



Franklin Regional Council of Governments

COUNCIL — *MINUTES*

Date & Time:	Thursday, April 19, 2018 / 5:30 – 7:00 p.m.
Location:	William B. Allen Room, Olver Transit Center, 12 Olive Street, Greenfield
Facilitator:	John O’ Rourke, Chair

REPRESENTATIVE ATTENDEES:

Stanley Garland, Bernardston; **Zachary Turner**, Buckland; **John O’Rourke**, Conway; **Carolyn Ness**, Deerfield (6:04); **Bryan Smith**, Erving; **William Martin**, Greenfield; **Hussain Hamdan**, Hawley; **Brian DeVriese**, Heath; **Beth Adams**, Leverett; **Michele Giarusso**, Leyden; **Julia Blyth**, Northfield; **Jennifer Morse**, Rowe; **Bob Manners**, Shelburne; **Tom Fydenkevez**, Sunderland; **Dawn Magi**, Warwick; **Michael Idoine**, Wendell; **Lynn Sibley**, Whately; **Jay DiPucchio**, Regional; **Bill Perlman**, Regional; **Jim Basford**, FRPB.

REGRETS: **Kevin Fox**, Colrain; **Greg Snedeker**, Gill; **Steve Ellis**, Montague; **Jane Pierce**, Orange; **Ellen McKay**, Shutesbury.

ABSENT: **Kayce Warren**, Ashfield; **Beth Bandy**, Charlemont; **David Nash**, Monroe; **Wayne Hachey**, New Salem.

STAFF & VISITORS: **Linda Dunlavy**, Executive Director; **Claire McGinnis**, Finance Director; **Bob Dean**, Director of Regional Services; **Andrea Woods**, Chief Procurement Officer; **Ryan Clary**, Sr. Geographic Information Systems Specialist; **Liz Jacobson-Carroll** Administrative Services Assistant;

1. Roll Call and Welcome	Chair John O’Rourke
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The Chair convened the meeting at 5:35 p.m. Roll call was taken and a general quorum was met with 18 members. With 62.57% of the weighted vote of the total membership attending, a financial quorum was also deemed present. The late arrival of the Deerfield representative brought the attendance count to 19 and the weighted vote to 70.82%.

John O. welcomed Zachary Turner, the new representative from Buckland, and Claire McGinnis, the new FRCOG Finance Director, then noted that Liz Jacobson-Carroll was filling in for Rebekah Boyd in taking minutes.

2. Adopt 1.28.18 minutes	John O’Rourke
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Hussain Hamdan moved to adopt the minutes of the January 28, 2018 meeting, **Beth Adams** seconded the motion, and the motion passed unanimously with three abstentions. (**Sibley, Garland, Giarusso**).

3. Council Update	John O’Rourke
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The next 2 Council meetings will be held on July 19, and October 18, 2018 in the Transit Center.

John O. reminded the Council of Beth A.'s proposal to create a FRCOG committee on climate change and clean energy policy, and asked for an update. Beth A. indicated that ad hoc meetings, a conference call, and other conversations have clarified that the goal of the committee will be to facilitate communication between towns, some of which do not have energy committees. She referred to the updated proposal -- developed by herself, Steven Ellis, and Carolyn Ness -- in the packet, and circulated a sign up sheet for those interested in formulating objectives and bringing the establishment of a committee to the Council for a vote at the next meeting.

John O. noted the new format of *Council Update*, with content-related icons heading each section, improves readability and will ease the publishing of the quarterly newsletter. He asked members to direct further suggestions to FRCOG staff.

4. Executive Committee Update

Bill Perlman

Bill P. reported that since the Council's last meeting the Executive Committee has:

- Held a discontinuance hearing regarding a road in Hawley, and worked with the Select Board and Representative Mark to determine a path forward.
- Reviewed staff advocacy letters regarding the Cannabis Control Commission legislation, the State Rail Plan, and the Governor's housing legislation.
- Discussed future costs, revenue sources and the lease for the Olver Center.
- Authorized the use of Woodard Road, a county road located in Greenfield, to move a house to a new location on the same street.

5. Executive Director Update

Linda Dunlavy

Linda D. noted that the Opioid Task Force released its report, and that copies are available. FRCOG's annual report will come out next week, she said, with individualized town reports as well as regional information; towns needing more than 5 copies should contact staff. Referencing the more comprehensive *Update*, she noted that FRCOG staff members' recent work has included:

- Submitting recommendations, through the Rural Advisory Commission, regarding housing conditions in small towns in the western part of the state not currently addressed in the Housing Choice Initiative.
- Assisting towns in submitting applications for federal Opportunity Zone funding to encourage investment in areas identified as low-income Census Tracts: Greenfield, Montague, Orange, Erving/Wendell/Warwick, and Charlemont/Colrain/Hawley/Heath/Monroe/Rowe. (Today's extraordinarily good news: despite only 10% of the designations going to rural areas, ALL of these Franklin region applications were moved forward to the U.S. Treasury by Governor Baker!)
- Brainstorming with towns regarding potential applications for District Local Technical Assistance Grants, including one for an offsite information technology network to be shared by towns, thus furthering the possibility for county-wide regionalization.
- Working on the Municipal Vulnerability Preparation program with Buckland, Colrain and Montague, including preparation for a visit by Secretary Beaton next Tuesday.
- Exploring cross-jurisdictional sharing of the Animal Control Officer role; towns interested in joining the conversation, which includes state requirements and cost-sharing agreements, should contact Phoebe at walker@frcog.org or x102.
- Planning for the aggregation of electricity purchasing. Bob D. noted that the selection committee interviewed the Colonial Power Group, the only entity to submit a proposal, and

agreed to move forward with them. He and Andrea W. will invite other towns to join the project, based on a template contract developed by Donna MacNichol, and then hand it over to Colonial to devise the plan and seek approval from the oversight group. He indicated that participating towns and their consultant may prioritize green energy, price, or other particulars, possibly with multiple rates for different specifications.

- Coordinating with Amtrak for a multi-day training for a mass-casualty incident.
- Looking forward to traffic counting season; towns interested in getting counts should contact the Planning Department.
- Training Dave Roberts; please welcome the new Building Inspector to your town.

See *Updates* handout for more FRCOG initiative announcements and information on ongoing projects.

6. Franklin Regional Planning Board (FRPB) Update

Jim Basford

Jim B. reported that the FRPB continues to discuss issues pertaining to the recent legalization of recreational marijuana, and that individual communities are working with FRCOG to draft relevant bylaws. The board continues to monitor the process and provide input pertaining to FERC relicensing of the Northfield Mountain Pumped-Storage Facility.

7. Personal Committee

Bill Perlman

Bill P. stated that Council members will have a second opportunity – at the next meeting, prior to voting -- to further discuss the several policy changes being recommended by the Committee regarding:

- Compensation: The Executive Director, in consultation with the Committee Chair, may adjust salaries to retain staff and respond to the market.
- Personal Leave: The wording, not the intent, has been simplified for clarity.
- Longevity: the proposed bonus of \$1000 has been reduced to \$500.
- Disaster Service Leave: Leave will require prior approval by the Executive Director, is limited to 10 consecutive days and 20 days per fiscal year; while being paid by federal or state governments and ineligible for Worker's Compensation benefits, FRCOG will continue to cover health insurance, and staff will continue to accrue benefit time.

See *Revisions to FRCOG Personnel Policy*.

8. Finance Committee Update

Lynn Sibley

Lynn S. directed the Council's attention to the Finance Committee's proposed amendments to the budget:

- Increasing the sick time line in the Pooled Budget by \$15,000; indirect revenue is expected to cover the expense.
- Increasing the Pooled Budget by \$33,292 to cover an error of omission pertaining to retiree health insurance; an increase in PFY grant funding, and some shifting of administrative time to grant funding should make up for the increase, making a budget transfer request unlikely.
- Transferring undesignated funds to capital reserve in light of dwindling facility-specific sources to maintain the Olver Center. **Michelle Giarusso moved to transfer \$144,988 from the Undesignated Fund Balance to Capital Reserve, and Carolyn Ness seconded the motion.** Lynn S. explained the difficulty in quantifying future expenses; Linda D. noted that she has asked the FRTA for a list of past capital expenditures, as well as information regarding the long term life

expectancy of the more expensive components of the facility. In response to several questions, Claire M. , Linda D., and Lynn S. indicated that:

- The transfer will not affect the amount of interest earned, as all funds (with the exception of OPEB) are comingled and invested with a local institution.
- 24 years remain in the 30-year lease, with opportunities for two 10-year extensions.
- The lease amount is based on FRCOG’s use and is currently 60% of the interior costs and 50% of the exterior costs of the building.
- The Capital Reserve is a special, non-revolving fund.
- The Finance Committee may propose caps on the undesignated fund and the capital reserve fund, based on what they learn about the need for the latter.
- Undesignated fund transfers from to the capital reserve fund will be voted on annually.
- FRCOG is mindful of its status as a voluntary organization whose members, if overcharged, would leave.
- The building is aging, and though some FRTA money has been available to address concerns, FRCOG wants to begin reserving funds for future costs. With this transfer, the Unrestricted Fund Balance will be \$495,332, and the Capital Fund balance will be \$155,966.

The motion passed unanimously.

- In January, the Council approved a transfer of \$15,000 from the Unrestricted Fund for FERC relicensing work; it has since determined that the funds may not be used in FY 18, and anticipates requesting them again in July.

8. Special Presentations

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| ● Initiative to Change Prevailing Wage Law | Andrea Woods |
| ● Cool (and Useful) GIS work done by the FRCOG | Ryan Clary |

Andrea W. expressed concern regarding the effect of the prevailing wage law on the price of local projects and the resulting negative impact to towns. She proposed pressuring legislators, perhaps with the help of MMA, to promote bills that will ease the financial strain, and referred to the *Topical Outline of Massachusetts Prevailing Wage Law*. She shared instances where application of the “prevailing wage” created untenable inequities with local wages for similar jobs – such as the operation of a riding mower versus a push mower -- and suggested that adoption of more sensible guidelines for small jobs would be beneficial for both towns and tradespeople. She noted that projects under \$100,000 do not require payment of prevailing wages in Vermont. She concluded that while efforts to modify prevailing wage laws in Massachusetts failed in 2010 and 2013, others are working toward this end, and those in the room represent a large portion of western Massachusetts, so there is reason to be hopeful.

Mayor Martin noted that the work of unions and lobbyists will make the passage of this type of legislation very difficult, but that population should be considered as a factor in the application of the law. Bryan S. suggested that a \$100,000 threshold might be easier to achieve than lowering the hourly wage, but Stanley G. insisted that \$100,000 is not high enough -- that \$1 million might be appropriate. Tom F. pointed out the conflict in supporting the \$15 minimum wage while arguing against prevailing wage law.

GIS Work at the FRCOG

Before beginning his presentation, Ryan C. thanked the Council for considering changes to the Disaster Service Leave Policy, noting that he had traveled to Puerto Rico in 2017 with the Northwest IMAT

team. While FRCOG continues to produce maps, he is increasingly involved in developing on-line tools for use by towns and other constituents. Currently working on a tourism-themed product, he demonstrated a few of its key features. These include layers, chosen singly or in combination, which not only map the locations of recreational facilities, but allow the user to drill down or zoom in for additional information, such as specifics regarding trails or bikeways, the status of a complete streets renovation project, photos of a scenic vista, or a link to an FRTA schedule. A product with a zoning theme could have layers featuring zoning maps, flood plains, parcel maps, etc., and feature a toggle between map and satellite views. Any number of themes is possible, and he looks forward to hearing from towns with their ideas. Discussion touched on several possibilities, including the mapping of commercial businesses to help them generate revenue; an economic development-themed product mapping industrial sites with layers for infrastructure/utility specifications to help attract potential businesses to the area; and teaming up with the Chamber of Commerce in all such efforts.

9. Business Not Reasonably Anticipated 48 Hours in Advance

Carolyn N. noted that in May it will have been one year since FERC transferred the Northfield Pumped Storage Facility to the new owner, and that TransCanada has not yet provided telephone numbers for emergency management purposes. Council members are welcome to ask her for additional comments. In reference to the proposed climate change committee discussed earlier, she stressed the importance of communication between Council members and among towns in order to leverage opportunities, such as the \$42,000 match Deerfield received recently.

Hussain H. read a formal statement in protest of the Executive Committee's decision to grant the petition by DCR to discontinue as a county road the portion of Middle Road running through the Dubuque State Forest so that it can be repaired by DCR, then maintained by the Town of Hawley. The statement is a chronological description of the history of the road and its maintenance, as well as the roles and responsibilities of the local, state and federal officials and entities involved. He noted that following the reconstruction of the road by DCR, Hawley will not maintain the road unless Chapter 90 funding to the Town is restored.

In response, Bill P. explained that the Executive Committee responds to petitions based on public convenience and necessity, following procedures for open hearings; in this case, the hearing was delayed for the better part of a year to allow the negotiation and conversations to go forward. The Executive Committee determined that it was in the public convenience and necessity to have the road repaired. Hussain H. noted that ample information regarding the Hawley Select Board's concern about the loss of Chapter 90 funding was given to Bob Dean, if not presented directly at a hearing.

Mayor Martin expressed his concern regarding the power held by the Executive Committee over local roads. Citing Court Square and Woodard Road, he suggested that all county roads should be abandoned to the towns. Bill P. said that FRCOG had studied the issue, 20 years ago, over a 2 ½ years period with the help of experienced and well-known land lawyers, and determined that doing so would be too costly for the towns. The current system, based on petitions and allowing towns to choose the future of the roads, was developed. In response to a question from the mayor, Bob D. explained that county engineers had created an index of all of the county roads they know about, that he has maintained the index since then, and that it (along with the relevant maps) is available in the FRCOG records room. In response to a question from Zachary T., Bill P. indicated that the Executive Committee has five options as to the fate of county roads as spelled out in Massachusetts General Law: lay out,

alteration, relocate, order specific repairs, discontinue, and discontinue maintenance, and that Towns are given the option to offer their input on petitions relative to county roads within their borders.

Tom F. motioned for adjournment, Dawn M. seconded, and the meeting adjourned at 7:18 p.m.

Documents Distributed:

- Agenda
- Draft Minutes of January 25, 2018
- April 2018 Updates of FRCOG Initiatives and Projects
- Ad Hoc Climate Change and Clean Energy Committee Proposal
- FRCOG's Recent Work to Address Climate Change & Energy Efficiency, April 2018
- Personnel Policy First Read Revisions, dated April 12, 2018
- Statement of Hawley's Select Board Chairman, Hussain A. Hamdan, In Protest of the Decision to Discontinue the Portion of Middle Road Running Through the Dubuque State Forest, 4/19/18
- Topical Outline of Massachusetts Prevailing Wage Law