



RECORD OF MEETING

NVCOG Executive Committee Meeting

NVCOG Conference Room

45 Leavenworth Street

Waterbury, CT, 06702

10 a.m., Wednesday, June 12, 2019

Executive Committee Members Present: Pete Hess, Naugatuck; Ed Mone, Thomaston; Chris Bielik, Beacon Falls; Tom Dunn, Wolcott; Dave Merchant, Plymouth; Kurt Miller, Seymour.

Staff: Rick Dunne, Michael Szpryngel, Lauren Rizzo.

1. Pledge of Allegiance and Roll Call

Secretary Ed Mone called the meeting to order at 10:05 a.m. Those in attendance recited the Pledge of Allegiance and the roll was called. There were sufficient members for a quorum.

2. Approval of the April 10, 2019 Record of Meeting

On a motion by Kurt Miller, seconded by Chris Bielik, it was unanimously

VOTED: To accept the April 10, 2019 Record of Meeting as presented.

3. Discussion of Intermunicipal/COG Agreement for Shared Municipal Planner

Rick Dunne explained that the shared municipal planner program would provide a service whereby an employee of NVCOG would be acting as the town planner for several towns. NVCOG would be the employer. Attorneys for the towns involved have raised three points: indemnification, notice for termination, and an anti-poaching provision whereby one town could not "steal" the shared municipal planner and thus leave the other towns participating in the program without one. Mr. Dunne said at this point the shared municipal planner would perform work for two towns and for NVCOG, allocating a third of his time to each. The two towns, along with NVCOG, would pay 1/3 each of the shared municipal planner's salary. A shared municipal planner has been selected, but not hired. Mr. Dunne would like NVCOG to be indemnified by the towns; if the planner or NVCOG were to be named in a lawsuit, he would like the town to defend the individual and the agency. One of the town attorneys, however, would like NVCOG to indemnify the town and carry its own insurance for defense of the planner should a lawsuit arise. Mr. Dunne said NVCOG's employee would be insured for anything they do, not counting professional liability. He does not believe NVCOG has professional liability because the agency offers advice, and a planning and zoning commission can take this advice or not. Planning and zoning commissions also have their own attorneys to advise them. Mr. Dunne said he believes the attorneys for the two towns are looking at this as if NVCOG is a third party contractor, which it is not.

Ed Mone asked the other members if they felt this was an issue for which NVCOG should accept liability, or if this was a make it or break it situation. Tom Dunn suggested that NVCOG obtain an opinion from its attorney. Mr. Dunne said he had been consulted. Mr. Dunne also said any action that costs NVCOG also costs the towns. If there is a cost against NVCOG for the actions in one town, the other towns are effectively being asked to cover it.

Chris Bielik asked if any other regions have experienced a comparable situation and found a useable framework. Rick Dunne answered that Southeastern COG has a similar setup and uses billable hours, but no one had ever questioned the liability issue.

Mr. Dunne said he was concerned about attorney charges that might be incurred if NVCOG were to be named in a lawsuit. He believes the town involved should defend the municipal shared planner until he or she can be separated out of the case.

Kurt Miller said he would call his town's attorney and also reach out to First Selectman George Temple of Oxford.

4. Discussion and Recommendation for FY 2020 NVCOG Budget

Rick Dunne reviewed the most recent NVCOG organizational chart. One position will remain vacant. He discussed the revenue situation with the legislature, explaining that they had adopted a budget that double funded the COGs in comparison to last year. Last year, the budget for COGs was funded through an appropriation. This year nothing needed to occur for funding to be restored. A tax diversion had been taken away last year and is now restored; money from this tax diversion would flow to OPM and fund the COGs per statutes and funding formulas that already exist. \$4.1 million was also allocated from that fund to be used pursuant to the formula in another statute, effectively double funding the COGs. However, this formula had not been adjusted, resulting in the bonus merger formula from 2015 being used. A recent meeting with OPM had not resolved these issues. Further meeting are anticipated. NVCOG must submit a spending plan to OPM by July 1 and is using a low number in the budget planning as a conservative approach.

Mike Szpryngel reviewed the NVCOG income statement for the FY 2020 recommended budget. He compared the preliminary FY 2020 budget that had been adopted in January 2019 with the budget that is now being recommended based on the information Rick Dunne had just provided to the group. Mr. Szpryngel said the bottom line was that there was not much difference between the two budgets. On the revenue side, there will be greater reliance on PL/UPWP funding. Mr. Dunne said the state is going to match current PL funding at the full 10%, but there will be zero percent funding on any carryover. Mr. Szpryngel said more hours will be billed to federal transportation planning. He said there is not much of a concern about over-expenditures for this two year cycle. Other income areas with significant changes are FTA, a small increase in LOTCIP, and less RSG. The wastewater/regional incentive program was adjusted for less staff time and greater amounts to contractors, but this was made up for in the PL funding.

On the expense side, Mr. Szpryngel said there was a bump in the salary line item due to adding more reserve for staff increases. He explained that for every dollar NVCOG spends/bills, \$2.33 in revenue is realized. If staffing were to be cut too far, then NVCOG is effectively cutting in to the rest of its expenses, based on how the overhead rate works. He then reviewed Schedule 1 – GA for the FY 2020 recommended budget. This schedule shows NVCOG's basic operating costs exclusive of salary, benefits, and direct pass-through amounts. Mr. Szpryngel said the budget had been tightened in expenses for capital equipment, and for computer software and maintenance. There are increases in insurance, professional services. Cost savings are expected to be realized for telephone and internet service. There are also reductions to amounts allocated for training and professional development, but travel and meeting expenses are slightly increased. Utility expenses for the Derby train station are now included in the budget; they had been previously paid out of FTA funds in past fiscal years.

due to the Valley Transit District renovation. However, NVCOG is planning a facility assessment of the train station which may result in possible FTA reimbursement for utilities during that period. Upon a question from Ed Mone, Mr. Dunne said eventually this space will once again become an operating train station and expenses for it will be off NVCOG's books.

On a motion by Kurt Miller, seconded by Chris Bielik, it was unanimously

VOTED: To adopt the revised NVCOG organizational chart, budget and schedules, and to recommend same to the full NVCOG board.

At 10:45 a.m., on a motion by Kurt Miller, seconded by Tom Dunn, it was unanimously

VOTED: To enter into executive session, with an invitation extended to Rick Dunne for agenda items 5, 6 and 7, and an invitation extended to Michael Szpryngel for agenda items 5 and 6.

Agenda Item 5: Staff Compensation Plan 2019-2020

Agenda Item 6: Property Negotiations

Agenda Item 7: Executive Director Review and Compensation, per Employment Agreement

The executive session ended at 11:28 a.m., and the regular session resumed.

Noted for the record: Following the executive committee's performance review of the executive director, which has continued over the last three meeting of the committee, the committee hereby sets the executive director's annual base salary for the second year of his employment agreement in the amount of \$131,000 annually. This amount shall remain the annual base salary for subsequent renewal years unless revised by the executive committee of the board of directors at its sole discretion, as per paragraph three of the employment agreement.

8. **Other**

There was no other business.

9. **Adjournment**

At 11:29 a.m., on a motion by Kurt Miller, seconded by Chris Bielik, it was unanimously

VOTED: To adjourn the meeting.

Respectfully submitted by
Lauren Rizzo
Administrative Services Coordinator
for
Ed Mone
Secretary