

MINUTES
STRAFFORD REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE MEETING

August 8, 2008
Conference Room
Strafford Regional Planning Commission
2 Ridge Street
Dover, NH

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

Members Absent: C. Thomas Crosby, Secretary-Treasurer.

Proxy: C. Thomas Crosby, Secretary-Treasurer, Madbury.

Others Present: Rad Nichols, Executive Director, Cooperative Alliance for Seacoast Transportation.

Staff Present: Cynthia Copeland, Linda Osburn.

Chairman Brown called the meeting to order at 7:40 AM.

1. Minutes

Chairman Brown entertained a motion to approve the minutes of the July 11, 2008 Executive Committee meeting as written. Keans made the motion to approve the minutes of the July 11, 2008 Executive Committee as written. Torr seconded the motion. Vita discussed the concern regarding the auditor's use of the accounting term "significant deficiency" on page 2 and noted it was due to new audit standards and not to SRPC accounting practices. The motion passed unanimously.

2. Draft Financial Reports July 2008

Jansen joined the meeting at 7:47 AM and Ortmann and Woodruff joined the meeting at 7:48 AM. Copeland reviewed the draft July 2008 financial reports and discussed contract income, expenses, receivables and cash flow. She noted that Secretary/Treasurer Tom Crosby reviewed and signed the balance sheet on August 7, 2008. Copeland stated the Dover dues were doubtful, as the dues were not in the approved City of Dover budget. Copeland stated three payrolls were included in the July expenses and the first payroll would be adjusted to FY 2008 and the draft negative income of \$23,675.00 before adjustments for salary and doubtful accounts. Copeland reviewed the Income by Customer report and the draft accounts receivables as of July 31, 2008 totaling \$131,095.60. Copeland reviewed the draft accounts payable as of June 30, 2008 totaling \$5,330.83.

Keans made a motion to have the minutes reflect the Executive Committee had reviewed the July 2008 draft financial statements and placed the documents on file. Ortmann seconded the motion. The motion passed unanimously.

3. Management Response Letter to FY 2007 Audit

Copeland stated Secretary/Treasurer Tom Crosby had sent a letter to Melanson Heath & Company to address the management letter requiring documentation of SRPC policies and procedures and internal control audit function. She stated the letter noted that SRPC had the policies, procedures and functions in place but needed to organize these together in a central binder. Chairman Brown stated that Vita requested the record clearly state the term "significant deficiency" was used in reference to accounting practice changes, and the audit found SRPC practices up to date and flawless. Copeland noted that the auditors stated at the July 11, 2008 meeting that the audit was a clean audit, and the letter stated the documents would be organized in one central binder to meet the documentation requirements.

4. Draft FY 2010 Dues

Copeland reviewed the draft FY 2010 dues. She stated the SRPC Commissioners approved the dues at the September meeting after the Executive Committee recommends the dues for approval and adoption. Copeland discussed the factors used to calculate the dues: estimated population, consumer price index (CPI) and per capita rates. She reviewed the June 2007 to June 2008 US City Average CPI of 5% and reviewed the estimated 2007 population for each community. Keans asked how long the US City average CPI had been used to calculate the per capita rates, and Copeland responded it had been used for at least the last three years. Ortmann stated the commission had been trying to set dues at reasonable levels, and Woodruff suggested the dues be based on SRPC needs. Chairman Brown discussed determining the costs of the commission, and Jansen suggested reminding each community's budget committee that costs for travel and personnel increase each year and are not fixed costs the commission can control. Copeland stated the dues are used to match federal and state contracts. Discussion ensued regarding the formulas used. Copeland stated she would check the formulas and review any changes for consideration at the September meeting.

5. Approval of FY 2009 Commission/MPO Meeting Dates and Locations

Copeland reviewed the FY 2009 Commission/MPO meeting dates and locations as follows:

- September 25, 2008 7-9 PM at the Farmington Town Hall
- November 20, 2008 7-9 PM at the Barrington Town Hall
- January 22, 2009 7-9 PM at the Madbury Town Hall
- May 28, 2009 at the Oaks Event Center in Somersworth or the Great Bay Gallery in Somersworth

Chairman Brown entertained a motion to approve the meeting dates and locations as shown. Vita made a motion to approve the dates and locations as shown with the Executive Director to chose the location of the May 28, 2009 meeting at her discretion. Woodruff seconded the motion. The motion passed unanimously.

6. General Meeting Workshop Dates and Locations

Copeland discussed the suggested General Meeting/Workshop Dates that would be open to the public and local community officials. She reviewed the following suggested topics and dates:

August 2008 – for Town Meetings in March 2009:

1. Required Zoning Ordinances such as Workforce Housing SB 342, Growth Management HB 1260, and Comprehensive Shoreline Protection Act RSA 483-B.
2. Voluntary Zoning Ordinances such as Establishment of Housing Commissions HB 1259 and Expansion of Conservation Commission authority SB 381.

October 2008 – Local Housing and Regional Housing Needs Assessment

February 2009 – Conservation Stewardship cooperative meeting with Strafford Rivers Conservancy, Strafford County Conservation District and Office of Energy and Planning

March 2009 – USGS Groundwater Study results cooperative meeting with Department of Environmental Services Coastal Program.

Copeland discussed the suggested August 2008 workshop had been cancelled, as Ben Frost would be addressing the workforce housing in the law lecture series, and she had not heard of any interest in participation with the Local Government Center regarding the required zoning ordinances. Jansen discussed condominium conversions and Chairman Brown discussed the definition of affordable housing. Copeland stated the September 25, 2008 Commission meeting would involve the review and adoption of large documents. Chairman Brown stated the General Meeting/Workshop Dates was a planning document where the dates could change.

7. Executive Director Report

Copeland discussed contracts had been approved that required GIS abilities and the necessity to hire a person to meet those contract requirements. She stated the contracts had been listed in the approved budget as placeholders, as she was not sure when the contracts would be approved. Chairman Brown stated it was a good planning practice to use placeholders and add significant work to the commission. Copeland discussed the training needed for the regional housing needs assessment and the discussion with Bruce Mayberry to train SRPC staff and community planners to assessing fair share.

8. Executive Director Jury Duty

Copeland discussed her concern regarding cash flow from billing if she has to serve on jury duty for an extended period of time. Discussion ensued regarding the possible actions if the Executive Director is chosen to serve Jury duty. Copeland stated she would advise the committee as soon as the jury selection process is complete.

At 8:40 AM, Chairman Brown called a recess and stated the committee would reconvene immediately following the Seacoast MPO Policy Committee meeting.

At 9:17 AM, Chairman Brown reconvened the meeting with the following members present: Larry Brown, Chairman, Milton; Frank Torr, Dover; Lou Vita, Middleton; Bruce Woodruff, Milton; Sandra Keans, Rochester; Kenn Ortmann, Rochester.

9. Executive Director Evaluation

Ortmann stated the review committee met on June 24 and July 9 and would need an additional meeting and a meeting with Copeland to bring a recommendation to the September Executive Committee meeting. Edmund Jansen, Jr., Vice Chairman, Rollinsford joined the meeting at 9:18 AM. Nichols joined the meeting at 9:19 AM.

10. Summary of 2008 Changes to NH's Right to Know Law (RSA-91-A) regarding electronic communication

Copeland stated the distributed document entitled "Summary of 2008 Changes to NH's Right to Know Law" by Attorney John Lassey dated July 14, 2008 were informational and would be distributed to staff.

11. Regional Planning Issues

a. Metropolitan Planning Organization Business

1. Dover Fastrans Project 00-05CM- Informational Revision

Chairman Brown stated the Seacoast MPO had met during the recess and, after a public hearing, offered approval with amendments to the STIP amendment #8. Copeland referred to the July 25, 2007 memorandum which stated the Dover Fastrans Project (00-05CM), a Congestion Mitigation Air Quality (CMAQ) funding project, was listed in previous Strafford MPO Transportation Improvement Programs (TIP), but was not included in the current 2007-2010 TIP. The memorandum stated that during a conference call on June 26, 2008 with Strafford and Rockingham Planning Commissions, Coast and Federal Transit Administration personnel, the FTA decided the project could be added back into the current TIP as an informational change as it had been in previous versions of the TIP and had been subjected to financial constraint and air quality conformity in the past. Copeland stated that she recommended approval of this change as proposed. The memorandum cited pages 48-49 of the Strafford MPO Prospectus adopted May 29, 2008 that states, "*In the Strafford MPO, the Executive Director has the authority to review Information Only changes. The Executive Director may request the advice of members of the MPO Technical Advisory Committee to complete this review. The Executive Director will make recommendations to the Executive Committee for their concurrence of disapproval of Information Only changes, and for a procedural change from Information Only to Administrative Modifications or Amendments. The Executive Committee will issue a letter to the NHDOT indicating their decision. Copies of these letters will be provided to members of the TAC and MPO.*" Woodruff reviewed the history of the project and the planned service, stating the importance of connecting the downtown transit loop. He stated the project would encourage parking at satellite parking lots and make the downtown more walkable and livable, and would allow the average working person an opportunity to leave their car home an average of two times per week instead of driving. Woodruff discussed the potential future plans of connecting the Park & Ride at Exit 9 and the Dover Arena Park & Ride with the downtown transit center in the future. Nichols stated NH DOT had confirmed support and discussed the project connections at the downtown transportation center.

Chairman Brown entertained a motion to concur with the recommendation of the Executive Director to approve the informational revision regarding Dover Fastrans Project 00-05CM as presented. Vita made the motion to concur with the Executive Director's recommendation to include the project in the 2007-2010 TIP. Ortmann seconded the motion, and the motion passed unanimously.

Nichols left the meeting at 9:31 AM.

2. Strafford MPO: 2009-2012 Transportation Improvement Plan (TIP)

Copeland stated the draft TIP spreadsheet included with the packet was informational and a complete document would be completed shortly for public comments.

b. Approval of 2009 NHARPC Legislative Priority Policy Areas

Copeland stated Woodruff was the SRPC representative to the NH Association of Regional Planning Commission (NHARPC) and discussed the NHARPC Legislative Priority Policy Areas 2008 Legislative Session list as a guideline for the 2009 Legislative Session.

Ortmann made a motion to endorse the NHARPC Legislative Priority Policy Areas for the 2008 Legislative Session as the NHARPC Legislative Priority Policy Areas for the 2009 Legislative Session. Vita seconded the motion.

Woodruff discussed the policy to support of workforce housing under the Prosperity category. He stated the policy should state support workforce housing tailored appropriately to individual town's particular position. He stated the law placed the burden on staff to prove the community has adequate workforce housing and gave a developer no rules to follow. Chairman Brown asked if the document was in transition. Copeland stated the document was under consideration and would be addressed by the NHARPC at their September meeting. Woodruff stated support for workforce housing but stated the law is flawed for not stating developers' responsibilities. Discussion ensued regarding workforce housing and developer's claim for an expedited remedy.

Ortmann amended the motion to adopt the 2008 NHARPC Legislative Priority Policy Areas for the 2009 Legislative Session to change the first item under the Prosperity category to "Support the continued fine tuning of workforce housing laws". Vita seconded the motion. The motion passed with Woodruff opposed.

Keans discussed implementation of conservation measures under the third item of the Prosperity category.

Keans made the motion change the third item under the Prosperity category to read "support financial and regulatory incentives for public water supply systems to interconnect their systems and implement systemic conservation measures" in the third item under the Prosperity category. Ortmann seconded the motion. The motion carried unanimously.

12. Other Business

Chairman Brown called a 2-minute recess at 9:53 AM. Chairman Brown reconvened the meeting at 9:55 AM with the following members present: Larry Brown, Chairman, Milton; Frank Torr, Dover; Lou Vita, Middleton; Bruce Woodruff, Milton; Sandra Keans, Rochester; Kenn Ortmann, Rochester.

Chairman Brown distributed a confidential memo that provided guidance only. He stated he had received a call from an SRPC employee requesting a non-public meeting with the Executive Committee members. Chairman Brown stated he requested the employee send the request to the Chairman and the Executive Director in writing. Chairman Brown stated he had requested consideration of a public comment/input agenda item for the Executive Committee. He stated that he was familiar with the public comment/input

agenda item with planning boards and budget committees and recognized that no discrimination would be allowed in public comments.

Chairman Brown stated the SPRC employee handbook adopted in 2006 did not give employee access to the Executive Committee. He stated his commitment to the good work of the staff at SPRC and stated the letter required a response. Woodruff stated the SRPC employee handbook should be fixed with a grievance procedure. Vita suggested first responding to the employee letter that was consistent with SRPC policy. He stated the SRPC by-laws state the Executive Director managed the staff and authority did not exist for the Executive Committee to intervene unless there was gross mismanagement. Chairman Brown stated the consensus that the employee be directed to the Executive Director to discuss any complaints.

Vita made the motion to send a letter to the employee directing the employee back to the Executive Director. Torr seconded the motion.

Discussion ensued regarding the SRPC handbook, SRPC bylaws, and possible amendments to the motion.

Vita amended the motion to send a letter to the employee signed by the Chairman of the Executive Committee to state the SRPC bylaws and employee handbook made no provision for the Executive Committee to become involved, the SPRC handbook recognized the Executive Director as the office staff manager and suggested the employee initiate communication with Executive Director. Jansen seconded the motion. Woodruff requested a role call vote. Chairman Brown, Jansen, Ortmann, Vita, Keans and Crosby voted yes to pass the motion. Woodruff voted no to the motion. The motion passed.

Keans made the motion to set up a subcommittee to review the SPRC handbook and the grievance procedure and make recommendations to the Executive Committee. Vita seconded the motion. The motion passed.

Chairman Brown asked for volunteers for the subcommittee. Woodruff, Keans and Vita volunteered and Ortmann recommended the Executive Director as an ex-officio member. Chairman Brown declined to join the subcommittee, and Keans volunteered to be the Chair of the subcommittee. Woodruff requested Copeland email the pre-2006 grievance policy to the members. Ortmann suggested the subcommittee make its own recommendation regarding communication.

No other business was discussed.

Chairman Brown entertained a motion to adjourn. Ortmann made a motion to adjourn, and Vita seconded the motion. The motion passed unanimously, and the meeting adjourned at 10:49 AM.

Respectfully submitted,

Linda Osburn
Bookkeeper

Minutes approved on September 12th, 2008.

By: Larry Brown
Larry Brown, Chairman