



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Monday, October 28, 2019

1 **1. Call to Order**

2
3 Chairman Peter Lyon called the meeting to order at 6:00 p.m.

4
5 Attendees: Chairman Peter Lyon, Selectman Dwight Brew, Selectman Reed Panasiti,
6 Selectman John D'Angelo, and Selectman Tom Grella. Also present: Town Administrator
7 Dean Shankle.

8
9 **2. Non-Public Session, RSA 91-A:3, II (a)**

10 *A MOTION was made by Chairman Lyon and SECONDED by Selectman D'Angelo to*
11 *enter into non-public session via RSA 91-A, II (a).*

12 *By roll call vote: Lyon: yes, Grella: yes, Brew: yes, D'Angelo: yes, Panasiti: yes, the*
13 *motion passed unanimously.*

14
15 *The Board entered Non-Public Session at 6:00 pm.*

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17 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*
18 *come out of Non-Public Session.*

19 *By roll call vote: D'Angelo: yes, Panasiti: yes, Brew: yes, Grella: yes, Lyon: yes, the*
20 *motion passed unanimously.*

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22 *The Board came out of Non-Public Session at 6:20 pm.*

23
24 *Chairman Lyon announced that no motions were made in the non-public session.*

25
26 The Board reconvened public session at 6:30pm.

27
28 Ways & Means Members in attendance: Peter Moustakis – Chair, Scott Tuthill, Elaina
29 Bedio, Danielle Pray, Mike Parisi, and Lisa Eastland.

30
31 **3. Pledge of Allegiance** – Frank Montesanto, citizen and Amherst Conservation
32 Commissioner, led the pledge.

33
34 **4. Citizen Forum**

35 Tom Quinn, 30 Christian Hill Road, addressed the Board. He thanked the Board for
36 bringing up impact fees at their meeting. He stated that he was surprised the fees haven't
37 been brought up before, as they were enacted ten years ago. He also thanked Chairman
38 Lyon and Town Administrator Dean Shankle for their responsiveness to his inquiry on

39 this topic. He also addressed a comment made by Selectman D'Angelo at the end of the
40 Board's October 7th meeting regarding the letter that he wrote on this topic. He stated that
41 the comment was inappropriate and unbecoming of a member of the Board. He believes
42 that any comment made to try to discredit the letter he wrote is inappropriate. He was told
43 the letter was not going to be brought up during the meeting and believes that it was
44 brought up by Selectman D'Angelo as a way to smear and discredit him. When Mr.
45 Quinn was finished, Selectman D'Angelo asked him what was it that he said that Mr.
46 Quinn found objectionable. Mr. Quinn was unable or unwilling to say.

47
48 Kelly Mullins, 48 Christian Hill Road, also thanked the Board for putting the impact fee
49 discussion on their agenda. She believes it is time for full consideration to be given to this
50 matter. She has seen other Commissioners and Board members dismiss the idea of even
51 discussing the fees, so she's glad the Board is agreeing to bring it up.

52 53 **5. FY21 Budget**

54 **5.1 Draft #2 Presentation**

55 Cheryl Eastman, Finance Director, stated that there are a few changes from the last
56 budget presentation. Line 4130-2341, Executive, saw a reduction of \$2,275 due to
57 telephone costs being reduced. Line 4155-1260, Personnel Administration, saw an
58 increase of \$10,260 due to an increase in worker's comp insurance. Line 4196-2525 saw a
59 reduction of \$4,175 due to a decrease in property liability insurance rates. This is a net
60 change of a \$3,810 increase to the budget.

61
62 In response to a question from Chairman Lyon, Cheryl Eastman stated that there may
63 need to be \$100,000 added to the road rebuild line. With these changes, the draft budget
64 is \$14,422,246, an increase of 3.06% from FY20.

65
66 In response to a question from Selectman Brew, Cheryl Eastman stated that a 1% COLA
67 would amount to approximately \$75,000 or 0.52%.

68
69 The Board discussed that the Fire Department line needs to be altered to include the
70 estimated 10% health insurance increase. This would be an approximate increase to the
71 budget, as these numbers aren't set yet. With this estimated increase, the budget would be
72 \$14,447,246, an increase of 3.10% from FY20.

73 74 **5.2 Warrant Articles Review**

75 Chris Buchanan, Chairman of the Bicycle and Pedestrian Advisory Committee, explained
76 that the group is looking into two different options to present possible multimodal warrant
77 articles on the ballot. The proposed projects for a side path on Amherst Street to the
78 Milford line, and the side path near the middle and high schools still remain. The
79 proposed road construction and accompanying alternate pavement material project for
80 three Village streets have been pushed back. The Committee is questioning whether to
81 propose three separate warrant articles for the two remaining projects or to combine the
82 requests into two general multimodal capital request fund articles. The Board asked for a
83 brief presentation from the Committee regarding the proposed style and placement of
84 these projects in order to better decide on the warrant article possibilities.
85

Chairman Lyon stated that there may also be funding needed for the Master Plan process.

Town Administrator Shankle thanked the Ways & Means Committee members for their work in the Department budget meetings.

6. Approvals

6.1 Impact Fee Review – the Board took up this item at this time.

Town Administrator Shankle stated that impact fees are discussed under NH Statute 674:21: Innovative Land Use Controls. Sarah Marchant created a summary of how this statute has been used in Amherst in 2012. The summary explained that the town may collect impact fees for projects identified in the CIP (Capital Improvement Plan). These fees must be used within six year, or returned. The impact fee language was originally adopted by the town in 2004 and revised and adopted a number of times over the years. Bruce Mayberry has been dealing with impact fees in NH and worked with former Amherst Town Administrator Gary MacGuire to create an impact fee analysis for the town. The final presentation of this report was given on June 2, 2011. At that time the CIP hadn't been updated since 2006 and the recommendation from Gary MacGuire and Sarah Marchant was to update the CIP. This was not completed until 2017.

Town Administrator Shankle explained that, if the Board wants to move forward with a discussion on impact fees, they might want to request for Bruce Mayberry to do an updated study. This could cost around \$22,000.

The Board discussed a number of items that could, or could not, be funded by impact fees. Chairman Lyon stated that there are also other types of fees that can be exacted by the Planning Board.

Marilyn Peterman, 12 Scottie Way and member of the Planning Board, explained that the town has really not grown much since the last census. She recommended an article written by the NH Bar Association in June 2012, "Municipal & Governmental Law: Perils of the Impact Fee Ordinance." She explained that Bedford seems to have been very successful in collecting impact fees and has used them to fund a number of their fields. There is a lot of data collection and legwork that will need to be done by an expert. While there have been several large projects in front of the Planning Board as of late, the possible decision regarding impact fees would probably not affect them.

In response to a question from Marilyn Peterman, Town Administrator Shankle stated that the schools have virtually no information in the CIP regarding expanding or building new.

Marilyn Peterman explained that without knowing for certain what types of housing will be in these new developments it is difficult to know what the true impact to the schools will be. Historically in town, senior and similar types of housing have not made an impact on the school populations.

In response to a question from Selectman Panasiti, Marilyn Peterman explained that impact fees can be exacted in a number of ways: per unit, per ft², etc. Impact fees are paid

by the developer and how they choose to facilitate that (e.g. by increasing the cost of housing to the residents of the development) is up to them.

Marilyn Peterman stated that she believes there are three key components to this process: 1) data collection to create an impact fee schedule, 2) administrative help to impose, collect, and handle impact fees, 3) that projects funded by these fees must be completed within six years.

Selectman Panasiti stated that impact fees seem to be more prevalent in communities that see large growth often. He is not sure if it will be of as great a benefit to Amherst.

In response to a question from Selectman Panasiti, Marilyn Peterman explained that an impact fee schedule was not pushed in 2006 due to their being no impetus for it; no real growth was occurring in town at that time.

Selectman Grella stated that Loudon, NH used impact fees from the NH Speedway expansion to fund a new tower truck for their Fire Department, which was necessary to reach people in the new tall spectator stands if an emergency occurred.

Selectman Brew stated that he believes impact fees should be explored. This may cost money to do. He believes scenarios should be created and then compared with CIP submittals to determine what the effect would be of additional students, or traffic, etc. These determinations could then be added to the CIP and impact fees could be assessed against them. Currently the CIP does not include items directly in response to any new growth and it may need to be structured differently.

Selectman D'Angelo explained that the CIP process is almost complete for this year. During last year's process, the Amherst School Board talked a lot about new facilities but didn't include anything in the CIP for this. Instead they tried to use a warrant article to fund a facilities study, but this was shot down by the voters. There is currently nothing in the CIP from the schools regarding facilities additions. He believes that the CIP process is not as useful as it could be in regard to impact fees and could be done differently in the future. He believes that specific costs would have to be assigned to a developer based on the incremental need of a project based on the development itself. He believes that the schools are planning to move towards creating a capital reserve fund for routine maintenance of the schools.

Selectman Brew asked Selectman D'Angelo when the Town started up the CIP process again to which Selectman D'Angelo responded that the CIP process was done annually 2013-2015, was not done from 2016-2017, and was restarted in 2018

Town Administrator Shankle stated that, if the schools are going to move to a Capital Reserve Fund/warrant article based approach for maintenance projects instead of trying to expand, this will not be a way to utilize impact fees. It is difficult to impose impact fees once the infrastructure falls behind. Impact fees can only cover projects in an incremental capacity. The process is complicated and other towns have had varying degrees of success with it.

180 The Board and Town Administrator Shankle discussed finding out what information is
181 needed in order to further explore the process with Bruce Mayberry.

182
183 Lisa Eastland, Ways & Means Member, stated that she is disappointed regarding the lack
184 of connection between the town and the school boards. She is surprised that there isn't a
185 representative from the schools at this meeting. She believes it is worth the money to
186 update the CIP properly in the future. She doesn't want the difficulty or complexity of the
187 process stymie progress.

188
189 Tim Kachmar, 15 Mack Hill Road, stated that he believes the impact fee schedule should
190 have been put in place a number of years ago, since the ordinance was enacted back in
191 the 2000's. This would have been in spirit of the ordinance, even if there was no
192 development going on during that time in town. According to the ordinance, it is up to
193 the Planning Board to determine if a development will impact the town in ways that
194 could warrant capital improvements through impact fees. He believes that the fee
195 schedule should be put in place now, or impact fees should be removed from the
196 ordinance.

197
198 Tom Quinn, 30 Christian Hill Road, stated that impact fees have been characterized by
199 some Planning Board members as being "perils," but he encourages the Board of
200 Selectmen to look at them instead as opportunities. These should be looked at as a way
201 for the town to help subsidize its growth. Impact fees can help offset some of the costs
202 borne by the taxpayers. He believes that the schools in town have a real issue with
203 facilities. He is concerned that some Planning Board members didn't even seem to be
204 aware that Amherst shares a school system with Mont Vernon. He isn't sure members of
205 the Boards are knowledgeable as to the issues going on in the schools. He believes it is
206 important for the school boards to be on board with the CIP plan and bring to light the
207 issues that need to be addressed. He is unsure why the school boards don't talk more
208 about them.

209
210 In response to a question from Peter Moustakis, Chair of the Ways & Means Committee,
211 Marilyn Peterman explained that impact fees cannot be used to correct deficiencies in
212 certain areas. Impact fees would be assessed proportionately based on the development's
213 proposed impact to the town.

214
215 Frank Montesanto, 55 Christian Hill Road, stated that he is concerned with hearing the
216 statement that these newly proposed developments are going to have mixed housing in
217 them, as he believes this could be similar to saying that not a lot of development is
218 occurring in town. He also believes that impact fees could give some momentum to
219 future warrant articles if townspeople realize that some of the funding for a project will
220 be coming from impact fees.

221
222 Tom Quinn stated that Wilton utilizes impact fees and is much smaller and has very little
223 development. Wilton charges an impact fee of \$5,000 to both residential and industrial
224 units. He believes that the proposed new developments in town will impact not just the
225 schools, but the fire and police departments, etc. He believes that impact fees are in the
226 ordinance and there is no reason that some fee should not be assessed.

Chairman Lyon stated that impact fees cannot be collected unless there is an identified project to put funds towards.

Kelly Mullins suggested that Planning Board members and members from the Board of Selectmen walk through the schools and talk with the administrators there. It is very concerning that there is nothing in the CIP from the schools at this time. She is concerned that the mixed housing types in the new proposed developments leaves the town in a predicament to determine various impacts to its infrastructure. She believes, as mentioned in a previous meeting, that there is a sort of “perfect storm” in town right now with no impact fees, and many density bonuses.

Marilyn Peterman recommended to the Board that they include money in the budget to study impact fees.

Danielle Pray, Chairman of the CIP Committee, stated that they have requested information from the school boards regarding renovations, additions, or new buildings, but haven’t received anything in writing yet. She believes impact fees could be one piece of the puzzle for the town to help alleviate some of the taxpayer’s burden. She explained to the Board that when a change to the zoning ordinance was on the ballot in 2015 there was not information given regarding Section E, density bonuses, in the voting booth. She doesn’t believe most people knew what they were voting for. She believes density bonuses need to be addressed by the Board of Selectmen and the Planning Board.

7. Administration

7.1 Administrator’s Report – the Board continued with the agenda as scheduled Town Administrator Shankle presented his report. He explained that tax bills will be sent out on October 31st, and due before December 2nd. In 2018 the tax rate was \$27.23; this year the tax rate is \$26.96. This is down approximately 1% due to a reduction by the schools. He explained that no additional ideas for projects were given to him by the staff to use the approximately \$70,000 given to the town by the state.

The Board discussed a pick-up/drop-off location in town for the Derryfield School bus. It was determined that Limbo Lane will be suggested as a possible location.

In response to a question from Chairman Lyon, Cheryl Eastman stated that the town’s escrow accounts will be moved from TD Bank to Citizen’s Bank due to convenience and ease for the town Treasurer.

Selectman Brew suggested that Town Administrator Shankle put together an FAQ in regards to impact fees for the next Board meeting. Giving specific factual information about the fees will be useful to the Board and the public.

7.2 New Hires – AFR

A MOTION was made by Selectman D’Angelo and SECONDED by Selectman Panasiti to appoint Michael Benoit to the Amherst Fire Rescue as an EMT-Paramedic, effective October 1, 2019.

Voting: 5-0-0; motion carried unanimously.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Brew to appoint William Thomas to the Amherst Fire Rescue as a Firefighter, effective October 3, 2019.

Voting: 5-0-0; motion carried unanimously.

8. Staff Reports

8.1 DPW, Sand Bid

A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to award Dugout Gravel, LLC, the lowest qualified bidder at \$8.25/unit, the winter sand bid, effective immediately and further to authorize the Town Administrator to sign all related documents.

Voting: 5-0-0; motion carried unanimously.

8.2 Planner I Job Description Review

The Board discussed updating the Planner I job description with Nic Strong, Community Development Director.

Nic Strong explained that the current position is listed at a grade 5. There is an issue with the current grade and the job's requirements. She is proposing to change the grade to 12, an increase of \$2.96/hour. She would also like to change the position's title to Town Planner.

In response to a question from Selectman Brew, Nic Strong stated that a step 1 for this grade would be an increase of \$6,156.80/year from the previous Planner I's wages. This represents an increase of 14.5%. A step 5 in this grade is \$25.25/hour, or \$52,520/year. This represents an increase of 23% a year.

In response to a question from Selectman Brew, Nic Strong explained that the position would be posted with a salary range (step 1-5 in grade 12), as that range is currently requested in the budget.

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to allow the change of the position title from Planner I to Town Planner and to change the compensation grade from 5 to 12 on the Town's adopted wage schedule.

Voting: 5-0-0; motion carried unanimously.

8.3 Impact Fee Review – this was discussed earlier in the meeting.

9. Approvals

9.1 Property Tax Warrant

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve and sign the December 2019 Tax Warrant in the amount of \$22,993,738.00.

Voting: 5-0-0; motion carried unanimously.

321 **9.2 Petitions & Pole Licenses – EVERSOURCE**

322 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to*
323 *approve the placement of one utility pole on Dorothy Drive and to authorize the Board to*
324 *sign the petition on behalf of the Town of Amherst.*

325 *Voting: 5-0-0; motion carried unanimously.*
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327 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to*
328 *approve the placement of one utility pole on Blueberry Hill Drive and to authorize the*
329 *Board to sign the petition on behalf of the Town of Amherst.*

330 *Voting: 5-0-0; motion carried unanimously.*
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332 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to*
333 *approve the placement of one utility pole on Waterview Drive and to authorize the Board*
334 *to sign the petition on behalf of the Town of Amherst.*

335 *Voting: 5-0-0; motion carried unanimously.*
336

337 **9.3 Payroll**

338 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti,*
339 *to approve one (1) FY20 Payroll Manifest in the amount of \$218,965.41 dated October*
340 *24, 2019, subject to review and audit.*

341 *Voting: 5-0-0; motion passed unanimously.*
342

343 **9.4 Accounts Payable**

344 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti,*
345 *to approve one (1) FY20 Accounts Payable Manifest in the amount of \$32,792.03 dated*
346 *October 16, 2019, subject to review and audit (Town Clerk Transfers to the State of NH).*

347 *Voting: 5-0-0; motion passed unanimously.*
348

349 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti,*
350 *to approve one (1) FY20 Accounts Payable Manifest in the amount of \$120,596.70, dated*
351 *October 15, 2019, subject to review and audit.*

352 *Voting: 5-0-0; motion passed unanimously.*
353

354 **9.5 Concentration Account**

355 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti,*
356 *to approve one (1) FY20 Concentration Account Manifest in the amount of \$696.56,*
357 *dated October 16, 2019, subject to review and audit.*

358 *Voting: 5-0-0; motion passed unanimously.*
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360 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti,*
361 *to approve one (1) FY20 Concentration Account Manifest in the amount of \$1,458.54,*
362 *dated October 16, 2019, subject to review and audit.*

363 *Voting: 5-0-0; motion passed unanimously.*
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9.6 Previous Meeting Minutes – October 14, & 21, 2019

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo, to approve the Board of Selectmen meeting minutes of October 14, 2019, as presented. Voting: 5-0-0; motion passed unanimously.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo, to approve the Board of Selectmen meeting minutes of October 21, 2019, as amended [To remove Line 96]. Voting: 5-0-0; motion passed unanimously.

10. Action Items – the Board reviewed its action items.

11. Old/New Business

Selectman D'Angelo stated that the school boards are continuing to work on their budgets. The Amherst School Board is looking at a small increase, in the 2-4% range. They are looking towards moving to a capital reserve fund method for any maintenance items.

Selectman Grella congratulated the girl's cross-country team for winning the state championship. The flag raising celebration will be on Wednesday at 4pm.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to adjourn the meeting at 8:47pm. Voting: 5-0-0; motion carried unanimously.

NEXT MEETING: November 12, 2019 - Tuesday

SIGNATURE ON FILE

11.12.2019

Selectman Reed Panasiti

Date