



Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, December 8, 2014 at 6:00 PM

I. Public Session

Chairman Dwight Brew called the meeting to order at 6:00 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.

II. Pledge of Allegiance – Sally Wilkins, Vice Chair of the Planning Board, led the pledge.

III. Citizen Forum – No citizens came forward.

IV. Planning Board

Selectman D'Angelo, serving as an ex-officio member of the Planning Board, reported that an application to build elderly housing was denied because the proposal did not meet the requirements of the Zoning Ordinance. This denial was appealed by the applicant to the ZBA, which overturned the Planning Board's decision. The Planning Board is asking the Board of Selectmen to request a rehearing of case PZ 5490, the appeal of Terry and Kelly Connor to the Zoning Board of Adjustments (ZBA) of the Planning Board's decision. Chairman Brew noted that the Planning Board cannot go directly to the ZBA to make such a request.

Sally Wilkins, Vice Chair of the Planning Board, stated that, in its October 1, 2014 decision, the Planning Board followed the advice of town counsel, Attorney Bill Drescher. The Planning Board states that the ZBA was provided with incomplete information that appears to have factored into their decision to uphold the appeal. The ZBA's original granting of the Special Exception may have been based on incomplete information and specified that they were approving "30 units on 15 acres" without defining what portion of the land would constitute the 15 acres, and their decision is directly at odds with the advice of Attorney Drescher. The written opinion of Attorney Drescher was provided along with all relevant documents.

Chairman Brew called upon Thomas Quinn, attorney for the developer, who was in the audience. Attorney Quinn stated that under statute a re-hearing can only be granted for "good" cause, which has not been raised by the Planning Board. Attorney Quinn indicated that no new arguments have been made, and the ZBA was aware of Attorney Drescher's letter. Further, the applicants have been before the ZBA four times and before the Planning Board several times. Selectman D'Angelo, a voting member of the Planning Board, stated that the ZBA appears to have overlooked several key points and suggested the matter come before the Select Board. Colleen Mailloux, Community Development Director, rose to state that, if the Select Board did not ask the ZBA to reconsider, the Planning Board would have the issue on their agenda for their January 7, 2015 meeting. Director Mailloux also stated that a lot-line adjustment on the property had been recorded today. Terry Connor came forward to repeat that the ZBA had looked at the issue four times and suggested that Selectman D'Angelo recuse himself from voting. Town Administrator Jim O'Mara noted that the motion must include the Board rationale.

Selectman D'Angelo moved to ask the ZBA to re-hear the appeal of Terry and Kelly Connor, Case No. PZ 5490 because the information provided was incomplete and information was overlooked. Selectman Galinson seconded. Vote 3-1-1 (Selectman Grella opposed; Selectman D'Angelo abstained).

52 **While awaiting the start time for the public hearing, Chairman Brew moved up discussion of the**
53 **MRI report under VIII. a. MRI**
54

55 Chairman Brew suggested that once the final MRI report is available, it should be made public to solicit
56 input prior to the Board taking action. The Board is particularly interested in feedback from departmental
57 (Fire and EMS) staff. The Final Report is expected within the next 7-14 days. Selectman Galinson
58 suggested two items that could be worked on while awaiting the final report – preparation of the job
59 qualifications for the leadership position and determining who should sit on the selection committee.
60

61 **V. Public Hearing**
62

63 **a. Accept a \$15,000 Gift to Purchase and Install an Ice Rink**
64

65 At 6:30 p.m., pursuant to NH RSA 31:95-b Selectman Grella moved to open a public hearing for the
66 acceptance of a gift from the Amherst Community Foundation in the amount of \$15,000 for the purchase
67 and installation of an outdoor ice skating rink on the Amherst Middle School tennis courts. Seconded by
68 Selectman D'Angelo. Vote 5-0
69

70 There were no public comments. Craig Fraley, Director of the Recreation Department, came forward to
71 report that the Amherst Community Foundation, a newly formed group, gifted the town via an anonymous
72 donor, in the amount of \$15,000 for the above-mentioned purpose. The Foundation will continue to
73 fundraise for further improvements to the rink. Vice Chairman Akillian moved to close the public hearing.
74 Seconded by Selectman Grella. Vote 5-0.
75

76 Vice Chairman Akillian moved to accept a \$15,000 gift from the Amherst Community Foundation for the
77 purchase and installation of an outdoor ice skating rink on the Amherst Middle School tennis courts.
78 Seconded by Selectman D'Angelo. Vote 5-0.
79

80 Craig Fraley, Director of the Recreation Department, indicated that donor names will be displayed
81 appropriately once the rink opens. Town Administrator Jim O'Mara pointed out that the gift will be placed
82 in account number 01-4520-20-2610 to be used exclusively for its intended purpose.
83

84 **While awaiting the start time of another public hearing, Chairman Brew moved discussion to agenda**
85 **item VI. FY16 Budget Discussion.**
86

87 The Board reviewed the proposed FY16 budget which totaled \$13,354,570 (or 13.42%). With warrants
88 added, the budget totaled \$14,297,670 (or 18.90%). Board members provided their initial thoughts on the
89 proposed budget. Executive Assistant, Torrey Demanche, provided a breakdown and reflected the proposed
90 changes on an overhead chart. The Board had a number of questions on figures listed under "global
91 considerations". In response to a question from Selectman Grella, Administrator O'Mara stated that the
92 proposed COLA increase is the same as last year.
93

94 Selectman Galinson stated that the population growth of Amherst has remained flat over the last ten years
95 and, for that reason, the justification for adding personnel does not exist. In addition, more transactions are
96 being handled online, and road work projects are often done by contractors. Selectman Galinson feels that
97 the priority should be focused on investing in equipment and other capital expenditures.
98

99 Chairman Brew indicated his interest in getting to "best practices" and perhaps identify where the town
100 might be better served by permanent staff or sub-contractors and vice versa. The Board agreed that it must
101 go back and scrub every line item to look for excess funds and cut non-critical areas.
102

Vice Chairman Akillian commented about personnel. The Department of Public Works has the largest budget of \$4.5 million and there is a big management gap between the department head and staff. It is too much for one person. Selectman D'Angelo also reminded Board members that much of the work done in the Town Clerk's office requires certification which is currently held by only one full-time Clerk, and a part time assistant. Vice Chairman Akillian agrees that public safety and infrastructure are the most important issues to be addressed. Perhaps a solution can be found in the right mix of capital and human resource expenditures.

Vice Chairman Akillian proposed cuts to the projected budget that lowered the percentages to 8.61% (from 13.42%) and with Warrant Articles to 12.9 % (from 18.9%). Items suggested to be changed (C) or removed (R) include: Human Resources Specialist position (R); Heritage Commission Stone Walls project (R); Computer System CR (R); DPW Operations Study (C); Baboosic Lake Staffing (C); Bridge Capital Reserve of \$150,000 (R); finance, police, and town clerk staffing (R); fire station renovation (C).

There was discussion on the Bridge Capital Reserve of \$150,000. In response to removing the line item, Selectman D'Angelo noted that the town needs the initial 20 percent share prior to getting onto a State list of reparable bridges and getting 80 percent reimbursement. Chairman Brew suggested asking the voters to approve the 20 percent figure via Warrant Article. DPW Director Bruce Berry came forward and stated that a Capital Reserve may be less restrictive than a bond. Chairman Brew stated that the Warrant Article could be written to ensure flexibility where work could be done on any of Amherst's bridges.

Vice Chairman Akillian removed a number of items under the Recreation Department because other funding options are available, such as the 02 revolving account. Those items suggested for removal include: assessment of the Baboosic Lake complex; Recreation Department marketing plan; repair of Spalding retention wall; community event costs and referral incentives. Recreation Department Director, Craig Fraley, indicated that taxpayer funds going to Peabody Mills total \$22,600.

Selectman Grella motioned to open the public hearing pursuant to RSA 36-A:5 (II), the Amherst Board of Selectmen announce the convening of a public hearing in conjunction with the Amherst Conservation Commission regarding acquisition of land. Will the Conservation Commission accept, on behalf of the Town of Amherst, a proffered gift of real estate consisting of the following parcels of property which are located on the east side of Chestnut Hill Road in Amherst, shown on a plan of land recorded in the Hillsborough County Registry of Deeds as Plan #24253, and identified on said Plan and in the Town of Amherst tax maps by the Map and Lot designation set forth as Map/Lot 11-12-61 (204.646 acres), 10-30-62 (24.701 acres), and 10-30-63 (11.151 acres). Seconded by Selectman D'Angelo. Vote 5-0.

V. Public Hearing

b. Conservation Commission & Acquisition of Land

Members of the Conservation Commission came forward. Chairman John Harvey called the commission meeting to order at 7:33 p.m.

Pursuant to RSA 36-A:5 (II), Selectman Grella moved to open the proceedings to a public hearing regarding the Amherst Conservation Commission accepting, on behalf of the Town of Amherst, a proffered gift of real estate consisting of the following parcels of property which are located on the east side of Chestnut Hill Road in Amherst, shown on a plan of land recorded in the Hillsborough County Registry of Deeds as Plan #24253, and identified on said Plan and in the Town of Amherst tax maps by the Map and

153 Lot designation set forth as Map/Lot 11-21-61 (204.646 acres), 10-30-62 (24.701 acres), and 10-30-63
154 (11.151 acres). Seconded by Selectman D'Angelo. Vote 5-0
155

156 Chairman Harvey indicated that the land includes 240 acres of woodland on three tax parcels surrounding
157 The Flume development. The land was offered as a tax donation for the cost of legal fees not to exceed
158 \$5,000. A map of the area was provided and viewed by many in attendance. The land abuts other town
159 owned land and will be managed as a natural wildlife habitat. A number of commissioners, as obligated by
160 law, have walked the land and found no hazardous waste.
161

162 Joanne Griffith, a resident of The Flume, asked about the interconnection between Joppa and Joe English
163 and stated that 35 households in the area are concerned about hunting and parking. Chairman Harvey
164 indicated that there was a "wildlife corridor" between Joppa and Joe English that would be managed as a
165 wildlife habitat. Chairman Harvey also stated that the Commission meets every month and the public is
166 welcomed to attend and bring forward any suggestions, questions, or concerns.
167

168 Ty Perry asked whether solid waste, trash, or old furniture has been found during the hazardous waste
169 walkabouts. Chairman Harvey explained that the requirement is called a Phase I hazardous waste review
170 which is an informal, eyeball look at the property. No suspicious areas were found, nor reported. Mr. Perry
171 was concerned about access roads. Chairman Harvey explained that in accord with town ordinances, trails
172 will be posted with what can and cannot be done and enforced by the police department. Lastly, Mr. Perry,
173 a member of The Flume association board, was looking for covenants that would be effective for years to
174 come. In accord with statute, the conservation commission is to manage for conservation – wildlife habitat,
175 passive recreation, water quality, and conservation education.
176

177 Colleen Mailloux, Community Development Director, indicated that she had copies of covenants based on
178 the Planning Board's approval in the 1990s, which includes restrictions that are still in effect today.
179 Chairman Harvey reminded attendees that this land was being offered as a tax donation.
180

181 Ms. Lambert rose in favor of accepting the donation. As a landowner abutting conservation land, Ms.
182 Lambert feels that conservation land is a huge benefit to the community and helps to maintain the rural
183 aspects of the community.
184

185 Mark Collins, President of The Flume Association, rose to complain that not all abutters received
186 notification of the public hearing and many only received notice a few days ago. Mr. Collins asked the
187 Board to delay action on the matter, pending a review of other options. Mr. Collins indicated that he knew
188 the owner of the property, Jane Hager.
189

190 Chairman Brew stated that the Conservation Commission and Jane Hager had been working together for a
191 number of years. In November, Ms. Hager made the offer to the town provided that legal fees were covered
192 and that the deal be consummated by year's end. So, while the covenants will not go away, Ms. Hager is
193 perfectly free to do as she wishes with her property. The time constraint is being placed by the property
194 owner.
195

196 Others residents of The Flume who came forward in opposition to the transaction include Jay Biltman,
197 JoAnn Deckert, Joe Sklar, and Charlie Maguire.
198

199 Vice Chairman Akillian moved to close the public hearing. Seconded by Selectman D'Angelo. Vote 5-0.
200 Vice Chairman Akillian moved that the Select Board come out of recess. Seconded by Selectman Grella.
201 Vote 5-0.
202

Chairman Brew called the Select Board meeting back to order at 8:30 p.m. Chairman Harvey advised that the Conservation Commission voted unanimously (9-0) to accept the donation of property located on the east side of Chestnut Hill Road in Amherst as previously described.

Vice Chairman Akillian moved to accept the donation of property. Seconded by Selectman Galinson. Vote 5-0

Selectman Grella suggested postponing final action on the matter until December 15th. The Board agreed. Community Development Director, Colleen Mailloux, invited anyone interested to contact her or to visit the Community Development office to review the file for the property and the covenants and restrictions that are in effect.

VI. FY16 Budget Discussion

Chairman Brew stated that the DPW budget needed to be “ramped up” and all agreed to increase that budget line by \$200,000 each year, and eliminating the \$40,000 operations study expense. Bruce Berry, DPW Director, came forward and indicated that the Town Buildings Capital Reserve Warrant of \$10,000 was included as part of strategic initiatives agreed to last year. Director Berry stated that there is not enough money for maintaining town buildings. Chairman Brew also indicated that he did not feel the \$40,000 annual outlay for mosquito control was good use of funds especially since Amherst is outside the lowest risk area. Vice Chairman Akillian reminded the Board that it was Dr. Lockwood’s recommendation to continue the program given the town’s risk profile. Further discussion took place regarding the Recreation Department budget.

Selectmen D’Angelo provided some initial thoughts that will require further discussion: the HR Specialist position has considerable value; stone wall project is not urgent; all of the community development initiatives will garner greater returns; the road budget is too low; would be amenable to paying the solid waste staff better and deferring increasing the operating hours; is inclined to keep funding for the stormwater staff; on DPW Warrants, agree that it is not a good time to start a CR fund; move \$10,000 under building maintenance; on mosquito control, let voters decide; adding a police officer is not urgent; fund the town clerk staff position since many job duties require certification; not comfortable with cost of undercover vehicle.

Regarding the Fire Department Warrants, Selectman D’Angelo noted that voters had previously passed \$200,000 for apparatus replacement, and later did not pass a warrant for \$250,000 and asked why the FY16 request was for \$150,000 rather than \$200,000. Acting Fire Chief, Matt Conley, felt there was greater chance of success by asking for the lower amount of \$150,000.

Administrator O’Mara and department heads will make further adjustments to be reviewed again by the Board at its meeting tomorrow night. The Board agreed that hard choices must still be made.

VII. Cemetery MOU Update

Discussion of this issue was postponed until the December 9, 2014 BOS meeting.

VIII. Town Administrator

- a. MRI (ISSUE WAS TAKEN UP EARLIER IN THE MEETING)
 - i. EMS Staffing

254 **ii. Recruitment for Fire Department**

255
256 **b. Town Report Discussion**

257
258 Administrator O'Mara reported that the annual audit will be done by the last BOS meeting of December 22,
259 2014.

260
261 **IX. Old and New Business**

262
263 Vice Chairman Akillian stated that a flyer was circulating regarding the Village Strategic Plan that was
264 alarmist and inaccurate in a number of ways and intended to get people to respond to the online survey. To
265 date, 422 people have responded to the survey. It was also reported that the December 10th meeting was an
266 Open Forum which is not the case. The December 10th meeting is a working meeting at the Brick School,
267 and open to the public.

268
269 Selectman D'Angelo stated that there was a lot of discussion on the Amherst Facebook page about the
270 Kinder Morgan natural gas pipeline and suggested putting the information that is available on the town's
271 website so that residents have accurate information to eliminate misinformation. There was also a
272 suggestion online that a group be formed to keep abreast of various actions on this issue.

273
274 **X. Right to Know Request – None to report.**

275
276 **XI. Approvals**

277
278 **a. Accounts Payable**

279
280 Selectman D'Angelo moved to approve one (1) FY15 Accounts Payable Manifest in the amount of
281 \$3,393,954 dated December 1, 2014, subject to review and audit. (Schools) Seconded by Vice Chairman
282 Akillian. Vote 5-0

283
284 Selectman D'Angelo moved to approve one (1) FY15 Accounts Payable Manifest in the amount of
285 \$206,612.92 dated December 4, 2014, subject to review and audit. Seconded by Vice Chairman Akillian.
286 Vote 5-0

287
288 Selectman D'Angelo moved to approve one (1) FY15 Accounts Payable Manifest in the amount of
289 \$18,591.95 dated December 8, 2014, subject to review and audit. (Town Clerk Transfers to the State of
290 NH). Vote 5-0

291
292 Selectman D'Angelo moved to approve one (1) FY15 Accounts Payable Manifest in the amount of
293 \$1,930,899 dated December 15, 2014, subject to review and audit. (Hillsborough County). Vote 5-0

294
295 **b. Payroll**

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297 The payroll report will be taken up at the December 9, 2014 meeting.

298
299 **c. Board of Selectmen Minutes**

300
301 Vice Chairman Akillian moved to approve, with amendment to change "Monday" to "Thursday" in the
302 heading, the minutes of the Board of Selectmen's meeting of November 13, 2014. Second by Selectman
303 D'Angelo. Vote 4-0-1 (Selectman Galinson abstained).

Vice Chairman Akillian moved to approve the Board of Selectmen meeting minutes of November 17, 2014.
Selectman D'Angelo seconded. Vote 5-0

XII. Non-Public Session 91-A:3 II (c) and (e)

Vice Chairman Akillian moved to enter into non-public session at 9:30 p.m. pursuant to NH RSA 91-A:3 II (c) and (e). Seconded by Selectman D'Angelo. Roll Call: Akillian-yes, Brew-yes, D'Angelo-yes, Galinson-yes, Grella-yes. Vote was unanimous.

The Board and Town Administrator Jim O'Mara discussed a matter which, if discussed in public, may adversely affect the reputation of someone other than a member of the body.

There was no discussion pursuant to NH RSA 91-A:3 II (e).

Mr. D'Angelo moved to exit non-public session at 9:58pm. Second by Mr. Akillian. The vote was unanimous, 5-0.

The Board exited nonpublic session at 9:59pm.

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

XIII. Adjourn

Mr. Galinson moved to adjourn the meeting at 9:59pm. Second by Mr. Grella.

The meeting adjourned at 10:00pm.