

**MONTACHUSETT REGIONAL TRANSIT AUTHORITY (MART)
MEETING MINUTES OF DECEMBER 19, 2017
MART MAINTENANCE FACILITY
1427R WATER STREET
FITCHBURG, MA 01420**

I. Call to Order

The meeting was called to order at 10:33 a.m.

ADVISORY BOARD MEMBERS PRESENT: (constituting a quorum)

Mike Nicholson (representing Mayor)	Gardner
Michelle Nadeau (representing Mayor)	Leominster
Mayor Stephen DiNatale	Fitchburg
Selina Shaw (representing Selectmen)	Boxborough
Heather Lemieux	Lunenburg
Kenneth F. Troup (representing Selectmen)	Bolton
Jan Robbins (representing Selectman)	Ashburnham
Alexandra Turner (representing Selectmen)	Lancaster
Tim Bragan (representing Selectman)	Harvard
Shaun Suhoski (representing Selectmen)	Athol

ADVISORY BOARD MEMBERS ABSENT:

Selectperson Heather Billings	Westminster
Keith Bergman (representing Selectmen)	Littleton
Robert Pontbriand (representing Selectman)	Ayer
Selectman Austin Cyganiewicz	Winchendon
Brian Bullock (representing Selectmen)	Hubbardston
Roland Hamel (representing Selectmen)	Royalston
Alyson Toole (representing Selectmen)	Stow
Richard Hatch (representing Selectmen)	Shirley
Carter Terenzini (representing Selectman)	Templeton
Greg Dumass (representing Selectmen)	Sterling
No Representative	Ashby
No Representative	Hardwick

STAFF PRESENT:

Mohammed Khan, Bruno Fisher, James Sluss, Bonnie Mahoney, Jessica Lashua, Adam Gromelski, and Keary Connors

GUESTS PRESENT:

Kim Rozak	Mirick, O'Connell, DeMallie & Lougee, LLP
Phil Rocca	Management of Transportation Service
Andy Divoll	Management of Transportation Service
George Kahale	Montachusett Regional Planning Commission

I. Call to Order (in Open Session)

II. General Comments

III. Approval of Minutes

A. November 21, 2017

RESOLUTION- Ken Troup of Bolton moved that the Advisory Board of the Montachusett Regional Transit Authority approves the November 21, 2017 minutes as presented. The motion was seconded and passed unanimously.

IV. Administrative Matters

A. COA Transportation Contract Status

Bruno went over the comments that MART received in regards to the issued COA contract.

Selina Shaw of Boxborough stated that after speaking with LRTA, MetroWest and MassDOT she has found that dispatching is a direct cost and should be paid. MassDOT said dispatch has never been treated as an indirect expense. They were also going to reach out the FTA for guidance on the issue. The COA's need dispatch in order to perform/operate the service. She will also need to review all documentation and look at the source that MART supplied. Also town council is still reviewing the contract.

Bruno stated he thought we should be able to close out the discussion at this meeting. Changes were based on conversation with town counsel and MIIA.

Selina stated that MIIA cannot agree to the wavier of segregation clause.

Tim Bragan of Harvard asked were all the items and comments incorporated into the new contract. Also after MIIA reviewed the contract were their comments incorporated into the new contract.

Bruno stated the wording of workers compensation segregation was changed.

Selina went over an email from MIIA that was sent in December 2017.

Bruno stated our insurer believes that segregation clause is a standard clause in all contracts for insurance.

Tim stated MART is asking the town to take on the liability. He would suggest that the insurers need to sit down and work this out. He also asked if just the insurance company was involved with the changes or did MART have legal counsel look at the changes too.

Bruno stated we have had legal counsel look at all the changes.

James stated that many RTA's use dispatch in multiple processes. Normally dispatch would be called direct overhead not direct to the running of the vehicles. Per FTA dispatch is a direct overhead cost, you have to have a quantifiable application to your cost. Example: If you run 60 hours or transit time, which is roughly 1.5 people, what should your applicable dispatch time be? Workers are doing multiple functions not just transit functions. MART is not allowed to pay for non-transit items.

Selina stated Boxborough outsources its dispatch so it is solely dispatch.

James asked is CTC truly allocatable time to the work performed and is it certifiable to FTA standards. CTC contract with Boxborough was not procured by MART.

Selina stated Boxborough is saving money by contracting the dispatching service out to CTC. It should not matter to MART how Boxborough provides those services. In the end that translates into everyone saving money.

Mayor DiNatale suggested to have a meeting with MART and all the towns that have concerns. Then bring the agreement back to the Board for them to vote on.

Alexandra Turner of Lancaster stated it is not an insurance issue; it comes down to definitions, what is certifiable for an expense, what are direct costs versus indirect costs.

Bruno stated he would schedule a meeting right after the first of the year.

B. Implementation of Cost of Living Increase for Staff effective January 1, 2018
RESOLUTION-Tim Bragan of Harvard moved that the Advisory Board of the Montachusett Regional Transit Authority approves a cost of living increase of 2% for all MART staff effective January 1, 2018 as recommended by the Administrator. The motion was seconded and passed unanimously.

Mayor DiNatale of the Advisory Board called meeting of executive session to order.

- V. **Executive Session #1: To receive a complaint about an employee of MART, pursuant to MGL Chapter 30A §21(a)(1).
RESOLUTION- Shaun Suhoski of Athol moved that the Advisory Board of the Montachusett Regional Transit enter into executive session to receive a complaint about an employee of MART, pursuant to MGL Chapter 30A §21(a)(1). The motion was seconded and passed unanimously.**

Roll call was done.

Mike Nicholson (representing Mayor)	Aye
Michelle Nadeau (representing Mayor)	Aye
Mayor Stephen DiNatale	Aye
Selina Shaw (representing Selectmen)	Aye
Heather Lemieux	Aye
Kenneth F. Troup (representing Selectmen)	Aye
Jan Robbins (representing Selectman)	Aye
Alexandra Turner (representing Selectmen)	Aye
Tim Bragan (representing Selectman)	Aye
Shaun Suhoski (representing Selectmen)	Aye

VIII. Other Business

IX. Adjournment

The meeting adjourned at 11:30 a.m.