



**APPROVED MINUTES
NASHUA REGIONAL PLANNING COMMISSION
Executive Committee
August 16, 2017**

Present:

Susan Ruch, Chair
James Battis, Treasurer
Sarah Marchant
Mike Fimbel
Dave Hennessey
William Boyd – via Telephone

Absent:

Janet Langdell
Karin Elmer, Vice Chair
Tom Young

Staff:

Jennifer Czysz, Interim Executive Director
Karen Baker, Program Assistant

1. Call to Order:

Chair Ruch called the meeting to order at 6:04 pm. She stated the Committee Member Boyd would only be available via telephone for about 1 hour as he had a very important town meeting to attend on PFOA's. She requested that agenda item 3. NRSWMD Restructure Update be discussed first and that Boyd had questions and concerns.

2. Business

a. Minutes – July 19, 2017

The Executive Committee reviewed the minutes from the July 19, 2017 meeting. Motion to approve the minutes came from Hennessey, seconded by Battis with Marchant abstaining. The group noted minor grammatical errors on pages 2, 3, 4, & 6. Motion to approve the minutes as amended came from Marchant, seconded by Battis. The motion passed 5-0-0.

b. June/July Dashboard and Financial Reports

Czysz stated that the \$122,000 FY 12 – FY 13 NHDOT Settlement has been paid and is no longer on the dashboard. She also stated that we continue to have a healthy balance that supports two to three months of operating expenses. Transportation and NRSWMD programs have been busy. Web stats continue to be low over the summer. It may be time to refresh our website content. The profit and loss and balance sheets depict fiscal year end for 2017, these won't be officially closed out until the audit is complete. Staff time in June was up on the DOT contract, helping to end the year well into the black. She noted that if our indirect rate was lower than the approved rate, however as we have a predetermined rate a settle up will not be required. She explained a little more in detail on how the indirect rate works.

The dashboard's working budget has been updated to reflect additional funding awarded for hazard mitigation plans in Hudson, Hollis and Litchfield. Additionally, the DOT funds were reduced in FY 2018's working budget to reflect that the contract more accurately splits 48% in the first contract year and 52% in the second year based on pay periods. She reviewed the trainings that Staff has attended in the last month specifically the SADES pedestrian infrastructure that Chizmas and Waitkins attended which provides all the instruction needed to collect inventory, condition, and ADA compliance data for sidewalks, crosswalks, and curb ramps. Czysz also noted that SNHPC, RPC, and NRPC had a meeting related to water supply connectivity and to discuss the potential dollars for outreach to communities. There was discussion on where Litchfield and Pelham get their water supply from. Hennessey commented that the Salem water line crosses Pelham to connect in with Methuen.

Battis motioned with a second from Hennessey to approve the Dashboard and place on file for audit. The motion passed 5-0-0.

c. Primex Contribution Assurance Program (Action Required)

Czys informed the Committee that Primex offers a contribution assurance program (CAP) that limits increases to our Property and Liability and Workers Compensation programs over a three year period. She noted that NRPC has participated in both programs in the past and have found that it is a good way to ensure that our insurance costs do not escalate unexpectedly. She noted that the last time we voted on this was in 2013 for FY 2014 through FY2016. This vote would be to enter the next three year program beginning with FY19. Czys stated that cap rate last time for the workers compensation was 8% and the property-liability was 7%. The Committee asked how much the cost was to NRPC. Czys stated that she believed there was no cost and that Primex just wants us to sign on with them for extended contract period. Ruch and Marchant requested that Czys check the policy to make sure there are no hidden fees, confirm that there is no cost to NRPC and see if there is a better cap rate. Ruch suggested putting off a vote until the September meeting when we have confirmation on the above requested information. **The Committee agreed to put off action on the Primex Contribution Assurance Program until the September Committee meeting.**

d. UNH Cooperative Extension Economic Development Academy

Ruch stated that she reached out to the UNH Cooperative Extension and was awarded a scholarship to help with the cost to attend the Economic Development Academy Workshop. She stated that if the Town of Amherst and the NRPC paid the balance, UNH Cooperative Extension would match with \$200. She stated that she felt she could better support NRPC if she were to attend the Workshop. Ruch reached out to the Town of Amherst and they agreed to provide \$200. Hennessey stated that it is in the NRPC Strategic Plan to develop an Economic Development program. He also commented that this is something NRPC should be doing. Marchant agreed. Czys stated that she attended this training in 2016 and NRPC Regional Planner Stephen Meno is registered to attend in 2017. After further discussion, Hennessey motioned with a second from Battis that the NRPC contribute \$200 towards the cost for Ruch to attend the UNH Cooperative Extension Economic Development Academy Workshop which would come from the staff development line item of the budget. The motion passed 5-0-0.

3. NRSWMD Restructure Update

Czys updated the Committee on progress with the Nashua Region Solid Waste Management District restructure since the last Executive Committee meeting. As reported at the last meeting, Jill Longval and she met with Nashua's Legal Counsel and Risk Manager to review remaining work and revisions on the draft Cooperative Agreement and Vendor contract. The primary focus was on ensuring adequate insurance and risk management for the Household Hazardous Waste (HHW) program's storage shed and for events. Since that time we have had further conversations about the structure of the Cooperative Agreement. While Attorney Waugh advised that NRPC could be a signatory to the cooperative agreement structured under NH RSA 149-M:19, the City's legal department disagreed. To help expedite the revision of the Cooperative Agreement, NRPC is working with its legal counsel, Morgan Hollis, to draft the revisions requested by the City. The revised Cooperative Agreement will specify that all communities agree to contract with NRPC who will serve as the District's agent. The terms of that contract will be attached to the Agreement.

A completed draft was anticipated for August 21st providing time for review by Nashua's legal department. The cooperative agreement just formalizes the program to what it is today. The difference will be how NRPC signs its contract with the District.

The final document is planned to be complete by September 1st for submission on September 6th for a first reading at the Aldermen's September 12th meeting. Alderman and NRPC Commissioner Mary Ann Melizzi-Golja agreed to serve as a sponsor. The final draft will be placed on the September Commission agenda along with a presentation of the proposal that will be going to each community. Ruch had concerns about the push to get it to the Aldermen, adding that she did not want the Aldermen to sign then not have the other towns sign for some reason. Ruch added that Boyd also had concerns.

Boyd asked what the household hazardous waste (HHW) numbers are that are being handled at the Nashua site. Marchant noted that there are 2 off-site events, so there may be a different total for Nashua. Fimbel clarified the current members in the District, which towns of the NRPC region were not part of the District and that Windham, a SNHRPC community, was also part of the District. Czysz did a brief search for the data, but was unable to locate it. She did note that there has been an increased amount of HHW. Czysz said she would have Longval send the data and annual reports to Boyd.

Ruch referred to the current draft cooperative agreement and asked if it should be called the Nashua Regional Solid Waste Management District where they are not really a district. She also had concerns about how the agreement is silent on the existing funds and how they are handled. She wanted to better understand this and did not feel confident that it would be ready for the deadlines mentioned. Czysz stated that the district does its own audits and stated that Morgan Hollis felt the purpose statement was woefully deficient, but that more could be added to this piece. Czysz explained to Ruch the importance of sticking to the deadlines outlined noting that this is all dependent on the communities and it affects the grant monies requested from NHDES. She added if it is not done this fall, it would have to put it off for a year. Czysz stated that the agreement does not have to go to town meeting to be signed. Ruch asked when the NHDES grant is due. Czysz stated that it is due February 1st but is needed sooner for the grant writing and budgeting. Battis asked if member towns are aware of this. Czysz said yes; Roache and Longval had conversations previously with town administrators.

Marchant noted that there was a district meeting on September 6th and that it would be a 6-8 week process for any kind of aldermen approval and that it would not be voted on at the September 12th meeting. She added that amendments have to go to all committees involved. Czysz said there is some playroom in the schedule for contingencies, but we like to be early. Marchant asked if Czysz anticipated getting the cooperative agreements signed during the BOS/BOA/TC meetings. Czysz said it would be good and added that the final draft will be sent to call communities ahead of these meetings. Marchant noted that the Aldermen may want changes. Ruch suggested calling it first draft pending changes. Hennessey asked if a letter of support from the realtors would help. Czysz said yes. Battis stated that in the past, only 1 selectman has voiced opposition, in response to a question from Fimbel if Hudson was in support of the program. Czysz stated that that she and Longval would do a presentation to the boards beginning mid-October to early December. She added that she would send the draft, once received back from Morgan Hollis.

Boyd and other Committee members voiced their concerns on cooperative agreement as follows:

- Title change to Cooperative Agreement for the Household Hazardous Waste Collection Program
- Purpose and/or “whereas” statements should mention the NRSWMD’s collaboration history
- Additionally, the purpose and/or whereas statements should acknowledge that the district has an existing bank account
- The effective date (currently in the first paragraph) should be something that allows the district to move forward even if all communities have yet to sign the agreement – either a specific date or once two communities have signed.
- The cooperative agreement should allow for new communities to join
- It was recommended that rather than requiring affirmative votes of two-thirds of the district representatives present at the legally noticed meeting (sections 4.2 and 5.3) that it be a simple majority.
- Related the last line of section 4.4 requires a vote but does not specify whether it’s a simple majority or set guidelines.
- Section 5.1: add a treasurer as the second signature for checks.
- Section 5.3: last couple words of the first paragraph “the respective party” is the municipality.
- Section 7.0: add a provision that communities that plan to withdraw need to submit written notice of their intent to do so.
- The signature lines should be set up so that each community has a separate signature page and the appropriate “in witness whereof” and a statement that each certifies they are authorized to sign included for each.

Boyd asked if the same formula used in NRPC dues is used to calculate the NRSWMD dues. Czys said NRSWMD dues are based on a per capita rate. He also asked if any other RPC’s are involved or have a HHW program and are they districts or cooperative agreements. Czys stated that Lakes, Southwest, Rockingham, Central, and Upper Valley Lake Sunapee RPC’s are the ones she was aware.

Fimbel stated that we are doing the simplest approach to something that was functioning well and this is a matter of ratifying to be in line with state law. He elaborated some on the original inception of the district. Ruch commented that it seems that communities want to continue in this mode and want to go in this direction. In the end, it’s important that we make sure NRPC is protected. She asked if there were any other questions.

Boyd commented that he was brand new to the Committee and understood that we are trying to wrap up this process and put a bow on it. He felt this is an opportunity of the NRPC to take over the program and run it and also a unique opportunity to work with Merrimack due to the new DPW building being built. Boyd added that it shows the value of what NRPC does. He added that he knows some of the Nashua Aldermen and would be happy to contact them for support to NRPC. The Committee felt it was a good idea for Boyd to reach out to the Aldermen. Lastly, he had full confidence in Morgan Hollis with regards to the cooperative agreement.

Hennessey commented that that this is a collaboration of the communities to provide a service to their residents that NRPC is supporting. He felt the best thing is to try and get it resolved and let the communities operate the way they have without a break in service. Boyd agreed. Boyd disconnected at 7:03pm.

4. Transportation Programs Update

a. GACIT Ten Year Plan Process

Czys stated that the Committee endorsed the region’s Ten Year Plan project rankings and submissions at the April 2017 meeting. This is part of the ongoing Ten Year Plan process that happens every 2 years and only federal aid eligible projects are ranked and considered for inclusion in the last two years of Ten Year Plan. She noted NRPC’s allocation for 2027 and 2028 is \$6,021,577. She referred to the projects listing:

Rank	Project Name	Estimate
1	Nashua: DW Highway Pedestrian Connectivity	\$350,000
2	Pelham: Mammoth Road/Sherburne Road improvements	\$1,100,000
3	Merrimack: DW Highway/Wire Road improvements	\$835,000
4	Nashua: Downtown Nashua West Gateway Project	\$2,040,000
5	Pelham: Mammoth Road/Keyes Hill/Tallant Rd improvements	\$750,000
6	Milford: Swing Bridge Rehabilitation	\$564,491
7	Nashua: Broad Street Parkway - New Interchange to Franklin St	\$1,350,000
	Total Estimated Cost:	\$6,989,491

Czys stated that if the Pelham project (#2) receives CMAQ funding, that we could potentially, if approved by DOT, move up the Nashua project (#7). Hennessey commented on the importance of this project and that currently, they are shutting down a section of Mammoth Road to the State line for paving and that there are also 3 subdivisions going in on Shelburne Road. Czys briefly reviewed some of the upcoming key dates in the Ten Year Plan process, specifically the August 23 presentation of the first draft of the Ten Year Plan which will be at Keene State College. She stated that she would be attending this meeting. She noted that the group should have received an email with the Ten Year Plan public hearings scheduled for the NRPC region.

b. CMAQ Project Scoring

Ruch asked if everyone read the CMAQ information. The group said they did and Ruch proceeded by briefly summarizing the info. There were five letters of interest submitted by NRPC communities (Hudson, Milford, Nashua, NTS, and Pelham) and there is funding for approximately \$13.5 million with over \$23 million of federal funding requested. Czys add that there are important dates to keep in mind moving forward:

- NHDOT Mandatory pre-application workshop in late August & early September:
- Applications due to NHDOT in late September
- NHDOT staff reviews and scores project applications in October
- NHDOT makes recommendations to GACIT in November

Czys stated that the process is supposed to be a cooperative process but the proposed approach to evaluating and selecting projects at the July 19 GACIT Kick-off meeting was to exclude RPCs and CMAQ Advisory Committee in the project evaluation and ranking process and instead, NHDOT staff will be responsible for project evaluation and ranking, with GACIT to select projects to receive CMAQ funding. Czys referred to the letter included in the agenda packet that was sent to Councilor Wheeler and Commissioner Sheehan on behalf of all 9 RPCs recommending that:

- RPCs score and prioritize regional projects and any statewide projects within established timeframe using NHDOT criteria, with results submitted to GACIT;
- NHDES and RPCs assist and/or be consulted by NHDOT in assessing the air quality benefits;
- The CMAQ program return to a regular schedule of funding rounds to allow time for full participation by the CMAQ Advisory Committee and the regional project review component going forward.

Lastly, Czys stated that Sinnott met with Councilor Prescott and RPC's will be ranking in parallel with G&C.

c. 101A Projects

Czys stated that as part of TIP Amendment #2 adopted by the Commission at the June meeting, Julie Chizmas has been in contact with the NH DOT project manager, Jennifer Reczek, who provided her an update on the 101A projects. She noted that Reczek will also be attending the September TTAC meeting to answer questions and provide information to the TTAC on the 101A projects. Marchant felt this was very important and there should be an extra push sharing this info that DOT will be at the TTAC meeting to talk about 101A. Czys said that Chizmas would reach out personally to TTAC members for participation at the meeting.

5. Rail

a. NH Rail Transit Authority

Czys informed the Committee about the upcoming August 18th joint Rail Transit Authority and Advisory Board meeting where members will discuss a draft potential amendment to HB 267. Amendments will be centered on re-envisioning the NHRTA to be a clearinghouse for new applications of passenger transportation modes and technologies in New Hampshire. This draft has been prepared at the recommendation of Representative Sykes, House Transportation Subcommittee member. She asked that if anyone had any comments on the draft amendment (included in the agenda packet), she would be happy to take them to the August 18th meeting. In response to a question from the EC, Czys stated that her understanding is to keep the body alive and agree on a compromise.

b. City of Nashua Updates

Czys stated that the City of Nashua has prepared a resolution establishing a Nashua Rail Transit Committee that includes a representative to be appointed by the NRPC Executive Director. This committee will be charged with formulating recommendations and the development of a strategy to be presented to the Mayor and Board of Aldermen within six months. Marchant stated that this is going to be referred to committee and hopefully approved on September 12. In addition, Czys said she has been working with Cummings at the City on a joint press release for early September which will express NRPC's support for the City's efforts and focus on the need continue to make progress and the potential economic benefits to be gained from passenger rail.

6. Old Business

a. Nominating Committee Executive Committee Membership

Czys stated that a reminder will be sent to Commissioners at the end of August seeking any volunteers for the Executive Committee. Fimbel asked if Langdell got ahold of the Hollis representatives to see if there was any interest there. No one was sure.

b. NRPC Office Lease

Czys noted that this was left on the agenda to allow the Committee time to consider whether or not to formulate a subcommittee to assist in the RFP process. Marchant said she had concerns with Langdell’s statement about “not downtown Nashua because there is no parking”. She stated that there are properties with ample parking. Czys noted that we need to be ADA compliant. Marchant felt a location and specs needs should be done which would include parking, but to what extent should be specified. Ruch asked the Committee members if they wanted to set up a subcommittee and if we were at that point yet. The Committee did not want to set up a committee yet. Czys explained that the reason for a subcommittee is to have additional insight when the RFP’s come back.

c. Draft Personnel Policy Discussion

Czys indicated that there would be a near final version of the Personnel Policy ready for the September meeting for discussion.

7. Other Business

Fimbel commented on Hennessey’s exceptional job as chair of the Committee.

8. Non-Public Session

8:02pm Fimbel made a motion to enter into non-public session under 91-A:3, II(a) to consider or act upon “the dismissal, promotion, or compensation of any public employee...” seconded by Battis. Member roll call vote:

Dave Hennessey – yes	Mike Fimbel – yes
Jim Battis – yes	Susan Ruch – yes
Sarah Marchant - yes	

8:38pm Fimbel made a motion to exit non-public session, seconded by Battis. Member roll call vote:

Dave Hennessey – yes	Mike Fimbel – yes
Jim Battis – yes	Susan Ruch – yes
Sarah Marchant - yes	

8:39 pm Ruch made a motion to seal the minutes of the non-public session, seconded by Battis. Member roll call vote:

Dave Hennessey – yes	Mike Fimbel – yes
Jim Battis – yes	Susan Ruch – yes
Sarah Marchant - yes	

9. Adjourn

The next regular Executive Committee meeting will be September 20, 2017.

Motion to adjourn was made by Marchant with a second by Hennessey. The motion passed 5-0-0. The meeting adjourned at 8:40 pm.