



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Monday, July 23, 2018

1 **1. Call to Order**

2
3 Chairman Dwight Brew called the meeting to order at 6:31 p.m.

4
5 Attendees: Chairman Dwight Brew, Selectmen John D'Angelo, Tom Grella, Peter Lyon,
6 and Reed Panasiti. Also present: Town Administrator James O'Mara.

7
8 **2. Pledge of Allegiance** – Gordon Leedy, Director of Community Development, led the
9 pledge.

10
11 **3. Chair Comments** – Chairman Brew recognized the dedication and hard work that it
12 took to bring the Vietnam Moving Wall to Amherst. He recognized Marie Grella for
13 her tireless effort over many years, as well as the Milford Rotary Club and the many
14 volunteers from the community, who helped support the effort.

15
16 **4. Citizens' Form** – none.

17
18 **5. Updates:**

19
20 **5.1 Horace Greely Road Bridge**

21 Town Administrator O'Mara explained that he recently received communication from the
22 engineer of the contract regarding some setbacks that the project is experiencing. All
23 parties involved will be meeting tomorrow (Tues, 24th) in the morning to see what needs
24 to be done to keep the project on track as best it can be. He will have a further update for
25 the Board at their next meeting.

26
27 In response to a question from Chairman Brew, Town Administrator O'Mara stated that
28 he believes the last 9 updates from the project were a bit thin. Going forward they need
29 more information regarding how close to the original schedule things are.

30
31 **5.2 Bicycle Pedestrian Advisory Committee**

32 Mr. Gordon Leedy, Director of Community Development, explained that the Board
33 agreed, back in January, to allow for the formation of a bike/pedestrian advisory
34 committee. This committee, along with community members, has been looking for a way
35 to form an alternative transportation network throughout town.

36 In March, a listening session was attended by over 100 members of the public. The current
37 plan which is being explored, is a network that relies on an off-road pedestrian/bicycle
38 “spine” trail that can connect to all parts of the community.

39 The most obvious choice for this “spine” trail comes in the form of the old B&M Railroad
40 trail. The town owns some of the right of ways along this path, and private property
41 owners own the rest. There is a phase by phase development plan for the implementation
42 of the trail system. This can then connect with on-road alternates, such as using creative
43 pavement markings, to make safe places for walking and biking.

44
45 Phase I of the project goes through Birch Park and Thornton Ferry I. The committee is
46 currently working with Mr. Craig Fraley to see if this phase can be implemented using his
47 staff to build it. If they can avoid any private property impacts, then there will be no right
48 of way issues. The hope is that this will be constructed late this year, or possibly early next
49 year. This phase will be funded through the Recreation Fund, or through money already
50 appropriated at the last town meeting.

51
52 Phase II of the project will go from Baboosic Lake Road, north of Dream Lake, out to
53 Walnut Hill Road. This will essentially connect the lake and the northern part of town to
54 the Village. There is a Transportation Alternatives Program (TAP) grant, which is federal
55 DOT money, that requires a 20% match from the town, currently being explored. This
56 phase will cover approximately 8,300 linear feet in town and cost approximately
57 \$675,000. It will require 1 bridge along the route, and will need to allow vehicle access for
58 maintenance and emergency vehicles.

59
60 This will be a much larger project than just these 2 phases, but will be continued in a
61 phased way (6 total) that will be pursued in the most economical way possible. The total
62 estimate for this project is approximately 2.5 million dollars, but will only be pursued if
63 80% of the funding can be obtained from grants/other sources.

64
65 The reaction from the community on this plan has been universally positive. A more
66 formal plan will be coming within the next couple of months. The hope is to use these
67 trails to connect with on-road systems that are more “share-the-road” friendly. Chief
68 Reams and Chief Conley have been consulted regarding public safety concerns and are on
69 board with helping this plan along.

70
71 In response to a question from Chairman Brew, Mr. Leedy explained that the deadline for
72 the grant application is September 7th, and that it will be being submitted only for Phases I
73 and II at this time.

74
75 In response to a question from Selectman Grella, Mr. Leedy explained that the B&M Trail
76 is mostly a flat course. The hope is to connect to other trails in town already used by
77 mountain bikers and hikers, and allow access to these without having to drive to them.
78 Connecting to the 3 main areas of town (Baboosic Lake, the Village, and the schools) is
79 also critical to the success of this plan.

80
81 Selectman Lyon stated that he is fully supportive of this concept, though he believes it to
82 be more of a recreational plan than one for transportation throughout town. He asked that
83 the group not lose sight of the sidewalks that are much desired in town.

84 Mr. Leedy stated that sidewalks are also being explored by the group. They are using
85 counters to get exact data collected throughout town. For example, they found that there

were more than 75 people walking down Boston Post Road towards the schools in mid-January. They hope to analyze this data and use it to tell a story when applying for the grant to show how needed it is.

In response to a question from Selectman Lyon, Mr. Leedy explained that, if the grant is received, the additional 20% from the town (approximately \$135,000) will be spread out over 2 years.

Selectman Panasiti and Selectman D'Angelo also asked that the need for some sidewalks in town not be overlooked.

Chairman Brew explained that, while looking at Phase II on the provided map, there is hope to keep the trail on the proposed line, but if unable to obtain certain private rights-of-way, there can always be certain alternates made to the route. Nothing will happen without the property owner's approval. Also, the estimated cost and timeline associated with the project are just that – estimates. These will be refined as time goes on.

In response to a question from Chairman Brew, Town Administrator O'Mara stated that he believes the DPW would be the ones to bring forward any sidewalk proposals to the Board.

Mr. Leedy stated that there should be a good document to share further with the Board from this committee in September.

5.3 M-S-4 Litigation

Mr. Leedy explained that the MS – 4 Permit became effective on July 1. The town has been part of a group that is participating in the appeal of this permit. The "Center for Regulatory Reasonableness," a group of 12 NH communities, filed an appeal about a year ago. This matter was moved to the US Federal Circuit Court in Washington, D.C., along with appeals of the Massachusetts permit. The cases are not joined, but all being heard by the same judges.

Mr. Leedy attended a two-day mediation session in Boston in May. After this meeting, the attorneys filed an offer in settlement to the USEPA. There was no response. In June, the attorneys filed a motion to stay the permit, pending appeal. This motion was denied. He believes the town should see the mediation process through, but pursue no further litigation, as it doesn't seem to be getting anywhere.

The town has been working with the Nashua & Manchester Stormwater Coalition, and has been able to work to get the Notice of Intent (NOI) about 90% complete. The NOI will need to be filed by the end of September. The group will also work to develop the Stormwater Management Program (SWMP), which will need to be filed next June. This will outline the specific actions needed in order to be in compliance with the permit.

The Coalition is working together to make sure all of the included towns are presenting data to the EPA in the same way, so that if the EPA decides to come after 1 town, it will likely have to come after all of them; hopefully dissuading them from doing so.

The town will continue to work with DPW to continue educating the public regarding the importance of storm drains and the fact that they ultimately lead back to our rivers and lakes.

In response to a question from Selectman Lyon, Mr. Leedy stated that there should be sufficient money in the 2019 budget to cover the development of the NOI and the SWMP. Additional money will be needed for catch basin cleaning and similar items, but this money is in DPW's budget.

In response to a question from Chairman Brew, Mr. Leedy stated that there is anti-degradation language in the permit that can be interpreted in a number of ways. The hope is to receive more language so that it is clear that the town is not at risk.

The Board discussed laying out the risks of continuing with litigation versus possibly being in non-compliance of the permit, based on its interpretation. Mr. Leedy stated that the town is doing its best to comply with the permit as it stands in effect. They will continue to work with regulations to see if the provisions can be modified or made less offensive. These provisions, as stated, are beyond the capabilities of any town. Mr. Leedy will continue the effort on this item and keep it under constant monitoring.

Mr. Leedy also explained to the Board that the Planning Board and the Community Development Office have been very busy, as of late. There is a lot of new residential development in the pipeline for the town. Currently between 250-350 new residential units of various types are being pursued.

5.4 Town Beach

Town Administrator O'Mara stated that the Board amended access to the beach at their July 9th meeting. During the first weekend of this amendment, 7 non-residents were turned away each time, with only 1 compliant. Last Saturday, 20 non-residents were turned away and 2 expressed dissatisfaction. The Police Department supplied an officer in dress-down detail for these days, and there was also a casual representative from the DPW there simply to be present, if needed.

Mr. Craig Fraley, Recreation Director, will be doing analyses to determine if a limit on beach passes should be established for next year. Going forward the Police and DPW details will probably not be needed.

Chairman Brew explained that the amendment to this policy was instituted strictly from a safety standpoint. It will be revisited at the end of the year.

5.5 NRPC Electricity Consortium

Administrator O'Mara stated that this is the town's 7th year participating in the Nashua Region Electricity Supply Aggregation. NRPC does the competitive bidding for the town. The town, since 2012, has saved about \$76,500 as part of this aggregation. By the end of this month, NRPC will be sending RFP's to all electrical suppliers registered with the Public Utilities Commission.

180 **6. Town Administrator**

181
182 **6.1 CRF Request – Computer System**

183 Administrator O'Mara explained that this request is for a new server for the Town Hall.
184 There is a quote from Microtime for \$11,594.27.

185
186 *A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to*
187 *approve the request to withdraw \$11,594.27 from the Computer Capital Reserve Fund for*
188 *to the Town's new computer server.*

189 *Voting: 5-0-0; motion passed unanimously.*
190

191 **6.2 Raffle Policy/Application**

192 *A MOTION was made by Selectman Lyon and SECONDED by Selectman Grella to*
193 *approve the raffle policy and application for permit.*
194

195 The Board discussed item #4 on the policy and certain other changes to be made to the
196 application and policy.
197

198 *Selectman Lyon and Selectman Grella withdrew their MOTION and SECOND.*
199

200 Administrator O'Mara will bring a revised copy of this policy before the Board at their
201 next meeting.
202

203 **6.3 Hope for Gus 5K**

204 Town Administrator O'Mara explained the request from the Souhegan High School Ethics
205 Forum to host a Hope for Gus 5K run on the same route as the Turkey Trot in town. The
206 run will take place on September 29th starting at around 9a.m., and concluding at around
207 1 p.m.
208

209 *A MOTION was made by Selectman Lyon and SECONDED by Selectman Panasiti to*
210 *approve the request from the Souhegan Ethics Forum request for a Hope for Gus 5K*
211 *taking place on September 29th.*

212 *Voting: 5-0-0; motion passed unanimously.*
213

214 **6.4 Auditing Services Bid**

215 Town Administrator O'Mara stated that there were 4 responses to the auditing services
216 bid. The lowest bidder is Roberts & Greene, PLLC at \$57,000 over a 3-year period. This
217 vendor is used in 5 other communities and there have no issues reported with the services
218 they provide.
219

220 The bid included a draft timeline of completing fieldwork in September, drafting the
221 report in October, returning it in November, and presenting it to the Board in December.
222

223 *A MOTION was made by Selectman Pansiti and SECONDED by Selectman D'Angelo to*
224 *award the auditing services bid to Roberts & Greene, PLLC being the lowest qualified*
225 *bidder at \$57,000/3 years, and authorize the Town Administrator to sign any related*
226 *documents on behalf of the Board.*

In response to a question from Selectman D'Angelo, Administrator O'Mara stated that this vendor has not been the town's auditor before.

Voting: 5-0-0; motion passed unanimously.

6.5 CLG Grant

Town Administrator O'Mara explained that this is Certified Local Government grant being issued to the town in the amount of \$30,000. This grant will be used to survey and inventory the properties in the Village. The requirements on the town are 5 dates in which reports must be submitted.

A MOTION was made by Selectman Lyon and SECONDED by Selectman Grella to accept the certified local government grant from the New Hampshire Division of Historical Resources in the amount of \$30,000 and to authorize the Town Administrator to sign any related documents on behalf of the Board.

In response to a question from Selectman D'Angelo, Administrator O'Mara stated that an RFP will be sent out from Community Development to find a consultant to do this work.

Voting: 5-0-0; motion passed unanimously.

7. Approvals

7.1 Petition & Pole License

A MOTION was made by Selectman Lyon and SECONDED by Selectman Grella to approve the EVERSOURCE petition and pole license # 21-1286 for placement of a pole on Town Farm Road.

Voting: 5-0-0; motion passed unanimously.

7.2 Assessing

A MOTION was made by Selectman Lyon and SECONDED by Selectman D'Angelo to approve and sign an abatement for:

Property Map/Lot 008-015-004 in the amount of \$360.00.

Voting: motion passed unanimously, 5-0-0.

This property had an abatement approved at the previous meeting, but the amount was slightly off, so this request is to approve the abatement to the correct total amount.

A MOTION was made by Selectman Lyon and SECONDED by Selectman Panasiti to approve and sign the Veteran Tax Credits for:

Property Map/Lot 002-002-024 in the amount of \$500.00.

Property Map/Lot 006-028-076 in the amount of \$500.00.

Property Map/Lot 006-068-022 in the amount of \$500.00.

Property Map/Lot 006-111-002 in the amount of \$500.00.

Voting: 5-0-0; motion passed unanimously.

7.3 Assessing

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to approve one (1) FY19 Payroll Manifest in the amount of \$246,470.80 dated July 19, 2018, subject to review and audit.
Voting: motion passed unanimously, 5-0-0.

7.4 Account Payable

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY19 Accounts Payable Manifest in the amount of \$30,494.44 dated July 16, 2018, subject to review and audit (Town Clerk Transfers to the State of NH).
Voting: Motion passed unanimously, 5-0-0.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY18 Accounts Payable Manifest in the amount of \$214,921.29 dated July 13, 2018, subject to review and audit.
Voting: Motion passed unanimously, 5-0-0.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY19 Accounts Payable Manifest in the amount of \$511,291.75 dated July 10, 2018, subject to review and audit.
Voting: Motion passed unanimously, 5-0-0.

7.5 Concentration Account

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY18 Concentration Account Manifest in the amount of \$55.00 dated July 12, 2018, subject to review and audit.
Voting: Motion passed unanimously, 5-0-0.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY19 Concentration Account Manifest in the amount of \$1,731.00 dated July 10, 2018, subject to review and audit.
Voting: Motion passed unanimously, 5-0-0.

7.6 Previous Meeting Minutes

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo, to approve the Board of Selectmen public meeting minutes of July 9, 2018, as written.
Voting: Motion passed unanimously, 5-0-0.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo, to approve the Board of Selectmen non-public session meeting minutes of July 9, 2018, as presented.
Voting: Motion passed unanimously, 5-0-0.

8. Action Items

Selectman Panasiti reviewed the new and old action items with the Board. The Board discussed having an audio recorder available for their meetings.

321 **9. New/Old Business**

322
323 **9.1 Operating Budget Line Items**

324 Town Administrator O'Mara discussed with the Board how they would like to handle
325 hearing about inter/intra department budget transfers in the future.

326
327 Selectman Lyon stated that he would be interested in hearing about transfer requests
328 between departments, but not necessarily those within departments themselves.

329
330 Administrator O'Mara suggested that the Board could hear from the Finance Director
331 during the quarterly reports, as to which departments are seeking to transfer money from
332 other departments. Chairman Brew explained that if budget transfer requests are not
333 completed, the department might end up spending the money without identifying why it
334 might be a major concern to do so.

335
336 Selectman Lyon suggested looking at a threshold to determine when budget transfer items
337 will be brought to the Board for approval. He explained that the process last year was only
338 to line up columns, as the issues were already at hand.

339
340 Selectman D'Angelo suggested that if a department head is going to move money to fix a
341 line in red, it will be put on paper and given to the Finance Director. If the amount is under
342 \$2,000, she can choose to approve it, or not. If the item is over \$10,000, whether inter
343 departmental or not, or is intra departmental, it will come to the Board. This method could
344 be tried for a year and then reviewed.

345
346 Chairman Brew asked that Administrator O'Mara look to refine the suggestion brought
347 forth by Selectman D'Angelo and present this again at the next meeting.

348
349 **9.2 Consideration of Funds Discontinuance**

350 Town Administrator O'Mara stated that there are some concentration accounts that have
351 been around for about 15 years. They have no activity, other than a balance. He believes
352 there should be a good faith effort to find the origin of these accounts and decide what to
353 do with the balances on them.

354
355 Chairman Brew requested that Administrator O'Mara seek some legal opinion on
356 discontinuing these and to bring a list of the accounts and their balances to the Board.

357
358 Selectman Grella extended his thanks to Marie Grella, and also Selectman Lyon and
359 Theresa Grella, for all of their work on the Moving Wall project.

360
361 Selectman Lyon stated that there were many compliments given on the location and
362 setting of the Moving Wall. He would like to thank the Souhegan High School for
363 allowing use of their field. He also thanked the many volunteers and all departments who
364 helped with the event. He believes around 5,000 people attended.

Town Administrator O'Mara explained that the ACC will be asking to hold a public hearing at one of the upcoming BOS meetings to discuss restrictions regarding the Arnold property purchase, that weren't previously available.

There may also be an additional public hearing regarding an acquisition by the Amherst Land Trust. This is a previous item that the group is playing catch-up on.

10. Adjournment

A MOTION was made by Selectman Grella and SECONDED by Selectman Panasiti to adjourn the public meeting at 8:34 p.m.

Voting: Motion passed unanimously, 5-0-0.

NEXT MEETING: August 13, 2018 - Monday

SIGNATURE ON FILE

2018.08.13

Selectman Reed Panasiti

Date