



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street

Monday, December 22, 2014 at 6:30 PM

I. Public Session

Chairman Dwight Brew called the meeting to order at 6:32 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 – Mrs. Daryl D'Angelo led the pledge.

III. Citizen Forum

Since many attendees wanted to speak in opposition to the proposed Kinder Morgan pipeline, Chairman Brew re-arranged the agenda to take up the pipeline issue prior to the discussion on the FY16 budget.

IV. FY16 Budget & Warrant Discussion (taken up later in the meeting)

V. Proposed Kinder Morgan (KM) Pipeline Review

Selectman D'Angelo opened the discussion by thanking everyone for taking time to attend and stated that the Select Board was aware of the proposed pipeline but had not yet taken a position because, to date, information has been limited and not always factual. The limited information available has been uploaded onto the town's website and will continue to be updated as more details become available. To that end, Selectman D'Angelo encouraged residents to submit questions or useful links so that the Board can get answers to those questions and provide information that is more thorough and not reflecting one point-of-view over another.

Selectman D'Angelo stated that because of the high electricity rates throughout the region, the New England States Committee on Electricity (NESCOE), a not-for-profit organization, whose role is to advance policies to provide electricity to New England states, asked the federal government to help in bringing more reliable and cleaner power to homes and businesses across New England. New England electrical rates are higher because the power is produced by coal-fired plants that are being phased out and replaced with cleaner gas-powered plants.

Two years ago, the Northeast Energy Direct project proposed by Tennessee Gas Pipeline, a subsidiary of Kinder Morgan, drafted a route that mainly impacted Massachusetts. A re-drafted 70 mile route, with four miles running through Amherst, has now been proposed by Kinder Morgan that will affect 66 property owners. The Board is concerned about the affected residents and wants to do everything it can to mitigate any concerns or damages caused by this proposed project. The plan is far from cast in stone and the Board continues to try to get more data. In addition, the Board is working with the Nashua Regional Planning Commission (NRPC) to better coordinate efforts with other affected communities. Public sessions on the matter will be scheduled in January and February. The town has also been in touch with several state and federal representatives.

Joseph McCool of 21 Simeon Wilson Road in Amherst had a number of questions for the Board. Mr. McCool wanted to know when the town was first notified of the proposed pipeline. Selectman D'Angelo stated that the town was first made aware of the proposed pipeline in the summer by a representative of the

52 Beaver Brook Association in Hollis (**SEE minutes of the July 14, 2014 BOS meeting online**). Official
53 notification of the new proposed route through Amherst came three or four weeks ago to the Town
54 Administrator. Chairman Brew stated that in the summer, the proposed route did not come through
55 Amherst. Mr. McCool asked why the Board met privately with Kinder Morgan representatives and why, as
56 an affected taxpayer, did he learn of this proposal from KM rather than from town officials. Mr. McCool
57 pointed out that Merrimack town officials will not meet privately with representatives of Kinder Morgan,
58 and the town of Hollis has already opposed the plan. Selectman D'Angelo confirmed that earlier this month
59 Kinder Morgan extended an invitation to meet the Town Administrator and the Director of Community
60 Development. As Board representative, Selectman D'Angelo attended the informal meet-and-greet which
61 included an exchange of business cards. The town Select Board and Administration have been trying to get
62 accurate information and an understanding of the impact before passing it on to residents.

63
64 Mr. McCool felt that the information on the town's website was one-sided and questioned the date
65 indicating when information is uploaded. Selectman D'Angelo indicated that the town's technology is not
66 state-of-the-art but content is posted as it becomes available. The date of posting will be checked more
67 carefully going forward. Selectman D'Angelo stated that it is not the town's intent to make its website a
68 KM site and welcomed factual input from all residents with varying points of view.

69
70 Corey Hogan, a new resident of Amherst, having moved in three months ago, stated that he was not
71 impacted directly but was concerned about the overall environmental impact. Mr. Hogan asked what
72 studies or research had been done in that regard, and/or had been considered by the town, and what role the
73 public might play in the process. Selectman D'Angelo responded that such research is handled at the
74 federal and state level, but the town and the public can and should articulate its concerns as the process
75 develops. Selectman D'Angelo further stated that what the town wants to present are the pros and cons so
76 that people can make an informed decision on the matter.

77
78 Vice Chairman Akillian said that the issue was a moving target and the Board needed to understand the
79 baseline proposal. The NRPC is putting together a committee to look at the policy implications. Once the
80 actual proposal is finalized and its impact determined, then the Board can take a stance, take action, and
81 mobilize people accordingly. Selectman D'Angelo suggested that the NRPC may welcome participation in
82 the process if anyone is interested in being more active.

83
84 Matt Rafuse of 28 Simeon Wilson Road came forward and asked why the pipeline was re-routed around the
85 school if not for safety concerns. Selectman D'Angelo stated that his understanding was that it was not as
86 much a question of safety as one "they would receive less grief" over. Mr. Rafuse stated that this industrial
87 application could just as easily be re-routing through Anheuser Busch in Merrimack and he didn't
88 understand why the town does not reject such a risky proposal. Selectman D'Angelo stated that the route is
89 not settled and arguments can be made to rethink some assumptions. Because the pipeline was re-routed
90 from the school, it is now proposed to pass underneath the Souhegan River four times, a route that has its
91 own risks associated with it, so it is important that risks be minimized. Mr. Rafuse asked why Amherst
92 needed to help Kinder Morgan. Selectman D'Angelo repeated that the New England states (through
93 NESCO) asked that gas be brought into New England area.

94
95 Vice Chairman Akillian stated that all of the questions raised were valid and important and together with
96 other affected communities the Board will be able to assess accurately the environmental and economic
97 impact on Amherst.

98
99 Chairman Brew asked about the letter from Kinder Morgan that had been received by some affected
100 homeowners. Mr. Rafuse stated that the letter was three pages long and misleading by indicating that the
101 project was a federal undertaking. Chairman Brew stated that he understood there was a letter circulated
102 that indicated the need for property surveys. Selectman D'Angelo stated that the Federal Energy Regional

Commission (FERC) issued a finding that there needs to be a pipeline through New England. The route has not been approved, nor whether it needs to come through New Hampshire, or Amherst.

Rob Chesebrough from Hollis, and a member of the NH Pipeline Awareness group who are strongly opposed to construction of the pipeline, rose to state that Kinder Morgan, a private Texas company, did not receive federal approval for this project. The notification came last summer with the West Nashua Lateral coming straight through Amherst. Because of Massachusetts' strong opposition, KM came up with a different route. Mr. Chesebrough stated that the pipeline will not be placed underneath power lines but beside the power lines. The majority of pipeline accidents are caused by third parties; i.e., somebody hits the line with a backhoe, gas expands and ignites.

According to Mr. Chesebrough, resistance in Massachusetts is still very strong. They want this pipeline stopped, and have asked their Governor for a low demand study showing that the pipeline is not necessary. This pipeline is based on a peak-demand scenario where people want gas for heat and electricity. Mr. Chesebrough continued and stated that residents need to build awareness and fight because there is no need for this pipeline. It is being sneaked in during the holidays. Mr. Chesebrough asked that when KM comes to town, that people opposed to the pipeline be invited as well. The KM application with FERC is docket PF14-22. While holding up a picture of a compressor station, Mr. Chesebrough stated that KM will show residents a picture of a compressor station that is 3 to 15 times smaller than the station they will put in. The smallest compressor station is 20,000 horsepower; the largest 90,000 horsepower. Selectman D'Angelo pointed out that there are no compressor stations in Amherst and asked Mr. Chesebrough to leave his contact information with Administrator O'Mara.

Mark Fisher rose to state that he is directly affected, and agrees the letter from Kinder Morgan is misleading. Mr. Fisher is concerned that KM obtain all necessary wetlands and zoning permits as is required of residents, and hopes the town will fight with passion in opposition to this pipeline. Selectman D'Angelo said that KM will be held to the same standards required of others. Chairman Brew stated that a number of state permits are required but there are none that he is aware of that are required by the town.

Jon Michael Vore lives at 23 Simeon Wilson Road with his wife and four children. The Vores live next to the McCools where the proposed pipeline goes over their wells based on the current map that exists. Mr. Vore expressed extreme concern from a safety and financial standpoint, and asked "how do we sell a house that has a 36 inch pipeline running through it?" Mr. Vore is also concerned about increased insurance premiums and the fact the his mortgage company could require pay off of the mortgage within 30 days, or cancel his loan, if hazardous materials are found on the property. Mr. Vore stated that the situation is extremely anxiety provoking for him and would like direction on what to do. Finally, Mr. Vore asked how this impacts the town's 2010 Master Plan. Mr. Vore also feels that more than 66 households will be affected and waiting for information for three or four months is unacceptable.

Selectman D'Angelo stated that the Master Plan does call for preserving the rural character of Amherst and the proposal clearly is not helpful. Vice Chairman Akillian stated that feelings of anxiety about this proposal is very understandable; however, until the Board sees what is being proposed in detail with a clear understanding of all the associated risks, it cannot make a definitive decision. The issue will not be decided in three months. The Board might mitigate some level of anxiety by connecting with people most directly affected and find a way to keep residents informed of the project details and timelines.

Tiani Coleman came forward and stated that more people would have attended this meeting had they been made aware of it earlier. Ms. Coleman feels "stuff is underhanded" and her property value will decrease. Chairman Brew stated that the issue was not on tonight's meeting agenda as a one-shot deal. The issue will be placed on the Select Board's meeting agenda periodically over the next year, and as necessary. The purpose of tonight's meeting was to get an update on the matter.

Eric Bazil who also lives on Simeon Wilson Road stated that the town knows what Kinder Morgan is going to do so what more needs to be discussed. The town should take a stand.

Chairman Brew stated that the town of Hollis rejected the proposed pipeline because it went through the middle of a conservation area. If the Board had a choice, the majority would say “no” but full opposition at this time may not give the town the leverage necessary to effect change. The Board would like to approach the matter from a position of knowledge and strength.

Vice Chairman Akillian again stated that the Board needs to get to a “final answer” with accurate information on all of the implications before it can take a stance on the matter. A coalition of like-minded communities and residents can make a more compelling case if and when necessary.

Mr. McCool asked about the televised recording. Chairman Brew explained that volunteers who handle the televised recordings were not available this evening. Minutes of the meeting will be posted within the week.

Selectman D’Angelo moved that all meetings with Kinder Morgan be open to the public, unless advised to the contrary by Town Counsel. Seconded by Vice Chairman Akillian. Vote 5-0

Town Administrator, Jim O’Mara, indicated that there will be numerous public hearings on the matter over the next several months. All meeting notices are posted within 24 hours of the meeting. Also, the Board will set up a link for all those interested in being placed on an email list for periodic updates on the issue. Administrator O’Mara also stated that any binding actions by the Board must be acted on by the majority – no one Board member can bind the Board.

FY16 Budget & Warrant Discussion (Agenda Item IV)

Town Administrator, Jim O’Mara, corrected information previously provided regarding the Library budget. The Library Trustees had, in fact, agreed to further cuts (as did other town departments). Chairman Brew thanked the trustees and apologized for any miscommunication.

Finance Director, Lisa Ambrosio, reported on a few adjustments made to the proposed budget that do not affect percentages:

- 1) Tennis Courts – must show the gross appropriation of \$85,000 (\$20,000 to come from the recreation revolving account). The adjustment is neutral to the bottom line.
- 2) Added \$100,000 to the contingency fund and in the corresponding revenue line. Administrator O’Mara will double-check whether funds are raised through taxation.

Nate Jensen presented overhead slides with further questions from the Ways and Means Committee (W&M).

- 1) Property/Liability Insurance – The deductible is \$2,000 and the Committee questions whether that is the most efficient. Administrator O’Mara stated that accidents are typically less than \$5,000 but will inquire the impact of \$1,000, \$5,000 and \$10,000 deductibles and report back to the Board.
- 2) EMS Repair – The Committee again suggested zeroing out this line item. DPW Director Bruce Berry agreed to absorb this \$3,000 line item into the Town Building Repair line.
- 3) DPW/Tires – The W&M feels that \$10,000 is excessive and suggested cutting the line item to \$5,000. Director Berry reported that the cost of tire replacement for one truck was \$1,300, not \$3,200 as previously reported. If needed, Director Berry will fund via line item transfers

- 205 4) Outside Hire – Director Berry stated that the funds in this line item are primarily used for clearing and
206 chipping brush which is done twice a year. In accord with the Clean Air Act, brush can no longer be
207 burned. Another contractor processes leaves. Director Berry already agreed to cut \$5,000 but further
208 cuts would jeopardize his ability to get the work done. Budget will remain at \$16,000.
209 5) Welfare Assistance – The W&M stated that the actual in this line item is \$17,000. Administrator
210 O’Mara and Assistant Torrey Demanche felt it was reasonable to cut the budget by \$6,500.
211

212 Russ Thomas, Chair of the W&M, presented an analysis of fuel costs showing actual expenditures to total
213 budgeted for FY14-15-16. Based on the analysis, the W&M proposes a FY16 budget of \$164,685 (the
214 FY14 actual fuel expense) for an additional reduction of \$24,999.89. In response to a question by
215 Chairman Brew, Director Berry stated that the fill line was 4,500 for the 5,000 gallon gas tank (filled every
216 5 or 6 weeks) and a 9,000 fill line for the 10,000 gallon diesel tank (filled 2 or 3 times per year). After brief
217 discussion, the Board was comfortable with this adjustment.
218

219 Mr. Thomas made a correction on the Lease/Purchase (L/P) chart distributed during a previous Board
220 meeting. The model number for Truck 1 was listed as F250 and should be listed as F550. Mr. Thomas
221 suggested that the town take delivery of the new truck on July 1st and the process begin “the day after the
222 election”.
223

224 Vice Chairman Akillian asked whether the Board had approved the L/P funding mechanism. Chairman
225 Brew stated that while a formal decision had not yet been made, the Board has been taking steps in line with
226 the L/P proposal. The Board discussed and agreed to undertake L/P as a strategic approach to funding the
227 town’s fleet, and discussed the importance of communicating the initiative at the public hearing scheduled
228 for January 12, 2015. Chairman Brew suggested verbiage along the lines of “...the Board, while working
229 with the Ways and Means Committee, and town managers, have come up with a way to fund/upgrade its
230 fleet while keeping the tax rate flat”.
231

232 WARRANTS

233

234 Selectman D’Angelo noted that the amount listed on Article 28 should be \$55,000 not \$59,000. The cost of
235 refurbishing the Amherst Middle School tennis court will be taken from Recreation’s revolving account.
236 Explanatory verbiage will be included in the final Warrant Article.
237

238 Vice Chairman Akillian asked for clarification on the Cemetery Warrants where funds will be deposited
239 into trust or the general fund. The Board agreed that the vote of the Cemetery Trustees regarding the
240 warrant be included at the bottom of the Warrant Article along with the votes of the Board of Selectmen and
241 the Ways and Means Committee.
242

243 Selectman Galinson moved to present at the public hearing Warrant Articles 21-33, as amended. Seconded
244 by Selectman Grella. Vote 5-0
245

246 The Ways and Means Committee commented as follows:
247

248 Article 22 – W&M asked why this issue was presented before the other Warrant Articles. Chairman Brew
249 responded that bond Articles must be presented first.
250

251 Article 23 - Operating Budget – W&M have not voted yet on some articles pending responses to questions
252 posed. Votes have been taken on some articles:
253

254 Article 24 – Vote 7-0

255 Article 25 – Vote 7-0

Article 26 –Vote 7-0

Article 27 – The W&M asked what the funds are used for. The funds are spent on computer hardware. Vice Chairman Akillian asked that an inventory of equipment be developed. Selectman Grella suggested taking the funds out. Chairman Brew noted that the maximum that can be spent annually from this account is \$15,000. Since the balance in the Computer System CRF is \$59,681.85 the board agreed to not submit the warrant article this year.

Article 28 – Vote 7-0

Article 29 – The W&M will make a recommendation at the next BOS meeting.

Article 30 – The W&M voted 4 to 3. John Post, Andy Ouellette, and Nate Jensen are opposed “on the grounds that the project increases the budget even though federal funds are provided”. Jay Dinkel who voted in favor of the project stated that this would be a significant investment in the town and he would hate to lose the opportunity; yet, he suspects the W&M vote is representative of the how the residents feel. Perhaps funds could be raised to offset the \$65,000 needed. Vice Chairman Akillian was surprised that some were willing to forego \$262,480 in outside funding, especially since this provides funds for a project that townspeople overwhelming support. This grant for “Safe Routes to Schools” has an 80 percent federal matching funds with a town matching contribution of \$65,000. The Board asked that the W&M re-consider their position on the matter. The wording of the Warrant Article should reflect that the project will not go forward if federal funds are not forthcoming. Administrator O’Mara said alternate wording will be presented for the Board to consider.

Article 31 – Vice Chairman Akillian suggested getting in touch with Dr. Lockwood to determine the actual costs of the Mosquito Surveillance and Control Program, as Dr. Lockwood was going to go out for bid for the coming year control program.

Article 32 -- The W&M needed more information about the costs of refurbishing the tennis courts. Vice Chairman Akillian talked about the Recreation Department’s ability to better conduct tennis programs once the tennis courts are refurbished. The cost of fixing the tennis courts would be approximately \$40,000 higher if not done in concert with the paving project.

Given the remaining number of pending items, the Board agreed to meet again on Monday, January 5, 2015 at 6:30 p.m.

Assignments on Warrant Articles were determined as follows:

Chairman Brew – Operating Budget
Vice Chairman Akillian – Sidewalks, Mosquitoes, Communications Center
Selectman D’Angelo – Fire Truck and Fire Station
Selectman Galinson -- Tennis Courts and Cemetery
Selectman Grella -- Bridge bond and Assessing Revaluation CRF

VI. Town Administrator – DPW Bids

i. Manchester Road Bridge

Selectman Galinson moved to award the Manchester Road Bridge reconstruction bid to Neil H. Daniels, Inc., the lowest bidder in the amount of \$994,205.25. Seconded by Selectman Grella. Vote 5-0

307 **ii. Sidewalk Machine -- Pulled from consideration.**

308

309 **iii. Ford F-250**

310

311 Chairman Brew expressed concern that only one bid was received and asked about the State Bid Price.
312 Director Berry stated that the State process is very narrow and does not include variations. Vice Chairman
313 Akillian suggested that going forward if there is only one bidder, the State price should be checked. Lisa
314 Ambrosio, while checking the State site online, reported that the State base price is \$28,291 with \$500
315 added for a plow. Chairman Brew suggested providing an itemized bid in the future.

316

317 Selectman D'Angelo moved to award bid #10-14 for the 2015 F-250 (truck replacing Truck 1) to AutoFair
318 Ford in the amount of \$31,321. Selectman Grella seconded. Vote 4-1 (Chairman Brew voting against)

319

320 **VII. Old and New Business**

321

322 Selectman D'Angelo referenced an article in the Milford Cabinet regarding the Village Strategic Planning
323 effort that suggests that everyone in the village does not want anything to change. Vice Chairman Akillian
324 stated that in January more meetings will be held to review feedback received from the online survey and
325 house meetings. The Committee will then begin to create categories by priority, and the NRPC will weigh
326 in. Vice Chairman Akillian acknowledged that he was surprised at the "we/they" attitude that exists, but is
327 hopeful that perceptions will change once the Committee starts to identify areas most in need of attention.
328 Selectman D'Angelo recommended that Vice Chairman Akillian should consider sending a "letter to the
329 editor" in response to the article by Kathy Cleveland.

330

331 Vice Chairman Akillian suggested further discussion on how the Board might be proactive in assuaging the
332 fears of the community regarding the proposed pipeline. Some suggestions included the development of a
333 Task Force and reaching out to other affected communities. After much discussion, the Board decided that
334 working with the NRPC, other affected communities, and governmental leaders would be more persuasive
335 in influencing any necessary outcome, and would provide residents with accurate, timely and detailed
336 information on the matter.

337

338 **VIII. Right to Know Request – None.**

339

340 **IX. Approvals**

341

342 **a. Abatement Recommendations**

343

344 Selectman Galinson moved to approve the abatement request for the property located at 48 Border Street,
345 Map/Lot 015-006-000, in the amount of \$212. Seconded by Selectman Grella. Vote 5-0

346

347 Selectman Galinson moved to approve the abatement request for the property located at 2 Jennifer Lane,
348 Map/Lot 004-025-006, in the amount of \$3,786. Seconded by Selectman Grella. Vote 5-0

349

350 **b. Veteran Tax Credit Recommendation**

351

352 Selectman Grella moved to table the Veteran Tax Credit Recommendation for the property located at 17
353 Boston Post Road in the amount of \$1,400. Selectman Galinson seconded. Vote 5-0

354

355 **c. Settlement Recommendation – Board of Tax and Land Appeals**

356

357 Selectman Galinson moved to approve the settlement recommendation of the Board of Tax and Land

Appeals for the property located at 135 Route 101A, Map/Lot 012-012-000, in the amount of \$10,133.
Seconded by Selectman Grella. Vote 5-0

d. Accounts Payable

Vice Chairman Akillian moved to approve one (1) FY15 Accounts Payable Manifest in the amount of \$27,770.50 dated December 18, 2014, subject to review and audit. (Town Clerk Transfers to the State of NH). Seconded by Selectman D'Angelo. Vote 5-0

e. Minutes

Selectman D'Angelo moved to approve, with amendment, the Board of Selectmen meeting minutes of December 8, 2014. Seconded by Vice Chairman Akillian. Vote 5-0 [amendment: line 210, change "November" to "December"].

Selectman D'Angelo moved to approve the Board of Selectmen meeting minutes of December 9, 2014. Seconded by Vice Chairman Akillian. Vote 5-0

Selectman D'Angelo moved to approve the Board of Selectmen meeting minutes of December 15, 2014. Seconded by Vice Chairman Akillian. Vote 5-0

X. Non-Public Session, if necessary

XI. Adjourn

Selectman Grella moved to adjourn the meeting at 10:35 p.m. Seconded by Selectman D'Angelo. Vote 5-0