**Board of Directors Meeting Notice**

**Pittsfield Economic Development Authority**

**September 16, 2022 @ 8:30am**

**Berkshire Innovation Center - 45 Woodlawn Ave, Pittsfield, MA**

**Minutes**

**I. Administration**  -Call to Order

Chair Callahan called the meeting to order at 8:30am.

**Members Present:**

Maurice Callahan, Chair Pamela Green, Vice Chair Leo Yantovsky

Krystle Blake Paul Dalton Jonathan Denmark

George Whaling Michael Filpi Rich Rowe

A quorum was present

**Members Not Present:**

Christina Wynn Michael Matthews

**Also Present:**

Michael Coakley, Executive Director

Justine Dodds, City of Pittsfield

Maura Hawkins, BEC

Elisabeth C. Goodman, Counsel for PEDA

-May 18, 2022 meeting minutes

Mr. Yantovsky made a motion to accept the minutes as presented; it was seconded by Ms. Green and was approved unanimously.

Chair Callahan recognized Ms. Dodds as new Director of Community Development.

**II. Financials Report**

-Review Q1 & Q2 Financials

Mr. Coakley reviewed the financials. They had a Finance meeting in August where they approved the financials.

Ms. Green made a motion to accept the minutes as presented; it was seconded by Mr. Yantovsky and was approved unanimously.

**III. NPDES Permit – EPA**

-SWPPP & BMP Measurements, Milestones & Costs

**Maura Hawkins, BEC** came forward to review the progress to date. She noted they needed to have SWPP and a Best Management Practices (BMP,) which is all done and submitted to DEP and EPA. They have not received any comments back, which is not unusual. She reviewed the list of tasks to be performed, including routine testing. There are bigger action items, including annual inspections, which have been done by OTO for a while. This inspection is a little deeper than routine inspections. Mr. Coakley noted OTO and MassDEP did inspections of every site and have sent in a list of items to be fixes, like filling cracks, chaining gates. The date to be completed are not set in stone. There are some peculiar items, like monthly street sweeping, which have not been done as they are not considered relevant. All the other inspections have been done and are documented.

She discussed the spillway, including some rough dates of completion.

She reviewed the need for Source Identification, which is a big item. They want every possible stormwater source. Some of that can be done with a paper review this year. GE has done a lot of that already. Something needs to be submitted by Oct 31.

Mr. Whaling confirmed that we cannot push back on these items; the permit has been approved. In 5 years when it’s reviewed, modifications may be possible. This permit is much easier than it was; they negotiated for a while to get to this permit. There is simply a lot of tasks that are required for the permit. Some things can be done with some short documentation.

Ms. Hawkins noted that, given the current data, the site is in pretty good shape.

Seeing no further debate or discussion, Mr. Dalton made the following motion:

**Vote Regarding National Pollutant Discharge Elimination System (NPDES)**

**Permit Compliance**

WHEREAS, the Pittsfield Economic Development Authority was issued a NPDES permit (the “Permit”) by the United States Environmental Protection Agency effective November 1, 2021; and

WHEREAS, the Permit contains effluent limitations, monitoring requirements, and requires the development of a Storm Water Pollution Prevention Plan (SWPPP); and

WHEREAS, the Permit also requires annual certification of compliance and use of Best Management Practices (BMPs) regarding handling of stormwater on the William Stanley Business Park.

NOW THEREFORE, pursuant to the authority vested in the Board by the Section 2.10 of the Bylaws, the Board hereby delegates its authority to Michael Coakley, Interim Executive Director of PEDA, to complete the SWPPP, monitoring, and annual certifications required by the Permit.

The Motion was seconded by Mr. Whaling and approved unanimously.

**IV. Forebay Dredging Project**

-Update

Mr. Coakley noted the forebay probably hasn’t been dredged in 10 years; it now has vegetation and trees. They went with a public bid process, working with Colleen Hunter-Mullet from city hall. 8 companies asked for a package and only Maxymillion submitted a bid.

Mr. Dalton confirmed that the forebay is on the list of action items and will be inspected yearly, so this won’t happen again.

Seeing no further debate or discussion, Ms. Blake made the following motion:

**Vote Regarding Award of Contract for Dredging the Forebay**

WHEREAS, PEDA issued a request for competitive bids for dredging sediment out of the forebay at the William Stanley Business Park; and

WHEREAS, the loweest responsible and eligible bidder was J.H. Maxymillian, Inc. with a contract price of $116,006.00; and

WHEREAS the Interim Executive Director is expected to execute the contract for this work.

NOW THEREFORE, pursuant to the authority vested in the Board by the Section 2.10 of the Bylaws, the Board hereby delegates its authority to Michael Coakley, Interim Executive Director of PEDA, to finalize and execute all documents, including the contract with J.H. Maxymillian, Inc. and to take all other reasonable and necessary actions with regard to the agreement to ensure the proper completion of the dredging project.

The Motion was seconded by Mr. Yantovsky and approved unanimously.

**V. PEDA Environmental Insurance Update**

-Environmental Pollution & Remediation legal liability

August 21, 2022 – August 21, 2032

Mr. Denmark reviewed the history of the policy. The policy covers onsite and offsite clean up, bodily injury and property damage. The site was brand new to us in 2002; the insurance company charged a high premium because it was new and they didn’t know the risks being assumed. Policy 2 came up in 2012. They bought a smaller policy because they had no incidents. GE wanted to get the bigger policy and paid the additional costs for the higher limits, $50 million. They got subsidies to pay the premiums; it was 20 years and PEDA didn’t need to spend any money on the policies This is the 3rd policy; with no claims and good data, they expected the premium to be lower. The subsidy program is closed, so we’ll have to pay for it.

The task force interviewed brokers for policies. They chose HUB International to find an inexpensive policy. GE wanted a $50 million limit; PEDA wanted $5 million. PEDA’s cost is approximately $170,000 with GE paying for the higher limit, which is a big win. He was happy with the process.

Seeing no further debate or discussion, Mr. Filpi made the following motion:

**Vote Regarding Procurement of Environmental Insurance**

WHEREAS, the PEDA Insurance Task Force was able to negotiate terms for a new environmental pollution and remediation insurance policy for the William Stanley Business Park issued by AXA XL – Indian Harbor Insurance Company with a limit of $50,000,000.00; and

WHEREAS, the General Electric Company has agreed to pay a portion of the premium for this environmental insurance policy, so that PEDA will pay to cost of a policy with a limit of $5 million and GE will pay the balance of the premium; and

WHEREAS, the term of the environmental insurance policy will extend for ten years from August 2022 to until August 2032; and

WHEREAS by vote of the Board at the Board meeting on May 18, 2022, the Interim Executive Director of PEDA, Michael Coakley, with the assistance of the PEDA Insurance Task Force and the subject to approval by the PEDA Executive Committee, was authorized to negotiate the terms, and to perform such additional acts, and to execute and deliver such other documents, instruments or agreements as may be necessary or appropriate to procure a new environmental insurance policy in the name of and on behalf of PEDA.

NOW THEREFORE, the Board hereby ratifies and accepts the terms and conditions and payment for the environmental insurance policy in the name of and on behalf of PEDA, for the period from August 2022 to August 2023.

The Motion was seconded by Mr. Whaling and approved unanimously.

**III. Site 9 Redevelopment Update**

 -Mass Economic Development Bill pending

 -FY23 MassWorks Infrastructure application submitted, Federal

Funding Opportunities and initial development negotiations.

Mr. Coakley noted that the bill is being held up due to the state giving back tax money to taxpayers. That has slowed up the economic development bill. Hopefully, this will be voted on shortly. The governor set aside $6.2 million for Site 9. It’s gone back and forth with the legislature. He and the mayor presented before the state Ways & Means committee.

They applied for infrastructure grants which should be settled shortly.

They are still doing site readiness on Site 9 with Roux. They are evaluating on whether to crack or crush the slabs. They will be evaluating the big mound of dirt on Site 7. Hopefully, they expect to put it out to bid by the end of the year, starting in Spring of next year.

**VI. New Business**

-Energy Storage firm signed LOI for six-month due diligence

 period for parking lot next to the Eversource Solar facility.

Mr. Coakley noted they signed a 6-month LOI to do their due diligence, which expires in October. They will find out in October if it is a go or not.

Seeing no further debate or discussion, Mr. Whaling made the following motion:

**Vote Regarding Energy Storage Provider Lease**

WHEREAS, by vote of the Board dated May 18, 2022, the Interim Executive Director was authorized to enter into an agreement with an energy storage facility to lease space at the Williamstown Stanley Business Park. and

WHEREAS, before entering into a lease for this facility, the tenant has to undergo due diligence to confirm its possible connection to the electric grid and this may require an extension of the time in which the tenant has to enter into the lease with PEDA.

NOW THEREFORE, pursuant to the authority vested in the Board by the Section 2.10 of the Bylaws, Michael Coakley, Interim Executive Director of PEDA, is authorized to extend the term of the letter of intent and to perform such additional acts, and to execute and deliver such other documents, instruments or agreements as may be necessary or appropriate to implement the transaction in the name of and on behalf of PEDA, subject to approval of such agreements by the PEDA Executive Committee.

The Motion was seconded by Mr. Dalton and approved unanimously.

Mr. Coakley continues to meet with various companies.

**VII.**  **Other Business**

 -City of Pittsfield New Business Update

-Next Board Meeting

Mr. Coakley noted that Interprint is expanding their facility; they’ll be going to city council for a 10-year TIFF on the 27th.

Hot Plate Brewery’s equipment arrived, and they are doing the build-in. UAT is expanding.

He would like to get the Marketing Committee together to review their marketing to freshen them up.

**VIII. Adjournment**

Mr. Dalton made a motion to adjourn the meeting at 9:30am; it was seconded by Mr. Whaling and was approved unanimously.

Submitted by Ted Kozlowski, Staff