



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Monday, March 9, 2020

1 **1. Call to Order**

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3 Chairman Peter Lyon called the meeting to order at 6:30 p.m.

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

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9 **2. Pledge of Allegiance** – Jeff Caswell, Amherst DPW Road Foreman, led the pledge.

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11 **3. BOARD OF SELECTMEN & CONSERVATION COMMISSION**
12 **NOTICE OF PUBLIC HEARING**

13
14 Pursuant to New Hampshire RSA 36-A:5 and 41:14 a, The Amherst Board of
15 Selectmen and the Amherst Conservation Commission hereby announce to the
16 citizens of Amherst the convening of a Public Hearing to take input on the
17 acquisition of property by the Town. All interested citizens are invited to
18 participate.

19
20 **Map & Lot: 02/098/033**

21 **Owner of Record: M.E. Young, Inc.**

22 *A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti on*
23 *behalf of the Board of Selectmen and the Amherst Conservation Commission to open the*
24 *public hearing, per RSA 36-A:5 and 41:14A to take public input regarding the purchase*
25 *of the Buckmeadow property.*

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

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28 Rob Clemens, Chair of the Amherst Conservation Commission (ACC), Jared Hardner,
29 Vice Chair, and Craig Fraley, Director of the Recreation Department, presented the
30 Board of Selectmen with the proposed acquisition of the Buckmeadow property.

31
32 Jared Hardner explained that the property consists of 40.7 acres, along with an additional
33 permanent easement on the property of 17.89 acres. There is language in the amended
34 deed that specifies that part of the easement (approximately 1 acre), due to the shifting of
35 the golf course over time, will revert to ownership by the condominiums two years after
36 golf has ceased being played in the area. The rest of the easement will stay intact and
37 permanent to the property.
38

39 He stated that the ACC is very interested in prioritizing any possible properties in the
40 Southern Hydrological Zone, which includes all wetlands and supporting areas of
41 hydrological importance on the north and south sides of Route 101A. This property
42 contains unnatural grasslands, which is a limited ecosystem in New Hampshire. The
43 ACC thus seeks to obtain and maintain this type of habitat whenever possible. Through
44 restoration efforts on this property, actions can move this towards being a natural
45 grasslands habitat. This property also contains some of the highest ranked habitat in New
46 Hampshire. This area is important because it also sits on top of a highly transmissive
47 aquifer that has also been identified by the state as an area for a possible municipal
48 wellhead. He explained that this important area is in jeopardy of being lost, much like
49 many areas along Route 101A already have been through contamination. This property is
50 an important resource for the town that also fits in with the ACC's mandate to protect
51 properties in the Southern Hydrological Zone.

52
53 Jared Hardner explained that the ACC saw this property as an opportunity to collaborate
54 with the Recreation Department. Craig Fraley stated that it's been part of the Recreation
55 Department's Strategic Plan for the last five years to obtain more playing fields. This
56 opportunity could introduce 2-3 more fields into the mix, making all of the Recreation
57 fields healthier while also meeting the programming needs of the town. The idea is to
58 have the entire area feel more like a park surrounded by conservation area. The existing
59 clubhouse on the property can be utilized for senior and/or fitness programming. Senior
60 programming is more appropriate at this venue due to the flat lot and the parking area.

61
62 Craig Fraley explained that the area of the property that could be used for playing fields
63 is flat and already irrigated. These fields could be used for any rectangular field sport.
64 Most of these are spring/fall sports, which last about 8-10 weeks. These fields may also
65 be used for the town's two large soccer tournaments. Meridian Land Services has studied
66 the parking lot and access areas, and additional space may be needed. This area could be
67 placed in front of the clubhouse. There will be no bleachers, PA systems, scoreboards, or
68 lights on the property. Off-hours parking will be monitored by the Police Department.

69
70 Jared Hardner stated that there is a draft property management agreement between ACC
71 and the Recreation Department. This lays out the rules and responsibilities for both
72 entities and outlines a shared vision for the property over time. The mission of this
73 project is to create one green space, to blend conservation and public use. Trash
74 management on the property is also included in the agreement.

75
76 Jared Hardner explained that the property is a total of 58.6 acres. The joint bid of
77 \$575,000 was accepted by the owner. This is broken out to \$375,000 from the ACC's
78 Conservation Fund, and \$200,000 from the Recreation Department's Revolving Fund. A
79 purchase and sale agreement has been signed. The town is not asking taxpayers for any
80 money to complete this acquisition. The groups are in the middle of a process of due
81 diligence for the purchase. The building code inspection has been completed, the legal
82 review of the easement has been completed, the ACC site walk has been scheduled, and
83 water quality tests have been completed. Next, there will be a turf management plan
84 completed for the fields, and there will be an inventory taken on all of the equipment left
85 at the property; this will either be kept or sold. He presented the Board with a proposed

restoration plan for the property. ACC can use pro bono help from the Amherst Country Club and UNH Extension in order to restore the land is a natural grassland. The land will need to be mowed annually and there is an agreement in place with the Recreation Department for this.

Craig Fraley noted that there has been discussion about a working management group that will include members of both ACC and the Recreation Department and interested abutters.

Chairman Lyon explained that the ACC usually only needs to hold one public hearing when acquiring property, however, because the Recreation Department is involved, two hearings are necessary. The second public hearing will be held on March 23rd at the same time and place. The Board will then vote to support or not support the purchase on March 30th.

Marilyn Peterman, 12 Scottie Way, applauded the presentation. She stated that there has been a desire in town for a number of years to see a collaboration between ACC and the Recreation Department. She believes this project is laudable.

Linda G., an abutter from the Buckmeadow condominiums, thanked ACC and the Recreation Department for holding a separate meeting, specifically for the condo abutters. She believes this project presents a short-term benefit to the town and a long-term protection of the resource there. She believes that most at the condominiums are in favor of hearing children outside.

Craig Fraley explained that the Amherst Conservation Commission and the Recreation Department currently get along very well. The goal is to wait a few years to make sure that the lot lines on the property are in the best spots for both groups before finalizing and surveying the boundaries. These decisions will be brought up to the working group for their input along the way.

Jared Hardner added that the groups didn't want to finalize the lines until they can see how all of these areas function. Rob Clemens noted that all ACC meetings are open to the public, and some of these items may be on future agendas for the group.

Chairman Lyon suggested it would be a good idea to notify the abutters if there are significant or anticipated changes determined at the five year mark when the boundaries are to be finalized.

Danielle Pray, 7 Stearns Road, explained that she is the largest abutter to the property on Stearns Road. She voiced her support to the ACC and Recreation Departments.

Wendy Rannenberg, 51 Christian Hill Road, stated that she is a member of the Recreations Commission. She was recently the chair for a committee seeing land in town, specifically for playing friends. This project is phenomenal and will help alleviate some of the town's field issues.

John Riles, from the Buckmeadow Board, stated that there has been great dialogue on this project so far.

In response to a question from John Riles, Craig Fraley explained that there is a small corner of the easement on the property that could offer connectivity for a walking path to other housing developments nearby.

In response to a question from John Riles, Craig Fraley stated that Meridian did find that there is insufficient parking in the existing lot for the possible usage. It is possible that there will not be three full-sized playing fields, but possibly one practice field and two full-sized fields. There will be more parking made available, as needed, near the clubhouse.

In response to a question from John Riles, Rob Clemens stated that there is a plan to continue to call the property Buckmeadow.

Marilyn Peterman suggested that the groups consider attaching Jake Young's, the developer of the property, name to the property in some fashion.

Linda G. echoed that she believes Jake Young would be thrilled with this use of the property.

Selectman Panasiti stated that the proposed fields are close to all of the other fields in town and near the Recreation Department. He believes it's a win/win for the town.

In response to a question from Selectman Grella, Craig Fraley stated that Meridian determined that, if laid out properly, the existing parking lot could hold approximately 70 cars.

In response to a question from Selectman Grella, Rob Clemens stated that Meridian is looking at the number of potential cars and the width and orientation of the current access road. There is a possible option to use an access road from Stearns to the back of the property. It was not an initial interest of the groups, but is a possibility.

In response to a question from Selectmen Grella, Craig Fraley stated that it appears the house located on the access road has the ability to use that access road through a handshake deal.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to close the public hearing.

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

4. Citizen Forum

Marilyn Peterman, 12 Scottie Way, stated that, although she is a Planning Board member, she is not before the Board to speak for the Planning Board. She explained that she is perplexed as to why the Board of Selectmen has taken it upon themselves to work outside the current Planning Board. The Board of Selectmen has initiated studies and held

meetings regarding planning items without the Planning Board being involved. When the initial housing study by NRPC was proposed, Chairman of the Planning Board, Mike Dell Orfano, requested a draft of it, but that was never received. When he requested a copy from NRPC, he was told that Town Administrator Dean Shankle would be distributing it. The study was not received by the Planning Board members until February 10, 2020, not leaving enough time to review it before the Board of Selectmen's meeting at which it was discussed. At that meeting, the Board requested an analysis of the petition warrant articles by NRPC, and even mentioned not wanting to step on the Planning Board's toes, yet requested the study without follow-up to the Planning Board. She stated that in her 18 years on the Board of Selectmen, and some 40 years as a member or ex-officio to the Planning Board, she can't recall a time that the Board of Selectmen and town employees sabotaged the Planning Board in this manner. She explained that the Planning Board members are dedicated volunteers and, even without intent, it is incomprehensible that the Board of Selectmen has displayed such a lack of support to them. She stated that there is currently a possibility that the entire Planning Board may resign, without any consideration to the loss of the knowledge and expertise of its members.

Marilyn Peterman explained that the Fair Share analysis completed indicated that Amherst is not meeting its fair share. She stated that when the affordable housing ordinance was created, it was known that some town employees couldn't live in town because there weren't affordable homes. She explained that the IIHO allowed for the integration of all types of housing within one community. She stated that the Director of Community Development suggested at a recent meeting to review the lot sizes by right, which she believes would set the town back 40+ years to its old regulations. She explained that the zoning regulations guide the applicant as to what is appropriate to do with the land. The Planning Board meetings are always open to the public, have posted agendas, and allow for people to voice their opinions. The Planning Board has also taken responsibility for what it can do better. While the Planning Board usually reviews its regulations to discuss possible changes each year, the number of applications submitted didn't allow for that to happen this past fall. She stated that the abuse and slander that some members of the Planning Board have had to endure has been terrible, and that the Planning Board members have deserved the Board of Selectmen to make a clear statement denouncing these items.

Town Administrator Shankle stated that the first report requested from NRPC was done so because the Community Development Director was receiving questions from the public that she was unable to answer. The scope of the report was put together and was intended to be used by the staff. Once the draft report was received, there were a number of questions that came up. A letter was drafted to NRPC regarding these questions, but never was the suggestion made to change any of the information in the study; the letter was simply meant to clarify items and dig deeper. While the NRPC was presenting the study to the Board of Selectmen, questions arose regarding the petition warrant articles. He suggested that NRPC delve into these questions, and thus the Board of Selectmen requested the second study. There was never an intent to go around the Planning Board, but rather to gather information in order for the staff to relay accurate information.

Chairman Lyon stated that, in retrospect, the Board could have found a way to thread the needle, in order to be supportive without being critical. He wholeheartedly rejects the idea that that Board of Selectmen does not support the Planning Board. He has diligently supported the Planning Board and worked with its Chair to make improvements to the situation. He believes the Board of Selectmen did its best to be supportive without increasing the rhetoric.

Selectmen Panasiti stated that he takes exception to the idea that the Board of Selectmen sabotaged anything. He believes this statement is close to treason. These accusations are hurtful, especially because the Selectmen are residents of the town who the Planning Board answers to. These statements are irresponsible.

Marilyn Peterman stated that the Selectmen may not have had an ill intent, but the abuse taken by some Planning Board members from the community and through social media is beyond repair. She believes the Board of Selectmen made an oversight in not communicating their disapproval of this at a meeting. The land use regulations give power to the Planning Board and this should come with a level of respect, even if the community is in an uproar. The Planning Board has already lost one member, who didn't deserve the abuse she received. She believes some of the recent planning decisions have been done through the Town Administrator and Community Development Director, but this may have been an oversight.

Selectman Brew thanked Marilyn Peterman and the other Planning Board members for their service. He believes that unbiased information is a good thing to have. At the time it was requested from NRPC, the election was coming up in less than a month, and there seemed to be a dearth of information. The Board had discussions at that time about asking the Planning Board to request this study, but it was believed there wasn't enough time to do so. The Board was simply interested in getting the right information out to the public.

Nic Strong stated that the name of the report, Housing Needs Assessment, is misleading. Data was needed to know what kind of housing is available in Amherst. The study requested was the first step in gathering this data. The second step would be to go to the public to see what thoughts they have regarding what they'd like to see for Amherst in the future. So, in actuality, the study requested was a half-housing assessment.

Selectmen D'Angelo stated that he has been in the middle of this situation, as the ex-officio from the Board of Selectmen to the Planning Board. He believes that the Selectmen did not have any ill intent. There has been poor communication both to and from the Planning Board. There was a hands-off approach taken by the Board of Selectmen, which may have been an error in retrospect. He believes the Board of Selectmen should have taken a stronger stand against the abuse to Planning Board members from community members. This behavior is completely unacceptable. He believes the Board of Selectmen should take a strong stance now.

Marilyn Peterman stated that she appreciates Selectman D'Angelo comments. She explained that the original study was supposed to look at what kinds of housing exist in

Amherst. There are other types than just workforce housing, but the scope of the study seemed to focus on that and if Amherst meets its Fair Share, which it doesn't. Selectman Grella stated that the Board of Selectmen appoints the Planning Board members and has thus found itself taking some of the blame during this situation.

Marilyn Peterman suggested that, at future appointments for boards and commissions, there be two Planning Board members available as part of the discussion because the expertise on that Board is unmatched.

Chairman Lyon agreed that the Planning Board members' expertise and knowledge is higher than any other board he is aware of. He stated that the townspeople have the Planning Board to thank for the character of the town we have now.

5. New Employees

5.1 Planner, Community Development.

Nic Strong introduced the new Town Planner, Natasha Kypfer. She stated that Natasha was an outstanding candidate and brings both communication and planning skills to the position.

Natasha Kypfer stated that she comes most recently from Montana and has a Master's degree in Public Administration.

The Board thanked Ms. Kypfer and wished her luck in her new position.

5.2 Road Foreman, DPW

DPW Director, Eric Hahn, introduced the Board to Jeff Caswell, the new Road Foreman. He explained that the position was posted and received eight applications; four of those applicants were interviewed, and Mr. Caswell was the best candidate. He has been a full-time employee of the town for the past five years and knows the roads well.

The Board thanked Mr. Caswell and congratulated him on his new position.

6. Administration

6.1 Administrator's Report

Town Administrator Shankle stated that he has asked Jay Minkarah, NRPC Executive Director, to come to the Board's next meeting to discuss the petition warrant article study.

He explained that a letter from Eversource regarding tree trimming seems to state that the scope may be more so than in previous years.

He also stated that the impact fee report from Bruce Mayberry is almost complete, and will include information from the election results.

On that note, town voting is tomorrow and there will be many things in place to help mitigate the threat of Covid-19, including one-time use golf pencils for filling in ballots, and antiseptic hand sanitizer. He has been sitting through state health meetings and it

appears that New Hampshire is set to get about \$5 million in funding to work on this issue.

He explained that the DPW Director is working on a business continuity plan, in case many town workers are out at the same time, in order to continue the town's everyday functions.

He also stated that there will be a Road Maintenance 101 course for administrator and elected officials being held on April 2, 2020.

6.2 Planning Board Resignation

Chairman Lyon read Sally Wilkins' resignation letter. He stated that he is sad to see her go, as she has terrific knowledge, experience and wisdom. She has worked tirelessly to make Amherst what it is today and she will be sorely missed.

A MOTION was made by Selectman Grella and SECONDED by Selectman D'Angelo to accept, with deep regret, Sally Wilkins' resignation from the Amherst Planning Board effective immediately. And to thank Sally for her many, many years of service to the Planning Board and to the Town of Amherst.

Voting: 5-0-0.

Marilyn Peterman suggested that the Chair write a personal letter to Sally Wilkins, from the Board, to thank her and commend her for her years of various activities performed on the Planning Board for some 30 years. No one is irreplaceable, but Sally Wilkins comes close.

6.3 Use of Town Common Request – Opportunity Networks 5k

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Brew to approve Opportunity Networks' request to use the town common for a 5k fund raiser race on Saturday October 17, 2020, beginning at 10:00 a.m.

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

6.4 Raffle Permit - AJWC

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to allow the Amherst Junior Women's Club to sell lottery tickets on March 10, 2020, election day, and Souhegan High School.

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

7. Staff Reports

7.1 New Hire - DPW

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo that Roger Landry be hired full time for the Department of Public Works as a full-time Driver/Laborer.

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

7.2 DES Annual Landfill Report – DPW (Informational)

DPW Director Hahn explained that this is an annual report filed regarding the Transfer Station. The report shows all of the types and quantities of material accepted at the facility. The Transfer Station works in conjunction with the SRLD (Souhegan Regional Landfill District) to take care of trash and recyclables, but the Transfer Station works on its own to take care of many of the items being reported on, including: anti-freeze, batteries, tires, electronics, used oil, etc. A runoff sample is taken within the first 20 minutes of a rain event, which is when the most contaminated water would be found.

In response to a question from Chairman Lyon, Director Hahn stated that the results are higher than he would like. He is taking steps to lower the numbers, including redirecting drainage into a swale.

Selectman Brew stated that, for next year's report, he would like a bit of a better description as to what the numbers mean and where the numbers are acceptable.

Director Hahn stated that the numbers have started to go down very slowly, over the course of the last 50 years. These high numbers are residual from when the area was an actual landfill.

In response to a question from Selectman Panasiti, Director Hahn stated that DES doesn't have a concern about these numbers at this time. What is in ground is already there, he is now working to make sure it doesn't leave the site.

7.3 Accounts Payable Policy

Finance Director, Cheryl Eastman, explained that the town doesn't currently have an Accounts Payable policy. This draft is mostly the same as the past practice followed, but spells it out for the accounts payable process. She listed the significant changes, including: all checks for payments, escrow payments, special revenue funds, revolving funds, Capital Reserve funds, Conservation funds, or reimbursements will be processed through the General Fund and the A/P system, this will allow for a searchable paper trail of payments; A/P batches will be due to the Finance Office by 3:00 P.M on the Thursday prior to the A/P processing week; a W-9 form will be required prior to payment being made to a vendor; and all expenses charged to a department budget must be approved by that Department Head, except payroll, taxes, benefits, retirement, and payments on capital loans or leases. Also, reimbursements made to employees must be signed off on by herself and Town Administrator Shankle. These changes will allow for an A/P system with a complete vendor history that is searchable. It will also allow for an improved audit trail for all payments.

In response to a question from Selectman Panasiti, Cheryl Eastman explained that this policy satisfies one of the requirements brought forth in the last audit. The auditors receive copies of all policy changes.

The Board expressed their thanks for the thorough document and Cheryl Eastman's work on it.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to accept the proposed Accounts Payable Policy as written, effective March 9, 2020.
Voting: 5-0-0; motion carried unanimously.

8. Approvals

8.1 Assessing

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve and sign the All Service Veterans' Tax Credit RSA 72:28-b (Tax Year 2020) for: Property Map/Lot 007-017-060 in the amount of \$500.00
Voting: 5-0-0; motion carried unanimously.

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve and sign the Elderly Exemption RSA 72:39-a (Tax Year 2020) for: Property Map/Lot 001-013-000-012 in the amount of \$151,000.00
Voting: 5-0-0; motion carried unanimously.

8.2 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 \$224,521.21 dated February 27, 2020, 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 \$28,216.26, dated February 26, 2020, 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 \$217,056.35 dated February 18, 2020, 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 \$2,103.89 dated February 20, 2020, 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 \$120,464.27 dated February 28, 2020, 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 \$228,433.92 dated March 3, 2020, 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 \$404,103.47 dated March 5, 2020, 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 \$2,856,178.00 dated March 2, 2020, subject to review and audit. (School Disbursements)

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

8.5 Previous Meeting Minutes – February 10, 2020 & February 17, 2020

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to approve the Board of Selectmen meeting minutes of February 10, 2020

A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to table the meeting minutes of February 10, 2020, until the next meeting.

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

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to approve the Board of Selectmen meeting minutes of February 17, 2020, as amended.

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

9. Action Items

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella that a letter be written on behalf of the Board of Selectmen thanking Sally Wilkins for her service on the Planning Board.

The Board discussed that this letter will be written and may not need a motion.

Selectman Brew withdrew his previous motion, Selectman Grella seconded.

10. Old/New Business

Selectman D'Angelo explained that he was asked by a resident if the Board rotates their assignments. He suggested that the Board consider rotating the responsibilities of its liaisons to other commissions/boards.

Selectman Panasiti stated that the inspections done at Buckmeadow as part of the due diligence in acquiring the property have all come back okay.

Selectman D'Angelo noted that one of the Planning Board members suggested that there be porta potties installed down at the last proposed field on Buckmeadow, as it's a bit of a walk to get back to the clubhouse from there.

Chairman Lyon stated that voting polls will open at 6 a.m. tomorrow morning.

A *MOTION* was made by Selectman D'Angelo and *SECONDED* by Selectman Grella to adjourn the meeting at 8:41pm.
Voting: 5-0-0; motion carried unanimously.

NEXT MEETING: March 23, 2020

SIGNATURE ON FILE

03.23.2020

Selectman Reed Panasiti

Date