



# Town of Amherst, NH

## BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room  
2 Main Street  
Monday, June 22, 2020 6:30PM

### 1. Call to Order

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

Attendees by Zoom conference call: Chairman Peter Lyon, Selectman Dwight Brew, Selectman Reed Panasiti, Selectman John D'Angelo, and Selectman Tom Grella. Also, present: Town Administrator Dean Shankle, Minute taker Kristan Patenaude.

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 897-6269-9379 or by using the link contained in the agenda posted at [amherstnh.gov](http://amherstnh.gov).

Notice of the meeting and means to access it were previously posted in accordance with law. Members of the public that have phoned into the meeting can raise their hand by pressing the \*9 on their phone, in order to make it known that they would like to speak to the Board. 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.*

## 2. Citizen Forum

Chairman Lyon recognized one of Amherst's lifelong citizens who recently passed away at the age of 91, Charlie Duval. He stated that Mr. Duval was a long-time member of the Highway Department and chief of the Fire Department for many years. Mr. Duval was also a member of the Lawrence Fire Company. Chairman Lyon stated that Mr. Duval was Amherst through-and-through. Mr. Duval served as a model for all to follow and will be missed.

Will Ludt, 3 School Street, explained that he has received several emails as Chair of the Heritage Commission regarding damage to stone walls on Christian Hill Road. He explained that the DPW Director, Eric Hahn, and the DPW itself has been working to notify the neighbors and go the extra mile to help the situation. Will Ludt explained that there is an RSA that protects stonewalls at the state level, if the walls are boundaries. He believes stonewalls in town should be protected. He explained that most people move to Amherst for the school district and/or for the rural character of the town. He hopes the neighbors on Christian Hill Road hear that the Heritage Commission, and Eric Hahn, are here to preserve and protect this rural character and the stone walls in town.

In response to a question from Chairman Lyon, Will Ludt stated that he believes the damage was done as part of the road construction being completed on Christian Hill Road.

Tom Quinn, 30 Christian Hill Road, addressed a concern of his regarding line striping on Boston Post Road. He explained that his mother is having a hard time navigating the road, especially at night and in bad weather, due to the road not being striped at this time.

Chairman Lyon suggested that Tom Quinn contact Eric Hahn to find out the status of the line striping on Boston Post Road. He explained that the town is currently reviewing the line striping on several roads, and that the testing is an ongoing process.

## 3. Amherst School Board – Joint Facilities Advisory Committee

Amy Facey, Chair of the Joint Facilities Advisory Committee, Shannon Gascoyne, Vice Chair, and Adam Steele, Superintendent SAU #39, joined the Board. Amy Facey explained that the Committee is hoping to engage the Board during its process and gather feedback. She thanked Selectman D'Angelo for attending the Committee's meetings.

Amy Facey read the Committee's mission statement and explained that the group is currently working on its Master Plan Study for the Amherst School District. An architectural firm, Lavallee Brensinger, has been hired to complete a facility study.

Shannon Gascoyne reviewed the facilities timeline. In May 2017, a capital needs assessment was created for the district. In March 2018, the voters approved to fund the Souhegan 2.0 phase of the project. In March 2019, the voters voted to reject the A&E fees for the Amherst design phase of the project. In May 2019, the Souhegan 2.0 conceptual design was completed. In December 2019, a facilities summit was held. In March 2020, the voters approved the A&E fees for the Amherst design phase of the project, as part of the Amherst School District operating budget. In March 2020, the

voters also approved to fund capital maintenance reserve funds for the Amherst and Souhegan Cooperative School Districts.

Shannon Gascoyne reviewed the Committee's proposed timeline, with a hopeful recommendation to the School Board in September. The group will then spend the fall and winter informing the public and meeting with focus groups. The suggested timeline has the proposal on the ballot to the voters in March potentially. There will be a community survey hopefully sent out to townspeople towards the end of the week. This will be circulated via the Amherst Citizen, SAU 39 website, social media and SAU email alert. She also suggested that the survey might have a place on the town website as well.

Selectman D'Angelo agreed with the process moving forward. The Amherst School District should have the authority after July 1, 2020, to use budgeted funds to advance the project. He is hopefully that the CIP process can be run in parallel to the Committee's process in order to have more knowledge on both projects by the end of summer.

Selectman Brew stated that he is looking forward to participating in the survey and seeing the tradeoffs and recommendations of the group in the end.

In response to a question from Selectman Grella, Superintendent Steele noted that Chris Drobatt, President of Lavallee Brensinger, is working with the Committee. Selectman Grella noted that Mr. Drobatt was a student in the Amherst School District for some time.

Selectman Panasiti thanked the group for their presentation and is looking forward to hearing its recommendations.

Chairman Lyon agreed with using all of the suggested methods to get public opinion on the project. He hopes the Committee will take all opportunities to gather various opinions throughout town.

#### **4. Impact Fee Schedule Discussion**

Chairman Lyon explained that the Board previously held a public hearing regarding impact fees, referred the impact fee report to the Planning Board, and will possibly vote tonight to implement the impact fee scheduled.

Selectman Brew explained that the Planning Board met and reviewed the report. At the end of the discussion, the Planning Board made an advisory motion to recommend the Board of Selectmen adopt the last impact fee schedule, as presented. This fee schedule includes using the square footage option to assess the fees, a residential cap of 3,000ft<sup>2</sup>, treating accessory dwelling units (ADUs) as separate dwellings not under the main 3,000ft<sup>2</sup> cap of the primary structure, and that senior and affordable housing units be subject to the standard impact fee schedule. This vote passed 4-3-0. Selectman Brew explained that the vote was advisory because he asked an alternate to vote in his place, being that he was both a presenter and Selectman. He noted that this was a mistake, as an alternate can't be asked to vote for the Planning Board member representing to the Board of Selectmen; however, the vote would have been the same either way.

Selectman Brew explained that two of the three Planning Board members who voted against the advisory motion, Marilyn Peterman and Mike Dell Orfano, did so because they suggested that a residential exemption should be for the first 1,000ft<sup>2</sup> - 2,500ft<sup>2</sup>, and also that senior and affordable units should be exempt. The third Planning Board member to vote against the advisory motion, Brian Coogan, did so because he believes the fee schedule is too complex, and that there may not actually be a lot of future development possible in town. During the meeting, Brian Coogan stated that he believes a complex fee structure may be used by developers to do what is in their best interests, and not in the town's best interest.

Selectman Brew stated that those Planning Board members who voted for the advisory motion found the report to be thorough and that reasonable assumptions were made during the fee schedule creation. He also explained that those voting for the motion noted that the schedule will be revisited in a year and can be revised at that time.

Selectman Brew noted that there were a few outstanding questions from the Planning Board meeting including: questions regarding the school fee amount for different styles of residential units and if the fee is discriminating in this manner, and questions regarding recouping certain road fees.

Bruce Mayberry explained that, as part of using a square footage schedule, the typical size of various types of housing units was analyzed. Non single-family detached housing units tend to generate more impact per square foot, simply because they are smaller. The school fees are higher for larger square footage units than smaller ones, simply due to their size. These school fees are calculated in proportion to the square footage of unit type; it is not discriminatory.

In response to a question from Chairman Lyon, Bruce Mayberry explained that, for the school impact fees, each unit type's fee is considered in proportion to the average unit of that type's impact. The size of the unit, per square footage, determines the amount of the fee.

Bruce Mayberry explained that the road fee model used is employed in New Hampshire a lot. The idea is to use the fee to recoup the cost for the original creation of enough road surface area to handle the traffic that a new development generates. Amherst has an ongoing project to rebuild and resurface its roads based on the road rating, which is what the impact fees in the schedule are based on. The fees look at the unit cost a new development will pay regarding this road surfacing and road rebuilding proportionately.

Selectman D'Angelo explained that he's unsure about the 3,000ft<sup>2</sup> impact fee cap being proposed. He explained that Mike Dell Orfano, during the Planning Board meeting, stated that this cap appears to be incentivizing "McMansions." Selectman D'Angelo asked what data is available that shows that larger house sizes will not add more people/impact to the town.

Bruce Mayberry explained that the fees primary variable in regard to school enrollment, is that data shows an influx point at around 3,000ft<sup>2</sup>. At and above this size, there don't

180 seem to be more children introduced into the school system. This is not a way to  
181 subsidize larger homes; it just happens to be the limit for square footage proportional to  
182 impact on the schools. Being that the schools are a large driver of taxes in Amherst, he  
183 would recommend a ceiling.

184  
185 In response to a question from Selectman D'Angelo, Bruce Mayberry explained that the  
186 primary reason for the cap is due to the schools. The town could consider having two  
187 caps: one for school fees and another for municipal fees.

188  
189 Selectman Grella stated that he believes the Board will have to wait too long to  
190 implement impact fees if it tries to answer every question that might arise. He believes  
191 questions can be reasonably addressed in the future, but that the impact fee schedule  
192 should be implemented now.

193  
194 In response to a question from Selectman Panasiti, Bruce Mayberry explained that a  
195 major difference in using a square footage method versus a bedroom number method is  
196 administrative. While it is easy for developers to show a bedroom on a plan as not really  
197 being a "bedroom," but an "other" room, using a square footage method easily captures  
198 all of the living area. It is a more predictable way to capture the fee.

199  
200 Superintendent Steele stated that he has no questions at this time and is happy to be kept  
201 in the loop on these discussions.

202  
203 In response to a question from Chairman Lyon, Bruce Mayberry explained that an ADU  
204 should be treated as an extension of a single-family unit. The max size for an ADU in  
205 Amherst per regulations is 1,100ft<sup>2</sup>. Bruce Mayberry explained that impact fees on ADUs  
206 should be treated as a net increase in square footage because of the difference in carving  
207 new space out of an existing dwelling versus adding onto an existing dwelling. Bruce  
208 Mayberry explained that the trigger for an impact fee in this case comes from the creation  
209 of a dwelling unit.

210  
211 Chairman Lyon stated that he hopes a fee would not be assessed on an additional area  
212 carved out of an existing unit. He believes the ordinance reads this way.

213  
214 In response to a question from Chairman Lyon, Bruce Mayberry reviewed his  
215 qualifications. Bruce Mayberry explained that he has a master's degree in City and  
216 Regional Planning and has worked in planning for over 35 years. He established his own  
217 consulting firm in 1991. He previously lived in New Hampshire for 17 years and has  
218 helped over 50 New Hampshire communities with impact fees. This has given him a  
219 breadth of experience in both small towns and large cities. The majority of his expertise  
220 is in impact fees and affordable housing analyses.

221  
222 Bruce Mayberry noted that, in regard to the Joint Facilities Committee presentation made  
223 earlier in the evening, the impact fee schedule report should be examined to reflect what  
224 new facility standards might coming as it deals with impact fee ratios.

Selectman Brew stated that the Board has a commitment to revisit the fee schedule annually, per the ordinance.

Selectman D'Angelo stated that he is still unsure about the 3,000ft<sup>2</sup> cap for residential units.

Selectman Panasiti explained that this is a very fluid process and that the Board will continue to review and learn about the fee schedule as it goes along.

Superintendent Steele stated that the schools are happy to offset the tax rate by any amount collected and will continue to work with the town throughout this process.

In response to a question from Superintendent Steele, Chairman Lyon stated that the impact fee schedule will collect fees on a K-12 basis.

Public Comment:

Marilyn Peterman, Planning Board member, apologized regarding her comments during the Planning Board meeting. She misremembered information regarding senior/55+ housing and explained that Planning Board member Cynthia Dokmo was correct in stating that there is nothing in the law that says that there can be no children in 55+ housing units.

Marilyn Peterman asked the Board to reconsider the impact fee schedule for senior housing units. She spoke with three different 55+/senior developments in town. Summerfield, for example, which was built in 2005/2006 has no more than 2-3 children in the whole development. This is typical for the development and the documents for the units do discourage play equipment and permanent structures. She also spoke to a realtor for Pendleton Farms. There are eight approved senior housing units on the site, none of which contain children at this time. She explained that these units contribute about \$8,000-10,000 in taxes each year, and, thus, certainly contribute their fair share to the school system.

Marilyn Peterman explained that she also spoke to someone who used to be on the board at The Fells. The Fells is not a 55+ community but is marketed as an "adult community." In the 80 units at The Fells, there are currently about six children total. Play equipment is also not allowed at units at The Fells. She believes it seems fair to say that these developments do not contribute large numbers of children to the school system. It seems inappropriate to thus charge new senior developments school impact fees.

Marilyn Peterman read RSA 674:21 V(a): "*The amount of any such fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.*" She believes that, since these senior developments are not contributing to the schools in town and, thus should be exempt from school impact fees.



273  
274 Marilyn Peterman explained that she contacted George Bower, regarding the proposed  
275 road impact fees. She believes that road impact fees used to be assessed using car trips,  
276 and that single-family units were found to contribute more car trips than two-  
277 bedroom/townhouses/etc. She stated that George Bower explained that each type of  
278 housing unit would have a wide level of trip numbers. She believes that a lot has changed  
279 since the COVID-19 pandemic as well, and thus past numbers may not be applicable  
280 today. She stated that she believes using the bedroom count method is better than the  
281 square footage method, as it is easier to administer in general.

282  
283 Bruce Mayberry explained that the road impact fee is reduced to a square footage  
284 number, but originally based on trip generation numbers. The figures being used are the  
285 most recent ones based on average daily trips. He doesn't believe that activity during  
286 COVID-19 should necessarily factor in, as it is likely not a permanent change.

287  
288 Bruce Mayberry explained that, in terms of senior housing units and school impact fees,  
289 he has recommended that these fees are not intended to be applied to age-restricted  
290 housing with covenants that forbid school-aged children.

291  
292 Chairman Lyon stated that there is a waiver section in the ordinance that allows impact  
293 fees to be waived for a good cause.

294  
295 In response to a question from Chairman Lyon, Bruce Mayberry explained that the  
296 waiver section is a good option to utilize to exempt age-restricted housing from school  
297 impact fees but asked the Board to consider what level of evidence it would need to see  
298 to grant that waiver.

299  
300 Marilyn Peterman stated that she is glad to hear that the Planning Board might determine  
301 if some of these waiver exemptions are appropriate. She explained that there is not a  
302 significant amount of affordable housing in the community. A report from NRPC shows  
303 that Amherst is deficient in this type of housing. The affordability formula is not  
304 determined by the town. She would like for the Board to consider that adding any sort of  
305 an additional fee to affordable units could be considered an insult to the concept of  
306 affordable housing.

307  
308 Jim Hendrix, 44 Christian Hill Road, stated that the Board seems to be taking into  
309 account what the existing taxpayers have had to pay for new developments, and trying to  
310 offset this as best it can. He believes the impact fee report is a good analysis and asked  
311 the Board not to get caught up in "analysis paralysis." The Board can revisit the report in  
312 a year in order to learn from it and improve it, if needed.

313  
314 Tom Quinn, 30 Christian Hill Road, stated that he believes this is a good start and fully  
315 supports the Board moving forward with the impact fee schedule. He agrees with  
316 Selectman D'Angelo regarding the 3,000ft<sup>2</sup> cap. He doesn't believe that there should be a  
317 cap on either the high or low end of the fee schedule.

Mike Dell Orfano, 151 Mack Hill Road and Planning Board members, stated that he believes the 3,000ft<sup>2</sup> cap is a mistake. He doesn't believe people want more "McMansions" in town. He questioned if the waiver section could be applied to qualified workforce housing, if deed restricted.

Bruce Mayberry explained that he doesn't believe workforce housing, even if deed-restricted, would necessarily be able to be exempt from impact fees unless it can be demonstrated that there is less impact from the unit. He explained that exempting senior housing from school impact fees is a fairly straightforward idea, but what workforce housing has not been shown in studies to create any less of an impact. He explained that, for affordable housing units, the square footage method is recommended because impact fees are less for smaller units.

Mike Dell Orfano stated that the town can make accommodations to make workforce housing economically viable, and that adding impact fees to these units seems to run contrary to the state statute. He questioned how Bruce Mayberry could be recommending that the town run contrary to the state statutes regarding workforce housing.

Bruce Mayberry stated that he did not recommend anything to the town regarding workforce housing. He explained that an impact fee is only one of many development costs.

Mike Dell Orfano asked the Board to consider eliminating the proposed 3,000ft<sup>2</sup> cap and creating a provision to allow the Planning Board the ability to waive impact fees on qualified workforce housing units, if deed-restricted and sold only to those who qualify.

Kelly Mullin, 48 Christian Hill Road, stated that she has concerns regarding the potential waivers and exemptions. She hopes that the Board of Selectmen will continue to work with the Planning Board in the future on these items. She explained that impact fees are imposed on the developer and it is up to the developer to decide how to deal with the additional cost. If the developer decides to pass these fees onto the first-time buyer as part of the purchase price, and the buyer agrees to that purchase price, then this is a deal between them. She stated that none of the applications coming into the Planning Board as of late have come in under workforce housing. She explained that workforce housing developments have a very specific process that developers must follow. If there is going to be a waiver or exemption for workforce housing, she would like to make sure these are applied only to workforce housing applications, versus affordable housing applications.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti that the Board of Selectmen implement the impact fee schedule as presented with the following bases: that the impact fee be based on dwelling condition living area square footage, residential impact fees be capped at 3,000ft<sup>2</sup>, that accessory dwelling units be assessed as separate dwellings not under the primary structure cap, and that senior and affordable housing units be assessed the same impact fees.*

Discussion:

Selectman Brew explained that to qualify for affordable housing in Amherst, the qualifying house may be worth \$350,000 and the applicant's income may be up to



\$100,000/year. He believes that if one group is exempted from impact fees, another group will thus need to pay more. He believes if this is going to be the case, that the voters should make this a more targeted decision. He stated that a previous misstatement regarding senior housing was revised tonight. He believes that the Board is trying to collect fees for impacts that developments have on the town.

Selectman D'Angelo stated that he is okay with leaving senior and affordable housing units as they are currently listed in the impact fee schedule. As an alternative to the 3,000ft<sup>2</sup> cap, he suggested that the Board of Selectmen recommend that the Planning Board be able to consider a waiver to the cap for the school impact fee. This might be a more flexible way for the possibility of an exemption to move forward.

Chairman Lyon read the waiver section of the ordinance: "*K. Waiver and Appeal of Fees. 1. Any person may request from the Planning Board, a full or partial waiver of impact fee payments required by this ordinance where it can be shown that, due to unique and/or mitigating circumstances, the impact of the particular new development is demonstrated to be nonexistent or less than anticipated. 2. On-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, including but not limited to, extension of water and sewer mains or the construction of roads or other infrastructure, which would have to be completed by the developer regardless of the capital facilities fee provisions, shall not be considered eligible for waiver under this ordinance.*"

Bruce Mayberry explained that there does appear to be a window within the ordinance waiver section that could allow for a case to be made.

Selectman Panasiti stated that he was inclined to leave the report the way it is at this time and work overtime to see if things need to be tweaked, instead of trying to tweak things without knowing the impact.

Chairman Lyon agreed that the Board should start someplace and that this seems to be a solid place to start.

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

## **5. Administration**

### **5.1 Administrator's Report**

Town Administrator Shankle explained he has been watching the taxes coming in closely. At this time last year \$6,248,000 in taxes had come in; currently \$11,081,000 in taxes have come in. The reason for this much larger number is that an escrow company has sent in their payment to the town. If that amount is taken out, the taxes are down 4/5% from the amount collected last year at this time. The cash flow projections are showing that the town has received about three million dollars more than expected in order to not have to get a Tax Anticipation Note (TAN). He stated that the town appears to be in good shape at this time.

Town Administrator Shankle explained that the Governor has put together a broadband initiative to get broadband into places that don't currently have it. Towns or cable companies need to come up with their proposals for this by July 22, 2020. He has contacted Comcast about this, and the small section of Amherst that needs to be on their list (Mack Hill Road and part of Camp Road) is.

Craig Fraley, Recreation Department Director, explained that he investigated some claims that non-residents were being let into the Town Beach. He discovered that non-residents were let onto the beach because they were season's pass holders, which is allowed. There appear to have been more people at the Town Beach on Father's Day from out of town, but no rules were broken. The beach also never hit capacity.

In response to a question from Selectman Panasiti, Craig Fraley explained that the town of Merrimack called DES last week over concerns at one of their private beaches when dead fish, a dead turtle, and sick geese were found. DES tested the water and found a small algae bloom in the marsh to the side of the town beach; the beach closed at this time. DES tested the water again on Friday and found safe levels, so the beach was reopened.

## **5.2 Common Use Request - AJWC**

Town Administrator Shankle explained that the Amherst Junior Women's Club would like to host a yoga class on the Green as a fundraiser. This will be a socially distant class taught by a certified instructor.

Stacey Morison, AJWC member, stated that there are no dates attached to the proposal as it is weather-dependent. The timing will also depend on the flexibility of the instructor.

In response to a question from Selectman Panasiti, Stacey Morison stated that the group will work with Executive Assistant, Mary Guild, to pick a date for the class that doesn't conflict with other events.

In response to a question from Selectman Panasiti, Stacey Morison stated that AJWC is encouraging pre-registration for the event and would like to keep it at a max of 15 people.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve the request for use of the common by the Amherst Junior Women's Club throughout the summer of 2020 for small group yoga classes. The group sizes will be limited to no more than 15 attendees, including the instructor. The dates to be determined and coordinated with the Executive Assistant.*

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

## **5.3 Microtime Agreement Review**

Selectman Brew read the changes made to Section 8 of the agreement:

### **8.1 Monthly Agreement Pricing**

Microtime and the Client are under a 3-year pricing plan agreement detailed in Appendix 7.

8.2 Initial Term

As agreed, post RFP, the initial term of this agreement will be one year starting on January 1, 2020.

8.3 Annual Renewal

An addendum to this agreement will be sent to the town for signature for all successive one-year (1) periods at least one hundred twenty (120) days prior to expiration of the current Term. If agreement is not renewed before the end of the current term the agreement or subsequent addendums will continue on a month to month basis with all product and service prices increased by 10% above the year three pricing in Appendix 7.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve the Microtime Service Agreement for the period of one year commencing on January 1, 2020 and ending on December 31, 2020 and to authorize the Town Administrator to sign all related documents on behalf of the Board of Selectmen. By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.*

**5.4 Computer CRF Withdrawal Request**

Town Administrator Shankle reviewed that this request is to refund money to the Department heads’ budgets from the Computer CRF due to expired computers that needed to be updated due to security issues. The total amount for this purchase was \$31,071.18. If this is taken out of the Computer CRF, the fund will be reduced to about \$21,000.

Chairman Lyon stated that he believes the Board is hoping to develop a plan moving forward to budget for the replacement of computers.

Town Administrator Shankle stated that computers are usually replaced every 4-5 years, but this round was apparently not caught when it should have been.

Selectman Brew noted that, if the department budgets are going to be reimbursed by about \$31,000, then he would expect for the town budget to also be underrun by about an additional \$31,000.

Selectman D’Angelo stated that he would like for the amount to be left in the Capital Reserve and instead taken from the departments’ budgets, so as not to ask for more money from the taxpayers in March for the Computer CRF budget.

Selectman Grella stated that he would like for the money to be reimbursed from the Computer CRF.

Chairman Lyon agreed that if the money is not taken out of the CRF to reimburse the department budgets, the taxpayers would probably not need to be asked to add to the CRF in March.

Selectman Brew noted that an additional \$15,000 will be added to the CRF on July 1, 2020, per the vote this past March.

*A MOTION was made by Selectman Grella and SECONDED by Selectman Panasiti to approve withdrawal of funds in the amount of \$31,071.18 from the Computer System Capital Reserve Fund to upgrade all computers town-wide for security compliance.*

Discussion:

In response to a question from Selectman Panasiti, Town Administrator Shankle stated that he is not aware of any funds that will need to be spent out of the CRF next year. The Ways & Means Committee had a concern because they saw funds as accumulating in the CRF without clear expenditures.

In response to a question from Selectman Panasiti, Chairman Lyon explained that the Computer CRF was established to fund large scale, typically hardware, purchases. These may sometimes be planned but are often unanticipated.

Selectman Panasiti stated that he believes the CRF was established for this type of issue.

Selectman D'Angelo stated that he would like for the expenditure to stay in the departments' budgets. He doesn't want to ask the taxpayers to refund the CRF in March. He believes not asking the taxpayers to fund one CRF would be a nice gesture on the town's part, especially since this CRF does not need to be withdrawn on now.

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

**5.5 New Hire, Full-Time Dispatcher – APD**

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to approve the hiring of Stuart Sanderson as a full-time dispatcher for the Town of Amherst effective July 6, 2020.*

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

**6. Staff Reports**

**6.1 Tax Collector – KRT Cyclical Inspections Proposal – *this item was moved to later in the meeting.***

**6.2 Tax Collector – Tax Lien and Deed Research Encumbrance – *this item was moved to later in the meeting.***

**6.3 AFR – End-of-Year, Annual Purchases**

Fire Chief, Matt Conley, explained that he has two requests for end-of-the-year purchases. One is for PPE clothing (personal protective clothing). This bunker gear is being sought from a sole source provider, with six sets costing \$2,709.00 each, for a total of \$16,254. This is to come out of the 01-4220-60-26-16 line item.

A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to purchase 6 full sets of PPE at \$2,709.00 per set with a total cost of \$16,254.00, and to waive the competitive bidding process.

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

Fire Chief Conley stated that the second request is for two Self Contained Breathing Apparatus' (SCBA).

A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to waive the competitive bidding process and purchase 2 SCBA's, 2 masks and 8 cylinders at a total cost of \$19,896.00, from a sole source vendor.

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

**6.1 Tax Collector – KRT Cyclical Inspections Proposal – this item was retaken at this time.**

Tax Collector, Gail Stout, explained that KRT Appraisal, the town's contracted assessing firm, would like to resume its cyclical inspection process. This was originally halted on March 17, 2020, due to COVID-19. KRT Appraisal has requested to move forward with the inspections process, in an altered way. This proposal is supported by the Department of Revenue as a way to get certain revaluation data. As part of this proposal, no interior inspections will be attempted. Instead, advance notice postcards will be mailed to neighborhoods before canvassing happens. Prior to inspection, the inspector will knock of the door and request some information about the interior of the home, before requesting permission to measure the exterior of the home. KRT will also be mailing questionnaires to homes in order to obtain other information. These extra efforts will be included in KRT's contract fees. Property owners are able to decline at any point in the process. This process will resume on July 13, 2020.

Selectman Brew stated that he is inclined to agree with the proposal because the inspections will only take place outside, members of KRT will not get within 6 feet of any homeowners, homeowners can decline at any point in the process, and postcards of notice will be mailed out in advance.

In response to a question from Selectman Panasiti, Gail Stout explained that KRT will be relying on the questionnaire to gather information about the interior of each home and what is already on file.

Town Administrator Shankle explained that this proposal goes along with the processes as outlined by the DRA and state.

A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to approve the proposal as submitted by KRT Appraisal to proceed with the cyclical inspection process starting on July 1, 2020.

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 Tax Collector – Tax Lien and Deed Research Encumbrance – *this item was retaken at this time.***

Gail Stout explained that this request is for a \$1,250 encumbrance from the tax lien line item. She explained that the tax lien for all outstanding 2019 property taxes and the tax deed process for all outstanding 2017 property taxes scheduled for May of 2020 was postponed due to COVID-19. These properties require a title search and notice by certified mail to every property owner and to every lien holder. This process is now rescheduled for August of 2020 which will fall in the FY21 budget period.

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Brew to approve the encumbrance of \$1, 250.00 from the FY20 budget for the tax lien and deed research and notice costs as requested.*

*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 DPW – Steel Garage Funds Encumbrance – *this item was moved to later in the meeting.***

**6.5 DPW – Continental Paving Contract Extension**

Eric Hahn, DPW Director, explained that the Board agreed earlier this year to extend the Continental Paving contract for a year. DPW has considered the potential for financial difficulties and recommends a contract extension value of 1/2 of the FY21 budgeted amount, plus the value of the Bike/Ped side path for Amherst Street, for a total of \$937,500. This will also allow the already committed work (Woodland-Crockett & Christian Hill Roads) to continue after July 1 with encumbered FY20 funds.

In response to a question from Chairman Lyon, Eric Hahn stated that the actual figure for the encumbrance of FY20 road construction funds is \$650,000.

In response to a question from Chairman Lyon, Eric Hahn explained that the \$937,500 figure in change order #6 will include the side path work, as part of the warrant article.

In response to a question from Selectman Panasiti, Eric Hahn explained that he is not asking for FY21 money, but that the contract extension now has a dollar value to it. The current contract with Continental Paving expires June 30, 2020.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to encumber \$650,000 from line 01 -4312-70-2735 for road paving.*

*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 D'Angelo to approve \$937,500 to Continental Paving for FY21 paving.*

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



647           **6.4     DPW – Steel Garage Funds Encumbrance – *this item was retaken at this***  
648 ***time***

649     Chairman Lyon explained that the DPW request to build a mechanic's garage was placed  
650     on a warrant article for \$140,000 back in 2019. This warrant article was approved, but it  
651     was only recently discovered that this is not a non-lapsing article and will lapse on June  
652     30, 2020. This request is to award a bid of \$72,063 to Steelsmith, Inc. for the steel  
653     building, and \$46,500 be awarded to DBA/D.A. Boisvert Electric Co. for encumbrance.  
654

655     Eric Hahn explained that the purchase and erection of the steel garage is covered in this  
656     amount. Some part of the electric will also need to be encumbered, but some of it will be  
657     able to be completed by the DPW out of its own budget. He explained that there is also  
658     about \$9,351 included in the electric encumbrance to fix current deficiencies at the DPW.  
659     If those funds are removed, the total would be about \$37,149 to be encumbered for the  
660     new building itself.  
661

662     Chairman Lyon explained that the steel garage bid was sent out to four entities, only one  
663     of which responded. This bid is close to what the cost was thought to be. The electric  
664     encumbrance is not a bid, but simply a quote from the existing electrical contractor for  
665     the town.  
666

667     In response to a question from Chairman Lyon, Eric Hahn explained that the DPW will  
668     do its own site work for the project. It will need to hire/bid out for someone to pour the  
669     concrete and wall foundations. This will be done within the specified amount.  
670

671     Selectman Brew explained that the Ways & Means Committee, at the time that this  
672     warrant article was discussed, wanted to make completely sure that \$140,000 was the  
673     correct amount and that no other money would be used if that amount was not sufficient.  
674     He stated that the amount quoted for the steel building is close to what was described  
675     within the warrant article, and is competitive, even with only one bidder. However, the  
676     electrical quote is still twice the amount of the original makeup of the warrant article  
677     proposal. The electrical piece is also not competitively bid but quoted from a routine  
678     electrical contractor for the town. He believes that the town needs a contract in order to  
679     encumber these funds and is not comfortable that the quoted amount is much higher than  
680     the original estimate.  
681

682     Selectman D'Angelo stated that he would like to see all of the funds encumbered. If the  
683     quote is put out to bid and comes back as less, then some of the funds can be released.  
684

685     Chairman Lyon questioned about encumbering the funds based on the electrical quote  
686     and then looking for a competitive bid process that might come out lower than the quoted  
687     amount.  
688

689     Town Administrator Shankle stated that a signed contract is needed in order to encumber  
690     funds. He isn't sure that is in hand, even for the steel garage bidder.  
691

692     Chairman Lyon suggested that the encumbrance could be contingent upon receiving a  
693     signed contract by June 30, 2020.

Town Administrator Shankle stated that the encumbrance can only happen when a signed contract is in hand.

In response to a question from Selectman D'Angelo, Finance Director Cheryl Eastman explained that funds must be encumbered by June 30, 2020.

Eric Hahn stated that he could try to get a couple of quotes for the electrical within the next week or two but that he would rather handle the whole thing properly and let the money go, rather than do something distasteful and not transparent.

Selectman Brew suggested that the Board approve a \$72,000 expenditure tonight for the steel structure and receive a PO for the work tomorrow. He believes that, as long as the PO is issued within this calendar year, the money will be encumbered properly. Cheryl Eastman agreed that the money will technically be encumbered if a PO is received prior to June 30, 2020.

Town Administrator Shankle stated that someone will need to sign the contract. Cheryl Eastman stated that the PO will need to include a breakdown of the project.

Chairman Lyon explained that the Board will meet on Monday, June 29, 2020, to discuss this item again. In the meantime, Eric Hahn will work to get a contract secured for the work. If this can be obtained, the Board will authorize an encumbrance of \$72,063 for the steel construction building and authorize either the Town Administrator or Board Chair to sign.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to table this item to June 29, 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. Approvals**

### **7.1 Annual Dog Warrant**

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Brew to approve and sign the Annual Dog Warrant.*

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

### **7.2 Local River Mgmt. Advisory Committee Nomination**

*A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to nominate Rob Clemens to the Local River Management Advisory Committee and authorize the Board of Selectmen to sign the Nomination form.*

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

741           **7.3     Assessing**

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

744       *Property Map/Lot 003-027-028*

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

747  
748       *A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to*  
749       *deny the Abatement Recommendation for:*

750       *Property Map/Lot 002-020-001-009*

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

753  
754       *A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to*  
755       *approve and sign the Abatement Recommendation for:*

756       *Property Map/Lot 002-034-002-002 in the amount of \$253.00*

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

759  
760       *A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to*  
761       *approve and sign the Timber Tax/Certification of Yield Tax for:*

762       *Property Map/Lot 002-177-001 in the amount of \$95.27*

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

765  
766           **7.4     Assessing from 05.26.2020 (Total Exemption)**

767       *A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to*  
768       *approve the list provided for all of the total exempt property for the 2020 tax year under*  
769       *RSA 72:23.*

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

772  
773       *A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to*  
774       *approve the list provided for PILOT, Settlement Agreement, and Low-Income Housing*  
775       *Tax Credit for the 2020 tax year.*

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

778  
779           **7.5     Payroll**

780       *A MOTION was made by Selectman D’Angelo and SECONDED by Selectman Panasiti,*  
781       *to approve one (1) FY20 Payroll Manifest in the amount of \$235,329.38 dated June 18,*  
782       *2020, subject to review and audit.*

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

788           **7.6   Accounts Payable**

789       *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to*  
790       *approve one (1) FY20 Accounts Payable Manifest in the amount of \$33,762.12 dated*  
791       *June 10, 2020, subject to review and audit (Town Clerk Transfers to the State of NH).*  
792       *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella –*  
793       *aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.*

794  
795       *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to*  
796       *approve one (1) FY20 Accounts Payable Manifest in the amount of \$400,316.76 dated*  
797       *June 9, 2020, subject to review and audit.*

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

800  
801       *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to*  
802       *approve one (1) FY20 Accounts Payable Manifest in the amount of \$8,396.64 dated June*  
803       *10, 2020, subject to review and audit (School Disbursements).*

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

806  
807           **7.7   Previous Meeting Minutes – June 8, 2020**

808       *A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to*  
809       *approve the Board of Selectmen meeting minutes of June 8, 2020.*

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

812  
813           **8.   Action Items** - the Board reviewed its action items.

814  
815           **9.   Old/New Business**

816       Selectman Brew stated that the Planning Board has agreed to establish a steering committee to  
817       oversee the Master Plan process and start to work through it.

818  
819       Selectman Grella stated that he attended a virtual Historic District Commission meeting last  
820       week. The group agreed to approve a garage on New Boston Road, and tabled a discussion  
821       regarding the demolition of an existing garage at 12 Main Street. The group is looking for  
822       more information about the historical significance of this property first, along with a site walk.

823  
824       *Selectman Panasiti exited the meeting.*

825  
826       *A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to*  
827       *adjourn the meeting at 9:45pm.*

828       *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella –*  
829       *aye; Chairman Lyon – aye. 4-0-0; motion carried unanimously.*

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**NEXT MEETING: Monday, June 29, 2020**

**SIGNATURE ON FILE**

**7.13.2020**

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*Selectman Reed Panasiti*

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*Date*