



Franklin Regional Council of Governments

COUNCIL — *MINUTES*

Date & Time:	Thursday, July 23, 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

Rob Riggan, Buckland; **Dena Wilmore**, Buckland alternate; **Kevin Fox**, Colrain; **John O’Rourke**, Conway; **Carolyn Ness**, Deerfield; **William Bembury**, Erving; ; **Bill Martin**, Greenfield; **Phillip Keenan**, Hawley; **Gordon Fretwell**, Leverett; **Michele Giarusso**, Leyden; **Christopher Boutwell**, Montague; **Wayne Hachey**, New Salem; **Joe Judd**, Shelburne; **F. Ellen McKay**, Shutesbury; **Tom Fydenkevez**, Sunderland; **Dawn Magi**, Warwick; **Dan Keller**, Wendell; **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; **Tracy Rogers**; Regional Preparedness Program Manager; **Kat Allen**, Co-Coordinator/ Partnership For Youth

ABSENT

David Cunningham, Charlemont; **Randy Crochier**, Gill; **Bill Latrell**, Heath

REGRETS

Derek Brindisi, Ashfield; **Stanley Garland**, Bernardston; **David Nash**, Monroe **Brian Noble**, Northfield; **Marilyn Wilson**, Rowe; **Lynn Sibley**, Whately; **Vacant**, Orange.

1. Roll Call, Report of Nominating Committee, and Reorganization	Bill Perlman — 5 Mins
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Acting Chair John O’Rourke convened the meeting of the council at 5: 34 p.m. **General and financial quorum present with 71.668 % of the weighted vote represented.**

Bill Perlman reported the slate of officer nominees to the Council as follows:

- Council Chair:** John O’Rourke, Conway
- Council Vice Chair:** Dawn Magi, Warwick
- Council Secretary:** Sam Lovejoy, FRPB Representative
- Executive Committee Appointment:** Mayor Bill Martin, Greenfield
- Executive Committee Appointment:** Kevin Fox, Colrain

John Paciorek moved the slate of officers, Ellen McKay seconded. Without discussion, the slate of officers was elected unanimously.

2. Adopt 4/16/15 minutes	Re-elected Chair John O’ Rourke — 5 Mins
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Sam Lovejoy moved to adopt the minutes of 4/16/15. Carolyn Ness seconded the motion, which passed unanimously.

3. Council Chair Update

John O'Rourke — 5 Mins

John welcomed new members Derek Brindisi, Ashfield; David Cunningham, Charlemont; William A. Bembury, Erving; and Andrew Baker, Shelburne. New members Wayne Hachey from New Salem, and Dena Wilmore, Buckland alternate, also joined the meeting.

Proposed FY16 Council Meeting Dates:

Thursday, October 15
Thursday, January 28
Thursday, April 21

John explained that committee assignments will be made in August. Council members are encouraged to contact him or Linda Dunlavy if they have a preferred assignment. Council is specifically seeking new members for the Finance and Bylaw Committees.

Council Composition

Upon close examination, staff recently noticed that the bylaws currently require Council representatives be residents of the towns they represent. The Bylaw Committee believes this to be erroneous, recalling that that change was made several years ago. Chair Ellen McKay reported that for ten years the Council has been at least partially composed of municipal administrators and officials that do not live in the town they represent, but have been active and valuable council representatives extremely knowledgeable of the towns they represent and for whom they work. Ellen insisted that allowing town administrative staff members to represent the town that employs them is a change members of the Bylaw Committee believed to be made. Notes found indicate that is was the case.

Ellen McKay made a motion to vote on the bylaw's Composition of Council language in October. Carolyn Ness seconded the motion; motion unanimously passed.

4. Executive Director Update

Linda Dunlavy — 10 Mins

Pipeline Projects

Linda reported that the Federal Energy Regulatory Commission (FERC) is responsible for completing a notice of intent, after which a window of opportunity for stakeholders to say what aspects of the proposal and impacts of the land/people/culture where the pipeline would be situated should be examined. The notice of intent has now been (belatedly) released and those interested or concerned can provide testimony at a Hearing on July 29. FRCOG staff have been working with regional planning agencies (RPAs) throughout NH and MA to do a series of studies, which include such things as alternate route analysis; impacts on noise, air, water, protected land; and so on. FRCOG also recently drafted a disturbance bylaw, not specific to but applicable to the pipeline project, that could be put in place by towns. FRCOG hired an attorney who will review the disturbance bylaw and come up with list of impacts and conditions we should be thinking about. She is also providing intervener status application assistance and reviewing FRCOG FERC testimony, adding legally conforming citations where needed.

Upon request, Linda reported that the following potentially impacted towns have agreed to put forth money to help fund pipeline project studies and legal efforts: Conway and Northfield have both agreed to allocate \$25,000 or more; Deerfield, \$8,500; Shelburne, Ashfield, Warwick, Erving and Montague

have not to date. Once we've navigated the scoping session we can talk about what to do with the contributed funds, said Linda.

House Bill 3665: Act to Improve Public Records

Bob Dean described the impacts of a bill currently being considered by state legislators which, if passed, would trigger new time-consuming administrative public records requirements, and along with them, additional fees and fines for non-compliance. Bob explained that the bill has been released to the House Ways and Means Committee, and Representative Kulik asked the Council to review it, saying it may be considered next week. (*See Analysis handout.*) While the bill would affect towns and cities as well as state agencies, Bob opined that it was designed mostly for the state; he doesn't know of any towns that have not complied with the current regulations,

Ellen McKay said she always asks for a list of one's specific public record needs — in writing. If this becomes law, it's going to be a disaster, she said, adding that the Council should make a list of the impacts. Phil Keenan said it's an incredible burden to tiny towns.

As a librarian, Gordon Fretwell said he agrees with the spirit of the bill, but also agrees with Ellen that requests that are not specific are going to be detrimental. He suggested getting an attorney to develop descriptors to help us narrow down a records search, and feels the state should at the very least help towns prepare for this with some kind of assistance. Ellen felt the Council should try to stop or stall the bill. Joe Judd said it is another unfunded mandate which will hit the pocketbooks of every town, especially with large request for street lists and for election issues in an election year. John Paciorek adamantly voiced his distaste for the bill.

Sam Lovejoy moved that the FRCOG Council, representing the leadership of all 26 Franklin County towns, resolves to communicate to Rep. Steve Kulik and our other state representatives and senators, our support for this new Public Records Bill (House Bill No. 3665: An Act to Improve Public Records) for state agencies only, but not for municipalities. For cities and towns this bill amounts to an unfunded mandate and an untold burden and is not needed at this time. Ellen McKay seconded. The motion passed unanimously.

5. Executive Committee Update

Bill Perlman — 10 Mins

Emergency Communication System

Bill reported that the Franklin County Emergency Communication System (FCECS) has been having problems which its oversight committee has been handling (*See Updates*).

Medicare Reimbursement

An important function of the FRCOG's Cooperative Public Health Service (CPHS) and Regional Nurse has been to provide primarily free flu vaccinations through clinics and home visits. The Department of Public Health (DPH) has announced changes to its FY16 vaccine distribution that forced the FRCOG to consider pursuing Medicare reimbursement eligibility. The program's application requires a signoff from at least two individuals, providing date of birth and social security numbers as an assurance that we have proper oversight. The FRCOG, recognizing the risk, has strong liability insurance but we are not certain how our coverage would extend to the signing individual. We absolutely trust that our nursing staff will not commit fraud but that does not prevent an accusation of fraud.

Because Medicare reimbursement was not critical to the flu vaccination program in the past, Medicare reimbursement was not pursued. After two lengthy discussions, the Executive Committee has allowed one FRCOG staff member and one FRCOG Executive Committee member to use their SS numbers on the FRCOG's behalf for Medicare reimbursement. Bill told Council members that the Executive Committee is uncomfortable with setting this precedent, and doesn't necessarily think it's the best policy, but allowed it for this year and will continue to look for a work around.

6. Finance Committee Update

Pat Auchard — 5 Mins

Pat discussed financial points addressed in the *Updates* handout, including the unexpected revenue shortfall of the Franklin County Cooperative Inspection Program (FCCIP), the continued low-risk auditee status of the FRCOG, evidenced by high marks for the 2014 audit; unexpected Transit Center costs; and the recommendation by the Finance Committee that the Council reallocate the employer normal cost retirement payment — not assessed by the state retirement board, but built into the FRCOG budget just in case — into the OPEB.

Bill Perlman asked if there was a reduction in building projects or in the number of FCCIP permits. Bob Dean explained that the number of permits being issued is the same, but that there was far less commercial activity.

Bill Martin asked if the funds built into the budget for the retirement assessment should be given to the towns. Linda explained that the amount towns paid for the unfunded liability was returned this May. She will bring the question to the FRCOG auditor and the agency in charge of reviewing and approving our indirect rate. She said staff would come back to the Council in October with a full analysis.

7. Personnel Committee Update

Gordon Fretwell — 5 Mins

Gordon reported that Collins Center staff is helping the personnel committee to make changes to the Personnel Policy, a draft of which can be expected in October.

He also told the Council that the committee has conducted an agency-wide wage and classification study, and that a competent consulting group — Municipal Resources — has been hired. This study is also slated to be complete in the October-December timeframe so that it can be used to help guide FY17 budget.

8. Regional Planning Board Update

Sam Lovejoy — 5 Mins

Sam Lovejoy reported that if people are interested in the scoping comments and study requests FRCOG will offer FERC during the proposed natural gas pipeline scoping session, the planning board will have a document to share. The board is trying to make a unified and coordinated presentation with other towns and planning agencies, he said.

9. Special Presentation — Life Skills Substance Abuse Training

Kat Allen — 15 Mins

FRCOG's Partnership for Youth (PFY) co-director, Kat Allen presented a PowerPoint presentation of the LifeSkills Substance Abuse Program to the Council (*see handout*). Prevention science has developed tremendously in recent years; we know what works, but we're not doing it, she said. PFY wants every Franklin County middle school student to complete the LifeSkills program and all schools to use SBIRT (Screening, Brief Intervention, and Referral for Treatment) to detect substance use among students.

Members expressed satisfaction with the FRCOG's LifeSkills initiative. Carolyn Ness asked how it's possible to keep SBIRT from being stigmatized. Kat explained that it's all self-referential, so that it's not going to catch all users. Tom F. suggested going to school committee to get schools involved.

10. Special Presentation — Health & Medical Coordinating Coalition Tracy Rogers — 15 Mins

Tracy reported that FRCOG competed for and was rewarded a \$9 million, 10-year grant to fund the formation of the health and medical coordinating coalition of public health agencies, hospitals, community health centers, long term care facilities, and those providing emergency services, among others, in western Massachusetts. During a public health emergency, FRCOG will open and staff a response center working with partners to figure out how we can all share that burden. They will work to make sure everyone's on the same page, handle resource requests, and so on.

Sam noted that whenever we get combined with other counties, there are worries that we'll get overwhelmed. Tracy said that was one of the reasons FRCOG pursued being the lead on the project. Bill Martin asked what county coordination might mean for local EMS people and other Greenfield groups that contribute resources such as payroll, equipment, and time. The existing mutual aid in place will be honored, explained Tracy. The emergency operation center will not be a command and control center, but will be aware of what's happening and providing support — like a mini MEMA for public health aid and health care. Bill Perlman opined that every town offers and receives mutual aid. He thinks it probably balances out.

11. Business Not Reasonably Anticipated 48 Hours in Advance John O'Rourke & Linda — 5 Mins

Linda introduced FRCOG employee, Joe Markarian a municipal finance expert who recently retired from the MA Department of Revenue – Division of Local Services. She said she wanted to reiterate that he's here as a resource for all Franklin County towns. Joe offered to assist towns with a number of tasks, among them: bylaw reviews; cost benefit analysis; regionalization — if a number of towns want to get together and look at sharing resources; accounting difficulties; two towns merging into one; division of local services; and so on. He also said he'd be happy to help with Community Compact best practices, telling members that if their towns became part of the compact, they would be eligible for Department of Revenue grant money down the road. He is happy to help with guiding committees to help projects get off ground.

Kevin Fox motioned to close the meeting. Ellen McKay seconded. Meeting adjourned at 7:12 p.m.

Documents Distributed:

- Agenda
- Minutes of April 16, 2015
- Updates of FRCOG Initiatives and Projects
- *Analysis of House Bill #365: An Act to Improve Public Records*
- *LifeSkills Talking Points*