



MINUTES OF THE MEETING OF THE Connecticut River Joint Commissions
Monday, March 29, 2010
Montshire Museum, Norwich, VT

Present, NH Commissioners: Nancy Franklin, John Severance, Bill Roberts, Glenn English, Cleve Kapala, Cheston Newbold, George Watkins, Bob Christie

Present, VT Commissioners: Beverly Major, Peter Gregory, Tom Kennedy, Gary Moore, Gayle Ottmann, Nat Tripp, Brendan Whittaker, Steve Long, Steve Walasewicz, Jim Matteau

Guests Present: John Lawe, Carolyn Alderman, Vermont Law School; Bernie Folta; Stuart Doan

Staff Present: Sharon Francis, Adair Mulligan

Presiding Chair: Bev Major

Conduct of Business: Bev Major called the meeting to order at 12:30 pm, and referred to NH RSA Title VI, Ch. 91A:2, II, "Access to government records and meetings," which states that notice of the time and place, including of non-public sessions, shall be posted in two sites 24+ hours in advance. Notice can include website. Tom Kennedy asked for an executive session to discuss personnel issues. He would like a briefing for commissioners from the Steering Committee. In Vermont, he noted that personnel are not invited to attend a meeting called for such purpose, and he felt that a candid discussion would be useful. Bev pointed out that NH and VT law differ on the presence of staff, and that in NH, if staff requests the opportunity to participate in a non-public session, they may. Glenn English agreed that an employee has the right to participate, and advised listing "possible non-public session" as a regular agenda item. Bev read the full RSA. Sharon observed that the commissions are individually public bodies, and the meetings of CRJC are considered meetings of public bodies; NH's public meeting law is applicable; CRJC's administrative rules guide the notice practices. Tom requested an executive session at the next meeting. Voted to put a non-public session item on the agenda from now on, on motion by Cheston Newbold seconded by Bob Christie.

Minutes: Minutes of the January 25 meeting were approved on a motion by George Watkins, seconded by Tom Kennedy. A minor grammatical change was made.

Report of the Finance Committee: George reported that the committee had met on March 26, with all members present. The committee will develop recommendations about financial reporting that will be more useful for commissioners. Reviewed letter from VT Auditor Thomas Salmon and Sharon has drafted a reply. The Committee agreed it is best to separate accounting and auditing functions. Sharon observed that the value of having a finance committee has already proven itself. Her cash flow projection indicates that there will be money in the bank at the end of each month between now and the end of June, but our fiscal situation is definitely tight. Glenn said that cash flow problems need to be addressed, and either a line of credit is needed or the organization will have to continue to use restricted funds temporarily. A policy is needed from the Finance Committee. Nat noted that its minutes had not yet been

approved. Steve Long said that the Committee had discussed seeking a bridge loan or line of credit, but funding is unlikely to be found. Sharon said that Hank had looked into it and said that because CRJC does not have assets, it is not in a strong position to borrow funds. Steve added that Sharon had been told not to borrow more than the current \$75,000 against restricted funds. Tom said the committee will meet with Larry Reed, and talk about financial status and reporting. Peter noted that funding has been advanced from the Colebrook project, and that staff cannot indebt the organization without violating its bylaws. Steve Long said that the committee felt the reports presented were more optimistic than the situation appeared to the committee, and asked that this statement be included in the minutes. George said that the next Finance Committee meeting would take place on April 20. Tom asked that the draft minutes be circulated to the Finance Committee first, and then submitted to the full CRJC. Sharon noted that she had sent the minutes to the committee on Friday afternoon after the meeting. Glenn asked if the meeting was taped, and was told that the discussion was simply transcribed.

Discussion of CRJC's Relationship with the Byway Council: Glenn initiated the discussion, noting that CRJC is authorized by statute to develop tourism in the valley, and has done so by sponsoring the Scenic Byway Council, for which CRJC has provided exclusive support. The relationship is good, but was never defined in CRJC's bylaws. CRJC is, however, identified in the Byway Council bylaws which state that CRJC provides program support and may receive funds on behalf of the council. Glenn said this has worked well until recently. The Scenic Byway Council is now being led by its Marketing Committee that has decided instead to seek help from two regional planning commissions for grant administration. He said that a vote to this effect was taken when there was not high attendance. He believes that CRJC has a moral authority to weigh in , and that it could hurt both organizations if they go their separate ways. He added that it creates a funding hole for CRJC and therefore would adversely affect the organization. There was no annual meeting of the Byway Council last year. He advised that the Byway Council be urged to defer its decision until its April 22 annual meeting so a larger group can participate.

Nat Tripp observed that there was a quorum of members at the February Byway Council steering committee meeting, and the vote was nearly unanimous. He recalled that commissioners had initially been reluctant to add the byway to the CRJC program, and that the Byway has been supporting CRJC for the last few years. He noted that there are present byway contracts that CRJC will continue to administer, so it is a question of future funding, not current funding. Nat added that he met last week with the state tourism department heads, who indicated that they would not work with the Byway Council unless there were a change in leadership, and they are pleased with the Council's decision.

Bob Christie asked about the impact on CRJC. Tom Kennedy said that one application is being submitted to Vermont this day for about \$40,000 to do a brochure and podcast, which would not represent much income to CRJC. He added that there is much byway work yet to be completed by CRJC that will generate income for the next 1-2 years. Brendan Whittaker asked about the intentions for the Council at the outset. Bev said she recollected that it was to be temporarily associated with CRJC. Peter recalled advocating for CRJC to serve as its staff, and that it had been a hard sell. He thinks that staff had upon occasion rubbed some Byway Council members the wrong way. Glenn thought this was revisionist history, and that there are many years of success to show, including grant applications, and most important, the balance of marketing and preservation. He believes there is no authority for the Scenic Byway Council other than through CRJC, and questioned whether the Council can succeed without CRJC. Gayle Ottmann said that no one questions the work done or the foundation laid. In Vermont, there are seven byways, all stand-alone. She believes it is time for the Byway Council to move forward and it can work in parallel with CRJC. She expressed the view that the Byway Council's mission is marketing and promotion. Glenn, however, advised that a balance of promotion and preservation is fundamental to the Byway, and is ensured by affiliation with CRJC.

Nat agreed that a lot had been done, including infrastructure that is now worth millions, something he thinks only the CRJC could have done. He added that CRJC has a strong connection to river valley residents through the local river subcommittees, an asset that has made CRJC stand out. He said that the

same kind of networking in the valley is needed by the Byway. The Byway Council will also need 501 © status.

Glenn is concerned that the Byway Council could find itself at odds with CRJC if it focuses solely upon marketing and promotion. He also remained concerned about loss of funds. Gary Moore said that he has not been a member of the Byway Council, but felt it would be presumptuous to tell another organization what to do. He felt CRJC should not take a position. Cheston Newbold said he had been a member of the Byway Council and had the same concerns as Glenn, but was also unsure if anything could be done.

Glenn advised that CRJC should decide how long it will continue to supply staff support exclusive of the grants already in hand. Cheston advised deciding at the Byway annual meeting. Nat said that an MOU between the Byway Council and CRJC is needed to address process, ownership of materials, and completion of existing grants.

Sharon said she had reviewed past minutes and noted that when the Byway Council was being established in 2001, John Tucker had supported it as on target with the CRJC mission he had envisioned at the NH Commission's founding. She looks at the Byway as one of CRJC's many projects. She read from the July, 2004 CRJC minutes when support of national byway designation was being discussed. At the time John Tucker said he thought the Byway would atrophy without CRJC, and Gayle had said that the Council should not separate from CRJC. Sharon spoke to the fiscal impact of separating the Byway Council from CRJC, and observed that other categories of federal funding are reduced or eliminated. NOAA funding is now being distributed in the valley only through Trout Unlimited. She commented that CRJC's previous \$120,000 support from the two states had been cut to approximately \$90,000. With fewer income opportunities, byway funds are important to CRJC.

Brendan noted that in 2004 many commissioners were unfamiliar with the Byway. He thought the reporting had become better. He thought it would be presumptuous for CRJC to tell another organization what to do, and asked what the state tourism agency role is. Nat said that these agencies are unwilling to work with the Byway Council if CRJC is managing it. They consider that Sharon made a promise she was not able to fulfill. Nat added that Massachusetts has now designated the byway, and so there are nine RPCs available to take on support work. Sharon said it is important that the record be clear. In 2007, when a \$50,000 national byway grant was awarded to CRJC through VTrans, she was invited to meet with tourism directors, Bruce Hyde and Alice DeSouza, who were working on a lure brochure for the byway. She said they asked CRJC to put its grant funds into distribution of the brochure. She initially tried to rearrange the budget to accommodate them, but VTrans rejected her request, saying that byway funds could not be used for distribution, which she reported to Bruce and Alice. She had no choice but to expend the funds lawfully. Cheston opined that Sharon had done the right thing.

Peter Gregory suggested that it would be more productive to look at the cause of the split, and suggested talking about it soon. Nancy Franklin said she wanted all commissioners to know about the non-public session in advance. Voted to hold the next CRJC meeting on May 3, on a motion by Jim Matteau seconded by John Severance. Vote was unanimous except for Gary Moore, who cannot attend.

Staff Reports:

Byway Signage: Sharon reported that the signs for waypoint communities are being fabricated, and that much time has gone into confirming specifications. Still, the project is well within the allowable budget. The signs will be delivered to the 10 communities soon, and they will install them. Footings and concrete will be delivered separately. There is no delivery date yet.

NH Byway projects: Sharon said that NH DOT continues to object to various aspects of our invoices. She and Glenn will meet with them, and she expressed appreciation to Glenn for his experienced assistance. Glenn added that this problem is not unique to CRJC, and that every NH byway grant is having trouble. Cheston agreed that UVLSRPC is also having trouble with the indirect rate portion of a grant with DOT. Sharon said she has submitted \$48,000 of invoices to DOT, and DOT has approved only \$18,000 so far. More will be paid, but we do not yet know how much.

Adair Mulligan reported that a series of “community conversations” are underway with the waypoint communities to improve networking in the valley, and that she and Nat had met with town managers, chamber of commerce directors, visitor center volunteers, and others in St. Johnsbury, Lancaster, and Colebrook. A short presentation on the byway is given, along with an update on current byway projects, and then discussion focuses on the waypoint community’s needs, visitor center management, and areas of potential mutual interest. The recent Colebrook meeting was particularly successful.

Adair continued that she has just completed collecting over 1000 GPS points of byway “assets” (historic and cultural sites, scenic views, and sites of agricultural, recreational, and/or natural character) that would be of interest to a byway visitor. She has assembled a database for them that will be attached to a GIS map being prepared by Upper Valley Lake Sunapee RPC. Bob Christie asked if the local river subcommittees are involved. Adair said that the Recreation Management Plan is being provided to the waypoint community leaders, and that she has sought the advice of the LRS on both the byway assets list and potential history itineraries. Bob commented that the local river subcommittees are the grassroots strength of CRJC’s program, and should not become lost. Sharon said that some of Adair’s time working with the LRS can be charged to the byway program for this reason. She added that five bids have been received to produce a community handbook: a two volume binder set for communities along the byway. One will include information on protecting byway assets, and the other will have information on enjoying the byway. Staff is writing fact sheets now. In May, survey of tourism’s economic impacts will go out to bid.

Ammonoosuc Assessment: Adair reported that this project has been waiting for John Field to finalize maps he is creating for each river town, that required information recently supplied by DES. She will meet with the Ammonoosuc Local Advisory Committee soon, and will also make a presentation on floodplain protection to a group of north country farmers being assembled by the Ammonoosuc Conservation Trust and Vermont Land Trust.

Colebrook Riverbank: Sharon reported that the letter of approval has still has not arrived from the Economic Development Administration, and that high water has been a problem. Adair displayed photographs taken at the Colebrook Business Park the previous Friday, indicating the recent loss of another 20 feet of bank. A well casing has been exposed, and an aggressive back eddy is attacking the bank in front of one of the buildings. She and Nat had viewed the situation with local leaders and landowners, some of whom were unsure why CRJC had proceeded with restoration of the lower Mohawk River last fall when the erosion threat was so much more dire at the Business Park. She proposed a letter to the Colebrook Development Corporation reviewing CRJC’s efforts in Colebrook and explaining that work could proceed only where the necessary funding was available. Voted to send the letter as presented, on a motion by Tom, seconded by Bill Roberts.

Upper Connecticut River Partnership Act: Sharon reported that the entire Congressional delegation has introduced this bill, and that she is working with the staff of the Senate Natural Resources Committee, who expects to report it out in April. She said that the conversation is active.

Public Comment: Bernie Folta rose to express his opinion that the requirements of the New Hampshire Right to Know law applies to CRJC. He said he agreed with many commissioners in the previous discussion, and urged that all financials be clean and that leadership must encourage participation.

Local River Subcommittees: Adair distributed a report on recent activities, which included two meetings of the Upper Valley River Subcommittee about a proposed major rowing facility at a town-owned river access in Hanover. Gary said that he is concerned about possible cutbacks in support for the LRS, and that he believes that the input of the LRS provides credibility for CRJC. He hoped that as the budget is developed, this program will continue. He said he would not support a budget that would not support the LRS.

Dock Legislation in Vermont: Adair reported that Vermont is considering legislation to control docks on the Connecticut River, and that she had testified to the VT House committee at the request of David

Deen. She distributed a draft letter citing the Connecticut River Recreation Management Plan's recommendation to enact such a policy, and recommending that dock requirements on the Vermont side of the Connecticut be consistent in size with those on the New Hampshire side. The policy should apply to the entire shore, not just the impounded areas. Nat observed that this is the kind of issue that CRJC can best address, as a bi-state organization. Voted unanimously to send the letter as presented, on a motion by Tom Kennedy seconded by Brendan.

Nominations: Nat reported that a slate of officers has been assembled for Vermont, and urged NH Commissioners to draw up a slate. Cleve and Cheston volunteered to serve on the nominating committee.

Financial Report: Peter Gregory read from Larry Reed's most recent financial compilation report, noting that "management elected to omit a statement of cash flows." He reminded that he had recommended spending \$200 to get that statement, at the Steering Committee meeting. Sharon said that she had contacted Larry about this, and that the phrase was a stock phrase; she had not actually asked that the statement be omitted and has asked that it be supplied. Tom said he had called Larry that day to set up a meeting.

Card Room at Vermont State House: Sharon announced that Michaela Stickney had reserved the Card Room at the state house on Thursday morning, April 22. This is a good opportunity to talk with lawmakers, and she invited commissioners to participate.

Meeting adjourned 2:45 pm
Respectfully submitted,
Adair Mulligan