



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Monday, June 8, 2020 6:00PM

1 **1. Call to Order**

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

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4 Attendees: Chairman Peter Lyon, Selectman Dwight Brew, Selectman Reed Panasiti,
5 Selectman John D'Angelo, and Selectman Tom Grella.

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7 **2. Non-Public Session, RSA 91-A, II (1)**

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

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

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14 *The Board entered Non-Public Session at 6:01 pm.*

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16 The Board discussed a request to release the legal opinion by Bill Drescher for Map/Lot 5-
17 51 on Amherst Street and the process for it to become a buildable lot. This opinion was
18 requested for release by the owner's legal counsel, Tom Quinn.

19
20 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*
21 *the release the legal opinion by Bill Drescher for Map/Lot 5-51 on Amherst Street and the*
22 *process for it to become a buildable lot.*

23 *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella –*
24 *aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.*

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

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

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31 *The Board came out of Non-Public Session at 6:25 pm.*

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33 The Board reconvened public session at 6:30pm.

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35 Attendees by Zoom conference call: Chairman Peter Lyon, Selectman Dwight Brew,
36 Selectman Reed Panasiti, Selectman John D'Angelo, and Selectman Tom Grella.

37 Also, present: Town Administrator Dean Shankle, Minute taker Kristan Patenaude.
38

Other attendees and the public accessed the meeting via Zoom.

Chairman Lyon explained that, pursuant to the State of Emergency declared by the Governor as a result of the COVID19 pandemic and in accordance with his Emergency Order #12, this meeting is authorized to take place electronically. There is no physical location to observe and listen to this meeting. However, in accordance with the Emergency Order, we are:
Utilizing Zoom teleconferencing for this meeting. All members of the Board have the ability to communicate during the meeting through this platform and the public has access to contemporaneously listen and if necessary, participate in the meeting by dialing +1 301 715 8592 and using a webinar ID of 863-8592-4318 or by using the link contained in the agenda posted at amherstnh.gov.

Notice of the meeting and means to access it were previously posted in accordance with law. If anyone has a problem accessing the meeting, please call 603-440-8248 for assistance. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

All votes will be taken by roll call and for ease, in alphabetical order.
Lastly, the meeting is being recorded and will be replayed on ACATV.

The Board started by taking a roll call vote and stating if they were alone.

Roll call vote: Selectman Brew – present; Selectman D’Angelo – present; Selectman Grella – present; Selectman Panasiti – present; Chairman Lyon – present. All noted themselves as being alone.

Chairman Lyon explained that, during the Non-Public Session, the Board discussed and made a motion regarding the release of a legal opinion by Bill Drescher for Map/Lot 5-51 on Amherst Street and the process for it to become a buildable lot. This opinion was requested for release by the owner’s legal counsel, Tom Quinn, and will, thus, be released by the vote taken.

3. Citizen Forum - none

4. Administration

4.1 Town of Amherst Impact Fee Report Discussion

Chairman Lyon explained that Bruce Mayberry presented the Impact Fee Report to the Board at its last meeting. There is a scheduled public to further discuss this item with the public on June 15, 2020.

Town Administrator Shankle explained that he and Bruce Mayberry worked together to finalize the report. Out of the possible fee schedule options, the one recommended at this time is the square footage schedule. He explained that Bruce Mayberry also added in a couple of additional reports at the end of the main report to answer some of the questions that arose during the last meeting. One of the recommendations for the square footage schedule is that a cap be placed a 3,000ft² max for living area. The Board should discuss

and accept the report, if it chooses, so that the fee schedule options can be moved forward to the public hearing. If the fee schedule is approved there, it can be moved to the Planning Board for discussion at their June 17th meeting. It will then come back before the Board on the 22nd.

In response to a question from Chairman Lyon, Town Administrator Shankle stated that, given Amherst's range of large and small houses, the square footage option was recommended with a cap at 3,000ft², versus a per unit schedule. The Planning Board doesn't necessarily receive the square footage of each property during applications, so it would probably approve the fees put on each property in a subdivision and the proper fees will then be assessed when each building permit is drawn.

In response to a question from Selectman Brew, Town Administrator Shankle stated that the reports recommend that accessory apartments be treated the same way under the proposed square footage schedule. The Board could look at altering the schedule for age-restricted housing but doesn't need to. The Board could also discuss the fee schedule for senior housing. Bedford's fee schedule uses 20% of the standard fee for senior housing. The report does not suggest a reduction in the schedule for affordable/workforce housing.

The Board discussed the square footage fee schedule with a cap at 3,000ft².

Selectman Brew agreed with this item.

Selectman D'Angelo stated that he has no strong feelings either way on this item. He suggested that maybe the Planning Board should determine what type of fee schedule to use. The Planning Board will not know the square footage of units in a proposed development, but it will know the number of bedrooms.

Selectman Grella agreed that the fairest option seems to be the square footage schedule.

In response to a question from Selectman Panasiti, Town Administrator Shankle explained that the rationale for the 3,000ft² cap, is that building a home larger than that is usually just to get more space, not to put more children into. It is written in the zoning ordinance that it is the Board's responsibility to choose the impact fee schedule. It is then the Planning Board's responsibility to implement it.

Selectman Panasiti agreed with using the square footage schedule.

Chairman Lyon stated that there seems to be consensus on the Board regarding the square footage fee schedule, with a cap at 3,000ft². No decisions will be made until public input is considered.

The Board discussed accessory apartments being subject to impact fees based on the same square footage basis, and the possibility of adjusting the fee schedule based on age-restricted housing, per Fire/Rescue usage. Chairman Lyon explained that Bruce Mayberry stated there could be justification to assess fire / rescue impact fees for senior housing at 1.5 times/unit of the square footage of each residence.

Selectman Brew agreed that accessory apartments should be treated on the same fee schedule. He does not agree with giving a different rate for age-restricted or senior housing.

Selectmen D'Angelo, Grella, and Panasiti all agreed with Selectman Brew.

Chairman Lyon also agreed.

The Board discussed the possibility of waiving the scheduled impact fees for senior housing developments and reducing impact fees for affordable/workforce housing.

Selectman Brew stated that there shouldn't be a different fee schedule for workforce housing. He doesn't believe that there should be a different schedule for senior housing, without being able to enforce that senior housing stays as senior housing into the future.

Selectman D'Angelo stated that he is inclined to keep the fee schedule the same for all and then to revisit this in a year.

Selectman Grella agreed to leave the fee schedule as printed and update it if needed.

Selectman Panasiti stated that he would like to see a sunset clause included, that this will be reviewed within 1-2 years, to see if there are any major impacts from it.

Town Administrator Shankle stated that the Board should review this every year or so anyway. This part of the impact fee schedule really depends on how senior housing is structured. If there is a clause for no children in the development as part of a deed restriction, then this item could be considered. This depends on how the Planning Board decide to move forward when a development comes before them.

Town Administrator Shankle suggested that the Board should accept the main report that includes different fee schedule options. The Board should also choose a schedule option to send forward to the public hearing. This way, if the Board changes its mind regarding the schedule option in the future, the main report with all of the possible options and the underlying logic for them will have already been approved.

Selectman Brew asked for more specific definitions into each of the unit types mentioned in the report.

Town Administrator Shankle read into the record the list of types of housing:

- Single family detached: One housing unit not connected to any other. Includes single family detached condos.
- Townhouse / Attached: These are "row-style" units, having living area on more than one floor, in structures attached side-to-side by a common wall (often a firewall) that provides full separation between the units normally from basement to attic. There may be blocks of multiple units so attached.

- Two family structures: These structures have two dwelling units separated either side to side or "stacked" one over the other. *All living area of each dwelling unit is on one floor.*
- Multi-dwelling unit structures: These are structures with *three or more units* in which the dwellings are "garden apartment" style or "stacked" units, *with all the living area of each unit on one floor.*
- Manufactured Housing follow the NH statutory definition of homes that are built on a chassis and are transported to a site (we used to call them mobile homes). Once connected to utilities, they are ready for occupancy, and could be single wide or double wide units. These exclude site-built single-family units such as modular construction.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to accept the impact fee report as prepared by Bruce Mayberry and to include the supplemental list of recommended definitions.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to prepare a schedule for the public hearing with impact fees based on square footage with a recommended cap of 3,000ft², that accessory apartments be treated as all other living areas, and that there not be any other exemptions at this time.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

Town Administrator Shankle added a couple of items for his Administrator's Report. He explained that the Town's Zoom account has been updated so that Community Development Director Nic Strong is also a host and so that any meeting can hold a maximum of 500 participants. He also explained that Hillsborough County is going to start holding public hearings via Zoom. The first one is on June 22nd at 5pm. The agenda includes discussions on the budget and bargaining agreements. Finally, he noted that Tax Collector Gail Stout has a report showing the percentage of taxes collected by the invoice date + 7 days. In 2017 this was 9.04%, in 2018 this was 9.43%, in 2019 this was 9%, and in 2020 this is 8.74%. This has dropped slightly but is not a significant difference.

In response to a question from Selectman Panasiti, Gail Stout stated that she encourages people to pay through the mail or on the town website. There are mail slots at the front and back of the building for easy access. People may also call to make an appointment in person, if necessary. While there is no policy that the Town will not accept a cash payment, she strongly prefers not to accept cash, if possible.

Selectman D'Angelo explained that the CIP process has begun. The Committee is looking for volunteers to be involved in the process. He would like to see these positions advertised for shortly.

4.2 Summer Camp Operations

Recreation Director, Craig Fraley, stated that the Governor has approved summer camps and that he and his team have been working hard to follow the guidelines to make camp safe this year.

Craig Fraley stated that the goal is to keep staff and campers safe and healthy this summer. The camp will be held at Peabody Mill and a secondary location, which will be moved for this summer from Baboosic Lake to Buck Meadow. The camp will be run with smaller groups, broken up by age. There will be two staff members for each group, and groups will not mix during the week. There will be specified meeting places for each group at each location and ample indoor space, if needed.

Craig Fraley explained that campers will need to fill out a prescreen sheet 14 days prior to attending camp, including taking temperatures and answering questions. Staff screening will be similar to what's being done at the town beach. Staff will wear masks when within 6' of each other, or when talking to parents. Staff training will be held on June 15-18. During drop-off each day, campers will have their temperatures taken. If a camper has a high temperature, s/he will be sent home. The campers will try to eat lunch outside as much as possible and partake in socially distant games. All supplies will be disinfected before being used by other groups. If a camper tests positive for COVID-19, s/he will not be able to return to camp until symptoms are gone. There will also be one isolation room at each facility, in case a camper comes down with symptoms while at camp.

Selectman D'Angelo thanked Craig Fraley for his work on this. He stated that there should be some balance between outlining procedures and possibly scaring off potential campers due to the requirements.

In response to a question from Selectman Panasiti, Craig Fraley stated that, as part of the pre-screening process, campers will need to have their temperatures taken each day and record them on the sheet. As part of the manual parents will sign, if this is not completed, campers will not be able to come to camp.

In response to a question from Chairman Lyon, Craig Fraley stated that camper numbers will be smaller this year, depending upon orders from the Governor. Currently they are aiming for 12 at Buck Meadow and up to 24 at Peabody Mills.

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to authorize Craig Fraley to start summer camp, as presented.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

Craig Fraley noted that Baboosic Lake was busy all weekend, but that the new procedures in place seem to be working well.

4.3 Police Cruisers' Computers Purchase

Police Chief Mark Reams explained that this is regarding a planned computer system upgrade in the cruiser cars that has been held off on for a number of years. The request is to replace two units each over the course of three years. The funds for this are in the existing budget. The computers are coming from a sole-source vendor and are the same model as in most of the departments around the state.

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to authorize Mark Reams to purchase two cruiser computers through the sole-source provider, Patrol PC, in the amount of \$12,564.00.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

5. Staff Reports

5.1 Computer CRF Withdrawal Discussion

Town Administrator Shankle explained that there were several town computers back in the fall that were still running Windows 7. These were not supported after January and a number needed to be replaced. These items were not in the budget and thus were taken out of each department's existing budget. This request is to replenish the department budgets from the Computer CRF. The total cost is \$31,071.18.

In response to a question from Selectman Brew, Town Administrator Shankle explained that the Ways & Means Committee has concerns last year regarding the buildup of funds in the Computer CRF and the fact that the town was purchasing computers not out of this fund. Town Administrator Shankle explained that he is unclear as to what the fund was previously used for, but thought it was for unanticipated expenditures. The issue with not reimbursing each department's budget for these computers comes from trying to make sure these budgets are not over expended, especially in light of the current spending freeze.

Selectman Brew stated that he supports this withdrawal, but, in the future, would like to see definitions as to what the departments should be budgeting for versus what should come out of the CRF.

Selectman D'Angelo stated that the last item to come from the CRF was about \$25,000 for two new servers. He questions what should be being charged from the CRF. He doesn't support reimbursing the department budgets from the CRF and believes it should be left alone at this time.

Town Administrator Shankle read the purpose of the Computer CRF and stated that he doesn't have the most current balance of it at this time.

The Board agreed that it would like to have more information on the current balance of the CRF before voting on this item.

Danielle Pray, member of the Ways & Means Committee, stated that she believes the purpose of the CRF is for major purchases or emergency purchases. The Ways & Means

Committee plans to take a closer look at this fund this year but doesn't believe that should have any relevance to making emergency purchases.

6. Approvals

6.1 IT Services Agreement

Town Administrator Shankle explained that the Board accepted a bid for IT Services from Microtime last year, but that this took a while to move forward. It is now back before the Board.

Selectman Brew stated that he has concerns regarding this agreement binding future Boards. He would like to see the agreement funded one year at a time, for three years. He does not want to guarantee funding of this for a future Board unless knowing there is an option to opt out.

Chairman Lyon stated that he believes there is similar language in the agreement for this that will perform the same function.

Town Administrator Shankle explained that Selectman Brew seems to want the agreement not to auto-renew, but for the Board have to vote to renew it in the future.

Selectman Brew agreed and stated that he doesn't believe it would be an issue to change the wording so as not to bind a future Board.

Selectman D'Angelo explained that he believes the Board thoroughly reviewed this agreement at the time it was originally discussed. He also believes that, between returning Board members, Town Administrator Shankle, and Executive Assistant Mary Guild, there are enough people involved to remind future new Board members about the option to opt out of this agreement, if so desired.

Town Administrator Shankle agreed to ask Microtime about the possibility of changing the wording.

In response to a question from Selectman Brew, Town Administrator Shankle stated that the Board has not seen the contract for this agreement yet, as it took a long time to get it prepared after the proposal was reviewed by the Board.

Selectman Brew suggested that the Board should first see the proposed contract, and also asked that past minutes be reviewed for previous conversations on this topic.

6.2 Assessing

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

Property Map/Lot 006-079-014 in the amount of \$13,300.00

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to deny the Elderly Exemption RSA 72:39-a for:

Property Map/Lot 010-028-008

By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve and sign the Abatement Recommendation for:

Property Map/Lot 017-066-001

Discussion:

Tina Summers, Director of Preschool in the Village, explained that she has been the Director since 2016. She questioned the appropriateness of the property tax process, but it took a bit to get the Congregational Church on board with moving forward with this request. The Board acknowledged the Preschool as a tax-exempt educational facility last year. The school still holds the same footprint, but its taxes increased from \$1,600 for the past 5-6 years, to \$5,804 this year. This came as an unexpected surprise. The Preschool and Church would both benefit from this abatement. She explained that she was not told she needed to file certain forms and thus there was some confusion to applying for this on time.

Chairman Lyon explained that the Preschool complies for tax year 2020; the issue stems from the 2019 tax year. This request comes about one year past the deadline.

In response to a question from Selectman Brew, Tina Summers stated that the Preschool has been recognized as a 501(c)(3) since 1995.

Selectman D’Angelo stated that, unfortunately, this request is a year late. If that deadline is ignored now, there’s no reason it couldn’t be into the future as well. He explained that this is also not the taxpayer asking for an exemption. He’s unsure if the Board has ever seen a landlord asking for an exemption for the tenet.

Tina Summers explained that the tax bill comes in the property owner’s name and then put on her desk to pay. The Preschool is not listed on the property tax bill, only the church is.

In response to a question from Selectman Panasiti, Tina Summers explained that she became the Director in 2016 and began to wonder about the bill. It took until 2018 to get the Church on board with the request. The request came before the Board at that time but was declined because it was a tenet asking for tax-exempt status.

Gail Stout explained that there is an RSA for abatement applications that allows anyone who is aggrieved by the taxes to file the application. The Preschool is responsible for paying the taxes, so it is okay for them to file for the abatement. In 2019, the applicant failed to fill out a couple of sections of the form, which is why it is now coming to the Board late. The Preschool also qualifies not just as a 501(c)(3), but also as an educational

facility. She explained that recent case law also clarifies the educational exemption and supports the Preschool's position.

Chairman Lyon stated that he is inclined to grant the abatement. The deadline was violated, but this would be a decision made in good faith to a member of the community.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – nay; Selectman Grella – nay; Selectman Panasiti – aye; Chairman Lyon – aye. 3-2-0; motion carried.

6.3 Petition & Pole License

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve the Petition and Pole License PSNH #21-1510 for the placement of a utility pole on Cross Road and to authorize the Board of Selectmen to sign the document on behalf of the Town of Amherst.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve the Petition and Pole License PSNH #21-1516 for the placement of a utility pole on Aglipay Drive and to authorize the Board of Selectmen to sign the document on behalf of the Town of Amherst.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

6.4 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 \$231,886.91 dated June 4, 2020, subject to review and audit.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

6.5 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 \$263,069.00 dated May 27, 2020, subject to review and audit.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried 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 \$6,993.94 dated May 28, 2020, subject to review and audit.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried 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 \$2,856,179.00 dated June 1, 2020, subject to review and audit (Schools' Disbursements).

By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

6.2 Previous Meeting Minutes: May 26, 2020

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D’Angelo to approve the Board of Selectmen meeting minutes of May 26, 2020.

By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

7. Action Items - the Board reviewed its action items.

8. Old/New Business

Selectman Brew explained that the Planning Board is looking into developing a new Master Plan. There will be a meeting this week with NRPC and Nic Strong to review the NRPC proposal from last fall to see if there are things that the town can do in-house or less costly. The Planning Board will discuss this with the Board at the next meeting to see what information to move forward with.

Selectman D’Angelo stated that the school boards met last week regarding their unspent budgets. There is a question as to how much will be spent on projects and how much will be returned to the taxpayers.

Selectman Grella stated that there will be Zoom meetings for the Heritage Commission this week and the Historic District Commission next week.

Chairman Lyon stated that there may be representatives from the SAU’s Facilities Committee presenting to the Board during the June 22nd meeting. The Board will also meet on June 15th for the public hearing on impact fees.

A MOTION was made by Selectman D’Angelo and SECONDED by Selectman Brew to adjourn the meeting at 8:30pm.

By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

NEXT MEETING: Monday, June 15, 2020 – Impact Fee Hearing
Monday, June 22, 2020

SIGNATURE ON FILE

06.22.2020

Selectman Reed Panasiti

Date