



Catalyst for Regional Progress

PVPC

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SHARED SERVICE ANALYSIS: CONSERVATION AGENT

District Local Technical Assistance (DLTA)

2014



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Pioneer Valley Planning Commission

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Executive Report

The present economic climate and the growing needs of the region are drastically shifting the fiscal landscape of cities and towns in the Pioneer Valley. Municipal budgets are increasingly tight and local leaders have statutory responsibilities that require them to perform specific municipal functions. It is for these reasons that communities are being forced to investigate new ways to do business to meet their legal responsibilities with less and still deliver the level of service that taxpayers demand. For the purpose of this study, recognizing the limitations of the City of Easthampton and the Town of Southamptton, the growing developments and other conservation priorities within the municipalities are far outpacing the current capacity of what the Conservation Commissions can handle on a volunteer basis with no Conservation Agent on staff. There is a need for shared professional Conservation Agent services to provide assistance to the existing active Conservation Commissions in Southamptton and Easthampton to help commission members meet regulatory responsibilities, such as: enforcement and permitting of wetlands regulations; open space planning, preservation, and stewardship; public education; and coordination with community groups for natural resource protection. This analysis focuses on how the Conservation Commission's can improve efficiencies and achieve economies of scale through a shared service capacity or through other means.

Joshua A. Garcia
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Introduction

The existing economic climate is radically shifting the fiscal landscape of cities and towns across the Commonwealth. Municipal budgets are increasingly tight and local leaders have statutory responsibilities that require them to perform specific municipal functions. For these reasons, many municipalities are being forced to investigate new ways to do business to meet their legal responsibilities with less and still deliver the level of service that taxpayers demand. One potential solution communities are often considering is the idea of sharing municipal services with other nearby municipalities in the effort to reduce costs and/or improve service efficiencies.

The Pioneer Valley Planning Commission (PVPC) was engaged by the Town of Southamptton and the City of Easthampton to conduct an analysis that will determine whether these municipalities' conservation efforts and performance could be enhanced by a cooperative effort for Conservation Agent services. Massachusetts District Local Technical Assistance (DLTA) funds to the PVPC were issued to complete this effort.

The objective of the study was to perform:

- A review and outline of the organizational structure, practices, duties and responsibilities of the Conservation Commission of both municipalities
- A review of the Conservation Commission core functions within both municipalities
- Assess the workload of the Conservation Commission to determine similarities and differences in need between the two communities
- Identification of potential overlap of duties and efficiencies that can be achieved with a shared Conservation Agent
- Allocate information about best practices and other model services from comparable communities including a cost analysis

Methodology

Interviews with key personnel were conducted;

- Southampton - Charles McDonald, Chair of the Conservation Commission
- Easthampton – Jessica Allan, City Planner and acting Conservation Agent

Our findings and recommendations are based on review of the individual municipality's local Conservation bylaws and Open Space plans and interviews with key personnel.



Summary of Current Operations

The Town of Southamptton and the City of Easthampton, although distinctly different, also have their similarities. One of the differences pertains to the delivery of Conservation Agent services. The following are summarized profiles of each community and their demand for Conservation Agent services.

Town of Southamptton

Population: 5,792 (2010 U.S. Census)

Land Acreage: 18,524 acres of land

Natural/Undeveloped Land: 93% or 17,272 acres

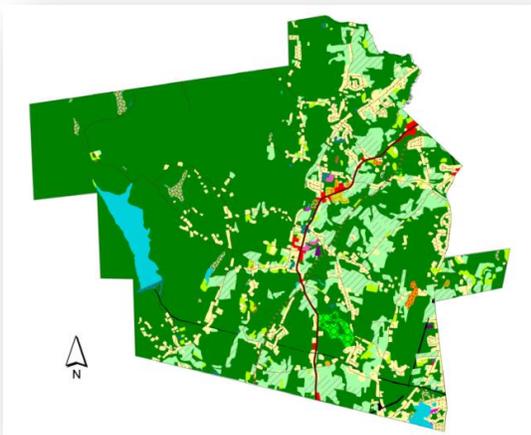
Open Space/Recreational Land: 27% or 5,009 acres

Permanently protected against future development: 24% or 4,477 acres

Acreage of land owned by the town: 568.3 acres

Agriculture Preservation Restrictions: 474 acres

Data Source: MassGIS, 2014 and Assessors, 2013



Southamptton Land-Use Map

The total area of the Town of Southamptton is 29 square miles, of which 28.1 square miles is land and .9 square miles is water. Southamptton's population of 5,792 people consists of 1,985 households, and 1,556 families residing in the town with an average population density of 191.4 people per square mile. The median household income in Southamptton is \$61,831, and the median income for a family is \$64,960. The per capita income for the town is \$26,205. Aproximately 2.4% of the population are below the poverty line.¹

¹ U.S. Census Bureau, 2010 Demographic Profile Data

TOWN OF SOUTHAMPTON | Governance Structure

The Town of Southampton is located in the Hampshire County of Massachusetts. It was incorporated in 1753. The town operates under the open town meeting form of government, with a five-member Board of Selectmen. Under this form of government, an annual Town Meeting, open to all residents, is essentially the legislative body for the town, and decides three (3) major items:

- Set the salaries of elected officials
- Vote to appropriate money for town operations
- Vote on the town's local regulations

All town residents are eligible to vote on all matters. The Board of Selectmen consists of elected officials who serve as the town's executive officers. They may call town meetings; supervise town employees; and appoint a Town Administrator to administer town operations under their supervision.²

The Southampton Conservation Commission is the official government body specifically charged with the protection of the community's natural resources. The Commission is comprised of seven (7) volunteer members appointed by the Board of Selectmen for three (3) year terms and two(2) associate members. They work on the town's behalf in administering and enforcing the regulations of the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40), and the town's local Conservation Commission bylaws (Article XXIX). The Commission is also responsible for the stewardship of conservation lands within the town.

Overall, their duties include but are not limited to³:

- **Planning** - Fostering land use patterns protective of natural resources through preparing and implementing Open Space and Recreation Plans and offering assistance and advice to local planning boards.
- **Preservation** - Assuring the permanent protection of important local land and water resources through conservation land acquisition under the Conservation Commission Act and Community Preservation Act. Careful conditioning of Wetlands Protection Act and wetlands bylaw/ordinance permits. Assisting in securing and enforcing conservation restrictions, agricultural and historic preservation restrictions and watershed restrictions.
- **Stewardship** - management of conservation lands for a variety of benefits, including to foster biodiversity of species and habitats and to provide appropriate recreational uses tied to the nature of the particular conservation area.
- **Regulation**- Relating to the use of conservation lands and the protection of wetlands and floodplains under the Wetlands Protection Act and local bylaws and ordinances.
- **Recreation** - Passive (and to some degree active) use of open space.

² "Citizen's Guide to Town Meetings," Commonwealth of Massachusetts, Secretary of the Commonwealth, <http://www.sec.state.ma.us/cis/cistwn/twnidx.htm>

³ Environmental Handbook for Massachusetts Conservation Commissioners

- **Productive or Economic** - Represented by appropriate, environmentally sound agriculture, forestry and fishing on conservation lands.
- **Education** - Encouraging a conservation ethic in the community; hosting walks and other events.
- **Coordination** - Working with groups, non-profit environmental organizations, etc. in the interest of natural resource protection.

Moreover, the Commission tracks compliance and issue decisions relating to proposed development projects to ensure that no work is done by anyone in the town without a permit, and that illegal activities do not take place. The project applications most reviewed by the Commission are Requests for Determination of Applicability (RDA) and Notices of Intent (NOI). These responsibilities demand time from Commission members mainly during the spring, summer, and fall seasons and can be rather time-consuming. When it comes to major projects outside of the Commission's capacity and area of expertise, the Conservation Commission hires outside consultants to work on its behalf. This occurs when specific projects that need services of the Commission are complex or call for specialized knowledge beyond those of the Commission. In addition to their responsibilities, the Commission also advises the town's municipal officials and boards on conservation issues that relate to their areas of responsibility.

Commission members operate their required responsibilities on a volunteer basis outside of their professional and personal lives without the assistance of a dedicated and experienced Conservation Agent. Additionally, certain members are appointed by a vote through the Commission to also sit on the Community Preservation Committee and the Open Space Implementation Committee. The operating budget for fiscal year 2014 (July 1, 2013 to June 30, 2014) was \$2,200. A total of \$3,700 is the requested amount for fiscal year 2015. Currently, the Commission has a competent board with committed members who strongly feel they do the bulk of the job well under the limited budget and resources available. With very limited resources, Commission members are able to successfully accomplish their regulatory responsibilities and, to some degree, keep up with the town priorities listed within the Open Space plan for Southampton.

However, members also have concerns that result in their interest in potentially creating an "agent" position. Most of the Commission's concern stands with land stewardship, including fundraising, prioritizing, and management. Other concerns include its ability to maintain the level of service provided during any future board turnover on the Commission. Commission members strongly feel that having a Conservation Agent on staff will assist the Commission with maintaining, if not increasing, the level of efficiency of its services to continue to meet regulatory responsibilities as well as honoring priorities highlighted within Southampton's Open Space Plan.

The City of Easthampton

Population: 16,053

Land Acreage: 8,707 acres

Natural/Undeveloped Land: 66% or 5,752 acres

Open Space/Recreational Land: 23% or 1,983 acres

Permanently protected against future development: 20% or 1,706 acres

Acreage of land owned by the town: 9% or 763 acres

Agriculture Preservation Restrictions: 5% or 408 acres



Data Source: MassGIS, 2014 and Assessors, 2013

The total area of the City of Easthampton is 13.6 square miles, of which 13.4 square miles is land and 0.2 square miles is water. Easthampton's population of 16,053 consists of 6,854 households and 4,167 families residing in the city with an average population density of 527.9 per square mile. The median household income in Easthampton is \$45,185, and the median income for a family is \$54,312. The per capita income for the city is \$21,922. Approximately 8.9% of the population are below the poverty line.⁴

CITY OF EASTHAMPTON | Governance Structure

The City of Easthampton is located in Hampshire County of Massachusetts. It was incorporated in 1785 and officially became a town in 1809, operating under the open town meeting form of government with a Board of Selectmen elected by the voters to serve as the towns executive officers. In 1996, local voters enacted a new charter that transitioned its governance structure to a mayor-council government system. This system allows a council of four at-large members and five district councilors to exercise the legislative powers of the city. The Mayor serves as the chief executive officer of the city and has the power to appoint all city officers, department heads, and members of multiple-member bodies, with subject to the review of such appointments by the council.⁵



The Easthampton Conservation Commission is the official government body specifically charged with the protection of the community's natural resources. Seven (7) volunteer members are appointed by the Mayor and reviewed by the council, to serve on the Commission for three (3) year terms each.⁶ Currently, the Commission has five

⁴ U.S. Census Bureau, 2010 Demographic Profile Data

⁵ Easthampton Home Rule Charter

⁶ Easthampton Code of Ordinances

(5) active members and two (2) vacant seats. The Commission body works on the city's behalf in administering and enforcing the regulations of the Massachusetts Wetlands Protection Act (M.G.L Chapter 131, Section 40) with the assistance of the the City Planner. They are also responsible for the stewardship of conservation lands within the city, although due to their limited resources and high demand for application reviews and enforcement, little to no time is available for land stewardship. The Commission tracks compliance and issues decisions relating to proposed development projects to ensure that no work is done by anyone in the city without a permit, and that illegal activities do not take place. The project applications most reviewed by the commission are Requests for Determination of Applicability (RDA), Enforcement Order's (EO), and Notices of Intents (NOI).

Their overall duties include but are not limited to⁷:

- **Planning** - Fostering land use patterns protective of natural resources through preparing and implementing Open Space and Recreation Plans and offering assistance and advice to local planning boards.
- **Preservation** - Assuring the permanent protection of important local land and water resources through conservation land aquisition under the Conservation Commission Act and Community Preservation Act. Careful conditioning of Wetlands Protection Act and wetlands bylaw/ordinance permits. Assisting in securing and enforcing conservation restrictions, agricultural and historic preservation restrictions and watershed restrictions.
- **Stewardship** - management of conservation lands for a variety of benefits, including to foster biodiversity of species and habitats and to provide appropriate recreational uses tied to the nature of the particular conservation area.
- **Regulation**- Releating to the use of conservation lands and the protection of wetlands and floodplains under the Wetlands Protection Act and local bylaws and ordinances.
- **Recreation** - Passive (and to some degree active) use of open space.
- **Productive or Economic** - Represented by appropriate, environmentally sound agriculture, forestry and fishing on conservation lands.
- **Education** - Encouraging a conservation ethic in the community; hosting walks and events.
- **Coordination** - Working with groups, non-profit environmental organizations, etc. in the interest of natural resource protection.

These responsibilities demand a substantial amount of time by Commission members and the City Planner especially during the Spring, Summer, and Fall seasons when construction is high and can be rather time-consuming in a vastly growing city such as Easthampton - leaving very little time for other responsibilities. On very rare occasions, when it comes to major projects that are outside of the Commission members area of expertise and staff capacity, outside consultants are hired to work on their behalf. This occurs when specific projects that need services of the Commission are complex or call for specialized knowledge beyond that of those on the Commission and/or the City Planner. In these instances, projects are referred to the City Engineer. In addition to their

⁷ Environmental Handbook for Massachusetts Conservation Commissioners

responsibilities, the Commission also advises the city's municipal officials and boards on conservation issues that relate to their areas of responsibility.

Commission members undertake responsibilities required on a volunteer basis outside of their professional and personal lives. Although they do not have a Conservation Agent on staff per se, the Commission relies on the assistance of the City Planner to operate most of its administrative duties. The City Planner, under the expense of the Planning Department, has taken on many of the responsibilities of a Conservation Agent to support the Commission since both departments have some overlap relating to reviewing development proposals. The Planning Department manages the regulatory process for development proposals submitted to the Planning Board and the Zoning Board of Appeal (ZBA) under the Easthampton Zoning Ordinance and the Subdivision Control law. Additionally, the City Planner's responsibility under the Conservation Commission includes a significant amount of her time doing the administrative work for the Commission such as following up on complaints, pulling up compliance records, identifying permitting negligence, keeping records, etc. No one on the board, nor the City Planner, has time to address land stewardship even though this is recognized as part of the responsibility of the Commission and identified as a priority for the city in its Open Space plan. The Wetlands Protection Act is enforced by the Commission (Chair of the Commission who is a Wetland Scientist) with assistance of the City Planner. The Chair advises the City Planner on wetlands-related work.

The needs and immediate priorities that were identified for the Easthampton Conservation Commission are:

- conservation land management/stewardship;
- public relations/attending the public during walk-ins/answering questions/community organizing;
- prompt responses to address violation issues;
- de-escalating conflict/misunderstandings
- frequent calls from the Town Clerk, Health Department, and Assessor's Office related to property wetland issues.

The operating budget of the Conservation Commission for fiscal year 2014 (July 1, 2013 to June 30, 2014) was \$1,863.61. A total of \$2,000 was the requested amount for fiscal year 2015. The city currently has \$10,338 in the Wetlands Protection Act fees account. In FY14, the city had collected \$530 in fees as revenue. Historically however, the city collects roughly \$1,000 annually in fees.



Clearly, with very limited resources, Commission members and the City Planner are able to accomplish most their regulatory responsibilities but have a difficult time prioritizing and honoring city priorities that involve land stewardship.

Land Use Compatability

The following data compares and contrasts land use and provides a profile of the geographical landscape of Easthampton and Southampton.

Land Use Summary Tables by Municipality:

Easthampton	% of all Land	Acres	Data Source Used
Total Land Acreage	100.00%	8,707	GIS Calculation
Natural/Undeveloped Land	66.07%	5,752	GIS Calculation
Open Space/Recreational Land	22.78%	1,983	Assesors Data
Permanently protected against future development	19.59%	1,706	Assesors Data
Acreage of open-space/conservation land owned by the town	8.76%	763	Assesors Data
Agriculture Preservation Restrictions	4.69%	408	Assesors Data

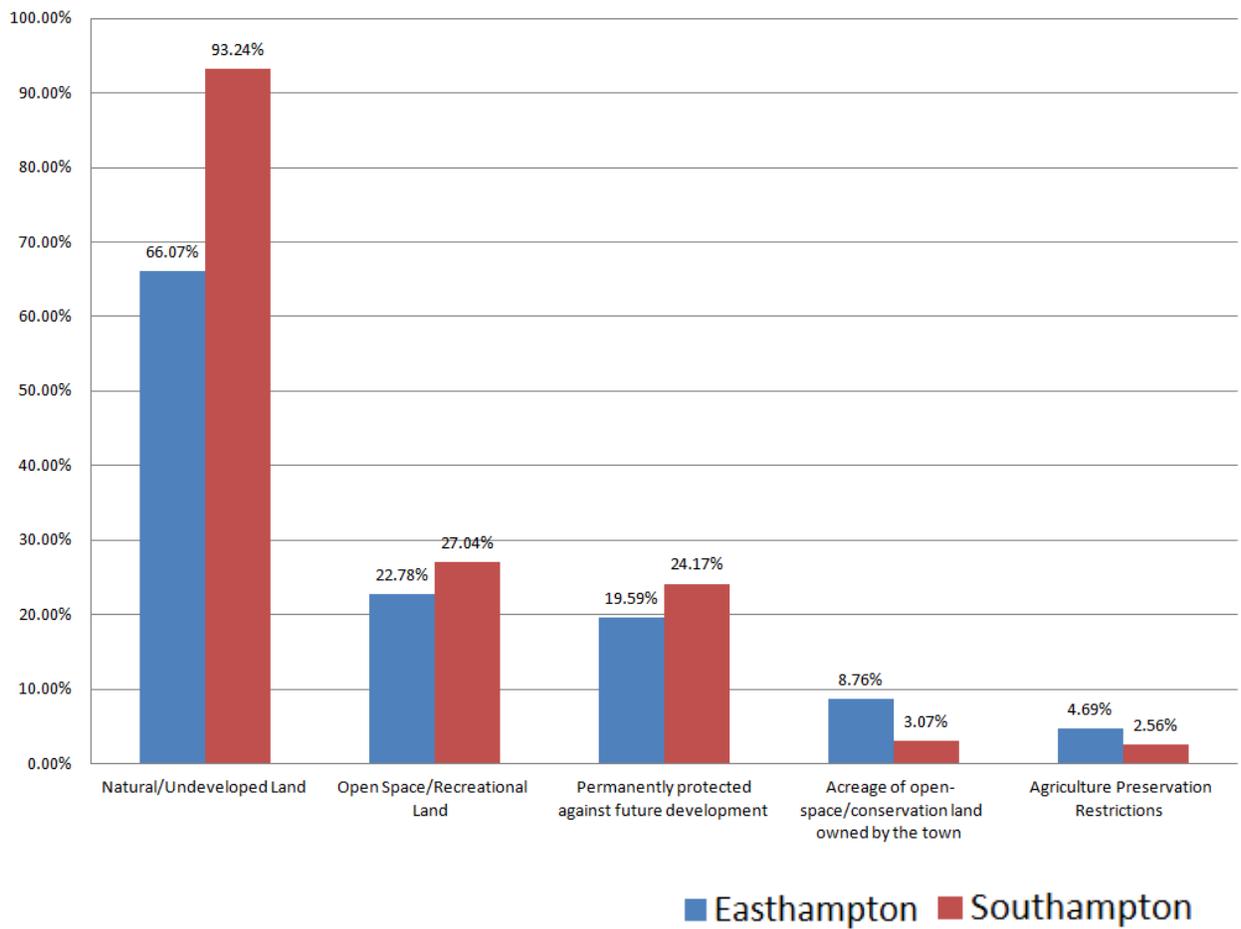
Southampton	% of all Land	Acres	Data Source Used
Total Land Acreage	100.00%	18,524	GIS Calculation
Natural/Undeveloped Land	93.24%	17,272	GIS Calculation
Open Space/Recreational Land	27.04%	5,009	Assesors Data
Permanently protected against future development	24.17%	4,477	Assesors Data
Acreage of open-space/conservation land owned by the town	3.07%	568.3	Charles McDonald
Agriculture Preservation Restrictions	2.56%	474	Assesors Data

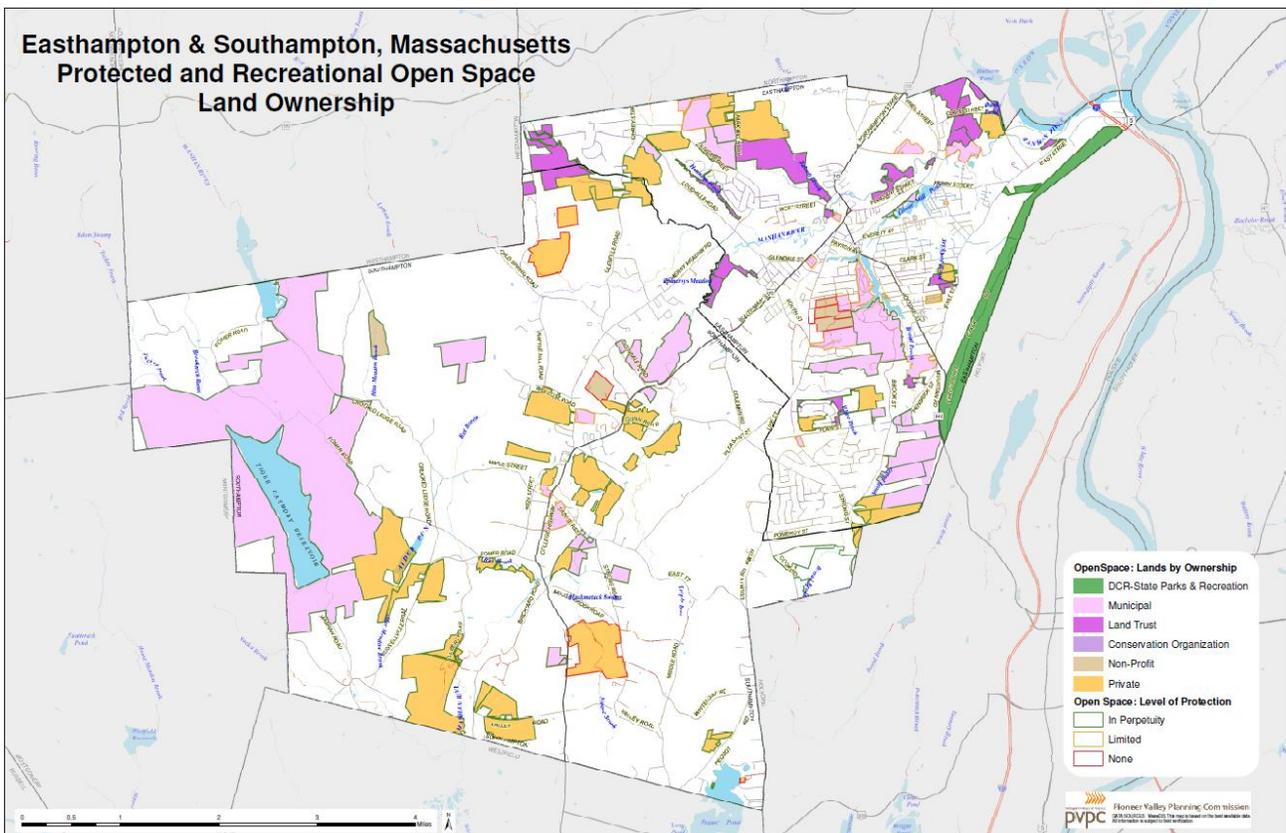
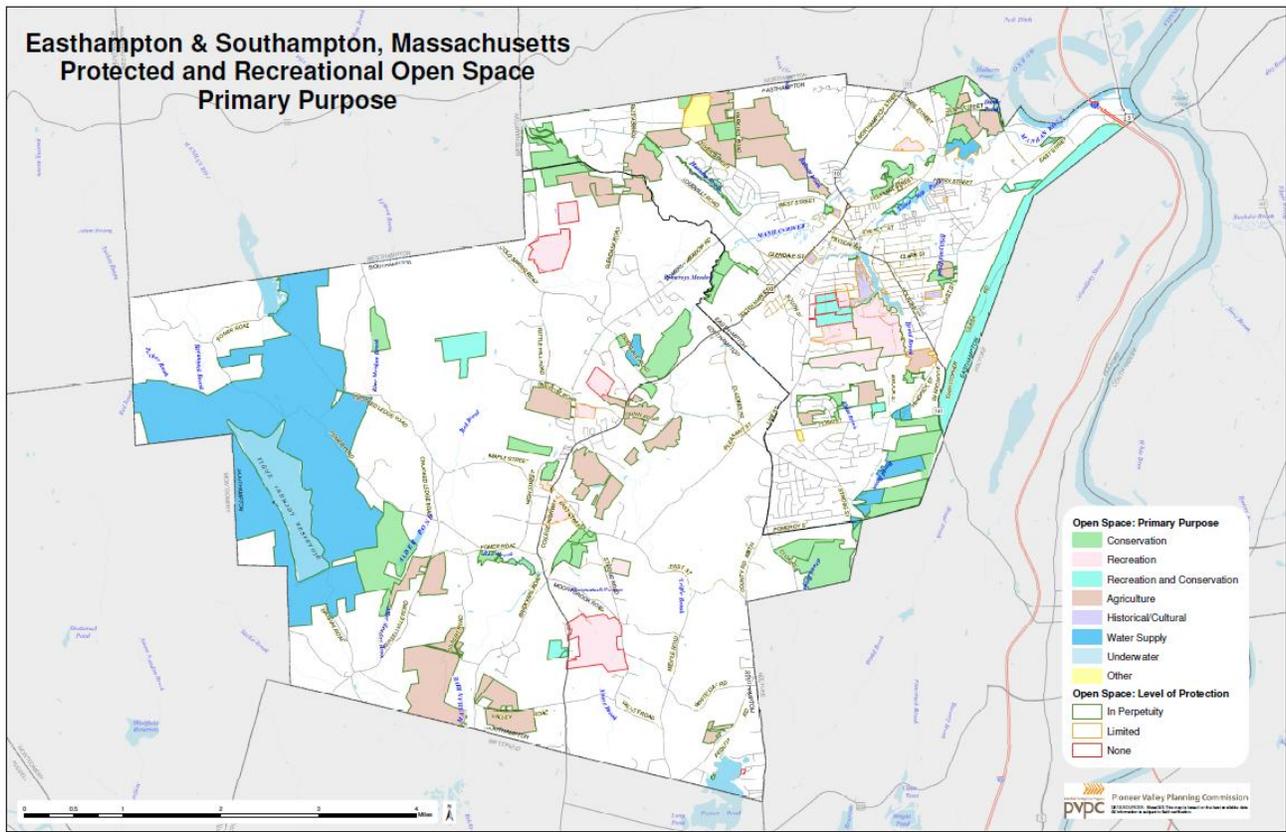
Land Use Comparison breakdown:

- The **majority of the land in both communities continues to be natural / undeveloped**. This equals more than 90% of land in Southampton, whereas Easthampton has two thirds of its land undeveloped.
- Both communities have fairly **similar proportions of land categorized open space or recreation** as well as that categorized permanently protected against future development. Southampton is slightly higher in both of these categories.
- Both communities hover in the range **of a quarter of all land designated open space or recreation**.
- Easthampton has a significantly higher percentage of land that is open space or conservation land owned by the municipality (almost 9% vs. just under 1%).
- Southampton has more than twice the total acreage of Easthampton, and more than 90% of that land is considered natural/undeveloped.

	Easthampton	Southampton
Total Land Acreage	100.00%	100.00%
Natural/Undeveloped Land	66.07%	93.24%
Open Space/Recreational Land	22.78%	27.04%
Permanently protected against future development	19.59%	24.17%
Acreage of open-space/conservation land owned by the town	8.76%	3.07%
Agriculture Preservation Restrictions	4.69%	2.56%

Percent of Land Acres by Use





COMPARATIVE EVALUATION WITH NEARBY MUNICIPALITIES WITHIN THE REGION

The following chart is a limited comparison of local municipal Conservation Commission budgets, staff allocations, and the City/Towns Business and Commercial Tax Rates within the Hampden and Hampshire county region. The information displayed was gathered through information available on municipal websites and through correspondence with each of the communities listed that shared the information provided.

The following are notes that provide a brief summary of chart on previous page for each of the communities listed on the chart on the previous page.

Municipality	Population	Conservation Budget	Agent Cost	Hours	Expense	Tax Rate
Palmer	12,140	\$11,749	\$10,649	10hrs/week	\$1,100	C: \$18.06 R: \$18.06
Williamsburg	2,482	\$2,290	\$1,640	Part-Time Secretary	\$650	C: \$17.37 R: \$17.37
Monson	8,560	\$3,663		Part-Time Administrative Assistant	\$3,663	C: \$16.02 R: \$16.02
Ludlow	21,103	\$27,976	\$23,948	Agent	\$4,028	C: \$17.22 R: \$17.22
South Hadley	17,514	\$41,053	\$38,629	30 hrs/week Conservation Administrator including part-time 22.5 hrs/week Secretary	\$2,424	C: \$16.41 R: \$16.41
Ware	9,872	\$17,748	\$17,048	16 hrs/week shared between Agent and Admin. Assist.	\$700	C: \$18.31 R: \$18.31
West Springfield	28,391	\$56,181	\$54,831	Full-Time Conservation Officer	\$1,350	C: \$31.99 R: \$16.41
Holyoke	39,880	\$63,420	\$55,000	Full-Time Agent	\$8,420	C: \$39.74 R: \$19.04
Brimfield	3,609	\$13,785	\$12,285	15hrs/week	\$1,500	C: \$16.42 R: \$16.42
Belchertown	14,649	\$64,718	\$57,501 and wages - \$5,600	Full-time	\$1,617	C: \$17.72 R: \$17.72
Easthampton	16,053	\$1,863.61	N/A	N/A	N/A	C: \$14.86 R: \$14.86
Southampton	5,792	\$2,200	N/A	N/A	N/A	C: \$15.20 R: \$15.20

Palmer - Expense budget was increased to \$1,500 as \$1,100 was not sufficient. The Commission spends most of its time on WPA permitting. They are currently seeking more hours (up to 25hrs/week) since it is very difficult to operate with such a limited budget. They also noted permitting is very slow. Palmer's agent is also the agent for Brimfield. The agent states one of the advantages of being an agent for both towns is the ability to share informational/educational resources. Additional advantages include: a) the agent is able to take library resources from Palmer and share with Brimfield or vice-versa. For example, one town may have a lot of materials on stream crossings or storm water regulations that can be copied or downloaded for the other town if that info is missing; b) the agent also is working on similar projects simultaneously (bylaws or open space updates) and allows a regional approach that sometimes may not be available otherwise; and, c) the agent attends many conferences and trainings so having towns share training costs allows both limited expense budgets to stretch a bit further. **(Information gathered through Town FY13 Annual Report and via email discussion with Conservation Commission Agent)**

Williamsburg - The Commission does not have an agent but has a secretary who performs the staff work for the Commission. The Commission collaborates closely with the Open Space Committee, School Building Committee and Williamsburg Woodland Trails. **(Information gathered through FY12 Town Annual Report and on Town Website)**

Monson - The commission has an administrative assistant that is shared among several Monson municipal departments. The cost for the administrative assistant is subsidized by the Building Department. The town does not have an agent however, one of the volunteer board members serves in the capacity as the agent for the town as it is in most communities. This person also serves on the land-use community protection committee and on the land-trust board. **(Information gathered through telephone conversation with a member of the Conservation Commission)**

Ludlow - **(Information gathered through the towns website and annual report)**

South Hadley - The agent in South Hadley is full-time. The agent monitors active projects within the town for adherence to Orders of Conditions; attends meetings on town issues; advises the public and the Commission on administrative procedures; and offers conservation department input on various projects including landfill expansion proposals, the school building project, the new library, Revitalization of the Falls Design project, and Planning Board permit reviews. **(Information gathered through website and town annual report)**

Ware - The Commission has 16 hours per week in which to fulfill its stated obligations. Those hours are divided between the Conservation Agent and the Administrative Secretary. Similar to other communities, the Chair of the Conservation Commission is also the Agent. The Commission has had to adjust to staffing and revenue cuts, in response to budget-related initiatives. This reduction makes it increasingly difficult to complete on-site duties and remain routinely accessible to the public. Similar to Easthampton and Southampton, this limitation does not yield the time needed to address other outstanding duties subject to Commission review. Much of the funding for the Commission comes from filing fees. **(Information presented was gathered from the 2012 Annual Report and their FY14 Budget posted on the towns website)**

West Springfield - West Springfield has a full-time agent to fulfill the town's Conservation needs. The agent is recognized as the Conservation Officer/Assistant Planner and reviews projects, prepares reports and drafts permits for the Commission, inspects work on permitted projects for adherence to conditions approved by the Conservation Commission, manages land under the care and control of the

Conservation Commission, keeps the records of the Commission and educates the public about the importance of wetlands and the beneficial effects of their protection. Moreover, the agent assists with preparation of the town's Plan for Open Space and Recreation, Community Preservation Plan and other natural related plans, projects and grants. **(Information gathered from Town Website and Annual Report)**

Holyoke - Holyoke has a full-time agent on staff that administers all day-to-day activities on behalf of the Commission. This includes protecting Holyoke's natural resources by administering and enforcing the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Protection Act and the City of Holyoke Wetlands Protection Ordinance and associated regulations. These laws protect ponds, rivers, streams, wetlands, floodplains, vernal pools, and other sensitive environmental resources. Commission members review and approve any projects that occur near these resources. **(Information gathered through telephone conversation with agent and through the City website)**

Brimfield - Most of the Agent's time is spent on permitting and following up on violations. For calendar year 2013 the Conservation Commission permitted 17 RDA's, 18 NOI's and have had numerous violations as well. 2014 is the third year the Commission is requesting an increase to 30 hrs/week for its agent. The request has been denied by the finance committee for the past three years. The Commission does use Wetlands Protection Act (WPA) fees to offset the budget and supply more hours for agent work, but it was reported that this still does not meet the Commission's needs. Roughly \$4,000 annually is collected in WPA fees. Since the June 1st, 2011 tornado, the Commission has wanted to begin restoration work, but they report that there is neither time nor finances available for such actions. The agent noted that she "donates" personal time to the town due to the limited budget as she is dedicated to preserving Brimfield's wetlands and open space lands. Brimfield's agent is also the agent for Palmer. The agent states that the biggest advantage of being agent for both towns is the ability to share informational/educational resources. Additional advantages include: a) the agent is able to take library resources from Palmer and share with Brimfield or vice-versa. For example, one town may have a lot of materials on stream crossings or storm water regulations that can be copied or downloaded for the other town if that info is missing; b) the agent also is working on similar projects simultaneously (bylaws or open space updates) and allows a regional approach that sometimes may not be available otherwise; and c) the agent attends many conferences and trainings so having towns share training costs allows both limited expense budgets to stretch a bit further. **(Information gathered through Town Annual Report and via email discussion with Conservation Commission Agent)**

Belchertown - The Commission administers and enforces the Wetlands Protection Act, as well as the Belchertown Wetlands Bylaw and Regulations. The Commission has prepared an Open Space and Recreation Plan outlining Belchertown's natural and recreations resources as well as goals and objectives for protection and promotion of these resources. Thus, the Commission services the community in a regulatory , as well as planning and advisory capacity, to focus municipal concerns on environmental issues. **(Information gathered through the Town's FY12 Annual Report)**

Additional Comments:

- The budgets vary across the region for Conservation Commission services. Notably however, communities hire part-time agents who work between 10 to 16 hours a week at an annual cost that ranges between \$11,000 to \$20,000. Full-time agents work between 30 and 40 hours a week at an annual cost that ranges between \$24,000 and \$55,000.
- Some communities have either a part-time or full-time agent. Other communities have an admin assistant or a department secretary to help with basic administrative work for the Commission. A few communities have a combination of both an agent and a secretary.
- Palmer and Brimfield are the only two municipalities that contract with the same person to provide Conservation Commission services. This is not a shared service position per se since the person providing the service contracts directly with each town separately. The agent works on a part-time basis for each community which essentially creates the equivalent of full-time hours for a contractual service, but with no benefits for the individual.
- The commercial and residential tax rates for Easthampton and Southamptton are much lower than other communities across the region.

Growth and Development Patterns

As noted earlier in this report, there are important distinctions and similarities between the City of Easthampton and the Town of Southamptton especially as they relate to the delivery of Conservation Agent services and needs within both communities.

Southampton

Over the last two decades, Southampton has become one of the fastest growing communities in the Pioneer Valley region.

Southampton is growing residentially as the regional demand for housing continues to increase. Residential construction trends over the last decade alone, despite the economic downturn nationwide, show that people desire new homes in communities like Southampton with rural characteristics. The town permitted 26 new single family homes in 2009, which far outpaced Southampton's neighboring communities with the exception of Westfield. The number of building permits issued in 2009 was comparable to the number of building permits issued in Belchertown (26) and Ludlow (31) in 2009—communities whose populations are double and



quadruple the size of Southampton. With these instances, there is a reasonable concern that uncontrolled development will adversely affect the rural character of the community.⁸

During public surveying of the town's recent Open Space Plan, increased residential development in town was the major concern voiced by the residents. Residents are concerned Southampton landowners will sell valuable open space to developers for housing construction with the consequence that the town will lose its present quality of life and its rural character.

Challenges and Opportunities for Southampton

It is clear that Southampton needs to proactively manage growth if it wishes to maintain the community's rural character and protect existing resources. Uncontrolled development could affect water quality, create congestion along roadways, result in loss of open space, and compromise visual character. The following are noted opportunities that can be accomplished with an agent that involve services for land stewardship and acquisition of parcels:

- Identify appropriate areas for growth that can help Southampton accommodate sensible development in the future while maintaining and enhancing its rural character and quality of life;
- Accomplish acquisition of key open space parcels and land stewardship.
- Protect and enhance Conant Memorial Park;
- Use zoning tools to preserve vistas and open space;
- Provide support for "smart growth" policies that conserve agricultural land, wildlife habitat, and scenic views. This can be accomplished by designating appropriate areas in the community where new development makes sense and limiting growth in other areas in town through the adoption of growth management policies.
- Be involved and provide expertise with the current purchase negotiations, the management agreement, and the baseline document associated with the Greenway Rail Trail.
- Make better greening connections between the two towns.
- Better land protection along the Easthampton/Southampton boundary to help build on some key land protection work that has already occurred, including: Southampton Wildlife Management Area (131 acres) and Fog Hollow Conservation Area (16.5 acres).

The Conservation Commission in Southampton does not have the same administrative issues or volume as Easthampton and the Southampton Commission feels it handles its regulatory duties well to some level. Their main concern however stands with land acquisition and stewardship. The Commission feels it needs to address those concerns in order to honor the town priorities listed under goals and objectives of the town's Open Space Plan. These goals and objectives are as follows:

⁸ Southampton Open Space Plan, updated in 2012

Goal 1: Identify and preserve important parcels for ecological, recreational, cultural and historical value to create a town-wide green network.

- Objective: Increase capacity for management of town-owned open space lands and promote public use of existing open space network.
- Objective: Connect open space resources to enhance community livability and wildlife habitat, and to encourage walking and biking.
- Objective: Protect and enhance the scenic vistas through the town.

Goal 2: Protect Southampton's remaining agricultural lands, promote local farming, and create opportunities for residents to become involved in local agriculture.

Goal 3: Protect Southampton's water resources.

- Objective: Continue to protect Southampton's public water supply and the Barnes Aquifer for generations to come and assure that all infrastructure is up to date and in good repair.

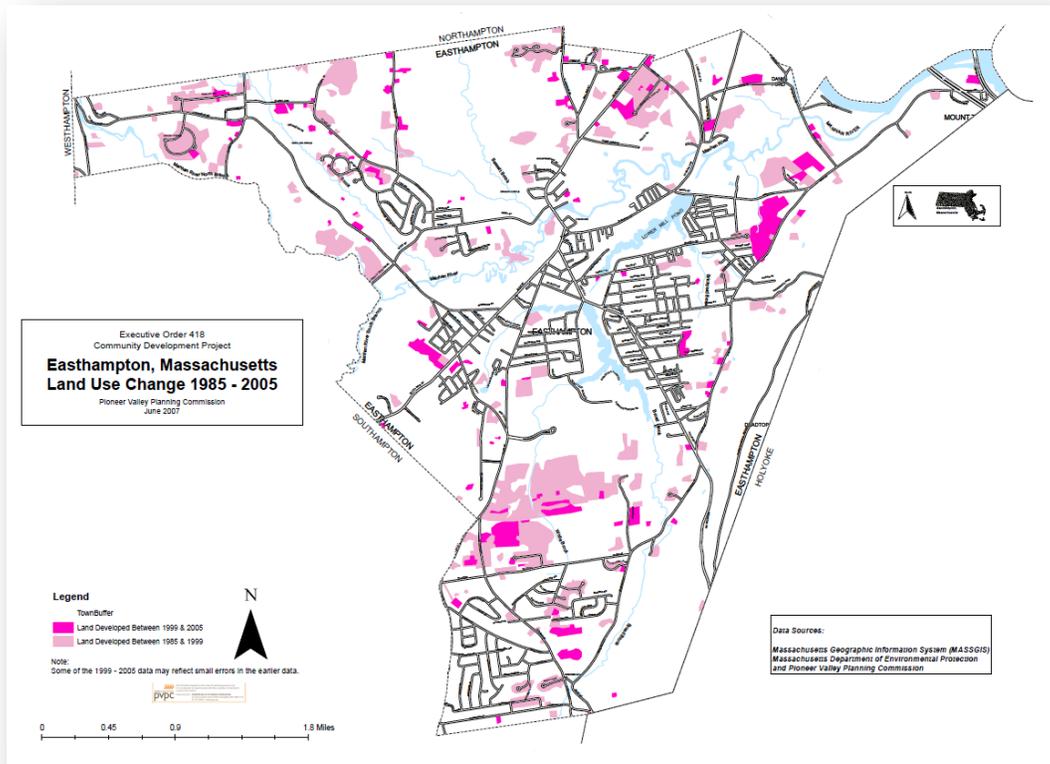
Goal 4: Promote land use policies that protect the town's natural lands and rural community character.

- Objective: Balance residential development with the protection of the town's natural, scenic and historic resources.
- Objective: Establish land use and development policies that respond to infrastructure capacity.

Having a Conservation Agent or equivalent could help honor these priorities as well as help with land protection along the Southampton/Easthampton boarder and build on some key land protection work that has already occurred, including: Southampton Wildlife Management Area (131 acres) and Fog Hollow Conservation Area (16.5 acres).

In addition to the needs for conservation services in Southampton, there is a need for assistance with handling some of the administrative responsibilities such as drafting Orders of Conditions and Enforcement Orders, so the burden of that work is taken off the volunteer commission members. Having an agent on staff take on such duties maintains consistency and long-term stability for that service within the town, especially during board turnover.

Easthampton



The City of Easthampton is a growing community that is shaped by natural forces and human development resulting in a unique place to live with opportunities for continued well-planned development. The city has a distinct development pattern that is reflective of the history of mill development. The damming of Broad Brook in 1847 and 1859 to create Nashawannuck (Upper Mill) Pond and Lower Mill Pond transformed Easthampton from a rural village to an industrial center. Today, the historic dense center of the city is a combination of mixed use, mill industry, residential, and business development, all centered around the mill ponds. Surrounding the city center are agricultural and wooded lands, which over the past 50 years have diminished with the expansion of mostly residential growth into this surrounding green buffer. Over this same period of time, the city's center has also expanded in a linear form, along Route 10 north, the main arterial road into the City of Northampton. Like most communities in the region, the amount of developed land in Easthampton continues to increase, while the amount of undeveloped land continues to decline. Over a 30 year period, 924 acres of land have been developed in Easthampton, while 715 acres of farmland and 443 acres of forest have been lost. As noted in the 2013 Open Space and Recreation Plan, Easthampton has seen continuous loss of forest and agricultural land since 1952, with a strong increase in residential and business lands resulting in missed-opportunities for land conservation.⁹

⁹ Easthampton Open Space & Recreation Plan, 2013-2020

Challenges and Opportunities for Easthampton

One of the most important challenges that the city will need to address in regard to land use is how to best balance open space protection with development pressures. It's clear during community engagement in past Open Space Plans and City Master Plans that the citizens of Easthampton are concerned about loss of open space and working landscapes in the city, and have concerns regarding development on environmentally sensitive lands, such as the East Street corridor or the Barnes Aquifer. The following are noted opportunities that can be accomplished with the assistance of an agent to help address/minimize these concerns:

- The city has indeed taken steps to encourage infill development through proactive planning, zoning updates, public infrastructure projects that support private investment. However, better utilization of some of these tools such as Transfer of Development Rights and Chapter 40R, can be accomplished with guidance of a skillful agent to direct growth to the city centers where infrastructure is available and away from the Priority Protection Areas in the Park Hill, East Street, and the Barnes Aquifer.
- Accomplish acquisition of key open space parcels and land stewardship. This will create linkages between existing permanently protected lands and develop a cohesive city-wide greenway network. For example, parcels along the base of Mount Tom, especially along Hendrick Street, should be acquired to protect the Barnes Aquifer and preserve the scenic quality of the mountain. Moreover, Park Hill contains the greatest concentration of working farms and provides sweeping views of Mount Tom Range. Also, the Manhan River contains some of the most diverse ecological habitat in the city, and could provide another water recreation resource in the city. There is also opportunity to make better greenway connections between the two towns. Lastly, but not the least, the floodplains along the Connecticut River not only have a rich and varied history but are also home to a variety of wildlife. All of these places are considered special in the community and are worthy of protection.
- Help to advance and coordinate protection of lands along the Southampton/Easthampton boundary that are of critical importance to Easthampton's water supply. This area involves the primary recharge area for nearby Broad Brook and all of Easthampton's active wells, which provide drinking water to more than 16,000 people. Though somewhat distant from Easthampton's wells, this area has a significant role due to geology: Lands closer to the wells provide only limited recharge due to a confining clay layer. This area, in contrast, is part of a glacial fluvial deposit of sand and gravel, the conditions of which provide direct recharge of rainfall and snowmelt to the Barnes Aquifer and flow to Easthampton's wells.

Conservation Commission members lack time and resources to accomplish such priorities of land stewardship and often have minimal time available to focus on other objectives which makes it difficult for the Commission to honor the listed priorities under the goals and objectives of the city's Open Space plan identified as follows:

Goal 1: Existing recreational facilities and opportunities are improved to meet the needs of residents.

- **Objectives:**

- Playgrounds and tot lots are maintained to safety standards applied to schools.
- Improve boat access to Nashawannuck Pond and the Manhan River.
- Funding for recreational improvements is available.
- Improve existing swimming facilities.

Goal 2: Recreational facilities and opportunities are expanded to accommodate the needs of residents.

- **Objectives:**

- The sidewalk network creates connections to rail trail.
- A network of pocket parks in neighborhoods exists.
- Funding for recreational expansions is available.

Goal 3: Agriculture is preserved and promoted as an important aspect of community character.

- **Objectives:**

- Agritourism is promoted.
- Local food economy is vibrant.
- Recreational opportunities are tied into ag lands.

Goal 4: Priority protection areas are protected and well stewarded and support connectivity to protected open space.

- **Objectives:**

- Residents know where conservation lands are and the rules and regulations for use of those lands.
- Create a protected greenway along the Manhan River
- The Park Hill Priority Protection Area is protected as open space and suburban sprawl is prevented
- The East Street Priority Protection Area is protected as open space and suburban sprawl is prevented
- Private and public conservation lands are well stewarded and ecologically resilient
- Trails are well stewarded in good condition
- Local regulations support priority protection areas

Goal 5: Groundwater and surface water are protected as clean and abundant resources.

- **Objectives:**

- Important recharge land over the Barnes Aquifer is protected from development.
- Surface water sedimentation is controlled and minimized.
- Local regulations support maintaining good water quality as a primary objective.

Cross-Jurisdictional Sharing of Services

There are circumstances in local government that create a favorable opportunity for sharing services and costs among two or more government bodies. Oftentimes, those moments are anticipated and present an opportunity to plan. Mainly, timing is considered to be the most critical factor when municipalities are looking at the possibility of sharing municipal services. These opportune moments include when:

- a vacancy occurs in a town position;
- outside funding for a program is terminated, or another fiscal need arises;
- an opportunity to enhance service efficiency arises;
- a new position is created or a new service or program is initiated;
- a major purchase of equipment or vehicles is under consideration;
- a major building construction project is planned; and/or
- outside incentives are offered.

In the circumstances for Easthampton and Southamptton, both communities have reached a fitting moment to consider sharing a Conservation Agent as they realize the need to maintain their level of conservation services as well as the need to improve service efficiencies since resources available are not sufficient to keep up with the demand and growth of the communities. Prior to even considering sharing services as an option however, two underlying questions have been identified by the communities as top priority concerns that need to be addressed prior to making the decision of sharing services: what would the governance structure look like?; and what are the equitable means as far as allocating salaries, benefits, and other costs between the two municipalities?



GOVERNANCE AND EQUITY

Regionalization efforts succeed, in part, because the legal means to organize, reach an agreement, or share costs, exists. There are 47 state statutes which authorize the establishment of regional districts, joint purchasing, or consolidating specific services.¹⁰ However, none of these provisions is specific to Conservation Agent services. On the contrary, there is one (1) statute governed by Massachusetts General Law Chapter 40, Section 4A (See Appendix A) that allows for sharing this type of service through Inter-municipal Agreements.

¹⁰ "Towns of Hamilton and Wenham: Enhanced Regionalization and Merger Analysis", op cit., Appendix G

Inter-Municipal Agreement (IMA) - IMAs are the most commonly used form of agreements in shared service projects between municipalities. It allows two or more governmental entities to enter into an agreement to perform jointly services that a single municipality is authorized by law to do on its own. Shared service agreements under an IMA take several forms:



- 1) a municipality as the lead and provides defined services to one or more municipalities for an agreed-upon price;
- 2) a municipality provides specific services to another municipality on an as-needed-basis for a fee;
- 3) a Regional Planning Agency (RPA), Council of Governments (COG), or other regional service organization as the host agency and provides services to participating municipalities under a fee-for-service contract.

The distinguishing factor in these types of arrangements is that one entity is ultimately responsible for the Conservation Agent personnel being shared. Although the governance and costs are shared with other participating municipalities through the provisions of the applicable contract, the "lead" community or "host agency" bears ultimate responsibility for the provision of services. It's up to the communities to decide and agree who that lead or host agency will be best fitted to take on the responsibilities.

NOTE: When deciding the parameters of a shared service arrangement, it is important to create an advisory committee to provide input and oversee the transition of the process. The advisory committee would essentially assist with the development of the IMA; ensure that the legal agreement and any transition plan is honored; determine ongoing project needs that can help to develop budgets and policies for the shared service program; and provide an ongoing means of communication among participating communities. Seeking legal counsel is recommended to review any agreement before executing.

Putting it Together

The service delivery of Conservation Commissions varies throughout the region and the Commonwealth. Some communities budget to hire a full-time agent, other communities budget to have a part-time agent and many other municipalities rely on an assistant or secretary while some others have neither or have a combination of both. Communities such as Brimfield and Palmer contract with one (1) person to work part-time in both communities to attract an agent for what seems to be a "full-time" opportunity and the towns save money but



avoid to have to pay benefit related costs. However, a key responsibility of each Conservation Commission, is the enforcement and oversight of the state's Wetlands Protection Act. This statutory requirement is both technical and time consuming. In the circumstances for Easthampton and Southamton, the growing economy within the region is increasing construction activity and creating more work for the local Conservation Commissions that are volunteers and lack the time and resources

to effectively keep up with requirements while at the same time attempting to honor priorities listed within the local Open Space plans. The question is, how can municipalities continue to efficiently provide Conservation Commission services, meet their mandates, and honor their town priorities at a cost that will be less burdensome to the taxpayers of its community? After reviewing the current composition of this service in Easthampton and Southamton and assessing what is allowable by law, options are made available to assist local leaders of the municipalities with making the best decision that not only meets the mandate of the Conservation Commissions and maintains the priorities identified for the town but also makes the most sense with achieving cost benefit.

OPTIONS FOR CONSIDERATION

This report provides three (3) options available to the Town of Southamton and the City of Easthampton that are designed specifically to assist with improving the Commissions' current operation by maintaining and/or increasing service efficiencies of their growing Conservation needs and priorities. The first recommendation disregards the idea of sharing services and suggests for the communities to contract with an Agent. The second option suggests a shared service arrangement between the two communities. The last alternative suggests arranging an agreement with a Regional Planning Agency to serve as the entity to provide specific services on an as-needed-basis.



Option #1 - Hire a part-time consultant agent



Easthampton and Southampton can each consider funding its own Conservation Agent position within its individual community using a combination of the city/town's annual budget appropriations and the fees collected through the Wetlands Protection Act filings. Recognizing that there are very limited funds available in both sources, it will be too costly for either community to hire an individual on a full-time basis considering salary and benefits. The municipalities can consider hiring an individual or firm as a consultant position on a part-time basis, with no benefits. In the future, it may be deemed feasible to hire someone full-time if and when services continue to outgrow what the part-time agent can accomplish. This suggestion provides flexibility for both municipalities to define the job during implementation of the position by identifying work hours per week, total annual compensation, or hourly rate of pay. Moreover, this option allows the respective municipality to realize cost savings by avoiding to pay costs associated with compensating someone on a full-time basis. On the contrary, being able to attract someone who is highly qualified to take on a part-time position with no benefits may be a challenge. The communities can overcome this challenge by selecting an individual jointly and enter into one contract with both communities essentially creating a near "full-time" position for that person similar to the example of Brimfield and Palmer. One of the concerns that arise worth noting through this option is that as a "consultant" position, the municipalities have less control on daily oversight of the individual.

Pros:

- Flexibility for both municipalities to define the position during implementation by identifying work hours per week per community and total annual compensation or hourly rate of pay.
- Allows for the respective municipality to realize cost savings by avoiding to pay costs associated with individually compensating someone on a full-time basis as opposed to a shared basis.
- The contracting consultant bears responsibility for the provision of the services buffering the municipalities from liabilities, insurance costs, and other risks associated with providing the services.
- By creating a part-time position jointly and entering into one contract essentially creating a "full-time" position may strengthen the communities hiring position.
- Greening connections across two towns.

Cons:

- Being able to attract someone that is highly qualified to take on a position with no benefits may be a challenge.
- May not be able to maintain long-term stability .
- Relying on a consultant for services will minimize local control on daily oversight of the individual and/or firm.



This option assumes hiring an individual or firm as a consultant to provide approximately 37.5 hours per week of "Conservation Agent" services at a rate of \$35 to \$50 per hour. This rate includes indirect cost for the individual/firm (i.e. health insurance, self-employment tax, etc.). For purpose of this report, the allocation of time is proposed at 15hrs/week for Southampton and 22.5 hrs/week for Easthampton. It is estimated that up to \$2,500 will be needed for direct costs (travel reimbursement, workshops, supplies).

Shared consultant cost = \$68,250 - \$77,500

Direct costs = \$2,500

Total = \$70,750 - \$100,000

Easthampton (60%) = \$42,450 - \$60,000

Southampton (40%) = \$28,300 - \$40,000

Option #2 - Shared Service Arrangement for Full-Time Staff Agent

Through an IMA, Easthampton and Southampton can share the cost of a full-time staff Conservation Agent where one of the municipalities serves as the "lead" community. Under this agreement, the lead would have primary management responsibility and the shared position would be fully funded in its annual budget. The service-receiving town would reimburse costs to the lead town on the basis of an agreed upon allocation formula, which could also include an administrative fee to the lead community. The IMA would include all the terms and conditions necessary to define the municipality's relationship and satisfy statutory requirements and other identified Conservation service needs. It is expected that the shared position would be full-time, with benefits, if the needs of the two communities are to be met. This arrangement most likely to be 35+ hours per week and therefore include a benefits package. With a full-time position, both communities could expect to attract a highly qualified person, receive more hours of service, and enjoy greater long-term stability. Attempting to lower the hourly rate, or annual salary, to offset benefit costs, could reduce the chances to attract an experienced person for the position.



Recognizing the current composition and needs of the Conservation Commissions in both municipalities, it would make the most sense for Easthampton to be the "lead" community since it has a full-time City Planner on staff who can essentially oversee and provide direction to the Conservation Agent.

Pros:

- Expect to attract a highly qualified person to the position since it is full-time with benefits.
- Municipalities to receive more hours of services (salary vs. hourly for consultant).
- Enjoy/maintain greater long-term stability.
- Both communities maintain local control. "Lead" community will have primary management responsibility.
- "Lead" community may increase revenue by charging an administrative fee to the service receiving municipality.
- The service receiving municipality will only have to be responsible for paying a fee-for-service to the "lead" community.
- Greening connections across two towns.

Cons:

- The "non-lead" community will minimize local control on daily oversight of the shared agent.
- The "lead" community will bear the responsibilities for the provision of the services.
- "Lead" community will have primary management responsibility and shared position would be fully funded in its annual budget.
- Benefit costs could have long-term cost implication as pertaining to worker's compensation, unemployment, health insurance, and retirement.

This option assumes hiring a full-time Conservation Agent for 37.5 hrs/week to be shared by Easthampton (60%) and Southampton (40%). It is estimated that the annual salary would be \$50,000 with the municipalities being responsible for the costs of benefits (assume 30%) and direct costs of up to \$2,500. The financial considerations below do not include a lead community administrative fee.

Shared staff cost = \$50,000

Benefit cost = \$15,000

Subtotal = \$65,000

Direct cost = \$2,500

Total = \$67,500

Easthampton (60%) = \$40,500

Southampton (40%) = \$27,500



Option #3 - Contract with another Public Agency for Limited Conservation Services

Regional Planning Agency (RPA), Council of Governments (COG), or other regional service organizations regularly provide varied services to municipalities. These organizations hire and maintain professional employees and provide services to participating municipalities under a fee-for-service agreement. This concept has proven to be an effective way to provide smaller towns with access to professional services as their needs arise. The town of Hadley for

example, contracts with the PVPC for planning board assistance services, which includes attending Planning Board meetings. Another example more related to conservation, is PVPC's "Pioneer Valley Compact for Conservation", a program that provides assistance to local land trusts, municipal Conservation Commissions, and Open Space Committees for the following purposes:

- To conserve land in the Pioneer Valley region, including important natural resource areas, farmlands, scenic areas, and water resource areas;
- To provide technical assistance in land conservation work, including but not limited to conducting baseline studies, holding and monitoring Conservation Restrictions, grant writing and mapping;
- To provide technical assistance with improving public relations by updating and maintaining websites and documents to ensure Conservation Commission information is properly communicated with constituencies; and,
- To provide technical assistance to municipal Conservation Commissions, and other municipal boards/departments, in wetlands protection and land conservation work, including but not limited to wetland permitting and plan review, and site inspections.

Staff infrastructure and administration are in place at the organization, which relieves communities of having to provide supervision and address personnel issues. This model buffers municipalities from liabilities, insurance costs and other risks associated with providing a service. This arrangement can work well as it provides needed assistance at regular evening meetings, provides technical assistance as needed and also long-term conservation planning. However, it does not work well for inspectional needs as determined by crisis, immediate response site visits, or in-house office interaction.

Pros:

- Access to professional services and staff on an as-needed-basis, including technical assistance and long-term planning.
- Staff infrastructure and administration are in place at the agency, which would relieve communities of having to provide supervision and address personnel issues, including short and long term benefit costs.
- This model buffers municipalities from liabilities, insurance costs and other risks associated with providing the services.
- Improve public relations by developing/maintaining websites to ensure Conservation Commission information is properly communicated with constituencies.

Cons:

- Will not provide inspectional needs as determined by crisis.
- May not be able to attend all regular commission meetings unless the hour allocation is increased.
- May not be able to participate in immediate response site visits or field meetings in a timely manner.
- Although it may be a long-term solution for conservation planning and technical assistance, it is not a sustainable solution for day-to-day needs and regular Conservation Commission assistance unless structured differently.

This option assumes limited services as provided by a public entity such as the PVPC or similar organization. Currently, PVPC member communities may join the agency's Compact for Conservation Services at an annual fee of \$1,500 for 20 hours of services. Beyond the 20 hours of service, an hourly rate of \$75/hour is charged. Assuming a municipality contracts for 10 hours per week of service, the financial implication would be as follows:

Staff Cost = \$39,000

Direct Cost = \$1,250 (travel)

Total = \$40,250 per community



SUMMARY

In the context of this analysis, the following are our observations:

- The market rate of pay for an experienced Conservation Agent is roughly \$40,000 to \$50,000 annually;
- A full-time Conservation Agent position, with benefits, will attract a larger pool of qualified job candidates than a part-time position, with no benefits;
- The workload in the individual communities justify a full-time position but since both commissions and City Planning at Easthampton still look to be involved in the day-to-day, the municipalities may be able to get by with a part-time agent on staff. Additionally, the cost for a full-time position may be too burdensome for any one community to take on its own at the present moment;
- Among neighboring communities, there are potential partners for sharing the cost of a Conservation Agent and Easthampton and Southamton share an opportune moment as both communities have expressed willingness;
- The Pioneer Valley Planning Commission can provide interim, limited or as-needed Conservation Commission services through its compact or contract for services and provide specific expertise to the communities.

Members of the Easthampton and the Southampton Conservation Commission have been carrying out the responsibilities of a Conservation Agent. The Easthampton City Planner has also been providing conservation services for the Easthampton Conservation Commission. The task has been fairly manageable for some time, however the region is growing and the town's residents have expressed their desire to maintain the community's characteristics. Such characteristics are being compromised by the region's growing needs. The commitment of the Conservation Commission members and the Easthampton City Planner to fill the agent's role has saved money, but this is not necessarily a sustainable model in the long-term, recognizing

the boards volunteer status, the City Planners other responsibilities, and the complications that follow.

Appendix A: Inter-Municipal Agreement Statute - M.G.L. Ch. 40§4A

The chief executive officer of a city or town, or a board, committee or officer authorized by law to execute a contract in the name of a governmental unit may, on behalf of the unit, enter into an agreement with another governmental unit to perform jointly or for that unit's services, activities or undertakings which any of the contracting units is authorized by law to perform, if the agreement is authorized by the parties thereto, in a city by the city council with the approval of the mayor, in a town by the board of selectmen and in a district by the prudential committee; provided, however, that when the agreement involves the expenditure of funds for establishing supplementary education centers and innovative educational programs, the agreement and its termination shall be authorized by the school committee. Any such agreement shall be for such maximum term, not exceeding twenty-five years, and shall establish such maximum financial liability of the parties, as may be specified in the authorizing votes of the parties thereto. A governmental unit, when duly authorized to do so in accordance with the provisions of law applicable to it, may raise money by any lawful means, including the incurring of debt for purposes for which it may legally incur debt, to meet its obligations under such agreement. Notwithstanding any provisions of law or charter to the contrary, no governmental unit shall be exempt from liability for its obligations under an agreement lawfully entered into in accordance with this section. For the purposes of this section, a "governmental unit" shall mean a city, town or a regional school district, a district as defined in section 1A, a regional planning commission, however constituted, a regional transit authority established under chapter 161B, a water and sewer commission established under chapter 40N or by special law, a county, or a state agency as defined in section 1 of chapter 6A.

All agreements put into effect under this section shall provide sufficient financial safeguards for all participants, including, but not limited to: accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received; the performance of regular audits of such records; and provisions for officers responsible for the agreement to give appropriate performance bonds. The agreement shall also require that periodic financial statements be issued to all participants. Nothing in this section shall prohibit any agreement entered into between governmental units from containing procedures for withdrawal of a governmental unit from said agreement.

All bills and payrolls submitted for work done under any such agreement shall be plainly marked to indicate that the work was done under authority thereof. Any reimbursement for or contribution toward the cost of such work shall be made at such intervals as the agreement provides. The amount of reimbursement received under any such agreement by any governmental unit shall be credited on its books to the account of estimated receipts, but any funds received under the provisions of section fifty-three A of chapter forty-four for contribution toward the cost of such work may be expended in accordance with the said provisions. The equipment and employees of a governmental unit while engaged in performing any such service, activity or undertaking under such an agreement shall be deemed to be engaged in the service and employment of such unit, notwithstanding such service, activity or undertaking is being performed in or for another governmental unit or units.

Appendix B: Model Job Description

Massachusetts Association of Conservation Commissions Massachusetts Association of Municipal Conservation Professionals

Conservation Administrator

This model description is for a full time professional lead staff person for a Conservation Commission. Many actual positions are part-time, and conditions and needs vary from one community to another. The description should be tailored to the reality for your Commission. Items which may vary, are noted in [].

GENERAL DEFINITION

Provides support, coordination, and professional management for the Conservation Commission in carrying out its mandate and its mission to protect the community's natural resources including its bio-diversity, unique natural areas, wetlands and other water resources.

Uses professional expertise, critical thinking and interpersonal skills to accomplish varied functions that range in nature from routine to complex. These require considerable judgment and initiative in determining courses of action not clearly defined by precedent, statute or established guidelines.

Works under the general direction of the Chair of the Conservation Commission [OR of the town manager/administrator and the policy direction of the Conservation Commission] and in accordance with applicable laws and regulations. Provides professional supervision for the Commission's work and projects. Supervises all other Commission staff. Occasionally supervises consultants hired by the Commission, and volunteers working on conservation land or Commission projects. Serves as advisor/liaison to other boards/departments as directed by the Commission.

Has considerable independence and responsibility. Works with minimal supervision on a weekly basis.

WORK ENVIRONMENT

Some work is performed under typical office conditions. Some work is performed in the field, in thick woods, and in wet areas. There is exposure to various weather conditions, including heat, high wind, rain and deep snow. There can be exposure to potential health hazards, such as lyme disease and west nile virus, plant irritants such as poison ivy, and the hazards associated with site work and construction such as noise and heavy equipment.

Work schedule is largely during business hours, but also includes regular evening meetings, some early morning, evening, and weekend field work and site visits. Attendance at relevant training sessions and professional meetings is expected.

Makes regular contact with town departments, state and federal agencies, professional associations and other non-profit organizations, developers, attorneys, engineers and the general public. Contacts involve discussing environmental laws and regulations, approaches and procedures, as well as meeting routine requirements.

Has access to a minimal amount of confidential information; most information is publicly available. Errors could result in delay, have monetary and/or legal repercussions, and cause adverse public relations.

DUTIES AND RESPONSIBILITIES

Open Space/General Resource Protection

Assists the Commission in planning, acquisition, administration and management of municipal conservation land. Some projects are accomplished in cooperation with volunteers, other boards or consultants. Specifically the Administrator:

- Helps identify unique local resources, prioritize parcels for acquisition, set goals and criteria.
- Helps prepare Open Space and Recreation Plans to meet criteria for approval.
- Researches and conducts on-site evaluations of parcels under consideration for acquisition, donation, conservation or agricultural preservation restrictions.
- Builds relationships with landowners, local and regional land trusts, the Open Space and Community Preservation Committees.
- Researches/proposes management approaches and plans that provide a diversity of habitats and other conservation values.
- Oversees/carries out management tasks such as trail building and maintenance, signage, and cleanup.
- Assures compliance with rules and regulations for conservation lands; issues needed permits; and addresses user problems.
- Fosters good relations with abutters, builds "friends groups" and other support.
- Researches, pursues and coordinates grant and other funding opportunities; writes proposals and manages grants.

Wetlands Protection

Assists the Commission in the administration and enforcement of the Massachusetts Wetlands Protection Act [and the _____ Wetlands Protection Bylaw] as follows:

- Assures legal requirements are met including postings, timeframes, minutes and other records.
- Reviews Notices of Intent/other filings and associated documents for accuracy, completeness and compliance with the law and regulations. Ensures filing fees are calculated correctly.
- Schedules meetings/hearings; processes and distributes/submits forms.
- Arranges and conducts, along with Commissioners, on-site inspections related to filings, permit compliance monitoring, and violations. Prepares relevant forms/reports.
- Assures or conducts review of field delineations, sensitive areas, presence of rare species etc. Engages, with Commission approval, technical expertise/consultants as needed.
- Processes forms; evaluates findings; submits recommendations to the Commission; drafts permits with associated conditions and other documents.
- Monitors construction to ensure compliance with permits.

- Assures Commission participation in DEP and court appeals. At direction of Commission consults with town counsel and assists in the preparation of testimony and other documents.
- Responds to complaints, investigates potential violations and takes/recommends appropriate action.
- Maintains case files and materials including computer database; builds solid case record.
- Participates in writing/passing/amending the wetlands bylaw/associated regulations.

Additional Responsibilities

- Drafts, with Commission, budget/annual report.
- Manages Commission office, maintains regular office hours.
- Keeps current by attending training sessions/workshops of the Massachusetts Association of Conservation Commissions, the Massachusetts Society of Municipal Conservation Professionals and others as appropriate.
- Develops strategies and materials to achieve success for Commission initiatives.
- Serves as an information resource, researches issues, provides data.
- Attends all public meetings and hearings of the Commission.
- Prepares reports, correspondence, presentations, other written material for Commission review.
- Interacts and provides assistance to other town boards and departments, state and federal agencies, on issues related to wetlands, conservation and environmental matters as required.

RECOMMENDED MINIMUM QUALIFICATIONS

Education and Experience

Bachelor's degree in environmental science or related field and a minimum of two years experience in wetlands protection, land conservation, environmental management or related field; or equivalent combination of education and experience.

Special Requirements

Valid Massachusetts Class D Motor Vehicle Operator's License and a readily available car. Must be a Notary Public if required by the Commission.

Knowledge, Ability and Skill

Understands the importance of biodiversity, water resource and open space protection.

Working Knowledge of:

- Principles of land protection and management.
- Identification of local plants, natural communities, and wildlife.
- Statutes and regulations applicable to the jurisdiction of Conservation Commission.
- The Massachusetts Wetlands Protection Act and associated regulations and policies, and of wetlands bylaws.
- Relevant areas of pure and applied wetlands science such as vegetation communities, values, replication.

- Wetlands boundary identification/verification based on plant species and indicator status identification of hydric soils using Munsell or similar charts.
- Rare species requirements, vernal pools and the certification process.
- Geology and hydrology, erosion control techniques, retention and detention ponds.

Ability to:

- Communicate clearly in oral, written and graphic form.
- Work independently, show initiative, solve problems.
- Interpret technical data, read engineering maps and plans, critically analyze information.
- Effectively manage an office, work cooperatively with the Commission, and organize Commission activities effectively.
- Deal professionally and tactfully with appropriately with town officials, town employees, government agencies, the general public, attorneys, engineers, consultants, and project applicants.

Skill in:

Computer literacy including word processing, database management, spreadsheets, e-mail, web. Equipment use including digital camera, projector, field tools, copier, fax, phone system.

Physical Requirements

Minimal physical effort required when performing functions under typical office conditions; moderate to strenuous physical effort frequently required in the field. Often required to stoop, bend, reach, dig and lift. Physical agility needed to access all areas of conservation lands, potential acquisitions, and project sites. May spend several hours at a time walking or standing. Ability to distinguish fine color variations needed. The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Items listed are intended only as illustrations of the various types of work involved. Omission of specific duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. Changed legal requirements may lead to a change in duties.

This job description does not constitute an employment agreement between the Conservation Commission and the Administrator and is subject to change by the Commission as the needs of the employer and requirements of the job change.