



Franklin Regional Council of Governments

Executive Committee —MINUTES

Date & Time:	Thursday, November 8, 2018/ 5:00 p.m.
Location:	FRCOG Offices, 12 Olive Street, Greenfield, MA – Room 218
Facilitator:	Jay DiPucchio, Chair

Representatives Present:

- Jay DiPucchio, Regionally Elected
- Bill Perlman, Regionally Elected
- Mayor Bill Martin, Council Appointee
- Jim Basford, FRPB Appointee
- Kevin Fox, Council Appointee

Staff Members Present:

- Linda Dunlavy, Executive Director
- Bob Dean, Director of Regional Services
- Rebekah Boyd, Admin Services Coordinator

Guests: Richard Henken, President, Schochet Companies Development (5:15 p.m.)

1. Review and adopt 10.11.18 Executive Committee minutes

Jay D. opened the meeting at 4:58p.m. **Bill P. moved adoption of the 10.11.18 minutes. Kevin F. seconded. The motion passed unanimously.**

2. Receive petition requesting easements in 226 and 229 East River St., Orange, MA, for the purpose of relocating a sewerage lift station.

Bob Dean explained that Rick Henken of developer Schochet Companies, is proposing to build a new lift sewer station within the right of way of East River Street, a county road in Orange. The old, failing sewer station, located across the street from the proposed station, serves the Pine Crest and King James Court affordable/low income housing units in conjunction with the town, which operates the sewer. Working with the town administrator and town counsel, Schochet Companies has been trying to get funding in place to build the new lift station before Mass Housing’s year-end deadline. The town is in favor of the replacement. Schochet was fully prepared to address the town meeting, but was sent to the FRCOG upon learning that East River Street it is a county road

Mr. Henken described his process and answered questions regarding the placement of the system, function of the proposed installation, and plans for further low income housing development. He assured the committee that the land on which the new system would sit was to be leased, and that landowner, as well as the town’s governing boards, were wholly behind the project.

The Executive Committee discussed their understanding of the scope of the project at length, and agreed that no MGL Chapter 82 county road action was required as there is no proposal to relocate or alter the existing county right-of-way. What Mr. Henken needs, they felt, are easements — one for the

old lift station to function on county land alongside the road while the new one is being installed, and another for the new lift. Under MGL chapter 82, easements are not part of the committee's road action charge, but there is precedence for granting easements.

Bill P. suggested felt that if the Committee didn't grant both easements now, the project could run into problems with the state. With the understanding that the easements will need editing to reflect the correct name of the Grantor (FRCOG), some members of the committee felt they could move and vote for an easement immediately. Bob said he assumed that the lines on the current plan show right of way, and told the developer that the final plan should clearly delineate the boundaries of the county right-of-way. Mr. Henken assured the committee that those edits will be made, and that when he returns the recordable engineering survey will be stamped and the easements redrafted with corrected legal descriptions.

Hearing that Atty. MacNicol had blessed the language and would be asked to review the proposed changes, the committee agreed that they could vote to grant the easements now, with the stipulation that the chair sign the documents at a later date.

Bill P. made a motion to grant the easement for the *operation of a sewerage pump station at 226 East River Street contingent upon receipt of corrected and completed documentation and review by our legal counsel, to be signed when the chair of the Executive Committee is satisfied that all conditions can be met. Jim seconded the motion, which passed with Kevin Fox abstaining.*

Bill P. made a motion to grant the easement for *installation of a new sewerage pump station at 229 East River Street contingent upon receipt of corrected and completed documentation and review by our legal counsel, to be signed when the chair of the Executive Committee is satisfied that all conditions can be met. Jim seconded the motion, which passed with Kevin Fox abstaining.*

After Mr. Henken departed, the committee revisited the discussion about ownership/stewardship of county roads. Jim expressed concern that with the frequent lack of town awareness about road ownership, renovations and developments might be occurring on major roads around the county unbeknownst to the Committee. Mayor Martin proposed joint (county/town) ownership of the roughly 85 county roads so that road action votes could not be unreasonably withheld. Bill P. allowed that it's of great benefit to the towns to have decisions based on public convenience and necessity, rather than by the town, where bad feelings by some parties could linger. Jim recalled the recent Hawley road action, which, he felt, didn't work in FRCOG's favor. Bill allowed that the Executive Committee could entertain individual petitions for closing roads. Jay thought joint ownership would require legislation, and wondered if a committee at the statehouse had ever entertained that sort of arrangement.

Bob made it clear that towns are responsible for maintenance of sewer and water lines; the town digs up these areas and puts them back together, without changing the layout, making any ruling by the Executive Committee unnecessary. Members discussed the limits and scope of its responsibility, right-of-way issues, and whether or not any issue might arise out of granting the easement.

Linda reminded the board that roads were originally designated county roads because they were serving more than one town. When one of those towns wanted to alter the road in some way, the county was the unbiased arbiter asked to evaluate perceived harm and make a decision. This original

method, Linda admitted, is somewhat arcane today. She agreed to inquire about legislative answers. Consensus was that the Committee granted the easement because no harm was perceived and Mass Housing required it for the developer to move forward.

3. Updates

Lease Agreement

Linda reported that her friend at the Federal Transit Administration explained that transit authorities, indeed, cannot hold a capital reserve account, although legislation is pending allowing them to set aside 5% of local assessments annually. This same administrator could find no examples of condo-like relationships, but didn't see any reason why FRCOG couldn't request lease renegotiation. The committee expressed its need to have an analysis of capital costs over the last 5 years and a future capital replacement plan.

Immigration

Bill suggested the committee visit the idea of the Council taking position on fed immigration policy.

4. Business Not Reasonably Anticipated 48 Hours in Advance

The Committee agreed to meet at 3:30 p.m. on Dec 13 before the Rural Policy Advisory Commission's listening session at GCC at 5:00 p.m.

Bill P. made a motion to adjourn. Kevin seconded. Meeting adjourned at 6:04 p.m.

Documents Distributed:

- Agenda
- 10.11.18 Draft Executive Committee minutes
- Petition from Richard Henken of Schochet Associates for Pine Crest RHF Housing, Inc., requesting easements in East River Street, Orange, MA.
- Plans for lift station at 226 and 229 East River Street, Orange, MA.