



**APPROVED MINUTES  
NASHUA REGIONAL PLANNING COMMISSION  
Executive Committee  
July 19, 2017**

**Present:**

Karin Elmer, Vice Chair  
Susan Ruch, Chair  
James Battis, Treasurer  
Mike Flmbel  
William Boyd  
Janet Langdell  
Dave Hennessey  
Tom Young

**Absent:**

Sarah Marchant

**Staff:**

Jennifer Czysz, Interim Executive Director  
Karen Baker, Program Assistant

**1. Call to Order:**

Vice Chair Elmer called the meeting to order at 6:03 pm.

**2. Business**

**a. Minutes – June 21, 2017**

The Executive Committee reviewed the minutes from the June 21, 2017 meeting. Motion to approve the minutes came from Hennessey, seconded by Battis. The motion passed 6-0-1.

**b. May/June Dashboard and Financial Reports**

Czysz reviewed the Dashboard. Hennessey asked if she could jump to the \$172,000 outlined in the Director's Report. Czysz explained that while drafting the FY2018-2019 UPWP, NRPC along with several other RPCs discovered that the toll credits used as match to the 2016-2017 UPWP are reimbursable funds, opening up an additional \$172,000 of untapped revenue. She noted that there was no communication about this from DOT and there were 2 years' worth of toll credits that NRPC could have used for additional transportation programming. We were limited in our ability to utilize these funds with less than 2 months to draw down on them. Czysz informed the EC that a portion of these funds were invested in increasing NRPCs staff capacity through an in-house Synchro traffic modeling training opened up to municipal staff and other RPCs at the end of May, the purchase of updated Synchro software, the purchase of 4 radar based traffic counters with equipment to improve field work safety, and 2 bicycle and pedestrian counters. She noted NRPC had been borrowing bike/ped counters previously. Additionally, NRPC contracted with AECOM to begin work on a freight plan, an update to the Intelligent Transportation Systems plan and review intersection analyses in Pelham and Hudson. Hennessey commented on the DOT vehicle that disrupted traffic on Shelburne Road recently. He also asked why an emergency EC meeting was not called about the additional dollars. Czysz noted that it was mid-May when NRPC received confirmation from NH DOT.

Chairwoman Ruch arrived.

Czysz reviewed the estimated year end budget and stated that the final year end budget for DOT will appear over, but with the additional toll credits will not truly be over budget. Langdell asked how this would be written in the budget. Czysz said it would simply appear as over budget as the toll credit clarification came too late to officially amend the FY17 budget. Czysz also noted



that that the FY2012-2013 Indirect Cost Rate adjustment has been paid back to NHDOT and will in future months be removed from the Dashboard. She added that receivables are current and cash flow is good. Czynsz stated that overall we should still end up in the black for year end.

Czynsz noted the trainings and presentations that staff has attended, specifically the Cyber Security training and GIS TAC meeting that Siskavich attended, the Merrimack Town Center Walkability mapping meeting, tax mapping meetings with Amherst, Wilton Safe Routes to School meetings attended by Waitkins. Langdell asked what school in Wilton was involved with the SRTS program. Czynsz stated it was the Florence Rideout Elementary school. Other meetings staff attended was the HHW vendor bids meeting, noting that the interviews will be on Thursday and also noted that the recent meeting with the Nashua legal department on the NRSWMD cooperative agreements was a positive one. Czynsz stated that she and Siskavich met with five RPC's on MS4 and how they can jointly assist municipalities. She also referred to the meeting on the Solid Waste Management District meeting that was held earlier in the day. Czynsz stated Chizmas attended the GACIT kick off meeting today up in Gilford NH. Langdell asked if the rest of the schedule was out. Czynsz said she had not seen it but would send it out to NRPC Commissioners per Langdell request when she received it. Czynsz stated that social media and the newsletter were down a little due to the summer, noting that she looked at the previous year and there was similar statistics.

Czynsz stated that the audit is underway and Melanson and Heath were in last week doing the preliminary information gathering. She also commented profit and loss noting that DOT was up and that June would probably be similar to May but bigger dollar wise. She noted that May expenses were a little behind expectations and June will be higher due to the DOT purchases and to capture all staff time through June 30<sup>th</sup>. May ended about \$14,000 in the black.

Langdell motioned with a second from Hennessey to approve the Dashboard and place on file for audit. The motion passed 8-0-0.

**c. Nominating Committee – Executive Committee Membership**

Czynsz informed Hennessey that there were no volunteers for the vacancy on the executive committee. Hennessey commented that he wished there were; to get some new blood on board. Ruch suggested sending out another email in August. Battis commented on the low attendance at the June meeting. Fimbel asked if the EC would be fully staffed by Hennessey staying on board. Czynsz said yes. There was discussion on whether someone on the EC should approach the Commissioners. Both Wilton and Amherst were approached. Hennessey suggested getting another Nashua representative to replace Kelly. The group felt they should approach Hollis; either Rao or Larmouth. Elmer commented that the people she knows are not interested. Ruch stated that it is partly due to meeting conflicts. Boyd asked if Wednesdays were set for the meetings. Elmer noted that this was researched and Wednesdays were the best night to hold the EC meetings based on all other board meetings in the region. Langdell commented that changing it could mess with the schedules of the current EC board members. Langdell said she would reach out to Rao and Larmouth and report back.

**d. NRPC Office Lease**

Czynsz informed the EC that the current lease for 9 Executive Park Drive expires on March 31, 2019 with notice of intent is due on September 30, 2018, so about one year out to renew. She added that per our Operating Policy requirements, NRPC should issue an RFP in the fall to gain competitive quotes for office space, including from the current facility before committing to

---

renew. The Executive Committee should consider forming a subcommittee to assist in the RFP development and review process and to identify space needs and requirements to be included in the RFP. The group suggested having Hennessey read the lease and the RFP where he has real estate experience before sending them out. Elmer commented that she did not think we need to go smaller but the needs have to be addressed. Hennessey stated he is not a commercial broker but did have one in his office that could be involved as long as there are no confidentiality issues. Czysz said she would check into this.

The Committee discussed that the office should be centrally located and that maybe in another town, but that Merrimack and Nashua were the most centrally located. Langdell agreed that there needs to be easy access. Fimbel asked for clarification on the lease term. Czysz stated that the original was 5 ½ years with a five year renewal. Fimbel felt it would be a healthy process to undertake adding that the common area maintenance has had an effect. The group felt that they should definitely move forward with an RFP.

Langdell asked if they could find out what is available out there, but excluding downtown Nashua due to parking issues. Boyd commented that Tim Thompson would know about Merrimack availability and commented on some potential properties owned by Wilkes and Tambone and a historic building in Merrimack that would be ideal except for the limited parking. Young informed the group of some properties being renovated off Exit 8 behind the Market Basket. Boyd asked if the current building could be retrofitted. Elmer stated that the building was never set up for individual tenants and the landlord does not want to retrofit. She added that the overhead is significant. Czysz stated that ample parking and good visibility are important due to the many meetings and trainings. Elmer added that overnight parking is also needed for the NRPC van. Ruch asked the group if there were any thoughts on forming a subcommittee. Hennessey suggested waiting till the next meeting.

### **3. NRSWMD Restructure Update**

Langdell asked if Czysz could provide a background on the reason for the NRSWMD restructure update for Boyd before providing her update. Czysz explained that it started about a year and a half ago when the District in an effort to establish bylaws for the NRSWMD. In the process of reviewing the District's draft bylaws, Attorney Waugh determined that the District was never formed under RSA 53-B, but rather as a cooperative agreement. After discussions and based on the advice of Attorney Waugh, it was best to document the process and steps already in place through an updated Cooperative Agreement formulated under RSA 149-M:19 of which Roache and Longval worked on. Ruch asked that the two memos on the previous discussions and paths to take moving forward be provided to Boyd. She also noted that the full Commission has been briefed on this. Czysz stated that the Attorney Waugh was okay with the draft agreement and it was sent to Nashua Legal where it was stalled over the insurance needs for the storage facility (which is owned by the City) and events.

Czysz stated that most recently, staff met with Nashua's Legal and Risk Management Departments on July 11 to discuss these matters. The City's Risk Manager will include the storage shed under the City's "self-insured" facilities, however, will work with NRPC to draft language to be incorporated into the Cooperative Agreement that articulates how the shed will be replaced should it be damaged or destroyed. Additionally, the Risk Manager will provide language to be included within the next vendor agreement to ensure the selected vendor adds the City and NRPC to their list of insured parties. The City's legal department agreed to this approach and will be providing a final set of mark ups to the Cooperative Agreement with the intent to submit it to the City's Aldermen for a first reading at their August meeting, following which we will send the agreement to other District

members for consideration and signing. Responses to the vendor selection RFP are currently under consideration and will be selected by the end of this month. Lastly, Longval and Czysz will go to the municipalities in the District and have the agreements signed. Czysz said she hoped this will be done by the end of the year.

Ruch asked if the member communities should be listed as additional insured. Czysz said that was a good question and that it is being talked about and they may end up listing all towns. She added that there is no additional cost to add the towns. This was further discussion on liability, fault and insurance based on a question from Boyd. Ruch asked if there was a copy of the cooperative agreement available before it goes to the City's Board of Alderman. Czysz said there are changes that have yet to be incorporated. She asked if she could have a redline copy of what gets added by the City. Boyd said he would like to see a copy of what goes to the City. Fimbel informed the group of the July 25 NRSWMD meeting. Elmer asked if this has to be vetted by the Executive Committee. Fimbel felt the District was self-contained. There was further discussion on Cooperative Agreement. Czysz stated that once the NRSWMD approves the Cooperative Agreement, it would not hurt to have it vetted by the Executive Committee, but it is a separate entity, not a subcommittee of the NRPC.

#### **4. Rail**

##### **a. NH Rail Transit Authority (NHRTA) Representation**

Czysz stated that Roache is the NRPC designee to the NH Rail Transit Advisory Board and she is his alternate. Recently he was elected to serve as the Board's Vice Chair. She added that she would continue fill this role as alternate and once the next Executive Director is confirmed, the Executive Committee will need to update NRPC's appointments to the NHRTA advisory board. She noted that Rockingham Planning Commission also has a seat on the board. There was discussion on the rules and process regarding representation. Czysz noted that NHRTA membership is spelled out in the statute and that NRPC staff time is covered by the DOT contract. Boyd asked who appoints NRPC reps to the NHRTA. Czysz said it is the Executive Committee and noted that Roache can't represent 2 regions and that he also can't be on the NHRTA unless he is appointed by the Rockingham Planning Commission. Ruch asked how often they meet and Boyd asked who is on the Board. Czysz stated that there is a governing body and an Advisory Board that meet approximately monthly and that NRPC is on the Advisory Board as well as representatives from other RPC's, municipal staff, and interested public.

##### **b. City of Nashua Updates**

Czysz reminded the group of the Commission's vote to support the City of Nashua's proposal to promote an incremental approach to implementing rail in New Hampshire and stated that she would like to do a press release that expresses our support for the City. She asked for input. Elmer felt it should be a joint press release with the City.

#### **5. Old Business**

##### **a. Draft Personnel Policy Discussion [59 pages] – Continued First Read**

Czysz picked up on where the EC left at June meeting on the review of the Draft Personnel Policies. Below were some of the concerns or changes requested from the Executive Committee:

- Ruch commented that she had some nits and picks that she would email to Czysz. She also commented she was not comfortable with the maternity leave section on pg. 34 determination of a person on maternity leave as being disabled.

- Hennessey asked if there was paternity leave. Czysz said no, but it would fall under Non-FMLA Family Medical Leave.
- Employees having to use all leave before using FMLA Leave, especially for new Mom's. Czysz felt something a little better could be done without affecting the agency. Elmer felt a week was reasonable to leave an employee. Ruch said if FMLA is unpaid, we should allow folks to retain a little for transition back to the office.
- Pg. 35, Leave without Pay: it should say "shall" rather than "may".
- In section 6.6 Ruch asked if there was a cost for Short Term Disability. Czysz said yes but she thought it was minimal.
- Langdell thought the section about the Retirement Program under section 6.8 was short. Czysz said it is a short version and being kept separate from the personnel policies. She mentioned also including a 1-page summary of benefits as an appendix.
- Under section 6.8 Retirement Program, Ruch asked what the rule is if you decline the retirement program when first eligible and then want to participate. Czysz said she would check with Reinert.
- Under section 6.10 Temporary Alternative Duty, Hennessey noted that nothing was listed except work related. Ruch asked if ADA was properly reflected in the draft and should it be? She also questioned if accommodations should still apply where telecommuting is allowed or approved for someone who is telecommuting and injures themselves.
- Under section 7.0 Administrative Matters, Elmer asked if firearms in the workplace are something we want to address as it does not say specifically whether you can have them. Boyd also felt that "premise" should be defined. Elmer stated that employers can prohibit firearms from coming into their workplace. Hennessey suggested checking the current RSA. There were questions on whether you could prohibit meeting attendees from bringing firearms to public hearings. Elmer stated the town can prohibit. Hennessey said to consult with the lawyer on this and the recent changes in the law. Ruch said to put this section on the agenda for review at the next meeting after we get more info from the Lawyer. Elmer felt it should be spelled out clearly and Boyd felt that "premise" was too vague.
- Under section 7.6 Fitness for Duty there was discussion on whether you should be able to check a person's desk for alcohol if you feel they are not fit for duty.
- Section 8.0 Appeals: Czysz pointed out the "NOTE" from the attorney explaining that she felt this was good practice but the attorney did not feel it was necessary, but nice. Ruch was concerned about the timeframes but thought it was a good idea. She also felt that under #2 "Written Appeal to the Executive Committee", they should add "as soon as reasonably possible, but no later than..." There was further discussion on this. Ruch asked about suspension as an alternative for disciplinary action and if this is with or without pay.
- Czysz noted that under Telecommuting Policy and Agreement in the Appendix C, NRPC does not provide phone cards for long distance calls and that will be deleted.
- Under Appendix D: NRPC Mileage Reimbursement Policy and Examples, Ruch agreed with the policy except for Saturdays noting there should be a longer distance permitted. Czysz said that was denied by DOT. Langdell noted a correction under footnote 4 of the "NRPC Standard One Way Mileages" table noting that it should be "101a".

---

**6. Designate NH Association of Regional Planning Commissions (NHARPC) Alternate Representative**

Langdell asked how many representatives are permitted to be on the NHARPC. Fimbel stated that the NRPC can have 1 more representative and alternates. The group meets about 6 times a year usually on Thursday's from 1-3pm at the NH Municipal Association building in Concord. Fimbel also commented on benefits of having commissioner representatives vs. executive directors. Czys stated that she recently read that Executive Director's (ED) cannot vote and do not count toward a quorum. Ruch felt that it is good to have additional Commissioners as representatives if ED's are not allowed to vote. Ruch and Young were interested in being alternates and Elmer and Battis said they were also interested in becoming representatives. Langdell asked for a synopsis and the draft minutes from the NHARPC meeting. Czys noted all past meeting materials are online. Fimbel stated that they just had their annual meeting last month.

Boyd made a motion to appoint Elmer as NRPC's second representative to the NHARPC along with the appointments of Young and Ruch as alternates, second by Langdell. The motion passed 8-0-0.

**7. Other Business**

There was no other business to discuss

**8. Non-Public Session**

8:00 pm: Elmer made a motion to enter into nonpublic Session per RSA 91-A:3, II(a) to consider or act upon "the dismissal, promotion, or compensation of any public employee..." seconded by Battis. Roll call vote:

Jim Battis – yes	Dave Hennessey- yes
Bill Boyd – yes	Janet Langdell - yes
Karin Elmer - yes	Susan Ruch - yes
Mike Fimbel - yes	Tom Young - yes

8:10 pm: Elmer made a motion to exit nonpublic Session, seconded by Boyd. Member Roll call vote:

Jim Battis – yes	Janet Langdell - yes
Bill Boyd – yes	Dave Hennessey- yes
Karin Elmer - yes	Susan Ruch - yes
Mike Fimbel - yes	Tom Young - yes

8:11pm: Elmer made a motion to seal the minutes of the non-public session seconded by Young. Roll call vote:

Jim Battis – yes	Janet Langdell - yes
Bill Boyd – yes	Dave Hennessey- yes
Karin Elmer - yes	Susan Ruch - yes
Mike Fimbel - yes	Tom Young - yes

**9. Adjourn**

The next regular Executive Committee meeting will be August 16, 2017.

Motion to adjourn was made by Boyd with a second by Battis. The motion passed 8-0-0. The meeting adjourned at 8:12 pm.