



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Monday, June 8, 2015

1. Call to Order

Chairman Dwight Brew called the meeting to order at 6:34 p.m. Attendees: Chairman Dwight Brew, Vice Chairman John D'Angelo, Selectmen Tom Grella, Nate Jensen, and Reed Panasiti. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

2. **Pledge of Allegiance** – Mr. Sandy Bradbury led the pledge.

3. **Citizens Forum** – All citizens in attendance wished to comment on Agenda Items 5 and/or 6.

4. Draft of Second Letter to FERC

Vice Chairman D'Angelo stated that the Pipeline Task Force (PTF) has spent hundreds of hours researching the impact the pipeline would have on Amherst and New Hampshire and have prepared letters to state and federal representatives and to the Federal Energy Regulatory Commission (FERC) indicating that there appears to be neither a need for, nor significant benefits from, the pipeline for New Hampshire and that the Town, therefore, takes exception to routing it through New Hampshire. The PTF also found that the New Hampshire routing may be an unconstitutional taking from New Hampshire residents for the benefit of residents of another state and have prepared a letter to the NH Attorney General asking whether he believes that argument has merit. Selectman Grella thanked the PTF for their good work. Selectman Jensen moved that the Amherst Selectmen send letters as proposed to the NH Governor and Attorney General, state and federal legislators, FERC and Kinder Morgan. Second by Selectman Grella and passed unanimously. Vote 5-0.

5. Recreation Commission – Baboosic Lake Working Group Recommendations

Craig Fraley, Recreation Director, along with Katie Button, Chair of the Baboosic Lake Working Group, came forward to make a number of recommendations regarding Baboosic Lake. The Baboosic Lake Working Group began to meet last Fall. The suggested recommendations related to 1) security, 2) ordinances, 3) use of the beach by non-residents, 4) milfoil, 5) fencing and other improvements, 6) drainage/storm water run off, 7) and the need to inventory town-owned property in the area of the lake.

Tara Johnson, Owner of Nature Digger, an invasive species consulting and management firm, and a volunteer Baboosic Lake "weed watcher" and diver, stated that milfoil in the Amherst portion of Baboosic Lake was detected early. With the help of 30 certified weed control divers, they've managed to keep the milfoil under control. Ms. Johnson asked the Board to restrict access to the lake during times when there are no Lake Hosts or educated town employees present to check boats. Ms. Johnson left packets of information on the risks of infestations.

After some discussion, the Board felt that more Baboosic Lake regulations were not necessary at this time. Town Administrator Jim O'Mara will work with Recreation Director Fraley on the town-owned property.

6. Village Strategic Plan Presentation

Chairman Brew opened the discussion by indicating that the Board would not be acting on any recommendations this evening. By way of introducing the formal presentation of planning results to the BOS, Mike Akillian, Chair of the Committee, stated that the Village Strategic Planning process was an extension of the strategic planning process that began in 2013. It has been an ongoing effort to engage more boards, committees, commissions, and citizens in a discussion on the evolution of the village over time. The Committee's work was divided into two major activities: outreach to citizens to understand the range of issues that should be looked at, and planning work undertaken by five working groups based on public input. As part of the initial outreach process, the Committee received 554 responses to a visual preference survey. Five house meetings were held, 8 strategic planning committee meetings, and 11 public meetings and forums. The five working groups assembled included: 1) traffic and safety; 2) recreation, attractions and events; 3) historic preservation; 4) lighting and utilities; and 5) community development. A synopsis of the key recommendations of each working group follows.

Traffic & Safety – Police Chief Reams presented 15 recommendations with eight checked off as high to moderate benefit for low costs. The recommendations addressed traffic volume and speed, noise, and reducing signage. One recommendation was to unify the Village Green which would improve connectivity and aesthetics.

Recreation, Attractions, Events – Recreation Department Director, Craig Fraley, indicated that feedback from citizens indicated that many were looking for something to do in the village and wanted to add, change, and/or expand events. Suggestions included the creation of a trail that would connect school parks and the village. A walking map could be provided at a low cost of \$500. Expansion of the 4th of July parade/activities, the Cider Festival, etc. was recommended. Six recommendations were listed with three checked as priorities.

Historic Character of the Village – Chris Hall made the presentation on behalf of the Historic Character Working Group. Recommendations included strengthening relations between the Historic District Commission (HDC) and residents, and making sure everyone understands HDC regulations and ordinances. The focus centered on Perception, Prominence (National Historic District), and Preservation (protecting the village's quaint, country atmosphere). Six recommendations were presented.

Lighting and Utilities – Public Works Director, Bruce Berry, covered three topic areas: exploration of the costs and viability of burying utilities underground in the Village and elsewhere throughout Amherst. Rough cost estimates indicate that, if utilities are buried while road construction is already going on, expenses would be reduced considerably. Other benefits include aesthetics and reduced storm outages. The group also performed an inventory of existing street lights and made sure all were working properly. Another recommendation included undertaking an architectural lighting demonstration of six buildings in the Village which one company offered to provide for free.

Community Development – Colleen Mailloux, Community Development Director, stated that the working group was charged with determining whether, and if so how, to attract additional business to the village and to provide support for existing businesses. Of the six alternative recommendations made, two, in particular, caused much disagreement among working group members. These included changing the existing non-conforming businesses to conforming and exploring the pros and cons of instituting a Village Business District Overlay Zone. Three group members endorsed these recommendations; two opposed them and Director Mailloux abstained from voting.

Chairman Brew thanked everyone for their participation in the process and welcomed comments from the public. Thirty five recommendations were made by the working groups – Traffic & Safety 14; Recreation & Events 6; Historic Character 6; Utilities & Lighting 3; and Community Development 6. All of the comments by citizens were in opposition to two recommendations made by the Community Development Working Group that 1) would convert existing non-conforming businesses to conforming and 2) explore implementation of a Village Business District Overlay Zone.

Amily Moore and Will Ludt, members of the Community Development team, offered a minority statement in which they expressed their strong opposition to the conforming and overlay recommendations. Both felt that the village benefits the entire town and is an asset for all, and felt that a good balance of residential, retail, and civic entities existed in the village. Written comments were provided to be included as part of the meeting minutes.

Bill Dunlap indicated that he felt a number of people on the Community Development Working Group may have had a conflict of interest.

Bill Veillette warned of “unintended consequences” if the zoning ordinance regarding the 18-month non-use ordinance is changed. Expanding zoning, he believes, will create hardship for people trying to protect their business offerings. As an example, Mr. Veillette stated that if an alternative opens next door to Moulton’s, then Moulton’s will have shorter lines and their business will be cut in half. Mr. Veillette also felt that the wording in the survey was misleading; i.e., café means Dunkin Donuts, tavern means a bar, etc.

Robert Rowe distributed written comments stating that any potential commercial zoning changes would irrevocably alter the historic character of the village from being the safe children and family location to a commercially active site with much greater traffic.

Jamie Ramsay stated that the history of the village came about by accident. He emphasized the Meetinghouse shopping area is barely surviving and the village has even less traffic.

Joe Taggart of 13 Church Street said that the planning process has caused a lot of consternation. While the 18 month rule for non-compliant businesses to keep their right to operate in place if they temporarily cease operations is common; perhaps the town should try 24 or 30 months.

Jeanne Ludt stated that she has lived in the village for 32 years and reminded attendees that proposed changes are being recommended in “her neighborhood”. She would not presume to make such recommendations for The Flume or other neighborhoods.

Dave Clark has been a resident for over 30 years. Mr. Clark feels that the village adds value to the town and many look for serenity in the village. It’s unique.

Rand Peck said the village evolved without a plan and he was concerned.

Alice Handwerk did not feel that the village needed more businesses. The added traffic would risk injury.

Matt Redd of Boston Post Road is opposed to changing zoning ordinances change but felt the unification of the green as proposed by the Safety Working Group made sense. Simple things to eliminate traffic are not expensive.

Jim Quinn who lives on Courthouse Road is strongly opposed to the overlay suggestion.

Selectman Panasiti who moved to Amherst 19 years ago did so because of the village and he asked for some background information regarding the village strategic planning project. Chairman Brew indicated that the process was part of planning and budgeting and needs to be wrapped up by the end of June in accordance with the terms of the grant provided by the federal government to fund the participation of the Nashua Regional Planning Commission (NRPC) in the project. Selectman Grella felt that the NRPC did not offer as much help as he would have preferred. He also thought the process caused ill feelings between neighbors.

Selectman D’Angelo thanked the committee for a job well done but questioned why Police Chief Reams did not suggest removing stop signs as an outcome of the process. Chairman Brew thanked committee members for very good work that produced 30-plus recommendations of which only two got all the comments this evening. Chairman Brew would like to see more numbers on the costs of burying power lines.

Mike Akillian, Chairman of the Village Strategic Planning Committee, took exception to Selectman Grella’s comments about the NRPC who provided valuable input and guidance throughout the process. At times the process was contentious; the Community Development group being most heated, but that is the reality of dealing with complex subjects. As Chairman Brew stated, however, while only two of the Community Development recommendations were talked about this evening, 30 more options were put on the table to be looked at. People wrestled with these topics and should be congratulated for their efforts. A written report will be provided in the next couple weeks. There is more dialogue to come and much of the continuing exploration and any agreed-upon implementation will migrate to the town departments, committees, commissions, and boards for further work.

7. Office of Community Development

7.1 Septic Ordinance

Colleen Mailloux, Community Development Director, and Jim Sickler of J.L. Sickler Construction and a local septic installer, to discuss the septic system permitting and inspection process. Mr. Sickler suggested that the Town's ordinance should be consistent with State requirements which would free up some of the reviewers and inspectors time at the town level.

All design/code related issues are reviewed by, permitted by, and inspected by the NH Department of Environmental (DES) Services. Mr. Sickler stated that the town of Hollis follows the State DES requirement for design for failed and new system design and installation. The town of Milford leaves septic system design, permitting and inspection to the state DES.

The Board asked staff to put together a revised draft ordinance. Town Administrator Jim O'Mara will schedule two public hearings on the matter which is required by statute.

7.2 Town Farm Road

Community Development Director, Colleen Mailloux, reported that the Planning Board had approved a Conditional Use Permit for wetland impacts associated with improvements within the Town Farm Road right of way to provide a level of access sufficient to meet the requirements of the Amherst Fire Department. The current owner is seeking approval to build single family residences on two lots. The Board looked a waiver that meets the requirements of the RSA and protects the Town from responsibility and liability, and requires the owners to maintain the roadway and driveway for emergency access.

Selectman Jensen moved to approve the issuance of a building permit for Lot 1-18 and Lot 1-18-1 on Town Farm Road subject to the waiver being executed and recorded in the Registry of Deeds. Vice Chairman D'Angelo seconded and the motion passed unanimously. Vote 5-0.

7.3 Building Inspector Vacancy

Town Administrator O'Mara asked that the Board approve the Building Inspector/Code Enforcement Officer position a full-time one. The Board approved. Vice Chairman D'Angelo asked that Community Development Director Mailloux keep track of the Building Inspector's percentage of time spent on inspections versus code enforcement and report back to the Board in six months.

7.4 Sign Ordinance

As part of the Board packet, the Board reviewed the Ordinance Regulating the Placement of Signs on Town Owned Land. Director Mailloux suggested a blanket ordinance. Under section 3, Chairman Brew suggested removing the words "temporary" and "for special events". Selectman Grella suggested adding a section incorporating the placement of political signs which must comply with state regulations. Administrator O'Mara will schedule two public hearings on the matter as is required by statute.

Administrator O'Mara stated that in accord with RSA 41:14-b and c, the Board of Selectmen have the authority to establish, and amend town ordinances and codes after they hold two public hearings at least 10 but not more than 21 days apart on the establishment or amendment of the ordinance or code.

8. Finance Director – Budget Transfers

Finance Director, Lisa Ambrosio, proposed the following budget transfers.

8.1 Budget Transfer 2015-02

Selectman Jensen moved, seconded by Vice Chairman D'Angelo, to approve budget transfer 2015-002 in the amount of \$31,000 from the Police Department's gasoline account to the Police Department's Cruisers (\$21,000) and New Equipment (10,000) accounts. The motion passed unanimously. Vote 5-0.

8.2 Budget Transfer 2015-03

Vice Chairman D'Angelo moved, seconded by Selectman Jensen, to approve budget transfer 2015-003 in the amount of \$137,088 from various accounts (tax assessing, legal, insurance, zoning and police) to Administration, Town Clerk, Finance, and Planning accounts. The motion passed unanimously. Vote 5-0

8.3 Budget Transfer 2015-04

Vice Chairman D'Angelo moved, seconded by Selectman Jensen, to approve budget transfer 2015-004 in the amount of \$670,340 from various accounts (govt. buildings, EMS, fire, safety, landfill, welfare, debt service) to Public Works and the Department of Public Works for road and maintenance. The motion passed unanimously. Vote 5-0.

9. Town Administrator's Report

9.1 EMS Staff Appointments

Vice Chairman D'Angelo moved to authorize the hiring of the following individuals in the EMS Department. Second by Selectman Jensen. Vote 5-0

Steven Nasta as EMT-Advanced
Jack Gorham, EMT
Derwood Mason, EMT
Alison Frates, EMT-Paramedic

Vice Chairman D'Angelo thanked Acting Fire Chief Conley for continuing to find people to fill the slots. Acting Chief Conley indicated that of the 15 new hires, eight are fire certified.

9.2 Police Department Bids

Administrator O'Mara presented bid proposals for the purchase of an undercover vehicle, which the Board approved to be purchased out of the existing FY2015 police budget. Police Chief Reams indicated that the vehicle meets the investigative and operational needs of the agency and is in the best condition with the longest anticipated service life. Chairman Brew indicated that the vendor names and vehicle make and model are withheld given the nature of the purchase. Selectman Jensen moved to award the vehicle award to Vendor A, the lowest bidder, in the amount of \$20,191. Second by Selectman Grella. Vote 5-0

Administrator O'Mara presented bid proposals for a Total Station accident and crime scene mapping device requested by the Police Department. In response to Selectman Jensen, Chief Reams indicated that the device is critical in surveying and in accident and crime scene reconstruction. In addition, it is safer for the investigating officers and reduces the time spent at the scene by half which reduces manpower and also results in briefer road closures. Also, it will eliminate the need for the Police Department to rely upon other agencies for technical assistance. Selectman Grella moved, seconded by Vice Chairman D'Angelo, to award the bid to the lowest bidder, Maine Technical Source, in the amount of \$9,989. Vote 5-0.

9.3 2 Lynch Farm Road

Town Administrator Jim O'Mara reported that the closing on 2 Lynch Farm Road took place on May 29, 2015 at Attorney Thomas Quinn's office. Any materials on the property will be removed once the deed has been received. Acting Fire Chief Matt Conley will evaluate the feasibility of holding a live burn training session on the property.

9.4 Melanson Heath Audit Engagement Letter

The Board reviewed the engagement letter to have Melanson Heath audit the Town's finances for the next fiscal year. There was discussion about the company's previous performance and reluctance to sign a three-year contract. Finance Director, Lisa Ambrosio, indicated that not all department heads were consulted and her department did not receive the counsel expected. Administrator O'Mara said that Melanson Heath did identify problems not previously revealed and they have been informed of areas of concern.

Vice Chairman D'Angelo moved to approve the letter of engagement of Melanson Heath and authorize Town Administrator, Jim O'Mara, to sign the letter of understanding on behalf of the Town. Second by Selectman Jensen. Vote 5-0

9.5 Kona Ice Hawkers & Peddlers Permit

Administrator O'Mara indicated that in follow-up to Kona Ice's vendor permit application, the mobile vendor has agreed to NOT operate or work in Amherst on July 3 and 4, 2015. Vice Chairman D'Angelo moved, seconded by Selectman Jensen, to approve Kona Ice's Vendor Application for the period through May 2016 on the condition that the vendor does not work on July 3 and 4, 2015 which Kona Ice has agreed to. Vote: 5-0.

9.6 Dragon Mosquito Update

Administrator O'Mara read through a Spring 2015 Update from Sarah MacGregor of Dragon Mosquito Control, and provided a Town Progress Report for the second half of April listing a number of areas that were surveyed. According to Finance Director Ambrosio, \$21,300 has been spent of the \$40,000 approved budget.

9.7 NH Preservation Alliance 2015 Achievement Award

Vice Chairman D'Angelo reported that the Town was honored with receipt of a NH Preservation Alliance 2015 Preservation Achievement Award for its work on the Town Hall. Administrator O'Mara accepted a plaque on behalf of the town at an award ceremony in Concord.

9.8 Unanticipated Revenue

Administrator O'Mara indicated that \$3301 was received for the sale of the town docks. Vice Chairman D'Angelo moved to accept and deposit into the Recreation Department's revolving fund the amount of \$3301 received for the sale of the town docks. Second by Selectman Jensen. Vote 5-0. Administrator O'Mara will continue to advise the Board of all unanticipated funds received.

9.9 Health Trust Applications and Membership Agreements

Selectman Grella moved, seconded by Selectman Jensen, to sign a new Membership Agreement with Health Trust and have Administrator O'Mara sign the document on behalf of the Town. Vote 5-0.

10. Dog Warrant -2015

Selectman Jensen moved to approve the proposed Dog Warrant as proposed. Second by Selectman Grella. Vote 5-0

11. Updates

11.1 Right to Know – None

11.2 Manchester Road Bridge

Bruce Berry reported that Pennichuck has pushed back work because piping needs to go in before sheeting. The telephone poll easements have been resolved with the third going in higher than the other two. Timeframe for completion of work remains as planned -- mid to late Fall.

Linda Kaiser asked to address the Board. Chairman Brew suggested that Ms. Kaiser bring her concerns to Administrator O'Mara and Director Berry outside of the Board meeting or during the public comment portion of Board of Selectmen meetings.

11.3 Pipeline

Selectman D'Angelo stated that the PTF's next meeting will be held on June 17th at 7:30 p.m. at the Town Hall. PTF is trying to set up a follow-up meeting with Kinder Morgan by the end of June. It is hoped that Kinder Morgan will not file with FERC in September. The PTF is working on two more educational items to be posted to the website.

11.4 Fire Chief Recruitment

Administrator O'Mara reminded Board members of a non-public session to be held on June 15th to discuss the interviewing and hiring of a Fire Chief. Administrator O'Mara hopes to introduce a new fire chief at the Board's June 22nd meeting.

Finance System. Finance Director, Lisa Ambrosio, indicated that a meeting with the team is expected to take place soon to review Chart of Accounts and help identify NH state requirements. Project is on schedule.

DPW Survey is expected to conclude by the end of June.

12. Approvals

12.1 Levy of Tax Warrant

Selectman Panasiti read a motion directing Gail P. Stout, Tax Collector for the Town of Amherst, to collect taxes amounting to \$20,833,703.00 with interest at 12 percent per annum from July 1, 2015 thereafter on all sums not paid on or before that date and to pay all moneys collected to the town treasurer, or to the town treasurer's designee as provided by RSA 41:29, at least on a weekly basis, or daily whenever tax receipts total \$1500 or more. Vice Chairman D'Angelo moved that the Board authorize and sign the Levy of 2015 Tax Warrant. Second by Selectman Jensen. Vote 5-0.

12.2 Certification of Yield Tax & Timber Tax Levy

Selectman Panasiti moved to approve and sign certification of yield tax and timber tax levy in the amount of \$65.35 for property located at Christian Hill Road, Map/Lot 005-164-000. Second by Selectman Grella. Vote 5-0

Selectman Panasiti moved to approve and sign certification of yield tax and timber tax levy in the amount of \$251.57 for property located at 140 Mack Hill Road, Map/Lot 007-061-000. Second by Selectman Grella. Vote 5-0

Selectman Panasiti moved to approve and sign certification of yield tax and timber tax levy in the amount of \$407.11 for property located at Tanglewood Way, Map/Lot 007-082-000. Second by Selectman Grella. Vote 5-0

Selectman Panasiti moved to approve and sign certification of yield tax and timber tax levy in the amount of \$5,153.32 for property located at 24 Brook Road, Map/Lot 010-026-000. Second by Selectman Grella. Vote 5-0

12.3 Eversource Pole License

Vice Chairman D'Angelo moved to approve the PSNH (now Eversource Energy) Petition and Pole License Number 22-0655. Second by Selectman Panasiti. Vote 5-0.

12.4 Baboosic Lake Community Septic – Quarterly Maintenance Warrant

Vice Chairman D'Angelo moved, second by Selectman Jensen, to approve and sign the Quarterly Maintenance Warrants for the Baboosic Lake Community Septic bills due July 1, 2015 as follows: Phase I - \$4,524.00; Phase II - \$5,105.12; Phase III - \$5,529.10; and Phase IV - \$4,066.01. Vote 5-0.

12.5 Payroll Manifests

Vice Chairman D'Angelo moved to approve one (1) FY15 Payroll Manifest in the amount of \$178,947.78 dated May 28, 2015, subject to review and audit. Seconded by Selectman Jensen. Vote 5-0

Vice Chairman D'Angelo moved to approve one (1) FY15 Payroll Manifest in the amount of \$183,559.70 dated June 11, 2015, subject to review and audit. Seconded by Selectman Jensen. Vote 5-0

12.6 Accounts Payable Manifests

Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$196,929.98 dated May 19, 2015, subject to review and audit. Seconded by Vice Chairman D'Angelo. Vote 5-0

Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$33,524.77 dated May 19, 2015, subject to review and audit. (Town Clerk Transfer 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 \$32,425.42 dated June 1, 2015, subject to review and audit. (Town Clerk Transfer 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 \$2,093,881.48 dated June 1, 2015, subject to review and audit. (School Disbursements). Seconded by Vice Chairman D'Angelo. Vote 5-0

Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$173,686.23 dated June 2, 2015, subject to review and audit. Seconded by Vice Chairman D'Angelo. Vote 5-0

12.7 Minutes – Meeting of May 11, 2015

Vice Chairman D'Angelo moved to approve the Board of Selectmen meeting minutes of May 11, 2015. Second by Selectman Jensen. Vote 5-0.

13. Action Item Review

Selectman Jensen recapped action items to include: developing a clear budget process, follow-up on sale of municipal property, purchase of new recreation vehicle, repairing roof and painting South Station. Other action items include: signing and sending pipeline letters, tracking building inspector's time, arranging two public hearings each on the septic ordinance and sign ordinance, purchasing undercover vehicle and Total Station mapping device, and signing the engagement letter to Melanson Heath.

14. Non-Public Session

Selectman Panasiti moved to enter non-public session at 10:452 p.m. pursuant to NH RSA 91-A: 3 II (b). Second by Selectman Grella. Roll Call: Brew-yes, D'Angelo-yes, Grella-yes, Jensen-yes, and Panasiti-yes. Vote was unanimous, 5-0.

The Board and Town Administrator Jim O'Mara discussed the hiring of a public employee.

Vice Chairman D'Angelo moved to exit non-public session at 10:55 p.m. Second by Selectman Panasiti. The vote was unanimous, 5-0. Chairman Brew stated that in non-public session no motions were made and no votes were taken.

Selectman Panasiti moved to adjourn the meeting at 10:55 p.m. Second by Selectman Grella. The vote was unanimous, 5-0.

The meeting adjourned at 10:56 p.m.

Selectman Nate Jensen
Clerk, Board of Selectmen

Date