

## **RYE TOWN CENTER COMMITTEE**

**Wednesday, March 2, 2022**

**5:30 p.m.**

**Rye Town Hall**

***Members Present:* Chair Karen Stewart, Victor Azzi, Kaitlyn Coffey, Funi Burdick, and Selectmen's Rep Tom King**

***Others Present:* Scott Bogle, Rockingham Planning Commission, and Jeff Ross, Board of Library Trustees Chair**

### **I. Call to Order**

Chair Stewart called the meeting to order at 5:34 p.m. and led the pledge of allegiance.

### **II. Scott Bogle – Rockingham Planning Commission**

Chair Stewart welcomed Scott Bogle from Rockingham Planning Commission (RPC) who was present to answer questions from the Committee in regards to the Transportation Alternative Program (TAP) Grant, which will likely be granted for the Rye Town Center project.

Mr. Bogle noted that he is not sure how much information he can provide to the Committee. He has left a message for Tom Jameson at NH DOT but has not heard back from him. He asked if the Committee has seen the entry in the 10-year plan which shows preliminary engineering for the project in 2023 and 2024, the right-of-way in 2025 and construction spread out across 2027 through 2029.

Chair Stewart confirmed that the Committee has seen these dates. She explained to the Committee that she gave Mr. Bogle a “heads up” on what the group has been talking about; such as, what can be done now? Can lights be ordered? Can signs be ordered?

Mr. Bogle replied that he believes the answer is no. He explained that the arrangement Rye requested per DOT would actually manage this project on the Town's behalf. This is something that really hasn't been done with a TAP project, or its predecessor 'Transportation Enhancements', for 15 years or so. He further explained that when he started at RPC in 2001, the DOT managed most of the Transportation Enhancements Projects. They found that they were short staffed and started to encourage municipalities to manage them, so things shifted to municipal management. In the meantime, new federal requirements came in that essentially treated these same sidewalk projects like major highway projects such that they are subject to all of the same level of oversight. This has led to some towns getting bogged down in the

administrative development of the project. This means that projects have really gotten delayed to the point where DOT has actually lapsed funding out of TAP.

Mr. Bogle continued that he looked at all the TAP projects that were selected in this round. All of them have been programmed way out. He thinks some of this is DOT being extra cautious and making an assumption that projects are going to take a while to move through the process. If the Town sticks with the arrangement where DOT manages the project, the Town will want to have a lead person who is calling DOT frequently and making sure that things stay on track. If all goes well, it may be that the preliminary engineering can be done in a shorter time period and the construction could be moved up. He noted that typically DOT will only give a notice to proceed for one stage of the project at a time. His understanding is that DOT is currently developing the contract agreements with the towns. Once the 10-year plan is formally approved in June, Rye would receive its contract agreement and would then work with DOT to develop a request for qualifications (RFQ). After which, consultants would submit their qualifications and the Town would come up with a selection of a qualified consultant. DOT would review the selection and would issue a notice to proceed with cost negotiations. After the cost negotiations process is completed, DOT would issue a notice to actually contract. The Town wouldn't see any notice to proceed for actual purchases until after the preliminary engineering is done. Any purchases for signage, benches or lighting that the Town did now would end up not being reimbursable under the project.

Mr. Bogle explained that in order to try to streamline the process, DOT has said that they are prequalifying a group of engineering firms who have done a lot of the LPA projects. His guess would be that if this pool of engineering firms has been prequalified, instead of the Town going through the RFQ process, it may be able to go straight to a request for proposals (RFP), which could save a couple of months in time. DOT could also take an approach where they've prequalified a group of engineering firms and they assign one of the firms to the Town to do the project, which would streamline things further. He thinks the timeline is likely to not be as long as it appears on the list; however, it's going to be at least three to four years before the project is complete.

Chair Stewart asked if there is a scenario in which the Town could hire a short-term consultant and not pay the added fee for the State project manager. That person would be the local lead who would stay on top of the project and manage the project. She asked if they could be a consultant with a limited contract or would the Town have to bring someone on staff?

Mr. Bogle stated that his understanding of the way the DOT has interpreted the federal requirements for having a person in charge at the town level is that it has to be a full-time town employee. For example, the DPW Director could go through DOT's training to become certified in the LPA process and be the Town's official person in charge. The Town could then contract with an engineer who would actually do the leg work. The Town would then have two layers of contracts; the contracted project manager and the contracted engineer. He pointed out this might speed things along because DOT has lost some of their senior more experienced project managers. Their pool of project managers has diminished; however, they are trying to hire new

ones. He would expect that a small project like Rye's would be added to the plate of one of the existing project managers. It isn't necessarily something that they would prioritize to expedite, unless the Town kept pushing. He commented that it might be in the Town's best interest to assess what the cost would be to have an engineering firm to do this oversight work.

Chair Stewart noted the project manager cost was 10% of the overall budget.

Mr. Bogle pointed out that the entry in the 10-year plan is 25% or 30% above the amount of funding requested in the TAP proposal. This is probably taking into consideration cost inflation between now and 2029. He stated that the first step would be talking with town staff to see if there is a willingness to get the DPW Director certified in the LPA process, recognizing there would be a fair amount of time in project oversight.

Referring to the project dates, Member Azzi asked how early the money can be spent for the engineering, to then be followed by construction.

Mr. Bogle explained the first year for preliminary engineering in the 10-year plan is 2023, which will begin this fall. He would expect that the preliminary engineering would run at least two years. There will be the procurement for the preliminary engineering services and possibly a separate procurement for survey. He pointed out that work is submitted to DOT and they want thirty days for review. Each of the review steps can really lengthen the process.

Member Azzi asked if there is an effort to spread the expenditure of the money out to 2029. Can the construction money be spent earlier if the engineering is done earlier? How early can commitments be made to proceed with engineering?

Mr. Bogle stated that his understanding is that the new infrastructure bill includes about a 70% increase for TAP. This shouldn't have physical constraint limitations. If the Town can get through the engineering phase, the funding should be there to move forward. He doesn't think the reason this is stretched out so long is that it's going to take that long to build up enough money in the pool at the State level. It's more of an assumption that getting through the early stages of the project is going to take a long time. His expectation is if that can be done quicker, the funding could be moved up. He commented that if anything, they are going to have a hard time spending the funding they have in some respects. The rules of the program allow the State to transfer up to 50% of the program out to highway and bridge use. DOT has been doing that every year and still coming close to lapsing funding because so many projects have been getting bogged down in the engineering process. Under the new infrastructure bill, there is more funding coming in and there's a new rule that says they can only transfer funding out for general highway use if after having conducted an open project solicitation period, there aren't enough projects that would be eligible. As long as there's a stream of projects that come forward from communities, which has traditionally had a demand of four times the dollar amount available, they are not going to be able to transfer funds out. DOT will have to find a way to accelerate the projects. His hope is that this will force them to take another look at the project oversight process to find additional ways it can be streamlined.

Selectman King asked for clarification on how the funding works.

Mr. Bogle explained that once a consultant comes onboard, there would be a schedule on which they would bill the Town. Each bill they send would be paid in full by the Town and it would then be submitted to DOT for 80% reimbursement. It's structured as a reimbursement program. At no time would the Town be fronting the complete amount of the project. The money would be fronted for each incremental bill. He noted that each disbursement that is submitted to DOT takes about thirty to forty-five days to be reimbursed. He also noted that the part that is identified as non-participating is \$132,000 with \$115,000 being held by the Town. The non-participating part of the project is for lighting, benches, landscaping and other elements that DOT said were not transportation related.

Selectman King noted that the Town has \$300,000 set aside for this project. This is why the Committee has been asking what can be started. The thought was that they might be able to start on surveys or legal work that might be necessary. However, unless those are non-participating items, the Town will need to wait until they are in the process so they can be reimbursed the 80%.

Mr. Bogle stated that based on the conceptual from CMA Engineering, the Town may be able to start informal conversations with the land owners who might have right-of-way impacts on their parcels. Part of why DOT sets aside a whole year for right-of-ways is because a lot of times those negotiations take a long time. If the landowner knows this is coming, it could ultimately speed the process. He doesn't know if there are any restrictions on something that would claim to be a negotiation that is happening outside of the process. This would be a question for Tom Jameson.

Mr. Bogle continued that given how cumbersome the oversight process has become and the higher inflation and construction costs, some towns may consider taking projects on with local money. There would be a higher local share. However, if the project can be done sooner, and not have inflated costs and additional costs that come with the steps that are required through the federal process, there's an overall savings on the project.

Mr. Bogle suggested that as soon as possible the Town should contact Tom Jameson, or another project manager, to ask them how much delay they would anticipate based on them managing the project versus the Town. It would be good to ask all these questions to hear it right from the project manager, with it ultimately being in writing.

Referring to the DOT timeline which was discussed earlier, Member Azzi asked where that information can be found.

Mr. Bogle stated that the NH DOT Ten Year Plan can be Googled and it will bring up all the documentation on the current plan process. There is also a link for the version of the 10-year plan the Governor sent to the Legislature, which is now HB-2022.

The Committee thanked Mr. Bogle for taking time to attend their meeting.

Referring to the Library Common project, **Jeff Ross, Library Trustee**, noted that the more everyone can stay apprised of one another's time tables, with fundraising being coordinated, the better. The Library Trustees are hoping to have a warrant article and some fundraising for an actual plan by this time next year. The intent is to start construction sometime in 2023 with everything done by 2024. The library's project will probably be proceeding and even done before the sidewalk project is started. In terms of sidewalks, he doesn't think that anything that would go in front of the library would alter what they want to do. He asked if Washington Road would be narrowed in this project. He pointed out that there are sidewalks in front of the library and the former Parsonage parcel now.

Chair Stewart explained that the conceptual plans call for keeping those where they are. The actual vehicle travel lanes will narrow to accommodate the bike lanes and landscaped buffers.

Mr. Ross stated that it sounds like the existing sidewalks would be replaced with new sidewalks when the sidewalk project is done. The sidewalk infrastructure is due for an upgrade, as its not in the best of shape.

Member Azzi commented that he would assume there would be a new sidewalk starting at Old Parish Road along the whole front of the library.

Chair Stewart thanked Mr. Ross for attending the meeting. The Committee and Library Trustees will continue to work together.

### **III. Approval of Minutes**

#### **1. 08/04/2021**

*To be addressed at next meeting.*

#### **2. 09/01/2021**

*To be addressed at next meeting.*

#### **3. 10/06/2021**

The following corrections were noted:

- Page 1, Item IV, the Library Commons should be **Library Common** in the header and throughout the minutes.
- Page 2, 2<sup>nd</sup> paragraph from bottom: **It should be noted that the existing footprint of the library is 6,200s.f. and the total building area is 12,500s.f.**

**Motion by John Loftus to approve the minutes of October 6, 2021 as amended. Seconded by Funi Burdick. All in favor.**

#### 4. 11/03/2021

**Motion by John Loftus to approve the minutes of November 3, 2021 as presented.**

**Seconded by Funi Burdick. All in favor.**

#### 5. 02/02/2022

*This was not an official meeting of the committee, as a quorum was not present.*

*The minutes reflect discussion by the members who were present.*

The following edits were noted:

- Page 2, last paragraph, 1<sup>st</sup> sentence should read: **Chair Stewart agreed; however, it is a mandate that an appropriately licensed professional must manage the TAP Project at the local level.**
- Page 2, last paragraph, 2<sup>nd</sup> sentence should read: **Larger cities that may have a licensed project administrator on staff are fine to use internal and licensed full-time staff.**
- Page 4, 2<sup>nd</sup> to last paragraph, last sentence should read: **When the Town has a signed agreement with the State, the committee could produce a ‘Great News’ marketing piece to remind everyone and then engage the community.**

#### IV. Other Business

Referring to the concept of having a staff person as the project manager for the TAP, Chair Stewart asked if this is something they should consider. The whole reason why the project manager was added to the TAP application is because the Town doesn't have anyone at the town level who is licensed. Someone could be qualified and licensed pretty easily; however, it would be an additional job burden.

Member Coffey noted that the town project manager would have the lead on paper, but then someone would be hired to do all the work. It's just a formality.

Member Burdick pointed out that this person is responsible for the person who is working under them. It's putting that person at risk of not understanding something, signing off, and it becoming a mess.

Chair Stewart asked if she feels it's safer to use the State appointed person, who could possibly drag the project out.

Member Burdick confirmed.

Member Loftus commented it would keep the project on track.

Chair Stewart clarified it will drag the project out, but it would be done correctly.

Member Burdick stated that person will have the clout to actually get the project done. In “name only” is never a great idea because that person is still responsible. If the person who was hired is not as good as they should be, the person is really in a “pickle” because they have taken that on. There’s a level of responsibility by the State when they are sanctioning someone. The Town should really have someone that will give it their full attention. She continued it’s complicated in the fact that the State hasn’t done it this way before and the process has been changed. Someone has to stay on top of those changes.

Member Azzi pointed out that there are people who work as project managers and they could be hired as a consultant. A project manager could be hired who would report to the Committee.

Member Coffey stated that she does not know that the Committee has the expertise to handle someone reporting to them.

Chair Stewart agreed. She pointed out that the Committee doesn’t have the legal standing. This is an ad hoc committee appointed by the Select Board. The project is a project of the Town of Rye. She continued it’s important to recognize that the Town doesn’t have that position available, nor the funding for that position. She can’t imagine that the Town would approve that funding very easily.

Member Loftus commented that the people working for the Town already don’t want additional duties.

Chair Stewart stated that they couldn’t possibly take it on more duties.

Member Coffey commented it would be a lot to ask someone working for the town to get licensed to take on the project.

Member Azzi disagreed. He noted that it wouldn’t be creating a permanent position in the Town. It would be a contract for the duration of the project.

Chair Stewart stated this is a question they can ask Tom Jameson. She commented that she doesn’t recommend that they do any work until a signed agreement is in hand. However, some surveying work has been done to date. The Committee could assemble that information while waiting.

### **Adjournment**

**Motion by Funi Burdick to adjourn at 6:51 p.m. Seconded by John Loftus. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger