



Town of Amherst, NH

BOARD OF SELECTMEN MINUTES

Barbara Landry Meeting Room
2 Main Street

Monday, May 27, 2014 at 6:30 PM

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6 **Call to Order:** Chairman Dwight Brew called the meeting to order at 6:32 p.m. Attendees:
7 Chairman, Dwight Brew, Vice Chairman Mike Akillian, Selectmen John D'Angelo and Tom
8 Grella. Selectman Brad Galinson was absent. Also present: Town Administrator, Jim O'Mara,
9 and Suzanne Beauchesne taking minutes.

10
11 **Pledge of Allegiance:** Nate Gunter and Connor McCall, members of the "Sabers" Hockey Team,
12 led the pledge.

13 **III. Proclamation – Souhegan High School Hockey Team - Sabers**

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15
16 Chairman Brew called upon Selectman Grella to read a proclamation honoring the Souhegan High
17 School Hockey Team "Sabers", the 2014 Division III Champions. On behalf of the entire team,
18 members Nate Gunter and Connor McCall were in attendance to receive the proclamation and be
19 commended for their exceptional sportsmanship and skills.

20 **IV. Citizens' Forum**

21
22
23 Nathan Lord Road

24
25 A number of residents came to speak about Nathan Lord Road and the Manchester Street Bridge.
26 Chairman Brew asked those wishing to speak about Nathan Lord Road to come forward first.
27 Kyle Weinstein came forward to inform the Board that the curved Nathan Lord Road has become
28 hazardous and is in need of re-paving rather than "just patched up". Ms. Weinstein pointed out
29 that the road was last paved in 1998 and causes damage to cars, bikes, motorcycles, and has caused
30 flooding and drainage concerns for a number of residents. She encouraged the Board members to
31 ride the road, and provided a petition signed by a number of residents of Nathan Lord Road.

32
33 Terry O'Brien stated that she had been living at Nathan Lord Road since July 2003 and no
34 improvements have been made to the road since then. She indicated that her basement has been
35 flooded and she has had to install three sump pumps and continually has to run a dehumidifier in
36 her basement. Ms. O'Brien does not want to see the value of her property decline and asked that
37 the road be re-paved as soon as possible. Ms. O'Brien and Ms. Weinstein asked that their written
38 comments be included in the meeting minutes.

39
40 Scott Orr rose and stated he has lived at the bottom of the hill on Nathan Lord Road since 1995.
41 At that time the road was re-crowned improperly and caused a change in the runoff. Three years
42 ago Director Berry acknowledged that the re-crowning was improperly done causing erosion. The
43 damage continues to occur. Mr. Orr provided photos.

44
45 Liz Overholt next came forward to say "it's all about money", and that Public Works Director
46 Bruce Berry doesn't have enough money for road maintenance. She stressed that the Board needs

47 to do something about road reconstruction. Chairman Brew asked Director Berry who was in
48 attendance to review the matter and the photos and report back to the Board at its next meeting on
49 June 9th. Selectman Grella said he has travelled the road once a month for the past 18 to 20 years
50 and travelled it before it became a road in the mid-1970s. Initial concerns related to electric and
51 cable access were addressed, but maintenance of the road can only be addressed as time and
52 money allow. Vice Chair Akillian agreed with Selectman Grella and reminded attendees that
53 citizens, collectively, vote on the budget. And, relative to the 15 million dollar road bond, because
54 the town waited so long, each year the town gets hit with tens of thousands of dollars in interest
55 payments. This needs to be better balanced.

56 57 Manchester Road Bridge

58
59 Linda Kaiser of 6 Manchester Road came forward and asked when the bridge work was expected
60 to be done. Chairman Brew indicated that the town was two weeks away from getting the bid
61 package out, and their hope was to begin work between now and next March. Ms. Kaiser then
62 asked how concerns relative to stop signs, speed bumps, etc., are being addressed.

63
64 Chairman Brew stated that the final design and cost of the bridge would not be impacted by stop
65 signs or speed bumps. Plans are to ask bidders to provide a bid for work to be done as soon as
66 possible and another bid that would allow for a “best price” if work was to be done at their option
67 within a set window.

68
69 Ms. Kaiser asked that her written comments be included in the minutes in full length. She
70 repeated that she would not sign off on the project until all of her questions are answered to her
71 satisfaction. Ms. Kaiser urged a discussion of the “traffic pattern”, the “speeding issue”, and the
72 “truck issue”. She also stated that she had reviewed the legislation regarding the reimbursement
73 by the State for road construction. The bill states that repayment is made only “if the money is
74 there”. The town has to pay \$31,000 in excess interest costs. Ms. Kaiser again urged the Board to
75 conduct a more thorough study prior to rushing through the project.

76
77 Selectman Grella pointed out that a warrant article passed appropriating funds to replace/repair the
78 bridges. Chairman Brew noted that on March 8, 2011 Warrant Article 22 passed by a vote of 1462
79 to 600 to replace the bridges, so it should not have been a surprise to anyone that monies would be
80 borrowed and be reimbursed later. At the time of the vote, it was known that there was no chance
81 of being reimbursed before 2018-2019-2020. Ms. Kaiser stated that she was tired of her geese and
82 chickens getting killed and was not willing to drop the issue. She felt it was not too late to start a
83 thorough discussion now.

84
85 Chairman Brew and Selectman Grella pointed out that a number of public presentations were made
86 including the information from a study that was recently conducted. Ms. Kaiser indicated she was
87 not aware of the study.

88
89 Vice Chair Akillian acknowledged that the Board could have done a better job of communicating
90 with abutters early on and stated that some of the questions raised were valid. Vice Chair Akillian
91 further stated that a number of concerns that have arisen surrounding the village center, Foundry
92 Street, and other considerations have led to his intention to present to the Board a proposed plan
93 that would lead to a comprehensive master plan and under that would come issues such as traffic

94 pattern, speed, and the like. It is hoped that a more comprehensive plan would eliminate handling
95 of issues incrementally, and a broader, more strategic plan could begin to engage more people and
96 provide a good model going forward.
97

98 Ms. Kaiser mentioned that the park across the street needs to be mowed, and asked that a different
99 sign be placed because people “don’t know where the bridge is”. Ms. Kaiser further stated that she
100 has informed Hoyle Tanner that she is not signing a wetlands permit and will take it to Court if
101 necessary.
102

103 Brian Handler rose and thanked Vice Chair Akillian for his proposal and indicated that hundreds
104 of people utilize the village center. Mr. Handler asked about the financing and said it was his
105 impression that residents voted to have the State replace the bridge. Selectman Grella responded
106 that there are two bonds – one for road construction and another for bridge replacement.
107

108 Chairman Brew read the Warrant Article. Vice Chair Akillian pointed out that the longer
109 construction is put off, the more expensive it becomes, so the sooner the town acts, the greater the
110 savings to taxpayers, since repair costs are increasing at about five percent per year.
111

112 Linda Kaiser suggested a review of the meeting recording wherein it was stated that 80 percent of
113 the costs would be reimbursed by the State. Vice Chair Akillian stated that it was not an excuse
114 but a consideration and noted that “when you know historically that the costs are going up five
115 percent a year, it is not outlandish to think it would continue”.
116

117 Bev Nelli came forward and said that it doesn’t seem wise to borrow money if it is not to be
118 reimbursed. Ms. Nelli asked that the traffic patterns and speeding issues be addressed before
119 beginning construction.
120

121 **V. Public Hearing - Revising the Water Pollution Control Regulations**

122

123 Town Administrator O’Mara mentioned that when ordinance changes are proposed, two public
124 hearings are legally-required, of which this was the second. Chairman Brew invited public
125 comment. There were none.
126

127 Jim Sickler and Steve Keach came forward. Selectman D’Angelo brought up the issue previously
128 discussed regarding the town’s final inspection being duplicative. Steve Keach indicated that the
129 State’s final inspection is narrower than that of the town’s, and that while he had no preference, it
130 was his sense that Community Development Director Sarah Marchant and Building Inspector Rick
131 Keyes believed there was value to continuing the final town inspection.
132

133 Selectman D’Angelo indicated there have been complaints that permits are hard to get so he was
134 reluctant to continue conducting 20-25 final inspections per year if there is no benefit to the town.
135 No “added value” equals a net loss.
136

137 Jim Sickler repeated that the town and state work from the same blueprint. Mr. Sickler again
138 stated that if the town retains the final town inspection, the town should provide the customer with
139 a “tear-off sheet” that includes the date of inspection and approval.
140

141 Selectman Grella asked about liability. Mr. Sickler indicated that if anything goes wrong, liability
142 goes back to the contractor, not the town. Administrator O'Mara will speak to Director Marchant
143 and have the issue re-surface once a new director is on board and has had a chance to review the
144 matter and make a recommendation.

145
146 Vice Chair Akillian moved to adopt the revised Water Pollution Control Regulation. Seconded by
147 Selectman D'Angelo. Vote 4-0

148 **VI. MRI Study**

149
150 Selectman Grella moved to re-consider the motion authorizing Administrator O'Mara to sign the
151 final MRI proposal. Seconded by Selectman D'Angelo. Vote 4-0

152
153
154 Selectman Grella indicated that he felt the suggested team proposed by MRI was over-qualified
155 and that the Board should postpone the \$28,000 project and exhaust the expertise and input of
156 local personnel before moving forward. Vice Chair Akillian stated that all parties should be
157 included in discussing proposed plans, but felt the proposal would go into greater detail relative to
158 current practices, organizational structure, and skill sets that may not be available from other local
159 officials. Vice Chair Akillian further stated that switching to full-time staffing alone could
160 increase the town expense by a million dollars a year, so \$28,000 seems a worthy investment to
161 protect the volunteer, on-call model. Selectman D'Angelo agreed that an outside perspective was
162 good and a sound investment to avoid a million dollar mistake. Chairman Brew pointed out that
163 while \$28,000 is a lot of money, it is less than one full time employee and will pay for itself over
164 and over again. Chairman Brew further stated that it would be beneficial to look at different
165 options and get an understanding of what the organizational structure would look like and pick the
166 best option for Amherst.

167
168 Selectman D'Angelo moved to authorize Administrator O'Mara to sign a final MRI proposal and
169 contract. Vice Chair Akillian seconded. Vote 3-1 (Selectman Grella voting in opposition).

170 **VII. Approvals**

171 **a. Accounts Payable**

172 Selectman D'Angelo motioned to approve one (1) FY14 Accounts Payable Manifest in the
173 amount of \$113,383.35 dated May 19, 2014 subject to review and audit. Seconded by Vice
174 Chairman Akillian. Vote 4-0

175
176
177 Selectman D'Angelo motioned to approve one (1) FY14 Accounts Payable Manifest in the
178 amount of \$30,523.58 dated May 27, 2014 subject to review and audit. (Town Clerk
179 Transfers to the State of NH). Seconded by Vice Chairman Akillian. Vote 4-0

180
181 Selectman D'Angelo motioned to approve one (1) FY14 Accounts Payable Manifest in the
182 amount of \$2,468,850.00 dated June 2, 2014, subject to review and audit. (Schools).
183 Seconded by Vice Chairman Akillian. Vote 4-0

184 **b. Payroll**

185

186 Selectman D'Angelo motioned to approve one (1) FY14 Payroll Manifest in the amount of
187 \$166,934.47 dated May 27, 2014, subject to review and audit. Seconded by Vice
188 Chairman Akillian. Vote 4-0
189

190 **c. Board of Selectmen Minutes**

191 Selectman D'Angelo motioned to approve the May 12, 2014 Board of Selectmen meeting
192 minutes. Vice Chairman Akillian seconded. Vote 4-0
193

194 **d. Abatements**

195 Selectman D'Angelo read a recommendation from KRT Appraisal. The subject property is
196 a small dwelling, barns and a riding arena on an 8.90-acre parcel. The reason for the
197 request is the owner's concern with the overall assessment. No information was supplied
198 to indicate or support what the opinion of value is. Selectman D'Angelo motioned to deny
199 the abatement request for Map/Lot 006-081-003 located at 35 Walnut Hill Road. Seconded
200 by Selectman Grella. Vote 4-0
201

202 Vice Chairman Akillian read a recommendation from KRT Appraisal. The subject
203 property is a cape style home on a 2-acre parcel. The reason for the request is the owner's
204 concern with the assessment when compared with an appraisal value indication of
205 \$341,000 as of 4/1/13. A review of information provided found that the home is only
206 antique by the age of original construction and does not fit the criteria for an antique style.
207 The style of the home should be corrected from antique to cape. After correction the
208 assessment is reduced by \$42,800 to \$350,600. Vice Chairman Akillian motioned to grant
209 the 2013 abatement request in the amount of \$1,132.00 for Map/Lot 008-092-001 located
210 at 40 Walnut Hill Road. Seconded by Selectman D'Angelo. Vote 4-0
211

212 Selectman D'Angelo read a recommendation from KRT Appraisal. The subject property is
213 an antique style home on a 3.50 acre parcel. The reason for the request is the owner's
214 concern with the assessment when compared with their purchase price of \$380,000 on
215 10/09/2012 and an appraisal value indication of \$386,000 as of 9/14/12. Given the
216 submitted appraisal and comparable sales, it appears that an adjustment is warranted. The
217 indicated value range of the appraisal is \$367,200 to \$432,140 and when the town's
218 assessment ratio is applied, the revised assessment falls within the indicated value range.
219 After adjustment the assessment is reduced by \$62,200 to \$434,600. Selectman D'Angelo
220 motioned to grant the abatement request in the amount of \$1,645 for the 2013 tax year, for
221 Map/Lot 003-080-000 located at 84 Amherst Street. Seconded by Selectman Grella. Vote
222 4-0
223

224 Vice Chairman Akillian read a recommendation from KRT Appraisal. The subject
225 property is an antique colonial style home on a 0.33 acre lot. The reason for the request is
226 the owner's concern with the assessment when compared with two appraisal value
227 indications of \$330,000 as of 12/7/12 and \$335,000 as of 6/26/13 and the purchase price of
228 \$320,000 on 1/10/13. A review of the submitted information and an inspection of the
229 property found some minor sketch errors. It does appear that the assessment is overstated
230 in light of the two appraisal value indications and the purchase price. The attached
231 appraisals used qualified sales and the sale of the subject is considered a valid arms length
232 transaction. After correction the assessment is reduced by \$127,400 to \$346,900. Vice

233 Chairman Akillian motioned to grant the 2013 abatement request in the amount of
234 \$3,370.00 for Map/Lot 017-080-000 located at 5 School Street. Seconded by Selectman
235 Grella. Vote 4-0
236

237 **e. Current Use Application**

238 Selectman D'Angelo read a recommendation from KRT Appraisal. The applicant has
239 provided the necessary documentation to place the land located at 345 Route 101 in current
240 use. As the amount of land qualified for current use is less than 10-acres, evidence of an
241 annual gross income of \$2500 or greater from the sale of agricultural crops was provided as
242 required under CUB 304.01(b)(3). Selectman D'Angelo motioned to approve the 2014
243 current use application for Map 008, Lot 057-000 located at 345 Route 101. Seconded by
244 Vice Chairman Akillian. Vote 4-0
245

246 **f. Yield Tax**

247 Vice Chairman Akillian motioned to approve the Yield Tax for Map 002, Lot 026-000 the
248 amount of \$79.70. Seconded by Selectman Grella. Vote 4-0.
249

250 **g. 2011 Tax Deed Waiver**

251 Town Administrator O'Mara mentioned that a number of properties with outstanding
252 property taxes for the 2011 tax year have established payment agreements with the town
253 and Tax Collector, Gail Stout, has requested the Board sign a waiver of the tax deed for
254 these properties. Selectman D'Angelo moved to approve and sign the tax deed waiver for
255 the following seven properties: Map/Lot 006-038-013; Map/Lot 004-052-035; Map/Lot
256 010-030-003; Map/Lot 002-166-019; Map/Lot 003-096-001; Map/Lot 003-093-000; and
257 Map/Lot 002-166-049. Seconded by Selectman Grella. Vote was 4-0. Selectman
258 D'Angelo offered congratulations to Tax Collector Stout for her good work in being able to
259 work out these payment arrangements.
260

261 **h. 2013 Tax Lien**

262 Town Administrator O'Mara referenced a memorandum from Gail Stout, Tax Collector,
263 listing the 2013 tax lien as filed at the Hillsborough County Registry of Deeds. The 2013
264 tax lien includes six commercial properties and 73 residential properties. Chairman Brew
265 noted that notification of liens for the 2013 tax year is the lowest since 2007 which may be
266 an indication that the economy is improving. Selectman D'Angelo moved to approve and
267 sign the Notification of Lien for the 2013 tax year dated May 9, 2014 as submitted by the
268 Tax Collector for the Department of Revenue Administration. Seconded by Vice Chair
269 Akillian. Vote 4-0
270

271
272 **i. Quarterly Baboosic Lake Community Septic Warrant**

273 Selectman Grella moved to approve and sign the Quarterly Maintenance Warrants for the
274 Baboosic Lake Community Septic bills due July 1, 2014 as follows: Phase I \$4,728.60;
275 Phase II \$5,268.47; Phase III \$5,538.37; and Phase IV \$4,091.93. Selectman D'Angelo
276 seconded. Vote 4-0
277

278 **VIII. Town Administrator**
279

280 **a. National EMS Week**
281 Town Administrator O'Mara distributed a flyer noting that in honor of National EMS
282 Week held from May 18-24, EMS Director Brian Gleason was hosting a dinner on June 5,
283 2014 at the EMS facility to celebrate the exceptional service provided to the citizens of
284 Amherst and Mont Vernon. The Board extended thanks to Director Gleason and all
285 Emergency Management personnel.

286
287 **b. Propane Bid**
288 Selectman D'Angelo moved to extend for one year the contract with Bot-l Gas of Nashua
289 for propane at the \$1.495 unit price per gallon. Seconded by Selectman Grella. Vote 4-0
290

291 **c. 2015 7400 SFA 4x2 Lease Purchase Bid**
292 Town Administrator O'Mara provided vehicle specifications for a 2015 7400 SFA 4x2
293 truck and recommended awarding the bid to Liberty International Trucks of NH through
294 the state bid pricing system and expended through the FY2015 Lease Purchase account.
295 Chairman Brew asked Administrator O'Mara to check with town counsel on whether the
296 Board could execute the agreement given the warrant article that failed and because the
297 town is in a default budget. Can the Board enter into an agreement now or must it wait
298 until July 1st? Selectman D'Angelo moved to award the bid for the 4x2 truck to Liberty
299 under the state bid pricing and contingent upon legal counsel's approval. Seconded by
300 Vice Chair Akillian. Vote 4-0
301

302 **d. FY14 Budget Transfers**
303 Selectman Grella moved to transfer the sum of \$11,500 from the Electricity and Lighting
304 account to the Equipment and Maintenance account under Building and Grounds.
305 Seconded by Selectman D'Angelo. Vote 4-0
306

307 Vice Chairman Akillian moved to transfer the sum of \$103,720 from various DPW
308 Administration accounts to the Engineering account. Selectman D'Angelo seconded. Vote
309 4-0
310

311 **e. Nomination – Parks and Recreation Director**
312 Administrator O'Mara indicated that Craig C. Fraley of Peterborough came to the top of
313 the selection committee's list to fill the position of Parks and Recreation Director.
314 Currently Mr. Fraley works in Rindge. Selectman Grella moved to accept Craig C.
315 Fraley's nomination to fill the position of Amherst's Parks and Recreation Director
316 effective June 23, 2014. Seconded by Vice Chair Akillian. Vote 4-0
317

318 **f. Stormwater Coalition**
319 Administrator O'Mara mentioned a meeting was to take place Wednesday, May 28, 2014.
320

321 **g. Right-to-Know – no pending requests at this time.**
322

323 **IX. Old and New Business**

324 Town Administrator O'Mara indicated that the selection process for the Community
325 Development Director position was moving forward. A number of highly qualified
326 candidates have applied. Interviews will be held on June 3rd and 4th. Administrator

327 O'Mara expects to bring forward a final candidate for the Board's approval at their June 9th
328 meeting

329
330 Vice Chairman Akillian asked about the status of the Finance Software. Administrator
331 O'Mara reported that the contract with Tyler Technologies was being reviewed by legal
332 counsel. Chairman Brew and Selectman D'Angelo volunteered to serve on the
333 implementation team.

334
335 **X. Adjourn**
336 Vice Chairman Akillian moved to adjourn the meeting at 8:30 p.m. Selectman D'Angelo
337 seconded. Vote 4-0
338