

PURSUANT TO NOTICE, THE QUARTERLY MEETING OF THE CONNECTICUT RIVER VALLEY FLOOD CONTROL COMMISSION was held at the Connecticut River Watershed Council conference room at 15 Bank Row in Greenfield, MA on December 2, 2011.

COMMISSIONERS PRESENT:

Connecticut	Commissioner Charles Berger (proxy) Commissioner Denise Ruzicka Commissioner Barbara Ruhe
Massachusetts	Commissioner Mike Misslin Commissioner Linda Hutchins Vacancy
New Hampshire	Commissioner Robert Kline Commissioner Fred Parker Commissioner Robert Grimley
Vermont	Commissioner Evan Hammond Commissioner William Pettengill Commissioner Gary Moore

Also attending:

Angela Mrozinski – CRWC Outreach Coordinator, Administrator for the Commission
Pat LaMountain – CRWC Finance Director

1. The Chair called the meeting to order.
2. Barbara Ruhe moved and Mike Misslin seconded the motion to accept the September 16, 2011 minutes.
3. Mike Misslin updated the Commission on Massachusetts Commission members. Mike introduced new commissioner, Linda Hutchins, MA DCR Hydrologist. Secretary Sullivan will be naming a third member shortly. It will likely be someone from western Massachusetts.
4. Tax Loss letters went out approximately on October 1st. New Hampshire, Massachusetts, and Connecticut have paid their administrative payments. As reference, Vermont paid in November of 2010.
5. Mark Jones of the CT State Archives is excited to be receiving the CRVFCC files. He has been in touch with Sean Fisher, MA DCR Archivist, discussing the files and a process for transferring them. Mark is hoping to get going on this in December. Request made to find a model Document Retention Policy to discuss at a future meeting. The Commission will fully cooperate with the transfer of the files, including donating any needed furniture for storage purposes. Scans of Commission files from Boston will be electronically transferred. Mike Misslin will confirm that the Corps information is okay to post online. A press release and web update should take place when this project is complete.
6. There has been no action on the Surety Bond issue. The Compact requires the Treasurer to have a surety bond but since the Commission does not have a Treasurer, the issue may be resolved by making the Chair also the Treasurer and have the surety bond go with the position rather than with a specific person. Barbara Ruhe will follow up.
7. Denise Ruzicka passed around and reviewed the findings from the audit/review that took place in September. Overall, things are in good order. Working with CRWC and having no employees significantly simplifies the finances. Cost for a professional audit is approximately \$1,500-2,000, recommended to take place every ten years with the first possibly in 2012. The Commission reviewed the list of standing motions. Suggestion made to review the list of standing

motions at the same time as the professional audit. Motion by Gary Moore to accept the audit as printed, seconded by Barbara Rhue. The motion passed unanimously.

8. Commission reviewed the draft 2010 Annual Report. Governors and Secretaries of State should receive hard copies of the final report. State libraries should receive an email with a digital copy, receiving a hard copy on request. Motion by Evan Hammond to accept the 2010 Annual Report, seconded by Barbara Rhue. The motion passed unanimously.

9. Commission reviewed the draft 2011 Tax Loss Report. Commission provided a review of the Vermont's issue with the Tax Loss payments for Linda Hutchins. Land was taken by eminent domain for the dams, payment in lieu of taxes for lost real estate. Payments were frozen in 1982 and do not change. MA and CT would have to appropriate more funds but budgets are already tight. The Commission has no authority to require an increase. The Compact has a provision for appeal where the Governors get together to resolve this but that is difficult to arrange and unlikely to happen. The issue is further complicated in that there has been a Federal ruling that submerged land has no value and towns/states may get a net benefit from the green space created and flood protection. The Commission controls the formula to determine payments but formula is not the problem. Ultimately it will cost more to re resolve the issue than what would be gained in increased payments. Question remains if there should be a review of this issue, if payments should even be made, or if the Commission has a purpose. The first directive of the Compact calls for the Commission to "maintain comity between states," meaning peaceful coexistence. There may be a role for the Commission in the future if more flood control dams are built, which hasn't been done since the 1960's. Motion by Barbara Rhue to accept the Tax Loss Report as presented, seconded by Fred Parker. The motion passed with Gary Moore and Linda Hutchins abstaining.

10. Commission discussed the possibility of updating the map that is contained in the Annual Report. The engineering firm that made the existing map did the work pro bono. Since the Commission is no longer involved with them it is unclear if they would be willing to provide updates. The Commission inquired if CRWC has a map that could be used to overlay the flood control dams. The Commission is in agreement that the map should have only the flood control dams displayed for consistency purposes. Motion by Gary Moore to use the current map for the 2010 Annual Report and work on an updated map with only the flood control dams for next year, seconded by Robert Kline. The motion passed unanimously.

11. The Commission reviewed and paid the CRWC quarterly invoice for September 1 – December 31, 2011 and reimbursement for the audit/review committee lunch.

12. The issue of how to handle CRVFCC furniture and other equipment was raised since CRWC is considering updating office furniture. Motion by Gary Moore to give all equipment and furniture, except the table in the Northampton DCR office, to CRWC to use as they see fit, seconded by Evan Hammond. The motion passed unanimously.

13. Issue raised as to whether past work by the Commission, during the time that Massachusetts had only one Commissioner, needs to be confirmed now that we have a 2nd Commissioner. Linda Hutchins should review the past Annual Reports and decisions made, and the Commission can verify everything done since a particular date.

14. Discussion should be had regarding the function of the Commission and review the Compact to determine if any other functions should be added. It should be determined if the Compact or bi-laws allow for the use of a proxy. Motion by Barbara Rhue to have a block of 1.5-2 hours in the September agenda to review the Compact, seconded by William Pettingill. The motion passed unanimously.

15. Discussion of having the June meeting at Ball Mountain. Mike Misslin will send a letter to the Corps to discuss having a Commission meeting onsite with a tour. Meeting date set for June 15, 2012. Motion by Fred Parker that the first quarter meeting be at the decision of the Chair and called

by the Chair, seconded by Denise Ruzicka. The motion passed unanimously. Meeting date set for September 21, 2012.

16. Barbara Rhue will take care of sending a holiday card to Polly.

17. Motion by Evan Hammond to adjourn, seconded by Denise Ruzicka. The motion passed unanimously. Meeting adjourned at 11:05am.

DRAFT