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Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, July 27, 2015

1. Call to Order

Chairman Dwight Brew called the meeting to order at 6:34 p.m. Attendees: Chairman Dwight Brew, Vice Chairman John D'Angelo, Selectmen Tom Grella, Nate Jensen, and Reed Panasiti. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

2. Pledge of Allegiance – Ways & Means Committee member, John Post, led the pledge.

Chairman Brew asked all in attendance to join him in a moment of silence on the loss of Executive Assistant, Torrey Demanche, who passed away on Monday, July 20th, after bravely battling cancer. Torrey will be remembered for her good humor and very capable and good work on behalf of the citizens of Amherst.

3. Citizens Forum – There was no citizen input.

4. Sewer Commission Meeting

Chairman Brew recessed the Selectmen's meeting. Vice Chairman D'Angelo moved to convene the Sewer Commission, comprised of all Selectmen. Second by Selectman Jensen. Vote 5-0

Colleen Mailloux, Community Development Director, and Bruce Berry, Public Works Director, rose to address the Commission. Director Mailloux stated that in December 2014 the Town became aware that the residence at 14 Clark Avenue was never granted a Certificate of Occupancy. Building permits were issued in 1997 for the construction of a single-family home and for construction of a septic system to serve the home as a seasonal structure. According to records of the NH Department of Environmental Services (NHDES), no Approval for Operation was issued by the NHDES Subsurface Systems Bureau for the septic system, and subsequently, no Approval for Operation was issued by the Town. Until a Certificate of Occupancy (CO) is issued for the structure, the building may not be occupied or used. In order for the Town to issue a CO, the property must be reasonably brought into compliance with the current building code and have provisions for handling of sewage. The Town has been working with the property owner to resolve this issue. The property owner has contacted a septic designer who has indicated that it is not possible to construct a septic system on the property. The only option for proper septic disposal on this property is connection to the Baboosic Lake Community Septic.

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DPW Director Berry provided a number of exhibits showing the property location, tax map, and other documents regarding the Baboosic Lake Community Septic System. Directors Mailloux and Berry recommended allowing the homeowner to connect to the system at the homeowner's own expense, estimated to be approximately \$5800. In response to Board member questions, Director Mailloux stated that the structure had been occupied until about a year ago. The owner is looking to become compliant and sell the property. The town does have capacity within the system to add a two bedroom home. The system will have one bedroom capacity left over after this project. The system requires its own electrical connection and its own telephone line to monitor the system. Administrator O'Mara stated that all Baboosic Lake Community homes that are connected to the sewer system are eligible to be "year-round" residences and that after this home is connected to the sewer system, its taxes will change accordingly.

Vice Chairman D'Angelo moved to allow the owner of the property located at 14 Clark Avenue to connect to the Baboosic Lake Community Septic at the owner's expense. Seconded by Selectman Jensen. Vote 5-0.

Selectman Grella moved to adjourn the Sewer Commission meeting. Seconded by Vice Chairman D'Angelo. Vote 5-0

5. Public Hearings

5.1 Septic Ordinance

In accord with NH RSA 41:14-b, Selectman Jensen moved, seconded by Vice Chair D'Angelo, to open the second public hearing to take input on proposed amendments to the town's Septic Ordinance. Vote 5-0

Community Development Director, Colleen Mailloux, went over the updated ordinance that includes recommendations made during the first public hearing on the matter. There was no public input. Vice Chairman D'Angelo moved to close the public hearing, seconded by Selectman Jensen. Vote 5-0.

Jim Sickler of J.L. Sickler Construction came forward to join Director Mailloux who stated that the ordinance relaxes some standards; such as, requiring the bottom of the bed be located not less than 24 inches above the estimated seasonal high water table rather than 36 inches. Mr. Sickler said that the Town's standards will continue to exceed State standards, but less so. Selectman Panasiti was concerned about the costs to homeowners. Chairman Brew questioned the impact on inspections to be done in August if the ordinance does not become effective until September 1st. Director Mailloux indicated that the Town has the ability to issue waivers as necessary.

Selectman Jensen moved, seconded by Vice Chairman D'Angelo, to approve the Septic Ordinance as presented, effective September 1, 2015. Vote 5-0

5.2 Sign Ordinance

In accord with NH RSA 41:14-b, Vice Chairman D'Angelo moved to open the second public hearing to take input on proposed amendments to the Signs on Town Property Ordinance. Seconded by Selectman Jensen. Vote 5-0

Community Development Director, Colleen Mailloux, presented a revised ordinance incorporating comments made at the first public hearing. In response to Selectman Panasiti, Director Mailloux stated that the size of the signs is addressed in a zoning ordinance. Selectman Grella suggested that verbiage be included to allow “first priority” for town events. Director Mailloux also stated that anything not addressed in the ordinance must come before the Board for approval. No public comments were offered. Selectman Jensen moved to close the public hearing. Seconded by Vice Chairman D’Angelo. Vote 5-0

Selectman Jensen moved to accept the ordinance, as amended, effective immediately. Seconded by Vice Chairman D’Angelo. Vote 5-0

Capital Improvement Plan (CIP) (Agenda Item 6.2): Director Mailloux presented an updated Capital Improvement Plan, FY 2017-2022 which has been approved by the Town’s Planning Board. The CIP is intended to complement and support the strategic planning and budgeting processes, and avoid spikes in the tax rate. Vice Chairman D’Angelo stressed that the CIP addresses the “need” and not how projects are funded. John Post asked that a copy of the plan be provided to Ways & Means Committee members. Director Mailloux will follow-up.

6. Town Administrator’s Report

6.1 FY17 Budget Schedule

John Post and Lisa Ambrosio, Finance Director, presented a streamlined budgeting process that encompassed a “preparation phase” and a “decision phase”. Working with Town Administrator O’Mara, they recommended a timeline consistent with the Select Board’s meeting schedule. It was noted that the make-up of the Ways & Means Committee is yet unknown. Chairman Brew will be in touch with Steve Coughlan, Town Moderator, to check on the status of the committee and suggested that anyone interested in serving should contact Steve Coughlan or Town Administrator O’Mara.

Vice Chairman D’Angelo commented that two new selectmen and five new department heads will be going through the strategic planning process for the first time, and that an orientation and introduction to the process will need to be developed. He and Director Mailloux will also work together to decide on how best to involve other Town boards and commissions and report back to the BOS. Strategic plan departmental presentations could begin in August. Vice Chairman D’Angelo moved to adopt the schedule as presented. Second by Selectman Grella. Vote 5-0

6.2 Capital Improvement Plan – Taken Up Earlier

6.3 PRIMEX CAP

Town Administrator O’Mara stated that Primex had offered the Town the option of participating in the Contribution Assurance Program (CAP) for the next two coverage period years. Participation in CAP provides stability by creating a limit on Property & Liability contributions for future renewals. Vice Chairman D’Angelo moved to enter the Primex Property & Liability Contribution Assurance Program and authorize Chairman Brew to sign the following resolution on behalf of the Board. Motion seconded by Selectman Jensen. Vote 5-0. Vice Chairman D’Angelo read the resolution as follows:

148
149 “RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management
150 Exchange (Primex) to enter into its Property & Liability Contribution Assurance Program (CAP)
151 as of the date of the adoption of this resolution, and to be contractually bound to all of the terms
152 and conditions of Primex risk management pool membership during the term of the Property &
153 Liability Contribution Assurance Program (CAP). The coverage provided by Primex in each year
154 of membership shall be as then set forth in the Coverage Documents of Primex.”
155

156 **6.4 Health & Deputy Health Officer Appointment**

157
158 Administrator O’Mara indicated that the Health and Deputy Health Officer appointments must be
159 made to the NH Division of Public Health Services (DPHS). Selectman Grella moved to appoint
160 Mary Katherine Lockwood as Health Officer and Scott Tenney as Deputy Health Officer for the
161 Town of Amherst. Seconded by Vice Chairman D’Angelo. Vote 5-0
162

163 **6.5 Governor Hassan’s Response to Selectmen**

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165 The Board discussed whether to respond to Governor Hassan’s July 7, 2015 response to the
166 Board’s letter to her regarding the proposed Kinder-Morgan (KM) pipeline. Vice Chairman
167 D’Angelo said that the Governor’s response is not responsive to the issues raised in the Board’s
168 letter and is merely a “polite brush-off”. Further, the Governor’s response demonstrates a
169 superficial understanding of the issues involved. Vice Chairman D’Angelo would like to see the
170 Governor take a clear position on the matter, as did former Massachusetts Governor Deval Patrick.
171

172 Chairman Brew pointed out that even if Governor Hassan comes out against the pipeline, it could
173 still go through; albeit, she can provide an influential voice on behalf of Amherst and all NH
174 citizens. Vice Chairman D’Angelo and Selectman Jensen will work up a draft response suggesting
175 that the Governor’s position, or lack thereof, is not in the best interest of NH. The time is NOW to
176 effect change on the matter. A draft of the letter will be provided to Town Administrator O’Mara
177 and brought to the Board for possible approval at its next meeting.
178

179 Vice Chairman D’Angelo stated that the Federal Energy Regulatory Commission (FERC) is
180 hosting “scoping” meetings in Nashua on Wednesday, July 29th, and in Milford on Thursday, July
181 30th. The meetings will be transcribed but not taped. No responses will be provided at the
182 meetings to attendee questions. The meetings are intended to serve as an opportunity for FERC to
183 hear the concerns of those residents most impacted. Vice Chairman D’Angelo and Director
184 Colleen Mailloux will be attending a Town Administrators’ Coalition meeting with the FERC
185 project manager for the NED pipeline on Tuesday, July 28th at the Brookline Town Hall.
186 Governor Hassan is expected to meet with TA Coalition members in September.
187
188

189 **6.6 Join the NH Clique Grant**

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191 Administrator O’Mara sought the Board’s approval to participate in “Join the NH Clique” Seat
192 Belt Campaign. Vice Chairman D’Angelo moved to accept and expend grant funds from the NH
193 Highway Safety Agency not to exceed \$2,844.97. Second by Selectman Jensen. Vote 5-0
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196

197 **6.7 DES Wetlands Crossing Permit**

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199 Administrator O'Mara referenced a letter/application sent to NHDES' Wetland Bureau from John
200 Harvey, Chairman of the Amherst Conservation Commission. The application needs the Board's
201 approval and is for two wetland crossings for cross-country ski trails on a 28 acre parcel of
202 Amherst conservation land, tax map parcel 6-1-1, located at 34 Pond Parish Road. The town
203 purchased the property in 2005. The Souhegan High School cross-country ski club has maintained
204 and used the logging roads for cross-country ski trails. The second crossing is on a new trail that is
205 more wet than stream. A bridge about 12 feet long, and 100 inches wide, will be constructed to
206 accommodate skiers in the winter and hikers in the summer. In addition to the ski trails, a small
207 parking area and a small waxing shed are planned, near the road. The Amherst Conservation
208 Commission and the Amherst Recreation Department are both providing support for this project.
209

210 Selectman Jensen moved, seconded by Vice Chairman D'Angelo, to approve the application for
211 two wetland crossings on conservation land located at 34 Pond Parish Road, and authorize
212 Chairman Brew to sign related documents on behalf of the Board. Vote 5-0
213

214 **Indeglia Nomination:** Administrator O'Mara encouraged the Board to nominate Paul Indeglia to
215 the Local River Management Advisory Committee (LAC). By statute, the Commissioner of DES
216 appoints the LAC members for each Designated River from nominees submitted by the local
217 governing bodies through which the Designated River flows (RSA 483:8-a). Dr. Indeglia is a
218 resident of Amherst and owns property directly adjacent to the Souhegan River. He has degrees in
219 architecture and urban planning, environmental science, and environmental engineering with a
220 focus on water quality issues. Selectman Jensen moved, seconded by Vice Chairman D'Angelo, to
221 nominate Paul Indeglia for appointment to the DES Local River Management Advisory
222 Committee. Vote 5-0
223

224 **7. Updates**

225
226 **7.1 Right to Know Requests -- None**

227
228 **7.2 Manchester Road Bridge**

229
230 Director of Public Works, Bruce Berry, indicated that the drainage structures on the inner part of
231 the corner should go in this week. Temporary pavement will be done this week or early next
232 week. Water diversion is ongoing and two complete culvert sections were removed today. The
233 header stones are being stored at DPW. Work on the first abutment will have commenced by the
234 time of the next Board meeting. Bridge completion is scheduled for the end of November.
235

236 **7.3 Road Construction**

237
238 Director Berry provided the following updates:

239
240 Stearns Road: the three remaining culverts went in last week; all guardrails are in; clean-up, loam
241 and hydro-seeding is ongoing.

242
243 Veterans Road: all granite curbing has been reset; clean-up to start at the completion of Stearns
244 Road.
245

246 Standish Way: have encountered ledge that will impede drainage runs; workers hammered for
247 days to complete some of the work; pre-blast surveys are ongoing and blasting is expected to start
248 on Wednesday.

249
250 Foundry Street: some grade issues needed to be worked out; Director Berry met with engineers
251 and they believe they've identified and rectified the issues; construction will resume as soon as the
252 adjusted elevations are in hand; still on schedule for the road to be black before school opens.
253

254 Boston Post Road between Sunset and New Boston: a drainage structure and 200 linear feet of
255 culvert pipe will go in tomorrow; work will require removal and replacement of a small section of
256 sidewalk; expect the road will be reclaimed and paved around the same time as Foundry Street.
257

258 Baboosic Lake Road: the remaining catch basin and 95 linear feet of culvert pipe in the area of
259 Dream Lake went in today; this section will need base asphalt after which the 8700 linear feet can
260 be topped; clean-up, loaming, and seeding continues.
261

262 **7.4 Davis Lane Tennis Courts**

263
264 Administrator O'Mara reported that all of the prep work has been done on the tennis courts.
265 Resurfacing will take place in conjunction with paving Foundry Street.
266

267 **7.5 Pipeline – An update was provided earlier.**

268 **7.6 Transfer Station – Scale House**

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270 DPW Director, Bruce Berry, indicated that the new scale layout (i.e., the construction debris
271 dumping area) is causing a problem for some contractors. The town's insurance carrier
272 recommends a 42 inch barrier. Instead, a 26 inch reveal was installed and is preventing some
273 vehicles from backing up to a flush place to dump. Administrator O'Mara stated that the scale
274 itself is successful since employees no longer have to guess when measuring debris. Director
275 Berry stated that all vehicles and trailers that could use the previous scale can also use the new
276 scale, contrary to some rumors. Town Administrator O'Mara expressed concern that the only
277 inconvenience is that there are no longer three lanes. Director Berry replied that the Transfer
278 Station can still accommodate three lines, but that the inner gate may need to be adjusted in order
279 to safely allow for three lines. Chairman Brew was satisfied that the design was done in
280 conjunction with insurance requirements.
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283 **8. Approvals**

284 **8.1 Payroll Manifest**

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287 Selectman Jensen moved to approve one (1) FY16 Payroll Manifest in the amount of \$218,112.35
288 dated July 23, 2015, subject to review and audit. Seconded by Vice Chairman D'Angelo.
289 Vote 5-0
290

291 Selectman Jensen moved to approve one (1) FY16 Payroll Manifest in the amount of \$2,403.83
292 dated July 24, 2015, subject to review and audit. Seconded by Selectman Panasiti. Vote 4-0 (Vice
293 Chairman D'Angelo stepped away from the meeting momentarily).
294

295 **8.2 Accounts Payable Manifests**

296
297 Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of
298 \$544,466.02 dated July 15, 2015, subject to review and audit. Seconded by Selectman Panasiti.
299 Vote 4-0

300
301 Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of
302 \$29,292.34 dated July 15, 2015, subject to review and audit. (Town Clerk Transfers to the State of
303 NH). Seconded by Selectman Panasiti. Vote 4-0

304
305 Selectman Jensen moved to approve one (1) FY16 Accounts Payable Manifest in the amount of
306 \$2,949,157.16 dated August 1, 2015, subject to review and audit. (School Disbursements)
307 Seconded by Selectman Panasiti. Vote 4-0

308
309 **8.3 Minutes – Meeting of July 13, 2015**

310
311 Selectman Jensen moved to approve the Board of Selectmen meeting minutes of Monday, July 13,
312 2015. Seconded by Vice Chairman D'Angelo. Vote 4-0-1 (Selectman Panasiti abstained).

313
314 **9. Old/New Business**

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316 **9.1 SB 231**

317
318 Administrator O'Mara indicated that the purpose of SB 231 was to respond to requests of
319 Municipal Fleet Managers to move the safety inspection period out of the winter road maintenance
320 months. The Director of Motor Vehicles has designated September to be the new month of
321 inspections for municipal fleet vehicles. In accord with RSA 266:1 II, vehicles may be inspected
322 up to four months early; therefore, inspections for the September 30 deadline may begin
323 immediately.

324
325 **Friends of the Lindabury Orchard**

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327 Administrator O'Mara received a request from the Friends of the Lindabury Orchard (FOTO)
328 seeking approval for the use of town property for their Cider Fest which will offer live music, a
329 petting zoo, kids' activities, food, and cider pressing. In the past, the Selectmen have covered the
330 event with a one-day insurance binder, trash barrels, and liners. Selectman Grella moved,
331 seconded by Selectman Panasiti, to allow use of town property for the Friends of Lindabury
332 Orchard's "Cider Fest" to be held on September 26, 2015 from 11:00 a.m. to 3:00 p.m. and
333 provide a one day insurance binder, trash barrels and liners. Vote 5-0

334
335 Selectman Jensen went through pending Action Items. Status of each item follows.

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337
- Quarterly Finance Reports – will be scheduled for next Board meeting
 - 11 Baboosic Lake Road issue - pending
 - W&M Status – pending
 - South Station Roofing -- pending
 - Recreation Vehicle Sale -- pending
 - Tracking Code Enforcement Inspections – not yet begun
 - Engagement Letter to Auditor – done
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- 344 • Fuel Discussion with School District – done
- 345 • Lessons learned on road construction – ongoing
- 346 • Presentation from Fire Rescue – will be scheduled in August
- 347 • Village Strategic Planning – low/no cost items will be rolled into budget process
- 348 • Include Boards/Commissions/Budget Process – Mailloux/D’Angelo report next BOS meeting
- 349 • Letter to Governor Hassan – D’Angelo/Jensen report next BOS meeting

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351 **10. Non-Public Session**

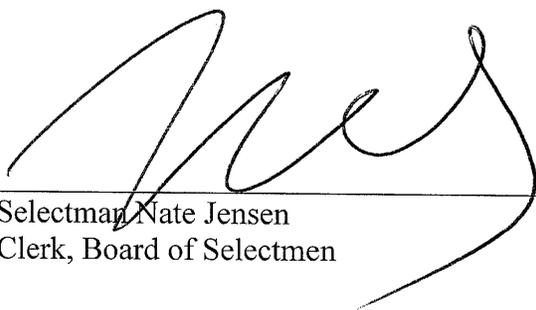
352
353 Pursuant to NH RSA 91-A: 3 II (d), Selectman Grella moved to enter into non-public session at
354 8:45 p.m. Seconded by Vice Chairman D’Angelo. Roll Call: Brew-yes, D’Angelo-yes, Grella-
355 yes, Jensen-yes, and Panasiti-yes. Vote was unanimous, 5-0.

356
357 The Board and Town Administrator Jim O’Mara discussed the acquisition of land. Vice Chairman
358 D’Angelo moved to exit non-public session at 9:05 p.m. Second by Selectman Panasiti. The vote
359 was unanimous, 5-0. Chairman Brew stated that in non-public session no motions were made and
360 no votes were taken.

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362 **11. Adjournment**

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364 Selectman Jensen moved to adjourn the meeting at 9:06 p.m. Second by Selectman Panasiti.
365 Vote 5-0.

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Selectman Nate Jensen
Clerk, Board of Selectmen

8/24/15

Date