



Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, September 8, 2014

I. Non-Public Session 91-A:3 II (c) & (e) 5:30 PM

Chairman Brew called the meeting to order.

Mr. Grella moved to enter non-public session at 5:30pm pursuant to NH RSA 91-A: 3 II (e) & (b). Second by Mr. Galinson.

Roll Call: D'Angelo -yes, Brew-yes, Galinson – yes, Grella-yes, Akillian-yes. Vote was unanimous, 5-0. The Board and Town Administrator Jim O'Mara discussed the status of a pending litigation with Town Counsel William Drescher.

Attorney William Drescher left the meeting at 6:00pm.

The Board and Town Administrator Jim O'Mara discussed the hiring of a public employee. Mr. D'Angelo moved to exit non-public session at 6:27pm. Second by Mr. Akillian. The vote was unanimous, 5-0.

The Board exited nonpublic session at 6:28pm.

Chairman Brew stated that in nonpublic session no motions were made and no votes were taken.

The regular meeting resumed at 6:30pm.

II. Public Session

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, Brad Galinson, and Tom Grella. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

III. Pledge of Allegiance – Town Treasurer, Liz Overholt, led the pledge.

IV. Citizen Forum – There was no citizen input.

V. Town Administrator

a. MOU Board of Selectmen and Board of Cemetery Trustees Update

Selectman Galinson stated that the MOU did not change the statutory requirements of either Board and the suggested solutions do not make either side happy – it is a compromise. Selectman Galinson further stated that the MOU was a first attempt at detailing how funds should be managed and expended going forward. In accord with statute, maintenance of cemeteries is the fiduciary responsibility of the town, and as mentioned by Terry Knowles of the Attorney General's Charitable Trusts Division, the town must contribute some to the activity. The MOU calls for the town contributing up to 20 percent. Regarding the \$160,000 remaining in the Cemetery Maintenance Fund, the MOU suggests bringing it before the voters via a warrant article asking that the funds be used to build Forestview, and avoid the filing of a *cy pres* petition.

Chairman Brew noted that Selectman Grella recused himself from the discussion. As a citizen, Mr. Grella did remind the Board that for many years the Cemetery Trustees paid 100 percent of all maintenance costs. Monies were placed in the DPW budget, approved by Ways and Means, and voted on by the taxpayers.

Vice Chairman Akillian felt that the MOU did a good job of clearing up the facts of the past but did not address reconciliation to the taxpayers (monies that should have gone into the General Fund were mistakenly placed in another fund), nor specify operating processes going forward. Vice Chairman Akillian felt the document ill-served the citizens and, therefore, could not support it.

Vice Chairman Akillian further stated that in accordance with regulation, every three years, the Attorney General's office is supposed to review how trusts funds are being spent and whether funds are being spent at all. Over 20 years, or six cycles, the Attorney General's office never communicated with the trustees or the town. Finally, Vice Chairman Akillian indicated that taxpayers must be made whole and specifics must be included before he can support the MOU. In addition, Vice Chair Akillian also suggested changing the word "sponsor" to "present" regarding a 2015 Warrant Article on the matter.

Selectman D'Angelo thanked the committee for their work and agreed with Vice Chair Akillian that the Statement of Findings was good but lacking in detail on operational procedures. Selectman D'Angelo suggested that consideration be taken relative to what's "fair and right", and not just the legal aspects of the situation.

Chairman Brew questioned whether the Trustees of the Trust should be included in the MOU but others felt that was not necessary given the Trustees' charge that includes "managing" trust funds rather than expending funds. Chairman Brew reminded everyone that compromise will be necessary in order to resolve the issue and avoid *cy pres* which would lead to costly legal expenses.

After further discussion regarding the need to avoid *cy pres*, "presenting" a warrant article, the 20/80 percentage split, and the fiduciary responsibility of both Boards, it was agreed that Selectman Galinson meet again with Bill Belvin, the trustees' representative, to go over the Board of Selectmen's initial comments on the MOU and ask the Trustees to consider their position.

b. Municipal Bridge Project FY 2015 and 2016 – NH DOT Update

Town Administrator O'Mara referenced a letter received from the NH Department of Transportation (DOT) stating that funding for the repair of the Manchester Road Bridge, programmed in the State Fiscal Year (SFY) 2018 for a total project cost of \$1,413,055 could now be brought forward to SFY 2015. This has been made possible by the enactment of Senate Bill 367 which provides additional funding for state and local transportation system projects, including doubling the State Aid Bridge Program for municipal bridges. NHDOT has requested the Town inform them if, and when, the town intends to advertise for bids for construction during SFY 2015 (July 1, 2014 through June 30, 2015), including the actual date of planned advertising. The Board was pleased with the news. Administrator O'Mara will report back on the schedule for replacing the Horace Greeley Bridge.

c. Strategic Plan Update

Town Administrator O'Mara reported that departmental strategic plans will be provided as follows: On September 22, 2014 the Board will hear from Police, Community Development, Library, and Recreation. On October 14, 2014, Tax Collection and Assessing, Public Works, Administration, Town Clerk, and Finance. EMS and Fire are on hold until the Operations Review is completed.

d. Swings Update

Town Administrator O'Mara reported that Primex Insurance had their certified personnel examine the Bean Field area to be used as a playground. The space was found to be appropriate, and the equipment will be in place in September.

e. Unanticipated Revenue

Selectman Grella moved to place in the General Fund a total of \$2,865.43 received from HealthTrust and represents CY2012 and supplemental CY2011 medical/dental surplus to HealthTrust Member Groups. Seconded by Selectman Galinson. Vote 5-0.

f. Transportation Alternative Program (TAP) Sidewalk Program

Selectman Grella motioned to support the Transportation Alternative Program (TAP) application requesting 80 percent federal TAP funds in the amount of \$160,000 to build paved sidewalks on Jones Road (2,200'), a portion of Mack Hill Road (1,580'), a portion of Manchester Road (600'), and a portion of New Boston Road (485'). Seconded by Selectman Galinson. Vote 5-0

Town Administrator O'Mara pointed out that the total cost of the sidewalk project is \$200,000 and will not be undertaken if the town is not selected for receipt of TAP funds.

g. American Association of University Woman (AAUW)

Selectman D'Angelo moved to approve the request made by the AAUW to use the Barbara Landry Room for the Third Annual Candidates' Night on Wednesday, February 11, 2015 from 7:00 to 9:00 p.m. The room is expected to be in use from 5:00 p.m. to 10:00 p.m. Seconded by Vice Chairman Akillian. Vote 5-0

h. Audit Bid

Town Administrator O'Mara recommended that the bid to perform audit services be awarded to Melanson Heath, the second lowest bidder, primarily to bring in a "fresh set of eyes". The lowest bidder, Vachon Clukay & Co., has been serving the town for the last ten years. The Board felt that auditors should perhaps be switched every five or six years.

Vice Chairman Akillian moved to award the audit services bid (#15-1) to Melanson Heath of Nashua, NH. Selectman Grella seconded. Vote 5-0

i. NRPC Electricity Aggregate

Town Administrator O'Mara indicated that the Electricity Aggregate which is made up of 17 towns and school districts was formed three years ago to bid on electricity. Selectman D'Angelo moved to enter into agreement with aggregation members to renew the contract with Integrys Energy Services for an eight month period, running from March 2015 through October 2015. Seconded by Vice Chairman Akillian. Vote 5-0

Town Administrator O'Mara mentioned that the current electricity supply contract expires in November 2014. Aggregation member communities will return to the PSNH Default Service until the next contract takes effect in March. This temporary change will not affect the reliability or quality of electricity service.

An analysis showed that this approach will save over 17 percent, as opposed to signing a new 12-month contract starting in November. (The higher price for a longer-term contract is also being seen with suppliers other than Integrys.) The New England electricity market saw enormous price spikes last winter, due to constraints in both the electricity and natural gas grids. Prices were 50 to 100 percent higher than normal. It is expected that this pattern of winter price spikes will continue for at least another two years.

VI. Old and New Business

Vice Chairman Akillian provided an update on the Strategic Planning initiative. Fourteen residents have applied to fill the three resident positions on the committee. After discussion with Chairman Brew and keeping in mind the goal of encouraging much citizen input, it was decided to establish two groups – the initial proposed planning committee, including three resident members, and an “outreach” group comprised of the remaining 11 applicants. Vice Chairman Akillian expects to inform those selected this week. Interest has been great, and a few residents have offered to host “house” meetings. Updates will be provided on the town website and on flyers distributed around town.

Town Administrator O’Mara indicated that applicants for the Finance Director position will be interviewed on Wednesday, September 10, 2014.

Administrator O’Mara mentioned that MRI is hosting a public forum on September 15, 2014, and referenced an email from Susan Ruch, the town’s newest appointee to the Nashua Regional Planning Commission (NRPC), announcing that a draft Nashua Regional Plan is available for review and comment on the NRPC website at www.granitestatefuture.org/regions/nashua-region/documents. The chapter entitled “Story Worth Telling” summarizes comments from residents in the region and presents the key issues and trends for transportation, community and economic vitality, natural resources and housing.

VII. Right-to-Know Request

Town Administrator O’Mara indicated that last request was answered and there are no requests pending.

VIII. Approvals

a. Accounts Payable

Selectman D’Angelo moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$331,857.67 dated September 8, 2014, subject to review and audit. Seconded by Vice Chairman Akillian. Vote 5-0

Selectman D’Angelo moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$1,881,281 dated August 29, 2014, subject to review and audit (Schools). Seconded by Vice Chairman Akillian. Vote 5-0

Selectman D’Angelo moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$24,893.15 dated September 8, 2014, subject to review and audit (Town Clerk Transfers to the State of NH). Vote 5-0

b. Payroll

Selectman D'Angelo moved to approve one (1) FY15 Payroll Manifest in the amount of \$165,700.58 dated September 4, 2014, subject to review and audit. Seconded by Vice Chairman Akillian. Vote 5-0

c. Revised MS2 & MS5

Vice Chairman Akillian moved to approve and execute a revised NH Department of Revenue MS-2 completed by MRI Finance Consultant, Rita Donaldson, for the meeting dated March 12, 2013. Seconded by Selectman D'Angelo. Vote 5-0

Vice Chairman Akillian moved to approve and execute a NH Department of Revenue MS-5 completed by MRI Finance Consultant, Rita Donaldson, for fiscal year end June 30, 2014. Seconded by Selectman D'Angelo. Vote 5-0

Town Administrator O'Mara noted that an amended MS-2 was necessary because of a re-allocation of categories. The Total Voted Appropriations remains the same.

d. Board of Selectmen Meeting Minutes

Vice Chairman Akillian moved to approve the Board of Selectmen meeting minutes of August 25, 2014. Seconded by Selectman D'Angelo. Vote 5-0

e. Pro-rated Assessment for Damaged Buildings

Town Administrator O'Mara reported on new legislation, RSA 76:21, that requires assessing officials prorate assessments "whenever a taxable building is damaged due to unintended fire or natural disaster to the extent that it renders the building not able to be used for its intended use". Two applications have been received.

Selectman Galinson moved to approve the prorated assessment request of Vince D. Paul and Dale Helen Macguire and that the 2014 assessment be changed to \$204,226 from \$350,100 for Map/Lot 006/068/028 located at 12 Blueberry Hill Road. The subject property is a colonial style home on a 1.77 acre lot. The reason for the request is that a fire occurred on August 11, 2014 rendering the home uninhabitable. The taxpayers have timely filed and a prorated assessment is warranted, and based on the statutory formula determined by RSA 76:21 II. Seconded by Selectman Grella. Vote 5-0

Selectman Galinson moved to approve the prorated assessment request of Steven and Joy Olson and that the 2014 assessment be changed to \$166,624 from \$342,400 for Map/Lot 005/171/001 located at 85 Christian Hill Road. The subject property is an antique style home on a 1.70 acre lot. The reason for the request is that a fire occurred on May 9, 2014 rendering the home uninhabitable. The taxpayers have timely filed and a prorated assessment is warranted, and based on the statutory formula determined by RSA 76:21 II. Seconded by Selectman Grella. Vote 5-0

f. PSNH Pole License #21-1168, 22-0634, and 22-0640

Selectman Galinson moved to grant permission to Public Service of NH to install/replace poles in the Town of Amherst. Petition and Pole License Numbers 21-1168, 22-0634, 22-0636 and 22-0640. This is a re-submitted request due to License Language changes. Seconded by Selectman Grella. Vote 5-0

IX. Non-Public Session 91-A:3 II (b) & (e)

254 Vice Chairman Akillian moved to enter into non-public session at 8:18 p.m. pursuant to NH RSA 91-A:3 II (b)
255 & (e). Seconded by Selectman Galinson.
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257 Roll Call: D'Angelo-yes, Brew-yes, Galinson-yes, Grella-yes, Akillian-yes. Vote was unanimous, 5-0.
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259 Mr. Akillian moved to enter non-public session at 8:15pm pursuant to
260 NH RSA 91-A: 3 II (e) & (b). Second by Mr. Galinson.
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262 Roll Call: D'Angelo -yes, Brew-yes, Galinson – yes, Grella-yes, Akillian-yes. Vote was unanimous, 5-0.
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264 The Board and Town Administrator Jim O'Mara discussed the status of a pending litigation.
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267 The Board and Town Administrator Jim O'Mara discussed the hiring of a public employee.
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269 Mr. D'Angelo moved to exit non-public session at 8:57pm. Second by Mr. Akillian. The vote was unanimous,
270 5-0.
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272 The Board exited nonpublic session at 8:58pm.
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274 Chairman Brew stated that in nonpublic session no motions were made and no votes were taken.
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276 Mr. D'Angelo moved to adjourn the meeting at 8:58pm. Second by Mr. Grella. Motion passed unanimously 5-
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279 The meeting adjourned at 8:59pm
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