



# Town of Amherst, NH

## BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room  
2 Main Street  
Monday, July 27, 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.

6  
7       **2. Non-Public Session, RSA 91-A:3, II (b)**

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

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

13  
14      *The Board entered Non-Public Session at 6:04 pm.*

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

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

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21      *The Board came out of Non-Public Session at 6:19 pm.*

22  
23      *Chairman Lyon announced that no motions were made in the non-public session.*

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25      The Board reconvened public session at 6:31pm.

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

30  
31      Other attendees and the public accessed the meeting via Zoom.

32  
33      Chairman Lyon explained that, pursuant to the State of Emergency declared by the  
34      Governor as a result of the COVID19 pandemic and in accordance with his Emergency  
35      Order #12, this meeting is authorized to take place electronically. There is no physical  
36      location to observe and listen to this meeting. However, in accordance with the  
37      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 819-6149-1357 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. 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.

This meeting will begin with a joint public hearing with the Amherst Conservation Commission (ACC) regarding the proposed acceptance of a land easement. The previous statement applies to the public hearing as well.

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.*

### **3. Citizen’s Forum – none.**

## **4. Administration**

### **4.1 Administrator’s Report**

Town Administrator Shankle explained Microtime will be upgrading the backup devices at Town Hall during the month of August. The backup devices will be able to run Town Hall, even if the main servers fail.

Town Administrator Shankle stated that he received an email from Stacey Feldt, of the Amherst Junior Women’s Club, regarding the Yoga on the Green fundraiser classes being held. The Board gave permission for this small fundraiser back in June. There have been two classes held so far, both with great success. A third date is planned for August 3<sup>rd</sup> at 6pm, with a rain date of August 5<sup>th</sup>. There will be one final yoga class held later in August.

Town Administrator Shankle stated that Town-Wide Clean-Up Day is coming up on August 8<sup>th</sup>. Sets of bags and gloves are available for pick-up at Moulton’s Market, Homestead, and the Library. Bags will be collected over that weekend at locations on the Green and at the entrance to Souhegan High School. The Amherst Conservation

Commission is hosting the event and asking everyone participating to wear gloves and practice safe social distancing.

Town Administrator Shankle explained that the Finance Department will be giving a more detailed report to the Board at its next meeting regarding the actual versus approved expenses. These numbers look very good, with about \$300,000 being left in the budget, or approximately 2% of the total budget.

Town Administrator Shankle stated that the tower clock at the Congregational Church has its annual update, thanks to Dan Barton.

He also explained that the Town is thinking about the process of reopening for in-person meetings. There is still concern as to what hybrid models of these meeting will look like, for those still uncomfortable attending in-person. NH Cooperative Extension will be holding a webinar on August 5<sup>th</sup> regarding hybrid meeting management.

The Board agreed to discuss issues regarding a possible noise ordinance and invited Police Chief Mark Reams to join them.

Chief Reams explained that the Department addresses noise complaints, most of which revolve around noise from construction, gun fire, and fireworks. When addressing these concerns, the Department uses the disorderly conduct ordinance, which is very broad. He is unsure if this year has seen an uptick in the number of complaints from previous years. He explained that residents usually address noise concerns with their neighbors but will call the Department if it's unclear where the noise is coming from. The Department has spoken to residents over complaints and has never had an issue with anyone not cooperating. He explained that the Department generally has a 10pm cutoff for noise. This is based on general common sense and what other towns have in their noise ordinances. Chief Reams explained that some of the recent complaints have, unfortunately, come when the noise is no longer happening, leaving the Department with no action to take. He stated that the Department needs citizen input on this and explained that the public should call if unable to deal with their neighbors directly.

Selectman Brew questioned if a separate noise ordinance would be better or give the Department more power than the existing disorderly conduct ordinance.

Chief Reams explained that the way concerns are addressed by the current ordinance is consistent with the way other noise ordinances handle concerns.

Selectman D'Angelo stated that the more recent issues seem to revolve around noise complaints, the public not receiving straight answers from dispatchers and officers, and the way officers address complaints. He believes that Chief Reams has addressed the last issue. He asked how the Department will correct any issues of confusion at the dispatch level.

Chief Reams explained that one of the latest issues was one phone call received by the Department at 9pm. The dispatcher the person spoke with explained that the Department

131 does not address complaints made prior to 10pm. The person called back and a different  
132 dispatcher, unclear on the ordinance, stated that the noise ordinance in town calls for  
133 addressing complaints after 11pm. All dispatchers are now clear on the appropriate  
134 response.

135  
136 Selectman Grella explained that he is having computer issues and may need to leave the  
137 meeting for a moment.

138  
139 Selectman Panasiti stated that he believes the Department is handling complaints as well  
140 as it can. He believes that there may be more noise issues this year in general, due to the  
141 pandemic, and this may be why there have been additional complaints in town.

142  
143 Chairman Lyon explained that the disorderly conduct ordinance is a state statute, not a  
144 town ordinance. He asked why the Department cannot address noise without a complaint  
145 from the public.

146  
147 Chief Reams explained that without a complaint the disorderly conduct statute does not  
148 give the Police Department the authority to determine the appropriateness of what is  
149 socially acceptable in terms of noise. Thus, a public complaint is needed. The Department  
150 otherwise presumes that the noise is not a problem or annoying anyone.

#### 151 152 **4.2 New Hire - Administration**

153 Town Administrator stated that Mary Guild recently left her position as the Executive  
154 Assistant. He recommends that the Board appoint Jennifer Stover to the position. She is  
155 currently the Administrative Assistant to the Recreation Department.

156  
157 *A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to*  
158 *approve the hiring of Jennifer Stover as Executive Assistant to the Town Administrator, a*  
159 *full-time position, effective August 10, 2020, at a rate of \$26.26 per hour.*

160 *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Panasiti*  
161 *– aye; Chairman Lyon – aye. 4-0-0; motion carried unanimously.*

#### 162 163 **4.3 Police Station Renovation Discussion**

164 Chairman Lyon explained that this is a continuation of a previous discussion regarding a  
165 second round of bids for the renovation that still came in higher than the budgeted  
166 amount for this project, \$600,000. He recently worked with Town Administrator Shankle  
167 to see if funds are available in the existing budget to cover the additional amount, without  
168 diminishing the services provided. The lowest bid came from Martini Northern LLC,  
169 with a base bid of \$685,180. With an additional 10% contingency and approximately  
170 \$25,000 for furniture, the total base bid is about \$778,180. Two alternative add-ons, for  
171 the third-floor meeting room and locker room, would cost an additional \$114,000, plus a  
172 10% contingency.

173  
174 Chairman Lyon stated that he and Town Administrator Shankle identified a number of  
175 savings that could be used towards the project: \$8,000 from not holding the 4<sup>th</sup> of July  
176 celebration; \$18,000 from the DPW road striping budget that could be put off until later  
177 in the fiscal year without compromising safety; \$50,000 from the DPW building

178 maintenance line to put off replacing the Police Department station roof for a year;  
179 \$25,000 from worker's comp savings; approximately \$18,000 from miscellaneous health  
180 insurance plan changes; and approximately \$25,000 left in the Police Department budget  
181 due to changes in health insurance plans.

182  
183 Chairman Lyon stated that all of these identified savings would put the project within  
184 \$24,000 of the total base cost. The town would still need to find approximately \$130,000  
185 to do the proposed add-ons.

186  
187 Chairman Lyon explained that he believes the most appropriate way to move forward is  
188 to do the base project now and ask the citizens for the necessary funding to complete the  
189 add-ons later.

190  
191 Selectman Brew stated that this is not ideal because the voters were told an estimate for  
192 the project was around \$600,000. He believes it to be an excellent compromise for the  
193 base project to be completed with the funds identified, instead of having to put the project  
194 out to bid a third time and delaying the work for probably about a year. A warrant article  
195 should then be used next year to ask the voters to approve the completion of the project  
196 add-ons.

197  
198 Selectman D'Angelo questioned if the anticipated savings for employment vacancies or  
199 employees out on disability had been discussed. He stated that, if the additional funds  
200 cannot be found toward the end of this fiscal year, then the cautious approach of putting a  
201 warrant article on the ballot would be appropriate.

202  
203 Chairman Lyon stated that he did look at the potential vacancies in town, but that most  
204 have been recently filled.

205  
206 In response to a question from Selectman D'Angelo, Chairman Lyon explained that he  
207 determined that state funds for COVID-19 cannot be used to cover the HVAC systems in  
208 the renovation, due to deadlines and what would be a necessary change to the bidding  
209 process for the project.

210  
211 Selectman D'Angelo stated that any additional funds may be clearer by February or  
212 March. The add-ons could then be rebid, and the surplus used for them.

213  
214 Selectman Grella stated that he would like to see the work done as soon as possible with  
215 the funds available. If these funds don't cover the whole project, he recommended  
216 placing a warrant article on the ballot.

217  
218 Selectman Panasiti suggested that delaying the project will add approximately 6-10% to  
219 the cost, so starting it sooner rather than later is preferred. If the funds can be identified,  
220 they should be used; if not, a warrant article should be placed on the ballot. He thanked  
221 each member of the Police Station Renovation Committee.

222  
223 Chief Reams stated that his only concern is to see that the third-floor add-ons are  
224 addressed at some point. He believes this way forward does work to address that.

In response to a question from Chairman Lyon, Town Administrator Shankle stated that the sample contract has been reviewed by Attorney Bill Drescher's office. His one issue with the sample contract will be worked out.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve the base bid of \$685,180, in addition to a 10% contingency of \$68,000, for renovations to the Police Station and to authorize the Town Administrator to subsequently sign the contract, as reviewed and approved by Town Council. By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

#### **4.4 Communications Request to Spend**

Chief Reams explained that the town Public Safety Communications Center works in conjunction with the town of Bedford. There are three interconnected microwave radio towers: one at the Police Station, one at the Pennichuck Water Tower on Route 101A, and one on the grounds of the New Boston Air Force Station (NBAFS). The microwave link at the NBAFS failed over the winter, prior to the end of its life expectancy of 10 years and was determined to be unable to be repaired. At the same time, the Bedford mirror equipment also failed, but was able to be repaired. An estimate for this replacement was received back in March but was delayed due to COVID-19. He is requesting that the Board approve the purchase from a sole source vendor, 2-Way Communications, Inc., the sole architect and maintenance provider for the town-wide radio communications network. The cost of this replacement and reinstallation is \$28,936.97. He is requesting this purchase come from the Communications Capital Reserve Fund, which currently has a balance of \$90,896. The fund will also soon see an addition of the approved \$25,000 from the warrant article, bringing it to about \$116,000.

Selectman D'Angelo reminded the group that the Trustees of the Trust Funds meet this upcoming Wednesday, if the funds need to be released soon.

*A MOTION was made by Selectman Panasiti and SECONDED by Selectman Grella to approve the request to spend \$28,936.97 for the replacement equipment necessary at the Amherst Communications Center, as outlined in the memo, and also to approve the use of the sole source vendor to supply said equipment.*

*By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

#### **4.5 2021 Employee Holidays**

Chairman Lyon reviewed that this schedule leaves 12 holidays in 2021, where the town usually only authorizes 11. He noted, though, that the way the 12 holidays fall in 2021 will leave 10 holidays in 2022; thus, there will still be 11 holidays averaged between the two years.



Selectman Brew stated that, as long as there are no issues with payroll or union contracts, he would prefer to vote to approve both the 2021 and 2022 holiday schedules together. These schedules can always be changed if need be.

Chairman Lyon noted that the Police Union holidays will not change, as set by contract.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve the holiday schedule for 2021 and 2022 for the employees of the Town of Amherst as presented.*

*By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

#### **4.6 BOS Meeting Calendar – 2021**

Chairman Lyon explained that the calendar has been adjusted so that the Board will meet December 2021 on the 6<sup>th</sup> and 20<sup>th</sup>.

*A MOTION was made by Selectman D’Angelo and SECONDED by Selectman Panasiti to approve the BOS Meeting Calendar for 2021 as presented.*

*By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

### **5. Staff Reports**

#### **5.1 Truck Purchases - DPW**

*DPW Director, Eric Hahn, and Assistant Director, Eric Slosek, joined the meeting.*

Eric Hahn explained that it was discovered last year that the town is unable to obtain these trucks through a lease purchase. He stated that he now has sufficient budget funds to buy two of the most important vehicles. He would like to replace Truck 9, currently a Ford F-550 that has been parked since April. He is suggesting replacing it with a similarly sized vehicle that can have a wing added to it, which will help with plowing in the Village. The cost of this truck is about \$106,000. He is also requesting to replace Truck 7, currently a 2011 Ford F-350 with a king cab. He would like to replace this with another Ford F-350 with a regular cab.

Eric Hahn explained that he has been able to identify the funds to purchase both of these trucks with cash, no leases needed. This will reduce the DPW lease payments to \$46,000 for the next two years, after which time all of the leases will disappear. He explained that the F-350 purchase was not put out to bid, because a sole source vendor came through with better pricing for it than the state bid. The F-550 purchase should be awarded to Liberty International of NH LLC, as the company won the state bid.

In response to a question from Chairman Lyon, Eric Hahn agreed that these trucks will be purchased with funds left in the lease purchase budget line, and funds identified as available in the part-time wages line.

The Board agreed that Eric Hahn and Eric Slosek did a good job orchestrating these purchases.

Selectman D'Angelo noted that slide or two might be included at the Deliberative Session next year, showing the issues with the ability to lease purchases these trucks. He also stated that Eric Hahn might want to include during his Strategic Plan update a comparison between the ages of the DPW fleet now, versus a few years ago.

*A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo that a Ford F-350 be purchased for \$32,125 from Colonial Municipal Group, and that the Town Administrator be authorized to sign all related documents.*

*By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo that a 2020 International CV515 be purchased for \$106,835 from Liberty International of NH LLC, and that the Town Administrator be authorized to sign all related documents.*

*By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

## **5.2 New Hire - DPW**

*A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo that Carol Falgares be appointed at the Transfer Station as a permanent part-time employee, effective today.*

*By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

## **6. Approvals**

### **6.1 Assessing**

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

*Property Map/Lot 005-059-002 in the amount of \$16,000.00*

*By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve and sign the PA-16 Reimbursement to Towns and Cities for:*

*Property Map/Lot 004-068-000 in the amount of \$18.00*

*By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

### **6.2 Payroll**



*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti, to approve one (1) FY21 Payroll Manifest in the amount of \$249,732.45 dated July 16, 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. 5-0-0; motion carried unanimously.*

### **6.3 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 \$36,027.94 dated June 30, 2020, subject to review and audit (Town Clerk Transfers to the State of NH).  
By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; 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 \$91,638.94 dated July 21, 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. 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to approve one (1) FY21 Accounts Payable Manifest in the amount of \$37,368.65 dated July 15, 2020, subject to review and audit (Town Clerk Transfers to the State of NH).  
By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to approve one (1) FY21 Accounts Payable Manifest in the amount of \$513,720.16 dated July 21, 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. 5-0-0; motion carried unanimously.*

### **7.5 Previous Meeting Minutes – June 29, 2020, & July 13, 2020**

*A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to approve the Board of Selectmen meeting minutes of June 29, 2020, as presented.  
By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 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 July 13, 2020, as amended [For lines 235-237 to read: "Selectman D'Angelo explained that the School Boards are separately elected boards. They appoint their own representatives to the CIP. The BOS has no*

authority to accept or reject their selections. The Planning Board appoints its representative(s) and the BOS appoints its representative(s). The Planning Board has usually appointed the at-large representative(s), though the BOS can also do so."]

By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.

## **7. Action Items**

The Board reviewed its action items.

## **8. Old/New Business**

Selectman Brew stated that the Master Plan Steering Committee is still seeking volunteers for its three citizen representative spots. The deadline is this Friday for submissions and there is information on the town website as to how to apply.

Selectman D’Angelo stated that the CIP Committee met last week and heard from the Police Department. It will meet again this week and hear from the Fire Department and DPW. He explained that the SAU’s Joint Facilities Committee also met to decide what will be done at the schools. The group will refine its plans and meet again next month.

Selectman Panasiti noted that several people in town have discussed a sudden drop in Verizon services around town. He questioned if the town could put a tower in the Congregational Church steeple. The Board discussed this possibility and opening the discussion to other carriers as well.

Chairman Lyon noted, once more, that Town-Wide Clean-Up Day will be held on August 8, 2020.

*A MOTION was made by Selectman Grella and SECONDED by Selectman Panasiti to adjourn the meeting at 7:53pm.*

*By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*

**NEXT MEETING: Monday, August 10, 2020**

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*Selectman Reed Panasiti*

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*Date*