



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Tuesday, December 09, 2019

1 **1. Call to Order**

2
3 Chairman Peter Lyon called the meeting to order at 6:31 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 Ways & Means Committee Members: Peter Moustakis – Chair, Lisa Eastland, Sarah
10 Bonnoitt, Scott Tuthill, Elaina Bedio, Matt Seiler, and Danielle Pray.

11
12 **2. Pledge of Allegiance** – Tamara Roberts, of Roberts & Greene, PLLC, led the pledge.

13
14 **PUBLIC HEARING**

15 Chairman Lyon explained that, pursuant to New Hampshire RSA 36-A:4 I, the Amherst
16 Board of Selectmen and the Amherst Conservation Commission hereby announce to the
17 citizens of Amherst the convening of a Public Hearing to take input on the acquisition of
18 property by the Town.

19 *Map & Lot: 008/002/022*

20 *AND*

21 *Map & Lot: 008/002/023*

22 *Owner of Record: Dodge Road LLC*

23
24 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*
25 *open the public hearing.*

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

27
28 Amherst Conservation Commission (ACC) Chair, Rob Clemens, and Vice Chair, Jared
29 Hardner presented the acquisition to the Board.

30
31 Jared Hardner explained that these two lots, owned by Dodge Road LLC, are set back
32 from the Gowing Woods development. There is a small access road on the lots that leads
33 to a cell tower. The cell tower lot is subdivided out of the two residential lots. Both lots
34 abut Route 101. There is access to town/conservation land on a few of the sides of these
35 properties. The access to these lots would be through the contiguous town properties, but
36 not from the access road. The purpose of this land would be for conservation, to be
37 managed by the ACC. The owners of the cell tower will continue to have access to the

access road and will be responsible for its maintenance. The ACC will create trails on this land as it can. The ACC is in favor of accepting this land donation.

Chris Buchanan, 24 Mack Hill Road, gave his support and thanks to the ACC and the land donors.

A MOTION was made by Selectman Grella and SECONDED by Selectman Panasiti to close the public hearing.

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

In response to a question from Selectman Panasiti, Jared Hardner explained that there is a very sizable amount of abutting town land to this property, including Dacquino Woods, and the Bicentennial Trail.

In response to a question from Chairman Lyon, Jared Hardner explained that, in a related business transaction, the subdivided out cell tower lot will be sold by the land owner to the cell tower company.

In response to a question from Selectman Brew, Jared Hardner stated that there will be language in the deed that will allow for the conservation land to be kept as such as not sold by the town at a later date.

A MOTION was made by Selectman Grella and SECONDED by Selectman D'Angelo to accept the gift of land as previously discussed for Map 8-2-22 and Map 8-2-23.

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

The ACC also voted to accept the donation, as there was a quorum present.

A MOTION was made by John Harvey and SECONDED by Frank Montesanto to accept the land donation, as previously discussed.

Voting: all aye; motion carried unanimously.

3. Citizen Forum

Frank Coffey, 8 Wilkins Road, addressed the Board regarding the change in policy to move to 100% salt treatment for most town roads. He explained that there are roads previously designated as no-salt roads that are lightly traveled, sit close to the roadway, and some that are close to Ponemah Bog, that have been changed to 100% salt. He believes that this could lead to the destruction of these environments and the surrounding wells. He read key comments from studies that were previously distributed to the Board. Some of these studies suggest that once salt enters waterways there is no way for it to exit without being transported out of the system. Also, that salt can be toxic to aquatic life.

Mr. Coffey stated that he has issues with three statements made by DPW Director Eric Hahn in a recent letter to the public. He doesn't believe that the GreenSnow Pro program was created or designed for municipalities to use. He also stated that he doesn't believe that is any evidence that the GreenSnow Pro program has the ability to be used to create certified municipal staff, as the letter stated that all members of the DPW staff have been

85 sent to the program. Finally, he is concerned with the statement that the ACC fully
86 supports the program. He is concerned with what quality of salt product the DPW is
87 using for road treatment. He doesn't believe that other surrounding towns use the type of
88 de-icer that Amherst does, and he believes that other towns use a mix of 75/25 sand/salt.
89 He questioned why the DPW wants to use 100% salt to treat all of the town roads. He
90 requested that the Board suspend the all-salt treatment policy, revert the roads to no-salt
91 that previously were designated as such, change to a treatment mixture of 75/25 sand/salt,
92 and look into recycling sand.

93
94 The Board thanked Mr. Coffey and explained that no decisions or motions would be
95 made on this item tonight.

96 97 **4. FY19 Annual Financial Audit, Roberts & Greene**

98 Tamara Roberts, of Roberts & Greene LLC, addressed the Board regarding the recent
99 town audit. She stated that most of the issues seen during last year's audit have been
100 resolved and corrected. She did note that it is recommended that all town payments be
101 made through the accounts payable system. There will also be some adjustments going
102 forward in regards to the capital assets valuation funds that are almost fully depreciated.
103 Regarding the financial statements, the town's surplus is about \$600,000 more than it was
104 at the beginning of the last year. The town uses about \$800,000 for appropriations and to
105 reduce the tax rate, but there were good differences between the revenues and the
106 appropriations, which brought the amount back up. Overall this is better than the town
107 being over-budget. Also, there are still a few capital project funds that have large deficits.
108 In the past, it seems that the town has completed a project, once warrant articles were
109 approved, and then gotten on the list for state aid. This can lead to these deficits. The
110 town has also bonded projects after they've been completed, which is different from most
111 other towns.

112
113 In response to a question from Selectman D'Angelo, Tamara Roberts stated that she can
114 redo the calculations for the last 3-4 years audits, but revalidating the numbers would be
115 difficult.

116
117 In response to a question from Selectman Brew, Tamara Roberts stated that the fees that
118 are collected for the Septic System capital assets should cover the depreciation.

119
120 The Board discussed a possible discrepancy in the audit numbers that show the budget
121 under-expended by \$644,000 and underestimated revenues by \$717,000.

122
123 The Board and Town Administrator Shankle thanked Roberts & Greene PLLC for their
124 efforts, to the many town staff members who have helped the Finance Department run
125 smoothly during the interim period of hiring a new Finance Director, Cheryl Eastman,
126 and to Ms. Eastman herself.

127 128 **5. FY21 Budget**

129 **5.1 Budget Review**

130 Town Administrator Shankle explained that the health costs have come in at a 9.9%
131 increase.

Finance Director, Cheryl Eastman, stated that the budget at the end of the last Board meeting was \$14,616,376; a 4.31% increase of FY20.

5.2 Warrant Articles Discussion

Chairman Lyon stated that the warrant article for the Police Union contract should be ready to present at the next Board meeting. The next meeting will occur on December 16th, instead of the 23rd as previously scheduled.

In regards to Article 24, Police Station Renovation capital reserve fund (CRF), members from the Police Station Renovation Committee addressed the Board (Police Chief Mark Reams, Kyle Aspinwall, Neil Benner, Kreg Jones – Dennis Mires P.A.).

Kreg Jones explained that the renovation CRF has been funded by warrant article vote since 2015. Costs have escalated over time and the committee has continually worked to keep the project at around \$600,000, as previously agreed upon. The renovation will be about a 25 year solution for the building. An incentive program was discussed with Eversource, at which time an electrical engineer examined the project for cost savings. This engineer found romex wiring in the return chases throughout the building. This is a fire hazard. The proposed heating system is an efficient one, which would cut the building's heating costs by \$2,500/year, but is expensive. The project also aims to bring fresh air ventilation into the building. These two systems cost an additional \$100,000 on the project. The new electrical/fire alarm system upgrade is an additional cost of \$30,000. There is also an unanticipated escalation cost of about \$62,000. The renovation appears to need an additional \$150,000, making it a \$750,000 project in total.

In response to a question from Chairman Lyon, Kreg Jones stated that these numbers were obtained through an estimate done by a company out of Portsmouth. He believes that the total bid amount could be less, if the project is put out to bid in January or February. There is also a contingency amount on the project of about \$50,000.

Selectman Brew stated that it was known in the beginning that \$600,000 was a soft number for the total of this project. However, he is disappointed that none of these items were identified and incorporated into the budget two years ago, or last year at the bare minimum.

In response to a question from Selectman D'Angelo, Kreg Jones stated that the renovation should take about a year to complete.

Selectman D'Angelo explained that the budget seems to be underrun each year, and that the town may be able to fund some of these unanticipated items out of that amount. The town could also add a year to the CRF.

Selectman Panasiti stated that the HVAC system issues would normally not have come up until the construction phase of the project.

177 Neil Benner agreed that it is better to know about these items now than to have them
178 come up during construction. All of these items will be rolled into the bid document. The
179 group will work to find bidders that believe this is the right project for them.
180

181 Chairman Lyon stated that he would prefer to leave the warrant article at \$200,000 for
182 this year and explain to the voters the plan to either add an additional year to the CRF, or
183 find another source of funding.
184

185 Town Administrator Shankle noted that the amount will be part of the contract for the
186 project that the Board will have to sign, even though the exact amount of funding isn't
187 available.
188

189 Selectman Brew noted that he has concern regarding what other issues might come up
190 throughout the process.
191

192 Kreg Jones stated that the plumbing portion of the renovation could run into issues. Other
193 unanticipated items are what the contingency fund is for.
194

195 In response to a question from Selectman Brew, Kreg Jones explained that is a list of
196 alternate items that could be lived without, totaling around \$40,000, if need be.
197

198 Selectman D'Angelo noted that, if the renovation begins in March/April, it may span
199 across two fiscal years, which could allow the town to spread out the additional amount
200 needed.
201

202 Selectman Grella noted three areas that could possibly be put off in order to complete the
203 main renovation – lockers, furnishings, and exterior improvements.
204

205 The Board agreed that the Committee should meet to discuss what to do about the
206 unanticipated items, including what items could be swapped out for alternates or held off
207 on for a bit.
208

209 Peter Moustakis, Ways & Means Chair, explained that he is uncomfortable with writing
210 what is essentially a blank check for this project, and voting for a \$200,000 warrant
211 article without knowing how much the total increase on the project might be. He is
212 concerned that it is a slippery slope to keep asking the town for more money without
213 knowing the project total. He would prefer that the contractor be told to complete the
214 project for \$600,000, as was originally stated.
215

216 In response to a question from Selectman Panasiti, Kreg Jones stated that, if the
217 renovation is not done, any future modifications to the building would prompt the new
218 code to kick in.
219

220 Town Administrator Shankle noted that the Board will next have to make a decision when
221 the bids come in. The Board can always reject any and all bids.
222

The Board agreed that the Police Station Renovation CRF warrant article will remain at \$200,000 for this year, and that there will be a process to educate the voters that this project will likely cost more than \$600,000 in total.

The Board voted on presenting the warrant articles at the public hearing.

A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to present Warrant Article 22, Operating Budget, at the public hearing and for the Board to support it.

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to present Warrant Article 23, Contingency Fund, at the public hearing and for the Board to support it.

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to present Warrant Article 24, Police Station Renovation CRF, at the public hearing and for the Board to support it.

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to present Warrant Article 25, Communications Center CRF, at the public hearing and for the Board to support it.

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

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to present Warrant Article 26, Assessing Revaluation CRF, at the public hearing and for the Board to support it.

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

A MOTION was made by Selectman Panasiti and SECONDED by Selectman Grella to present Warrant Article 27, Increase Service-Connected Total Disability Credit, at the public hearing and for the Board to support it.

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

A MOTION was made by Selectman Panasiti and SECONDED by Selectman Grella to present Warrant Article 28, Veteran Credit for Combat Service, at the public hearing and for the Board to support it.

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

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to present Warrant Article 29, Town Computer CRF, at the public hearing and for the Board to support it.

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

269 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*
270 *present Warrant Article 30, Bridge Repair/Replacement CRF, at the public hearing and*
271 *for the Board to support it.*

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

273
274 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*
275 *present Warrant Article 31, Fire Rescue Vehicle/Equipment/Repair CRF, at the public*
276 *hearing and for the Board to support it.*

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

278
279 *A MOTION was made by Selectman Grella and SECONDED by Selectman D'Angelo to*
280 *present Warrant Article 32, Amherst Street Side Path, at the public hearing and for the*
281 *Board to support it.*

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

283
284 *A MOTION was made by Selectman Grella and SECONDED by Selectman Panasiti to*
285 *present Warrant Article 35, Police Station Contract, at the public hearing and for the*
286 *Board to support it.*

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

288
289 *A MOTION was made by Selectman Grella and SECONDED by Selectman Panasiti to*
290 *present Warrant Article 36 at the public hearing and for the Board to support it.*

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

292
293 In response to a question from Peter Moustakis, Chairman Lyon explained that he doesn't
294 expect the multimodal side path project to be a one-time multimodal item. He expects that
295 bicycle/pedestrian work will be done on roads that are slated to be up for construction in
296 order to make the best use of the town's resources.

297
298 Chris Buchanan, Chairman of the Bicycle and Pedestrian Advisory Committee, explained
299 that the proposed side path is a direct result of the town's Multimodal Master Plan. This is
300 a recommended opportunity for voter consideration. The fragmentation of projects
301 throughout town is an unfortunate inevitability. The projects may not connect at first, but
302 the plan is to expand them throughout the town over time.

303
304 Selectman Brew stated that, whether the side path is the first step of many or not, there is
305 still value in the project itself.

306
307 In response to a question from Peter Moustakis, Chris Buchanan stated that the narrowing
308 of Amherst Street as part of the project will actually yield greater safety along the road, as
309 it will lower speeds. If only the width of the roadway was narrowed, it would still
310 enhance the safety of this town roadway.

316 **6. Administration**

317 **6.1 Administrator's Report**

318 Town Administrator Shankle explained the Police Department is working to create a
319 program for women's self-defense. He also explained that the Recreation Department
320 was hoping to open the skating rinks in town, but the last snow storm caused a delay.
321

322 He stated that the town has received two petition warrant articles for zoning ordinance
323 changes. One looks to address the bonus density section of the ordinance. The second
324 looks to delete section 4.16, Integrated Innovative Housing Ordinance (IIHO). Both of
325 these petition warrant articles have been confirmed to have an adequate number of
326 signers and will go onto the ballot as submitted.
327

328 **6.2 Assessing, tabled – November 25, 2019**

329 Town Administrator Shankle read a memo from Tax Collector, Gail Stout, regarding the
330 tabled abatement of Map/Lot 006-020-002, Grater Road. The town of Amherst gained
331 ownership of this property, which rendered this property non-taxable for the second half
332 of the tax year. Also, for Map/Lot 001-012-000-023 & 001-012-000-014, these parcels
333 were incorrectly listed.
334

335 **7. Staff Reports**

336 **7.1 Purchasing Policy – Finance**

337 Finance Director, Cheryl Eastman explained that the purchasing policy in place has no
338 information regarding purchase orders in it. She revised the policy to include general
339 language and definitions regarding purchase orders. She also outlined the purchase order
340 process after the Board approval. She hopes that this new policy can go into effect by July
341 1st.
342

343 *A MOTION was made by Selectman Grella and SECONDED by Selectman D'Angelo to*
344 *adopt the changes as printed in the report dated December 9, 2019.*

345 *Voting: 5-0-0; motion carried unanimously.*
346

347 **8. Approvals**

348 **8.1 Assessing**

349 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to*
350 *approve and sign the 2019 abatement for Map 006 Lot 020-002 in the amount of \$999.00.*

351 *Voting: 5-0-0; motion carried unanimously.*
352

353 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to*
354 *approve and sign the 2019 abatement for Map 001 Lot 012-000-023 and Map 001 Lot*
355 *012-000-024 in the amount of \$809.00.*

356 *Voting: 5-0-0; motion carried unanimously.*
357

358 **8.2 Payroll**

359 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti,*
360 *to approve one (1) FY20 Payroll Manifest in the amount of \$245,048.47 dated December*
361 *5, 2019, subject to review and audit.*

362 *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 Payroll Manifest in the amount of \$5,626.67 dated December 5, 2019, subject to review and audit.
Voting: 5-0-0; motion passed unanimously.

8.3 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 \$34,258.64 dated November 22, 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 \$229,244.95, dated November 26, 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 \$2,964,773.00, dated December 2, 2019, subject to review and audit.

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

8.4 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 \$13,696.01, dated November 27, 2019, subject to review and audit.

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

8.6 Previous Meeting Minutes – November 25, 2019

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo, to approve the Board of Selectmen meeting minutes of November 25, 2019 as presented.

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

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

10. Old/New Business

Selectman D'Angelo explained that the Planning Board met last week and voted to reject the Conditional Use Permit (CUP) application for the Jacobson property. This vote did not deal with any Planning Board members' like/dislike of the project, but simply that the project did not meet the conditions required for the permit. The applicant can now appeal to the Supreme Court, withdraw their CUP application and submit a new one, or ask for a rehearing by the Planning Board.

He also noted that there was recently a joint Amherst School Board and Souhegan Cooperative School Board facilities meeting. The group agreed that the highest priority

410 need is a new elementary school. There will be a follow-up meeting in two weeks. The
411 schools also agreed to put some placeholder items onto the CIP.

412
413 Town Administrator Shankle explained that the law is not clear in regards to the
414 applicant asking the Planning Board to reconsider their decision. He can't find any
415 specific court cases that address this item. If this is the path the applicant considers, he
416 will recommend that the Planning Board Chair get advice from the town attorney.

417
418 Selectman Grella explained that he and Marie Grella filmed with Joe Cummings and
419 Kristan Patenaude for *Amherst Beyond the Common* this past weekend. The group shot
420 scenes of volunteers distributing wreaths to the veteran's gravestones in Meadowview
421 Cemetery.

422
423 Selectman Panasiti noted that the town's tree lighting was well attended.

424
425 Town Administrator Shankle noted that the Historical Society's German Christmas
426 Market was also very well attended.

427
428 *A MOTION was made by Selectman Panasiti and SECONDED by Selectman Grella to*
429 *adjourn the meeting at 9:00pm.*

430 *Voting: 5-0-0; motion carried unanimously.*
431
432
433
434

435 **NEXT MEETING: December 16, 2019 - Monday**
436
437
438

439
440 **SIGNATURE ON FILE**

12.16.2019

441 _____
442 *Selectman Reed Panasiti*

Date