



**APPROVED MINUTES  
NASHUA REGIONAL PLANNING COMMISSION  
Executive Committee  
September 21, 2016**

**Present:**

Dave Hennessey, Chair  
Karin Elmer, Treasurer  
Susan Ruch  
Janet Langdell  
Tom Young  
James Battis  
Dan Kelly

**Absent:**

Mike Fimbel, Vice Chair  
Sarah Marchant

**Staff:**

Tim Roache, Executive Director  
Karen Baker, Program Assistant

**Guest:**

Jenny Maxwell

**1. Call to Order:**

Hennessey called the meeting to order at 6:02 pm.

**2. Business**

**a. Minutes –June 15, 2016**

The Executive Committee reviewed the minutes from the June 15, 2016 meeting. Kelly noted the missing date to the minutes and pointed out miscellaneous typos & grammatical errors. There was also question under the EFAC Discussion on page 3 on *Solarize the Nashua Region*. Roache said it was a proper term. The group decided that it should have quotes around it. Motion to approve the minutes as amended by Langdell, seconded by Young. The motion passed 7-0-0.

Fimbel arrived with a guest and introduced Jenny Maxwell, adding that she was interested in planning.

The Executive Committee then reviewed the minutes from the July 13, 2016 Workshop. Motion to approve the minutes as submitted by Battis, seconded by Young. The motion passed 5-0-3.

Lastly, the Executive Committee reviewed the minutes from the July 20, 2016 meeting. Langdell noted that she was present via telephone and left the meeting after the vote. Motion to approve the minutes as submitted by Young, seconded by Fimbel. The motion passed 5-0-3.

**b. June/July/August Dashboard and Financial Reports**

Roache reviewed the May financials and said it was a good month. Receivables were good, cash flow was good and everything was paid.

Battis made a motion to accept and place the report on file, second by Young. The motion passed 8-0-0.

Roache reviewed the July/August Dashboard noting that the checking and money market accounts were stable. He added that NRPC was fairly active with conferences and presentations

noting the Foundation for Healthy Communities and Heal Conference events that NRPC presented on Complete Streets, the Farmer's Market Outreach event for Nashua, support for NTS on their Triennial Review, 2 Transportation Workshops held in Milford & Hudson and Baker attended 2 Constant Contact trainings. Roache commented that social media was slow due to the summer, but we did not lose any followers. Battis noticed the NHDOT adjustment and money market account info were both listed but not together and asked if the DOT adjustment was in addition to the Money Market. Roache said no the DOT adjustment is part of the total money market balance.

Roache reviewed the June P&L noting it ended in the red due to accrual of salary that does not get paid until July. Roache went on to say that despite the loss in June that FY 16 ended in the black by approximately \$5,800.

Fimbel made a motion to accept and place the report on file, second by Langdell. The motion passed 8-0-0.

Roache reviewed the August/September Dashboard, starting with activities and staff presentations. He noted the PHMSA Pipeline presentation that was held at NRPC. Staff is currently working on outreach for the Climate and Health Action Plan. Longval is heading up the energy aggregation outreach and MOU's. NRPC staff Meno & Mullen attended the NNECAPA conference in Portsmouth and Roache attended a Rail & Economic Development Roundtable in Nashua. Lastly, NRPC and SVCC are hosting IMPACT: A Regional Issues Series that will run through January. Roache also commented that the web stats were up with Household Hazardous Waste being the contributing factor.

Roache reviewed the working budget and explained that if you back out the senior staff and healthcare and add in the CDFA grant and the new planner you will see the differential in the budget. He noted that he would keep the EC updated on the working budget. Roache moved onto the July financials and noted that we just about broke even which is the average when doing full accrual of expenses and dues. He added that he felt August would be down due to vacations. The balance sheet is in good shape with bills being paid in a 30 day window.

Battis made a motion to accept and place the report on file, second by Ruch. The motion passed 8-0-0.

### **3. Strategic Plan Discussion**

#### **a. Adoption/Implementation**

The Strategic Plan Discussion was inadvertently overlooked.

### **4. Solid Waste Management/Household Hazardous Waste Discussion**

Roache provided a brief history of the NSWMD effort to develop a set of bylaws. At the June 2014 meeting NRPC presented draft bylaws to the District. District representatives approved a legal review which ultimately resulted in the questions as to the validity of the district. An extensive document search conducted by NRPC staff and NSWMD appointees did not yield adequate documentation to confirm that the NSWMD was validly formed under RSA 53-B.

District members were uncertain as to the status of whereabouts of documentation on the Districts formation. There was further research by NRPC and outreach to the Solid Waste Management

Bureau, NH DES as well as the Attorney General's office and none had any records of the Districts formation. After further searching, NRPC was able to locate District Agreements from Amherst, Brookline, Hollis, Merrimack, Milford, Mont Vernon, Nashua & Windham dating to 1983, a letter for Hudson dated 10/28/83 from the NH Dept. of Health and Welfare stating it had been assigned to the NRSWMD because it had not voluntarily joined a district, a letter dated 11/28/95 from the Pelham BOS confirming the Town of Pelham's permanent plans to participate in the upcoming Household Hazardous Waste collections sponsored by the Nashua Solid Waste Management District and nothing for Litchfield. Based on other NRSWMD documents, Litchfield joined somewhere between 6/30/98 and 4/1/00.

At the December 2015 District meeting, the District instructed NRPC to proceed with developing updated agreements and asked that they be reviewed by Attorney Waugh. Attorney Waugh then provided his response.

Roache explained that Attorney Waugh is of the opinion that:

- The District is not a validly formed Solid Waste Management District under RSA 53-B.
- The District is only an informal "cooperative agreement" under RSA 49-M:19.

Roache informed the Executive Committee that representatives of the District have requested that:

- NRPC staff will outline the pros & cons of bringing the HHW program under NRPC vs forming a valid 53-B District, including liability and financial implications.
- NRPC staff will send out full meeting packets to all members who were not present at this meeting.
- NRPC's Director, Tim Roache, will discuss the possibility of bringing the HHW program under NRPC at the Sept. 2016 NRPC Executive Committee meeting.

Roache reminded the group that the NSWMD is not part of the NRPC and that NRPC only provides staffing to support to the organization's HHW collection efforts.

Ruch felt the issue has been identified by the Attorney and asked if it would make sense to discuss whether the district could to be recognized under a different statutory provision than that identified in the Attorney's memo before the issue goes back to the towns. Fimbel suggested looking into other models out there that are working. Roache said he received a sample plan from Longval with pros & cons that UVLSRPC uses. Langdell questioned at what point the program would need to go to towns for review and/or consideration.

There was discussion on the NSWMD account balance. Roache explained that there has always been the fear among the NSWMD members of NHDES funding going away and so the NSWMD has maintained reserve funds to continue the collections should that happen. Langdell asked how much dues were and how much to run the program. Roache provided examples of how much some of the towns pay. There was further discussion on how to deal with the account balance.

Hennessey felt that everything should be transparent going forward and that we should go to the communities and explain the situation and ask for input. Langdell commented that what was done in 1983 is very different from what we do in 2016. Hennessey felt we need to come up with a financial resolution to deal with this. There was discussion on bringing this to the communities and



the mixed reactions they would receive. Fimbel said that there will be a hiccup, but to try and make things as seamless as possible. Hennessey commented that realtors really depend on the Household Hazardous Waste program. Ruch agreed that it was a very important program.

Hennessey suggested developing an outline of what to present to the towns with a cost analysis. Fimbel said to use a good program template of how other programs run. Hennessey also suggested having a conversation with NHDES on what the requirements are. There was further discussion on how to approach the issue. The group felt there should be transparency; that we should be prepared to present this information to the municipalities, explained how that we identified the issue and that we are looking for a resolution and would like input from the municipalities that are part of the District.

Ruch suggested that after the Oct. 6<sup>th</sup> meeting, that a letter should be drafted to NHDES and the towns.

Fimbel left the meeting at 6:45pm

#### **5. Other Business**

Roache informed the group that he had interviewed to retirement firms that had varying opinions on what they could do for us and that he would be meeting with a third one.

#### **6. Adjourn**

The next regular Executive Committee meeting will be October 19, 2016.

Motion to adjourn was made by Young with a second by Kelly. The motion passed 7-0-0. The meeting adjourned at 6:48.