

PIONEER VALLEY PLANNING COMMISSION (PVPC)

Minutes of Executive Committee Meeting
Thursday, February 27, 2020
Pioneer Valley Planning Commission (PVPC)
60 Congress Street, Large Conference Room
Springfield, Massachusetts 01104

Present were:

Walter Gunn, Chair – Longmeadow
Judith Terry, Vice-Chair – Chesterfield
Douglas Albertson, Secretary/Clerk – Belchertown
George Kingston, Treasurer – East Longmeadow
T.J. Cousineau, Assistant Treasurer – Blandford
Lynn Arnold – Holland
Michael Marciniec – Palmer
Mark Paleologopoulos - Agawam

PVPC Staff:

Kimberly H. Robinson, MUP, Executive Director
James Mazik, Deputy Director for Operations/Community Development Section Manager
Lynn Shell, Support Staff

Guest:

Kurt Gaertner, Assistant Secretary for Environmental Policy, EEA

1. Chairman's Call to Order, Welcome and Approval of the Minutes of the January 30, 2020 Executive Committee Meeting

The February 27th Executive Committee meeting was called to order at 4:00 p.m. by Commission Chair Walter Gunn who welcomed everyone in attendance and then called for a motion to approve the January 30, 2020 meeting minutes.

MOVED BY JUDY TERRY, SECONDED BY T.J. COUSINEAU, TO APPROVE THE MINUTES OF THE JANUARY 30, 2020 EXECUTIVE COMMITTEE MEETING AS PRESENTED. THERE BEING NO QUESTIONS OR COMMENTS, THE MINUTES WERE APPROVED WITH ONE EXECUTIVE COMMITTEE MEMBER, MARK PALEOLOGOPOULOS, ABSTAINING FROM THE VOTE.

2. Warrant/Financial Reports

James Mazik, Deputy Director for Operations/Community Development Section Manager highlighted several payments on PVPC's January 2020 warrant. Mr. Gunn noted that on page 1 of the *Payroll Check/Deposit Register*, Mr. Mazik is the "reviewed by" signatory and he asked what will happen going forward. Ms. Robinson noted that this was discussed with PVPC's auditor and she stated that going forward she can review and approve the *Payroll Check/Deposit Register*. Finally, Mr. Mazik discussed a report entitled *Pioneer Valley Planning Commission Financial Summary Profile* which is a summary of PVPC's account balances as of February 27, 2020.

3. Lampson Brook Farm Conservation – Potential Role for PVPC

Mr. Gunn introduced Kurt Gaertner, Assistant Secretary for Environmental Policy from the Executive Office of Energy and Environmental Affairs (EEA). Mr. Gaertner stated that the EEA is trying to protect approximately 430 acres of former Belchertown State School property known as the Lampson Brook Farm. He noted that the property has been leased since 2003 by the New England Small Farm Institute however the lease will expire in 2 or 3 years and the goal is to have arrangements in place to permanently conserve the land going forward. Mr. Gaertner noted that this requires a legislative solution and he then distributed copies of the draft legislation. Mr. Gaertner noted that Senator Eric Lesser is prepared to move ahead with filing this legislation and hopefully move it through within this legislative session.

Mr. Gaertner explained that the legislation sets up a board which includes the EEA as one of the entities at the outset however once major decisions have been made, another entity could assume some of the board responsibilities and it made sense for an entity of a regional scale like the PVPC to assume that role. In addition, the property is situated in the PVPC region and PVPC's interests would be consistent with their work on the Lampson Brook Farm in 2014. He did not feel it was necessary to involve the full Commission. Mr. Gaertner explained that the actual role of the EEA would be that of tiebreaker if a board vote ended in a tie. Once certain steps in the legislation have been accomplished, or after 5 years have passed, the EEA would transition away and its role would potentially be assumed by the PVPC Executive Committee. Mr. Gaertner stated that the amendment has been drafted to reduce PVPC's commitment as much as possible noting that PVPC would only need to be involved if the board can't resolve a tie. However, if desired, this could be changed to involve the PVPC more formally. Mr. Gaertner then reviewed a map he had provided entitled *Lampson Brook Land Use Types and Acreages* which divides Lampson Brook Farm into 5 different parcels including Forest, Commercial Agriculture, Community Farm, an Enterprise Zone and the Jepson Farmstead. After Mr. Gaertner had completed his presentation, he and Mr. Albertson responded to several questions raised by Executive Committee members.

Ms. Robinson remarked that the board without the EEA is structured to be an odd number given that there would be 5 members. Mr. Gaertner noted that an organization could hold more than one of the leases on the property however he agreed that if every property is with a different entity, there would be an odd number and ties would be unlikely. Mr. Kingston asked if the board has funds to pay for staff time needed to support PVPC's participation. Mr. Gaertner stated that there is a potential for commercial vendors on the property to bring in some revenue but legislation does not presently contemplate those funds being used for staff time. Mr. Kingston noted however that Section 3 of the legislation states that the funds can be expended for administrative support to the board of directors. Mr. Mazik also pointed out that if there needs to be a tiebreaker it could lead to expensive litigation and he underscored that the PVPC should not be responsible for the costs of any litigation related to its role as tiebreaker. In addition, Mr. Mazik noted that there are 9 members serving on the Executive Committee, however if Doug Albertson abstains from voting there is the potential for another tie and he suggested designating an alternate as the tiebreaker. Mr. Gaertner asked if PVPC would like to designate their Executive Director, however Mr. Mazik pointed out that the Executive Director takes direction from the Executive Committee. Mr. Gunn stated that since this is a community-wide interest, Mr. Albertson may not have to recuse himself and Ms. Terry recommended seeking advice from PVPC's legal counsel. Mr. Paleologopoulos asked if this role will continue in perpetuity. Mr. Gaertner noted that this is legislation and therefore further legislation could be used as the remedy to changing or dissolving the board.

Ms. Robinson stated that if PVPC steps in after 5 years and is not at the table when this is being structured, it might create a deficit in terms of historical understanding and she suggested that PVPC consider being involved from the outset. Mr. Gaertner stated that he will mention this to the group who drafted the legislation. As regards the term of 5 years, Mr. Gaertner indicated that it's possible the land could be disposed of sooner. Mr. Gaertner stated that he will need to work with the PVPC fairly quickly to resolve any proposed language changes to the legislation. He stated that he will draft something relative to PVPC's costs being absorbed by the fund for staff time and litigation and he will find out if that is acceptable. He also asked Committee members to offer their suggestions about the wording for legal liability. Ms. Robinson stated that PVPC will seek clarification and advice from legal counsel as regards the various questions and concerns that have been raised. Mr. Gunn asked if someone would like to make a motion to move this item forward.

MOVED BY GEORGE KINGSTON, SECONDED BY MICHAEL MARCINIEC, THAT SUBJECT TO CONSULATION WITH PVPC'S LEGAL COUNSEL AND CONSIDERATION OF FINANCIAL IMPLICATIONS, THE EXECUTIVE COMMITTEE ENDORSES THE GENERAL PLAN REGARDING AN ACT PROVIDING FOR THE PERMANENT PROTECTION AND STEWARDSHIP OF THE HISTORIC LAMPSON BROOK FARM IN BELCHERTOWN. THERE BEING NO QUESTIONS OR COMMENTS, THE MOTION WAS APPROVED WITH ONE EXECUTIVE COMMITTEE MEMBER, DOUG ALBERTSON, ABSTAINING FROM THE VOTE.

Ms. Robinson asked if the Executive Committee had ever conducted a phone meeting. Mr. Gunn stated that this would need to be established as a policy in order to be in compliance with the Open Meeting Law. Mr. Albertson suggested that it would be a good idea for the Executive Committee to establish that policy. At this point, Mr. Gaertner thanked the Executive Committee for their consideration, their time and their willingness to move forward with this opportunity.

4. Executive Director's Highlights & Updates

Ms. Robinson noted that typically three notices are sent out prior to each Executive Committee meeting and she asked Committee members if there is a need for all of them. Executive Committee members indicated that they would prefer to receive a single reminder one week prior to the meeting along with the agenda. The group also agreed with Ms. Robinson's suggestion that any attachments will be sent out with the agenda.

Ms. Robinson next reported that she learned from the Massachusetts Association of Regional Planning Agencies (MARPA) that the bill related to the Massachusetts State Retirement Board recently moved out of committee and at that time it had not been assigned to another committee. Ms. Robinson remarked that there was a good conversation at the MARPA meeting about a potential path forward. She stated that a number of RPA Directors don't have a lot of experience with the Legislature and next month MARPA will be hosting a Legislative 101 for the directors. In addition, the Metropolitan Area Planning Council (MAPC) recommended that MARPA hire a lobbyist to identify why this bill moved out of committee. Ms. Robinson stated that two people are being considered for this position and there will be a meeting with each of them in Boston to see who might be the best choice. Ms. Robinson stated that she has had experience hiring a lobbyist and MARPA agreed that it might be helpful to have her attend those meetings. Ms. Robinson stated that this issue may not be resolved for quite a while and as she gathers more information, she will share it with the Executive Committee.

Finally, Ms. Robinson stated that she received an email update from the daughter of former PVPC Executive Director, Tim Brennan, expressing her appreciation for the many kind messages they have received and for the gift basket that was sent from the PVPC. Ms. Robinson stated that Tim has been moved home from the hospital and his daughter will let us know when he is able to receive visitors.

5. Committee Member Comments, Suggestions and Future Agenda Items

There being no comments or suggestions, Chairman Gunn called for a motion to adjourn the February 27th Executive Committee meeting.

MOVED BY GEORGE KINGSTON, SECONDED BY T.J. COUSINEAU, TO ADJOURN THE FEBRUARY 27, 2020 EXECUTIVE COMMITTEE MEETING; ALL THE EXECUTIVE COMMITTEE MEMBERS PRESENT UNANIMOUSLY APPROVED THE MOTION AND THE MEETING WAS ADJOURNED WITHOUT OBJECTION AT 5:10 P.M.

Respectfully Submitted,

Douglas Albertson, Secretary/Clerk

List of Documents and Other Items Distributed at the February 27, 2020 Meeting

1. Executive Committee February 27, 2020 Meeting Agenda
2. Executive Committee January 30, 2020 Meeting Minutes
3. PVPC Warrant: January 1 through January 31, 2020
4. PVPC Financial Summary Profile as of February 27, 2020
5. Draft Legislation to address the Lampson Brook Farm property in Belchertown