



Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, March 27, 2017

1. Call to Order

Chairman Dwight Brew called the public meeting to order at 6:30 p.m.

Attendees: Chairman Dwight Brew, Vice Chairman Reed Panasiti, Selectmen Nate Jensen, Tom Grella, and Peter Lyon. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

2. Pledge of Allegiance – Joe Cummings, Station Manager, led the pledge.

3. Citizen's Forum - None

4. Board Reorganization

Chairman Brew offered congratulations to Selectman Grella on his re-election. Selectman Jensen moved, second by Selectman Lyon, to nominate Chairman Brew to continue as Chairman of the Board. Chairman Brew accepted the appointment. Motion passed 4-0-1 [Chairman Brew abstained].

Selectman Lyon moved, second by Selectman Grella, to nominate Selectman Jensen as Vice Chairman of the Board. Selectman Jensen accepted the appointment. Motion passed 4-0-1 [Selectman Jensen abstained].

Vice Chairman Jensen moved, second by Selectman Grella, to nominate Selectman Lyon as Clerk of the Board. Selectman Lyon accepted the appointment. Motion passed 4-0-1 [Selectman Lyon abstained].

5. Town Administrator

5.1 Fire Station Update

Town Administrator, Jim O'Mara, said the sheetrock work is finished, painters have been in and carpet tiles have been laid out. Fire Chief, Matt Conley, has been working with two local vendors for appliances and kitchen cabinets. An early June completion date is still on target.

5.2 New Hires – AFR

Selectman Lyon moved, second by Vice Chairman Jensen, to approve hiring Allan Goohs and Jake Dubowik to the Amherst Fire Rescue Department. Motion passed unanimously, 5-0.

5.3 Timber Sale Agreement – Recreation Department

Administrator O'Mara presented the Board with a Timber Sale Agreement for the Board's approval. He said that Tax Collector, Gail Stout, has reviewed the agreement and indicates that the agreement is complete and contains all necessary information. Revenue from the sale will come in as unanticipated. Vice Chairman Jensen moved, second by Selectman Panasiti, to approve the Timber Sale Agreement between the Recreation Department, HHP Buxton Industrial Highway of Henniker, and Calhoun Forestry of Peterborough, as presented and authorize the Town Administrator to sign the agreement on behalf of the Board of Selectmen. Motion passed unanimously, 5-0.

5.4 Tractor Bid – Recreation Department

Town Administrator O'Mara recommended that the Ventrac 4500 Tractor bid be awarded to MTE Turf Equipment Solutions, the lowest qualified bidder. Vice Chairman Jensen moved, second by Selectman Grella, to award the Ventrac 4500 Tractor bid to MTE Turf Equipment Solutions for \$32,586.35. Selectman Panasiti confirmed that monies for the purchase would not be from taxpayers. Administrator O'Mara said funds for the proposed purchase would come from the '02 Recreation Revolving Fund that has a current balance of \$135,711.23. Selectman Lyon proposed delaying the purchase until July 1st, the new fiscal year, allowing the Recreation Department ample time to develop and prepare their strategy and policy for use of the '02 account. The Board discussed the relationship between the town and the school district vis-à-vis use of town equipment, maintenance responsibilities, and use of playing fields. Administrator O'Mara assured the Board that current equipment was still able to get the necessary work done. Selectman Lyon moved, second by Vice Chairman Jensen, to postpone a decision on the matter until the first Board meeting in July 2017. Motion passed unanimously, 5-0. Chairman Brew noted that according to Roberts Rules of Order, a previously-made motion that has not been acted upon can be modified with another motion that supersedes the original motion.

5.5 Paving Bid – DPW

Vice Chairman Jensen moved, second by Selectman Grella, to award the road construction bid to Continental Paving, Inc., the lowest qualified bidder, for \$1,572,431.25 and to authorize the Town Administrator to sign related documents on behalf of the Board of Selectmen. Motion passed unanimously, 5-0.

5.6 Roadside Ditching Bid – DPW

Town Administrator O'Mara went over bid # 01-18 for roadside ditching work. Two bids were received for the same amount (\$125/hour for approximately \$20,000). It was recommended to award the bid to Continental Paving because they are a known entity, having worked with the town on a number of projects. Vice Chairman Jensen asked if there might be some benefit to splitting the bid between the two bidders. Administrator O'Mara said that Bruce Berry, Director of DPW, did not want to take the chance. Selectman Panasiti said dealing with two different foremen may not be ideal or advisable. Administrator O'Mara suggested having Director Berry re-visit the matter with the two bidders. Selectman Grella moved, second by Vice Chairman Jensen, to table the issue. Motion passed unanimously, 5-0.

5.7 Lindabury Orchard Land Lease

Vice Chairman Jensen moved, second by Selectman Lyon, to enter into a land lease for Map 5, Lot 109, 5 +/- acres known as the Lindabury Hay Field with Marc Valliancourt and to authorize the Town Administrator to sign on behalf of the Board of Selectmen. Motion passed unanimously, 5-0. Town Administrator O'Mara stated that, by statute, only the Board can lease town land one year at a time.

5.8 Unanticipated Revenue – TOA v. Woods

Town Administrator O'Mara advised the town had received \$23,717.70 as reimbursement for legal services provided by Bradley & Falkner regarding a settlement agreement approved by the Hillsborough County Superior Court in October 2012. Administrator O'Mara indicated that in accord with RSA 31:95-b a public hearing must be held in order to accept unanticipated moneys of \$10,000 or more. Administrator O'Mara will schedule the public hearing on the Board's next meeting date.

5.9 2018 Town Holidays

The Board reviewed three options presented for the 2018 holiday schedule. Employees are provided with 11 paid holidays. Selectman Lyon moved, second by Vice Chairman Jensen, to approve option 2 allowing for the following paid holidays.

Town of Amherst – Paid Holidays 2018: January 1, New Year's Day; January 15, Civil Rights Day; May 28, Memorial Day; July 4th, Independence Day; September 3, Labor Day; October 8, Columbus Day; November 12, Veterans Day; November 22, Thanksgiving Day; November 23, Thanksgiving Friday; December 24, Christmas Eve Day; December 25, Christmas Day.

Note: Presidents Day, February 19, 2018, will be a work day.

6. Legislative Discussion – Taken Up Later in the Meeting

7. Resume Board Reorganization & Committee Assignments

7.1 Board of Selectmen Committee Assignments

The Board agreed to the following committee assignments:

Liaison/Commissions/Committees	Status	Board Member
Legislative Liaison	Liaison	Reed Panasiti
Conservation Commission	Non Voting	Peter Lyon
Heritage Commission	Voting	Tom Grella
Historic District Commission	Voting	Tom Grella
Recreation Commission	Non Voting	Reed Panasiti
Roads & Bridges Commission	Voting	Peter Lyon
Capital Improvement Committee	Voting	Nate Jensen
Highway Safety Committee	Voting	Tom Grella/Peter Lyon
Amherst School District Board	Non Voting	Nate Jensen
Cemetery Trustees	Non Voting	Nate Jensen
Library Trustees	Non Voting	Dwight Brew
SHS Cooperative School District	Non Voting	Nate Jensen
SAU 39	Non Voting	Nate Jensen
Planning Board	Voting	Peter Lyon/Tom Grella
Trustee of the Trust Fund	Liaison	Peter Lyon

7.2 Board Goals

The Board agreed to discuss goals in more detail at its next meeting.

7.3 Monthly Calendar

The Board reviewed the monthly calendar and confirmed that it will be posted to the website.

7.4 Board Meeting Schedule – 2017, 2018

Selectman Lyon moved, second by Vice Chairman Jensen, to approve the 2018 Board of Selectmen meeting schedule, as presented. Motion passed unanimously, 5-0.

7.5 Amherst Conservation Commission Appointments

Vice Chairman Jensen moved, second by Selectman Lyon, to appoint Richard Hart and G. Wesley Robertson to the Conservation Commission as full members for three year terms ending in 2020. Motion passed unanimously, 5-0.

Vice Chairman Jensen moved, second by Selectman Lyon, to appoint Jared Hardner and Frank Montesanto to the Conservation Commission as alternate members for three year terms ending in 2020. Motion passed unanimously, 5-0.

Vice Chairman Jensen moved, second by Selectman Lyon, to appoint Bill Widmer to the Conservation Commission as an alternate member for a one year term ending in 2018. Motion passed unanimously, 5-0.

7.6 Heritage Commission Appointments

Vice Chairman Jensen moved, second by Selectman Grella, to appoint William Ludt, Mary Mahar, and Larry McCoy to the Heritage Commission as full members for three year terms ending in 2020. Motion passed unanimously, 5-0.

Vice Chairman Jensen moved, second by Selectman Grella, to appoint Conor Frain to the Heritage Commission as a full member for a one year term ending in 2018. Motion passed unanimously, 5-0.

7.7 Historic District Commission Appointments

Vice Chairman Jensen moved, second by Selectman Grella, to appoint Christopher Hall to the Historic District Commission as a full member for a three year term ending in 2020. Motion passed unanimously, 5-0.

Vice Chairman Jensen moved, second by Selectman Grella, to extend Jamie Ramsay's term to the Historic District Commission as full member for one additional year ending in 2019. Motion passed unanimously, 5-0.

Vice Chairman Jensen moved, second by Selectman Grella, to appoint Helen Rowe to the Historic District Commission as an alternate member for a two year term ending in 2019. Motion passed unanimously, 5-0.

7.8 Library Trustees Appointments

Vice Chairman Jensen moved, second by Selectman Grella, to appoint Bill Cassidy and Rande Neukam as alternate Library Trustees for a one year term ending in 2018. Motion passed unanimously, 5-0.

7.9 Planning Board Appointment

Vice Chairman Jensen moved, second by Selectman Grella, to appoint Clifford Harris to the Planning Board as a full member for a three year term ending in 2020. Motion passed unanimously, 5-0.

Vice Chairman Jensen moved, second by Selectman Grella, to appoint Eric Hahn to the Planning Board as an alternate member for a three year term ending in 2020. Motion passed unanimously, 5-0. Town Administrator O'Mara said there was no conflict in Mr. Hahn serving on the Board and as Deputy Director of DPW.

Chairman Brew adjusted the agenda to take up Agenda Item 6 - Legislative Discussion

Selectman Panasiti introduced NH Senator Gary Daniels, and Representatives Peter Hansen and Laurie Sanborn. Representative Shannon Chandley was not able to attend and will meet with the Board at another time. Chairman Brew welcomed the elected officials and said the Board appreciates all that they do in Concord in representing the residents of Amherst. He asked each to explain the committees that they serve on and discuss other matters of interest.

Representative Peter Hansen said he has lived in Amherst since 1950 and is serving his fourth term in the NH House. He serves on the Executive Departments and Administration Committee (ED&A) that is responsible for "keeping all state agencies in line". The committee deals with licensure issues, the NH Retirement System, and reviews performance audits.

Representative Laurie Sanborn said she grew up in Nashua. She serves on Commerce and Consumer Affairs that deals with banking institutions, insurance companies, licensing businesses to sell liquor, and economic conditions of commerce and industry. Senator Gary Daniels said he is serving his 9th term, a second in the Senate. He serves on the Finance Committee as Chair, Capital Budget as Vice Chair, and on the Ways & Means Committee.

Representative Panasiti serves on the State-Federal Relations and Veterans Affairs Committee that consider matters pertaining to National Guard and other military and veteran organizations. The lawmakers provided the status of proposed legislation identified by the Board [attached] prior to this meeting.

HB 413 - retained in committee and will come up again in January.

HB 324 – retained in committee – this bill would require municipalities to use the utility values prepared by the DRA. Representative Sanborn said 1/3 of towns use DRA values. Chairman Brew indicated that Amherst has a higher valuation in utilities. Representative Hansen said there was a problem with the Board of Assessors and the idea was to get everyone on the same page.

HB 617 – Amherst BOS is opposed to this bill relative to permitting a jury trial for zoning violations. Senator Daniels said it passed the House.

SB 116 – Amherst BOS supports this bill. It has passed the Senate. Hearing is scheduled on the House side on April 4th.

HB 371 – Amherst BOS support this bill. It passed by consent.

HB 1180 – would allow towns to issue bonds for the expansion of Internet service. Chairman Brew said that the town has been in a 10-year agreement with Comcast and are now evaluating options. Vice Chairman Jensen said the agreement is a cable TV agreement and there is nothing about Internet included so there is no ability to negotiate about getting a required level of service.

Chairman Brew brought up the lack of clarity in various statutes covering postponement of an election. Senator Daniels indicated that two bills are pending – one establishes a Study Committee, and another is to ratify results of the elections. Senator Daniels also informed the Board that through SB 38, \$36.8 million will be given back to roads and bridges. The bill is on its way to the House. Also, an amendment to a bill will grant a \$5 million loan to TCI to aid in the costs of hooking up to the municipal water system. He added that the budget hearings will begin on April 10th.

Chairman Brew thanked the officials for coming in and asked if they felt once a year was the right number to get together to go over timely issues. Representative Hansen said to call upon them at any time. Representative Sanborn felt once a year was good but perhaps meeting in January would be more beneficial. Senator Daniels thought twice a year might be helpful to the town perhaps before the filing period in late December or early January.

8. Approvals

8.1 Veteran Tax Credit

Selectman Lyon moved, second by Vice Chairman Jensen, to approve a Veteran Tax Credit in the amount of \$500 for properties located at: 18 Hickory Drive, Map/Lot 2-163-48; 7 Corduroy Road #12, Map/Lot 4-18-12; 6 Shadow Lane, Map/Lot 5-2-7; 15 Old Milford Road, Map/Lot 5-26-1; 6 Parker Farm Lane, Map/Lot 6-28-5; 24 Spring Road, Map/Lot 6-46-5. Motion passed unanimously, 5-0.

8.2 Elderly Exemption

Selectman Lyon moved, second by Vice Chairman Jensen, to approve an Elderly Exemption for Map/Lot 2-146-27. Motion passed unanimously, 5-0.

Selectman Lyon moved, second by Vice Chairman Jensen, to approve an Elderly Exemption for Map/Lot 5-111-23. Motion passed unanimously, 5-0.

8.3 BTLA Settlement

Selectman Lyon moved, second by Vice Chairman Jensen, to approve Board of Tax and Land Appeals Settlement Abatements for property located at 99 Route 101A, Map/Lot 2-54 in the amount of \$4,366.56 for 2015 and \$3,719.82 for 2016. Motion passed unanimously, 5-0.

Selectman Lyon moved, second by Vice Chairman Jensen, to approve Board of Tax and Land Appeals Settlement Abatements for property located at 4 Potter Way, Map/Lot 5-59-42 in the amount of \$185.36 for 2015 and \$2,999.45 for 2016. Motion passed unanimously, 5-0.

Selectman Lyon moved, second by Vice Chairman Jensen, to approve Board of Tax and Land Appeals Settlement Abatements for property located at 31 Walnut Hill Road, Map/Lot 6-80-2 in the amount of \$3,039.91 for 2015 and \$3,057.18 for 2016. Motion passed unanimously, 5-0.

276 **8.4 Abatements**

277
278 Selectman Lyon moved, second by Vice Chairman Jensen, to approve the abatement for property
279 located at 1 O'Neil Way, Map/Lot 5-108-5 in the amount of \$1,879.99. Motion passed unanimously,
280 5-0.

281
282 Selectman Lyon moved, second by Vice Chairman Jensen, to approve the abatement for property
283 located at 35 Lake Front Street, Map/Lot 24-44 in the amount of \$1,209.82. Motion passed
284 unanimously, 5-0.

285
286 **8.5 DRA Form MS-232**

287
288 Vice Chairman Jensen moved, second by Selectman Lyon, to approve and sign the MS-232 NH
289 Department of Revenue Administration's (NHDRA) Report of Appropriations Actually Voted. The
290 report is to be submitted to the NHDRA. Motion passed unanimously, 5-0.

291
292 **8.6 Payroll**

293
294 Vice Chairman Jensen moved, second by Selectman Panasiti, to approve one (1) FY17 Payroll
295 Manifest in the amount of \$208,803.68 dated March 16, 2017, subject to review and audit. Motion
296 passed unanimously, 5-0.

297
298 **8.7 Accounts Payable**

299
300 Vice Chairman Jensen moved, second by Selectman Panasiti, to approve one (1) FY17 Accounts
301 Payable Manifest in the amount of \$39,955.25 dated March 15, 2017, subject to review and audit.
302 (Town Clerk Transfers to the State of NH). Motion passed unanimously, 5-0.

303
304 Vice Chairman Jensen moved, second by Selectman Panasiti, to approve one (1) FY17 Accounts
305 Payable Manifest in the amount of \$138,780.16 dated March 21, 2017 subject to review and audit.
306 Motion passed unanimously, 5-0.

307
308 Vice Chairman Jensen moved, second by Selectman Panasiti, to approve one (1) FY17 Accounts
309 Payable Manifest in the amount of \$2,641,533.00 dated April 3, 2017, subject to review and audit.
310 (School Disbursements). Motion passed unanimously, 5-0.

311
312 **8.8 Concentration Account**

313
314 Vice Chairman Jensen moved, second by Selectman Panasiti, to approve one (1) FY17 Concentration
315 Account Manifest in the amount of \$2,858.98 dated March 23, 2017 subject to review and audit.
316 Motion passed unanimously, 5-0.

317
318 **8.9 Previous Meeting Minutes – March 13, 2017, Public and Non-Public**

319
320 Vice Chairman Jensen moved, second by Selectman Panasiti, to approve the Board of Selectmen's
321 public meeting minutes of March 13, 2017, as presented. Motion passed unanimously, 5-0.

322
323 Vice Chairman Jensen moved, second by Selectman Panasiti, to approve the Board of Selectmen's
324 non-public meeting minutes of March 13, 2017, as presented. Motion passed unanimously, 5-0.
325
326

327 **9. New/Old Business**

328
329 Selectman Lyon said the Conservation Commission heard from Director Berry regarding a culvert
330 replacement on Ponemah Hill Road, and that they approved his plan. The Planning Board will be
331 reviewing a plan for 66 individual housing units.
332

333 Board members agreed that despite the varying opinions regarding the Town Moderator's decision to
334 hold the election without delay, at least the town will avoid the possibility of legal uncertainty and
335 litigation which other towns may now be facing.
336


337 Vice Chairman Jensen went over pending action items as follows:
338

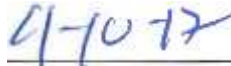
- 339 1) Meeting with elected representatives to be included on the calendar and scheduled in December.
340 2) Share warrant articles.
341

342 **10. Adjournment**

343
344 Vice Chairman Jensen moved, second by Selectman Grella, to adjourn the meeting at 9:00 p.m.
345 Motion passed unanimously, 5-0.
346

347 **NEXT MEETING: April 10, 2017**
348

349
350 
351 _____
352 Selectman Peter Lyon
353 Clerk, Board of Selectmen
354



Date