

**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](http://www.berkshireplanning.org)

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

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

## **AGENDA**

**Rest of River Municipal Committee**  
**August 13, 2014 -- 3:00 p.m.**  
**Stockbridge Town Offices**

1. Introductions
2. Review of minutes of June 25, 2014
3. EPA Remedy Plan – next steps
  - Public review process update: public hearing Sept. 23, comments due Oct. 1
  - Process for submitting comments to EPA – jointly and individually
  - Hudson River trip – August 20<sup>th</sup> or 21<sup>st</sup>
4. Executive Session – Consultation with the Pawa Law Group
5. Other Business
  - Next meeting date
  - Other
6. Adjournment

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

**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](http://www.berkshireplanning.org)

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

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

**Meeting Minutes  
Rest of River Municipal Committee  
August 13, 2014 @ Stockbridge Town Offices**

- 1. Introductions.** The meeting opened at 3:05 p.m.  
Attending the session were the following Committee members:  
Warren Archey, Lenox Select Board  
Daniel Bianchi, Mayor of Pittsfield  
Doug Clark, Pittsfield Community Development Dir.  
Lauren Gaherty, BRPC (3:15pm)  
Nat Karns, BRPC  
Chris Ketchen, Lenox Town Manager  
Jorja Marsden, Stockbridge Town Administrator  
Jim McGrath, Pittsfield Park, Open Space, and Nat. Res. Program Manager  
Bob Nason, Lee Town Manager  
Jennifer Tabakin, Great Barrington Town Manager (3:40pm)  
Rene Wood, Sheffield Select Board

Also attending:

Everett Handford, U.S. Senator Warren's Staff Assistant  
Dan Johnson, U.S. Congressman Neal Staff Assistant  
Amaad Rivera, U.S. Senator Markey's Staff Assistant (3:17pm)  
Andy McKeever, iBerkshires

- 1. Introductions.** Nat Karns opened the meeting by asking for all present to introduce themselves. In L. Gaherty's absence, R. Wood volunteered to take minutes.
- 2. Review of minutes of June 25, 2014.** Motion to accept meeting minutes as presented was made by Rene Wood and seconded by Mayor Bianchi. Motion passed 4-0, with J. Marsden abstaining.
- 3. Draft EPA Remedy Plan.** N. Karns announced the EPA had extended its comment period to 10/1/14, not 10/27/14 as requested. As such there is a lot of work to be done in a short time. EPA's public hearing is scheduled for 9/23, however comments need to be in writing to gain status; verbal comments only go into the record. He stated he plans to attend but does not plan to speak.

Mayor Bianchi announced Pittsfield will have public meetings on 8/28 and 9/4 to gain a further sense of public sentiment, particularly of those who will be impacted by the cleanup. He stated the City's position is not with the EPA's. J. McGrath noted the EPA has been invited and while Jim Murray has confirmed attendance, no EPA technical staff is scheduled to attend.

Noting that J. Tabakin had previously expressed concern about the public not being aware of the draft Remedy, N. Karns invited discussion on what other ROR municipalities may be doing regarding this concern. Pittsfield's meetings were discussed as a possible template for other municipalities which may hold public meetings. Mayor Bianchi questioned how one municipality's comments would fit in with the overall ROR Committee's comments. N. Karns reviewed that after two years of discussions there were likely to be comments that were broad enough for all ROR Communities to agree upon, while there may not be agreement on all issues outside of these common issues. There would be the ROR Community comments and individual municipal comments. R. Wood suggested that over the next week, each community review the draft letter and email L. Gaherty letting her know what categories of comments were broad enough to agree with and which were such that the municipality reserved the right to comment differently. She reviewed what she saw as the logistical challenge of getting this all done and signed by the Oct. 1 submission deadline.

N. Karns and L. Gaherty reviewed the upcoming visit to the Hudson River EPA cleanup site and went over the trip particulars. The EPA is providing a boat trip up to the site in the afternoon, proceeded in the morning by a meeting with Ft. Edward's Mayor and Town Manager. Ft. Edward personnel will discuss their cleanup / EPA experiences and lessons learned to date. To date, L. Gaherty and D. Clark are attending; others interested should email L. Gaherty by 8/15. Date set for 8/20 with a rain date of 8/21.

A sign-in sheet was passed around.

4. **Budget update.** While it had been previously believed current DLTA funds would cover ROR BRPC staff time through the end of calendar year 2014, other areas have required these DLTA funds, such as the Kidder Morgan pipeline issue. It is anticipated a funding of \$6,000 will be needed from the ROR Communities through the end of the year. It was noted BRPC activity prior to 10/1 will be the most intense. N. Karns detailed the time needed for L. Gaherty to organize these meetings and transcribe minutes, up to 5 hours per meeting in administrative work. R. Wood offered to do administrative tasks, such as meeting minutes, as an offset to keeping Sheffield's 1/6 share as low as possible, which means one or more other ROR municipalities would need to pick this up. R. Wood motioned to allocate up to \$6,000 from the ROR Communities joint expense account to pay for BRPC's ROR expenses through the end of the year, pending documentation and resolution of the offset offer by Sheffield, seconded by C. Ketchum. In subsequent discussion, Mayor Bianchi requested budget request documentation, which N. Karns agreed was necessary, but did not have with him. As R. Wood was concerned about a possible Open Meeting Law violation as this item was not on the agenda, C. Ketchum requested an agenda item for the BRPC budget request at the next meeting, R. Wood withdrew her motion and the matter was tabled.
5. **Motion to enter into Executive Session.** The following statement was read by N. Karns: Request a motion to go into Executive Session to discuss the Pawa Law firm's advice regarding the appropriate strategy to best protect the Rest of River Municipalities' legal rights regarding the Draft Permit and such discussion, if held in open meeting, may have a detrimental effect on the legal position of the

Rest of River Municipalities. As the Agenda for the meeting states, we expect to adjourn from Executive Session and reconvene in regular session to set a date for the Committee's next meeting. The motion was so moved by R. Wood, seconded by B. Nason. Voice vote: Warren Archey, Lenox: AYE; Daniel Bianchi, Pittsfield: AYE; Jorja Marsden, Stockbridge: AYE; Bob Nason, Lee: AYE; Jennifer Tabakin, Great Barrington: AYE; Rene Wood, Sheffield: AYE.

Going into executive session was delayed to allow input from staff members of our federal delegation.

6. **Federal delegation staff update.** Amaad Rivera of Senator Markey's staff spoke on behalf of the three federal delegation staff members present in wanting to make sure they are hearing the concerns of the ROR Communities and how they may best serve and move the issues forward. As they are seeking clarity on what the coalition is seeking, they need more information and guidance. A conference call suggested. They have previously reviewed the Socioeconomic Impacts Study. Mayor Bianchi followed up on B. Nason's comments regarding the socioeconomic impacts by stating that any possible payment from GE, since it is not part of the EPA's remedy, will require the influence of the federal delegation and the time for that influence is now.

D. Clark expressed his concern that, as the process unfolds, it is not clear how the ROR Communities will have a say when the details of the Remedy go forward, such as when the statements of work are developed, which would including truck routes etc. He echoed concerns over socioeconomic costs and being a participating partner in the actual cleanup process. It is a nuanced situation, as in the Consent Decree, there is no formal role for the impacted municipalities, only for GE, the States and the EPA. The existing work relationship between the EPA and Pittsfield for work conducted in the city was cited as being interactive and responsive, but concerns about potential EPA staff changes were discussed and he would prefer to have ROR municipality status explicitly written down. Municipalities would sit at the table with equal status.

J. Tabikan stated she sees this as an opportunity to build up the municipalities, with a focus on the day to day issues, and questioned how the towns can be in a position of strength to deal with these issues without impacting their local economies. Opportunities with jobs, education regarding remediation were cited. Common thread is the need to successfully implement this in our communities. R. Wood commented on the EPA's call for no in-county landfill. B. Nason circled back to cite a specific section which could be easily amended to include municipalities. Request for this citation was requested by A. Rivera and L. Gaherty will email it to him. (Statement of Basis, pgs 10-11, Potential Community Impacts.)

The open meeting was recessed at 3:35pm when the ROR Municipal Committee entered executive session.

7. **Return to regular session.** Regular session resumed at 5:04 pm. Discussion ensued on the trip to the Hudson River site on either 8/20 or 8/21 (rain date) with L. Gaherty needing a head count no later than Friday, 8/15. J. Tabikan stated that Great Barrington will hold a joint meeting with the Board of Selectmen, Conservation Commission, Planning Board and Board of Health the first week in September to go over the EPA's draft Remedy. The EPA will be asked to attend. Comments on the draft ROR Committee letter to the EPA were requested to be emailed to L. Gaherty by 8/20 and the following meeting dates were confirmed: 8/27 at 3pm; 9/10 at 3pm; and 9/24 at 3pm. Location will be announced but it is hoped a meeting room in the Stockbridge Town Offices will be available.

8. **Adjournment.** R. Wood motioned to adjourn the meeting, seconded by B. Nason. It passed unanimously. The meeting adjourned at 5:11 pm.

Respectfully submitted,  
Rene C. Wood, Sheffield Delegate to ROR Committee

**Meeting materials:**

Meeting minutes for June 25, 2014 meeting  
Agenda for August 13, 2014.