



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

**Barbara Landry Meeting Room
2 Main Street
Monday, March 23, 2015**

1. Public Session

Chairman Dwight Brew called the meeting to order at 6:02 p.m. Attendees: Chairman Dwight Brew, Selectmen John D'Angelo, Tom Grella, Nate Jensen, Reed Panasiti. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

2. **Pledge of Allegiance** – Lee Gilman, a Conservation Commission member, led the pledge.

3. Public Hearing – Land Purchase

Chairman Brew recessed the Board meeting. John Harvey, Chairman of the Conservation Commission, called the commission meeting and public hearing to order at 6:04 p.m. to take input on a proposed land and building purchase of Gloria Wheeler's property, Map/Lot 006-023-000, located at 2 Lynch Farm Road. The proposed purchase is a 6.2 acre lot bordering the 174 acre conservation land parcel known as Pond Parish. The purchase price is \$70,000; \$50,000 to come from the Conservation Commission and \$20,000 to come from abatement of liens on the property. The owner expects the land to be managed for conservation purposes only and will remove any hazardous materials and clear all liens, if any, before the closing. The owner will pay closing costs.

Chairman Harvey named voting members for those commission members not in attendance: Lee Gilman voting for Bill Wichman, Dr. Paul Indeglia voting for Jim Bowen, and Rob Clemens voting for Richard Hart.

Robin Nahill, an abutter, came forward and stated that she has no concern with the town's purchase of the subject property but is concerned about overzealous hunters not following the law and asked whether any consideration could be given to having an area posted for "no hunting". A short discussion ensued. Chairman Harvey indicated that the commission would consider the request and felt something could be worked out.

Chairman Harvey closed the public hearing at 6:15 p.m. Chairman Brew called the Select Board meeting back to order. Newly elected Selectman Reed Panasiti asked if the land could be used for recreational purposes. Commission Chairman Harvey indicated that the property had minimal dry land and not much area for parking. Most importantly, it was the owner's wish that the property be used for conservation purposes only. Chairman Brew suggested that park-like benches might be possible.

The Conservation Commission voted unanimously to recommend to the Select Board the purchase of land and buildings located at 2 Lynch Farm Road, Map/Lot 006-023-000. The Conservation Commission meeting was adjourned at 6:20 p.m.

Selectman D'Angelo moved to approve the purchase of property located at 2 Lynch Farm Road, Map/Lot 006-023-000, for the purchase price of \$70,000. Seconded by Selectman Grella. Vote 5-0

4. Reorganization of the Board

Selectman D'Angelo moved to appoint Dwight Brew as Chairman. Chairman Brew accepted the appointment. Vote 4-0-1 (Chairman Brew abstained)

Selectman Panasiti moved to appoint Selectman D'Angelo as Vice Chairman. Selectman D'Angelo accepted the appointment. Vote 4-0-1 (Selectman D'Angelo abstained)

Vice Chairman D'Angelo moved to appoint Nate Jensen as Clerk. Selectman Jensen accepted the appointment. Vote 4-0-1 (Selectman Jensen abstained)

Chairman Brew suggested that a responsibility of the Clerk might be to follow-up and keep track of action items as well as ensuring that the minutes of each meeting are complete and accurate. Selectman Jensen agreed to these duties. A line for the Clerk's signature will be included at the end of the meeting minutes. Chairman Brew also suggested holding off committee assignments until the next Board meeting. The three returning selectmen will continue with their previous committee assignments in the interim.

5. Citizens Forum

Will Ludt of 3 School Street came forward to honor Eleanor "Tin" Bacon who recently passed away. Mrs. Bacon and her husband, Chuck, were long time residents of Amherst and served the community on the Conservation Commission, Historical Society, and did much editing and research on the history of various Amherst homes. In 1997, five years after Chuck had passed away, Tin sold the family home to the Town of Amherst which has become the Peabody Mill Environmental Center. Chairman Brew thanked Mr. Ludt for bringing the information to the Board's attention, and on behalf of the Town, expressed appreciation for the many contributions made by Mr. and Mrs. Bacon.

6. Town Administrator's Report

6.1 MS-232

Town Administrator, Jim O'Mara, presented the 2015 MS-232 for the Board's approval. Selectman Grella moved to approve the MS-232 as prepared. Seconded by Selectman Panasiti. Vote 5-0

The MS-232, which replaces the MS-2, is a report of Appropriations Actually voted on and must be submitted to the NH Department of Revenue Administration within 20 days of the election.

6.2 Hawker & Peddler Application

Selectman Grella moved to grant a Hawkers & Peddlers permit to Mardi Wilson DBA Tastee Kone, LLC from April through October 2015. Seconded by Selectman Jensen. Vote 5-0

6.3 Town Beach Dock Bid

Administrator O'Mara presented bid proposals for a commercial grade docking system for Baboosic Lake Town Beach. Three bids were received; two bidders did not meet specifications. Selectman Grella moved to award the bid to EZ Dock of Hudson, NH for a total cost of \$45,529.35. Seconded by Vice Chairman D'Angelo. Vote 5-0

6.4 Part-Time Hire

Administrator O'Mara asked for the Board's approval to hire temporary, part-time assistance to help with administrative duties during Executive Assistant Torrey Demanche's recovery. The Board approved.

6.5 Correction to February 23, 2015 Minutes

Vice Chairman D'Angelo moved to reconsider the meeting minutes of February 23, 2015. Seconded by Selectman Grella. Vote 3-0-2 (Selectmen Jensen and Panasiti abstained)

Vice Chairman D'Angelo moved to strike the monthly payment amount for a DPW Trackless Sidewalk Machine (\$92 monthly payment) taken up under Old and New Business. Seconded by Selectman Grella. Vote 3-0-2 (Selectmen Jensen and Panasiti abstained)

Vice Chairman D'Angelo moved to approve the minutes of the February 23, 2015, as amended. Seconded by Selectman Grella. Vote 3-0-2 (Selectmen Jensen and Panasiti abstained)

7. Pipeline Update

Vice Chairman D'Angelo indicated that the Pipeline Task Force had developed five questions provided to Kinder-Morgan prior to tonight's Open Forum. A copy of the questions is attached along with Kinder Morgan's response. Vice Chairman D'Angelo also stated that the Pipeline Environmental Impact Assessment Committee of the Amherst Conservation Commission prepared a preliminary environmental assessment which has been posted to the website.

Vice Chairman D'Angelo moved that the Board approve and sign an 8-page letter (attached) regarding the proposed pipeline to be presented to Kinder Morgan, and subject to reconsideration at the end of the public forum. Seconded by Selectman Grella. Vote 5-0

A copy of the letter is to be published in the Amherst Citizen as well.

8. Right to Know Requests

Town Administrator O'Mara reported that one oral request is pending asking for the work schedule of the Building Inspector from October 1st, 2014 to date. Colleen Mailloux, Community Development Director, will have the information available by week's end.

9. Old and New Business

Chairman Brew welcomed the two new members of the Board, Nate Jensen and Reed Panasiti, and thanked them for their willingness to serve. Chairman Brew also thanked staff and the Ways and Means Committee members and all those involved in the budget process for their time and commitment that ensured a smooth process leading to voter approval of all recommended actions.

Selectman Jensen indicated that the Ways and Means Committee would like to make a presentation to the Board regarding a streamlined budget process at one of the next two meetings.

The Board adjusted the meeting schedule for the month of April only. **Meetings will be held on April 6th and 20th at 6:30 p.m.**

10. Approvals

10.1 Yield Tax

Selectman Panasiti moved to approve a Yield Tax (Timber) for Map/Lot 003-066-029 located at 15 Holt Road in the amount of \$424.17. Seconded by Selectman Grella. Vote 5-0

10.2 Elderly Exemptions

Selectman Panasiti moved to approve the Elderly Exemption for Map 002, Lot 009-000-006 located at 12 Peacock Brook Lane in the amount of \$71,000. Seconded by Selectman Grella. Vote 5-0

Selectman Panasiti moved to approve the Elderly Exemption for Map 005, Lot 035-000 located at 119 Amherst Street in the amount of \$71,000. Seconded by Selectman Grella. Vote 5-0

Selectman Panasiti moved to approve the Elderly Exemption for Map 014, Lot 015-000 located at 19 Border Street in the amount of \$142,000. Seconded by Selectman Grella. Vote 5-0

10.3 Payroll

Vice Chairman D'Angelo moved to approve one (1) FY15 Payroll Manifest in the amount of \$180,348.53 dated March 19, 2015, subject to review and audit. Seconded by Selectman Jensen. Vote 5-0

10.4 Accounts Payables

Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$178,723.26 dated March 24, 2015, subject to review and audit. Seconded by Vice Chairman D'Angelo. Vote 5-0

Selectman Jensen moved to approve one (1) FY15 Account Payable Manifest in the amount of \$31,622.99 dated March 16, 2015, subject to review and audit (Town Clerk Transfers to the State of NH). Seconded by Vice Chairman D'Angelo. Vote 5-0

Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$2,093,881.50 dated April 1, 2015, subject to review and audit. (Schools). Seconded by Vice Chairman D'Angelo. Vote 5-0

10.5 Minutes

Vice Chairman D'Angelo moved to approve the Board of Selectmen meeting minutes of Monday, March 9, 2015. Seconded by Selectman Grella. Vote 3-0-2 (Selectmen Jensen and Panasiti abstained).

At 6:55 p.m. Chairman Brew recessed the Board meeting to be reconvened at the Open Forum with Kinder Morgan at the Souhegan High School Theatre. Chairman Brew announced that the Open Forum could be viewed on Channel 21 and a video recording will be available soon.

11. Kinder Morgan Presentation

Chairman Brew reconvened the Board meeting at 8:15 p.m. Approximately 400 people were in attendance including NH Senator Gary Daniels and Representative Peter Hansen.

Vice Chairman D'Angelo provided an overview of actions taken by the Board of Selectmen over the last several months including the creation of the Amherst Pipeline Task Force (PTF) who have performed research and collected data which has been included on the town's website. An environmental assessment has been prepared by the Pipeline Environmental Impact Assessment Committee of the Conservation

Commission which has also been uploaded to the website. The PTF has put together educational documents and continues to gather information around safety concerns. Vice Chairman D'Angelo encouraged all those interested to sign up to receive email notices on the pipeline issue.

Selectman Jensen, as Moderator, went through the agenda to include Kinder Morgan's overall presentation followed by questions prepared by the Pipeline Task Force which were provided to Kinder Morgan in advance of the meeting. The PTF limited its number of questions to allow more time for questions from Amherst residents.

Kinder Morgan representatives included: Allen Fore, Vice President of Public Affairs, Curtis Cole, Director of Business Development, Mark Hamarich, Project Manager, and John Lennon, Right-of-Way Manager.

Kinder Morgan (KM) provided a slide presentation (attached) that included a company and project overview and maps of the proposed gasoline pipeline. The KM representatives discussed the timeline and next steps leading to application with the Federal Energy Regulatory Commission (FERC) in the Fall.

The proposed Northeast Energy Direct (NED) route in Amherst covers approximately 4.04 miles and impacts approximately 66 landowners. Property tax revenue to Amherst is estimated at \$510,000. KM representatives indicated that building the pipeline is driven by the needs of the natural gas suppliers, all of whom said they had to get additional natural gas to the region. New Englanders pay the highest energy prices in the nation.

The project is regulated by federal and state entities: FERC, DES, Fish and Game, Historic Resources and site evaluation committee. The project is in a pre-filing stage and attendees were invited to access FERC's website to review all documents submitted to date. The project number is Docket # PF 14-22-000. KM representatives stressed that the pre-filing stage is meant to discuss their "proposal" with local leaders and stakeholders and they are committed to a vigorous dialogue. When the application is filed in the Fall, it is expected that the proposed route will be adjusted to address local concerns.

Company representatives responded to each question asked by the Pipeline Task Force (see attached questions and responses). Chairman Brew asked "If someone is concerned about the proposed route because of safety or environmental concerns, what steps do they need to take?" Allen Fore stated that they hope to work with the town and its residents and suggested that individual landowners contact Mike Lennon, KM's Right-of-Way Manager.

Joe McCool stated that KM lost credibility when it sent out a letter in mid-December indicating that the project was a "federal undertaking" when it is not. Mr. McCool also suggested that there were many more than 66 impacted individuals. Mr. McCool asked how KM might help defray the costs of upgrading its fire and EMS operations and the costs of training and equipment. KM stated that the project was a "regulated" process and they fully intend to work with impacted communities in training and upgrading of emergency operations as necessary.

Martin Meckel (?) of Mont Vernon Road asked why the route was changed from Massachusetts to NH. Mr. Fore stated that at the outset of a project there are many variables that are considered. Most importantly, the site must be permittable and in NH a benefit exist with collocating with power lines.

Joan Poro of 9 Windsor Drive asked if the pipeline is safe, why was the route changed to go around Souhegan High School, and Ms. Poro suggested that perhaps KM felt it easier to battle homeowners?

Terry (?) who lives on Simeon Wilson Drive asked if any studies had been conducted looking at real estate prices once a pipeline is in place in an area. Curtis Cole indicated that there are industry studies available online.

David Beach of Simeon Wilson Drive asked if KM could promise the residents of Amherst that there would be no compressor stations in NH. Company representatives could not make that promise but indicated that if such a compressor station is anticipated, a similar permitting process would have to be undertaken.

Don McCarthy of Boston Post Road felt that the information provided by KM was a waste of paper and asked representatives to provide examples of one or two worse-case incidents. KM stated that there are 14 incidents that have caused property damage or injury that are well documented on their website. In 2011 in Ohio there were well failures on a pipe that was built in the 1960s. The company worked with emergency staff, isolated and secured the area, replaced all the wells that now have sensors.

Tiani Coleman of Simeon Wilson Drive stated that she was not one of the 66 impacted homeowners but felt the project would change the character of the community. To applause, Ms. Coleman suggested that Kinder Morgan buy and re-sell those properties. Curtis Cole stated that through negotiation, they have a good success rate. Homeowners are compensated at 100 percent.

Walter Colby of 12 Nichols Road referenced a letter from the Peter Flynn law office about property values and asked why the pipeline was moved north. Allen Fore repeated that first and foremost the site must be permissible but the company fully expects there will be changes. Mr. Colby, a firefighter, asked about the burn rate and how far apart the valves are spaced.

Peter Reynolds, who lives in the North end of town and is employed as a physician, stated that he is concerned about his daughter who attends high school. Dr. Reynolds stated that on January 25, 2004 in New York, an 8-inch propane pipeline destroyed a house and burned for three to four days. KM indicated that they do all they can to reduce risks and that high consequence areas are highly scrutinized. Dr. Reynolds stated that he was not convinced that the proposed route is the lowest risk route.

Nancy Palmer questioned why KM should be allowed to use Amherst to be able to transport gas globally. The pipeline is intended to increase natural gas supply to New England from the Marcellus shale projects in Pennsylvania. Power companies are increasingly turning to gas-fired generation and a 36-inch pipeline will triple the amount of natural gas to the region.

Victor Carlson of Peacock Brook Lane stated that a 36-inch pipeline is scary and he is unhappy about it and hopes the Select Board is as well.

Rick Bewersdorf of Patricia Lane stated that the proposed pipeline is less than 500 feet from his property and that it is his retirement home where he is raising his three granddaughters. Mr. Bewersdorf said he cannot afford to lose his home or have it devalued and will do everything in his power to stop the pipeline from coming into Amherst.

John Michael Vore lives at 23 Simeon Wilson Drive with his wife and four children and is one of the 66 affected landowners. The pipeline is proposed to go through his property and Mr. Vore feels it is ludicrous to think this project would not affect property values. Mr. Vore asked for clarification on collocation of the pipeline. With regard to surveying his property, Mr. Vore stated that he has no interest in helping Kinder Morgan damage his property.

Rick Elverson of 42 Seaverns Bridge Road stated that blasting was done ten or twelve years ago where he lost a wall and the company was no help in replacing the wall. Mr. Elverson asked for specific safety

incidents that have occurred over the last 20 years on pipes 36 inches in diameter and larger. KM will provide the information.

Don Foley of 16 Patricia Lane asked what impact blasting would have on the neighborhood. KM stated that structural analysis is done and they work with landowners and repair any damages that may occur.

Stephanie Grund asked about the placement of meter and valve stations. KM stated that they site valve stations away from residential areas.

Pat Raduazzo of 4 Patricia Lane stated that he is an association president and the proposed pipeline goes right through the neighborhood with private roads and it goes through his personal property. Mr. Raduazzo questioned why the proposed route impacts eight homes to avoid one church and expressed his disappointment that KM did not come better prepared to answer his questions. KM assured Mr. Raduazzo that they would not take his home from him or anyone else and as plans continue to be refined, they will be following up.

Tim Shea of 7 Hickory Street asked what the probability might be of the project being approved. Allen Fore repeated that the project is in the review stage and that FERC requires KM to respond to all public inquiries. Mr. Fore stated that the Board of Selectmen does not have regulatory authority over the project but everyone is welcomed and encouraged to participate in the process.

David Beach of Simeon Wilson Drive rose again and asked about conservation lands. KM stated that they must adhere to all state and federal requirements for every parcel impacted by a proposed project. The NH route will lessen impact on conservation lands by being on or next to existing utility corridors. As a private company, KM does not have eminent domain authority.

Rick Bewersdorf of Patricia Lane asked about the impact on the Bon Terrain Aquifer and stated that the town is not equipped to deal with any catastrophic event. How does KM expect to handle such a situation? Mr. Fore stated that KM has gone around the country and worked with emergency preparedness staff as necessary.

Selectman Jensen thanked Representative Hansen and Senator Daniels for attending. Representative Hansen asked about the process. Allen Fore stated that the process is a very interactive one. Open forums will continue and public hearings will be held throughout the summer. KM expects to file the application with FERC in the Fall. If approved, construction work will begin in 2017 and completed by the start of 2018.

NOTE: Responses to some questions are more fully responded to in a "Frequently Asked Questions" document that is attached and provided to attendees.

Vice Chairman D'Angelo emphasized that KM is in the pre-filing phase. Site evaluation begins at the time of filing in the fourth quarter of the year. Also, after the application filing, and based on the Warrant Article that was passed by the voters of Amherst, the Board of Selectmen will have authority to file with the FERC as an intervener in order to present the claims of Amherst residents and property owners and protect their rights. Vice Chairman D'Angelo also indicated that earlier in the evening, the Select Board signed a letter stating their opposition to the proposed pipeline route.

Chairman Brew thanked everyone for attending.

12. Adjourn

Selectman Grella moved to adjourn the meeting at 10:30 p.m. Seconded by Selectman Panasiti. Vote 5-0

Selectman Nate Jensen
Clerk, Board of Selectmen

Date

APPROVED