



Town of Amherst, NH

BOARD OF SELECTMEN MINUTES

Barbara Landry Meeting Room

2 Main Street

Monday, January 13, 2014 at 6:30 PM

Call to Order: Chairman Dwight Brew called the meeting to order at 6:35 pm. Attendees: Chairman, Dwight Brew; Vice-Chairman, Brad Galinson, Selectmen Mike Akillian, John D'Angelo and Tom Grella. Also present: Town Administrator, Jim O'Mara and Executive Assistant, Torrey Demanche taking minutes.

Pledge of Allegiance: Library Trustee Bill Cassidy led the pledge.

The Board of Selectmen are meeting within the Barbara Landry meeting room for the first time since the renovations. Chairman Brew thanked all town agencies that assisted during the transitional period: Amherst Fire Department, DPW Department, Recreation Department, PMEC, Amherst EMS, Amherst School Board, SAU 39, and Amherst Library.

Citizens' Forum – David Chen, Martingale Road, came forward to express a concern that the Ways & Means brought to the Board's attention last week with regard to finding an alternate means of having 40 hour workweek coverage by the Fire Department. Mr. Chen will discuss the concern further when the budget is discussed later in the evening.

Selectmen Grella came forward as a private citizen. He attended the Cemetery Trustees public forum last week and he wanted to correct some misstatements that were made at that meeting. 1.) Mr. Heaton was labeled as an Amherst Board of Selectman when all of the agreements were taking place. That is false. Within all agreements to include purchase and sales he was not named as a selectman. There are currently two members of the Board of Selectmen that were sitting on the board at the time when the agreements were made and are still living in town. They were not invited to speak on the agreement between the Cemetery Trustees, Town of Amherst, and the Merrills. 2.) Mr. Heaton stated that nowhere within the agreement were the words 'to be used as a cemetery'. That is absolutely false. The words cemetery is listed many times within the agreement and the Cemetery Trustees could not have purchased the land for any other purpose than to buy land for a cemetery. State law would not allow the land to be purchased for any other purpose. 3.) Mr. Row was talking about the number of plots left and stated there were 600. There are about 100 plots left at Meadowview Cemetery and the average number of plots sold per year is about 20. Within five years that cemetery will be full and the amount of time to prepare a new cemetery land is about three years.

Selectman Grella expressed his concern that this volunteer group is being given an alternative to go back on State law and previously made agreements. This is being done in order to do something that a lot of people feel would be worthwhile and for the best interest for the Town of Amherst. The Town of Amherst has been strictly volunteer driven for many years and this sends a wrong message.

David Chen asked about the petition warrant article with regard to the Cemetery Trustees. He asked if this article will abolish the Cemetery Trustees. The Board of Selectmen clarified that should the petition warrant article pass, the Board would become the Cemetery Trustees. The Board of Selectmen would then appoint a committee to serve as Cemetery agents who would report to the Board of Selectmen.

Public Hearing

a. FY15 Selectmen Budget & Warrant Review

Selectman D'Angelo motioned to open the Public Hearing for the FY15 Budget and Warrant Review. Seconded by Selectman Akillian. Vote 5-0

Chairman Brew explained the process of this evening's public meeting and described what will happen after the public hearing is closed. The Board of Selectmen is required by law to present a public hearing on the budget; however, the Board will be presenting all proposed warrant articles as well for discussion. These articles will not include the Zoning articles. The warrant articles that will be presented are the ones that the Board of Selectmen is contemplating. The Board wants to be sure that what is presented is as clear as possible and invite citizens to come forward to share their thoughts. After an article is read, a Board of Selectmen will speak to an article, then the Ways and Means will be asked for comments and/or votes on an article, and then it will be opened up to the public for input. The Board invites the audience to raise their hand and when called upon to come to the table and speak at a microphone. Once everyone has had a chance to speak on an article then the Board will move on to the next article.

After the public hearing the Board of Selectmen will be voting on each article. Three votes will take place. 1.) Vote on the article wording. 2.) Vote to support or not support an article. 3.) Vote to put on the warrant.

The Deliberative Session will take place on Wednesday, February 5, 2014 at 7 PM in the auditorium at Souhegan High School.

The approved and/or amended articles from the Deliberative Session will appear on the official ballot for citizens to vote on Tuesday, March 11, 2014 from 6AM to 8PM at Souhegan High School.

The Board of Selectmen presented a PowerPoint presentation containing all warrant articles.

Selectman Akillian discussed the new approach taken this year by the Board of Selectmen and Department Heads with regard to strategic planning and initiatives. The town evaluated needs and goals over the next few years and what it will take for an investment for each division to get there. This approach will allow for the budgeting process to become nested within the annual planning and annual planning will get nested within strategic planning. The Board of Selectmen elected to start with a bottoms up approach to strategic planning which means starting with the departments. The Department Heads began their strategic thinking and planning back in April with a review of department needs, historical trends, and impacts expected over the next several years. In addition, the departments were asked to look at comparison towns to see how Amherst compares and see where those communities have been putting their time, energy, and money. The departments were also asked to look at their own departmental strengths and weaknesses to determine which strengths they want to hold onto and which weaknesses they want to overcome. The overall budget process has been generated by not designing a budget for FY15 Operations only, but also includes the layout for the strategic process to continue over the next several years.

The Board of Selectmen further presented a breakdown of department highlights, statistical calculations, and historic trends to support the proposed operating budget. (Please see the presentation and handouts provided at the meeting at the end of these minutes.)

ARTICLE 22: Operating Budget

To see if the Town will vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth herein, totaling **\$11,774,356**. Should this article be defeated the default budget shall be **\$11,532,439** which is the same as last year with certain adjustments required by previous action of the town or by law; or the governing body may hold one special meeting in accordance with RSA 40:13 X and XVI to take up the issue of a revised operating budget only. This operating budget warrant article does not include appropriations contained in ANY other Warrant Article. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7- 0-0 to support this article.)

Bill Overholt commends the Board of Selectmen on the Strategic Plans and he is happy to see that it is happening. He presented two questions: 1.) Regarding EMS - He asks what is it we are doing wrong? We are terribly underpaying our EMS employees and he is aware that the Board is taking steps to correct the concern; however, repairing the problem over three years is far too long. Right now, anyone within our EMS employees can move to another community and receive a 40 to 50% raise. Even after this year's adjustment, they will still be able to go out and get a 25 to 30% increase. Mr. Overholt understood that the revenues being brought in for the department are about 50% of the cost to operate the ambulance. If the ambulance was AMR they would be making a profit. He asks if the ambulance fees are high enough. 2.) The Fire Department – We have an issue with daytime coverage. He recognized that the Board of Selectmen's attempt at meeting and training costs are good, but we also need to address daytime coverage. He believes we shouldn't wait until next year or later with the strategic plans, but it should be addressed now because now is when we have the problem.

The Board of Selectmen addressed the compensation for both the Fire and EMS Divisions. Last year the Board attempted to correct some of those deficiencies, but it was defeated with the default budget. At this time, the overall tax budget is split by 80% for the schools and 20% for the town. The 20% is a small piece of the pie that must be carefully separated to address multiple departments. Of the 20%, nine percent of that is for debt services which are mostly the debts for the road bonds. The road bonds were put into place because we were so far behind on the repairing of our roads. The remaining amount of funds have to be distributed among other areas across town for services. The Board took a hard look at all of the needs and initiatives and decided the best approach would be to address some of the issues with regard to Fire and EMS but we could not address all of the issues in one year.

EMS Director Gleason addressed the questions regarding the ambulance fees and profit. The Town of Amherst bills the Medicare ambulance billing rates, plus an additional customary fee. This fee structure is in line with our surrounding communities. Director Gleason explained that within the City of Manchester any ambulance company coming in (AMR, Rockingham, or other) would be coming into the city knowing they will have a loss of profits. Where the ambulance services make up the differences are for the billings of transports and other medical transportation services. In order for Amherst to see a profit for services, the department would have to double its calls for services each year – approximately 700 calls. In addition, Amherst has a high collection of services rate (about 91%) where the City of Manchester has a much lower collection rate (40 to 50%).

Vice Chairman Galinson discussed the Fire Department. He asked the citizens to consider what the scale of the urgency is the matter for the daytime coverage. The ISO recommends a 9 minute average for the Fire Department to respond during the week. We are at twelve to fifteen minutes. It does not rise to an absolutely urgency where no one is showing up to a call. This absolutely does need to be solved. The Board's thoughts are

twofold 1.) Spending money wrongly is worse than spending no money, unless there was a matter that was so urgent that you would have to give up something to solve it. Vice Chairman Galinson does not believe we have that situation now. The plan the Board has committed to do before the next fiscal year is to review data on the possibility of making structural changes within the departments that would at least define what we need to do to solve this concern. More than likely this will not be a fiscal constraint, but it may be a structural constraint. At this time, we do have full time call people responding on one side of the public safety operations (EMS), but sometimes we do not have people on the other side (Fire). To hire people or throw money at the problem does not necessarily correct the issue. If we were unable to respond mid-week to an incident and did not have Mutual Aid to rely on, that would be a different story. We are not as fast as we would like to be, but our thought is to take another few months to analyze the situation. We think we can come up with a solution that if it does cost some money, we will be spending it in the right way, but more than likely there may be a way to structurally solve the concern with the resources we have now.

David Chen – He appreciates Vice Chairman Galinson's is saying and he understands some of the sidebar issues. He asks if the twelve to fifteen minute response times states earlier, if those times include Mutual Aid.

Fire Chief Mark Boynton clarified that the initial response should be four minutes (one truck with four firefighters on it) and nine minutes for a full complement of Firefighters (fifteen firefighters) on scene. At this time, our response times are at twelve minutes, plus with one or two people. The Mutual Aid would be in addition to those times. Additionally, depending upon the area in town where the Mutual Aid is called the response times can be from twelve minutes to an example of twenty-six minutes to a recent propane leak in town.

David Chen asks Chief Boynton about the correlation between response minutes to a fire and the fire growth while burning. He has heard it said that fire doubles in size over every thirty seconds.

Fire Chief Boynton clarified that on average that would be correct. If it takes the department and extra ten minutes, the fire would have increased by 300%.

David Chen added that there have been fires in town where we were unable to muster a truck for a response and had to rely on Mutual Aid.

Fire Chief Boynton explained that fortunately we have not had any major calls where we were unable to respond. The one incident that we did have was the recent propane leak on Amherst Street where it took twenty-six minutes to get Mutual Aid on scene. The other calls where we were unable to get a truck on the road, fortunately, either Fire Chief Boynton or Deputy Fire Chief Conley were able to get on scene and found either a small fire that was extinguished or a fire alarm activation where there was not fire. Frequently there are times where we don't roll a truck at all and unfortunately we do not track response times on those.

David Chen expressed a concern with the use of Mutual Aid. The term Mutual Aid expresses that it is a mutual agreement. If we are unable to muster a truck to help Bedford or Milford, at some point the tax payers in those communities are going to start asking why we are supplying a fire truck to service Amherst. The idea that we depend on Mutual Aid is something he is unable to understand. Once it comes to a point where it is no longer mutual it is going to be a concern for this community. In addition, Mr. Chen noted that he appreciated the information provided by the Fire and EMS Divisions regarding response times. It is his opinion that response times are a critical way to measure our public safety. He does not want to be right about this, but if a catastrophic event were to happen in the community, he is concerned that we do not have the adequate resources to deal with them. After reviewing the proposal provided by the Ways and Means Committee, he believes it is short money to address some of the immediate concerns. The proposal contained a request to add \$80,000 to supplement the on-call firefighters during the daytime workweek hours.

The Board agrees that this is a concern and is not belittling the situation at all. If the problem were as simple as adding \$80,000 to the budget to fix the concern, they would do that; however, the solution is more complex than hiring a few part-time employees. In an effort to be sure they are not creating unnecessary expenses in the future, they have elected to conduct a feasibility study to evaluate current resources and how those can be restructured to support all emergency services before they add additional funding to the budget.

Ken Miller on Old Coach Lane asks where the money is in the budget to fix the bridge.

Chairman Brew explained that when you draw on a bond, you do not start paying on it until the next fiscal year. The payment and interest will become part of the next operating budget. The plan to fix the bridge is scheduled for this spring. The Board's plan is once they have a plan completed, they will be going out to bid for the repair. The voters have already approved to go ahead and to fix the bridge and it looks like Concord is slowly moving toward getting a determination if funding will be reimbursed for the repairs.

Ken Miller asked for the type of bridge the town is intending on replacing the current bridge with.

Director Berry explained that the bridge will be a two lane concrete bridge that will meet the FEMA requirements.

Ken Miller asked why is it going to be a concrete bridge as opposed to a wood bridge.

Director Berry stated that a wood bridge will not meet the flow capacity necessary in that location.

Elizabeth Overholt on Horace Greeley Road.

Chairman Brew explained the Contingency Fund warrant. In the past, Contingency Funds were part of the Operating Budget. Due to recent changes in NH RSA Section 31:98-a

ARTICLE 23: Contingency Fund

To see if the Town will vote to establish a contingency fund for the current year, in accordance with NH RSA Section 31:98-a, for unanticipated expenses that may arise and further to raise and appropriate one hundred thousand dollars (**\$100,000**) to go into the fund. Said sum shall come from the undesignated fund balance and no amount to be raised from taxation. Any appropriation left in the fund at the end of the year will lapse to the general fund. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated zero dollar tax impact.

ARTICLE 24: Police Union Contract

To see if the Town will vote to approve the cost items in a three (3) year collective bargaining agreement (beginning July 1, 2014 through June 30, 2017) reached between the Board of Selectmen and the American Federation of State, County, and Municipal Employees Local 3657 (Police Union) and further to raise and appropriate the sum of thirty-six thousand seventy-five dollars (**\$36,075**) for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries

and benefits over those of the appropriation at current staffing levels in accordance with the most recent expired collective bargaining agreement paid in the prior fiscal year. (Majority vote)

| | |
|-----------------------------|-----------------|
| Year Two (2) FY 16 | \$46,929 |
| Year Three (3) FY 17 | \$28,577 |

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.02 (two cents per thousand).

ARTICLE 25: Authorization for Special Meeting on Collective Bargaining Agreement Warrant Article Rejected or Amended at Annual Meeting

Shall the Town, if Article 24 – Police Union Contract is defeated, authorize the Board of Selectmen to call one special meeting, at its option, to address Article 24 – Operating Budget cost items only? (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated zero dollar tax impact.

ARTICLE 26: Non-Lapsing Recreation Playing Field Expansion

To see if the Town will vote to raise and appropriate the sum of one hundred eighty thousand dollars (\$180,000) for the purpose of purchasing a portion of the land located on the 47.85 acre parcel that includes land known as Cemetery Fields. This will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until purchase has been made or by June 30, 2016, whichever is sooner. (Majority vote)

(The Board of Selectmen voted 4-0-1 to support this article.)

(The Ways and Means Committee voted 6-1-0 to support this article.)

This article has an estimated tax impact of \$00.11 (eleven cents per thousand).

ARTICLE 27: Fire Truck Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of two hundred fifty thousand dollars (\$250,000) to be added to the Fire Truck Capital Reserve Fund previously established. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.16 (sixteen cents per thousand).
The Fire Truck CRF balance: \$358,626 as of September 30, 2013.

ARTICLE 28: Assessing Revaluation Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars **(\$25,000)** to be added to the Assessing Revaluation Capital Reserve Fund previously established. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.02 (two cents per thousand).

The Assessing Revaluation CRF balance: \$33,015 as of September 30, 2013.

ARTICLE 29: Communications Center Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars **(\$15,000)** to be added to the Communications Center Capital Reserve Fund previously established. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.01 (one cent per thousand).

The Communication CRF balance: \$50,136 as of September 30, 2013.

ARTICLE 30: Town Computer System Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars **(\$15,000)** to be added to the Town Computer System Capital Reserve Fund previously established. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.01 (one cent per thousand).

The Computer System CRF balance: \$53,043 as of September 30, 2013.

ARTICLE 31: Public Health Mosquito Surveillance and Control Program

To see if the Town will vote to raise and appropriate the sum of forty thousand dollars **(\$40,000)** to continue the Public Health Mosquito Surveillance and Control Program. This program is designed to monitor and help prevent the presence of mosquito borne vector diseases in accordance with the state of New Hampshire Arboviral Surveillance, Prevention and Control Guidelines. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.03 (three cents per thousand).

ARTICLE 32: Highway Equipment and Vehicle Capital Reserve Fund

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 (as amended) for the purpose of establishing a Highway Equipment and Vehicle Fund and to raise and appropriate the sum of three hundred thousand dollars (**\$300,000**) to be placed into said fund and further to name the Board of Selectmen as the agents to expend. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.19 (nineteen cents per thousand).

ARTICLE 33: Replacement Scale Purchase

To see if the Town will vote to raise and appropriate the sum of seventy thousand dollars (**\$70,000**) for the purchase of an above ground commercial scale and enclosure located at the Landfill Division of the Department of Public Works. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.04 (four cents per thousand).

ARTICLE 34: Ambulance Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (**\$50,000**) to be added to the Ambulance Capital Reserve Fund previously established. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated tax impact of \$00.03 (three cents per thousand).

The Ambulance CRF balance: \$198,938 as of September 30, 2013.

ARTICLE 35: Ambulance Capital Reserve Fund - Appoint Agents

To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the Ambulance Capital Reserve Fund previously established. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

(The Ways and Means Committee voted 7-0-0 to support this article.)

This article has an estimated zero dollar tax impact.

ARTICLE 36: Authorize the Board of Selectmen to Enact Town Ordinances

Shall the Town vote to adopt the provisions of RSA 41:14-b (as amended) to grant the Board of Selectmen the authority to establish, and amend town ordinances and codes after they hold 2 public hearings at least 10 but not more than 21 days apart on the establishment or amendment of the ordinance or code. The provisions of this section shall not apply to the establishment and amendment of a zoning ordinance, historic district ordinance, or building code under the provisions of RSA 675. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

This article has an estimated zero dollar tax impact.

ARTICLE 37: Grater Road Reclassification of 709 Feet from Class VI to Class V

Shall the Town vote to reclassify a 709 foot segment of Grater Road from Class VI to Class V in accordance with RSA 231:22-a (as amended), from the point at which the Class VI portion of Grater Road currently begins to a point 709 feet south on Grater Road. The Class V portion of Grater Road, if this article passes, would continue from Grater Road's intersection with Baboosic Lake Road, south to the Amherst Conservation Commission Grater Woods parking area. (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

This article has an estimated zero dollar tax impact.

ARTICLE 38: Old Joppa Hill Road from Class VI to Class B Trail

Shall the Town vote to reclassify the Class VI roadway, known as Old Joppa Hill Road, commencing at its intersection with Horace Greeley Road, thence northeasterly approximately 2,600 +/- lineal feet to the Amherst & Bedford town line from a Class VI road to a Class B Trail in accordance with RSA 231-A:3 (as amended). (Majority vote)

(The Board of Selectmen voted 5-0-0 to support this article.)

This article has an estimated zero dollar tax impact.

ARTICLE 39: Amherst Conservation Commission 100% of LUCT Funds

Shall the Town vote, pursuant to RSA 79-A: 25, II, to change the amount of revenues of all future payments collected pursuant to RSA 79-A (as amended) Current Use Taxation that will be placed in the Conservation Fund in accordance with RSA 36-A:5, III (as amended) from 50%, which is the current level, to 100% which shall take effect on April 1, 2014. (Majority vote)

(The Board of Selectmen voted 3-2-0 to support this article.)

(The Ways and Means Committee opposed this article with a vote of 0-7-0)

This article has an estimated tax impact of \$00.02 (two cents per thousand)

ARTICLE 40: (By Petition)

Shall we delegate the duties and responsibilities of the cemetery trustees to the board of selectmen?

ARTICLE 41: (By Petition) **New Hampshire Resolution to Get Big Money Out of Politics**

To see if the town of **Amherst, New Hampshire** will urge: That the New Hampshire State Legislature join nearly 500 local municipalities and 16 other states, including all other New England states, in calling upon Congress to move forward a constitutional amendment that guarantees the right of our elected representatives and of the American people to safeguard fair elections through authorities to regulate political spending, and clarifies that constitutional rights were established for people not corporations.

That the New Hampshire Congressional delegation support such a constitutional amendment.

That the New Hampshire State Legislature support such an amendment once it is approved by Congress and sent to the State for ratification.

That record of the vote approving this article shall be transmitted by written notice to the Amherst's congressional delegation, and to Amherst's state legislators, and to the President of the United States informing them of the instructions from their constituents by the selectmen within 30 days of the vote.

II. Approvals:

- a. **Accounts Payable**
- b. **Payroll**

III. Town Administrator

- a. **Fire Department – Call Firefighters**
- b. **MS-6 and MS-DT Forms**
- c. **Town Hall Structural Repair**
- d. **Stormwater Coalition**
- e. **Right-to-Know**

IV. Adjourn

