



Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, February 13, 2017

1. Call to Order

Chairman Dwight Brew called the public meeting to order at 6:30 p.m.

Attendees: Chairman Dwight Brew, Vice Chairman Reed Panasiti, Selectmen Nate Jensen, Tom Grella, and Peter Lyon. Also present: Town Administrator, Jim O'Mara, and Mary Guild, Executive Assistant. [Suzanne Beauchesne taking minutes remotely].

2. Pledge of Allegiance – Mary Guild, Executive Assistant, led the pledge.

3. Citizen's Forum

a. Deliberative Session Review

The Board de-briefed on how the Deliberative Session went. Selectman Lyon felt it went well. He received positive feedback following the meeting. He said that while the budget was changed, the task now was to get it passed. He also felt that the presentation could be split up and not left solely to the Chairman. Other selectmen agreed. Selectman Grella commented that Selectman Jensen's good analysis of the budget and development of a budgeting tool made the budget understandable to residents and was helpful. Vice Chairman Panasiti questioned the controversy during the meeting over some of the warrant articles and encouraged residents to come to earlier Board meetings instead of waiting until the deliberative session to bring forward their thoughts and/or proposed amendments. Chairman Brew said this would have been particularly helpful for some warrant articles in that it would have provided the Board with time to research the cost implications from complex proposals that the BOS had assumed would not arise about assumed uncontroversial "housekeeping" type warrant articles. Chairman Brew sought public input on improving the process. He said next year the moderator should read the warrant articles, and look at splitting up the presentation on the operating budget. He agreed that having different people presenting can help keep the audience engaged. Selectman Jensen said the school district splits it with one person each presenting on costs, revenues, and the default budget. Chairman Brew said there are a lot of ways it could be split up. The Chairman brought up the warrant article on the elderly, disabled, and blind (RSA terms) exemptions (which was the subject of much discussion and several proposed amendments during the deliberative session) and asked "what does Amherst really want to do as a town?" Is Amherst a town where people move in when they have school age

kids and then move out when kids are out of school which may or may not be a tie-in with the elderly exemption. Perhaps the Board needs to look at how the town can encourage people to remain in town and determine why they are leaving. Chairman Brew felt it would be a mistake to wait until next budget season rather than try to figure out what the Board wants to do with each one of the exemptions in terms of next year's budget, especially if there is a need to put a committee together to help decide the right thing to do.

4. Fire Station Update

Town Administrator, Jim O'Mara, stated that work is to begin next Wednesday.

5. Department Quarterly Updates

5.1 Police

Police Chief, Mark Reams, came forward to present a July through December FY17 report of the Amherst Police Department [attached]. A report was not submitted during the first quarter of FY17 due to ongoing budget work. The Chief's report provided a breakdown and the number of calls received compared to the same timeframe during the last fiscal year that reflected a fluctuation of about 4 percent, but nothing to be concerned about. Selectman Jensen asked about the abandoned 911 calls which went from 29 calls during the first half of FY16 to 22 calls for the first half of FY17. Chief Reams said they respond to all 911 calls. Selectman Grella asked if the cost of responding to alarm activation calls for service was justified since the cost of repairing a bad detector is more than the \$25 fee charged for the service. The Chief said that the larger outlay of funds is made by the Fire Department. He said accidents do happen and a penalty is assessed for calls in excess of three. Town Administrator O'Mara will take up the matter with Fire Chief Matt Conley. Chairman Brew cautioned against charging too much where a responsible person might decide to disconnect from the service because that could have a significant impact if there was a fire. Other reported information included:

- A new recordkeeping system beginning in July of 2016 has allowed them to capture lobby walk-in service. That number plus calls totals about 52,000 to 53,000 events a year.
- Arrests are up slightly – about 30 percent. The ratio of motor vehicle citations increased a few percent since FY16.
- 18 officers attended a combined 746 hours of training in a number of areas, including a 12 week polygraph examiner certification program, R.A.D. for men, animal cruelty investigation and the Primex Supervisor's Academy which offers an excellent three day program at no cost to the town.

Chief Reams went over a number of projects undertaken by his department to include:

- Maintained increased distracted driving enforcement patrols. Amherst's citation rate is roughly 50 percent higher than average of surrounding communities.
- Participation in the statewide "J-One" Initiative (Justice – One Network Environment)
- Replacement of all 10-plus year old cruiser two-way radios.
- Completion of 8th Rape Aggression Defense (R.A.D.) training program.
- Purchase of the first APD polygraph machine.
- Involved in statewide internet crimes task force. [Task Force is led by Selectman Grella's son]

- SRO Knox and Smith presented the Civilian Response to Active Shooter Events (C.R.A.S.E.) to 35 Souhegan Chamber of Commerce members.
- Continuing discussions regarding installation of surveillance cameras at SHS.

Chief Reams offered kudos to Dispatcher Christine Fowler, Lieutenant Anthony Ciampoli, and Detective James Crocker for their efforts related to a string of four commercial burglaries. The Chief also spotlighted the efforts of Senior Patrolman Nathan Berry who was first on the scene in response to a medical call. Patrolman Berry identified a woman in cardiac distress and was credited for restoration of a steady pulse and respirations with ensuing transport to the hospital. Officer Berry completed these life support efforts during the three minutes he was on-scene alone prior to AFR arrival. Chief Reams pointed to the importance of having a skilled employee on duty and the importance of his staff's response time. Chairman Brew pointed out that often the Police Department is first on the scene when there is a medical emergency and many residents are not aware of that. Selectman Jensen also noted that the Police Department was able to purchase the AED devices via a grant received from the Bertha Rogers Trust.

The Board thanked Chief Reams for a thorough and good report.

5.2 Community Development

Gordon Leedy came forward and provided his first quarterly report [attached] since taking on the position of Director of Community Development. Mr. Leedy provided an overview of the department which includes Building, Code Enforcement, Planning, Zoning and Economic Development, and provides support to the towns Zoning Board of Adjustments, Planning Board, Historic District Commission, Conservation Commission, Board of Health, and the Heritage Commission. Director Leedy said that during the last six months his department has focused on finalizing and publicizing zoning changes for the 2017 ballot, continuing file digital conversion, and has filled the Planner I position. Director Leedy said Simon Corson, the new Planner, will be a great addition to his staff.

Director Leedy said the Planning Board posted four zoning warrant articles for the 2017 ballot – all four articles have to do with clean up with elderly housing and consistency with State regulations. He said his department is partnering with the Department of Public Works (DPW) to revise the Subdivision Regulations, particularly with respect to roadway standards and road opening permissions that have not been updated since 1971. He said the issue of road opening permitting came up as part of the PFOA mitigation process. Also, the Planning Board formed a subcommittee to start the process of examining zoning in the Route 101 corridor.

Director Leedy went over recent regulatory actions taken by the Zoning Board of Adjustments. Also, the Heritage and Historic District Commissions have both participated in a CLG grant and have been awarded \$10,000 for an education program and regulatory review seminar to be provided by an outside expert. He said the Conservation Commission was working hard on identifying projects for next year including an invasives mitigation program, land easement acquisition, trail stewardship maintenance program, and developing a conservation plan for the community.

Director Leedy's office is discussing with Walmart construction of a pre-treatment Wastewater Treatment Facility at their Route 101A location, and working to re-tenant the Sports Authority

building on Route 101A. Director Leedy said that occupation of FW Webb's new facility in Londonderry will create a large vacancy in Amherst's industrial base.

Selectman Grella said Director Leedy has made great progress and everyone seems to be satisfied with the results of his work. Selectman Lyon agreed. The Board thanked Director Leedy for his report. In response to questions about subdivisions and the real estate market, Director Leedy said that the only two major subdivisions in the last ten years have been Walnut Hill and Founders Way. He said there is a lot of renovation activity and the construction market is fairly healthy. Property values have gone up between five and ten percent over the last year. He said the market is certainly more stable than it was five years ago.

Selectman Jensen asked about the status of work being done by the Heritage Commission with funds provided by the Bertha Rogers Trust in order to preserve the town archives. Director Leedy said he was not aware of the progress but he believed they have begun the work surrounding the preservation of the materials in the town vault as prescribed in the grant application. Chairman Brew said he thought updating of the 1971 road standards had been done, and that perhaps the zoning regulations don't reflect the new standards. Director Leedy said the issue was raised when, in response to trying to mitigate a PFOA incident, Pennichuck wanted to dig up a road that had just been completed a month before. DPW Director, Bruce Berry, said "it cost us \$300,000 and we'd like a bond and you must put it back the way it was". The bonding company had questions. Director Leedy said the regulations and standards need to be combined and formalized. Chairman Brew indicated that the town's zoning ordinances have evolved over time and what may have been reasonable 20 years ago is no longer so. Society is more litigious so it is important that ordinances and regulations provide for the same requirements and compliance should be clearly stated and repeated in both documents. Director Leedy said that a comprehensive look at the entire set of ordinances is a big undertaking but his department will look into it.

a. Sign Ordinance Review

Director Leedy said that political signage is regulated by state statute and also as part of the town's sign ordinance. The state statute (RSA 664:17) allows political advertising on any public property, including road rights of way, as long as the owner's consent is granted. The town's zoning ordinance regulates political signs, limiting the size of the signs, which would be enforceable, and the time period that they may be displayed, which is not consistent with the state statute. Director Leedy said the state statute preempts the town's ability to control signs and the matter presents many concerns, one being not to appear to advocate for one political party over another. Another question is where on the priority list does this issue rank for the Police Department. Director Leedy felt there is a middle ground even though the town ordinance conflicts with state statute. The ordinance cannot be changed until the next town meeting. Selectman Jensen said the Board is empowered to issue ordinances. Director Leedy said that was not so for zoning ordinances. Director Leedy indicated that the Board could take some actions without an ordinance, as was suggested by Mr. Williams. The recommendations include:

- Each candidate filing with the town or sponsor of a warrant article must sign an acknowledgement that they understand and will comply with the Amherst Sign Ordinance and NH RSA 664:17 related to political advertising.
- Each major political party committee and state and national candidate's local campaign office shall be notified that state and local laws regarding political advertising will be actively enforced in the town of Amherst.

- Notice shall be placed in the Amherst Citizen or other local publication, as well as on appropriate social media at the beginning of each political season reminding candidates of the restrictions on political advertising.

Chairman Brew expressed concern with stating that “we [the town] will actively enforce” this when it is low on the list of priorities and noted that the town’s ordinance requires signs being taken down within three days after the election and the state law is different, so he’d like to see language drafted that would accomplish the same result without running afoul of state law, and is actionable. Mr. Williams came forward and said it was a “good start” and understands the conflicts. He thanked the Board for addressing the issue and said he looks forward to working with the Board and Director Leedy on the matter going forward.

5.3 Public Works

Bruce Berry, Public Works Director, came forward to provide his department’s quarterly report [attached]. He said he last presented to the Board on July 25, 2016 and went through road reconstruction that has been completed since then. Director Berry also provided an update on “red” road rankings, bridges, Stormwater, drainage, roadside brush clearing, and patching, as well as a list of new equipment orders, and a winter operations and matrix update. Director Berry thanked the Board for authorizing the addition of a DPW Assistant Director.

Selectman Lyon asked what happened to create conditions where the road salt budget has been overspent by \$20,000 given that this winter has been a fairly standard winter. Director Berry said there has been a lot more ice needing treatment than normal. He said up until the last four storms in the last ten days, it has been a relatively easy winter. Salt was budgeted for less because the line hadn’t been fully used in the last couple years. Selectman Lyon stressed that he stated it is a standard winter, not an easy one. Director Berry will review where monies can be re-directed. Vice Chairman Panasiti asked if salt was replenished every year. Director Berry said the salt shed that was built in 1998 is grossly undersized and salt has to be replenished throughout the year. The salt supply is almost empty and 450 tons is yet to be delivered. Director Berry confirmed that the salt is purchased from Portsmouth under a state contract. He said the only drawback to tagging onto a state contract is that state sheds are first to get filled.

In response to Vice Chairman Panasiti, Director Berry explained how bridges are “red listed”. He said the state inspects every other year on a scale of nine to zero. When a bridge gets ranked a three, it is red listed, and he said he learned his lesson in 2010 not to wait until then before asking for money from the state. He knew the Mt. Vernon Road bridge would go from a four to a three.

NH Stormwater Coalition

Vice Chairman Panasiti felt the cost of legal representation on the MS4 permitting issue was high. Director Berry explained that the matter came under the 1972 Clean Water Act through the Environmental Protection Agency (EPA). Amherst is one of 44 communities around the state that falls under the MS4 regulation, which started in 2003 and is census density based. He said only a portion of Amherst falls under the MS4 regulation requirement and NH is one of four states that are regulated by EPA.

Chairman Brew asked if new road standards had been developed a couple of years ago. Director Berry said that former Director of Community Development, Colleen Mailloux, did work on

231 updating the standards but they were never adopted. He said the 1971 standards were adopted at a
232 special town meeting. Chairman Brew said it is important to make the standards enforceable.
233 Director Leedy said he'll begin the review process with the Planning Board and that MS4 will
234 have to be layered in as well, and they are in the health regulations also. He said it is likely that
235 more regulations will need to be adopted to respond to the MS4 requirements.

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237 While on the issue of Stormwater, Town Administrator O'Mara referred to a letter received from
238 the law firm of Sheehan Phinney indicating the estimated cost of their services relating to pursuing
239 the appeals of the MS4 permits to be \$300,000. Director Berry serves on the Executive Committee
240 of a Coalition of 14 communities who share the cost based on population. Amherst's share totals
241 \$9,000. Chairman Brew noted that while some communities have issues that Amherst need not be
242 concerned with, the town is getting \$300,000 worth of legal advice for \$9,000. Administrator
243 O'Mara pointed out that as more communities join the effort, the town's cost will go down. Other
244 communities involved in the legal review are: Manchester, Dover, Rochester, Salem, Merrimack,
245 Londonderry, Bedford, Portsmouth, Amherst, Raymond, Hampstead, Stratham, Danville, and
246 Wilton.

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248 Selectman Jensen moved, second by Selectman Lyon, to authorize payment of \$9,000 to Sheehan
249 Phinney for work on the MS4 General Permit litigation. Vice Chairman Panasiti asked if other
250 towns had already accepted the services. Chairman Brew said this was not Amherst's first
251 payment and that Amherst had previously authorized the expenditure of funds toward this effort.
252 Director Berry said an initial payment of \$2,100 was made and he and former Director Mailloux,
253 along with other participating communities, worked on comments filed with the EPA. Vice
254 Chairman Panasiti was still concerned about paying \$9,000 if the initiative wouldn't make a
255 difference. Chairman Brew again pointed out that when the initial payment was made, it was
256 known this would not be the end of the matter. Director Leedy said the full cost of \$300,000 was
257 not unreasonable for a federal appeal and Selectman Lyon said it was an effort to try to make a
258 difference, without a guarantee. Chairman Brew pointed out that if the town decided to comply
259 rather than participate in the appeal, the cost would be much greater. Director Leedy suggested the
260 high six figures over a period of five years.

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262 A vote on the motion passed unanimously, 5-0.

263 **Roads Plan**

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266 At the last Board meeting, Director Berry was asked to provide actual road estimates for Nathan
267 Lord and Lord Jeffrey and create a "red road" priority list and explain his selection of lower Mack
268 Hill for reconstruction. Director Berry provided the Board with budget construction estimates for
269 Nathan Lord (\$991,680), Boylston Terrace (\$258,482) and Lord Jeffrey (\$179,155). He corrected
270 a statement made at the last Board meeting that Lord Jeffrey was listed as a "red" road. In fact, it
271 is rated as "yellow". Director Berry provided maps and went over the criteria for evaluating a road
272 red, yellow, or green. Brown colored roads are gravel roads. After snowmelt, DPW will conduct
273 the survey and rate and prioritize red listed roads.

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275 In response to Vice Chairman Panasiti, Director Berry said he viewed the section of Mack Hill no
276 differently than other roads; i.e., a means to tie large tracks or sections together. He said lower
277 Mack Hill is heavily traveled but no worse than other roads and he did not believe any serious
278 work had been done previously. Selectman Lyon asked if the expense per foot would be
279 approximately that of Mack Hill of \$258. Director Berry said it would not be as expensive as

Mack Hill at \$221 per foot. Selectman Lyon indicated that while the priority is red roads, “in some instances we can take yellow listed roads and prevent them from becoming red-listed”. Director Berry said most of the resources have been taking road repair line money and matching with bond money. He said ideally once the bond is closed out, he would like to get away from that and start making yellow roads green. He said red roads have been a priority because when residents passed the bond, there was an expectation that those roads would be done.

The Board discussed various scenarios on how the work could be prioritized differently, and within the same budget constraints. Director Berry was asked if there was any merit to not doing Mack Hill and instead doing Lord Jeffrey and Boylston Terrace. Director Berry said work on Mack Hill was proposed because Pennichuck was going to do water main work. If Mack Hill is not to be done, he will not do Dodge either. Director Berry said a lot of roads need to be done and can be swapped if that is the Board’s sentiment. He said the work on Lord Jeffrey can take place if the Board so wishes. He said he is concerned about doing Nathan Lord because of water runoff and pipes rotting out. The Board talked about the costs estimates of road work. Director Berry said he was comfortable with his \$991,680 estimate for Nathan Lord; it could be a little less but won’t be higher.

The Board proposed postponing work on Boston Post, Dodge, and Mack Hill and its proposed sidewalk, and agreed that the priority for next year’s road reconstruction season be Nathan Lord. Lord Jeffrey and Boylston Terrace should be done after Nathan Lord, budgets permitting. Director Berry said he had a sense of the Board and will refine the bid specifications and work with Administrator O’Mara to put the work out to bid.

6. Town Administrator

6.1 Budget Transfers – Community Development

Town Administrator O’Mara sought the Board’s approval for two budget transfers within the Community Development (CD) budget for a new computer and software license for the new CD Planner. Selectman Jensen moved, second by Selectman Lyon, to authorize the transfer of \$3,861.25 from the full-time zoning wages line to the equipment repair line, and \$2,830.98 from the Planning Board’s part-time budget line to the Zoning Department line. Motion passed unanimously, 5-0.

6.2 Land Committee Composition

Chairman Brew indicated that a proposed change to the composition of the Land Committee required Board action. Selectman Jensen moved, second by Selectman Grella, to approve the proposed change in the composition of the committee from two staff representatives to one, and the one being Community Development Director, Gordon Leedy. Motion passed unanimously, 5-0.

6.3 PRIMEX CAP Program

Town Administrator O’Mara asked that the Board to approve continued participation in Primex’ Contribution Assurance Program (CAP) for property and liability insurance and workmen’s compensation for the period beginning July 1, 2019 through June 30, 2021. Continued participation will guarantee that Amherst’s annual workmen’s compensation contribution increase

will not exceed 8% and the property and liability contribution will not exceed 7% of the prior year's contributions. Selectman Jensen moved, second by Selectman Grella, to authorize continued enrollment in the Primex CAP program and authorize the Chairman to sign the related resolution [attached] on behalf of the Board. Chairman Brew said he'd like to understand why it is to the town's benefit to lock in for multiple years. Administrator O'Mara said advanced planning provides for less volatility in the price and allows for better budgeting. Also, Primex offers free training as was described by Chief Reams earlier in the meeting. Selectman Grella reminded the Board of how quickly Primex paid out for the loss of the Parks & Recreation Chevrolet bus and Police Department cruiser. Selectman Lyon suggested tracking the programs activity over the next three years. The motion passed, 4-1 [Chairman Brew opposed].

7. Approvals

7.1 Payroll

Selectman Jensen moved, second by Selectman Lyon, to approve one (1) FY17 Payroll Manifest in the amount of \$204,046 dated February 2, 2017, subject to review and audit. Motion passed unanimously, 5-0.

7.2 Accounts Payable

Selectman Jensen moved, second by Selectman Lyon, to approve one (1) FY17 Accounts Payable Manifest in the amount of \$30,531.80 dated January 30, 2017, subject to review and audit. (Town Clerk Transfers to the State of NH). Motion passed unanimously, 5-0.

Selectman Jensen moved, second by Selectman Lyon, to approve one (1) FY17 Accounts Payable Manifest in the amount of \$479,721.14 dated February 7, 2017, subject to review and audit. Motion passed unanimously, 5-0.

7.3 Previous Meeting Minutes

January 23, 2017, Non-Public Session

January 30, 2017, Non-Public Session

January 30, 2017

February 8, 2017

Selectman Jensen moved, second by Selectman Lyon, to approve the minutes of the January 23, 2017 non-public Board meeting, as presented. Motion passed unanimously, 5-0.

Selectman Jensen moved, second by Selectman Lyon, to approve the minutes of the January 30, 2017 non-public Board meeting, as presented. Motion passed unanimously, 5-0.

Selectman Jensen moved, second by Selectman Lyon, to approve the minutes of the January 30, 2017 public Board meeting, as presented. Motion passed unanimously, 5-0.

Selectman Jensen moved, second by Selectman Lyon, to approve the minutes of the February 8, 2017 public Board meeting, as amended. Motion passed unanimously, 5-0.

8. New/Old Business

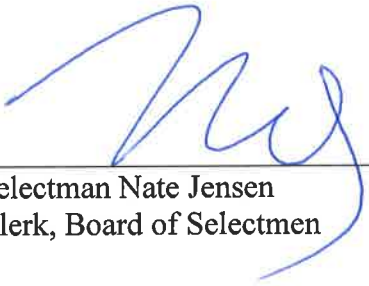
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379 Selectman Jensen went over action items coming out of tonight's meeting:
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- 381 1) Elderly Exemption Discussion
382 2) Road Standards Update
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384 **9. Adjournment**
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386 Selectman Jensen moved, second by Selectman Grella, to adjourn the meeting at 9:40 p.m. Motion
387 passed unanimously, 5-0.
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390 **NEXT MEETING: February 27, 2017**
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Selectman Nate Jensen
Clerk, Board of Selectmen



Date