



# Franklin Regional Council of Governments

## Executive Committee—*MINUTES*

Date & Time:	Thursday, February 14, 2018/ 5:00 p.m.
Location:	FRCOG Offices, 12 Olive Street, Greenfield, MA – Second Floor, Room 221
Facilitator:	Jay DiPucchio, Chair

### Representatives Present:

- Jay DiPucchio, Regionally Elected
- Jim Basford, FRPB Appointee
- Bill Perlman, Regionally Elected
- Kevin Fox, Council Appointee

### Staff Members Present:

- Linda Dunlavy, Executive Director
- Claire McGinnis, Finance Director
- Rebekah Boyd, Admin Services Coordinator
- Phoebe Walker, Dir. Community Services

### 1. Review and adopt 1.10.18 Executive Committee minutes

Jay D. opened the meeting at 5:00 p.m.

**Kevin F. moved to adopt the 1.10.18 minutes. Jim B. seconded; the motion passed unanimously.**

### 2. Consider Faith Williams for a 5-year seat on the Franklin Regional Housing and Redevelopment Authority (FRHRA) Board of Commissioners

The committee read the letter from the FRHRA Executive Director recommending Ms. William’s appointment to the Board as well as the candidate’s resume. Linda reported that they are still short 3 people and welcome suggestions.

**Bill P. moved to appoint Ms. Williams to the FRHRA Board. Kevin F. seconded; the motion passed unanimously.**

### 3. Discuss FCECS forum and updates

Bill P. reported on trouble tickets received regarding static, and a moving antenna losing contact at its edges, possibly because the mounts are loose. The new radio system manager, Kurt Seaman, is doing an excellent job, he said.

Linda said that the GCC forum was frustrating for attendees without more information about the cost and timing of moving to the state 800 MHz system. There was no consensus without more information, and the questions of the 50 or so stakeholders primarily were about timing, cost of the transfer, and the coverage of the state system. The next action is to find and search for state and federal funding, and to consider methods of inventorying equipment needs in a manner that’s fair and consistent across district. Staff will also pursue legislation to bond in case of catastrophic failure.

Linda spoke with Matt Moran a few days following the forum and they both agreed to go back their people to determine needs — what we need from EEOPS to move things along, and what EEOPS needs

from us — and to come up with action steps, so that when the engineering period ends, there is no delay. He intimated there will be a cost to transfer to state system. Linda also met with Steve Kulik for legislation-writing assistance and also with Congressman McGovern, whose team is trying to find money for our project. When next in Boston, Linda plans to talk more to representatives about writing legislation and procuring state money.

Bill P. said that for a \$5.00 lifetime fee, using an application called Pushover, he now gets dispatches on his cell phone at the same time emergency personnel pagers go off. This could help us with the paging problem, he feels, but noted that one needs cell service to receive them.

#### **4. Results of FY18 audit**

Claire explained that this year, for the first time, the auditor has indicated that someone other than Linda needs to sign off on her salary when there is an agency-wide salary increase like COLA or CMI. Kevin asked if the Council authorized it when they sign off on the budget. Staff thought so, but in addressing the question of the auditor, felt perhaps the Executive Committee chair is right person to sign off. Jay accepted the responsibility. Claire noted that if something other than a cost of living were being considered, staff would use a Status Change Form and present it to the personnel committee for approval. The board briefly considered the use of a contract, but noting problems with that approach, dropped the idea.

#### **5. Review flat-fee billing research**

After a flat-fee billing discussion last month, staff offered the committee a draft policy statement to consider (see handout). The statement defines parameters under which FRCOG staff could work using this compensation arrangement. Since last month, 2 more proposals were made, to staff members in various programs within the agency. Linda made clear her hesitation: She feels strongly the FRCOG shouldn't be pursuing for-profit work, and wants this source of revenue to be the exception and not the rule — never the norm for any program, and always carefully considered before use.

Staff and the committee discussed other possible limitations/considerations of the policy:

- In-state requests or those from a major funding agency should be turned down. Out of state, one-time, is acceptable.
- Sacrifice some of a staff member's time to protect the long-term future of that program in Franklin County, but only as an exception, carefully considered.
- Never use flat-fee proposals as a major revenue source, only very occasionally when and if it is advantageous to do so.
- Those accepting such proposals will still be asked to think through the number of hours, the scope of the project, and so on, as is required with a grant and other contracts.
- The need for an annual report to the Executive Committee describing the sum of efforts and the net to the general fund, if there is one.

The committee read the policy suggesting edits. Claire explained that they tried to write it so that staff anticipated the answer to such a proposal typically will be "No."

Bill P. acknowledged that CTC has been through hard times before — times managed by shifting to meet FC needs in areas where there was funding — and asked what has changed. Linda explained that a primary federal funding source is no longer available to us — it was a one-time, multi-year grant.

The committee discussed whether it was better to take each proposal on a case-by case basis or to have a policy; the relative ease with which FRCOG administration could say no if a policy/protocol is in place; the types of requests being considered; staff areas of expertise; possible community pushback; the difference between this sort of financial agreement and that between the FRCOG and the Community Health Assessment Contract, in which the FRCOG was offered a set amount of money to carry out a community health analysis; and so on.

Jay asked if other similar-sized COGs around the country might provide models of this sort of arrangement — examples of public entities providing public services and competing with public sector — which could inform their decision. Staff will research the subject and asked the committee to let them know if they have thoughts about how to improve the policy.

#### **6. Massachusetts new short-term rental law**

Phoebe explained that now that the state passed the short-term rental law creating the nation's first state-wide register, communities want to be ready for the law, taking effect July 1, 2019, if a lawsuit doesn't slow the process. Taxing the short-term rentals evens the playing field between Air B&Bs and hotels and motels and local option taxes may now make sense for towns. Air B&B will collect taxes and pay the towns via the state Department of Revenue (DOR). An impact fee, which assesses the impact on housing availability, can also be charged. Towns can also tax owner-occupied rentals — money that towns will collect locally.

If towns don't have an existing lodging tax, they may want to bring a bylaw to town meeting, Phoebe suggested. Staff will bring sample language to the Municipal Officials training, March 7. A town can also decide if they want to levy their own licensing, cap the numbers of short-term rentals, and adjust zoning to reflect towns' short-term rental preferences. Towns also will be able to establish penalties for violations, but not all of the taxes/fees can be used as towns see fit. State law requires that thirty-five percent (35%) of money must be used for affordable housing or local infrastructure. Rental operators will be required to register themselves; Air B&B will no longer be responsible.

The city of Northampton wants two payments from the state Department of Revenue (DOR) — the hotel/motel tax separate from the short-term rental amount — so they can differentiate between the two sources of revenue and plan accordingly. Linda told the committee that she was asked today to advocate for DOR to separate the payments and thus, the data. The committee agreed and asked Linda to write a letter, although suggested that one check would be fine if analysis was included.

#### **7. Business not reasonably anticipated 48 hours in advance**

**Kevin F. made a motion to adjourn. Bill P seconded. Meeting adjourned at 5:45p.m.**

#### **Documents Distributed:**

- Agenda
- 1.19.18 Draft Executive Committee Minutes
- Policy Statement for Flat-Fee Programs