

MINUTES
STRAFFORD REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE MEETING

February 13, 2009

Conference Room

Strafford Regional Planning Commission

2 Ridge Street

Dover, NH

Members Present: Edmund Jansen, Jr., Vice Chairman, Rollinsford; Frank Torr, Dover; Lou Vita, Middleton; Bruce Woodruff, Milton; Sandra Keans, Rochester; Kenn Ortmann, Rochester.

Absent: Larry Brown, Chairman, Milton; C. Thomas Crosby, Secretary-Treasurer, Madbury.

Proxy: Larry Brown, Chairman, Milton; C. Thomas Crosby, Secretary-Treasurer, Madbury.

Others Present: Leigh Levine, Federal Highway Administration; William Watson, Jr., Bureau of Planning and Community Assistance, NH Department of Transportation; Rad Nichols, Executive Director, COAST

Staff Present: Cynthia Copeland, Linda Osburn, Myranda McGowan, Marilyn Barton.

Vice Chairman Jansen called the meeting to order at 8 AM and noted a quorum.

1. Minutes of January 9, 2009 Executive Committee Meeting

Vice Chairman Jansen entertained a motion to approve the minutes of the January 9, 2009 Executive Committee meeting as written. Ortmann requested the change of the words “the yearly evaluation” to “his yearly evaluation” in the 6th sentence of paragraph a. Grievance/Appeals Policy under Item 7 Subcommittee Reports on Page three. Ortmann made the motion to approve the minutes of the January 9, 2009 Executive Committee with the noted change. Keans seconded the motion. The motion passed unanimously.

2. Draft Financial Reports January 2009

Copeland stated Secretary-Treasurer Crosby had reviewed the draft January 2009 financial reports on February 12, 2009 including the income of \$32,785 and expenses totaling \$45,637 resulting in net loss of \$12,852; accounts receivables totaling \$104,681; accounts payable totaling \$2,184.08. Copeland stated she was not concerned over any receivable items, and Osburn stated that the receivables from the NH Department of Environmental Service and the Office of Energy and Planning had been received.

3. Dues and Strafford MPO Membership: DOT/State Matching Funds

The Committee agreed to postpone this item until Leigh Levine and William Watson arrived.

4. Strafford Metropolitan Organization Approval of Minor Revisions Process Update

McGowan discussed the current process of approving minor revisions to the State Transportation Improvement Plan (STIP) requested by the NH Department of Transportation (NH DOT). She stated the current process from the Strafford Metropolitan Planning Organization (MPO) Prospectus adopted on May 29, 2008: The Executive Director has the authority to review Administration Modification and Informational Only changes; the Executive Director may request the advice of members of the Technical Advisory Committee (TAC) of the Strafford MPO; the Executive Director will make recommendations to the Executive Committee for their concurrence or disapproval of the changes; and the Executive Director will issue a letter to NH DOT indicating their decision. McGowan stated the Executive Directors of the three other Metropolitan Planning Organizations in New Hampshire have the authority to approve changes with the advice of the TAC but without Executive Committee approval, and she stated NH DOT had suggested the Strafford MPO notify the TAC and Executive Committee members when minor revisions are requested, and unless there were concerns, give authority to the Executive Director to approve the change in order to speed up the approval process.

Copeland stated the Strafford MPO process was open and transparent, and timely except for December when the meeting was cancelled due to the ice storm.

Ortmann made a motion to amend the Strafford MPO Prospectus to allow an expedited approval process under specified emergency situations, and bring the revisions to the next scheduled Executive Committee meeting. Keans seconded the motion. The motion passed unanimously.

McGowan stated the Strafford MPO Policy Committee would be meeting on March 13, 2009 to amend the Prospectus. Vita joined the meeting at 8:10 AM and Woodruff joined the meeting at 8:15 AM.

5. Strafford Metropolitan Organization approval of February Minor Revisions

a. Administrative Modifications:

- 1. COAST- Miscellaneous Bus Station Equipment (Economic Stimulus funds)**
- 2. COAST- Capital Program (Economic Stimulus funds)**
- 3. #13880 Express Bus Service (Economic Stimulus funds)**
- 4. Statewide: Transit-Rural Public Transit (Economic Stimulus funds)**
- 5. Statewide: Transit-Capital Equipment for I-93 and I-95 (Economic Stimulus funds)**
- 6. Statewide: Bridge Rehabilitation, Painting, Preservation & Improvement Projects (Economic Stimulus funds)**

McGowan reviewed the administrative modifications to the projects and stated the changes are minor when looked at individually. Copeland stated NH DOT had two processes to include making small changes to existing projects and for additional funding for economic stimulus projects. She stated McGowan had checked the formulas, had completed due diligence, and recommended approval of the administrative revisions.

Ortmann made a motion to concur with the Executive Director's recommendation to approve the administrative modifications listed above. Vita seconded the motion. The motion passed unanimously.

b. Informational Revisions:

- 1. Dover #13042-Replace Bridge Over B&M Railroad**
- 2. Durham-Newmarket #13080- Construct 4' Bike Shoulders**

3. **Statewide: Elderly and Persons with Disabilities Transportation Program**
4. **Statewide: Transit- Job Access & Reverse Commute**
5. **Statewide: Transit- New Freedom Funds**
6. **NA**
7. **Statewide: Culvert Replacement/Rehabilitation & Drainage Repairs (Economic Stimulus)**
8. **Statewide: Guardrail Replacement (Economic Stimulus)**
9. **Statewide: Pavement resurfacing, Rehabilitation & Crackseal Program & Related Work (Economic Stimulus)**
10. **Statewide: Scenic Byways Corridor Management, Planning, and Development of Facilities to Enhance Scenic Qualities of New Hampshire**
11. **Statewide: Secondary System Reclamation/Rehab with Various Pavement Treatments (Economic Stimulus)**

McGowan reviewed the informational revisions to the projects. She stated Item 1 would be included in the second round of stimulus projects. Woodruff stated the bridge was located on Route 9, had been a long-standing project, and would involve raising the bridge that would impact properties. Ortmann asked about Item 5 and New Freedom Funds. McGowan stated the program involved new bus service for rural workers to urban jobs. Woodruff suggested promoting the availability of funding the organizations that would want to apply for funding increase the probability of the funds being utilized. Copeland discussed the increased federal transit funding. She stated the economic stimulus funds would be distributed per existing formulas. Ortmann asked if new treatments including porous materials would be used in Item #11. McGowan stated she would find out.

Ortmann made a motion to concur with the Executive Director's recommendation to approve the informational revisions listed above with the clarification that Item #1 referred to the Route 9 bridge. Woodruff seconded the motion. The motion passed unanimously.

6. Executive Director Report

Copeland distributed the Executive Director report and discussed the NH Department of Environmental Services (DES) Water Resource Primer forum that SRPC was hosting on February 25, 2009 at 10:00 AM at the SRPC office. Ortmann asked for clarification on who should attend. Copeland stated this was a handbook of how to handle any NH DES related permit and provided the background and science information. Copeland stated she would publicize the forum and concentrate on the smaller communities.

Copeland discussed the Groundwater Study Commission's request that SRPC provide an open public meeting to assess the following: Who should regulate groundwater in NH? How should we integrate groundwater withdrawals with other regulatory decision-making? What should we do in droughts and why? Copeland stated she would like the meeting to be held in Dover, be taped and distributed to all communities.

Copeland discussed the Regional Housing Needs Assessment conceptual outline and potential funding sources. She discussed the project assessment for urban, contiguous non-urban and rural communities as well as a regional picture of housing needs. Copeland discussed the costs of completing the housing assessment in sections or the complete project. Ortmann suggested the complete project and discussed other funding sources.

Copeland discussed the Southeast Economic Development Corporation's (SEDC) attempts to secure funding for a Comprehensive Economic Development Strategy (CEDS) document. She stated that once the Economic Development Administration (EDA) approved the document, the Strafford region communities and businesses would be eligible for EDA and other grant and loan program funds.

Copeland discussed the Alliance for Community Transportation (ACT) and the Regional Coordinating Councils (RCC). She stated the Attorney General determined that the RCC does not have enabling authority and determined the Regional Planning Commissions (RPCs) could approve the Memorandum of Understanding and other legal documents.

Copeland discussed the status of the Oyster River nomination and the Cochecho River nomination to the NH River Management and Protection Program. McGowan discussed the Safe Routes to School Program and the applications from Rochester and Somersworth. Keans discussed the safety concerns some parents have that prohibit their children from walking to school.

7. Economic Recovery Package Information

Copeland discussed the economic stimulus project information. She stated the definition of shovel ready: project signed off; bids advertised and reviewed; contractor selected and Governor and Council approval of contract. She distributed a NH DOT list of projects dated 2/6/2009, and she stated that any community having a shovel ready project not on the list should contact NH DOT.

Levine and Watson joined the meeting at 9:10 AM, and the Committee agreed to discuss Item #3 that was previously postponed.

3. Dues and Strafford MPO Membership: DOT/State Matching Funds

Copeland introduced Levine and Watson to the Executive Committee members. Copeland discussed the local dues for next year with Dover, Farmington and Wakefield indicating they would not be paying dues. She discussed factors not in favor of paying dues: tax caps, attitudes in communities, recession, Strafford County budget priorities, inflation and the fact that the planning commission's mandated work is not visible to the communities. Copeland discussed contractual obligations would exist when the recession ended and the other related requests for state funds. She asked why the state originally committed to the 10% match to the 80% federal highway funds, and she asked why there was no state match to the 80% transit funds. Copeland discussed the potential problems of compliance with in-kind matching, and the need to find a fair and equitable statewide funding source for the match required to the federal funds. Copeland discussed the potential of increasing the gas tax to provide the local matching funds as the state and local communities do not have the capacity to absorb additional costs.

Watson stated the 10% state match to the federal highway funds are from state highway funds and not state general funds. He stated there was a bill to raise the gas tax incrementally that would increase the block grant funds to communities. Watson stated NH DOT thought the 10% match was necessary in the early 1990s to help the planning commissions and communities. He referenced the Governor's new budget and discussed the use of toll credits for state project match when the state can demonstrate spending state funds on maintenance of federal roads. Watson stated there were no new federal funds, only a switch of revenue sources.

Osburn left the meeting and Barton joined the meeting at 9:30 AM.

K. Ortmann stated the federal requirements on RPCs through the MPO process are required to use dues received as part of the match. He noted this caused a dilemma as some of the communities do not contribute to the RPC, and there is no downside. K. Ortmann asked if there was a way to reduce the burden on participating communities.

L. Levine stated an RPC could have language in their prospectus or procedures for dues paying. K. Ortmann asked that an MPO could state in their Prospectus if the community does not pay dues, projects would not be funded. L. Levine stated DOT would need to be involved and part of the process.

B. Woodruff stated the need to get the attention of those non-paying communities. B. Watson stated if they lost funding for the Safety Action Plan or Safe Routes to School funding, for example, would get their attention.

B. Woodruff stated there is a need to have a two-prong approach-look for alternative funding and adding language in the Prospectus for non-dues paying communities.

K. Ortmann stated all RPCs should incorporate this language to be consistent. B. Watson stated the State would not have an issue but did not think all nine RPCs would work together and could not force them to do this. B. Watson stated it could be strongly encouraged to put this in their prospectus and once in the prospectus, could be looked at to make sure criteria is met.

R. Nichols joined the meeting at 9: 45 AM. R. Nichols stated this also extends to communities not wanting to pay for other transportation services and gave an example of Newington, who has chosen not to fund the regional transit service. R. Nichols noted there might not be any funded projects in Newington.

L. Levine stated their needs to be coordination with DOT on this as the project could impact the entire region and could concentrate on things such as the Scenic Byways.

E. Jansen stated he has a difficult time explaining to those in his community of Rollinsford, why paying dues is so important-for match. E. Jansen noted people in his community don't understand the benefits of paying dues and E. Jansen stated everyone benefits even if the project is not in the community. E. Jansen stated he could not convince the budget committee much longer to subsidize the non-paying members.

C. Copeland stated for a lot of the RPCs, even though there is 100 percent membership, every dollar is going out for federal match.

F. Torr suggested to formulate a policy of "don't pay, don't play" to be brought forth as a draft policy to the Executive Committee and stated something like that would get the attention of Dover's policy makers and administration.

B. Woodruff stated he agreed that Dover's policy makers and administration don't understand and only think of the bottom line and don't realize the benefits of membership.

C. Copeland asked if it might be an audit issue where using federal dollars SRPC is required to be fair and equitable with funds.

L. Levine stated there are other MPOs in the country that have penalties for non-paying members in their prospectus and stated C. Copeland could get examples by researching.

L. Vita stated non-paying dues members would see benefit for coming back to SRPC.

B. Watson stated the use of toll credits as an alternative to funding. If this is not used, it could be gone.

C. Copeland asked about the logic of tolls and why there is a \$30 cap. B. Watson stated there is an administrative cost to everyone and not sure why the \$30 is used.

B. Woodruff stated frequent users; commuters in particular, should make appeal for discount as they use it the most. M. McGowan stated this is done in the State of Maine. R. Nichols stated the use of the Spaulding Express bus could not complete with the \$30 cap, as it would cost more and have a direct impact on public transit in the area.

It was decided by those committee members that attended the meeting to direct the Executive Director to support the gas tax increase (without a specified amount) and to support an apportionment of a new gas tax increase to be used for local match for federal transportation funds by the RPCs and MPOs. It was also decided to prepare a policy for adoption in the Strafford Metropolitan Prospectus by the MPO Policy Committee that endorses a pay to play policy and one that DOT and FHWA could work with.

8. Subcommittee Reports

a. Grievance/Appeals Policy

L. Vita stated he would like to see a the language revised from meeting with the Executive Director three times before coming to the Executive Committee to *up to three times*. L. Vita stated this would be a best chance for agreement and all meetings must occur between employee and Executive Director before bumping up to the Executive Committee level. There was discussion that when the employee meets with the Executive Committee if the Executive Director should be present. L. Vita stated he thought it would create problems, as it would eventually go back to the Executive Director. S. Keans stated there could be an intimidation factor. B. Woodruff stated it should be a very rare occasion that an employee would need to come to the Executive Committee with a grievance because of processes in place.

L. Vita suggested setting up a procedure to be reviewed in nine months to a year. C. Copeland stated every policy has a legal review and would make the adjustment recommended by the Executive Committee.

b. Executive Director Evaluation

K. Ortmann stated this item would be carried over to next month's meeting.

9. Strafford Regional Planning Commission and Strafford Metropolitan Planning Commission Annual Meeting Venue and Cost

M. Barton stated the current venue for the SRPC Annual Meeting was at The Oaks in Somersworth and the \$500 deposit was non-refundable. C. Copeland stated she had received two requests not to have the dinner and just a regular meeting. L. Vita stated we should look into what SRPC could get for the \$500 already paid. B. Woodruff stated he did not want to lose the

deposit. E. Jansen stated T. Crosby forwarded the comment to cap the amount of money spent at \$800.

C. Copeland stated M. Barton would check to see if we could get the deposit amount back or find out what service we could receive with the lesser amount of money

10. Other Business

C. Copeland noted there was a letter from L. Osburn left on the top of meeting packets regarding the lease of the building. C. Copeland stated per the lease and amendment, SRPC had to notify the landlord that SRPC wished to renew the lease by January 31, 2009 as the lease is ending at the end of June 2009. C. Copeland noted the landlord was willing to wait to hear our decision by February 18, 2009.

C. Copeland stated L. Osburn had checked out properties nearby and went over the amounts per square foot cost. C. Copeland stated L. Osburn had a concern about the cost of relocating the SRPC office, as the time would not be billable. C. Copeland noted the current location meets all of the smart growth requirements and the places L. Osburn looked at were homes being rented as office space.

C. Copeland noted both L. Osburn and T. Crosby were concerned about getting into a lease with a landlord who cannot make mortgage payments and that the current location is a stable situation.

B. Woodruff asked C. Copeland if the area up on Webb Place at been looked at. C. Copeland stated that had been looked at in 2006. B Woodruff stated due to economic times, it is a currently a renters market and that the space had been empty for some time.

There was a discussion regarding the use of space at the McConnell Center, which B. Woodruff would look into and the use of space at the Rochester Community Center. K. Ortmann stated he would look into that further. F. Torr asked about space at the County Complex, and C. Copeland stated they were told when they left there previously, they would not be able to return.

Vice-Chair E. Jansen asked for a motion to ask the Executive Director to investigate other opportunities before signing the two-year extension on the SRPC lease at the current location. L. Vita made a motion and B. Woodruff seconded the motion. All in favor, motion carried.

No other business was discussed.

Vice-Chairman Jansen asked for a motion to adjourn the meeting at 11:15 AM. K. Ortmann made a motion and S. Keans seconded that motion. All in favor, motion carried.

Respectfully submitted,

Linda Osburn
Bookkeeper

Marilyn Barton
Administrative Assistant

Executive Committee Meeting Minutes
February 13, 2009

Minutes approved on March 13, 2009.

By:

LARRY BROWN - Samuel Brown