



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Tuesday, November 25, 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 (d)**

10
11 *A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to*
12 *enter into non-public session via RSA 91-A:3, II (d).*

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

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

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

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

22
23 *The Board came out of Non-Public Session at 6:28 pm.*

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

26
27 The Board reconvened public session at 6:32pm.

28
29 Ways & Means Members in attendance: Peter Moustakis – Chair, Scott Tuthill, Elaina
30 Bedio, Danielle Pray, Mike Parisi, and Sarah Bonnoit (Alternate).

31
32 **3. Pledge of Allegiance** – Eric Slosek, DPW Road Foreman, led the pledge.

33
34 **4. Citizen Forum**

35
36 Frank Coffey, 8 Wilkins Road, addressed the Board. He stated that he has lived at his
37 address since 1988; during that time it has always been posted as a No Salt road. He
38 recently became aware that the Board approved a change to the road salt application

39 policy, meaning that some No Salt roads in town are joined with the rest to become
40 treated by 100% salt. Earlier this week, a town salt/sand truck applied salt to Wilkins
41 Road for the first time in 31 years. His initial call to DPW was not returned. He called
42 again later and spoke to Road Foreman, Eric Slosek, who informed him of the recent
43 policy change. Mr. Coffey then asked to speak to DPW Director, Eric Hahn. In speaking
44 with Eric Hahn, he was referred to the Green Snowpro Program as it being the authority
45 on road salt production. He was also informed that the ACC and Board of Selectmen both
46 gave their support to this recent policy change. Mr. Coffey objects to the policy change
47 without notification to the public. He also stated that the Green Snowpro Program was
48 not created for municipalities; it's a class for commercial snow removal operators to
49 attend. He requested that the Board suspend the use of 100% salt on No Salt roads and
50 return to sand only, as the roads were historically designated. Evidence clearly shows that
51 sodium chloride and other de-icing agents are not environmentally friendly.

52
53 Chairman Lyon apologized that Mr. Coffey found out about the policy change in the way
54 that he did, but explained that the discussion regarding this matter did happen in a public
55 forum. The Board reviewed information and believes the change is good for
56 environmental concerns and town resources.

57
58 DPW Director, Eric Hahn, apologized to Mr. Coffey and the public for the late
59 notification about this change of policy. This was simply an issue of timing. The first
60 treatment was done over the entire paved area of town with only 45 tons of material; this
61 is a vast improvement over historical treatments. While the Green Snowpro Program is
62 currently geared towards commercial applicators, there is a bill being pushed by DES for
63 the Program to cover all municipalities across the state. This change will lead to an
64 overall salt reduction to the town.

65
66 Tom Quinn, 30 Christian Hill Road, stated that he has an issue with the agenda topic
67 regarding a change to the impact fee ordinance. He doesn't believe a change should be
68 issued since the policy hasn't been enforced in 15 years. He believes the ordinance
69 should first be enforced, and then discussions regarding possible changes can be had.
70 Enacting impact fees will lead to a reduced cost to existing homeowners as it related to
71 growth of the town. There are things that the town may want/need, such as a Recreation
72 Center, a large fire station, or updated schools, that impact fees could be used towards in
73 order to stop taxes in town from continuing to increase. Currently the townspeople are
74 footing the bill 100% for the town's growth; this is an unfair tax on people. The current
75 IIHO regulations are generous and the town is quickly becoming a destination for these
76 developers to come to. He recently put up a poll on the Amherst Facebook page which
77 showed that 94% of 215 responses agreed that the town should share the cost of growth
78 with these developers.

79
80 Chairman Lyon stated that he believes Mr. Quinn's comments to be premature. The
81 discussion tonight is centered on changing the ordinance to make it more workable for
82 the town's needs. There will be no other decisions and the Board will wait to see what's
83 on the CIP.

Tom Quinn stated that he heard the proposed changes will give more discretion to Boards in regards to implementing impact fees. As these Boards have not implemented these fees in 15 years, he's not sure if they should be given more discretion to do so.

Selectmen Brew explained that, at the Board's last meeting it was discussed that the ordinance has certain impediments that are creating a significant handicap to the town in implementing impact fees (tying impact fees only to CIP items). The discussion tonight is on how to eliminate these impediments in order to more easily implement impact fees.

Tom Quinn stated that he has heard that some of the Selectmen are against impact fees. He also explained that there are a number of town projects and capital reserve funds that are funded each year because the townspeople believe them to be important, but tax bills are becoming an issue for many. He asked that the ordinance that's on the books be enforced.

5. Appointments

5.1 Use of Common Request – Amherst Garden Club

It was noted that the time of this request has been changed from 10am-2pm on August 29, 2020.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to allow the Amherst Garden Club to use the Village Green on August 29, 2020, a Saturday, for the purpose of celebrating the 50th anniversary of the club.

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

5.2 Historical Society Request – German Market

Town Administrator Dean Shankle explained that the Historical Society is requesting a road closure during this event for food trucks and vendors. They are also requesting the use of Buchanan Park for vendor space, and the use of the restrooms inside of Town Hall.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to approve the Amherst Historical Society's request for the closure of Cross Street, as requested by the Historical Society, on December 7, 2019 from the hours of 12:00 p.m. to 7:00 p.m. and further to allow the use of Buchanan Park for same, as well as the Town Hall restrooms.

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

5.3 Amherst, Beyond the Common

Joe Cummings, who runs the town's television station (channel 20) stated that he is working on a TV show called Amherst Beyond the Common. The show looks to reach out to the community through the Boards, Commissions, and people that give back to the town. The first event that was covered was the Vietnam Moving Wall. This show was not only broadcast on the Amherst station, but a number of other community stations also ran the video, including a station in Wisconsin. Since then he's shot several hours of film that will need to be edited down.

In response to a question from Town Administrator Shankle, Joe Cummings stated that he believes there could be some compensation involved for himself and Kristan Patenaude, for time and effort. Both he and Kristan would like to see the show pushed forward.

5.4 Planning Board – Master Plan, NRPC Proposal

Mike Dell Orfano, Chairman of the Planning Board, explained that the Master Plan contingency tasks and associated dollars from the last presentation have since been incorporated in a revised proposal from NRPC. This planning process is looking for greater community involvement and to end up with an implementable plan. The group will look to come up with actionable events, with associated costs, that can then be tied to the CIP. This is entirely different from how the Master Plan process was done in the past, and for half the cost.

In response to a question from Chairman Lyon, Mike Dell Orfano stated that the total cost for the project is \$54,800. The Board already approved \$15,000 from the current year's budget, and so \$39,800 is being requested in the FY21 budget.

Jay Minkarah explained that this proposal includes more public input sessions and scenario planning. It also accounts for an increased total number of maps.

Selectman D'Angelo stated that it appears that the scope and budget for this project have increased, but that the process looks to end up with a more useful product and at half the cost of the last Master Plan process.

*A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to increase the amount allocated for the Master Plan process in the FY21 proposed budget from the already estimated \$25,000 [November 12, 2019 meeting] to \$39,800.
Voting: 5-0-0; motion carried unanimously.*

5.5 Bike/Ped Committee

Chris Buchanan, Chairman of the Bicycle Pedestrian Advisory Committee, explained that there is consensus from a cost standpoint that any projects should be done in time with already scheduled road construction. While there is interest in pursuing additional projects in town, the group has decided to try to showcase the Amherst Street side path projects and then take some time to investigate how to pursue future endeavors.

He explained that he, George Bower, and Rick Katzenberg met with the DPW to review the scope of work for this project. Fortunately, it looks like the project will now be extended an extra 800' or so and start at Courthouse Road.

George Bower explained that this extension gives the ability to create a side path all the way to Birch Park with a small amount of extra work, and immediately to Joshua's Park.

In response to a question from Selectman Grella, Chris Buchanan agreed that bicycles are not allowed on sidewalks per state law, and thus not allowed on Milford sidewalks. NRPC is currently looking to discuss multimodal plans with Milford and other surrounding towns in hopes that these towns will look to pick up where Amherst leaves

off. The Committee got estimates from two paving companies for this project, including Continental Paving.

Chairman Lyon read warrant article 32: "Village to Oval Side Path. To see if the Town will vote to appropriate the sum of \$287,500 for the purpose of constructing a pedestrian/bicycle side path as part of the reconstruction of Amherst Street from Courthouse Road to the Milford town line, in accordance with the provisions of the Town of Amherst Multimodal Masterplan, as adopted. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the project is completed or by June 30, 2023.

6. FY21 Budget

6.1 Final Draft Presentation/Review

Cheryl Eastman, Finance Director, stated that the 2% COLA has been added into the budget, as well as the increase to the Master Plan funds, and the deputy clerk change previously discussed. The FY21 budget is estimated to be \$14,616,376. This is a 4.31% increase over the previous year's budget.

In response to a question from Selectman D'Angelo, Cheryl Eastman stated that the town should receive the exact health insurance numbers on December 5th or 6th.

The Board agreed that it generally supports the Budget as presented, unanimously.

6.2 Warrant Articles Review

Chairman Lyon stated that warrant article 32 should read \$287,500.

Chairman Lyon stated that with the proposed budget and warrant articles the town tax rate would increase from 2.61% over the current year's tax rate. This is still less than the current year's tax rate increase of 2.94% over the previous years.

In response to a question from Ways & Means Chairman Peter Moustakis, Town Administrator Shankle stated that he hopes to have information back from the insurance company regarding the health insurance and the police contract figures to share at the next Board meeting.

Town Administrator Shankle explained that he has a concern regarding the Police Station Renovation fund, that the \$600,000 proposed might not be enough to cover the renovation.

The Board agreed to wait until their next meeting to vote on their support for/against the warrant articles.

7. Administration

7.1 Administrator's Report

Town Administrator Shankle presented the Board with copies of the new DPW Storm Warning reports. These will be completed for each storm incident and shared with the Board. He also noted that the Police Department has formalized the installation of four solar-powered emergency light systems at Souhegan High School.

225 **8. Staff Reports**

226 **8.1 New Hire Recommendation – DPW Assistant Director**

227 DPW Director, Eric Hahn, explained that there were nine applicants for the DPW
228 Assistant Director position, and an interview panel unanimously decided that the internal
229 candidate, the DPW Road Foreman, was the best candidate.

230
231 *A MOTION was made by Selectman Grella and SECONDED by Selectman D'Angelo to*
232 *appoint Eric Slosek as the Assistant DPW Director effective December 1, 2019, and to*
233 *advertise for the Road Foreman vacancy created by his appointment.*

234
235 **Discussion:**

236 There was discussion regarding the wording of the DPW Director's job description and
237 required experience. It was determined that there isn't an issue in regards to either at this
238 time.

239
240 *Voting: 5-0-0; motion carried unanimously.*

241
242 The Board congratulated Eric Slosek.

243
244 **8.2 Impact Fees Ordinance Change**

245 Town Administrator Shankle stated that he spoke with Bruce Mayberry about the town's
246 impact fee ordinance and some proposed changes to it. He reviewed the four proposed
247 changes with the Board.

- 248
249 1) From Section 4.19, subsection G. Impact Fee Establishment Procedure:
250 Remove this sentence: "In order to establish an impact fee, the Selectmen shall
251 identify projects eligible for impact fee funding as indicated in the Capital
252 Improvements Program, as, from time to time, amended.

253
254 Selectman Brew noted that currently if an item is not in the CIP then the Board cannot
255 impose an impact fee on it. Removing this sentence will allow the Board to consider
256 impact fees on legitimate items, even if the item is not explicitly called out in the CIP.
257 Town Administrator Shankle agreed that this would give the Board some flexibility.

- 258
259 2) From Section 4.19, subsection G. Impact Fee Establishment Procedure:
260 In the next sentence from the one previously suggested for removal, remove
261 the word "then."

262
263 Chairman Lyon noted that this is not to change the intent of the sentence, but simply to
264 make the sentence structure correct.

- 265
266 3) From Section 4.19. Impact Fee Ordinance:
267 Remove this sentence: "G. 1. A determination of the number of building
268 permits that will need to be issued in order to finance the impact fee. (3-10-
269 09)."

Town Administrator Shankle explained that there is some concern with Boards looking at this language and wondering how to make a determination on it. This could be a complicating factor.

4) From Section 4.19. O. Applicability of Impact Fees.

Remove this sentence: “1. Any person or agent, who after the effective date of this ordinance, seeks to undertake new development within the Town of Amherst, New Hampshire, by applying for site plan approval, subdivision approval or a building permit and who is not vested pursuant to RSA 674:39, is hereby required to pay the appropriate Impact Fees in the manner set forth in this ordinance, in accordance with any Impact Fee Schedule adopted by the Board of Selectmen.”

Replace it with this sentence: “1. Any person or agent, who after the effective date of this ordinance, seeks to undertake new development within the Town of Amherst, New Hampshire, by applying for site plan approval, subdivision approval or a building permit, and which is not covered under an exemption pursuant to RSA 674:39, is hereby required to pay the appropriate Impact Fees in the manner set forth in this ordinance, in accordance with any Impact Fee Schedule adopted by the Board of Selectmen.”

Town Administrator Shankle explained that there have been changes made to RSA 674:39, and there is concern that these changes might make this sentence not apply at all. Thus, the suggested change will make it so that the ordinance will not need to be changed based on alterations made to the RSA.

Chairman Lyon explained that these suggested changes came from Bruce Mayberry, who is the president of a company that works with impact fees. Bruce Mayberry also set up the town’s impact fees 15 years ago. The Board cannot make changes to this ordinance, but they can suggest changes to the Planning Board and recommend that they put these changes on a warrant article to ask the town to vote on them.

In response to a question from Selectmen Brew, Town Administrator Shankle explained that the proposed changes should come from the Planning Board; they could also come from a petition warrant article.

A MOTION was made by Selectman D’Angelo and SECONDED by Selectman Panasiti to move that the Board of Selectmen recommend to the Planning Board the four changes described by Town Administrator Shankle, and to suggest that these changes be put on the warrant in March.

Discussion:

Town Administrator Shankle explained that Bruce Mayberry analyzed what the impact fees could be used for in 2011. He looked at the town as a whole and recommended items that the Board might want to adopt, but the Board at that time didn’t adopt any of the recommendations.

318 Selectmen Brew explained that, at that time, the Board looked at the suggested items and
319 noted that they had to be tied to the CIP, but there was no CIP at that time.

320
321 Town Administrator Shankle stated that the issue initially came before the Board Sarah
322 Marchant, who explained the need for a CIP, which is why the CIP project was initiated
323 again.

324
325 In response to a question from Frank Montesanto, 55 Christian Hill Road, Chairman
326 Lyon explained that the Board will suggest the recommended changes to the Planning
327 Board. The Planning Board will then decide to put those changes to the voters on a
328 zoning warrant article. The voters will vote. Then the implementation of the impact fees
329 is the responsibility of both the Planning Board and Board of Selectmen. The Board can
330 set the fee schedule after receiving some necessary information from Bruce Mayberry.

331
332 In response to a comment from Tom Quinn, Chairman Lyon explained that these changes
333 are being suggested for the purpose of assessing impact fees on projects that may not be
334 in the CIP. Currently, the fees must be connected to CIP items.

335
336 Tom Quinn stated that he uncomfortable with uncoupling impact fees from the CIP.
337 Neither Board has shown any urgency on this issue in the past 15 years. He is concerned
338 that these suggested changes lay the responsibility for impact fees at this Board's feet,
339 when no one has taken responsibility for this issue up to this time. He believes that there
340 may currently be growth-related projects in the CIP. It's possible that these projects
341 would qualify for impact fees right now. He believes that if there are items in the CIP that
342 have a legal basis to assess impact fees to, this could be a current benefit to existing
343 taxpayers.

344
345 Selectman D'Angelo explained that impact fees are already this Board's responsibility.
346 The Board is currently trying to move on this issue as soon as it's feasible to.

347
348 In response to a question from Will Ludt, 3 School Street, regarding the CIP process,
349 Selectman D'Angelo explained that, since 2013, the process has been to identify projects
350 over \$50,000, or those less than \$50,000 that are still major expenditures for a group. The
351 idea has been to try to capture large projects. The schools don't currently have anything
352 in the CIP. The schools are being urged to be aggressive and put placeholder numbers in
353 for estimates of large projects. There will be a meeting in December with the schools on
354 this subject.

355
356 Selectman Brew suggested that the schools might not currently know exactly which route
357 to take to address growth. Unlinking the CIP and impact fees will allow the schools to
358 keep this process more open ended, and examine what a reasonable amount is to
359 accommodate any new students.

360
361 In response to a question from Will Ludt, Chairman Lyon explained that the Board is
362 tasked with setting a fee schedule based on criteria and then forwarding it along to the
363 Planning Board to use to implement the ordinance.

Town Administrator Shankle explained that the fee schedule will address specific areas of capital improvement that the town wants to address. The Board can look at the fee schedule every year.

Danielle Pray, member of the Ways & Means Committee, suggested that, if the Planning Board doesn't approve these changes, the Board should look at putting the changed ordinance on the ballot themselves. The Board of Selectmen is the elected board, whereas the Planning Board is not.

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

9. Approvals

9.1 Quarterly Septic Warrants

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve and sign the Quarterly Warrants for the Baboosic Lake Community Septic invoices, due January 2, 2020 as follows:

<i>Phase I Quarterly Maintenance Warrant</i>	<i>\$2,038.56</i>
<i>Phase II Quarterly Maintenance Warrant</i>	<i>\$5,665.15</i>
<i>Phase III Quarterly Maintenance Warrant</i>	<i>\$6,862.23</i>
<i>Phase IV Quarterly Maintenance Warrant</i>	<i>\$4,834.52</i>

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

9.2 Petitions & Pole Licenses – EVERSOURCE

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve the placement of a utility pole on Juniper Drive as described in PSNH #12-0808, Eversource Petition and Pole request and to authorize the Board of Selectmen to sign related paperwork on behalf of the Town of Amherst.

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

9.3 Assessing

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve and sign the Veteran Tax Credit (2021 Tax Year) for:

Property Map/Lot 003-027-007 in the amount of \$500.00

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve and sign the All Service Veterans' Tax Credit for:

Property Map/Lot 002-164-013 in the amount of \$500.00

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve and sign the Land Use Change Tax for:

Property Map/Lot 006-092-002 in the amount of \$880.00

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve and sign the Timber Tax Levy/Certification of Yield Tax for:

Property Map/Lot 007-089-002 in the amount of \$548.87

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to accept and sign the 2019 Equalization Municipal Assessment Data Certificate.

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

Selectman Brew suggested that the Board defer the three Abatement items until the next meeting for clarification purposes. The Board agreed.

9.4 Payroll

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY20 Payroll Manifest in the amount of \$214,498.95 dated November 21, 2019, subject to review and audit.

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

9.5 Accounts Payable

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY20 Accounts Payable Manifest in the amount of \$38,869.77 dated October 31, 2019, subject to review and audit. (Town Clerk Transfers to the State of NH).

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

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY20 Accounts Payable Manifest in the amount of \$126,352.10, dated November 12, 2019, subject to review and audit.

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

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY20 Accounts Payable Manifest in the amount of \$15,000.00, dated November 18, 2019, subject to review and audit.

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

9.6 Concentration Account

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY20 Concentration Account Manifest in the amount of \$2,625.11, dated November 14, 2019, subject to review and audit.

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

9.7 Previous Meeting Minutes – November 12, 2019

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo, to approve the Board of Selectmen meeting minutes of November 12, 2019, as submitted.

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

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

Selectman D'Angelo explained that the Board still should create an impact fee schedule.

Town Administrator Shankle explained that the Board could start the process with Bruce Mayberry to determine a recommended amount for impact fees. The fee schedule could be examined based on any current CIP projects. Information about the town and its budget would also be factored into the process.

Chairman Lyon explained that if the town has an active impact fee ordinance, he suspects that the number of possible growth related projects will grow because people will be thinking in that direction.

In response to a question from Town Administrator Shankle, Selectman D'Angelo explained that the schools are trying to get smaller class sizes, as they're already over the state recommended averages in some classes. Superintendent Steele stated that the schools could accommodate about 100 new students in the elementary and middle schools, if put in the right classes. The schools are currently trying to figure out if there's enough space for the current student population for next year.

The Board and Town Administrator Shankle agreed to work with Bruce Mayberry to gather more information regarding a possible impact fee schedule.

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to hold a public hearing on December 9, 2019 pursuant to accepting a donation of land. Voting: 5-0-0; motion carried unanimously.

11. Old/New Business

Selectman Panasiti explained that the Police Station Renovation Committee looked at the NHSaves program to see if money could be saved through energy efficiency of the new building. The program would not save the town any money.

In response to a question from Chairman Lyon, Selectman Panasiti explained that the Board should have a number as close to the exact cost of the Police Station renovation as possible by the December 9th meeting.

Town Administrator Shankle explained that there is some concern with the HVAC replacement cost in the renovation.

Selectman Grella stated that he and Marie Grella have visited three other towns to discuss becoming Purple Heart towns. Greenville, Merrimack, and New Boston all voted yes to continue the process.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman Grella to adjourn the meeting at 9:11pm. Voting: 5-0-0; motion carried unanimously.

NEXT MEETING: December 9, 2019 - Monday

SIGNATURE ON FILE

12.09.2019

Selectman Reed Panasiti

Date _____