technical Assistance Report for February 2014

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

SHEILA IRVIN, Chair
KYLE HANLON, Vice-Chair
MARILYN WILEY, Clerk
CHARLES P. OGDEN, Treasurer

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

DRAFT MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, March 6, 2014
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.

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, Chair
Kyle Hanlon, Vice Chair
Chuck Ogden, Treasurer
Roger Bolton, Clearinghouse Committee Chair
James Mullen, Regional Issues Committee Chair

A quorum is present.

Others Present: none

Staff Present: Nat Karns – Executive Director
Marianne Sniezek – Office Manager

II. Approval of Minutes of Executive Committee Meeting of January 9, 2014

Chuck Ogden moved to approve with changes discussed; Kyle Hanlon seconded. Unanimously approved with one abstention.

III. Financial Reports

A. January Expenditure Report

Nat asked all to look at the complete expenditure list, and he would answer any questions. Nat explained we have controls for the usage of the BRPC debit card.

Chuck Ogden moved to approve as presented; seconded by Jamie Mullen. Unanimously approved.

February Expenditure Report

Kyle Hanlon moved to approve 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. Nat pointed out some invoices that had been lost and resent.

Pat is following up on Becket. Lee will pay once the funds are received from DHCD, the funding agency. EDA is in the approval process.

- C. **Other** – Marianne reported for FY15 BRPC's health insurance would increase 3.2% and dental 1.1%. We have been hearing town increases are around 9 and 10%.

Jamie Mullen asked about the lay-off of Amy Kacala. Nat explained the layoff is due to financial issues, due to lack of grants to charge to. BRPC revenue is 80% from Federal grants or Federal to state grants. HUD was a large multi-year contract and it has ended.

IV. **Delegate and Alternate Issues** – none

V. **Items Requiring Action**

A. **Approval to Submit Technical Assistance Grant Application to U.S. Department of Transportation Pipeline & Hazardous Materials Safety Administration for Pipeline Assistance Project**

Nat explained staff saw the grant for technical assistance grant under Notice of Funds Available (NOFA). The grant is for \$50,000 for safety education and training. BRPC plans on working with an attorney with pipeline expertise and a technical consultant. There is no local match needed.

Jamie Mullen moved to approve as presented; seconded by Chuck Ogden. Unanimously approved.

B. **Approval to Submit Grant Application(s) to U.S. Food & Drug Administration for Assistance in Meeting Food Safety Standards**

The grant is an expansion of existing work by the Berkshire Public Health Alliance and is less than \$10,000. No match is required.

Chuck Ogden moved to approve as presented; seconded by Jamie Mullen. Unanimously approved.

C. **Consideration of Draft Letter to the Department of Public Health Concerning Licensing of Medical Marijuana Facilities Serving Berkshire County**

Jamie explained the topic was reopened by the Regional Issues Committee because there was no facility approved to serve Berkshire County.

Chuck Ogden moved to approve as presented; seconded by Kyle Hanlon. Unanimously approved

D. **Other** - none

VI. **Committee Reports**

A. **Regional Issues Committee** – Jamie explained the group met in March to discuss drafting a letter regarding the process of approving Medical Marijuana Facilities. The next meeting will be March 31st to discuss form base codes.

B. **Commission Development Committee** – none

C. **Clearinghouse Review Committee** - Nat explained Melissa Provencher is reviewing a notice of change regarding the Cleveland Reservoir Project. At this time Nat believes no meeting will be needed as the changes appear to be minor and actually decrease impacts.

D. **Finance Committee** – none

VII. **Executive Director's Report**

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

B. **Sustainability Plan Public Hearing** – March 6, 5:30 p.m., Berkshire Athenaeum Auditorium

C. **Approval of Community Innovation Challenge Grant for Expansion of the Public Health**

Nursing Program – Franklin Regional Council of Governments (FRCOG) has a similar program that has been in existence longer and is larger than BRPC, while Pioneer Valley Regional Planning Commission (PVRPC) has a smaller program. Metropolitan Area Planning Commission (MAPC) also has a program.
The Community Innovation Challenge Grant expansion of the On-line building permits was not awarded to BRPC.

D. Status of Release by EPA of Remedy for “Rest of River” Clean-up

Nat explained there was a ½ day staff level meeting with EPA regarding their thinking on the full remedy for the clean-up. The full remedy is expected to be released in May.

E. Other -

Amy will wrap up work on the North Adams Master Plan. After that BRPC has insufficient work that fits with her skill set.

Jamie asked about Berkshire Regional Transit Authority (BRTA) and its concerns over statewide consolidation of transit brokerage services to Fitchburg. Nat explained BRPC had not been asked to be involved. BRPC could write a letter regarding the consolidation would result in no or poor service if the Commission approved.

VIII. Old Business - none

IX. New Business

A. March 20th BRPC Meeting

- Consideration of Adoption of Sustainable Berkshires Plan
- Chris Rembold to present Gt. Barrington’s Master Plan
- Overview of DTLA projects

B. Reaching out to Delegates/Alternates to Maximize Attendance on the 20th

The group divided up the Delegate and Alternate list to contact members about the importance to attending the meeting.

C. Other - none

X. Adjournment

Jamie Mullen moved to adjourn the meeting which was seconded by Kyle Hanlon.
The meeting was adjourned at 5:00 p.m.

Materials distributed or presented during this meeting:

Agenda
Minutes
Check Register
Aged Receivables
Executive Director’s Memo
Technical Assistance Memo
Draft Letter Approving Medical Marijuana Facilities
List of Delegate and Alternate Members

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From Mar 1, 2014 to Mar 31, 2014

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount	
EFT	3/1/14	SAGE SOFTWARE, INC.	1040.00	45.00	Monthly Support
EFT	3/2/14	GODADDY.COM	1040.00	9.94	Computer Svcs
10137	3/3/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.00	3,721.00	Rent March 2014
10138	3/6/14	KELLEY CLEANING SERVICES	1040.00	200.00	Cleaning Services
10139	3/6/14	MIIA HEALTH BENEFITS TRUST	1040.00	1,354.32	Dental Insurance
10140	3/6/14	MIIA HEALTH BENEFITS TRUST	1040.00	18,843.16	Health Insurance
10141	3/6/14	MUTUAL OF OMAHA	1040.00	671.72	Life; STD; LTD
10142	3/6/14	CITY OF PITTSFIELD	1040.00	245.00	Parking
10143	3/6/14	RAILROAD STREET YOUTH PROJECT	1040.00	1,417.57	#301/BOAPC
10144	3/6/14	W.B. MASON COMPANY, INC.	1040.00	50.86	Office Supplies
10145	3/13/14	CPTC	1040.00	60.00	#323 DLTA14 PM Training
10146	3/24/14	NEW ENGLAND NEWSPAPERS, INC.	1040.00	103.96	#281 Public Notice
10147	3/24/14	BARBARA CHOON	1040.00	1,152.00	Svcs: 021614-031514 #296 and #327
10148	3/24/14	COMPUWORKS	1040.00	439.00	Computer Supplies
10149	3/24/14	ENTERPRISE RENT-A-CAR	1040.00	102.09	Car Rentals
10150	3/24/14	FAIRVIEW HOSPITAL, INC.	1040.00	3,257.28	Jan 2014 Svcs #312 FRCOG/MRC14
10151	3/24/14	FEDEX	1040.00	20.30	Postage
10152	3/24/14	GLYNWOOD CENTER, INC.	1040.00	34,500.00	#235 HUD Contractor
10153	3/24/14	BRENDA J. HITCHCOCK	1040.00	2,240.00	Svcs: 021614-031514 #327 HRIA/PHDIG14
10154	3/24/14	SCOTT B. KRZANIK	1040.00	828.00	Svcs: 021614-031514 #327 HRIA/PHDIG14
10155	3/24/14	MACFARLANE OFFICE PRODUCTS, INC.	1040.00	891.91	Copy Expense
10156	3/24/14	MASS STATE EMPLOYEES RET.SYSTEM	1040.00	9,951.30	Staff Retirement Contributions
10157	3/24/14	VIVIAN ORLOWSKI	1040.00	3,150.00	#299 MAPC/FBOP - Contractor
10158	3/24/14	PITNEY BOWES GLOBAL FINANCIAL SERV.,LLC	1040.00	157.35	Postal Meter Qtrly Rental
10159	3/24/14	RESERVE ACCOUNT	1040.00	500.00	Postage for Meter
10160	3/24/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.00	2,079.23	Utilities
10161	3/24/14	SAMEL'S DELI & CATERING	1040.00	52.80	Meeting Expense
10162	3/24/14	TIME WARNER CABLE	1040.00	420.11	Telephone/Internet
10163	3/24/14	W.B. MASON COMPANY, INC.	1040.00	155.69	Office Supplies
10164	3/24/14	BERKSHIRE MOUNTAIN	1040.00	163.00	Water Expense Feb/March
10165	3/24/14	THE WESTERN MASS PUBLIC HEALTH ASSOC.	1040.00	100.00	S Kryzanic Training
10166	3/24/14	BCARC, INC.	1040.00	90.18	Common Ground
EFT	3/24/14	SURVEY MONKEY	1040.00	24.00	Admin-Survey Tool
10167	3/26/14	BRIAN M. DOMINA	1040.00	36.40	Expense Report
10168	3/26/14	LAUREN L. GAHERTY	1040.00	148.14	Expense Report
10169	3/26/14	LAURA KITTROSS	1040.00	372.19	Expense Report
10170	3/26/14	CLETUS K. KUS	1040.00	27.08	Expense Report
10171	3/26/14	MARK MALOY	1040.00	131.36	Expense Report
10172	3/26/14	SANDRA B. MARTIN	1040.00	478.60	Expense Report
10173	3/26/14	THOMAS E. MATUSZKO	1040.00	718.36	Expense Report
10174	3/26/14	PATRICIA A. MULLINS	1040.00	164.84	Expense Report
10175	3/26/14	JACLYN PACEJO	1040.00	66.53	Expense Report

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From Mar 1, 2014 to Mar 31, 2014

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Accoun	Amount	
10176	3/26/14	DIANE PERSSON	1040.00	1,079.24	Expense Report
10177	3/26/14	DOUGLAS PLACHCINSKI	1040.00	272.31	Expense Report
EFT	3/26/14	GOTOMYPC.COM	1040.00	<u>21.14</u>	Remote Access
Total				<u><u>90,512.96</u></u>	

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Mar 31, 2014

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

Customer ID	Customer	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
166/TOWN OF ADAMS	TOWN OF ADAMS	3/13/14	166-031214-1-ADM	2,000.00				2,000.00
166/TOWN OF ADAMS	TOWN OF ADAMS			2,000.00				2,000.00
166/TOWN OF GT BARR	TOWN OF GREAT BARRINGTON	3/13/14	166-031314-1-GTB	2,000.00				2,000.00
166/TOWN OF GT BARR	TOWN OF GREAT BARRINGTON			2,000.00				2,000.00
235/HUD/RP	HUD ADMINISTERING OFFICE	3/24/14	235-022014-	16,163.29				16,163.29
235/HUD/RP	HUD ADMINISTERING OFFICE			16,163.29				16,163.29
250/DAL/CLNUP	DALTON REDEVELOP.AUTHORITY-DAL/CLNUP	1/30/14	250-123113-19		2,088.87			2,088.87
250/DAL/CLNUP	DALTON REDEVELOP.AUTHORITY-DAL/CLNUP	3/24/14	250-022814-20	25,143.29				25,143.29
250/DAL/CLNUP	DALTON REDEVELOP.AUTHORITY-DAL/CLNUP			25,143.29	2,088.87			27,232.16
266/EDA/CEDS	DEPT.OF COMMERCE-EDA: EDA/CEDS	10/30/13	266-083113-4				3,183.25	3,183.25
266/EDA/CEDS	DEPT.OF COMMERCE-EDA: EDA/CEDS	12/5/13	266-113013-5				607.41	607.41
266/EDA/CEDS	DEPT.OF COMMERCE-EDA: EDA/CEDS						3,790.66	3,790.66
279/NAD/CP13	CITY OF NORTH ADAMS	3/24/14	279-032414-9	10,250.00				10,250.00
279/NAD/CP13	CITY OF NORTH ADAMS			10,250.00				10,250.00
281/TPL13	MASSDOT#75425 - TPL13	2/18/14	281-013114-2.4		26,940.03			26,940.03
281/TPL13	MASSDOT#75425 - TPL13	3/13/14	281-022814-2.5	34,225.48				34,225.48
281/TPL13	MASSDOT#75425 - TPL13			34,225.48	26,940.03			61,165.51
283 BHPA/INSP/WSH	TOWN OF WASHINGTON	1/4/14	283-123113-3				50.00	50.00
283 BHPA/INSP/WSH	TOWN OF WASHINGTON						50.00	50.00
284/BHPN/PHN/PTS	CITY OF PITTSFIELD - BOARD OF HEALTH	1/1/14	284-033114-2-PTS				800.00	800.00
284/BHPN/PHN/PTS	CITY OF PITTSFIELD - BOARD OF HEALTH						800.00	800.00
284/BHPN/PHN/WND	TOWN OF WINDSOR	1/1/14	284-123113-2-WND(R)				346.75	346.75
284/BHPN/PHN/WND	TOWN OF WINDSOR	1/1/14	CM 284-123113-2-WND				-251.75	-251.75
284/BHPN/PHN/WND	TOWN OF WINDSOR						95.00	95.00

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As of Mar 31, 2014

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Customer ID	Customer	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
284/BPHN/PHN/GTB	TOWN OF GREAT BARRINGTON	1/7/14	284-070113-GTB				1,000.00	1,000.00
284/BPHN/PHN/GTB	TOWN OF GREAT BARRINGTON	3/31/14	284-033114-5-GTB	1,217.75				1,217.75
284/BPHN/PHN/GTB	TOWN OF GREAT BARRINGTON			1,217.75			1,000.00	2,217.75
284/BPHN/PHN/WSH	TOWN OF WASHINGTON	8/7/13	284-093013-5-WSH				251.75	251.75
284/BPHN/PHN/WSH	TOWN OF WASHINGTON	1/1/14	284-123113-6-WSH(R)				-95.00	-95.00
284/BPHN/PHN/WSH	TOWN OF WASHINGTON						-95.00	156.75
287/LEE/CLNUP	TOWN OF LEE	3/24/14	287-022814-05	7,267.11				7,267.11
287/LEE/CLNUP	TOWN OF LEE			7,267.11				7,267.11
290/MASSDOT/PRSDL	MASSACHUSETTS DEPT OF TRANSPORTATION	2/18/14	290-013114		9,805.97			9,805.97
290/MASSDOT/PRSDL	MASSACHUSETTS DEPT OF TRANSPORTATION	3/25/14	290-022814-1.12	7,088.45				7,088.45
290/MASSDOT/PRSDL	MASSACHUSETTS DEPT OF TRANSPORTATION			7,088.45	9,805.97			16,894.42
293 EOT07	MASS DEPT OF TRANSPORTATION	1/15/14	293-123113-9			1,792.70		1,792.70
293 EOT07	MASS DEPT OF TRANSPORTATION	3/10/14	293-022814-11	9,416.18				9,416.18
293 EOT07	MASS DEPT OF TRANSPORTATION			9,416.18		1,792.70		11,208.88
299/MAPC/FBOPIII	METROPOLITAN AREA PLANNING COUNCIL	3/13/14	299-022814-1	2,939.45				2,939.45
299/MAPC/FBOPIII	METROPOLITAN AREA PLANNING COUNCIL	3/16/14	299-031614-02	3,309.71				3,309.71
299/MAPC/FBOPIII	METROPOLITAN AREA PLANNING COUNCIL			6,249.16				6,249.16
304/TOWN OF ADAMS	TOWN OF ADAMS	3/13/14	304-031214-1-ADM	2,000.00				2,000.00
304/TOWN OF ADAMS	TOWN OF ADAMS			2,000.00				2,000.00
304/TOWN OF GT BARR	TOWN OF GREAT BARRINGTON	3/13/14	304-031314-1-GTB	2,000.00				2,000.00
304/TOWN OF GT BARR	TOWN OF GREAT BARRINGTON			2,000.00				2,000.00
310/MBPT2	MASSDOT#77954 - MBPT2	1/16/14	310-123113-1			5,682.31		5,682.31
310/MBPT2	MASSDOT#77954 - MBPT2					5,682.31		5,682.31
311/FCCDC/ERNT	FRANKLIN COUNTY COMMUNITY DEV CORP	10/16/13	311-093013-1				1,361.62	1,361.62

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As of Mar 31, 2014

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

Customer ID	Customer	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
311/FCCDC/ERNT	FRANKLIN COUNTY COMMUNITY DEV CORP						1,361.62	1,361.62
312 FRCOG/MRC14	FRANKLIN REGIONAL COUNCIL OF GOVERNMENT	3/19/14	312-013114-6	3,257.28				3,257.28
312 FRCOG/MRC14	FRANKLIN REGIONAL COUNCIL OF GOVERNMENT			3,257.28				3,257.28
314/BCBOHA	BERKSHIRE COUNTY BOARDS OF HEALTH ASSOC	3/11/14	314-022814-1	4,217.91				4,217.91
314/BCBOHA	BERKSHIRE COUNTY BOARDS OF HEALTH ASSOC			4,217.91				4,217.91
320/LEE/BFAWP	TOWN OF LEE	3/24/14	320-022811-01	7,764.45				7,764.45
320/LEE/BFAWP	TOWN OF LEE			7,764.45				7,764.45
321/LMIM14	TRI-TOWN HEALTH DEPARTMENT	3/24/14	321-022811-02	2,000.00				2,000.00
321/LMIM14	TRI-TOWN HEALTH DEPARTMENT			2,000.00				2,000.00
325/PVPC/TL	PIONEER VALLEY PLANNING COMMISSION	1/13/14	325-123113-1			775.84		775.84
325/PVPC/TL	PIONEER VALLEY PLANNING COMMISSION					775.84		775.84
326/BURN/LEE	TOWN OF LEE	12/30/13	2014 BURN PERMIT			93.00		93.00
326/BURN/LEE	TOWN OF LEE					93.00		93.00
326/BURN/MONTEREY	TOWN OF MONTEREY	12/30/13	2014 BURN PERMIT			93.00		93.00
326/BURN/MONTEREY	TOWN OF MONTEREY					93.00		93.00
326/BURN/PERU	TOWN OF PERU	12/30/13	2014 BURN PERMIT			93.00		93.00
326/BURN/PERU	TOWN OF PERU					93.00		93.00
326/BURN/STOCKBRIDGE	TOWN OF STOCKBRIDGE	12/30/13	2014 BURN PERMIT			93.00		93.00
326/BURN/STOCKBRIDGE	TOWN OF STOCKBRIDGE					93.00		93.00
Report Total				142,260.35	38,834.87	10,100.85	5,776.03	196,972.10

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

MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: March 26, 2014
SUBJ: Agenda Items

V. Items Requiring Action

- A. Approval for Executive Director to Sign Contract with MassDOT for Transit Planning Services for 4/1/2014-3/31/2015

Approval is requested to authorize the Executive Director to enter into the annual contract for transit planning services for April 1, 2014-March 31, 2015, any resulting contracts and agreements. There is a 20% local match required which is provided through in-kind services provided by the BRTA.

- B. Approval to Submit Grant Application to the U.S. Department of Transportation for TIGER (Transportation Investment Generating Economic Recovery) Planning for Area Around Berkshire Medical Center

The Executive Committee is requested to authorize the Executive Director to submit a TIGER grant application to the U.S. Department of Transportation for focused neighborhood planning for the area around the Berkshire Medical Center and for the Executive Director to enter into any resulting contracts and agreements. There is a 20% minimum local match required which we expect to be provided by others (the exact form and amount of that is still being determined). The total amount of the grant request cannot exceed \$500,000 but we doubt that we will be requesting that much, unless there is a significant design component for aspects of the project.

- C. Approval for Executive Director to Sign Contract(s) with Western Massachusetts Homeland Security Advisory Council for Outreach and Evacuation Service Center Planning

Approval is requested to authorize the Executive Director to enter into one or two contracts for outreach and additional evacuation center planning work and any resulting contracts and agreements. No match is required. Work will be performed in partnership with the other two western Massachusetts regional planning agencies.

- D. Approval to Submit Grant Application to the Pew and Robert Wood Johnson Foundations for Community Health Impact Assessment

The Executive Committee is requested to authorize the Executive Director to submit a grant application to the Pew and Robert Wood Johnson Foundations and to enter into any resulting contracts and agreements in order to complete a health impact assessment on a major project, potentially medical marijuana. We would apply for up to \$100,000; there is no match requirement. These are very competitive applications.

- E. Approval to Potentially Submit Grant Application through U.Mass. for an Aging Assessment Grant

The Executive Committee is requested to authorize the Executive Director to submit a grant application through U.Mass., to do a survey of older adults to find out what they need and want in order to age successfully in the county. It is uncertain whether we will ultimately apply as we need a faculty partner .

- F. Approval to Potentially Submit Grant Application to U.S. Environmental Protection Agency for Healthy Communities Grant Program

We may be applying for a grant from the U.S.EPA under their Healthy Communities Grant Program. Authorization is requested for the Executive Director to submit a grant application to this program and enter into any resulting contracts and agreements. The grant program requires that it must be focused on Pittsfield (the only eligible municipality in our region) and we will be working closely with the City in developing the application, if it moves forward. There is a 5% match requirement and we will need to determine how that will be provided; in-kind match is allowed.

- G. Approval to Potentially Submit Grant Application to the U.S. Department of Transportation for TIGER Infrastructure Grant to Modernize Tracks on Housatonic Railroad to Support Existing Manufacturers

We may be applying for a TIGER grant from the U.S. DOT, in partnership with MassDOT, Northwest Hills Council of Governments (CT), the Housatonic Railroad, and potentially ConnDOT, to replace a considerable portion of the obsolete track along the Housatonic Railroad in order to allow it to continue to support a number of existing manufacturers in the area who rely, wholly or in-part, on the availability of rail freight service. The TIGER grant would supplement several million dollars Connecticut and up to \$35 million Massachusetts are planning on spending to upgrade these tracks.

I recognize that there are concerns about the operator and questions about why public dollars are being used to support a private company. It is important to understand that no decisions have been made about under what conditions the public funds would be made available and I find it very unlikely that either state will simply hand these over the Housatonic Railroad without some very extreme conditions in place, up to and including acquiring the underlying ownership of the physical assets and a firm long-term operating agreement with enforceable conditions. It is also appropriate to understand that most railroads built or with significant capital investments in track modernization, both in the latter half of the 19th century and in the last fifty years, have relied on fairly significant public investments. There are currently eight manufacturers and other businesses, employing about 825 people in the Berkshires and northwest CT, who rely to some appreciable extent on having freight rail service. At least some portion of the accidents along the line are due to the advanced age (almost 100 years) of all of the rail. Spot repairs do not solve this problem and it takes a major investment to do a comprehensive replacement of ties and rails to solve the fundamental problem.

Subject to a lot of discussion with the various partners in this application, approval is requested to authorize the Executive Director to submit a TIGER grant application and to enter into any resulting contracts and agreements.

H. Approval of Modification to Staff Development Policy

We have made a slight clarification in our Staff Development Policy to clarify that 1:1 comp time won't be earned for time spent voluntarily on a weekend or holiday engaged in training. A draft is attached. Approval is requested.

I. Approval of Merit Increases for FY 2015

Per our policy, each year we determine the cost of living as provided in the Bureau of Labor Statistics for the Urban Northeast over the preceding year and that forms the basis for our merit increases for the subsequent year. We do not have a step plan or any other form of salary increase available to employees, except through promotion. From February 2013 through February 2014, the Urban Northeast Cost of Living increased by 1.03 percent. Therefore, we are recommending the following increases, based on the overall performance review rating:

Unsatisfactory:	0%
Needs Improvement	1.0%
Meets Expectations	2.0%
Exceeds Expectations	3.0%
Exceptional	4.0%

VII. Executive Director's Report

A. Report on New Contracts/Agreements

Since your last meeting, we have entered into the following new contracts:

- Egremont Pavement Management Program
- Community Innovation Challenge Grant for expansion of regional Public Health Nursing Program
- 2014-2015 Transit Planning
- Extension of MassGIS work to prepare for enhanced E911
- Berkshire Taconic Community Foundation for data collection and analysis

B. Conservation Commission Training, March 29th & April 5th, 9 a.m. – 3 p.m., BRPC, Pittsfield

With support from the Berkshire Environmental Endowment Fund at the Berkshire Taconic Community Foundation, BRPC, in partnership with the Massachusetts Association of Conservation Commissions, will provide free local training for conservation commissioners. This training will provide MACC Fundamental Units. The announcement and registration form are attached. Encourage your local conservation commission members to take advantage of this special and convenient opportunity. For further information, contact BRPC Senior Planner Lauren Gaherty at 442-1521, ext. 35 or lgaherty@berkshireplanning.org.

C. Attorney General's Open Meeting Law Training Webinars, monthly starting April 8th

Attached is an announcement regarding online trainings and forums to help local officials better understand that law. As the announcement states, the first webinar will be held on April 8th from 9:30 to 11 a.m. For more information about the webinars or to register, send an email to OMLTraining@state.ma.us. Information can also be found on the Mass. Municipal Association's website at www.mma.org/municipal-government.

D. Farmland Access in the Berkshires, April 12th, Berkshire Athenaeum

Attached is the announcement for a meeting intended to make more land available for farming in the Berkshires. The meeting will be held on Saturday, April 12th at the Berkshire Athenaeum. This is sponsored by a number of organizations and helps implement one of the strategies in the newly adopted *Sustainable Berkshires* plan.

E. Western Massachusetts Housing Workshop, April 25th, Holyoke Community College

Attached is the announcement and registration form for a day-long workshop focused on housing development for suburban and rural communities in central and western Massachusetts. This is hosted by the Massachusetts Housing Partnership with support from BRPC, Pioneer Valley Planning Commission, and the Franklin County Regional Council of Governments. For further information contact Carsten Snow at MHP, 617-330-9944, ext 252 or csnow@mhp.net or BRPC Senior Planner Pat Mullins at 442-1521, ext 17 or pmullins@berkshireplanning.org.

F. Next 5th Thursday Dinner – May 29th, Topic will be “Planning for Climate Change”

Put the next 5th Thursday dinner on your calendar – May 29th. Details will be forthcoming in five or six weeks. The topic will be “Planning for Climate Change.”

G. Status of District Local Technical Assistance and Community Innovation Challenge Grants in FY 2015 State Budget

Now is the time to talk to our legislative delegation about getting funding for the District Local Technical Assistance program put into next year’s state budget and to support the Community Innovation Challenge Grant program. The Governor’s proposed budget did not include any funding for the DLTA program and reduced funding a bit for the CIC program. The DLTA program has supported a significant number of local projects and also important collective efforts over the past four years and the CIC program helped establish on-line building permitting in a number of communities as well as development and enhancement of the regional public health nursing program.

H. Advancement of Land Use Reform Legislation (H.1859)

After years of effort, a bill to reform Massachusetts antiquated land use legislation has been reported favorably out of the Joint Committee on Municipalities and Regional Government (Rep. Cariddi is House Vice-Chair). A summary of the reported bill is attached. Staff will thoroughly review it and check the results against the Commission’s earlier formal comments. We will keep the Commission posted on how well your comments were incorporated into the bill. Legislatively, it still has to be considered by the Ways and Means Committees before it possibly goes to the full chambers for consideration.

IX. New Business

A. May 15th BRPC Meeting

We have a request from Kinder-Morgan, aka, Tennessee Gas Pipeline, to brief the Commission about its proposed gas line project at your next meeting. We also will need to consider and approve the FY 2015 budget. The Regional Issues Committee has requested that the training topic for the May meeting be Inclusionary Zoning. We may want to discuss the land use reform legislation as well.

Attachments (6):

Staff Development Policy – Draft Modification

MACC Training for Berkshire County Conservation Commissioners

Open Meeting Law Online Trainings and Forums Announced

Farmland Access in the Berkshires

Thinking Regionally, Act Locally: Addressing Housing Needs in Western Mass. Communities

Land Use Reform Bill Summary – H.1859

STAFF DEVELOPMENT – Draft modification

Purpose:

BRPC recognizes the value of staff development and encourages staff to pursue opportunities to expand their knowledge related to their area of responsibility. This policy provides guidance to staff and supervisors for a staff development program. The staff development program will provide funding for BRPC employees to cover the costs for membership in a professional organization, professional licenses/certifications, attendance at professional workshops/conferences (including travel, lodging and meals), fees for classes, books, training materials or other approved staff development activities.

Funding:

Each fiscal year (July 1st – June 31st) an amount of \$500 will be budgeted for each full time, professional position. Should economic conditions preclude the full funding for professional development activities, a lower annual stipend will result and the revised amount will be communicated to staff. The \$500 staff development amount does not include the value of staff time related to participation in professional development activities. The use of Staff Development funding for membership in a professional organization is also allowable, subject to supervisor approval.

Time Policy for Staff Development:

Each permanent, exempt or non-exempt employee shall be allowed to use up to 21 hours to attend/participate in staff development activities. To reduce the impact on the overhead rate, whenever possible staff time should be charged against an applicable contract to which an employee is assigned, with concurrence to their supervisor. In the event that a contract or project budget is unable to allow for the charging of staff development time, staff should charge their time to ADMIN TRN with approval of their supervisor.

Although this policy encourages the attendance of free, web based training, an employee shall not use this as the basis to exceed the 21 hours allocation to attend training. Under special circumstances, the Executive Director may authorize a staff member to attend additional training and exceed the 21 hour time allocation.

Approval Process:

An employee shall complete a Staff Development Request and provide it to their supervisor to solicit approval. Requests should be submitted well in advance of actual training to take advantage of any early registration discounts, advance air travel discounts as well as to insure availability of registration. Upon receipt, the supervisor shall make a determination on the request in accordance with this policy. If approved, the form shall be forwarded to the Executive Director for final approval/signature.

With respect to Staff Development, a number of training types exist. Below, are the more common types and the stipulations related to each.

Elective Training – Training which occurs off-site or via the internet which has been selected by the employee to expand their knowledge. Training typically ranges from a few hours to a full day. Elective training is subject to the \$500 limit and 21 hour time allocation. Elective training which occurs on a

weekend or Massachusetts legal holiday shall be tracked as regular time and is not eligible for 1:1 compensatory time permitted for required work on weekends or legal holidays.

Mandatory Training – Similar to Elective Training above but attendance is required by a Supervisor or is agency mandated (e.g. Procurement, Employment Laws). Time attending and costs may be excluded from the 21 hour allocation and the \$500 budgeted allocation, respectively.

Training Required by Funding Agency/Contract – There are instances where a funding agency or contract stipulates or encourages attendance at specific workshops, training sessions or conferences. Project Managers will advise employees who are assigned to projects where attendance is required as part of contractual obligations. Similar to mandatory trainings, time attending and related costs may be excluded from the 21 hour allocation and the \$500 budgeted allocation, respectively.

Professional Conference/Seminars – Conferences hosted by a professional organization, often lasting one day or longer and consisting of numerous sessions. The basis of a supervisor's determination of an employee's attendance at a professional conference will include the employee's work load, work demands, work performance and past training attendance. In instances where multiple employees will be attending the same conference, a supervisor can require that an employee attend certain sessions. This will allow broader coverage and allow for more information to be obtained and shared with the organization. Attendance at a professional conference(s) is subject to the \$500 budget allocation and the 21hour time allocation. Any additional funding associated with attending the conference in excess of the \$500 allocation will be the responsibility of the employee.

Additional Opportunities:

Professional Development for staff with five or more years of service is available. Refer to the Professional Development Policy.



REGISTER NOW FOR **FREE** MACC FUNDAMENTAL UNITS FOR BERKSHIRE COUNTY CONSERVATION COMMISSIONERS

Saturday, March 29th

- Unit 3: The Wetlands Protection Act: Fundamentals, Process and Procedures
(9:00 am – 11:30 am)
- Unit 4: Plan Review and Site Visit Procedures (includes field session)
(12:30 pm – 3:30 pm)

Saturday, April 5th

- Unit 5: Wetlands Functions and Values
(9:00 am – 11:30 am)
- Unit 6: Writing an Effective Order of Conditions
(12:30 pm – 3:00 pm)

The Berkshire Regional Planning Commission (BRPC) and the Massachusetts Association of Conservation Commissions (MACC) are teaming up to offer four units of MACC's Certificate Training Program, *Fundamentals for Conservation Commissioners*. **The trainings, including lunch, are being offered free of charge for Conservation Commissioners from Berkshire County communities.** Trainings will be held at the BRPC office at 1 Fenn Street in Pittsfield. Free parking is available at the First Street lot across from Pittsfield Common or the Mackay Street lot behind Berkshire Bank.

It is through the generosity of the Berkshire Environmental Endowment Fund, a fund of the Berkshire Taconic Community Foundation, that these trainings can be offered at no charge to our Berkshire County communities.

Pre-registration is required for attendance. To register, please fill out the attached registration form and return to MACC by mail, email or FAX.

Massachusetts Association of Conservation Commissions
10 Juniper Road
Belmont, MA 02478
Ph: 617.489.3930 Fax: 617.489.3935
Email: staff@maccweb.org

For more information about this training series, visit
http://www.maccweb.org/edu_ct_fundamentals.html



FREE TRAINING



Fundamentals for Conservation Commissioners Units for Berkshire County Conservation Commissioners Registration Form

Name _____ E-mail _____

Commission/Organization _____

Address _____ City _____ State _____ Zip _____

Phone (w) _____ (c) _____

Call 617.489.3930 if you have questions. To receive program credit, you must attend entire workshop.
Fax: 617.489.3935 • Email: staff@maccweb.org

Fundamentals for Conservation Commissioners

Each date free for up to 25 conservation commissioners from Berkshire County communities. Made possible through the generosity of the Berkshire Environmental Endowment Fund, a fund of the Berkshire Taconic Community Foundation.

CHECK CHOICES ✓

Saturday, March 29

Unit 3 - The Wetlands Protection Act: Fundamentals, Process and Procedures _____

Berkshire Regional Planning Commission office, Pittsfield (c0580)

Check-in: 8:30 a.m. Class: 9:00 a.m.-11:30 a.m.

Unit 4 - Plan Review and Site Visit Procedures (includes field session) _____

Berkshire Regional Planning Commission office, Pittsfield (c0581)

Check-in: 12:00 p.m. Class: 12:30 p.m.-3:30 p.m.

Saturday, April 5

Unit 5 - Wetland Functions and Value _____

Berkshire Regional Planning Commission office, Pittsfield (c0582)

Check-in: 8:30 a.m. Class: 9:00 a.m.-11:30 a.m.

Unit 6 - Writing Effective Orders of Conditions _____

Berkshire Regional Planning Commission office, Pittsfield (c0583)

Check-in: 12:00 p.m. Class: 12:30 p.m.-3:00 p.m.

Massachusetts Association of Conservation Commissions
10 Juniper Road
Belmont, MA 02478
Ph: 617.489.3930 Fax: 617.489.3935
Email: staff@maccweb.org



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E-MAIL

March 14, 2014

Beginning in April, Attorney General Martha Coakley's office will offer live web-based open meeting law trainings to serve as a resource to members of public bodies and the public seeking to better understand the requirements of the law.

"The trainings will offer a wealth of information on key topics and provide participants with an opportunity to ask questions of [Division of Open Government] staff so they can better understand and follow the law," Coakley said in a statement.

The free webinars will be offered on a monthly basis and will complement the office's in-person regional training program and online training video series. Attendees can participate entirely online and will be able to submit written questions during the training and receive real-time responses from Division of Open Government attorneys.

The first webinar will be held on April 8 from 9:30 to 11 a.m. For more information about the webinars or to register, send an email to OMLTraining@state.ma.us.

The Division has created a host of resources intended to assist the public with understanding and complying with the law. A training video, "Open Meeting Law: Balancing Government Transparency with Government Efficiency," is a narrated PowerPoint that can be found on YouTube and at www.mass.gov/ago/openmeetinglaw.

Four educational forums on the open meeting law, conducted by attorneys from the Division of Open Government, will be held this spring.

All members of public bodies, municipal employees and members of the public are invited to the workshops, which will be held from 6 to 8 p.m. on the following dates and locations:

- March 20: Reid Middle School auditorium, 950 North St., Pittsfield
- March 25: Training Room, Chelmsford Police Department, 2 Olde North Road, Chelmsford
- April 2: Selectmen's Hearing Room, 6th floor, Town Hall, 333 Washington St., Brookline
- May 14: Judge Welsh Meeting Room, Town Hall, 260 Commercial

Member
Login

Member
Exchange

St., Provincetown

Those interested in attending an educational forum are asked to register in advance by calling (617) 963-2925 or by emailing OMLTraining@state.ma.us and providing their first and last names, city or town of residence, the public body/organization they represent, if appropriate, and the location of the educational forum they will attend.

Upon assuming responsibility for enforcement of the open meeting law in 2010, Coakley created the Division of Open Government to ensure a continued and consistent focus on the law through education, enforcement and acting as an information resource for members of public bodies, the public, municipal officials and the press.

"Local officials across the Commonwealth appreciate the importance and seriousness of the open meeting law," said Sudbury Town Manager Maureen Valente, the MMA's representative on the Open Meeting Law Advisory Commission. "Municipal officials are committed to working with the attorney general's Division of Open Government to ensure compliance with the law."

The Division has responded to more than 8,600 telephone and email inquiries from members of public bodies, municipal counsel, and the public, conducted nearly 100 trainings on the law across the state, and issued more than 400 written determinations, all of which can all be found on the OML Determination Lookup page (<http://www.oml.ago.state.ma.us/>).

According to the Division of Open Government, the most frequently occurring violations of the open meeting law in 2013 were:

1. Insufficient meeting notices
2. Deliberation outside of a properly posted meeting (including email deliberation)
3. Failure to follow appropriate procedures for entering executive session
4. Failure to respond properly to a request for open or executive session minutes
5. Failure to follow the requirements of the open meeting law complaint process

The remedial actions most frequently ordered by the division were:

1. Immediate and future compliance with the open meeting law
2. Attendance at a training on the law or review of all or part of the online training video
3. Public release of documents, such as emails, used in deliberation outside of an open meeting
4. Creation or amendment of open or executive session minutes
5. Public release of open or executive session minutes

For more information about the law and any training opportunities, visit www.mass.gov/ago/openmeetinglaw.



Massachusetts Municipal Association

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SAVE THE DATE!

Farmland Access in the Berkshires

A public conversation among people and organizations working to put more farmers on the land and more land into farming

Saturday, April 12, 10:00 am to 2:00 pm

At Berkshire Athenaeum (Pittsfield's Public Library)

One Wendell Avenue, Downtown Pittsfield

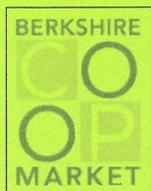
Lunch will be served. RSVP Required

Details to come

Berkshire Grown and Community Land Trust in the Southern Berkshires are convening a conversation among people and organizations working in the Berkshires to put more farmers on the land and more land into farming. We believe community access to affordable land is critical to our food security and the sustainability of our economy. We would like to discuss with you ways we can build a more secure land base for farms, farmer housing and related businesses. Our intention is to foster dialogue among —

- Established, new and retired farmers
- Land owners
- The land conservation community
- Agriculture commissions
- Community food security planners
- Sustainable community organizers
- Financial advisors, accountants, assessors and attorneys

This event is a collaboration of Community Land Trust in the Southern Berkshires, Berkshire Grown, Berkshire Co-op Market, Land for Good, The Carrot Project, Great Barrington Agriculture Commission, Berkshire Natural Resources Council, and Schumacher Center for a New Economics.



Greater Berkshire Agriculture Fund
in affiliation with



Creating small-farm financing solutions



COMMUNITY LAND TRUST
IN THE SOUTHERN BERKSHIRES



SCHUMACHER CENTER
for a NEW ECONOMICS

Stay tuned for speakers and program details!

“Think Regionally, Act Locally: Addressing Housing Needs in Western Mass. Communities”

Friday, April 25, 2014

Kittredge Center, Holyoke Community College

Holyoke, MA

9:00am – 3:30pm

Massachusetts Housing Partnership, with the support of the Pioneer Valley Planning Commission (PVPC), the Berkshire Regional Planning Commission (BRPC), the Franklin County Regional Council of Governments (FRCOG), will host a workshop focused on the basics of housing development for suburban and rural municipalities in central and western Massachusetts. This event is targeted to local public officials, planning and zoning board members, municipal staff, affordable housing developers and advocates.

Topics that will be covered include conducting a housing needs analysis, site and project feasibility, accessing financial and community resources, and fair housing laws and regulations, as well as a presentation from the western Massachusetts regional planning agencies on regional housing trends and opportunities.

Come gain the fundamental knowledge you need to know to be proactive in tackling current and future housing needs in your community.

There is no cost for attendance, but registration is required. Registration instructions can be found [here](#).

Registration forms must be received by Friday, April 18th.

For more information, call Carsten Snow at MHP, 617-330-9944 ext. 252, or email csnow@mhp.net.

This event is co-sponsored by the Massachusetts Housing Partnership (MHP), the Pioneer Valley Planning Commission (PVPC), the Berkshire Regional Planning Commission (BRPC), and the Franklin County Regional Council of Governments (FRCOG).



MASSACHUSETTS HOUSING PARTNERSHIP



MASSACHUSETTS HOUSING PARTNERSHIP WORKSHOP

“Think Regionally, Act Locally: Addressing Housing Needs in Western MA”

Friday, April 25

Kittredge Center Holyoke Community College

9:00am – 3:30pm

Registration opens at 8:30am

What do housing needs look like in Western Massachusetts? Where is housing headed, and what steps can you take to be a housing leader for your community and the region? This workshop is for local public officials, planning and zoning board members, and municipal staff working in this region. Session topics will include analyzing housing needs; site and project feasibility; accessing resources; fair housing regulations; and small-scale housing developments. Continental breakfast and a boxed lunch will be provided.

This event is co-sponsored by the Pioneer Valley Planning Commission (PVPC), the Berkshire Regional Planning Commission (BRPC), and the Franklin County Regional Council of Governments (FRCOG).

There is no charge to attend this workshop, but registration is required.

Directions to the Kittredge Center are attached or can be found [here](#).

REGISTRATION: *The deadline to register is Friday, April 18th.*

Please fill in one form for each workshop attendee.

Name _____

Title _____

Affiliation/Organization _____

Mailing Address _____

Phone _____

E-mail _____

Return this form to:

Massachusetts Housing Partnership

Attn: Carsten Snow

160 Federal Street

Boston, MA 02110

Registration forms can also be e-mailed to csnow@mhp.net, or faxed to **617-330-1919**.

If you have any questions, please call Carsten Snow at **617-330-9944 ext. 252**.

Directions to Holyoke Community College:

From the north:

I-91 South to Exit 16
 Right onto Cherry Street (Route 202)
 Left at first light onto Homestead Avenue
 Right at flashing yellow light.

I-91 North to Exit 16

Left onto Cherry Street (Route 202)
 Left at first light onto Homestead Avenue
 Right at flashing yellow light

From the east:

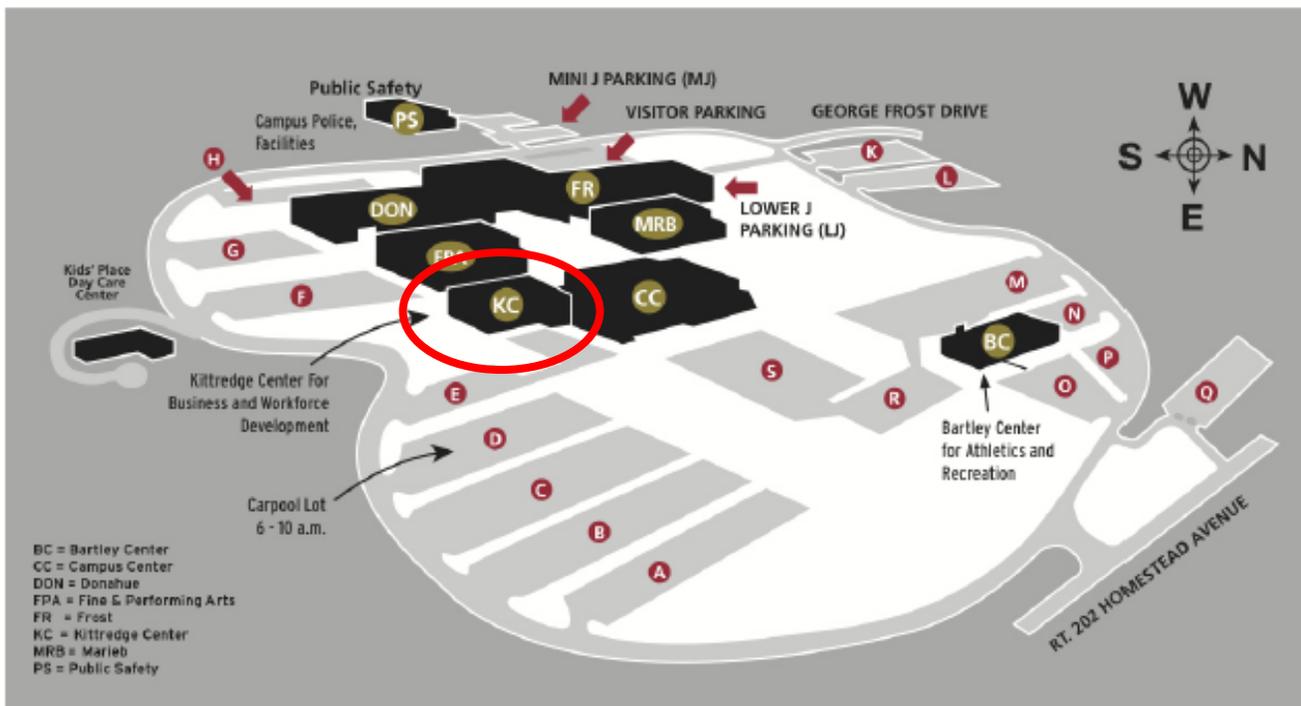
Route 90 West to I-91
 I-91 North to Exit 16
 Left onto Cherry Street (Route 202)
 Left at first light onto Homestead Avenue
 Right at flashing yellow light

From the west:

Route 90 East to I-91
 I-91 North to Exit 16
 Left onto Cherry Street (Route 202)
 Left at first light onto Homestead Avenue
 Right at flashing yellow light

From the south:

HOLYOKE COMMUNITY COLLEGE Parking Map



Parking Lots

Students	Day Parking:	A, B, C, D, M, N, O, P, Q, R, S
	Evening Parking:	A, B, C, D, E, F, H, K, L, M, N, O, P, R, S
Staff, Faculty	Day Parking:	A, B, C, D, E, F, H, M-J, L-J, K, L, M, N, O, P, Q, R, S
	Evening Parking:	A, B, C, D, E, F, G, H, M-J, L-J, K, L, M, N, O, P, R, S
Visitors		E, Visitor's Lot (J)

Students may not park in Visitor's lot at any time.

Parking for persons with disabilities is available in the visitor's lot, G lot, F lot, and the E lot extension. A state plate or placard is required to park in any space designated "Handicapped Parking." Should you need special assistance while at the College, please call (413) 538-7000.

Massachusetts House of Representatives

Bill Summary

Bill No.: H1859

Title: An Act promoting the planning and development of sustainable communities

Sponsor: Rep. Stephen Kulik

Committee: Municipalities and Regional Government

Hearing Date: May 14, 2013

Current Law: Chapter 40A

Summary: Changes Underlined in Red

<u>BILL SECTION</u>	<u>STATUTE SECTION</u>	<u>DESCRIPTION</u>
1	40A:1A	Expands existing definition of “permit granting authority” to include planning boards and others as locally designated. <u>Adds board of selectmen and city council to the list of permit granting authorities.</u>
2	40A:1A	Adds definitions for 12 new terms in the Zoning Act including transfer or development rights, inclusionary zoning, natural resources protection zoning and form based codes. Redefines “cluster development” in a more general manner. <u>Adds definition for “density divisor”</u>
3	40A:2	Statement that the Zoning Act shall be construed to give full effect to the 1966 Home Rule Amendment to the Massachusetts Constitution. Enumerates certain powers of cities and towns, whether under home rule or as specifically authorized in the Zoning Act. States that the Zoning Act shall not be construed to limit certain special acts of the legislature, in particular the Cape Cod or Martha’s Vineyard Commission Acts. <u>Adds Nantucket Commission Act to this list of special acts that will not be limited.</u>
4	40A:5	Retains the default of a two-thirds majority required to adopt or amend zoning, but allows for cities and towns to vote in a lesser vote majority.

- 5 40A:5 Stipulates that the zoning vote majority may be anywhere between a simple and a two-thirds majority, any change must be made by the vote majority then in effect, and such a change does not become effective for 6 months after the vote. Adds language that zoning votes must be consistent with master plan.
- 6-7 40A:6 This section strikes out the old vested rights language for building and special permits. In a later section the bill makes a fundamental change in the vested rights protections accorded to these permits.
8. 40A:6 States the new vested rights protections accorded to building and special permits, and the duration of the protections, two and three years, respectively. Extends the protections equal to any period where a moratorium upon construction is imposed.
- 9-10 40A:6 Inserted Language from H.1165: Adds language exempting lots zoned for single and two family residential family use from ordinances regulating nonconforming uses and structures that have been abandoned for more than two years.
- 11 40A:6 Eliminates the five-year dimensional vested rights protection for up to three adjacent lots in common ownership.
- 12 40A:6 States the new vested rights protection accorded to definitive subdivision plans, and the duration of the protection – for eight years after approval. The same vested rights protection applies to minor subdivision plans, but for four years. Extends both protections equal to any period where a moratorium upon construction is imposed.
- 13 40A:6 Eliminates the three-year use vested rights protection for so-called ANR lots.
- 14 40A:6 Strikes reference to “land shown on” a definitive subdivision plan, which brings the language into conformance with new vested rights protections for such plans (protection is for the plan, not the “land shown on” the plan).
- 15 40A:9 Section 9 of the Zoning Act is re-named “Special Provisions” because the section deals with more than just special permits.
- 16 40A:9 Eliminates outdated (in view of 1966 Home Rule Amendment) and limiting language relative to: special permits for increased density, special permits for multi-family residential uses in non-residentially zoned areas, transfer of development rights, cluster

development, planned unit development, and shared elderly housing.

15. ~~40A:9~~ ~~Restates the previously stricken third paragraph relative to multi-family residential uses in non-residentially zoned areas. Requires a special permit and same safeguards, but phrased in post-Home-Rule Amendment language. This section is eliminated.~~
- 17 40A:9 Stipulates that the default vote majority to approve special permits is 2/3, but may be changed to anywhere between a simple and a two-thirds majority. Any change must be made by the vote majority then in effect.
- 18 40A:9 Sets the minimum duration of a special permit at 3 years before it lapses (if not used), which may be increased by ordinance or bylaw. Such period shall not include the time required to pursue or await the determination of an appeal. Establishes a process whereby the duration of a special permit may be extended before it lapses. Adds language providing that special permit extensions must go through a public hearing unless provided otherwise under local law and pass by the vote majority required at time of extension.
- 19-20 40A:9 Amends the exemption provided for hazardous and solid waste facilities in industrial use zones such that if the area is zoned as mixed-use with an industrial component, the industrial use must be the principal use in order to secure the exemption for such facilities.
- 21 40A:9D Inserts a new section into the Zoning Act, 9D, which standardizes the statutory requirements for site plan review, with provisions as follows: (1) decisions must be made within 95 days, with a public hearing optional; (2) when SPR overlaps with a special permit, the reviews must coincide; (3) approval is by simple majority; (4) approvals may be subject to conditions, including off site mitigation in limited circumstances only; (5) duration shall be a minimum of two years; (6) appeals shall be based on the existing record, not new evidence.
- 22 40A:9E Inserts a new section into the Zoning Act, 9E, which sets out the statutory requirements for development impact fees. Allows any city or town to require a development impact fee as part of the permit for any proposed development. The impact fee may only be imposed on construction, enlargement, expansion, substantial rehabilitation, or change of use of a development that results in a net increase of demand or service units. The impact fee may only

be used for the purposes of defraying the costs of off-site public capital facilities to be provided or paid for by the city or town and which are either caused by and/or necessary to support or compensate the proposed development. Affordable housing projects are exempted from impact fee, and fees must be used within 10 years. Adds language allowing for impact fee payment schedule to be modified by agreement by the town and developer. Added language to allow for consultant fees necessary for town to review impact fees to be collected from applicant.

- 23 40A:9F Inserts a new section into the Zoning Act, 9F. Authorizes cities and towns to require affordable housing in development projects through bylaws, home rules or zoning ordinances. Off site units, land dedication or funds may be provided in lieu of on-site dwelling units. The upper limit of affordability is households earning up to 120% of the area median income. May require some or all of the affordable units to be eligible under Chapter 40B. These affordable units must be price-restricted for no less than 30 years.
- 24 40A:9G Inserts a new section into the Zoning Act, 9G, which sets out the statutory requirements for a local voluntary land use dispute avoidance process. This bill offers an avenue for applicants, municipal officials, and the public to work with a neutral facilitator to try to resolve differences in a prospective development project. Adds language including the MA Office of Public Collaboration in the rule making process.
- 25 40A:10 Strikes out the existing section on zoning variances and inserts a new section. This section gives the permitting authority discretionary power to grant or deny variances based on the circumstances. An explicit ability to deny variances sought because of ‘self created’ hardship’ is included. The effective life of a variance is extended from one to two years before it lapses, and the permissible extension period is increased from six months to one year. Adds language ensuring any variance granted prior to this Act shall run with the land.
- 26 40A:11 Adds the local board of health as a “party in interest” for the purposes of providing written notice of a public hearing on a zoning matter.
- 27 40X Adds a new chapter to the General Laws, 40X, which sets out the statutory requirements for consolidated permitting, which is an option for applicants wishing to coordinating the review of certain larger projects (at least 25,000 square feet or 25 dwelling units).

Adds language requiring each local board to send a designated hearing officer to attend the initial consolidated hearing. Failure to do so results in constructive grant of approval by that permitting board.

28

40Y

Establishes the planning ahead for growth act, which allows towns to opt in to a plan which implements smart growth tools and provides incentives for the towns to do so. To obtain 'opt-in' status under Chapter 40Y, a community must take the certain actions and demonstrate to the regional planning agency that it has conformed. Oversight, implementing regulations and resolution of disputes would be through the Secretary of the Executive Office of Housing and Economic Development. The following are required to opt in:

- Establishment of a housing development district. Over a ten year period, 5% of a community's existing year-round housing units to be built by-right.
- Establishment of an economic development district that permits commercial and/or industrial development using prompt and predictable permitting
- Mandatory use of open space residential design for developments of 5 units or more on land zoned for a minimum lot size of 40,000 square feet or more per unit
- Requirements for the use of low impact development techniques for developments that disturb over one acre of land

The following would be authorized and available after opting in:

- Reduction of the vested rights period for subdivisions from eight to five years
- Enhanced use of impact fees to support public schools, libraries, municipal offices
- Authorization to enter into development agreements
- Adoption of rate of development measures (annual caps on building permit issuance) in areas inside and outside of housing development districts
- Adoption of natural resource protection zoning at area densities of ~~10~~5 acres or more per dwelling unit to protect identified lands of high natural resource value
- Preference for state discretionary funds and grants; priority for state infrastructure investments, such as water and sewer infrastructure, school building funds, and biking and walking facilities; and requirements that the state take into consideration regional plans and local master plans in its capital spending
- Eligibility to receive state planning funds to reimburse for costs of developing and reviewing implementing regulations.

Adds language including the Nantucket Planning Commission to list of RPAs. Adds language allowing for regions or multi-municipality areas to opt in jointly and meet the requirements on a area-wide basis as opposed to town-by-town. Removed budget line item.

- 29 41:81D Rewrites section regarding Master Planning to accomplish the following objectives: (1) master plan elements reflect the language of the state’s Sustainable Development Principles, including public health considerations; (2) all communities must complete five required elements (goals and objectives, housing, natural resources and energy, land use and zoning, and implementation), but are free to choose among the other seven optional elements; (3) superfluous data collection is discouraged; (4) all elements must be assessed against a regional plan, if any; (5) a public hearing is required before adoption; (6) the plan must be adopted by the local planning board and the legislative body. Communities in Barnstable or Dukes Counties may instead adopt a local comprehensive plan pursuant to the special acts that apply there; such plans if approved by the RPA shall be deemed a master plan for the purposes of this section.
- 30 41:81L Strikes the existing definition of the term “subdivision” and rewrites it to eliminate the so-called ANR exemption.
- 31 41:81L Adds a definition for “minor subdivision” while retaining references to the so-called ANR standards applicable to communities that do not adopt regulations for minor subdivisions (effect is to keep ANR in place until regulations for minor subdivisions are adopted by the planning board).
- 32 41:81O Eliminates the ability to alter the lot layout of an approved subdivision via the so-called ANR process; instead requires that either the modification process in 41:81W be used or such modifications be defined and regulated as minor subdivisions.
- 33 41:81P Strikes out the existing section 81P pertaining to procedures for so-called ANR divisions and replaces it with a section describing the statutory requirements for minor subdivisions. Existing ANR procedures apply until regulations of minor subdivisions are adopted by planning board. Minor subdivisions must be defined under local regulations and may include up to six new lots. The time limit for review is either 65 of 95 days, compared with 135 days for a full subdivision. A public hearing is optional. Standards may not exceed those for regular subdivisions, and requirements for roadway width may typically not exceed 22 feet. If the town

chooses to ban the ANR device and adopt these regulations, this bill also provides a section that permits the recording of plans for minor lot line changes.

- 34 41:81Q Establishes a presumption that subdivision roadway standards in excess of those applied to the reconstruction of public ways are unlawfully excessive. Width requirements for total travel lanes not exceeding 24 feet shall not be presumed excessive.
- 35, 37 41:81Q, U Allows subdivision regulations to require parks within subdivisions for the benefit of the residents, but not exceeding 5 percent of the total project area. Adds language allowing for area to be used for environmental conservation and education.
- 36, 38-39 41:81T, X Eliminates remnant ANR language.
40. 41:81X Establishes streamlined procedures for the approval and recordation of perimeter plans for existing lots and, under certain conditions, plans showing lot line changes. Adds language requiring all approved plans to be filed with the planning board and board of assessors.
- 41 41:81BB Establishes that a court’s review of an appeal of an approved subdivision plan shall be on the existing record of the planning board (*certiorari* review), not on new evidence (*de novo* review). Imposes additional burdens of proof and aggrievement on appellants, including appellants who are the applicant.
- 42 185:3A Gives the permit session of the Land Court original jurisdiction over appeals relating to the development of real property.
- 43 185:3A Requires that upon petition qualified cases shall be transferred to the permit session of the Land Court.
- 44 240:14A Provides that cities and towns ~~may use consistency with an adopted master plan to defend their zoning ordinances and bylaws against challenge. Inconsistency shall not count against a city or town in this regard.~~ Changes to a standard that if a provision is not inconsistent with the municipality’s master plan, the provision shall be deemed to serve a public purpose.

BERKSHIRE REGIONAL PLANNING COMMISSION

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MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: March 3, 2014
RE: **February Technical Assistance Activities**

This report highlights technical assistance provided by the staff of the Berkshire Regional Planning Commission for the month of February 2014. This assistance was provided in response to requests staff 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
Cheshire	Provided assistance with long-range planning for town.	Finance Committee Member
Lanesborough	Provided information on how to enable the town to appoint associate planning board members.	Planning Board Member
North Adams/Adams	Provided assistance to Adams/North Adams Community Development Departments for grant application for Hoosac Valley tourist train project.	Community Development Departments
New Marlborough	Provided information on the prohibition against repetitive zoning amendments.	Planning Board Member
Washington	Creation of map on suitable locations for wind turbines.	Planning Board Member