

New Hampshire Rail Transit Authority
Meeting March 20, 2009
LOB, Room 201 – 203

Attendees: David Preece, Christine Walker, Representative Mary Allen, Tim Moore, Bruce Woodruff, Jay Minkarah, Representative Bob Williams, Steve Williams, Mike Izbicki, Malcolm Taylor, Mark Brewer, Kit Morgan, Ron O'Blenis, Kathy Hersh, Tom Aspell, Nancy Larsen, Tom Mahon, Peter Burling

Call to Order

Steve W. opened the meeting at 11am.

Public Input

- Tom Noel, NHRRA, asked about stimulus money. Kit said there are no allocations by State.
- Peg Fargo, League of Women Voters, would like a list of the committee members and their contact information, as well as have the minutes made available. They are hosting a transportation day on May 2nd and are hoping someone from NHRTA could be there. Kit said the web site is now up on the DOT web site. The goal is to be able to access it via www.NHRTA.nh.gov, but he's not sure that is working yet. The committee members, agenda, and minutes are all there.

MOTION by David Preece, seconded by Tim Moore to accept the minutes from the February 20, 2009 meeting. Representative Allen requested the minutes be amended to reflect her attendance at the meeting. Motion passed as amended.

Report by Lisa Levine, Director of Special Projects and Counsel for Congressman Hodes on funding.

Lisa reported that the omnibus bill, signed a week and a half ago, included \$1.9 million for the Lowell to Nashua to Manchester corridor. The intent of the funding is to complete the studies so we can move on the next phase of the project. Lisa gave credit as well to Congressman Shea-Porter. Both Congressmen Hodes and Shea-Porter obtained the funding. Lisa was not able to get the language change we requested (to reference Manchester as part of the project) but will be working on it for this coming year. She is also working with Congressman Tsongas' office.

This is the time of year when the Congressman is looking for requests for the coming year. Lisa expects the Transportation Reauthorization bill to come up this year. She is also looking for funding requests by early to mid April. The reauthorization bill is really where we want to focus our attention to get the most funding. She is also working with FTA and FRA. Tim asked if the reauthorization bill can include operating as well as capital funding. Mike Izbicki said there may be formula money in the reauthorization in FTA, but it is complicated. Lisa said she will check. David Preece thanked Lisa and Congressman Hodes for all their work. Steve Williams concurred on behalf of the NHRTA.

The Authority agreed to wait for Peter Burling to arrive before proceeding with elections.

Report by Attorney General's representative David Hilts on NHRTA legal status

David provided the Authority with a memo dated March 20th and reviewed the memo. Memo is attached and serves as a summary of David's comments David summed up by saying he needs to know what kind of entity we want to be and what we want to be able to do. Peter said the

Legislature passed the bill with the strongest possible statement in support of commuter rail. The discussion today was triggered by Peter's question of the State regarding indemnification. Peter said indemnification did not come up in the Senate's deliberation. Representative Allen said indemnification was discussed in the House and they were told that the Authority was not looking to be indemnified. Peter said he has a meeting with the Governor this afternoon to discuss the possibility of a letter of agreement with DOT. Kathy asked if the intent was for us to be an "administratively attached agency," per David Hilts' memo. Peter said no, that the agreement would be a contract with DOT for DOT to do all the necessary administration to move forward, including negotiations, contracts, and such. Steve is thinking it would be a temporary measure that would allow us to not miss any opportunities. Maybe two years down the road we might want to reassess.

Jay thinks this is a prudent move. Does it need legislation action? David Hilts said no legislation would be required. But it still does not address the indemnification issue. And it raises the question if NHRTA, with no indemnification, delegates work to DOT, then will DOT be indemnified when doing NHRTA work?

Peter reminded everyone that current law already lets DOT do all this anyway. Rather than delegate, we would be asking DOT to use their existing authority to do the work. Christine said we do not want to be an advisory committee and she asked if DOT has the capacity to take on the additional work. Kit said the federal agencies require the technical capacity, which DOT has.

Representative Allen asked Attorney Hilts if he would recommend we be an administrative agency. David responded that his office isn't recommending, but personally he thinks there's a lot of advantages, but it would require legislative change if we decided to go that route.

Steve W. said there are lots of choices. Timing is an issue if we want to make legislative changes this year, since we would do so via amendments to Representative Molly Kelly's legislation. Representative Allen said we need to know what we want to do by the beginning of April. Jay suggested we amend just to address the indemnification. Peter suggested we might also want the Legislature to form a study committee to recommend any changes to our structure. Representative Allen said when the Authority was established it was made clear that we did not want to be part of DOT; NHRTA has done a tremendous amount of work and is the right entity to pursue commuter rail, since DOT is more focused on roads and not as rail oriented. Steve W. reminded everyone that we started with legislation that was just to form an Authority for the Nashua to Manchester project. The Legislature expanded the scope to be state-wide. David Preece said times have changed and DOT is much more positive about rail. Steve W. suggested we pursue the letter of agreement, and amend the legislation for indemnification and for a study committee. Attorney Hilts said it is a policy decision at a higher level with regard to the indemnification.

MOTION by Peter Burling, seconded by David Preece to ask the Attorney General's office to draft the amendment with regard to the indemnification and the study committee, and to ask the appropriate House member to add to Representative Kelly's bill. Motion passed.

Election of Officers and Executive Committee members

Steve initiated the elections and said he would start with the Chair and then turn over the remainder of the elections to the newly elected chair.

MOTION by Sharon Wason, seconded by David Preece to nominate Peter Burling as chair.

MOTION by Mike Izbicki, seconded by Mark Brewer to close the nominations. Motion passed.

Steve called for a vote. Peter Burling was elected chair.

Peter asked for nominations for vice-chair.

MOTION by Bruce Woodruff, seconded by Sharon Wason to nominate Martha Fuller Clark as vice chair.

MOTION by Representative Allen, seconded by Bruce Woodruff to nominate Tim Moore as vice chair.

MOTION by Ron O'Blenis, seconded by Malcolm Taylor to nominate Steve Williams as vice chair.

MOTION by Kathy Hersh, seconded by David Preece to close the nominations. Motion passed.

Steve read a letter in support of Martha Fuller Clark from Steve Pesci into the record. Bruce spoke in favor of the Senator as well. Representative Allen spoke in support of Tim Moore. Ron O'Blenis spoke in favor of Steve Williams.

Peter called for a vote. Steve Williams was elected vice chair.

Peter asked for nominations for secretary.

MOTION by Steve Williams, seconded by Representative Allen to nominate Kathy Hersh as secretary.

MOTION by Sharon Wason, seconded by David Preece to nominate Tim Moore as secretary.

MOTION by Kathy Hersh, seconded by David Preece to close the nominations. Motion passed.

Peter called for a vote. Kathy Hersh was elected secretary.

Peter asked for nominations for treasurer.

MOTION by Mike Izbicki, seconded by Steve Williams to nominate David Preece as treasurer.

MOTION by Christine Walker, seconded by Tom Mahon to cast one vote for David Preece as treasurer. Motion passed.

Peter asked for nominations for 'experts' representation.

MOTION to cast one ballot by Steve Williams, seconded by David Preece to appoint Ron O'Blenis. Motion passed.

Peter asked for nominations for 'RPC' representation.

MOTION by Ron O'Blenis, seconded by Representative Allen to cast one ballot to appoint Tim. Motion passed.

Other nominations were made at the request of the newly appointed Chair Peter Burling.

MOTION by Bruce, seconded by Rep. Allen to approve Mark and Christine. Motion passed.

(To review – Executive Committee consists of: Chair Peter Burling, VChair Steve Williams, Treasurer David Preece, Secretary Kathy Hersh, and Ron O’Blenis, Tim Moore, Christine Walker and Mark Brewer.)

Peter Burling announced that he will be meeting with the Governor later in the day and is hoping to meet with legislature to begin discussions of financial support of the Authority. Mike I. said he would get back with everyone, but that the April meeting may be skipped due to scheduling issues. Tim invited everyone to attend the April 8th event in Plaistow at 7:00. Peter called for other business, there being none,

MOTION by Ron O’Blenis, seconded by Steve Williams to adjourn. All in favor.

Meeting adjourned at 12:40.

Respectfully submitted,
Katherine Hersh
Christine Walker