



Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Tuesday, October 13, 2015

1. Call to Order

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.

Also in attendance were members of the Ways & Means Committee: John Post, Chair, Andy Ouellette, Rob Christopher, Colleen Lynch, and Jason Lozzi.

2. Pledge of Allegiance – Amherst resident, Sue Birchard, led the pledge.

3. Citizens Forum

Sally Wilkins of the Amherst Land Trust had not yet arrived to address the Board. Chairman Brew took up agenda item **6.1 Stormwater**.

Colleen Mailloux, Director of Community Development, and Bruce Berry, Director of Public Works, came forward to indicate that the U.S. Environmental Protection Agency (EPA) had revised their MS4 Permit, the Small Municipal Separate Storm Sewer Systems permit. Four sections of the permit have been re-opened for comment. Amherst, along with other NH communities, is specifically called out in Appendix F to meet certain water quality standards.

On October 1, Director Berry attended a meeting of the Nashua Regional Stormwater Coalition where Newton Tedder of the EPA provided an update and answered questions regarding the new permit issuance. Director Mailloux attended a similar meeting on October 6th. On October 8th, Director Berry represented Amherst at a meeting hosted by the law offices of Sheehan, Phinney, Bass & Green, the firm that represented and presented joint comments to EPA on behalf of 18 communities, including Amherst, in 2013.

Directors Mailloux and Berry indicated that many, if not all, requirements are driven by the DES's 2012, 303D list of impaired water bodies as submitted to EPA. Currently the Souhegan River, Baboosic Lake and Honey Pot Pond are on the stated 303D list. DES has an unapproved 2014 list

that may or may not be approved before the new permit is released. Also, a municipality can be added to the list at any time, but cannot be removed until the permit expires (five years) and a new permit issued.

It was also reported that some speculation by the attorneys that if a community does not comment on the four revisions in some fashion, any future legal action by said community would not be brought forward. The comment period closes November 2nd and both Directors Berry and Mailloux did not feel qualified to comment as a sole resource. Those in attendance at the October 8th meeting agreed to the importance of having as much expert testimony as possible at a cost per community of \$2,500 to \$5,000. All written comments will be posted on EPA's website with an additional opportunity for anyone to comment. The current EPA schedule indicates that the permit will be issued in April 2016.

Town Administrator O'Mara took exception to the timeframe on water sampling by EPA. The Town's water quality is GOOD despite what EPA's sampling reflects. Selectman Jensen moved, seconded by Vice Chairman D'Angelo, to authorize Town Administrator O'Mara to expend up to \$5,000 to participate in the coalition. Vote was unanimous, 5-0.

4. Joshua's Playground – Amherst Land Trust

Sally Wilkins, Vice Chair of the Planning Board, and a volunteer with the Amherst Land Trust presented a site plan of a 3.9 acre plot located between Courthouse and Boston Post Roads, now the site of Tom Mitchell's farm. The owners, Sue and Scott Adams, have agreed to sell the acreage at less than the appraised value so long as the family farm is preserve and a park developed in memory of their son. The Amherst Land Trust Board feels the site is ideal for the development of a multigenerational park to include a community garden and playground, perhaps a nature trail and possibly a dog park. The Land Trust has been working with Recreation Director, Craig Fraley, as well as with Community Development Director, Colleen Mailloux, and Police Chief Reams.

The Land Trust has already raised funds, and continues to do so, to purchase and develop the site. Their intent, once developed, is to give the property to the Town as a gift.

Chairman Brew noted that the Amherst Land Trust is a 501 (c) (3) corporation that seeks to protect land to preserve the rural aesthetic of the community. The Land Trust is not looking for tax dollars, and the ongoing project fundraising is not a town initiative. Selectman Jensen asked what the value of the property might be. Ms. Wilkins stated that the total cost of the venture was \$350,000. Once the playground is developed, the value could reach \$400,000. Vice Chairman D'Angelo stated that he was inclined to support the idea and suggested that the annual maintenance costs be determined when presented to the Board for acceptance of the gift. Selectman Grella stated that he could contribute by installing and maintaining the irrigation system for the garden. Selectman Panasiti asked about parking. Ms. Wilkins said that parking and similar safety issues are being discussed with Chief Reams. Ms. Wilkins will be back in the Spring with an offer to the Town.

5. Strategic Plan Updates

5.1 Fire/Rescue

Fire Chief, Matthew Conley, provided a report on the “First 100 Days” of the combined Amherst Fire Rescue Department. Chief Conley thanked the Board for giving him the opportunity to lead the newly combined divisions of Fire and EMS. Chief Conley continues to work towards creating a “single culture” and listed accomplishments in the areas of technology, communications, training and administration. The report included an organizational structure that eliminated two positions and listed three deputy positions: a Call Deputy (Disco), a Deputy Inspector (formerly the role Chief Conley had before his promotion to Chief), and a Captain/Admin EMS/Fire who would assist both divisions. A cost analysis of the new departmental structure reflects a savings of \$43,209. Selectmen Jensen moved the board accept the reorganization of the Fire Rescue Department as proposed by Chief Conley. Seconded by Vice Chairman D’Angelo. Vote was unanimous 5-0.

Chief Conley then provided the first Strategic Plan for the newly formed Amherst Fire Rescue (enclosed). The plan addressed existing and additional initiatives that Board members had many questions about. Vice Chairman D’Angelo asked about the status of recommendations made by Municipal Resources, Inc. (MRI) particularly in terms of staffing and the fire station remodeling.

Chief Conley stated that he continues to work on implementing MRI recommendations on staffing and reducing Monday through Friday response times and developing response guidelines. Dual certification is also helpful towards that end. Vice Chairman D’Angelo is looking for improvements in response time and asked that a report be provided comparing this year’s response times with the last two or three years. Chief Conley will prepare bi-annual reports to the Board.

5.2 Administration

Town Administrator O’Mara provided Board members and Ways & Means Committee members with a copy of the Department of Administration’s FY17-FY20 Strategic Plan. An oral presentation will be provided at the Board’s next meeting.

Chairman Brew then called on Finance Director, Lisa Ambrosio, and Gail Stout, Tax Collector, for a report on agenda item **8.1 Fund Balance and 8.2 Preliminary Tax Rate.**

Finance Director Ambrosio stated that the NH Department of Revenue Administration (DRA), in an effort to go paperless, has developed a real-time portal to help set the tax rate, and provided a demonstration on how the software works. Director Ambrosio and Ms. Stout provided a hard copy of the 2015 Budgetary Fund Balance Retention noting four options in establishing the tax rate. It was mentioned that the fund balance has more than doubled over the last four years. DRA recommends maintain the fund balance between 8-17 percent. The Town’s own policy strives to maintain a balance of approximately 8 percent.

Selectman Grella moved, seconded by Vice Chairman D’Angelo, to take \$200,000 from the fund balance to reduce the tax rate to \$26.48, an 18 cent decrease from last year. The motion passed 4-0-1 (Selectman Panasiti abstained). Director Ambrosio immediately submitted this decision to the DRA via the online DRA portal.

Director Ambrosio continued with a report on agenda item **6.5 Finance Software**. Director Ambrosio stated that implementation will start tomorrow by updating information in the system into a test database. A syllabus is expected from Springbrook in the morning and the project remains on schedule.

6. Updates

6.1 Stormwater – provided earlier

6.2 Manchester Road Bridge

DPW Director Berry reported that last week's work included:

- completed rip rap (large stone) installation in front of the new North Wall (Mack Hill side and under the new bridge deck).
- Removal of most of the steel bracing hammered to stabilize the channel and work area (cofferdam).
- Erected prestressed concrete bridge deck; installed shear key grout; and using granite blocks (removed from the 19080 bridge headwall) began reconstruction of stone wall adjacent to the Northeast wingwall.

This week's work will include:

- Final post-tensioning
- Begin form work and reinforcing for bridge deck concrete overlay.
- Complete reconstruction of stone wall adjacent to the Northeast wingwall (Rolland's side, using granite from 1980s bridge walls)
- Remove the yellow temporary waterline (scene on the west side of the bridge).
- Begin installation of permanent drainage structures adjacent to Manchester Road and Mack Hill Road intersection.

Town Administrator O'Mara presented agenda item **7.1 Manchester Road Drainage Project** that included change order requests from Hoyle, Tanner & Associates, Inc. Administrator O'Mara pointed out that the cost increases were not eligible for State Aid Bridge reimbursement.

Change Order No. 2 includes costs for additional drainage along Manchester Road and extra work to reduce vibrations during compaction. Both items are at the Town's request and increase the total contract price by \$22,100. Vice Chairman D'Angelo moved, seconded by Selectman Jensen, to authorize Change Order No. 2 increasing the contract price by \$22,100, and authorizing Administrator O'Mara to sign related documents. The contract price incorporating Change Order No. 2 totals \$1,051,331.25. Vote 5-0

Change Order No. 3 includes the cost of sealing the concrete stain that was inadvertently left out of Change Order No. 1. In addition, labor and material costs were incurred by the contractor due to the change of colored concrete sealer to colored concrete stain resulting in a total project cost increase of \$5,464. Vice Chairman D'Angelo moved, seconded by Selectman Panasiti, to

authorize Change Order No. 3 increasing the contract price by \$5,464 and bringing the total contract price to \$1,056,795.25, and authorizing Administrator O'Mara to sign related documents. Vote 5-0.

6.3 Road Construction

Old Nashua Road - paved base asphalt last Friday. Shoulder cleanup continues this week. There is some drainage work still to be done and Continental may have tied in a few driveways late this afternoon.

Standish Way – raised the last remaining catch basins, tied in all driveways today, cleaned the road of the temporary cofferdams (which directed water into basins) and if the weather cooperates, Continental will be doing asphalt curbing in the area of the catch basins.

Town Wide – Continental has had a chance to catch up on some mailbox placements and other detail work that will continue till the ground freezes. No date on when the shoulder machine (parked on Stearns Road) will have trucks to feed it.

Border Street/Merrimack Road – drainage is 95 percent completed with only cosmetic work left. Watermain replacement is completed on the North side of Border (Merrimack Road – Wheeler Drive). Milford needs to do tie-ins. Watermain replacement on the South side has one more day's work which will include a shutdown that impacts six or eight customers near Souhegan Street. Thursday and Friday – Park Construction will be working on Merrimack Road from Border Street into Milford and is requesting a daytime road closure. Park will be coordinating that with both Milford and Amherst PD.

6.4 Pipeline

Vice Chairman D'Angelo reported that the Amherst Pipeline Task Force (PTF) met two weeks ago to review Kinder Morgan's (KM) response to the Task Force's latest recommendations on routing the pipeline. Overall, while the PTF continues its opposition to the pipeline's presence in New Hampshire, if it must come through Amherst, it is pleased that the proposed alternative route avoids many sensitive areas previously identified by the PTF. The alternative route is less disruptive and is one mile shorter. Vice Chairman D'Angelo is working with Community Development Director, Colleen Mailloux, on documenting how much less disruptive the alternative route is. The document will be shared with the Board once completed. Vice Chairman D'Angelo stated that as a group the PTF has done everything that it believes is useful to the process for now and will adjourn until KM files its application with the Federal Energy Regulatory Commission (FERC) at which time the Town may file as an intervenor with the FERC and look to participate in the evaluation process of the NH Site Evaluation Committee. Mr. D'Angelo also stated that KM has received a letter from FERC asking them to cease the use of "TBD" (to be determined) and provide all necessary information in their next submission.

Finally, and in response to resident requests on how they might help, a draft letter was prepared to be published in the Amherst Citizen. Selectman Jensen read the letter which can also be found on the Town's website. Vice Chairman D'Angelo moved, seconded by Selectman Jensen, that all Board members sign and send the letter to the Amherst Citizen. Vote 5-0.

240 **6.5 Finance Software – provided earlier**

241
242 **6.6 Website** – Administrator O'Mara reported that the "go live" date remains January 1, 2016.

243
244 **7. Town Administrator's Report**

245
246 **7.1 Manchester Road Drainage Project – taken up earlier**

247
248 **7.2 Storage Roof Materials Bid – DPW --** Town Administrator O'Mara will re-schedule
249 consideration at a later time.

250
251 **7.3 Lease Agreement, ASD & SCSD/Town**

252
253 Selectman Grella read through the addendum to the Lease Agreement between the Amherst School
254 District, the Souhegan Cooperative School District, and the Town of Amherst which included two
255 new paragraphs to the section on rental fees as follows:

256
257 "The parties acknowledge that the Town maintains ASD facilities and that SCSD maintains its
258 own facilities. In recognition of the above, commencing on July 1, 2016, the Town shall
259 reimburse the SCSD for field maintenance in an amount equal to 85 percent of the monies the
260 Town collects from user fees and revenues from rental of all SCSD facilities. Said rental fee shall
261 be paid by the Town to the Souhegan Cooperative School District on a seasonal basis.

262
263 "The parties agree to collaborate to establish hourly rates for the rental of the Stadium Field. The
264 Town shall be responsible for setting all user fees and rental rates."

265
266 Action on the Lease Agreement awaits acceptance by the Souhegan School Board.

267
268 **7.4 Trick or Treat – 10/31/15 – 6 p.m. to 8 p.m.**

269
270 Administrator O'Mara suggested including a public service announcement on the Town's website
271 and will contact the Town's insurance carrier regarding any liability the Town may or may not be
272 exposed to since Trick or Treating is not a Town-sponsored event.

273
274 **7.5 Appointments: Fire & Rescue Staff**

275
276 Selectman Jensen moved, second by Selectman Grella, to authorize hiring Katherine O'Hara as an
277 EMT effective September 18, 2015. Vote 5-0.

278
279 Selectman Jensen moved, second by Vice Chairman D'Angelo, to authorize hiring Mike John as a
280 call Firefighter effective September 29, 2015. Vote 5-0.

281
282 **8. Finance**

283
284 **8.1 Fund Balance – provided earlier**

285 **8.2 Preliminary Tax Rate – provided earlier**

286
287 **9. Approvals**

288
289 **9.1 Eversource – Pole License**
290

291 Town Administrator O'Mara stated that Eversource has requested license to install and maintain
292 underground conduits, cable and wires, and maintain poles and structures under a public way.
293 Selectman Panasiti moved, second by Selectman Jensen, to approve petition and grant a license to
294 erect and maintain License on (1) pole, 19A/4 located on Tech Circle and (1) pole on Limbo Lane.
295 Vote 5-0.
296

297 **9.2 Hawkers and Peddlers – Front Door Agency**
298

299 Selectman Panasiti moved, seconded by Selectman Jensen, to grant a Hawkers, Peddlers, and
300 Vendors Permit to Rev. Dr. Robert Odierna authorizing door-to-door solicitation on October 17
301 and October 24, 2015. Vote 5-0.
302

303 **9.3 Payroll Manifest**
304

305 Vice Chairman D'Angelo moved to approve one (1) FY16 Payroll Manifest in the amount of
306 \$183,206.39 dated October 1, 2015, subject to review and audit. Seconded by Selectman Jensen.
307 Vote 5-0
308

309 Vice Chairman D'Angelo moved to approve one (1) FY16 Payroll Manifest in the amount of
310 \$184,130.79 dated October 15, 2015, subject to review and audit. Seconded by Selectman Jensen.
311 Vote 5-0
312

313 **9.4 Accounts Payable Manifests**
314

315 Selectman Jensen moved to approve one (1) FY16 Accounts Payable Manifest in the amount of
316 \$29,344.21 dated October 7, 2015, subject to review and audit. (Town Clerk Transfers to the State
317 of NH). Seconded by Vice Chairman D'Angelo. Vote 5-0
318

319 Selectman Jensen moved to approve one (1) FY16 Accounts Payable Manifest in the amount of
320 \$1,163,025.14 dated October 7, 2015, subject to review and audit. Seconded by Vice Chairman
321 D'Angelo. Vote 5-0
322

323 **9.5 Minutes – Meeting of September 28, 2015**
324

325 Vice Chairman D'Angelo moved to approve the Board of Selectmen meeting minutes of
326 September 28, 2015. Seconded by Selectman Jensen. Vote 5-0
327

328 **10. Old/New Business**
329

330 Administrator O'Mara advised that Recreation Department Director, Craig Fraley, had a
331 successful outing with the newly purchased mini-bus for a trip to Crotched Mountain. The event
332 was well attended requiring Director Fraley to request the use of Peterborough's bus in addition to
333 Amherst's own bus.
334

Administrator O'Mara stated that Dr. Mary Katherine Lockwood will be stepping down as the Town's Health Officer. The opening will be posted on the website. Dr. Lockwood stated that Deputy Health Officer, Scott Tenney, has been doing an outstanding job. In addition, Mr. Tenney serves as the Town's Building Inspector.

Administrator O'Mara announced that Ken Salisbury and Scott Brown have completed the requirements and awarded the rank of Master Roads Scholar, the highest rank awarded in the UNH NH Roads Scholars program. In addition, Ken Salisbury has completed the requirements for the Safety Champion acknowledgement. A certificate of achievement will be placed in both employees' personnel files. Selectman Grella suggested that a letter of commendation be sent to the employees from the Board of Selectmen.

Selectman Jensen listed a number of action items coming out of the meeting to include:

- Fire/Rescue semi-annual response time update
- Officer response statistics comparison to previous years
- Report on specifications for Central Fire Station remodel
- Preparation of commendation letters to Ken Salisbury and Scott Brown

11. Next Meeting: October 26, 2015

12. Nonpublic Session – NH RSA 91-A:3, II (a)

Pursuant to NH RSA 91-A: 3 II (a), Selectman Grella moved to enter nonpublic session at 9:40 p.m. Seconded by Selectman Jensen. 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 a personnel matter. Selectman Grella moved to exit non-public session at 10:06 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

Selectman Jensen moved to adjourn the meeting at 10:07 p.m. Second by Vice Chairman D'Angelo. Vote was unanimous, 5-0.



Selectman Nate Jensen
Clerk, Board of Selectmen



Date