



Town of Amherst, NH
BOARD OF SELECTMEN MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, February 24, 2014 at 6:30 PM

Non-Public Session Call to Order: 5:30 PM

Mr. Brew called the meeting to order at 5:30pm.

Mr. Grella moved to enter non public session at 5:30 pm pursuant to NH RSA 91-A: 3 II (a), seconded by Mr. D'Angelo. Roll Call: Akillian-yes, Brew-yes, Grella-yes, Galinson-yes D'Angelo-yes. Vote was unanimous.

The Board and the Town Administrator discussed a pending legal matter. Also present was Mr. Joe Lessard of MRI.

Mr. Lessard exited the meeting at 5:55pm.

The Board and the Town Administrator discussed the compensation of public employees.

Mr. Galinson motioned to exit non public session at 6:25 pm, seconded by Mr. Brew. Roll Call: D'Angelo-yes, Brew-yes, Grella-yes, Akillian-yes, Galinson-yes. Vote was unanimous.

Chairman Brew stated that in the non public sessions no motions were made and no votes were taken.

Public Session Call to Order: 6:30 PM: 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 – Charlie Vars led the pledge.

Citizen Forum – no citizens came forward.

NRPC – Traffic Study – Tim Roche and Julie Chizmas gave a presentation of a traffic study completed for the area of Middle Street / Village Green. The purpose and scope of the traffic study: *The Town of Amherst has observed that vehicles heading west on Amherst (NH Route 122) used Middle Street as a "cut through" to avoid the signalized intersection at Boston Post Road and Amherst Road. This situation has been further complicated by the closing of the municipal bridge on Manchester Road over Beaver Brook, which has resulted in diverted westbound traffic using the Amherst Street/Middle Street path to access areas north of the Village Green. Middle Street bisects the pedestrian friendly Village Green, and the perception of cut through traffic has raised safety concerns. This study will assess the potential impacts of closing the 200 +/- foot section of Middle Street*

49 *between Main Street and School Street on the roads and intersections in the immediate vicinity.*
50 (Please see the traffic study report at the end of these minutes.)

51
52 The Board discussed the study which did not find clear and present danger with regard to the traffic
53 surrounding Middle Street. NRPC is not prepared to recommend closing the road due to safety
54 concerns. Ms. Chizmas recommended that the Board consult with town emergency responders for
55 regarding response time impacts, should the town elect to close the portion of Middle Street. Ms.
56 Chizmas further suggested that the town consider implementing small changes around Middle Street
57 to see if these increase a sense of safety for the pedestrians: fresh paint for crosswalks, additional
58 signage posted in the area, and/or raising the crosswalks on the roadway which brings the pedestrian
59 traffic to the attention of the motorists. The study did not find any speed issues or stop sign non-
60 compliance activity while the study was being conducted.

61
62 The Board discussed the potential impact on surrounding roads should the section on Middle Street be
63 closed to traffic. They further discussed requesting that the Police Officer that is often posted near the
64 Crossing Guards be moved closer to the Middle Street intersections to ensure traffic compliance
65 around the times the students are entering and exiting school.

66
67 Town Administrator O'Mara will share the study with the Safety Committee and the School
68 Administration.

69
70 **Department of Public Works (DPW) - 2014 Road Reconstruction Plan** – Department of Public
71 Works Director Bruce Berry presented the 2014 Road Construction plan. At this time, the road 2014
72 plan marks the halfway point of the 22.5 miles of roads that was identified from the bond. The road
73 projects include: Boston Post, Amherst St. to New Boston Road; Christian Hill Road, Eaton Green;
74 County Road, Cricket Corner to Upham; Cross St, Middle to Boston Post; Danbury Circle; Foundry
75 Street, Boston Post to Christian Hill; North Meadow Road; Merrimack Road, Boston Post to 122; and
76 Boston Post and Foundry sidewalk. (Please see the presentation at the end of these minutes.)

77
78 Director Berry outlined the diverted traffic pattern that will need to take place in order to accomplish
79 the Boston Post up to the Foundry Street area work. The traffic pattern intends to use all sections of
80 Middle Street to temporarily drive around a section of Boston Post Road while repairs are taking
81 place. Director Berry suggests temporary traffic lights to be placed on Amherst Street to control traffic
82 entering and exiting Middle Street. The plans focus on keeping business open within the road repair
83 areas and will do its best to minimize the impacts on the businesses as the repairs are taking place.
84 Pennichuck will be extending an offshoot line from the waterline to Wilkins School for a sprinkler
85 system. The work will begin in the spring and will continue over the summer months. Director Berry
86 advised that due to the timing and the planned locations receiving work, there could be a potential that
87 the Fourth of July parade may need to be re-routed. A bid is scheduled to be posted February 25th with
88 a mandatory pre-bid meeting to take place on March 7th at Town Hall. The bid packages will be
89 opened on March 18th with an anticipated recommendation to the Board of Selectmen by the
90 scheduled March 24th meeting.

91
92 Ken Miller of Jones Road stated that he finds it unsatisfactory the parade needs to be re-routed.
93 Elizabeth Overholt of Horace Greely road suggests that Nancy Head be advised of the possibility for
94 planning purposes.

95
96 **DPW Fleet / Equipment Update** – Director Berry gave the Board an update on the status of vehicle
97 equipment out of service within the DPW fleet. The update was presented as an advisory due to a

number of citizen complaints with regard to recent snow storms service. (Please see the breakdown at the end of these minutes.)

The Board discussed that the 20 year or older vehicles are included on the list and additionally, several newer vehicles were also out of service. The snapshot list is a representation of what the DPW was facing between the storms with regard to vehicles breaking down. The Board requested that a list of vehicle statuses be generated weekly to help assess the issues the DPW Department is facing. The Board pointed out that if the Fire Department has an engine that has broken down, they can call surrounding communities for mutual aid; however, the DPW Department does not have the same kind of arrangement. Should a DPW piece of equipment break down there are no backup agencies that can be called to fill the void.

DPW/ Manchester Road Bridge– Director Berry reminded the Board that at their approval the department has moved forward with the engineering plans and to date the town has expended \$159,137 in engineering costs. An additional \$125,000 is required to reach final plan stage. This step needed to be completed in order to receive approval/ qualify for the anticipated 80% State reimbursement from the NHDOT. Then the DPW will go before the Amherst Historic District on March 20, 2014. The Bid plan schedule is set for Manchester Road Bridge – preliminary plans, March 28th with final plans for April 25th. The Horace Greely Road – preliminary plans, March 7th with final plans for May 30th.

The Board asked if the legislation is not successful in getting the bridge reimbursement changed how long would the bid specifications be good for? Should we wait until we know for sure that the town will be reimbursed?

Director Berry confirmed that the plans and bid specifications will be good for three years. In his experience with working with the State for other reimbursement projects there are several marks the town needs to hit in order to continue to be qualified for reimbursement. Having a completed specification and plan for the project is one of them.

The Board asked that if the plans come back for March and May, when can they expect that the wetland easements will be done?

Director Berry advised that it is an ongoing process and are moving forward. It is anticipated that the wetland easement will be completed by the State for the April-May time period. Director Berry expressed a concern that limiting the time of year for construction may pose a problem in pricing and with having the most qualified companies bid for the project.

The Board suggested including two bid date completion windows within the specifications to determine the price differences between completing the projects in June or later in the season. They further discussed the anticipated State reimbursement and the process requirements with regard to timing of submissions for reimbursement and what actions begin the clock/process of repairing the bridge. Is it actual construction that triggers the clock or is it the bid process for construction? Director Berry believes it is when the bidding process begins for project because one of the requirements from the State is to have a copy of the advertisement sent out for the project. The Board suggested double-checking the timing to ensure that the town continues to qualify for the reimbursement as we wait to hear if the legislation passes with the proposed changes.

Ken Miller of Jones Road asked if there is a fallback position should the State not pass the proposed legislation. Will the bridge be left the way it is?

The Board stated that it is looking less and less likely that the legislation will fail; however, should it fail the Board will have to sit down again to figure out if they are going to go ahead without the State reimbursement. In a relatively short period of time the Board should know if the legislation passes, which is around the same time period that we will be going out to bid. The Board is moving forward with getting all of the requirements ready independent of the legislation with the anticipation that we will be ready to go as soon as they hear back from the State.

Mr. Miller stated that he and his wife had a meeting with Director Berry on January 31st and the information he provided tonight is consistent with the packaged information he provided that evening. They appreciated the information provided and it has reduced some of their aggravation they had due to the closing of the bridge. Mr. Miller stated he is very disappointed with the amount of traffic on Jones Road and in front of the school because of the closing of the Manchester Bridge. Mr. Miller hopes the Safety Committee is looking at this traffic concern very carefully. Mr. Miller asked that the Board keep in mind that it has been 437 days since the bridge has been closed.

Finance Director Hebert - Bridge Bond – Finance Director Hebert presented the documentation to renew the loan agreement for the Bridge line of credit. This agreement was entered into a few years ago, which has not been spent to date. Each year a new loan/note modification agreement is entered into to keep the same terms and conditions of the line of credit for another year.

The Board asked about the funding amount of the loan/note: \$2,100,260 for fifteen years.

Town Administrator O'Mara presented the Article #22 of the 2011 warrants. The warrant that passes is for the repairs/replacement is for a bond for \$2,100,260 for all three town bridges.

Director Hebert confirmed that no money has been borrowed against this loan/note to date. The only thing that is going to happen with this loan/note tonight is to modify the dates of the open line of credit.

Director Berry requested that if the loan/note or line of credit is approved, he would like to withdraw \$125,000 to cover the engineering costs they still need to pay out for the work on the bridge.

Town Administrator O'Mara suggested that should the Board execute the document, nothing will be paid out or down against the line of credit unless the Board has had an opportunity to approve it.

The Board of Selectmen discussed keeping the engineering costs in the operating budget and if at the end of the year the operating budget cannot support funding the work, then they will draw down on the note.

Town Administrator O'Mara reminded the Board that he is currently searching for funding for the Finance software and is unsure if the budget can support another \$125,000.

The Board asked Finance Director Hebert that if the town were to draw down on the loan/note could they pay it off and continue to keep the line of credit open. Director Hebert will ask the bank.

The Board clarified that they are not suggesting that the engineering work be put on hold. The \$125,000 should come out of the current budget and the Board will later decide if funds should be drawn down on the loan/note.

Selectman Akillian asked for clarification on how the loan/note works and when the bond is enacted.

Director Hebert explained that the original agreement with the bank was for an open line of credit. At the time that the financing was being obtained the town could not get a bond because a current audit was necessary to receive a bond. He further clarified that the financing mechanism is the same that is used for the roads.

Town Administrator O'Mara added that when a community does not have a current audit completed, you cannot obtain bonds. Now that the town is caught up on the last two years of audits we are not in a position to go through the traditional steps to applying for bonds.

Selectman D'Angelo motioned for the Board to approve and execute the Promissory Note / Loan Modification Agreement with Lake Sunapee Bank in the amount of \$2,100,260 for fifteen years. Seconded by Selectman Grella. Vote 5-0

Approvals:

Baboosic Lake Community Quarterly Septic Bill

Town Administrator O'Mara presented the quarterly Baboosic Lake Septic Bill.

Selectman D'Angelo motioned to approve and sign the Quarterly Maintenance Warrants for Baboosic Lake Community Septic bills due April 1, 2014 as follows: Phase I in the amount of \$4,719.24, Phase II in the amount of \$5,272.74, Phase III in the amount of \$5,484.64, and Phase IV in the amount of \$4,062.54. Seconded by Selectman Grella. Vote 5-0

PSNH Pole License

Town Administrator O'Mara presented a PSNH Petition and Pole License application for the Board's consideration.

Vice Chairman Galinson motioned to approve and sign the PSHN Petition and Pole License number 22-0615 within the Town of Amherst. Seconded by Selectman Grella. Vote 5-0

Accounts Payable

Selectman D'Angelo motioned to approve one (1) FY14 Accounts Payable Manifest in the amount of \$2,559,166 dated March 3, 2014 for the schools subject to review and audit. Seconded by Selectman Grella. Vote 5-0

Selectman D'Angelo motioned to approve one (1) FY14 Accounts Payable Manifest in the amount of \$125,153.55 dated February 24, 2014 subject to review and audit. Seconded by Selectman Akillian. Vote 5-0

Payroll

Selectman D'Angelo motioned to approve one (1) FY14 Payroll Manifest in the amount of \$192,800.69 dated February 19, 2014 subject to review and audit. Seconded by Selectman Akillian. Vote 5-0

Minutes

Selectman D'Angelo motioned to approve the minutes of February 27, 2014. Seconded by Selectman Akillian. Vote 5-0

Selectman D'Angelo motioned to approve the minutes of February 10, 2014 with amendments. Seconded by Selectman Akillian. Vote 4-0-1 (Vice Chairman Galinson abstained)

Town Administrator

Town Clerk – Credit Cards

Town Administrator O'Mara presented a request from the Town Clerk who is seeking authorization to proceed to electronic payments system. The Tax Collector and Office of Community Development are asking for similar consideration. This is the first step in allowing communities to accept a one payment system (credit card) to collect fees on behalf of the town and the State. NH RSA 84-52-C allows municipalities to pass on the banking fees to the users as a convenience fee.

The Board asked if the town knows what the rate is?

Town Administrator O'Mara explained that the town will now go out to vendors to determine the best method and process to determine the rate. There are two potential options of one being a flat fee of \$1.50 with another being a percentage. Nothing will be put into place until the Board has an opportunity to review the terms and a policy has be put into place.

Chairman Brew further clarified that once a vendor has been established the town will not be covering any of the costs to process electronic payments. All fees will be passed on to the citizens that choose to pay with that method.

Selectman Grella motion to authorize the Town Clerk, Tax Collector and the Office of Community Development to begin to use electronic transactions, Seconded by Vice Chairman Galinson. Vote 5-0

FY14 Cruiser Purchase

Town Administrator O'Mara presented a request from Chief Reams for authorization to purchase two new 2014 Ford Police Inceptor vehicles from Grapone Ford at a cost of \$49,376 which is below the State Bid list.

Selectman Grella motioned to authorize the Amherst Police Department to purchase two new 2014 Ford Police Inceptor vehicles from Grapone Ford at a cost of \$49,376. Seconded by Selectman Akillian. Vote 5-0

New Hires

Town Administrator O'Mara presented a request from DPW Director Berry for the hiring of Donald Robbins for the position of part-time Transfer Station attendant within the Department of Public Works.

Vice Chairman Galinson motioned to authorize the hiring of Donald Robbins to the part-time position at the Transfer Station within the DPW Department. Seconded by Selectman Grella. Vote 5-0

Town Administrator O'Mara presented a request from Fire Chief Boynton on behalf of EMS Director Gleason for the hiring of Ryan O'Hare for the position of Paramedic within the EMS Division.

Vice Chairman Galinson motioned to authorize the hiring of Ryan O'Hare as a Paramedic for the EMS Division. Seconded by Selectman Akillian. Vote 5-0

Village Green

Town Administrator O'Mara presented a request for the use of the Village Green from Amy Littlefield on behalf of the Wilkins Elementary School. They are seeking permission on behalf of the Amherst School District to use the common for their Annual Third Grade History picnic, which will be held Friday, June 6, 2014, during school hours.

Selectman D'Angelo motioned to authorize the use of the Village Green on Friday, June 6, 2014, for the Wilkins Elementary School Annual Third Grade History picnic. Seconded by Selectman Akillian. Vote 5-0

Town Administrator O'Mara presented a request for the use of the Village Green from the Historical Society of Amherst for the purpose of holding their annual Antiques on the Green event. The event will take place on September 13, 2014 between the hours of 9am and 3pm.

Selectman D'Angelo motioned to authorize the use of the Village Green on Saturday, September 13, 2014, for the annual Antiques on the Green event. Seconded by Selectman Akillian. Vote 5-0

Local Land Use

Town Administrator O'Mara shared with the Board information he learned with regard to local land uses, specifically playing fields. He confirmed that government agencies can lease land within other communities and still qualify for the governmental exemption use under NHRSA 674:54 - Governmental Land Uses. This RSA does allow for the land to be exempt from local Zoning regulations, provided that the land is being used for government functions. He understands that the Town of Milford will be voting that unless the Board of Selectmen in the Town of Amherst approve of the land on Sterns Road for their governmental purposes, they are not interested. At this time, Milford, Merrimack, the City of Nashua, and the Town of Bedford, all of whom have indicated that they have no interest in going against the wishes of this Board. It is the opinion of legal counsel that if a community rented space in Amherst they would be exempt from local Zoning regulations; however, they must have their own recreational program on the field. As soon as a non-governmental function uses the field the exemption goes away. For example: If the community offered the field to a sport club, legal counsel recommends that the town move forward with a cease and desist order because it is no longer a governmental function.

The Board clarified that if a citizen leases a portion of their property to a governmental agency then only the portion of land that is being used for governmental purposes would qualify under RSA 674:54 and be exempt from Zoning regulations. Town Administrator O'Mara confirmed that is correct. The other portion of the property that is not under governmental use would be subject to all Zoning regulations. Additionally, the Board clarified that should the property be leased for governmental use for only part of a year, only during that portion of time the land would be exempt from local Zoning regulation. The Board asked if a governmental agency leases land in another community, they could not sublease the property to a non-governmental agency and continue to retain the exemption. Town Administrator O'Mara confirmed that as soon as the agency chooses to sublease the property to a private agency they no longer qualify for the exemption.

FY14 Budget Transfers

Town Administrator O'Mara presented a budget transfer request from DPW Director Berry to transfer funds from the Gravel line to the Sand line. To date all of the sand purchased has been used along with a large portion of the reserves. This transfer will allow DPW Director Berry to purchase an additional 1,400 tons of sand.

Vice Chairman Galinson motioned to authorize Budget Transfer FY-14-13 in the amount \$10,000. Seconded by Selectman D'Angelo. Vote 5-0

Town Administrator O'Mara presented a budget transfer request from DPW Director Berry to transfer funds from Outside Hire to the Vehicles, Repairs & Equipment line, Equipment Repair, and Supplies. This transfer is to cover the expenses of equipment failures within the DPW Department.

Vice Chairman Galinson motioned to authorize Budget Transfer FY-14-14 in the amount \$40,000. Seconded by Selectman D'Angelo. Vote 5-0

Town Administrator O'Mara presented a budget transfer request from DPW Director Berry to transfer funds from Gravel to Building Repair & Maintenance. This transfer is to cover miscellaneous expenses for Town Hall along with routine maintenance on other town buildings.

Vice Chairman Galinson motioned to authorize Budget Transfer FY-14-15 in the amount \$5,000. Seconded by Selectman D'Angelo. Vote 5-0

Voters' Guide

Town Administrator O'Mara gave a sample of the 2014 Voters' Guide to the Board of Selectmen for review. He and Executive Assistant Torrey Demanche explained the elements to which the Board requested an electronic copy for review. Modifications and amendments were discussed. The final draft will be printed and distributed through the Amherst Citizen for the Friday, March 7, 2014 distribution.

Right-to-Know

Town Administrator O'Mara advised the Board that the documents collected for the Fernald, Taft, Falby & Little request has been collected and will go out electronically tomorrow. The documents collected are too large for the mail and an electronic version will be sent. That is the only Right-to-Know request that is pending.

390
391 **Stormwater Coalition**
392

393 There is no update.
394

395 **Old and New Business**
396

397 Selectman Akillian reminded the Board that at the last meeting Community Development Director
398 Marchant asked for permission to move ahead with updating CIP for the upcoming year. The Board
399 agreed, but unlike last year they would like the submissions to go before the Board first to give their
400 approval before it goes to the CIP Committee for review. Selectman Akillian proposed that they ask
401 the Town Administrator and Director Marchant to coordinate with the department heads to update the
402 CIP requests to get that moving now, but we will wait until after March 11th to see what is approved
403 by the voters before making final submissions. The town should be ready fairly soon after March 11th
404 to continue with the CIP process. This will allow for the CIP process to begin in a timely fashion.
405

406 Selectman Akillian brought up reimbursement for cemetery maintenance. Selectman Grella recused
407 himself from the conversation. For the past several years the town has not been reimbursed for all of
408 the cemetery maintenance that has been performed for a variety of reasons. What that means is that for
409 every dollar that should be reimbursed, it hasn't been and becomes burdensome to the taxpayers.
410 Selectman Akillian proposed that the Board work through a process with the Cemetery Trustees and
411 the Trustees of the Trust Fund to go back as far as the statute of limitation allows and find out what
412 work has been done in the past years and send an invoice to get those funds reimbursed. In addition,
413 Selectman Akillian suggests that there be a review of what funds are where and that they are flowing
414 into accounts that they should be flowing into. Selectman Akillian further suggests that rather than
415 invoicing on an annual basis, the Board look at the possibility of invoicing on a monthly basis or some
416 more frequent timeframe than once a year so they can stay on top of those transactions. Selectman
417 Akillian would like to see the three boards work together to get some of those items cleared up.
418

419 The Board discussed inviting the Cemetery Trustees and Trustees of the Trust Fund to a special
420 meeting to share information between the boards of their parts within the process. The Board
421 suggested inviting Attorney Dresher for the purposes of ensuring that each board is working
422 appropriately within the RSA's. This will be a working and sharing of information meeting.
423

424 Town Administrator O'Mara will coordinate an invitation to a special meeting after the election,
425 outside of the regularly scheduled Board of Selectmen meeting dates and at an alternate agreed upon
426 location.
427

428 Selectman Grella rejoined the Board at 8:50 pm.
429

430 **Adjourn**
431

432 Selectman Akillian motioned to adjourn the meeting at 8:50 pm. Seconded by Selectman Grella. Vote
433 5-0
434
435