



# Town of Amherst, NH

## BOARD OF SELECTMEN MINUTES

Barbara Landry Meeting Room  
2 Main Street

Monday, June 9, 2014 at 6:30 PM

**Non Public Call to Order:** Chairman Brew called the meeting to order at 6:00 PM.

Mr. Galinson moved to enter non-public session pursuant to NH RSA 91-A: 3 II (b). Second by Mr. Akillian.  
Roll Call: D'Angelo -yes, Brew-yes, Grella-yes, Galinson-yes, Akillian-yes. Vote was unanimous.

Non Public Session

6:00 PM

### NON PUBLIC SESSION MINUTES

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

Mr. Grella moved to exit non public session. Second by Mr. Galinson. The vote was unanimous 5-0.

The Board exited non public session at 6:29 PM

The Board of Selectmen resumed the public meeting.

**Call to Order:** Chairman Dwight Brew called the meeting to order at 6:35 p.m. Attendees: Chairman, Dwight Brew, Vice Chairman Mike Akillian, Selectmen John D'Angelo, Tom Grella, and Brad Galinson. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

**Pledge of Allegiance:** Mike Knox, School Resource Officer, led the pledge.

#### IV. Citizens' Forum

Marilyn Peterman came forward to provide an update of the Merrimack Valley Regional Water District, a group of towns that came together to oversee the interests of the water resources prior to the takeover of Pennichuck Water Corporation. Several towns got together to write a charter for the water district. The intent was to prevent the purchase of the water company by Pennichuck Water Corporation. The water company was purchased by the City of Nashua in November 2010. After ten years in existence, the Water District is returning half of the funds originally contributed by each community. Amherst will be reimbursed \$10,000 of its original outlay of \$20,000. The remaining funds will be held for any unforeseen legal bills or required legal notifications on behalf of the committee. Ms. Peterman serves as the Amherst representative. Other towns involved include Londonderry, Pelham, Bedford, Litchfield, and Raymond. The Merrimack Valley Regional Water District continues as an oversight group and has one seat on the Pennichuck Board. Currently, George Bower serves as the Merrimack Valley Regional Water District representative on the Pennichuck Board.

The Board of Selectmen asked about the background of the Merrimack Valley Regional Water District with regard to how it was created and the terms of the seated members. Ms. Peterman stated that this committee was formed over ten years ago to oversee and protect the local water resources. When the committee was formed they wrote a charter and Ms. Peterman will forward a copy to the Board of Selectmen. The Board of Selectmen further questioned that since the intent was for the committee to purchase the water company and that could not happen, why isn't a Board of Selectman sitting on the Pennichuck Board? Ms. Peterman stated that the sales agreement stipulated that aside from the Mayor of Nashua sitting on the board for the first two years, no political official (selectman or alderman) can sit on the board. At this time, not one person sitting on the board

is an elected official. The Merrimack Valley Regional Water District continues to be in existence to oversee the water company and ensure that the water resources are being used appropriately. The Board asked that since many people are unaware that there is an oversight board, is there some kind of annual report that the committee can provide that states what has been done or what they are doing to protect our aquifers? Ms. Peterman stated that she is unsure, but will find out if one is available. She further clarifies that the committee includes local citizens and attorneys. Dr. Paul A. Indeglia, an Amherst resident, is also member of the Pennichuck Water Corporation Board.

#### **V. Approvals (taken up later in meeting).**

Chairman Brew mentioned that three items were added to the agenda and suggested taking up the Town Administrator's report at this time.

#### **VI. Town Administrator**

##### **a. Amherst Patrolman's Labor Agreement – Local #3657**

Town Administrator Jim O'Mara presented a tentative agreement between the Town of Amherst and the Amherst Police Department Employees Local 3657. School Resource Officer Michael Knox and Policeman John Smith were in attendance. Vice Chairman Akillian motioned to approve the collective bargaining agreement between the Town and Local 3657 effective July 1, 2014 through June 30, 2017. Seconded by Selectman Grella. Vote 5-0

While the Selectmen were signing the document, Administrator O'Mara commented on how the process was informative, civil, and amicable. He and the Board expressed their appreciation.

##### **I. Nathan Lord Road Follow-Up**

Administrator O'Mara reported that DPW Director Berry agrees with the residents who attended the last Board meeting to urge the repaving of Nathan Lord Road. FY 15 and FY 16 funds are already committed so repaving the road could not be done for at least two more years. Discussion took place regarding financing options and the need for rebuilding a number of Amherst roads. Administrator O'Mara will ask Director Berry to prepare an inventory of roads in need of maintenance and/or rebuilding with estimated costs and in prioritized order. Director Berry will provide this report at the next Board meeting.

##### **b. Truck Lease/Purchase Update**

At its last meeting, the Board asked Administrator O'Mara to get the Town Counsel's advice on 1) whether the Board could sign a lease agreement before July 1, 2014; 2) whether being in a default budget status impeded the town's ability to order the truck; and 3) when a warrant article to create a capital reserve fund for DPW equipment fails, is buying or leasing vehicles or equipment in FY15 out of the operating budget, as planned, permissible. Attorney Drescher stated that, since the town is not establishing a CRF which was the "purpose" of the warrant article, the lease would be permissible. Attorney Drescher also stated that the default budget precludes the town from spending money not appropriated, but the Board could sign an agreement now so long as it is clear that the town will not be liable until after July 1 for any payment.

##### **c. DOL Update**

Administrator O'Mara reported that the Department of Labor (DOL) has responded to the Town's request for reconsideration regarding the requirement to have barriers installed in the Town Hall between the public and town personnel, especially those handling money. DOL has recommended alternate protective measures to safeguard employees which the town already has in place. Administrator O'Mara has sent additional correspondence advising of the safeguard and anticipates a response from the DOL that the town is in 100% compliance of all Department of Labor requirements.

103 **d. New Employee – Communication Center**

104 A motion was made by Selectman Grella to approve the appointment of Raymond Anderson to the position of  
105 Part Time Dispatcher. Seconded by Selectman D'Angelo. Vote 5-0  
106

107 **e. Diesel and Gasoline Bid**

108 Selectman Grella moved to award the Gasoline and Diesel bid to Dennis K. Burke of Chelsea, MA effective Jun  
109 9, 2014. Seconded by Vice Chair Akillian. Vote 5-0  
110

111 **f. Oil Bid**

112 Selectman D'Angelo moved to award the fuel oil bid to Ciardelli Fuels of Milford, NH effective June 9, 2014.  
113 Seconded by Selectman Grella. Vote 5-0  
114

115 **g. FY14 Budget Transfers**

116 Vice Chair Akillian moved to transfer the sum of \$64,175 from Miscellaneous Departments to EMS (budget  
117 transfer number FY14-21). Seconded by Selectman D'Angelo. Vote 5-0  
118

119 Selectman D'Angelo moved to transfer the sum of \$19,000 from Miscellaneous Departments to Tax Collection  
120 (budget transfer number FY14-22) for payment of bank fees. Seconded by Selectman Grella. Vote 5-0  
121

122 Selectman D'Angelo moved to transfer the sum of \$20,867.79 from Miscellaneous Departments to General  
123 Government, Computer Software (budget transfer number FY14-23) for outside IT services. Seconded by Vice  
124 Chair Akillian. Vote 5-0  
125

126 Selectman D'Angelo moved to transfer the sum of \$5,000 from Miscellaneous Departments to Planning and  
127 Zoning (budget transfer number FY14-24) for part time wages and professional consultant. Seconded by  
128 Selectman Grella. Vote 5-0  
129

130 Selectman D'Angelo moved to transfer the sum of \$23,500 from Miscellaneous Departments to Recreation,  
131 Parks and Grounds (budget transfer number FY14-25) for work to be completed at the Baboosic Lake beach.  
132 Vice Chair Akillian seconded. Vote 5-0  
133

134 Selectman D'Angelo moved to transfer the sum of \$32,999 from Miscellaneous Departments to General  
135 Government, Outside Hire (budget transfer number FY14-26) for the MRI study. Seconded by Selectman  
136 Grella. Vote 5-0  
137

138 Selectman Galinson moved to transfer the sum of \$3,000 from General Government, Contingency to Cable  
139 Access Channel (budget transfer number FY14-27) for the purchase of a new camera to be remotely controlled  
140 from the Town Hall media room. Seconded by Selectman Grella. Vote 5-0  
141

142 **h. MRI Fire/EMS**

143 Town Administrator O'Mara provided a timeline for the MRI Study which will begin June 12, 2014. Status  
144 reports will continue to be provided.  
145

146 **i. Performance Reviews (taken up later in meeting)**

147 **j. Acting Fire Chief Conley's Coverage Plan**

149 Administrator O'Mara presented an Interim/Acting Fire Chief Vacancy Plan that listed the duties of Acting Fire  
150 Chief Matthew Conley and utilizes Lt. Roy Olsen and Firefighter Steve Brady to temporarily fulfill the  
151 responsibilities of the Deputy Fire Chief/Fire Inspector and Administrative Assistant.  
152  
153

**k. Nomination – Office of Community Development Director**  
Town Administrator O'Mara stated that the Selection Committee unanimously felt that Colleen Mailloux best fit the requirements to fill the position of Community Development Director. Selectman D'Angelo moved to accept the nomination of Colleen Mailloux to serve as the town's Community Development Director. Seconded by Vice Chair Akillian. Vote 5-0

**l. Nathan Lord Road Follow-Up (taken up previously in meeting)**

**m. Wilkins Elementary School – History Week**  
Administrator O'Mara reported that citizen Bob Schaumann did a wonderful job in providing the history of the Town Hall. Vice Chair Akillian commented that Mr. Schaumann was so interesting he attracted members of the public to listen in.

**n. Stormwater Coalition – No updates at this time.**

**o. Right-to-Know**  
Administrator O'Mara reported that there was one Right-to-Know request made on May 29<sup>th</sup> and responded to on June 4<sup>th</sup> within the statutory timeframe.

**i. Performance Reviews – All Town Employees**  
Administrator O'Mara indicated that he was moving forward on the recommendation that all administrative staff be provided with performance reviews based on similarly established standards. Vice Chair Akillian expressed his feeling that "one size doesn't fit all" and that each employee be evaluated on specific-agreed upon goals that cover performance as well as professional and career development.

## **VII. Old and New Business**

**a. Strategic Planning Discussion**  
Chairman Brew stated that it may make sense to start fine-tuning some areas identified in the strategic plan and that staff may have questions relative to BOS priorities. Vice Chair Akillian felt that each department should be dealt with separately, especially since there are ongoing reviews or work taking place; such as, fire/safety and the MRI study, DPW's inventory of needed road work; and the transitioning of new employees in the Recreation and Community Development departments. Vice Chair Akillian stated that he will make a proposal at the next meeting that might lead to a more comprehensive, village center strategic planning process that would begin to engage more citizens, boards, and commissions in an ongoing dialogue regarding the future of the village center. Administrator O'Mara will discuss the issue at a staff meeting and look to refresh strategic plans.

## **V. Approvals**

**a. Accounts Payable**  
Selectman D'Angelo motioned to approve one (1) FY14 Accounts Payable Manifest in the amount of \$655,172.66 dated June 2, 2014 subject to review and audit. Seconded by Vice Chair Akillian. Vote 5-0

**b. Payroll**  
Selectman D'Angelo motioned to approve (1) Payroll Manifest in the amount of \$168,618.88 dated June 9, 2014 subject to review and audit. Seconded by Vice Chair Akillian. Vote 5-0.

**c. Board of Selectman Minutes**  
Selectman D'Angelo motioned to approve the May 27, 2014 Board of Selectmen meeting minutes. Vice Chair Akillian seconded. Vote 4-0-1 (Selectman Galinson abstained)

205  
206 **d. Town Clerk – Dog Warrant**

207 Vice Chair Akillian moved to approve the Dog Warrant dated June 9, 2014 allowing the Amherst Police  
208 Department to seize unlicensed dogs. Seconded by Selectman D'Angelo. Vote 5-0  
209

210 **e. Tax Warrant of July 2014**

211 Selectman Galinson moved to approve and sign the Levy of 2014 Tax Warrant for the collection of taxes.  
212 Seconded by Vice Chair Akillian. Vote 5-0  
213

214 **f. Exemption and Tax Credit**

215 Selectman Galinson moved to approve a 2014 Elderly Tax Exemption for \$142,000 for Map 007, Lot 045-000.  
216 Seconded by Vice Chair Akillian. Vote 5-0  
217

218 Selectman Galinson moved to approve a 2014 Veteran Tax Credit in the amount of \$500.00 for Map 006, Lot  
219 038-013. Seconded by Vice Chair Akillian. Vote 5-0  
220

221 **VIII. Non-Public Session 91-A:3 II (a)**

222 Vice Chair Akillian moved to enter non-public session at 8:00 p.m. pursuant to NH RSA 91-A:3 II (a),  
223 seconded by Selectman D'Angelo. Roll Call: Akillian-yes, Brew-yes, D'Angelo-yes, Galinson-yes, Grella-yes.  
224 Vote was unanimous.  
225

226 The Board and Town Administrator discussed the compensation of a public employee.  
227

228 Mr. D'Angelo moved to exit non public session at 8:40 PM. Second by Mr. Akillian. The vote was unanimous,  
229 5-0.  
230

231 **IX. Adjourn**

232 Mr. Galinson move to adjourn the meeting at 8:41 PM second by Mr. Grella. The vote was unanimous 5-0.  
233

234 Meeting adjourned at 8:41 PM.  
235  
236  
237  
238  
239