



Franklin Regional Council of Governments

Executive Committee —MINUTES

Date & Time:	Thursday, May 11, 2017 Note: 2 separate times and locations 5:00 p.m. Road Action View 5:30 p.m. Road Action Hearing & Executive Committee Meeting Following
Location:	5:00 View — Intersection of 5 & 10 and Egypt Rd in Whately 5:30 Hearing & Meeting — 4 Sandy Lane, South Deerfield (see map)
Facilitator:	Bill Perlman, Chair

Representatives Present:

- Bill Perlman, Regionally Elected
- Jim Basford, Regional Planning Board
- Kevin Fox, Council Appointee, Colrain

Staff Members Present:

- Bob Dean, Director Regional Services
- Rebekah Boyd, Admin Services
- Peg Sloan, Planning Director

Guests (For hearing and/or meeting)

- Keith Bardwell, Whately Highway Supt.
- Richard Masse, Mass DOT
- Bill Korza, Muffin’s General Market
- Brian Domina, Whately Town Administrator
- John O’ Rourke, FRCOG Chair
- Richard Pitts, Amherst Trucking

EXECUTIVE COMMITTEE MEETING AGENDA:

1. Welcome and introductions

Bill P. opened the hearing at 5:30 p.m. (Introductions were made at the site of the view at 5:00 p.m.)

2. Public hearing for a petition for relocation of road at the intersection of Egypt Road and State Road (Routes 5 & 10)

The committee agreed to dispense with the reading of the notice of the hearing as the group had heard at the view a full explanation for the proposed relocation of the road, primarily for reasons of safety for drivers on both Egypt and State Roads. (See *handouts*.) The EC had no objections to the proposed relocation of the road, nor any questions, or comments regarding the road action.

Bob D. explained that the plan required for recording at the registry of deeds, one which displays both the current county layout of the road and the lay out of the road once changed (before & after drawings), has not been created. He said the EC can’t finalize the road action until that document is ready to be signed and recorded.

Jim B. moved that the matter of relocation of the county layout of Egypt Road in Whately be continued to the next meeting of the FRCOG Executive Committee at 5:00 p.m. on June 8, 2017, at the John W. Olver Transit Center, 12 Olive Street, Greenfield, MA. Kevin seconded. All in favor.
The hearing was continued at 5:39 p.m.

3. Review and adopt 4.13.17 Executive Committee minutes

Kevin F. made a motion to adopt the 4.13.17 minutes. Jim B. seconded. Motion passed unanimously.

4. Request for approval for a high credit limit credit card

Linda Dunlavy and Pat Auchard have requested use of an additional agency credit card for periodic purchases which exceed the agency's current credit card limit of \$5,000. (*See handout.*) Staff explained that the card would be used primarily for purchases by the Health and Medical Coordinating Coalition (HMCC), a program for which we are the sponsoring organization. The Department of Public Health requires that HMCC equipment purchased for hospitals be purchased centrally by FRCOG. A higher limit credit card would eliminate the need for staff to use their personal credit to make purchases. Bill explained that the card would be kept in Pat Auchard's office and used only with her authorization.

Jim moved that the Executive Committee authorizes a new credit card account with a monthly limit of \$15,000 for large purchasing needs, with the Finance Director acting as the authorized user. Kevin seconded the motion.

EC members discussed card limits (taking issue with a "monthly" \$15,000 limit rather than simply a "\$15,000 limit"); wondered when FRCOG funding money is disbursed (although purchases encumber funds, checks aren't cut until the warrant is signed); and pondered the question of why a \$15,000 limit was chosen. Bill P. felt confident in Pat Auchard's ability to predict the needed limit.

Kevin moved to amend the motion by striking the word "monthly" and replacing it with the word "maximum." Jim seconded the amended motion. The amended motion passed unanimously.

5. FERC relicensing update

- **Update on Settlement Agreement**
- **Use of FRCOG for Consultant Study**

Peggy Sloan explained that the Federal Energy Regulatory Commission (FERC) has accepted the flawed "erosion causation" study presented to them by FirstLight, which finds that "naturally occurring high flows" are the primary cause of erosion along the river. This counters the research and observations of FRCOG and its counterparts, which have found the Connecticut River and its banks to be significantly affected by the functions of the Northfield Mountain pumped storage and Turner's Falls hydroelectric operations. FERC is not requiring further research, despite the written filings by the FRCOG and other stakeholders challenging FirstLight's data and methodology.

FRCOG staff plan to continue to take part in both the FERC and the Settlement Agreement processes, but staff members are currently turning most of their attention to ensuring that the 30-50 year FERC license will have within it a strong 401WQC (MassDEP Water Quality Certificate) which can require the company to address the erosion problem. FRCOG is advocating for a comprehensive river management plan that would include provisions for addressing the erosion, restoring habitat and river functions,

protecting endangered species, creating and maintaining recreation facilities. Staff would like to use reserves from the FY17 budget to hire a consultant to assist in drafting a framework for the management plan that includes monitoring, assessment, and mitigation components. Approximately \$2,000 for legal review is also needed, making \$10-15,000 the estimated total of the request. The Finance Committee will need to approve the use of reserves and FRCOG staff is asking the Executive Committee to support this request, prior to the Finance Committee meeting in June, if possible.

Members asked if a river management plan which mandates good monitoring and stewardship will be a guaranteed part of the license. Peggy noted that there's no guarantee, but that a well-crafted 401WQC would involve the state Department of Environmental Protection (DEP), making good erosion assessments and mitigation likely.

Jim Basford moved that the Executive Committee support the idea [staff's efforts towards ensuring the inclusion of a strong water quality certificate within the FERC license and pursuing consultant and legal assistance to do so] and encourage the Finance Committee to allocate the requested funds. Kevin seconded the motion, which passed with all members in favor.

Settlement Agreement Update

Peggy updated the EC on the relicensing settlement process requested by FirstLight. FirstLight has asked parties invited to the relicensing settlement negotiations to sign a confidentiality agreement in order to participate. Because the FRCOG has been engaged in a 25-year erosion-control effort, and because taking part in settlement negotiations may result in a more favorable outcome than just using the FERC process, FRCOG staff is planning to participate in the settlement negotiations. FRCOG staff has consulted with Legal Counsel and have modified the agreement to clearly indicate that staff will follow all requirements of the MA Open Meeting and Public Records laws as well as the Freedom of Information Act and have also informed other participants and FirstLight's General Counsel.

Peggy explained that the FRCOG has recommended to FirstLight that the settlement meeting agendas be made public so we can advise the FRPB and EC on the progress of the negotiations. FRCOG staff and town representatives are not happy with the process, as it is not the way government agencies conduct their business. When the settlement agreement is finally presented to the EC and to Select Boards, it will become a public record according to our Legal Counsel.

6. Updates and announcements

No updates or announcements.

7. Business Not Reasonably Anticipated 48 Hours in Advance

The next meeting will be held June 8 at 5:00 p.m. in the FRCOG offices.

Kevin F. moved adjournment. Jim B. seconded the motion. The meeting closed at 6:05 p.m.

Documents Distributed:

- FRCOG Executive Committee Road Action Protocol
- Agenda
- 4/13/17 minutes
- Memo: Request for additional agency credit card for major purchases.
- Request for Funding to Enable FRCOG Participation in the FERC Relicensing Process