

SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT
88 Broadway Tel: (508) 824-1367/FAX 823-1803 Email: info@srpedd.org Taunton, MA 02780
Commission Meeting – December 7, 2011

1/Call to Order: The Commission Meeting was called to order at the SRPEDD Office in Taunton by Chairman Randall Kunz at 7:00 p.m. with a quorum of the following members:

Commissioners:

H. Young, Acushnet	B. Dowling, Attleboro	J. Callahan, Berkley	J. Hunter, Carver
B. Maki, Carver	D. Perry, Dartmouth	D. Kulpa, Dighton	B. Roth, Fairhaven
L. Muncy, Freetown	R. Garbitt, Lakeville	S. Zienkiewicz, Lakeville	J. Henry, Marion
R. Kunz, Mattapoisett	J. Maclean, New Bedford	J. Marchitto, No.Attle.	T. Welch, No. Attle.
R. Driscoll, Raynham	S. Teal, Rochester	G. Hovorka, Swansea	J. Whitin, Westport

Absent:

G. Ayrassian, Attleboro	S. Leary, Berkley	D. Wender, Dartmouth	A. Borges, Fairhaven
K. Pacheco, Fall River	J. Hartnett, Fall River	M. Burgess, Mansfield	L. Flynn, Mansfield
R. Rogers, Mattapoisett	S. McKinnon, Middleb.	R. Geoffroy, Middleb.	R. Labelle, New Bedford
S. Widak, Plainville	J. Tito, Rehoboth	R. Moitozo, Rehoboth	J. Charbonneau, Roc.
C. Bragg, Seekonk	P. Dunn, Seekonk	J. Quin, Somerset	J. Ferreira, Somerset
S. Antinelli, Swansea	K. Shea, Taunton	A. Abreau, Taunton	J. Charbonneau, Wareh.
S. Ouellette, Westport	J. Andrade, N.B. A/L	L. Rodriquez, N. B. A/L	P. Sullivan, N. Bedford A/L
M. Ferreira, Taunton A/L			

Guests/Staff:

N. Bumbaugh, SRPEDD	S. Smith, SRPEDD	J. Hadfield, SRPEDD	L. Cabral, SRPEDD
P. Mission, SRPEDD	L. Chang, SRPEDD	Atty. Joe Lally, Milton	L. Lally, Milton
Atty. Alfred Puller	Atty. Dan Perry, New Bedford		

Commissioners and Guests introduced themselves.

2/Approval of Minutes: Chairman Kunz pointed out that the Commission had received two sets of minutes for the month of October, one for the full Commission and one for the executive session that followed. A motion was made and seconded to approve the minutes of the full Commission held on October 26, 2011 as submitted and posted www.srpedd.org. VOTED UNANIMOUSLY. A motion was made and seconded to approve the minutes of the executive session also held on October 26, 2011 as submitted and posted www.srpedd.org. VOTED UNANIMOUSLY.

At this time, Chairman Kunz announced that agenda item 7.c. Termination of Linda Lally would be taken out of order since all guests were present.

7.c./Termination of Linda Lally: Attorney Dan Perry, attorney representing SRPEDD, addressed the Commission. Mr. Perry presented a brief background on the case stating that according to SRPEDD's Personnel Policies the Executive Director with the approval of the Commission/Executive Committee may terminate an employee for any cause. Such action could include, but is not limited to, lack of funds, lack of work or deficient work performance. In this case, Mr. Smith terminated Ms. Lally for cause on October 20, 2011. Mr. Smith then presented the issue for approval from the Executive Committee in Executive Session and neglected to resume the full Commission for approval in open session. Attorneys representing Ms. Lally have filed a motion stating that SRPEDD had violated the Open Meeting Law. SRPEDD acknowledged this error, and explained Mr. Perry, is what brings us back to this issue this evening. In an attempt to correct this error Mr. Smith is seeking approval from the full Commission. Mr. Perry noted that Ms. Lally and her attorneys are also present this evening. He informed the commission that they were not obligated to allow Ms. Lally or her attorneys to speak on the issue, this is strictly the choice of Commission members. Chairman Kunz then referred to a

resolution presented as a handout requesting that the Commission approve the executive director's termination of Ms. Lally. A motion was made and seconded and presented for discussion. Susan Teal stated that in her opinion Commissioners were not responsible to judge employees independently. She stated that the responsibility of the Commission was to approve or disapprove of the actions of the executive director, not get involved with employee issues. Jack Hunter and Jon Henry agreed with Ms. Teal stating that Commissioners in general were not knowledgeable enough about individual employee behaviors. The Commission VOTED UNANIMOUSLY to approve the following resolution.

RESOLVED that the SRPEDD Commission approves the executive director's termination of Ms. Linda Lally, Director of Transit Planning as of October 28, 2011.

Following the vote Attorney Lally requested an opportunity to address the commission and was denied.

3/MPO Election: Jim Hadfield stated that due to the resignation of Jean Fox on the MPO a special election was necessary to fill the unexpired term through July 2012. Two candidates had expressed interest. Joan Marchitto of North Attleborough, also a commissioner, spoke to the Commission stating her reasons for her interest in the MPO. Jim Hadfield read a statement from the other candidate, William Rice of Seekonk. Ballots were distributed, tallied and Joan Marchitto was announced as the winner.

4/Reports/Chair: Randall recommended to the commission a book that he had just finished reading. The book was written by Juan Williams and titled "Muzzled – An Honest Debate." Randall highly recommended this as good reading.

4.b/Executive Director: Steve expressed his appreciation for the vote of confidence from the Commission regarding the Linda Lally issue. He stated that although the reasons for his action were well documented, these issues are never easy. Steve reported the resignation of Greg Guimond from SRPEDD for personal reasons. Steve stated that Greg's resignation will leave a great technical hole at SRPEDD. He announced that Sandy Conaty has been appointed to fill Greg's position and that there would be further reorganization recommendations presented to the Personnel Committee in January. On the Community Innovation Challenge Grant, Steve reported that the kick-off meeting highlighting the benefits of e-Gov solutions and summarizing the program was held in Dighton on Wednesday 12/7. Five communities indicated their interest in working together on joint CIC grant applications to implement an e-Permitting solution in their city/town. The communities were No. Attleborough, Seekonk, Westport, Dighton, and Fall River. A grant writing meeting is scheduled for 10 a.m. on Tuesday 12/13 at the SRPEDD Office. Representatives from these communities will work with SRPEDD to determine the type of e-Government process and begin the grant writing process. Representatives from other communities are welcome to join. Steve also reported that he and Ross had met with State 911 officials on Dec. 6. He stated that the State was unhappy that no regionalized projects had materialized to date. He stated that if communities felt that the original proposal was intimidating because of the size of the regional grouping, that possibly it could be reconfigured and SRPEDD could pursue a smaller option with groups of 2-3 communities.

5/a/Regional Reviews: The report was available as a handout. Following review it was VOTED UNANIMOUSLY to place the report on file.

5/b/Contract/Grant Approvals: The report was available as a handout. Steve reviewed the criteria involved in the DLTA Program contract listed below. Following review a motion was made and seconded to approve the following resolution. VOTED UNANIMOUSLY

RESOLVED that the SRPEDD Commission authorizes the Chairman, Treasurer, Officers and Executive Director, as appropriate, to negotiate and execute the following contracts/employee agreements:

1. Contract with the Massachusetts Executive Office of Housing and Economic Development under the District Local Technical Assistance Program (DLTA) for the contract period December 1, 2011 to December 31, 2012 in the amount of \$162,939 to be matched with \$16,294 in cash and in kind services.
2. Contract with Save the Bay, Inc. to provide assistance for Coastal Adaptation for Flood Hazard Reduction and Water Quality Improvement in the amount of \$20,000 for the period Sept. 12, 2011 to December 31, 2012.

6/b/Finance Committee: Chairman Kunz reported that the Finance Committee had met on November 15, 2011. Expenses for the November warrant were \$544,133.41. Chairman Kunz stated that SRPEDD was in good financial shape. He stated that the Committee had discussed alternatives for a trust fund for OPEB benefits and will review proposals at the next meeting. The committee also reviewed succession plans for the Executive Director and Business Manager positions. Mr. Kunz also reviewed the audit as submitted by the SRPEDD auditors. A resolution was presented for approval of the audit by the commission. Jim Whitin questioned how the Commission could vote on an audit when they haven't even seen the report. It was pointed out that the meeting notice had said that copies were available from SRPEDD and that anyone who wanted a copy of the audit should call the office. Susan Teal suggested amending the resolution as presented below. A motion was made and seconded to approve the following resolution as amended. VOTED UNANIMOUSLY

RESOLVED that the SRPEDD Commission approves the decision of the Finance Committee to approve the Financial Statements for FY2011 (audit) prepared by Benoit and McArdle, Marion, MA.

6/c/Regional Economic Strategy Committee: The report was available as a handout. Following review it VOTED UNANIMOUSLY to place the report on file.

6/d/Joint Transportation Planning Group: Jim Hadfield stated that the next meeting of the JTPG was scheduled for December 14 at 11 a.m. and would be followed by a luncheon buffet supplied by SRPEDD staff. He stated that everyone was welcomed to participate. Jim also referred to a letter written by Chief Engineer Thomas Broderick for MassDOT. The subject of the letter dealt with low cost safety improvements at stop-sign controlled intersections. He stated that \$1.9M is the amount that the state is spending to improve stop-sign controlled intersections. Also available was a spread sheet showing SRPEDD's most dangerous stop-controlled locations. Jim stated that this was the time for communities to act if they have intersections that need improvements. Communities can contact him directly or contact MassDOT directly. If anyone needs help with their request, contact Jim.

6/e/SE Mass. Commuter Rail Task Force: Next meeting scheduled for January 25, 2011 at the Lakeville Library.

7/g/Southeastern Massachusetts Council on Sustainability: Next meeting is scheduled for Dec. 8, 2011 at the Waypoint Center at the new Marriott on New Bedford Harbor.

8/a/Old Business/Technical/Municipal Assistance: Following review, a motion was made and seconded to accept as presented and place on file. VOTED UNANIMOUSLY

9 Adjourn/Next Meeting: Prior to adjourning the meeting Jon Henry of Marion asked for a moment of silence dedicated to the lives loss at Pearl Harbor.

The next meeting of the full Commission was scheduled for January 25, 2012. A motion was made and seconded to adjourn the meeting at 7.55 p.m. VOTED UNANIMOUSLY

Joan Marchitto, Secretary