



Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, August 10, 2015

1. Call to Order

2. Non-Public Session

Chairman Dwight Brew called the meeting to order at 6:00 p.m. Selectman Grella moved to enter non-public session pursuant to NH RSA 91-A: 3 II (d). Second by Vice Chairman D'Angelo. 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 acquisition, sale or lease of real property. Selectman Grella moved to exit non-public session at 6:29 p.m. Second by Selectman Panasiti. Vote was unanimous, 5-0. Chairman Brew stated that in non-public session a motion was made and a vote taken.

Chairman Dwight Brew called the public 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.

3. Pledge of Allegiance – Community Development Director, Colleen Mailloux, led the pledge.

4. Citizens Forum

Vice Chairman D'Angelo moved, second by Selectman Jensen, to seal the minutes of the non-public session held earlier until 11-November-2015. Motion passed unanimously, 5-0.

5. Bill Wichman Recognition

Chairman Brew read a tribute in recognition of Bill Wichman's service to the Town of Amherst as follows:

"On behalf of the Town of Amherst, New Hampshire, the Amherst Board of Selectmen would like to thank you for your service to the Town."

35 “Since moving to Amherst almost 50 years ago, you have helped make Amherst a better town in so
36 many ways including working on the Amherst Storm Water Committee, the Amherst Open Space
37 Committee, the Amherst Solid Waste Committee, the Amherst Land Trust, the Amherst
38 Conservation Commission and the Amherst Historical Society.”
39

40 “In addition to the above contributions we would like to recognize your service as the editor of the
41 Historical Society Newsletter, co-author of the Conservation Commission Walk Book and treasurer
42 of the Amherst Conservation Commission.”
43

44 “Your participation has been instrumental to the process of building several bridges on Amherst
45 Conservation Land, helping build the Pond Parish Boardwalk and maintaining many miles of
46 Amherst Conservation Trails. Presented with our appreciation by the Amherst Board of Selectmen
47 on August 5, 2015.” Signed by Dwight Brew, Chair, John D’Angelo, Vice Chair, Nate Jensen,
48 Clerk, Tom Grella and Reed Panasiti.
49

50 Chairman Brew re-arranged the agenda to take up **Item 7.4 Website Bid.** Community
51 Development Director, Colleen Mailloux, came forward to propose an upgrade to the Town’s
52 website that would provide accurate, current, comprehensive information to Town of Amherst
53 audiences in a visually appealing, user-friendly way. Director Mailloux has met with department
54 heads and other stakeholders who have helped identify website objectives, audiences, and basic
55 content management, system features, and application requirements.
56

57 Town Administrator O’Mara indicated that three bid requests for website services had been sent
58 out. Department heads recommend the bid be awarded to Virtual Towns & Schools of Maynard,
59 MA. Selectman Grella moved, second by Selectman Jensen, to award the website services bid to
60 the lowest bidder, Virtual Towns and Schools at a cost of \$8,000 plus a \$1,900 annual service fee.
61 In response to Board member questions, Director Mailloux indicated that the \$8,000 expense can be
62 split over three years. The conversion would take six to eight weeks or perhaps a bit longer, based
63 on staff time. The library will maintain its own site. Content management will remain the town’s
64 responsibility. The motion passed unanimously, 5-0.
65

66 **6. Response to Governor Hassan**

67

68 Vice Chairman D’Angelo referenced the nine page letter of June 8th sent to the Federal Energy
69 Regulatory Commission (FERC) and copied to the governor expressing significant concerns
70 regarding the proposed Northeast Energy Direct (NED) natural gas transmission pipeline project
71 proposed by Kinder Morgan (KM). The question was asked at the last Board meeting whether the
72 Board might respond to the governor’s letter of July 7th. Vice Chairman D’Angelo and Selectman
73 Jensen were tasked to prepare a draft response.
74

75 Selectman Jensen stated that he spent time thinking through the reasons for and against making
76 any reply and what form the reply should take if the Board made one, and concluded that the
77 Board should make a direct and forceful reply calling on the governor to take a clear position on
78 the pipeline project and on the arguments against the project. Selectmen Jensen read a prepared
79 statement in order to kick-off debate of the resulting draft letter ***[attached]***.
80

81 “Some time ago, the Amherst Pipeline Task Force, and the Amherst Board of Selectmen drafted a superbly
82 written, well-researched, and well-reasoned letter outlining a compelling argument that the Northeast Direct
83 Pipeline project proposed by KM is counter to the interests of the residents of Amherst and the residents of

84 New Hampshire as a whole. The Amherst Board of Selectmen adopted and signed the letter and forwarded
85 a copy to Governor Maggie Hassan. Recently, we received a response from the governor to the letter which
86 can at best be described as a polite brush off. The question before us today is if and how we should respond
87 to this brush off from the governor. After much thought, I believe that it is in the best interests of the town
88 for us to reply with the draft letter that Mr. D'Angelo and I present to you now. My reasoning behind this
89 conclusion is as follows:"

90
91 "First, Hassan as governor has the most sway with federal agencies of anyone in New Hampshire since she
92 is the top representative of all of New Hampshire's interest. Unfortunately, her tacit approval of the NED
93 project has much more import in Washington, DC than strong disapproval and threats of litigation coming
94 from us. On the other hand, a clear position against the pipeline from the governor will be something that
95 the FERC will have to reckon with."

96
97 "Second, while it is generally better not to say something impolite that might make you feel good at the
98 moment but ruin your relationship with someone, this is not one of the moments we should hold our tongue.
99 This is not just a conversation between our town and our governor. It is also a dialogue with our residents,
100 the people of New Hampshire in general, the FERC, the press, and all candidates for high office, as well as
101 with Kinder Morgan. As such, we need to address many more concerns than a simple one-to-one, back-
102 and-forth exchange requires. We also have much more leverage than we might otherwise have in this
103 conversation and therefore have room to be pointed and direct."

104
105 "Based on this reasoning, Vice Chairman D'Angelo and I have drafted the letter we submit for your
106 consideration now. Our draft letter seeks to achieve a number of different goals."

107
108 "Goal #1 – **We need to demonstrate to the FERC and to Kinder Morgan that we are willing to do**
109 **whatever it takes to protect the town's interests and the interests of individual residents affected by**
110 **the project.** Calling out the governor (and other elected officials) for their tacit support of the NED
111 pipeline will go a long way to establishing our *bona fides* as representatives of our town who mean what we
112 say when we threaten litigation. This helps with both our Plan A – either killing the project completely or
113 at least getting it moved back to Massachusetts where it belongs; and Plan B – getting the best possible deal
114 for our town and residents if in the end we can't get the pipeline out of Amherst. This is also the logical
115 next step for us to prepare to bring to the town a special warrant article funding an expensive constitutional
116 law challenge for the purpose of litigating the issue since it is proper that we exhaust all political avenues
117 available before we bring this high cost before the taxpayers."

118
119 "Goal #2 – **We need to encourage residents of our town and surrounding towns and across New**
120 **Hampshire to bring pressure to bear where it will do the most good: on the governor and on our**
121 **congressional delegation.** There is no way to do this other than by our own example. To date, no one has
122 called out the governor on her undeclared support for the pipeline and the press has not forced her to take a
123 clear position for or against it. Our pipeline task force drafted an excellent letter explaining our arguments
124 against the project, but the letter was long, complicated and nuanced, and did not garner much attention
125 from the press. This rebuttal opportunity provides an excellent second chance to restate our argument
126 simply, while going on the record asking the governor to take a clear position on the issue and a position on
127 our arguments against the pipeline. People will pay attention to this. If she refuses to take any clear
128 positions they may act accordingly to bring pressure on her as only New Hampshire people can do."

129
130 "Goal #3 – **We need to encourage other candidates for office to take a position on the pipeline.** We do
131 so indirectly by calling out the governor on her lack of position. If we make this an issue now, the future
132 candidates for governor from both parties will have to take their own positions on the pipeline in the next
133 election much as the candidates had to take positions on the Northern Pass project in the last election.
134 Further, our congressional delegation and their opponents (including potentially Hassan herself) will
135 likewise be forced to take a position on the pipeline if enough voters and municipalities also call out
136 candidates on their tacit support of this project. We have already seen other towns take up our arguments
137 from our second FERC letter in their own statements and efforts to kill the pipeline so we can be assured

138 that at least some of them will take up our challenge to Hassan and the others as well. We will also likely
139 see state representatives to the General Court taking up the message and using it to bring pressure on the
140 governor as well as on other state officials like the Attorney General and the Public Utilities Commission.”
141

142 “Goal #4 – **We need to make Kinder Morgan concerned about what the governor might do if pressure**
143 **gets too high for her to maintain her tacit approval of the project.** There is a clear precedent for a
144 governor’s view to dramatically change the pipeline proposal. Former Massachusetts Governor Deval
145 Patrick’s strong position against the pipeline was apparently the final nail in the coffin for the original plan
146 for the Ned project, but, to date, KM has not had to contend with a hostile NH governor and other state
147 leaders. It therefore appears that the fix is in for this project. Kinder Morgan is behaving as though they
148 think the project will be approved, and, judging by the recent FERC scoping meetings, they have no reason
149 to doubt that the FERC thinks that way too. FERC officials practically said as much to town residents. I
150 think it is important that we unsettle KM with the possibility that the political climate in NH may change
151 the positions of the senior people in the state and make things difficult for the project to get final approval.
152 By focusing on the governor, we add to this possibility for their calculations. Again, there is no better way
153 to encourage other New Hampshire residents and towns to do the same than to lead by example.”
154

155 “Goal #5 – **We need to get the attention of the press in order to build pressure against the pipeline and**
156 **also to generate more questions about the project.** In the hyper political environment of New Hampshire
157 as we head into a presidential primary year, this kind of issue has the potential to get more play than
158 otherwise if we can manufacture a headline grabbing “man bites dog” moment that gets the attention of the
159 press. As anyone who has dealt with the press knows, there is no store if a dog bites a man but if a man
160 bites a dog, you have a story. An “Amherst bites Governor” headline will definitely get some air play and
161 column inches. If we can inspire some enterprising reporters to ask the questions that we have already
162 asked and will ask, we will build more pressure against the project.”
163

164 “To date, we have been measured and thoughtful in our response to the NED pipeline proposal as was
165 appropriate to the seriousness of the issue. This has proven much more effective, in my opinion, than other
166 town’s more reactionary approaches to the problem have been. Where others have been shrill, we have
167 marshaled the facts and brought forward a reasonable and sincere analysis that shows the project is
168 inappropriate for Amherst and for New Hampshire.”
169

170 “Unfortunately, our governor and other state officials simply don’t want to take up the issue and quietly
171 wish it would go away. So the time for measured response and marshaling of facts has passed. We are now
172 entering the political phase of the process and we need to act politically if we want to keep moving
173 forward.”
174

175 “The governor has given us a brush off. It is time we call her out. If we do not do so in some measure I
176 think we are not fulfilling our duty to the town. Thank you.”
177

178 The Board discussed the draft response to Governor Hassan. Board members felt the letter was
179 well-written and respectful. Selectman Panasiti suggested striking the last sentence. Vice
180 Chairman D’Angelo asked Town Administrator O’Mara to provide a copy of the letter to the Town
181 Administrators Coalition to be shared with their respective Boards. Selectman Panasiti moved,
182 seconded by Selectman Grella, to sign and send the letter to the governor, as amended (striking the
183 last sentence). The motion passed unanimously, 5-0.
184

185 The Board discussed whether to send a similar letter to Senators Shaheen and Ayotte and
186 Congresswoman Kuster. Selectman Jensen and Vice Chairman D’Angelo agreed to prepare a draft
187 cover letter to our Federal representatives to be reviewed by the Board at its next meeting.
188

Vice Chairman D'Angelo then provided an update on the **Pipeline (Agenda Item 9.5)**. Kinder Morgan continues to schedule and host additional open houses. Vice Chairman D'Angelo was unsure whether FERC staff would be represented at the open houses. The schedule has been posted onto the town's website. The Pipeline Task Force (PTF) awaits response from KM on the suggested alternate route. PTF expects KM to file the NED application in October.

7. Town Administrator's Report

7.1 FEMA Hazard Mitigation Approval

Town Administrator O'Mara indicated that the Town's Hazard Mitigation Plan 2015 Plan had been evaluated by the Federal Emergency Management Agency (FEMA), Region I, who found the plan satisfactorily met all of the mandatory requirements set forth by regulations.

Vice Chairman D'Angelo moved, second by Selectman Jensen, to adopt the FEMA Hazard Mitigation Plan as presented. Motion passed unanimously, 5-0.

Administrator O'Mara indicated that with the plan's approval, the Town is eligible to apply to NH Homeland Security and Emergency Management for mitigation grants administered by FEMA. In order to maintain eligibility for mitigation grant funding, the Hazard Mitigation Plan must be reviewed, revised, and re-submitted to FEMA for approval within five years, or by June 8, 2020.

7.2 Appointments

7.2.1 Nashua Regional Planning Commission

Administrator O'Mara received correspondence from the Nashua Regional Planning Commission (NRPC) asking for an update to the membership of the NRPC. The Town of Amherst is allowed three members (based on town population) and is currently represented by Michael Dell Orfano, Martin Michaelis, and Susan Ruch. The NRPC has asked the town confirm the appointments to four year terms that will expire in June 2019, or upon resignation by the individual. The Board asked Administrator O'Mara to touch base with appointees to confirm their continued interest in serving and availability to a full and/or staggered term. The Board will act on the matter at its next Board meeting.

7.2.2 Local River Management Advisory Committee

Selectman Jensen moved, second by Vice Chairman D'Angelo, to authorize the reappointment of Richard Hart to the Local River Management Advisory Committee (LAC). Mr. Hart has been a LAC member since it was created. He canoes the river and has been involved in the Souhegan Watershed Association water quality testing program for years. In the Amherst Conservation Commission, Mr. Hart's focus has often been on the river. The motion passed unanimously, 5-0. Administrator O'Mara will find out the length of Mr. Hart's term.

7.3 Returned Check Policy – Draft

Town Administrator O'Mara presented a draft "returned check policy" which lowers the number of days notice from 21 days to 14 days and is consistent with NH statute. If approved by the Board, Administrator O'Mara will provide a copy for Board signature at its next meeting.

Selectman Panasiti moved, second by Selectman Jensen, to approve the draft policy as presented. Motion passed unanimously, 5-0. Administrator O'Mara expressed thanks to Town Treasurer, Liz Overholt, for her work in drafting the policy.

7.4 Website Bid – taken up earlier

8. Historic District Member Resignation

Administrator O'Mara reported that Tracy Veillette tendered her resignation as a full member of the Historic District Commission. An alternate member may be willing to step up. A full and one alternate position are open on the commission. Selectman Grella moved, second by Selectman Jensen, to accept with regret and appreciation the resignation of Tracy Veillette. Motion passed unanimously, 5-0. Selectman Panasiti suggested that it might be worthwhile to find out the reasons for Ms. Veillette's resignation. Selectman Grella will talk with her.

9. Updates

9.1 Right to Know Requests -- None

9.2 Manchester Road Bridge

Structural work continues this week. Bridge completion scheduled for the end of November.

9.3 Road Construction

Town Administrator O'Mara stated that Veterans Road has been prepped for top coat. Public Works Director Berry has reported that there is an end in sight for Standish Way – blasting is done, may be hammering. Foundry Street and Boston Post Road will be paved this week.

9.4 Davis Lane Tennis Courts

Administrator O'Mara stated that the trees have been cut and fencing removed. Paving will include a path for children walking to and from school. Fencing will be re-installed over the next week or two. The re-surfaced courts will be an enhancement to the community once they re-open in mid- to late-August.

9.5 Pipeline – taken up earlier

10. Approvals

10.1 Eversource Petitions and Pole Licenses

Town Administrator O'Mara stated that Eversource has requested license to install and maintain underground conduits, cable and wires, and maintain poles and structures under three public ways. Selectman Jensen moved, second by Vice Chairman D'Angelo, to approve petition and grant a license to erect and maintain poles and structures under the three following public ways. The motion passed unanimously, 5-0.

- 1) License on (1) pole, 8422/23Y-1 located on Brook Road;

- 2) License on (2) poles, 65/7Y, 65/7Y-1 on Christian Hill Road; and
3) License on (2) poles, 55/59PB, 55/61S located on Merrimack Road.

10.2 Payroll Manifest

Selectman Jensen moved to approve one (1) FY16 Payroll Manifest in the amount of \$204,957.39 dated August 6, 2015, subject to review and audit. Seconded by Vice Chairman D'Angelo. Vote 5-0

10.3 Accounts Payable Manifests

Selectman Jensen moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$586,467.35 dated July 28, 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 \$32,501.93 dated July 31, 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 \$207,165.66 dated August 10, 2015, subject to review and audit. Seconded by Vice Chairman D'Angelo. Vote 5-0

10.4 Minutes – Meeting of July 27, 2015

Vice Chairman D'Angelo moved to approve the Board of Selectmen meeting minutes of July 27, 2015. Seconded by Selectman Jensen. Vote 5-0

11. Old/New Business

Administrator O'Mara advised the Board that he received a call from a resident of Waterview Drive. He called to express his appreciation to the tree crew and our DPW employees. They were accommodating, courteous, and great to work with.

Administrator O'Mara and Mark Bender, Town Administrator in Milford, have talked about the possibility of working together when efficiencies might be realized. Mr. O'Mara will continue dialogue and report to the Board as appropriate.

In response to Vice Chairman D'Angelo's request, Administrator O'Mara indicated that the consultant's report on DPW operations will be placed on the next Board meeting's agenda. Vice Chairman D'Angelo also asked to include Financial System implementation and Website updates on the agenda going forward.

Selectman Jensen went through pending Action Items. Status of each item follows.

- Quarterly Finance Reports – reports will be provided at next Board meeting
- W&M Contact – Mr. Coughlan informed-Strategic Planning presentations begin in September
- W&M membership – John Post continues trying to get people to serve
- South Station Roofing -- done

- Recreation Vehicle Sale – will be done in the Fall by statewide auction
- Lessons learned on Road Construction – ongoing
- Presentation from Fire/Rescue – scheduled in September – 1st 100 days and Strategic Planning
- Outline of Planning Process and Budgeting – pending
- Include Boards/Commissions in Budget Process – pending (Mailloux/D'Angelo)
- Letter to Congressional Delegation – D'Angelo/Jensen – next Board meeting
- LAC Term Length – O'Mara
- Tracy Veillette Resignation – Grella
- Extending NRPC terms – O'Mara

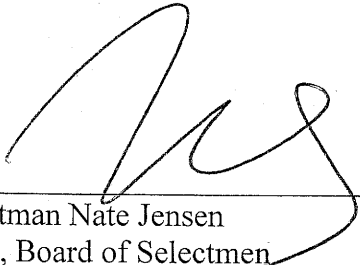
12. Non-Public Session

Pursuant to NH RSA 91-A: 3 II (e), Selectman Panasiti moved to enter non-public session at 7:40 p.m. Seconded 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 litigation. Selectman Jensen moved to exit non-public session at 7:50 p.m. Second by Selectman Panasiti. Vote was unanimous, 5-0. Chairman Brew stated that in non-public session no motions were made and no votes were taken.

13. Adjournment

Mr. Panasiti moved to adjourn the meeting at 7:51 p.m. Second by Vice Chairman D'Angelo. Vote was unanimous, 5-0.



Selectman Nate Jensen
Clerk, Board of Selectmen

8/25/15

Date