



Franklin Regional Council of Governments

COUNCIL — *MINUTES*

Date & Time:	Thursday, October 29, 2015 / 5:30 – 7:00 p.m.
Location:	JW Olver Transit Center, 12 Olive Street Greenfield, MA – Downstairs Meeting Room
Facilitator:	John O’ Rourke, Chair; Elected Chair

ATTENDEES

Stanley Garland, Bernardston; **Dena Wilmore**, Buckland alternate; **Kevin Fox**, Colrain; **John O’Rourke**, Conway; **Carolyn Ness**, Deerfield; **William Bembury**, Erving; **Randy Crochier**, Gill; **Gordon Fretwell**, Leverett; **Michele Giarusso**, Leyden; **Michael Nelson**, Montague (5:51 p.m.); **Wayne Hachey**, New Salem; **Brian Noble**, Northfield; **Andrew Baker**, Shelburne; **F. Ellen McKay**, Shutesbury; **Tom Fydenkevez**, Sunderland; **Dawn Magi**, Warwick; **Lynn Sibley**, Whately; **Sam Lovejoy**, Reg. Plan. Board; **John Paciorek**, Regional; **Bill Perlman**, Regional.

STAFF

Linda Dunlavy, Executive Director; **Pat Auchard**, Finance Director; **Rebekah Boyd**, Admin Services Coordinator; **Phoebe Walker**, Dir. of Community Services

ABSENT

David Cunningham, Charlemont; **Phillip Keenan**, Hawley; **David Nash**, Monroe; **Marilyn Wilson**, Rowe

REGRETS

Bill Martin, Greenfield; **Bill Latrell**, Heath; **David Ames**, Orange; **Dan Keller**, Wendell; **Vacant**, Ashfield,

1. Meeting Call to Order & Roll Call	John O’Rourke — 5 Mins
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Chair John O’Rourke convened the meeting of the council at 5:36 p.m. Roll call was taken and a general and financial is quorum present with 19 members present (20 present at 5:51 p.m.) and 55.278 % of the weighted vote represented (65.371% at 5:51 p.m.).

2. Adopt 7/23/15 minutes	John O’ Rourke — 5 Mins
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Carolyn N. moved to adopt the minutes of 7/23/15. Dawn seconded the motion, which passed, with two abstentions.

3. Council Chair Update	John O’Rourke — 5 Mins
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John O’ Rourke updated the members on forthcoming Council business:

Proposed FY16 Council Meeting Dates:

Thursday, January 28 & Thursday, April 21

Council and Committee Assignments

Council especially needs new members for both the Finance and Bylaw Committees.

Bylaw Revision: Council Composition

As presented in July as a first reading, the FRCOG Bylaws currently require that Council representatives be residents of the town that they are representing. This is contrary to the successful multi-year practice of towns having the flexibility to assign Town Administrators as the FRCOG Council rep. A search of Bylaw Committee minutes did not find that this change had been officially made. The following motion was offered in the updates for consideration by council members:

Motion To amend Section 5.1 Composition, Sub-Section 5.1.1

Amend the following text:

Each Member town shall have one representative appointed annually by the Select Board who shall not be a regionally elected member of the Executive Committee when appointed during the term of appointment...Representatives shall be residents and registered voters of the towns from which they are appointed and shall not be an employee of the Council of Governments.

To:

*Each Member town shall have one representative appointed annually by the Select Board who shall not be a regionally elected member of the Executive Committee when appointed during the term of appointment...Representatives shall be residents and registered voters of the towns from which they are appointed, **or a municipal employee**, and shall not be an employee of the Council of Governments.*

Ellen M. moved to change the bylaw's Composition of Council language as written (above). Carolyn N. seconded the motion. The motion unanimously passed.

New Sick Time Law

John O. explained that beginning July 1, the referendum question about sick time became law. The new sick time law requires employers to provide paid sick time to all employees. The law requires that for every 30 hours worked, an employee receive at least one hour of sick time. Currently the FRCOG provides the benefit of sick time to employees that work 20 hours or more per week. The FRCOG currently only has 6 employees that work less than 20 hours per week and would now be eligible to earn sick time. A provision of the law is that municipalities are exempt but may opt-in to the law. A review of the law and the FRCOG Charter indicate that the FRCOG is also exempt but may opt-in. The Council is the body responsible for determining whether to opt-in or not. The FRCOG Executive Committee (EC) did not take a position but asked that the Finance Committee (FC) and Personnel Committee (PC) provide recommendations on whether to opt in or out. Both committees have considered the law and have come to different conclusions. Each will report to the Council.

Gordon F. reported that the PC recommends FRCOG opt-in. They don't want sick people coming into the workplace because they can't afford to take time off and, he said, it's best for all staff to be covered by the same policy. Towns would carry no costs for this, he explained. The PC anticipates that if part-timers use sick time the way other staff use it, the cost will be less than \$1000 a year, and taken from the accrued benefit pool, which is funded by the indirect rate charged to contracts and grants. The PC feels it's better to move ahead, be positive, and offer sick time for these six people.

Lynn S., chair of the FC explained that the FC had discussed the law and evaluated the 6 employees. They felt if these employees were sick on one day, many of them could work on a different day that same week. She said the FC wants to look at it for at least a year before recommending anything, as

they were unsure of the costs. Finally, the FC is aware that many of the towns are out there struggling with same quandary, so decided to wait and see what towns do. The FC is not saying no to a future opt-in but would like to evaluate it again next year.

Sam L. said part timers would accrue one hour every 30 hours, which equals one day every quarter or 4 days a year if they work 20 hours a week, correct? FC members affirmed this. Maybe we should opt-in and suggest to towns that they opt in as well, he said, adding his support for FRCOG opting in.

Staff explained to Tom F. that these employees are otherwise unbenefited. Pat told Ellen M. and Stanley G. that the employees the law would affect work in both grant and municipally funded programs, and that the money would always come from the benefit pool and would not impact town assessments.

Bill P. explained that the PC was unanimous in their decision to support opt-in of part-time sick law. These questions about who the six people are shouldn't play a large part in the Council's vote as people and positions may change, and we want this as a blanket policy. It is such a negligible amount of money — even if everyone took full advantage of it — we thought it was a good idea to offer it rather than withhold if we can. And we certainly can, he said.

Brian N. said it is hard to attract part-time employees, and if we can add one small incentive — an act more of spirit than actual benefit — we should not miss the opportunity. Dena W. said these are non-vested positions which you're now changing; it's sick time now, but the question is what's next for benefits? Is this the beginning of a philosophical change? You look at this now and the next thing that's going to come up is vacation, and after that retirement, and so on. Gordon F. said this discussion was generated by a state law which gives towns an opportunity to opt in or out. If a similar law was passed about vacation, then we'd have to consider that, but this was not a PC generated consideration made to change the agency's philosophy to change the benefits of part-timers

John P. said that if it was a law passed by popular vote (which it was), he does not support it. He said he felt the Council should wait until 50% of the towns opt-in and see how they do before deciding.

John O. suggested the Council could vote or table it until the January meeting. Ellen M. asked clarifying questions about when the law was passed. Linda D. explained that the Attorney General gave instruction for how it should be implemented after July 1. Ellen said this was probably why most of the towns have not dealt with it yet, and suggested Council wait until July to see how the towns handle it.

Stan G. made a motion not to opt-in. John Paciorek seconded the motion.

Dena W. said by not opting in now, we can still wait and see what towns will do. We can opt in at any time, correct? It is a law and municipalities can decide if they will "opt-in;" this is not an option for most employers, Linda said. Members discussed the language of implementation of the law and realized that if they were to take action, the vote would be to proactively opt-in, not to "not opt in."

Stanley G. withdrew the motion. Sam Lovejoy moved the Council delay consideration of the issue until July. Bill seconded. Motion passed with Tom F. and William B. opposing, and one abstention.

Franklin County Emergency Communications System

Bill P. reported that radio system staff is generating timing specifications at the radio towers this week. Some of these tasks are beyond the scope of what homeland security is paying for. The Oversight Committee will meet in two weeks to discuss money used to pay for that work. They are expecting significant and noticeable improvement within the next month, and awaiting a report from consultants and the oversight committee to spend money for repairs.

5. Executive Director Update

Linda Dunlavy — 10 Mins

Linda touched on recent and ongoing FRCOG initiatives and partnerships, including:

- The reissuance of the quarterly FRCOG newsletter, due out later in the week
- The Cooperative Public Health Service flu clinics, which included one recent West County event wherein a flu and rabies shot clinic occurred simultaneously
- Roughly \$ 11.6 million in products and services purchased through the Cooperative Purchasing Program for County towns last year
- The recent signing of a District Local Technical Assistance (DLTA) state contract. Linda explained that typically the FRCOG sends out project ideas, towns send ideas about what they want to work on, and then FRCOG assists you. This year, the FRCOG is required to use some DLTA funds to help towns to implement Community Compact best practices if they are within our realm of expertise.
- The Mass Food System Plan was released in the State House last week. Massachusetts is on cutting edge (for eliminating food deserts, for example) and FRCOG staff had a vital role in the creation of the plan, which can be found at mafoodplan.org.

6. Personnel Committee Update

Gordon Fretwell & Bill Perlman — 10 Mins

New Sick Time Law

See Chair Update above for the PC's recommendation regarding the new sick time law.

Personnel Policy Update

A preliminary draft of the Personnel Policy has been sent to FRCOG administrative staff for initial review. Staff sent the consultant questions, comments, and feedback, which, when addressed, will become the first full draft of the Policy to be reviewed by the Personnel Committee.

Wage and Classification Study

The consultant conducting the Wage and Classification Study has made significant progress – all job descriptions have been reviewed; a market survey is near completion; and a draft classification plan has been developed. Much work still needs to be done: some market data is being verified; the draft classification plan is being refined and finalized; a grading tool needs to be developed; all job descriptions need to be reformatted and put through the new grading tool; and a final report and recommendations completed. Because the FRCOG is such a unique organization unlike any other organization in MA, the study is taking longer than anticipated. The PC will update the Finance Committee in November and/or December to help them develop a plan for FY17 budget development. The committee does not expect to have a final proposal before the January meeting.

7. Finance Committee Update

Lynn Sibley — 15 Mins

Lynn explained that FRCOG had a FY15 (unaudited) year end surplus of \$100,545, of which \$98,684 was due to an unused budget line for a possible retirement assessment from the state. The Finance

Committee is recommending that the surplus gained from the unused retirement funds be transferred into FRCOG's OPEB Trust Fund.

At the last Finance Committee meeting, staff presented background on this retirement/OPEB item. We budgeted in FY15 and again in FY16 for the possibility of a state retirement assessment. The agency expects a final determination at some point; meanwhile, advantages to keeping retirement in the budget and allowing the flexibility to convert unused retirement funds to OPEB funds are as follows:

- If a resolution to the retirement question comes mid-year and we are assessed, we will have funds available. It is budgeted again for this year and likely will be for next year
- Use of unused retirement costs for OPEB, keeps revenues for a purpose similar to the budget line's original intent
- The cognizant agency (MassDOT) that approves our indirect rate has recommended this method for consistency until we get final clarity. Keeping our indirect rate relatively level helps when negotiating with federal funders
- The majority of funding for employee benefits comes from grants; In FY15 the amount was 64% and staff expects it to increase in FY16 to 75 or 80 % due to the hiring of 2 new employees. This is money we're able to get without increasing our indirect rate).

Ellen M. moved to transfer \$98,684 of FY15 year-end surplus to the OPEB Trust Fund. John Paciorek seconded. Andrew Baker asked why staff is anticipating planning provisionally for such a long time. Pat explained the recent history of retirement assessment uncertainty and the possibility of a legislative ruling that would require future retirement assessment of the FRCOG. **The motion passed unanimously.**

The Finance Committee also recommended the Council give staff the flexibility to use budgeted Retirement for OPEB in FY16 and future years, until staff knows the outcome of the state's efforts to charge a Retirement assessment to the FRCOG. That way that they don't have to keep coming to the Council each year to ask to allocate that unused pot to OPEB, explained Lynn S.

Ellen moved that the Council give staff the flexibility to use budgeted retirement for OPEB in FY16 and in future years (until the outcome of the state's efforts to charge a retirement assessment to the FRCOG is known) and thus, amend the Accrued Benefits budget "Retirement line" to read "Retirement or OPEB." Randy Crochier seconded. Motion passed unanimously.

Budget Workbook

Lynn explained that the Budget Development Workbook was developed by staff and the FC to provide Council members and municipal finance committee members with detailed information about the FRCOG's budget process and finances. All members received the Workbook in advance. She offered to walk members through the workbook or answer any specific questions they have.

Lynn pointed out the FC calendar and invited anyone interested to come to the meetings. Linda explained that the goal of the Workbook is full transparency and to give members detail so they'll be prepared to vote on the budget at the next Council meeting. The Council's Charter says we must adopt the budget by the end of January in order to pass the numbers on to member towns. The Council only meets quarterly and the FRCOG doesn't get solid numbers on health insurance, retirement, and audits, etc., until late December. This means that the Council must consider and endorse the FRCOG budget at

the same meeting in January. We develop the Workbook and present it in October so that members have a full understanding of how the FRCOG budget works and what the Finance Committee uses and is considering as they develop the next FRCOG budget. Lynn explained that it gives insight into last year's expenses as well.

**8. Project Discussion: *Preparing for Administration and Finance*
*Regulatory Review Listening Session on Municipal Issues***

FRCOG Staff —15 minutes

Linda reported that one of Governor Baker's top priorities is to eliminate unnecessary regulation, and thus, his administration will conduct many listening sessions around the state on the topic. Staff members asked the Council to brainstorm and come up with what they see as onerous or unnecessary regulations to bring to these hearings. Council members generated the following topics:

- Prevailing wage rate relief for small towns. MGLS c149, s26-27/c5, s1/c71, s7A/c121B, s29B
- Cost of public construction – various MGLs
- Trench law – 520 CMR 14.00 / MGL c82A
- Municipal size assessment
- Law that requires towns to hold a town meeting to spend insurance proceeds over \$5,000
- Board of Health education requirements
- Conflict of interest training requirements – MGL c268A
- Lower fee costs for license renewals
- Regional school bus transportation – MGL c71
- SPED requiring school districts to pay medical costs of severely disabled – 603 CMR 28.00
- Reimbursement schedule for veterans' benefits – MGL c 115 / 108 CMR 13.00
- Need consistency in pertussis tracking requests and other communicable diseases

9. Business Not Reasonably Anticipated 48 Hours in Advance

Brain N. made a motion to adjourn the meeting. Michele G. seconded. Adjourned at 6:47 p.m.

Documents Distributed:

- Agenda
- Minutes of July 23, 2015
- Updates of FRCOG Initiatives and Projects
- *FRCOG Council Directory*
- Budget Development Workbook
- Regulatory Review Listening Session announcement