



# Franklin Regional Council of Governments

## COUNCIL — MINUTES

Date & Time:	Thursday, April 16, 2015 / 5:30 p.m.
Location:	JW Olver Transit Center, 12 Olive Street Greenfield, MA – Downstairs Meeting Room
Facilitator:	John O’Rourke, Chair

### ATTENDEES

**Mary Fitz-Gibbon**, Ashfield; **Stanley Garland**, Bernardston; **Rob Riggan**, Buckland; **John O’Rourke**, Conway; **Carolyn Ness**, Deerfield; **Randy Crochier**, Gill; **Bill Martin**, Greenfield; **Bill Latrell**, Heath; **Gordon Fretwell**, Leverett; **Michele Giarusso**, Leyden; **Christopher Boutwell**, Montague; **Brian Noble**, Northfield; **Marilyn Wilson**, Rowe; **John Payne**, Shelburne; **Becky Torres** Shutesbury; **Tom Fydenkevez**, Sunderland; **Dawn Magi**, Warwick; **Dan Keller**, Wendell; **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-Owens**, Admin Services Coordinator; **Bob Dean**, Dir. of Regional Services; **Phoebe Walker**, Dir. of Community Services

### ABSENT

**Vaughn Tower**, Charlemont; **Phillip Keenan**, Hawley; **David Nash**, Monroe;

### REGRETS

**Kevin Fox**, Colrain; **Tom Sharp**, Erving; **New Salem & Orange**, Vacant;

### Call to Order Meeting & Roll Call

John O’Rourke convened the meeting of the Council at **5:39** p.m. Roll call was taken at 5:58, after everyone arrived, before any financial votes were taken. General and financial quorum present with **80.681 %** of the weighted Council membership.

### Adoption of January , 2014 Minutes

**Bill Perlman moved to discuss the 1/29/15 minutes. John Paciorek seconded. No discussion. Sam Lovejoy moved to accept the minutes. John Paciorek seconded. Motion passed unanimously.**

### Communications from the Council Chair, John O’ Rourke

John described Senator Rosenberg’s Municipal conference held last month (see Updates handout) and announced that the next Council Meeting will convene July 16.

### Communications from the Executive Director, Linda Dunlavy

Linda presented highlights of recent FRCOG initiatives and programs. Included the following:

- **DLTA Funding** — Funding for assisting towns with traditional planning and regionalization projects has once again been included in the state budget.

- State Retirement System Statutory Assessment — FRCOG was not charged for our unfunded liability and no legislation has passed requiring us to pay the state retirement system the assessment we believed we might have to pay when building the FY15 budget, thus we will be reimbursing municipalities for the portion of the unfunded liability they have already paid (Quarters 1 and 2). The Finance Committee built the FY16 budget assuming legislation will pass requiring the FRCOG to pay an employer normal cost to the MSRS. We will keep towns posted.
- Bonding for Broadband — If your town is unserved and is thinking about bonding to help pay for broadband to come to your town, consider attaining legal assistance and go to as many workshops as possible, including the one FRCOG is co-hosting to help town treasurers understand the basics of municipal bonding.
- Traffic Counting — The contracted traffic counts for the state are underway, and towns can make use of FRCOG time and equipment free-of-charge. Towns are encouraged to put in their requests.

Carolyn Ness spoke on behalf of the Franklin County Emergency Communication System (FCECS) asking members to be sure to report any issues with police, fire, or EMS communication systems to manager Bruce Beliveau and to send in repair notices. Bill P., also a member of the FCECS oversight committee, reported that repairs continue and progress is being made to bring the system back to its original state.

Annual reports were distributed and Linda announced, with expressed gratitude, that the meeting will be the last for John Payne and Cheryl Dukes.

*(See the Updates handout for details about other FRCOG activities and initiatives.)*

#### Communications from the Executive Committee (Ex Com), Chair Bill Perlman

Bill explained that the Ex Com has decided to stay neutral regarding the possible construction of the Kinder Morgan (KM) gas pipeline, and to assume the role of keeping communities aware and informed of FERC deadlines, KM filings, and other vital developments related to the potential pipeline siting. FRCOG is helping towns to pursue intervener status, provide input into the components of the upcoming Environmental Impact Study (EIS) that will assess the impacts of the project; be ready to review and assess the EIS when completed; and perhaps help impacted communities develop Host Agreements so that if the pipeline project proceeds, impacted communities are ready to protect their resources and residents before, during and after construction. FRCOG convened appointed members from impacted towns to sit on an advisory committee. FC towns agreed our region and communities should work together and devote time and resources collectively. Many towns are asking their Town Meeting to devote resources to this shared effort. The Executive Committee believes that the potential impacts of this project are profound enough that the FRCOG should devote some of its resources to this effort as well. This is not a decision entered into lightly. There are many, many important projects in the region that could benefit from dedicated funding. Staff presented to the Executive Committee the work that they expect needs to be done between now and June 30. Staff estimates that the work to be done, assuming the scoping sessions will occur in early to mid May, includes: preparing comments for upcoming EIS scoping sessions including identification and description of necessary impact studies; attending scoping sessions; and beginning efforts to prepare for application for intervener status for the FRCOG and all impacted communities. It is estimated that this will cost \$15,000 in dedicated staff time and legal assistance. The Executive Committee asks the Council to dedicate this funding from the FRCOG's unreserved free cash.

Timing is an issue, he explained: With scoping sessions assumed to occur in mid May, some of the work must be done in this fiscal year, which is the reason for the \$15,000 appropriation request of the Council. Given the size and importance of this project, said Bill P., we are coming to the full council with request for approval of this appropriation of unassigned funds.

**Bill P. moved that the Council approve an appropriation of up to \$15,000 from the Unassigned Fund Balance for staff and consulting costs related to the Pipeline. He further moved an increase in the Regional Services budget for up to the same amount. John Paciorek seconded the motion.**

**Discussion:**

Linda reported that the FY15 fund balance is \$470, 050 dollars. Tom Fydenkevez asked if there was a recommendation from the finance committee. Linda explained that a quorum could not be convened for the last few scheduled meetings and that they don't meet again until June 30.

Will money be reimbursed to towns, asked Tom F. Linda said she was unsure of how many towns are interested in contributing. That could be part of motion, she added.

Tom F. asked if appropriating money changed the FRCOG's impartiality. Bill P. reported that the work to be done is not a job of advocacy, but one of informing towns about what's happening at FERC, creating a host agreement template, and identifying areas that are sensitive to pipeline siting. Staff might, for example, create maps that list home septic systems and wells, conservation properties and vernal pools, and so on.

John Payne asked if legal costs to towns are reimbursed by the pipeline applicant. Staff doesn't have an answer to that yet; that's a question best put to an attorney we plan to hire, replied Linda.

John Payne felt that the drafting of host agreements is an important action to take to prepare towns for a potential pipeline, and asked for details about the FRCOG's plan. Linda reported that host agreements would be modeled after those created by the BRPC, which recently had a pipeline project situated in their representative towns. Their method included grouping towns, creating a regional template with groups of communities pinpointing areas to examine, and then tweaking the document for individual towns. John added that this is a good plan of action if done with professional legal oversight, so towns don't need to do it alone. He asked what the "Fund Balance" in the motion refers to. Linda explained that it is Free Cash.

Mayor Martin asked about the justification for using FRCOG money given that towns which will be impacted may be raising money individually for costs related to the pipeline plan. He questioned whether just towns in the direct line of the proposed pipeline should pay or if abutting towns too shouldn't be responsible. If only 1 town put in money we would have to rethink what we're doing, said Linda.

Sam L. opined that it's hard for towns to come up with money. Fifteen thousand will get us through June 30 and the scoping project, but the broader amount will be difficult. Towns don't expect us to put it up, and they may not be able to. He reported that Kinder Morgan has to reckon with state

environmental policy, not just national rules. With MEPA there's state hands-on involvement. Part of the scoping session will include the tallying of specific needs and alternatives.

Carolyn Ness agreed that coming up with money for this is a hardship for towns. They should be reimbursed by the pipeline co, she said.

**Motion passed with 55.040 % of the weighted vote of the full Council membership, and with 3 members opposing.**

#### Communications from the Personnel Committee (PC): Gordon Fretwell and Bill Perlman

The PC, with Council approval, has initiated two projects: review and updating of the FRCOG's Personnel Policy with the help of the UMass Collins Center; and a Wage and Classification Study to be completed before FY17 budget development begins. At its first meeting, the Personnel Committee reviewed a draft RFP for the Wage and Classification Study. The RFP has since been released and we hope to have a consultant on board by May or June. At its second meeting the Personnel Committee met with a group of FRCOG staff and reviewed the contents of the FRCOG's Personnel Policy. The brainstorming session led to a list of policies that need clarification and/or updating that has been sent to the Collins Center.

#### Finance Committee (Fin Com) Update and Presentation of FY16 Budget , Chair Lynn Sibley

Passed over — Nothing to report.

#### Special Projects Discussion

Phoebe Walker presented the activity of the staff related to the FRCOG coordination of the state Mass in Motion program (see PPT slides handout attached.).

#### Topics Not Reasonably Anticipated 48 Hours in Advance of Meeting

Gordon F. spoke highly of Peter Derrico's work on bringing Broadband to Leverett.

In lieu of a planning board report, Sam L. encouraged representatives and interested townspeople to go to the Kinder Morgan open houses for ideas.

**Ellen McKay moved to adjourn the meeting. Chris Boutwell seconded. Motion carried unanimously.**

The chair adjourned the meeting at 6:43 p.m.

#### Documents Distributed:

- Minutes of January, 2015
- Agenda
- FRCOG Updates
- PPT handouts The Connection Between Health and Municipal and Regional Policy
- Promote Community Health through Joint-Use Agreements.
- Open meeting law handout
- *Mass in Motion* PowerPoint slide show handout