

BERKSHIRE REGIONAL PLANNING COMMISSION
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NATHANIEL W. KARNS
Executive Director

APPROVED MINUTES OF THE BERKSHIRE REGIONAL PLANNING COMMISSION MEETING

Thursday January 19, 2017
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: 7:04 PM

Chair Kyle Hanlon reminded all per 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 at the meeting.

B. Introductions/Roll Call

The following Commission members are present:

Malcolm Fick – Gt. Barrington Delegate
Peter Bluhm – Lee Delegate
Pam Kueber – Lenox Delegate
Kenn Basler – Monterey Alternate
Jim Lovejoy – Mt. Washington Alternate
James Mullen – New Marlborough Delegate
Kyle Hanlon – North Adams Delegate
Sheila Irvin – Pittsfield Delegate
CJ Hoss – Pittsfield Alternate
Rene Wood – Sheffield Alternate
Marie Raftery – Stockbridge Alternate
Christina Alsop – Tyringham Delegate
Sarah Hudson – Tyringham Alternate
Dana Bixby, West Stockbridge Delegate
Roger Bolton – Williamstown Alternate

Staff Present:

Nathaniel Karns – Executive Director
Thomas Matuszko – Assistant Director
Marianne Snizek – Office Manager

Others Present:

None

C. Approval of Minutes of Commission Meeting of November 17, 2016

Rene Wood moved to approve; seconded by Roger Bolton. Unanimously approved.

II. Comments from the Public – None

III. Delegate & Alternate Issues – None

IV. Consideration of Letter to Governor Baker Regarding Need to Streamline and Improve Cost Effectiveness of the Design and Construction of Bridges

Nat explained the Transportation Advisory Committee (TAC) met to look at the very high cost of replacing small bridges. After a very informative meeting that was attended by MassDOT's Chief Bridge Engineer, the attached letter was drafted to be sent to the Governor with suggestions on how to improve the process and reduce the cost. Both Jamie and Peter thanked the committee for their work. Kenn suggested adding language to the letter "employing the skills of local contractors" to reduce cost.

Jamie Mullen moved to approve the letter to Governor Baker Regarding Need to Streamline and Improve Cost Effectiveness of the Design and Construction of Bridges with modifications; seconded by Peter Bluhm. Unanimously approved.

V. Mohawk Trail Woodlands Partnership

Over the past three years, the Mohawk Trail Woodlands Partnership, which involves representatives from across a number of Franklin County and northern Berkshire communities, has developed a plan for forest-based economic development and conservation. Assistant Director Tom Matuszko gave the Commission an overview of the goals, input from public outreach, the new framework for a new model and highlights and the next steps of the project.

Project Goals - 2016

To explore an opportunity for a new partnership between the towns in Western Franklin and Northern Berkshire Counties, Regional Agencies, Landowners, Local businesses, the State and the U. S. Forest Service to:

- Increase economic development related to the extensive forest resources in the 21-town area (over 280,000 acres of forest)
- Support the expansion of sustainable forestry practices and forest conservation on private lands in the 21-town region
- Improve fiscal stability of the municipalities

Input from Public Outreach

Top 5 Key Concerns:

- Loss of local tax revenues for land in Federal or State ownership and insufficient PLT payments
- Potential impact on municipal services such as road maintenance or provision of emergency response services for visitors
- Need for the process to be locally driven and supported
- Need for Conservation Easements that allow for forest products (lumber, firewood, etc.), habitat protection, and/or recreational opportunities
- Need for towns to be able to review and comment on any legislation proposed for a Special Federal Designation and to participate in the governance structure if a Designation is pursued

Top 5 Key Interests:

- Opportunity to increase the conservation and resiliency of forests
- Opportunity to increase sustainable recreational tourism
- Opportunity to increase sustainable forestry management and improve marketing of local wood products
- Opportunity to improve the financial stability of rural towns
- Opportunity for research to increase sustainable forestry and to identify new manufacturing technologies related to forestry

Key Framework Elements for a New Model

- All 21 towns would be eligible for participation but would need to "opt in" in order to receive incentives and to allow private landowners to access funding for Conservation Easements.
- Forest land remains in private tax-paying ownership to generate revenues for the municipality
- State and Federal incentives or payments for forest Conservation Easements with willing sellers only – easements held by state, land trusts or towns
- A non-profit to run day to day programs and the Mohawk Trail Forestry Center and to implement the Plan

- Use of a Model Conservation Easement that allows for forest management, habitat protection, passive recreation, agricultural activities, which are held by the State, town and/or local land trust
- Promotion of forestry, forestry-related businesses and/or research for new technologies related to forest-based products by providing State and Federal incentives
- Incentives or funding to improve outdoor tourism infrastructure (i.e. trail, access roads,) collaborative marketing, tourism business training
- Provision of incentives and technical assistance programs for sustainable forestry practices to private landowners and towns including planning
- Land for Demonstration Forests would be leased from the State, a town, or private landowners
- Provision of annual grants to participating towns to support wood heat, trails or other town investments that support the goals of the Designation
- Creating a Trust fund that is initially capitalized by the U.S. Forest Service and the State
- Development of a Forestry Center staffed and maintained by a partnership of the Non-profit, U.S. Forest Service and/or the State under a long-term lease to provide:
 - public education about forest management and conservation & the ecological services that forests provide;
 - technical assistance private landowners and local forestry businesses to increase sustainable forest management practices;
 - research and development for wood products and to address climate change and invasive species; and
 - a showcase for local wood products.
- Total funding proposed - \$30 million (\$6M from State and \$24M from U.S. Forest Service over four years) - Funds invested to provide a long term sustainable revenue stream to implement the MTWP Plan and projects (see Business Plan)

Next Steps in the Process

- State Legislation creating the Designation based on the Plan and Framework and would include \$6 million in state funding
- Once State legislation is approved, work with our Federal Delegation to file Federal legislation mirroring the State Legislation that would create the Partnership with the USFS and \$24 million in funding
- Good support from Legislators and Governor Baker

Partners in a Special Designation

What Regional, State and Federal Agencies might participate in this Special Designation in partnership with 21 local towns?

- Regional Planning Agencies, Land Trusts, Business Associations and Environmental & Forest Organizations
- MA Forestry, Agricultural and Fish and Game Agencies
- U.S. Forest Service (State and Private Forestry, Research and Development, Forest Products Laboratory & National Forest Systems)

Potential Benefits of a New Federal Designation

- Creation of the Mohawk Trail Forestry Center staffed and maintained by a partnership of the U.S. Forest Service and/or the State to:
 - Provide technical assistance to towns, forest owners and forest based businesses
 - Educate the public about forestry and local forest products
 - Coordinate forest demonstration opportunities
 - Coordinate research on the ecological and economic benefits of sustainable forestry, and the impact of invasive species and climate change in a unique convergence of forest ecosystems
 - Promote new forest products within the designation area
 - This Designation could be a single unit or the beginning of a new private forest U.S. Forest Service Designation program.

Jamie asked how is the money allocated? Tom explained the broad areas where funds can be used is spelled out in the plan. The Governing body makes recommendations and approves the money to the Administration Agency. The Governing body is the policy body with representatives from the municipalities and other regional organizations. Tom explained if approved BRPC would have a seat on the Board. Local control is strong. The plan must be updated on a regular basis. Most of the money will go into an investment trust fund. The Administrative Agent would administer and manage the money. The Administration Agent would be a non-profit approved by the Governance Body.

VI. Changes to the Massachusetts Zoning Enabling Law in the 2016 Session

Nat explained in the packet was a memo of a few minor changes to Chapter 40A (the Zoning Enabling Law) during the 2016 legislative session. Communities may need to modify their bylaws, policies and procedures to accommodate some of these changes appropriately.

Nat pointed out the following changes:

- Allows 12 months instead of 6 months' allowance for construction to commence on a previously approved building, after zoning bylaws are changed.
- Extend the maximum time allowed for special permits to lapse from 2 years to 3 years.
- Deals with if a property was improved improperly and no enforcement action has been taken for 10 years or more, then the improvement is deemed, for zoning purposes to be a legally non-conforming structure. What this is intended to do is to clean up title search problems. The change does not protect permits, this change only deals with zoning. The change does not have anything to do with the use of the structure.

VII. Consideration of the Final Version of the Commission's New Mission, Vision and Values Statement

The Commission preliminarily adopted a new Mission, Vision and Values Statement at the November meeting with one item left to be resolved under Values. We have suggested language to deal with the remaining issue and request Commission final consideration.

Mission Statement – Approved November

Berkshire Regional Planning Commission provides leadership and assistance to the County's municipalities, organizations and citizens in achieving County-wide inter-relationships, prosperity, opportunities, quality of life, strength and vibrancy.

BRPC'S Vision

Berkshire Regional Planning Commission, as an indispensable source of support and leadership to municipalities, organizations and citizens, effects positive change through its collaborative efforts to achieve Sustainable Berkshires principles and a high quality of life for County residents, including greater economic growth, sustainable resource management, environmental, social and economic equity, and effective governmental and educational services. BRPC is recognized as the primary:

- Source of trusted, reliable Berkshire County data and analysis
- Provider of technical assistance to Berkshire municipalities and organizations
- Convener of interests seeking to seize opportunities for and confront challenges to the Berkshires
- Advocate on behalf of the collective interests of Berkshire County

BRPC's VALUES

- Enhance the Berkshire's human, environmental and developed resources, *including its sense of place and built heritage.*
- Provide the highest quality information and analysis is the basis for our work.
- Actively seek, engage and respect varying voices to ensure all viewpoints are considered prior to reaching decisions or providing guidance.
- Engage diverse people, organizations and interests within and outside Berkshire County who can effect change in the region.
- Balance competing public interests.
- Nurture and rely upon partnerships and collaborations to provide optimal outcomes.
- Be responsive and open to change and innovation.
- Respect the contributions of staff, community members, and organizations.

- Act with integrity and the highest ethical standards.

Kyle asked for a motion for the one change in the BRPC Mission Statement-Vision-Values statement.

Rene Wood moved to approve the BRPC Mission Statement-Vision-Values as written; seconded by Sheila Irvin. Unanimously approved.

VIII. Consideration of Community Assessments for FY 2018

The Finance Committee has proposed a 2.5% increase in community assessments for FY 2018. By law, the municipalities must be notified of their assessments no later than February each year so that they may be included in city/town budgets.

Peter asked if town budgets are increasing by 1, 2 or 2.5%. Nat commented he has not seen anything on town budget increases. Marianne explained from 2002 to 2017 there had been 5 years with no increases. All other years the increase has been 2.5%. Rene suggested when the assessment increases are presented to the communities, in the letter it should explain the technical assistance services available. Nat also explained we have never had a community refuse to pay their assessment.

Rene Wood moved to approve a 2.5% increase in community assessments for FY2018 with a letter to the communities of the increase explaining the return value of the assessment money through technical assistance provided by staff; seconded by Jamie Mullen. Unanimously approved.

Pam Kueber asked about OPEB "Other Post-employment benefits" and the deficit of \$1 million dollars and if there is a scheduling showing how BRPC is catching up on that amount.

Nat explained BRPC has been putting \$45,000 into a trust each year for the potential future post-employment retirement benefit. The current balance in the trust is just over \$290,000. We have two retirees and BRPC does not pay their Health Benefits from the Trust at this point. The total liability is approximately \$1.5 million dollars.

Marianne explained the total liability is a calculation of all current staff and assumes they all will retire from BRPC. The total liability is the worst-case scenario. Retiree pays 25% of their premiums and BRPC pays 75%, same as active employees. Retirees' medical insurance is supplemental insurance.

IX. Approval of Executive Committee Actions between November 17, 2016 and January 19, 2017

Marianne explained the revised memo included approval to submit an Efficiency & Regionalization grant application for a shared Economic Planner.

Pam Kueber moved to approve all Executive Committee actions between November 17, 2016 and January 19, 2017 on the revised memo; seconded by Malcom Fick. Unanimously approved.

X. Executive Director's Report

A. Final Audit for FY2016

B. Recreational Marijuana Workshop – Thursday, January 26th, 6-8 p.m., Lenox Town Hall Auditorium

The flyer announcing the BRPC workshop for municipal officials to help bring them up to speed on how municipalities can respond to the legalization is attached.

Nat explained Raymond Miyares of MIYARES AND HARRINGTON LLP will present at the workshop. Rene stressed the important information that would be shared and encouraged all to go.

C. Efficiency & Regionalization Grant Applications Open for Second Round – due February 1st.

D. Massachusetts Freight Plan

Nat explained Clete will be attending the open house in Worcester. Unistress, a major employer has stated it is more cost effective for their trucks to go to Connecticut instead of using the Massachusetts Turnpike due to the states regulations on wide loads. Kenn commented the closing of the bridges in

Monterey hinders UPS or other deliveries as well as DPW trucks to sand the roads. Rene suggested this be a topic at the March Commission meeting.

E. Other – None

Kyle asked for a Motion to go into Executive Session to discuss legal strategy for actual litigation regarding the EPA Rest of River Clean-up and GE's appeal of the EPA's Clean-up. Such discussion, if held in open meeting, may have a detrimental effect on the legal position of BRPC's legal action with EPA and GE. As the Agenda for the meeting states, we expect to adjourn from Executive Session and do not expect to reconvene in regular session. Only Commission Delegates and Alternates, and Executive Director Karns may remain in the room for the Executive Session.

Rene Wood moved to go into Executive Session and we will not return to regular session; seconded by Peter Blum.

Vote to go into Executive Session must be by roll call vote;

Clerk Marie Raftery would call the roll by town/city to go into Executive Session, for any votes in Executive Session and to come out of Executive Session:

Marie read all 32 municipalities:

Gt. Barrington	Aye
Lee	Aye
Lenox	Aye
Monterey	Aye
Mt. Washington	Aye
New Marlborough	Aye
North Adams	Aye
Pittsfield	Aye
Sheffield	Aye
Stockbridge	Aye
Tyringham	Aye
West Stockbridge	Aye
Williamstown	Aye

Staff Present: Nathaniel Karns – Executive Director

The Commission was in Executive Session.

XI. Executive Session – Actual Litigation Regarding Rest of River Clean-up – see Executive Session Minutes

XII. Adjournment

Adjourned from the Executive Session.

Materials distributed or presented during this meeting:

Meeting Agenda

Draft Meeting Minutes

Approval of Executive Committee Actions Memo

Approval of Executive Committee Actions Memo Revised

Executive Director's Report

Draft Letter to Streamlining and Improving Design and Cost Effectiveness of Small Bridges

Executive Director Memo; Changes to the Massachusetts Zoning Enabling Law in the 2016 Session

Mission Statement, BRPC's Vision and BRPC's Values

Proposed FY 2018 Community Assessments

Letter RE: Hoosac Valley Rail Service / Adams Extension Project, EEA #15318 (Adams)

Municipal Actions on Marijuana Legalization

Massachusetts Freight Plan

2017 CPTC Spring Conference

Mohawk Trail Woodlands Partnership Project Presentation