



Franklin Regional Council of Governments

Executive Committee —MINUTES

Date & Time:	Thursday, September 17 2015/ 4:00 p.m.
Location:	JW Olver Transit Center, 12 Olive Street Greenfield, MA – Library
Facilitator:	Bill Perlman, Chair

Representatives:

- Bill Perlman, Regionally Elected
- John Paciorek, Regionally Elected
- Kevin Fox, Colrain
- Bill Martin, Greenfield

Guests:

- John O’Rourke, FRCOG Council Chair

Regrets:

- Sam Lovejoy, Franklin Regional Planning Board

Staff Members:

- Linda Dunlavy, Executive Director
- Rebekah Boyd-Owens, Administrative Services Coordinator
- Bob Dean, Director of Regional Services

REORGANIZATION MEETING AGENDA:

1. Reorganize

Bill Perlman opened the reorganization meeting at 4 p.m.

Kevin F. nominated Bill Perlman for Chair. Bill M. seconded. Motion passed unanimously.

Kevin F. nominated John P. for Vice Chair. Bill M. seconded. Unanimously passed.

Kevin F. nominated Sam L. for Secretary. Bill M. seconded. Passed unanimously.

John P. motioned to close the nominations. Kevin F. seconded. Passed unanimously.

John P. moved election of the slate of candidates. Bill M. seconded. Passed unanimously.

Meeting adjourned at 4:06 p.m.

MEETING AGENDA:

1. Adopt 7/9/15 minutes

Bill Perlman opened the meeting at 4:07 p.m.

John P. moved to adopt the amended 7/9/15 minutes. Bill M. seconded. Passed unanimously.

2. Ruling on Disclosure of Financial Interest of FRPB

A Disclosure by an Appointed County Employee of Financial Interest form (see handout) was submitted to the Executive Committee by a member of the Franklin Regional Planning Board (FRPB), a policy advising board convened by FRCOG. The form was sent to the Executive Committee assuming it was

the reviewing body to make a determination of possible financial conflict of interest. However, the committee questioned the accuracy of this assumption as the FRCOG does not, in fact, appoint FRPB members. They discussed the difficulty of making a determination even if they were the appropriate body, given the limited information included on the form. Members agreed pass the matter to the true appointing authority— the Shelburne Selectboard, if the member is appointed to the FRPB by that board, or the Planning Board executive committee, if the member is an at-large member and appointed by the FRPB.

3. County Road Action

Bob reported that the Town of Whately has petitioned for road relocation at the intersection of Egypt Rd. and Rtes. 5 & 10 (see handouts). They'd like to change the layout where Egypt intersects with 5 & 10 to make it wider and safer. Next steps are for Exec Com to receive this petition and set a date to view the road. Bob proposed Oct. 8, at 4:30 p.m. for the viewing, when the town will show the committee their site plans. The committee will then adjourn to a 5 p.m. public hearing at Whately's new offices. The regularly scheduled Exec Com meeting will convene immediately following.

John P. moved to receive the Town of Whately petition. Bill M. seconded the motion. The committee received the petition unanimously. In Sam L.'s absence, Kevin Fox was assigned the role of deputy clerk to sign the official notice. **Bill P. moved to set the proposed (above) date and times. Seconded by John P. Motion passed unanimously.**

4. Pipeline Updates

Linda explained that staff continues to prepare study requests, which include a series of items they believe should be addressed during the EIS process. Staff continues to work with the impacted RPAs in NH and MA both to share the burden of work and to strengthen FERC consideration of the study requests by having them submitted by all RPAs. Staff hopes to get this information to Sen. Rosenberg by Sept. 25 so he can bring FRCOG testimony to his meeting with FERC on September 30.

Bill P. can't find many differences between the March and July Kinder Morgan reports, after reading more than 1,000 pages. He noticed many sections where info is missing, or "To Be Determined" — details that will have great bearing on outcomes, he said. He feels strongly that towns should make an inventory of places they don't want to be disturbed; such as cemeteries, wells, vernal pools, and so on.

5. Franklin County Emergency Communication System (FCECS) Update

Bill P. reported that the FCECS asked the Interoperability Committee of the Homeland Security Council for money to have the emergency system analyzed by an independent consultant. Communications Design Consulting Group's bid was accepted and \$70,000 worth of Interops-funded analysis will begin next month.

The antennas of the system are positioned in such a way that overlap occurs, which creates interference. The system manager found three sites where antenna repositioning is needed. Efforts to make antenna changes on one tower owned by SBA were met with a request for a contract amendment. A contract was created, but they have yet to respond. The FCECS system manager also recently had trouble accessing equipment on DCR sites. The DCR person refused access because FCECS didn't have a signed contract, which we were reviewing at the time. The FCECS Oversight Committee decided today that going forward, our personnel should be required to notify land/tower owners when

needing to make antenna repairs, etc., but shouldn't need a contract to gain access. A new contract is being reviewed by our attorney now. The team plans to make the SBA tower change. They also have plans to bring up the new tower on a Northeast Utilities-owned property in Plainfield so that the system can cover the southwest corner of Ashfield.

State Gun Law Radio Policy

The state's new gun law dictates that all public schools must now have radios to use in case of emergency. Shelburne Control wrote up a regional use policy and the FCECS oversight committee recently reviewed it. All dispatch centers must make adjustments so that when a call comes in it will pop up on their screen. The expectation is that if a school can make a 911 call, that's what they should do; use of the radio system is a second option. The oversight board is uncertain as to whether or not the law is meant for private schools and preschools. Because no funding source has been identified to date, some schools have responded that this law represents yet another unfunded mandate.

6. Housing and Redevelopment Board of Commissioners Appointment

Linda read the resume of Northfield resident Deana Prest who has been recommended for the open position on the Housing and Redevelopment Board (see handout).

John P. moved that the Executive Committee appoint Deana Prest to the Housing and Redevelopment Board. Bill M. seconded the motion. Appointment unanimously passed.

7. Business Not Reasonably Anticipated 48 Hours in Advance of Meeting

Sick-Time Law

A new state law requires that employers offer sick time to all employees. The FRCOG currently does not offer sick time to employees that work less than 20 hours and do not receive benefits. Whether the FRCOG is required to comply with the law or, like municipalities, have an option to adopt or not is unclear. Linda can pursue legal review of the law unless the boards of the FRCOG simply want to adopt the provisions of the law. The financial implication of compliance is minimal – less than \$1,000/year. Bill M. reported his understanding that a FMLA law just passed doesn't apply to anyone making more than \$900 (or so) weekly. Linda explained that the law dictates that the sick time accrued would be prorated depending on the number of hours worked. John P. was not supportive of adoption of the new law. Other members asked for review by the FRCOG Personnel and Finance Committees first. Linda explained that the committee could wait until next month to rule on this or not rule at all. The decision on whether or not to offer sick time to part time employees is a policy decision so will be made by the full Council, she said, but that Council votes usually come with one or more committee recommendations.

Retirement Money Collected in FY15

Linda revisited Mayor Martin's question from the July Council meeting of whether money collected in case legislation passed requiring an assessment be paid to the Massachusetts State Retirement System (MSRS) could go to towns instead of to the OPEB Trust. FRCOG recently received clarifying information from the auditor and our cognizant agency, the Mass Department of Transportation (Mass DOT). The auditor informed staff that because the money was not specifically voted to go to OPEB, the Council can do whatever it wants with it. Linda's conversation with MassDOT indicates that not putting it in OPEB (Other Post Employment Benefits) will displease MassDOT, the agency charged with approving how we set our indirect rate and monitoring our audits. Neither MassDOT nor federal agencies like big

swings in the indirect rate; if we think normal costs will be included, MassDOT would like to see it included consistently; and the funding collected for retirement-related costs and should be used for that purpose.

The amount set aside for MSRS unfunded liability is about \$80,000. Of that, \$60,000 came directly from grants to pay for costs of employees, not by membership assessment. Staff hopes Council will vote to put the money into the OPEB trust fund because we don't want to make our cognizant agency unhappy. If we do give to towns, said Linda, we would want to make it a separate issue.

Linda asked if the committee wanted to make a recommendation to the Council. She told members that because the year has closed, that money would go into unreserved general fund.

Bill M. suggested that if FRCOG gave the money or credited it to towns, the development of FY17 could be \$80,000 less. But then next year we would collect less money in indirect, have less to pay indirect costs, and assessments would go up, said Linda. Bill P. said FRCOG needs to come up with money to put into OPEB no matter what happens. Finance Committee member John O. said \$80,000 is not close to our target OPEB contribution. Bill M. said we put \$100,000 into OPEB recently. Linda confirmed adding that all year-end profit went into OPEB the previous year. Bill M. said the \$80,000 was not that much money to be giving up, so OPEB is as good a place as any to put it. Consensus was reached: All members agreed it should be used for OPEB.

John P. moved to adjourn the meeting; Bill seconded. Motion passed unanimously. Meeting adjourned at 5:03 p.m. Next meeting: October 8, 2015

Documents Distributed:

- Agenda
- Minutes from 7/9/15 meeting
- *Disclosure By an Appointed County Employee of Financial Interest and Determined By Appointing Authority as Required by G.L.c. 268A, § 13*