



Town of Amherst, NH

BOARD OF SELECTMEN MINUTES

Media / Information/ Library Center
Souhegan High School – 412 Boston Post Road
Monday, January 6, 2014 at 6:30 PM

Call to Order: Chairman Dwight Brew called the meeting to order at 6:30 pm. Attendees: Chairman, Dwight Brew; Vice-Chairman, Brad Galinson, Selectmen Mike Akillian, John D'Angelo and Tom Grella. Also present: Town Administrator, Jim O'Mara and Executive Assistant, Torrey Demanche taking minutes.

Pledge of Allegiance – Nate Jensen, On-call Firefighter and Ways and Means member led the pledge.

Citizens' Forum – no citizens came forward.

FY13 Town of Amherst Financial Audit

Chairman Brew invited Tammy Webb from the Town's auditing firm of Vachon, Clukay & Company PC, to come forward and give a presentation on the Town of Amherst's review of audited financial statements as of and for the year ending June 30, 2013.

Mrs. Webb explained that the audit is substantially complete. This presentation is a preliminary report as there are two additional items pending to complete and finalize the audit: 1.) DPW Director Berry and Finance Director Hebert will finalize a document regarding the road activity for the year. The infrastructure improvements need to be capitalized. 2.) The town's OPEB (Other Post-Employment Benefit) activity needs to be finalized and reviewed by an actuary firm. A preliminary report has been received; however, the conclusion of the audit must contain a final report from the actuary firm. These reports are expected within the next few weeks. The final report is expected by the end of the month.

Mrs. Webb stated that the auditing firm expects that the Town of Amherst will receive an unmodified opinion on its financial statements as of and for the year end of June 30, 2013. The term unmodified opinion is the highest opinion one can receive. One area highlighted for the town is the deficit cash balance at year end for the Baboosic Lake Septic Fund (\$163,000). It was explained that the deficit is primarily due to a \$200,000 State grant aid that was anticipated but not received. Director Berry is actively working with the State to see what we are eligible for. The town's fund balance increased \$971,000 over budgetary projections. The town's fund balance is represented at 7.60% which is over the prior year calculation of 5.95%.

The Board of Selectmen stated their intention to include the final audit report within the 2013 Annual Town Report. (Please see the presentation at the end of these minutes.)

I. FY15 Selectmen Budget & Warrant Review

Chairman Brew invited Chairman Bob Brewster from the Ways and Means Committee to give an update on the recent votes.

The Ways & Means reviewed each department and updated last year's dashboard items. They began with the Administration and worked their way through each department while looking at staffing, training, equipment and consumables. The Ways and Means recorded how they felt each department was doing and how it is funded. (Funding explanation: One = adequately funded. Two = somewhat funded. Three = slightly under funded. Four = severely underfunded) The notable departments are listed as follows:

Administration was considered to have adequately staffed and training. The Ways and Means recommend additional temporary staffing while the new financial software is implemented.

The Police Department is in need of an additional part-time clerical employee. The Board of Selectmen has increased funding for the department which brought Ways and Means accountable levels of needs from a two to a one. The Communication Center remains at a two because this area is used to house equipment which makes the space tight and not well ventilated.

The Fire Department – The Ways and Means reviewed this department around the time of the Brook Wood Drive incident. They urge adding an additional \$80,000 to the budget to increase the daytime – mid week coverage. They recommend paying/offering these hours to the on-call staff for the first three months to utilize our own on-call staff before looking outside of the department to fill the shifts. Any additional coverage found by using this method would be an improvement over what we currently have.

The Ways and Means recognized that the Board of Selectmen will be entering into discussions regarding the merger of the Fire and EMS divisions. The Ways and Means believe that with the addition of the funding will assist the staffing issues in the Fire Department.

Selectman Akillian asked to the Ways and Means to clarify the rating of training and equipment within the Fire Department. Is the rating based upon the need for additional training and equipment for new hires or is it a separate concern? Mr. Brewster explained that the rating is based upon what the current/approved budget allows.

The EMS division had a rating level from a two to a three which means it is severely underfunded for training and equipment. The Ways and Means agrees that the \$75,000 to increase the EMS pay is needed. The Ways and Means suggest moving the purchase of the next ambulance from FY15 to FY16.

DPW Department – Russ Thomas of the Ways and Means has been working on a vehicle replacement plan for the DPW Department. He spoke with the NH Municipal Association who confirmed that the town can enter into a lease purchase of a vehicle, provided there is an escape clause for non-appropriation of funds. In order to follow the replacement plan, the first three years will require significant warrant articles to get the department on track. Right now, we have to play catch-up because there are so many vehicles that are old. The first year would need a warrant for \$286,000, the second year \$82,000, and the third year \$140,000. After those warrants are approved, then there will be no more warrants. This proposal includes an increase to the department's budget from \$129,400 (already within the default budget) to \$216,000. This figure will allow for the replacement of a truck every seven years. If these steps are taken every year, then the budget will then become flat. The Ways and Means states that the vehicle replacement is in crisis mode at this time.

The Recreation Department – The Ways and Means recommends that the Recreation Department work with the Conservation Commission to bring PMEC to self-sufficiency. The Ways and Means is awaiting the meeting of the Cemetery Trustees regarding Cemetery Fields. This meeting may help determine if there is land available for use on Cemetery Fields. Facilities were graded down from a two to a three because of Cemetery Fields coming out of use.

Community Development was able to purchase new equipment which has increased the rating from semi-adequate to adequate. It is well underway to becoming green across the board. Conditions still exist within the department that prevents them from working more efficiently – the ability to hold private meetings and hold those without interruptions.

Library – Facilities remain at a two which is the same as last year. It is not because they are underfunded, but more due to the layout of the facility. The study to move things around will make the facility more user efficient. That process hasn't taken place yet to rearrange the library, but they are pretty-well funded at this time.

Town Administrator O'Mara asked that the Board address some of the questions that were asked last week to be sure those questions are answered before they move forward.

- 1.) Vice-Chairman Galinson asked at the last meeting which capital reserve funds list the Board of Selectmen as agents to expend. At this time, the only capital reserve fund that does not authorize the Board of Selectmen as agents to expend is the Ambulance Capital Reserve Fund. The Board of Selectmen can add a warrant to change the authorization.
- 2.) Change the purpose of the Highway Equipment Fund. After some research through Director Berry, the Highway Equipment Fund was expressly created for equipment and excluded vehicles. The Board can put a warrant on the ballot to change the intent of the capital reserve fund and make the Board agents to expend.

Town Administrator O'Mara also advised the Board that in August 24, 2013 a NH RSA Towns, Cities, Village Districts, And Unincorporated Places was amended, Section 31:98-a: Contingency Fund. – *Every town annually by an article in the warrant may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. Such fund shall not exceed one per cent of the amount appropriated by the town for town purposes during the preceding year excluding capital expenditures and the amortization of debt. A detailed report of all expenditures from the contingency fund shall be made annually by the selectmen and published with their report.* Town Administrator O'Mara stated that a new warrant article was created and will be discussed later in the evening for the Board's consideration.

The Board discussed the current proposed budget and made the following changes: Added \$20,000 to the Legal Expenses – 4153, \$10,000 for Welfare Assistance – 4442, \$5,000 for Outside Hire for web page updates IT – 4130 and reduced the budget under Contingency Fund 4130-10-2840 to zero dollars – a reduction to the proposed operating budget for \$115,332. The proposed FY15 Operating Budget was amended to \$11,770,356.

The funding for the Contingency warrant will not have a tax impact as the monies will come from the Undesignated Fund Balance. The Board can only spend from this contingency for emergency purposes and must itemize all expenditures within the annual town report. Should this warrant fail and there is a catastrophic emergency, the Board can petition the DRA for authorization to spend from the

145 Undesignated Fund Balance. If funds are not spent, the monies are returned back to the Unanticipated
146 Fund Balance.

147
148 Vice-Chairman Galinson asked if the Contingency Fund will be removed from the Default Budget.
149 Town Administrator O'Mara will research to determine if that adjustment needs to be made.

150
151 The Board of Selectmen reviewed the following proposed Warrant Articles:

152
153 Article 21: Town Officers – no change.

154
155 Article 22: Operating Budget

156
157 Amended the FY15 Operating Budget to \$11,770,356.
158 Ways & Means voted in favor 7-0-0

159
160 Article 23: Police Union Contract

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162 Chairman Brew explained that the Board reviewed the Police Union Contract after the last meeting.
163 Selectman Grella was unable to attend. After the Board came out of non-public session, there was a
164 vote in favor of the contract 4-0-0. Selectman Grella would like to revisit the vote to have his vote
165 included for record.

166
167 Town Administrator O'Mara explained that this is a tentative agreement with the American Federation
168 of State, County, and Municipal Employees, Local 3657 (Police Union). It a three year contract that
169 includes step and cola pay adjustment and there are adjustments to the employee contribution toward
170 health care costs. The employee will be paying an additional 2% in the first year, 1% in the second
171 year, and another 2% in the third year. The employee will be paying an additional 5% toward their
172 health care costs by the end of the contract.

173
174 Selectman Akillian motioned to revisit the vote of the Police Union Contract. Seconded by Selectman
175 D'Angelo. Vote 5-0.

176
177 Selectman Grella motioned that the Board of Selectmen support the three (3) year collective
178 bargaining agreement (beginning July 1, 2014 through June 30, 2017) reached between the Board of
179 Selectmen and the American Federation of State, County and Municipal Employees Local 3657
180 (Police Union). Seconded by Vice Chairman Galinson. Vote 5-0

181
182 Ways & Means voted in favor 7-0-0

183
184 ARTICLE 24: Authorization for Special Meeting on Collective Bargaining Agreement Warrant
185 Article Rejected or Amended at Annual Meeting.

186
187 Board initiated no changes.
188 Ways & Means voted in favor 7-0-0

189
190 Article 25: Contingency Fund

191
192 The Board of Selectmen amended the warrant for the Contingency Fund amount from \$10,000 to
193 \$100,000. The Board discussed that the funding will come from the Undesignated Fund Balance and

that the Board must provide a detailed accounting of all expenditures within the annual town report.

Ways & Means to vote at a later time.

ARTICLE 26: Assessing Revaluation Capital Reserve Fund

Board initiated no changes.

Ways & Means voted in favor 7-0-0

ARTICLE 27: Communications Center Capital Reserve Fund

Board initiated no changes.

Ways & Means voted in favor 7-0-0

ARTICLE 28: Town Computer System Capital Reserve Fund

Board initiated no changes.

Ways & Means voted in favor 7-0-0

ARTICLE 29: Recreation Capital Reserve Fund

Selectman Grella recused himself from discussion.

To see if the Town will vote to raise and appropriate the sum of one hundred eighty thousand dollars (\$180,000) to be added to the Recreation Field Acquisition and Construction fund previously established.

The Board discussed that the article should be more specific. The Board does not want this article to be confused with a previous article that was defeated in the past for the same amount. The funding for this warrant will be used to purchase a parcel of land on Cemetery Fields, should it become available. The Board asked Town Administrator O'Mara to research and rewrite article to either be more specific and naming Cemetery Fields and write in a way that the funding will be returned to the voters should the purchase not be completed. Town Administrator O'Mara will work with Attorney Drescher and the DRA to create acceptable wording.

ARTICLE 30: Highway Equipment Fund

The Board discussed this article which would change the intent of the article to include purchasing vehicles. Changing the intent requires a 2/3 majority vote.

Ways & Means voted in favor 7-0-0 – before amendments.

ARTICLE 31: Highway Equipment Fund

The Board discussed the name of this article, being the same as article #30. This article adds \$300,000 to the Highway Equipment Fund for the purpose of putting monies aside to purchase vehicles.

The Board discussed eliminating Article 30 and changing Article 31 to become a new capital reserve fund that will include both vehicles and equipment. The Article 31 will be re-written and Article #30 will be removed

Ways & Means voted in favor 7-0-0 – before amendments.

ARTICLE 32: Public Health Mosquito Surveillance and Control Program

The Board discussed that the mosquito program and explained that it is only done in the community if there is a need.

Ways & Means voted in favor 4-3-0 – The Ways and Means recommended that this article be part of the operating budget as it is on the ballot each year.

Vice Chairman Galinson explained that there is a threat map that EMS Director Gleason watches regarding mosquito surveillance. The past few years the threat map has demonstrated a need for mosquito control to protect the community. In the next few years there may not be the same threat and the funding will not be needed. Once the monies are within the operating budget, funding typically continues within the subsequent budgets. Creating a warrant each year ensures that if the threat map shows that the mosquito control program is not necessary the funding will not be requested.

ARTICLE 33: Fire Truck Capital Reserve Fund

Board initiated no changes.

Ways & Means voted in favor 7-0-0

ARTICLE 34: Ambulance Capital Reserve Fund

Board initiated no changes.

Ways & Means voted in favor 7-0-0

ARTICLE 35: Purchase Ambulance from Capital Reserve

The Ways & Means suggested removing Article #35 from the warrant. Should Article #34 pass there will be no need to have this item on the ballot. In addition, the Ways and Means recommend that the next ambulance purchase take place in FY16 vs. in FY15 in an effort to stagger the ambulance purchases evenly.

EMS Director Gleason added that another compelling reason to hold off on making a purchase in FY15 is that the Board will be visiting a possible merger between EMS and the Fire Departments. Should the EMS Division move in with the Fire Department, the size of the ambulance considered for purchase could change. At this time, the town purchases custom sized ambulances to fit within the bays of the current location and should the division move the town could purchase a standard sized ambulance. A standard sized ambulance will save the town money in manufacturing costs.

The Board of Selectmen discussed placing additional maintenance money into the EMS maintenance budget just in case to keep the ambulance on the road for one additional year. EMS Director Gleason advised that should the ambulance not be approved for FY15, the department would need an additional \$4,000 within the repair line to cover anticipated costs.

Selectman D'Angelo motioned to place \$10,000 into the EMS Ambulance Repair budget line 01-

4215-20-2425. \$4,000 for known additional costs of keeping the ambulance and \$6,000 for unknown.
Seconded by Selectman Akillian.

Vice –Chairman Galinson stated he would vote against the motion of \$10,000 because the EMS Director just stated that he would need \$4,000. If the Board increase the amount it is not fiscally responsible and lowers the Boards credibility where the budget would not appear to be as tight as we would want it to be. Selectman D’Angelo amended the motion.

Selectman D’Angelo motioned to place \$4,000 into the EMS Ambulance Repair budget line 01-4215-20-2425. Seconded by Selectman Akillian. Vote 5-0

Selectman Akillian motioned to remove Warrant Article # 35. Seconded by Selectman D’Angelo. Vote 5-0

Selectman Akillian motioned to amend Warrant Article # 22, FY15 Budget from 11,770,356 to 11,774,356. Seconded by Selectman Grella. Vote 5-0

ARTICLE 36: Appoint Agents Ambulance Capital Reserve Fund

The Board amended title to reflect a clear understanding of the intent of the article: Ambulance Capital Reserve Fund - Appoint Agents

Ways & Means voted in favor 7-0-0

ARTICLE 37: Equipment Purchase

The Board of Selectmen changed the title to clearly reflect what is going to be purchased.
Replacement Scale Purchase.

Board initiated no changes.

Ways & Means voted in favor 7-0-0

The Ways & Means asked the Board to consider placing an additional \$80,000 warrant on the ballot for the purpose of increasing the daytime mid-week coverage at the Fire Department. This would be in addition to the \$75,000 Board of Selectmen initiative placed into the budget during the budget process. The Ways & Means originally requested that the funds to be part of the operating budget; however, as a warrant the funds would be a one year appropriation. The intent is to increase the covered hours, offering the hours offering first to the already established on-call personnel. This would give the Board of Selectmen the ability to assess if daytime coverage would be available by the call-firefighters. The warrant is suggests as an option to let the voters decide. In addition, it would give the Board of Selectmen the ability to decide if the suggested process would work for the town.

The Board stated that they have been wrestling with the idea of a possible merger between Fire and EMS for a while. At this time, they believe it makes more sense to concentrate on a study and or appoint a focus group to determine if the merger will help to fill in the hours, before the town spends or asks for additional funds.

ARTICLE 38: Authorize the Board of Selectmen to Enact Town Ordinances

Board initiated no changes.

ARTICLE 39: Grater Rd Reclassification of 709 Feet from Class VI to Class V

Board initiated no changes.

ARTICLE 38: Old Joppa Hill Rd from Class VI to Class B Trail

Board initiated no changes.

ARTICLE 39: Amherst Conservation Commission 100% of LUCT Funds

Chairman Brew read the history of the LUCT fund – Land Use Change Tax - for FY14 is currently at \$51,280 (half to ACC, half to LUCT), FY13 - \$22,054 (half to ACC, half to LUCT), FY12 - \$175,116 (half to ACC, half to LUCT), FY11 - \$32,200 FY11 (half to ACC, half to LUCT), FY10 - \$3,200 (half to ACC, half to LUCT). The intent of the article is to put 100% of the LUCT fund into the Conservation fund.

Selectman D'Angelo motioned that the Board to support Article #41: Amherst Conservation Commission 100% LUCT fund. Seconded by Selectman Akillian. Vote 3-2-0

The Ways and Means voted 0- 7-0 to not support this article.

Town Administrator O'Mara advised the Board on whether or not they could or should weigh in on petition articles. The Board must weigh in on any item that has an economic consequence. There is nothing that prohibits the Board from making a vote on any item without a dollar impact, but it is cautioned that the Board be careful when doing so.

Town Administrator added that there was a question on how the votes are recorded for the citizens. Using the word unanimous opposed to a vote of 5-0. The statute says that the legislative body can, through a warrant, direct you to record votes in a tally. There is no available documentation that shows if this was ever done at town meeting or when the town went to SB2; however, it also allows the body to do this of your own initiative which would require a vote. A tally vote can be structured as #for - #against - #abstentions. Town Administrator O'Mara cautioned that it is how the question is posed depends upon how the tally will read. The question has to be asked in a positive fashion – Are you in favor?

Town Administrator advised that filing period for the elected positions begins January 22, 2014 and ends January 31, 2014.

The Board of Selectmen invited Town Treasurer Elisabeth Overholt to share a recent report on the town investments for the current year. Treasurer Overholt advised that at this time there is 18.9 million dollars in the General Fund. Investments will be made and the town will move 15 million to Sunapee Bank at .55%. The funds will go into a collateralized CD account and is a liquid asset account - the town can access funds as needed. 3 million dollars will go to Century Bank for a 36 month CD earning 1.35%, it was approved by the State of NH three years ago. There is no penalty for early withdrawal.

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393 **II. Approvals:**

394 a. **DRA SALES RATIO SURVEY (informational only-continued from 12/30/13 meeting)**
395

396 Town Administrator O'Mara read a memo from Richard Dorsett contracted Assessor. The DRA Sales
397 Ratio Survey is an advisory document that does not require the Board's approval. The median sales
398 ratio is 103.3% which falls within the ADB guidelines of 90% to 110%. The COD of 11.37 and a PRD
399 of 1.01 are very respectable numbers.
400

401 **b. Untable - SUPPLEMENTAL TAX BILL (Tax Levy)**
402

403 Selectman D'Angelo motioned to untable the Supplemental Tax Levy for 2013. Seconded by
404 Selectman Akillian. Vote 5-0
405

406 Tax Collector Gail Stout provided supplemental information regarding a tax levy. It is typically used
407 to describe the levy year (or tax year) for which the tax is being imposed. In this particular case, this
408 supplemental tax is being issued for the 2013 levy year. Since these two lots were not assessed and tax
409 for the 2013 tax year, the town has the authority to assess it in the form of a supplemental tax bill.
410

411 Vice Chairman Galinson motioned that the Board approve and sign the supplemental tax levy for Map
412 011 Lot 016-006 for \$4,630 and Map 011-016-007 for \$4,571. Seconded by Selectman Akillian. Vote
413 5-0
414

415 **c. Payroll Manifest**
416

417 Selectman D'Angelo motioned to approve on (1) FY14 Payroll Manifest in the amount of \$176,993.07
418 dated January 6, 2014 subject to review and audit. Seconded by Vice Chairman Galinson. Vote 5-0
419

420 **d. Accounts Payable Manifest**
421

422 Selectman D'Angelo motioned to approve one (1) FY14 Accounts Payable Manifest in the amount of
423 \$162,843.90 dated January 6, 2014 subject to review and audit. Seconded by Selectman Grella. Vote
424 5-0
425

426 **e. Minutes**
427

428 Selectman D'Angelo motioned to approve the December 30, 2013 Board of Selectmen meeting
429 minutes with amendments. Seconded by Vice Chairman Galinson. Vote 4-0-1
430

431 **III. Town Administrator**

432 **a. Community Development Finance Authority Close Out Agreement**
433

434 Town Administrator O'Mara presented the close out agreement between the Town of Amherst and the
435 Community Development Finance Authority for the block grant for Hidden Pond.
436

437 Selectman Grella motioned for the Chairman to execute the final Close Out Agreement with the
438 CDFA. Seconded by Selectman D'Angelo. Vote 5-0

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440
441
442 **b. FY14 Budget Transfer**
443

444 Town Administrator O'Mara presented a request from Fire Chief Boynton for a transfer from
445 Contingency to the Fire Department for personal protective clothing and the cost of physicals. The
446 additional expense is due to the recent recruitment and hiring of additional call-firefighters.
447

448 Vice Chairman Galinson motioned to approve Budget Transfer FY14 -11 for \$17,500. Seconded by
449 Selectman Akillian. Vote 5-0
450

451 Town Administrator O'Mara presented a request from the Recreation Director McMillan to transfer
452 funds to cover the approved increased Recreation Department staffing. The transfer is to cover
453 employee benefits. The employee wages will be covered by the revolving fund.
454

455 Vice Chairman Galinson motioned to approve Budget Transfer FY14-12 for \$10,360. Seconded by
456 Selectman D'Angelo. Vote 5-0
457

458 **c. State of NH Unanticipated Revenue – EMPG**
459

460 Town Administrator O'Mara advised the Board that the town received the reimbursement from the
461 State of NH for the emergency message board project. The EMPG funding was in the amount of
462 \$7,712.50.
463

464 **d. Capital Reserve Information**
465

466 Town Administrator O'Mara noted that the Capital Reserve information was discussed earlier in the
467 meeting, under the LUCT fund discussions.
468

469 **e. Town Hall Structural Repair**
470

471 Town Administrator O'Mara advised that the construction of Town Hall has been completed and at
472 the next meeting he will provide a breakdown of all costs associated with the project. The next Board
473 of Selectmen meeting will be held in the Barbara Landry Meeting Room at Town Hall.
474

475 **f. Stormwater Coalition – no new updates.**
476

477 **g. Right-to-Know**
478

479 Town Administrator O'Mara advised that the town did receive one Right-to-Know request from the
480 law firm of Fernald, Taft, Falby and Little. They are looking for correspondence between the Town of
481 Amherst, Cemetery Trustees, and the Amherst Recreation Commission. They are looking for all
482 information regarding who paid user fees for the use of Cemetery Fields. In addition, they are looking
483 for a list of any Town organization who's use of the fields was canceled and replace with another
484 organization that was paying for the use of the fields. Most of the questions will have to be answered
485 by Recreation Director McMillan. Town Administrator O'Mara will scan the request to the Board and
486 asks that the Board scan their in and out e-mail box to see if any of their e-mails fit the request. The
487 request is looking for Board action between boards and not individual conversations. Town

488 Administrator O'Mara advised that under the law, the town has a week to reply; however, he will
489 forward an e-mail notifying the law firm that it is a valid request and they will be getting the
490 information, but it will take some time to gather the records.

491
492 Non Public Session
493
494

495 Mr. Galinson moved to enter non public session at 9:50 pm pursuant to NH RSA 91-A: 3 II (a),
496 seconded by Mr. Grella. Roll Call: Akillian-yes, Brew-yes, Grella-yes, Galinson-yes D'Angelo-yes.
497 Vote was unanimous.

498
499
500 The Board and the Town Administrator discussed compensation of public employees.
501
502

503 Mr. Galinson motioned to exit non public session at 11:15pm, seconded by Mr. Brew. Roll Call:
504 D'Angelo-yes, Brew-yes, Grella-yes, Akillian-yes, Galinson-yes. Vote was unanimous.
505

506 Chairman Brew stated that in the non public sessions no motions were made and no votes were taken.
507

508 Mr. Galinson moved to adjourn the meeting at 11:16 pm, seconded by Mr. Grella. Motion passed
509 unanimously.
510

511
512 The meeting ended at 11:16 pm.
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