



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Monday, October 26, 2020 6:30PM

1 **1. Call to Order**

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

3
4 Attendees by Zoom conference call: Chairman Peter Lyon, Selectman Dwight Brew,
5 Selectman Reed Panasiti, Selectman John D'Angelo, and Selectman Tom Grella.
6 Also present: Town Administrator Dean Shankle and Kristan Patenaude, minute taker

7
8 Ways & Means Committee Members present: Lisa Eastland (Chair), Danielle Pray (co-
9 chair), Scott Tuthill, Matt Seiler, Bill Loscocco, Mike Parisi, James Kuhnert, Lori Mix
10 (alternate).

11
12 Other attendees and the public accessed the meeting via Zoom.

13
14 Chairman Lyon explained that, pursuant to the State of Emergency declared by the
15 Governor as a result of the COVID19 pandemic and in accordance with his Emergency
16 Order #12, this meeting is authorized to take place electronically. There is no physical
17 location to observe and listen to this meeting. However, in accordance with the
18 Emergency Order, we are:

19
20 Utilizing Zoom teleconferencing for this meeting. All members of the Board have the
21 ability to communicate during the meeting through this platform and the public has access
22 to contemporaneously listen and if necessary participate in the meeting by dialing +1 312
23 626 6799 and using a webinar ID of 870-9931-4015 or by using the link contained in the
24 agenda posted at amherstnh.gov.

25
26 Notice of the meeting and means to access it were previously posted in accordance with
27 law. Members of the public that have phoned into the meeting can raise their hand by
28 pressing the #9 on their phone, in order to make it known that they would like to speak to
29 the Board. If anyone has a problem accessing the meeting, please call 603-440-8248 for
30 assistance. In the event the public is unable to access the meeting, the meeting will be
31 adjourned and rescheduled.

32
33 All votes will be taken by roll call and for ease, in alphabetical order.
34 Lastly, the meeting is being recorded and will be replayed on ACATV.

35
36 The Board started by taking a roll call vote and stating if they were alone.
37

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’s Forum – none.

3. Warrant Article Proposals

a. ACC Proposed Open Space Warrant Article

Amherst Conservation Commission (ACC) Chair, Rob Clemens, and ACC Commissioner, Bill Stoughton joined the Board. Bill Stoughton explained that the ACC is aware of the increased development pressure in Town, and the concern among some to preserve open space. The ACC usually uses the Conservation Fund, which is funded by 100% of the Land Use Change Tax (LUCT) funds, for land acquisitions. This Fund currently sits at about \$260,000, prohibiting the ACC from being a meaningful player in larger property acquisitions. With the help of the NH Association of Conservation Commissions, the ACC surveyed surrounding towns regarding funding sources for large acquisitions. Many towns specify a parcel and seek bond funding for that particular area. The town of Pelham has voter preapproved bonding authority. With Board of Selectmen approval, the town of Pelham is able to purchase parcels as they become available without the requirement to wait until the next Town Meeting. Pelham was first granted this authority in 2004 and bought several large parcels. It then asked again in 2018 for additional bond authority, which was granted.

Bill Stoughton explained that the ACC has decided to move forward with a similar idea and seek bond authority from the Town for \$6M, with a \$3M cap set each year to limit the potential tax impact in any one year. This proposal received favorable comments from the Planning Board.

Bill Stoughton explained that this proposal has several important parameters, such as: 1) any land acquired with rights will be open to public access; 2) acquisitions will be sought throughout all areas of Town; 3) appraisals will be obtained for any potential acquisitions; 4) the ACC will need approval from the Board of Selectmen for any acquisition under this bond.

Selectman Brew stated that he is supportive of this proposal. He stated that this proposal, if approved, will have a significant tax impact, but that this will be offset by long-term benefits to the Town. These include additional open space, and minimizing the potential burden on Police, Fire, and the Schools.

Selectman D’Angelo agreed that this proposal is worth putting in front of the voters. It is a good idea for the ACC to be able to be prepared once a large parcel becomes available, and in order to do that more funds are necessary. He believes it will be key to see the reasons for certain land acquisition proposals, such as connectivity, wildlife or habitat value, etc.

Selectman Grella suggested that the proposal be capped at \$2M per year. Rob Clemens stated that the ACC did consider this, but knows that there is at least one property in Town that would exceed the \$2M cap and the ACC would like the opportunity to at least be a player if this parcel were to come on the market.

85 Selectman Panasiti questioned what percentage of Town should be kept as open space. He
86 believes this may be discussed as part of the Master Plan process. He agrees that there should
87 be a plan in place for buying up open space, but does not want to overextend the Town and
88 not allow new businesses in.

89
90 Rob Clemens stated that 13-14% of the land in Amherst is currently managed by the ACC. If
91 other properties, held by other groups, are included, that number may rise to about 15%. Some
92 entities have tossed around a number for conserved land area in towns of about 25%. The
93 ACC has never prescribed to any certain percentage, but instead looks to add connectivity and
94 other items of importance. There is a set of criteria to follow, without knowing which parcels
95 will become available.

96
97 Chairman Lyon stated that the current climate in Town is a good opportunity to test the
98 interest of the Town's residents on this type of proposal.

99
100 In response to a question from Selectman Panasiti, Bill Stoughton explained that, per
101 Pelham's model, the Conservation Fund would be first used to acquire properties, if possible,
102 and any additional amount would come from the bond. This would be subject to approval by
103 the Board of Selectmen.

104
105 In response to a question from Matt Seiler, Ways & Means Committee, Rob Clemens stated
106 that the ACC intends to follow Pelham's model and make this bond an evergreen vehicle,
107 meaning that it would not expire until all of the bonding authority was used. The ACC could
108 come back at any time and seek additional funds. The Board of Selectmen would have to
109 approve every purchase made and could limit funds spent in that way.

110
111 In response to a question from Lisa Eastland, Rob Clemens stated that the ACC wrestled with
112 the idea of waiting for the Master Plan to be drafted, but ultimately believes that the time to
113 pursue this idea is now.

114
115 In response to a question from Lisa Eastland, Chairman Lyon stated that any acquisitions
116 would be purchased in the name of the Town of Amherst, and managed by the ACC.

117
118 In response to a question from Lisa Eastland, Rob Clemens stated that most of the ACC's
119 Forest Management items have been paid for out of the Conservation Fund, and any revenues
120 from forestry go back into that fund.

121
122 As a second item, Rob Clemens stated that the ACC recently negotiated a trail agreement with
123 the Felsani family to put a trail on their property. This property is north of Baboosic Lake
124 Road, and southeast of the B&M Rail Trail. By negotiating this agreement, there will be a
125 connection from the Josiah Parker Trail to the south, to the B&M Trail to the north, allowing
126 for a connected loop.

127
128 Selectman Brew questioned if the Town Attorney has reviewed this agreement. He confirmed
129 that this is not a perpetual agreement and that there is not currently a residence on the
130 property.

In response to a question from Selectman Brew, Rob Clemens stated that the proposed trail is placed where it is because the intention is to keep it obscured from abutters, and due to the location of wetlands on the property.

In response to a question from Selectman Grella, Rob Clemens stated that the property is about 18 acres. Rob Clemens explained that he would like the Town Administrator to sign this agreement and that the owners have the right to cease the agreement at any time.

In response to a question from Selectman Panasiti, Rob Clemens stated that he put the property owners in contact with the County Forester, regarding potential future logging of the property.

Chris Buchanan, 24 Mack Hill Road, stated that this parcel was identified in the Bicycle & Pedestrian Advisory Committee's 2018 survey as one of the most requested areas for a potential trail. He hopes that there could be discussions in the future about making this trail agreement exist in perpetuity.

A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to approve the trail agreement as proposed and allow the Town Administrator to sign on behalf of the Board.

In response to a question from Town Administrator Shankle, Rob Clemens stated that this trail agreement is based on the ACC's model trail agreement, which was created about 6-7 years ago and has been used to purchase several properties since.

Selectman Panasiti AMENDED his motion to include that the agreement is contingent upon successful review by Town Counsel. Selectman D'Angelo SECONDED.

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.

b. Bike/Ped Committee Proposed Warrant Articles – Boston Post Sidepath Project

Chris Buchanan, Chair of the Bicycle & Pedestrian Advisory Committee, reviewed the proposed Warrant Article with the Board. He explained that the Warrant Article seeks two things: 1) to establish a Capital Reserve Fund (CRF), and 2) to raise \$75,000 for the Boston Post Road sidepath project. This amount would raise 1/3 of the cost of the project and allow the Town to be in better standing for seeking the Transportation Alternatives Grant (TAP), which allows for 80/20% match funding.

Chris Buchanan explained that the Boston Post Road sidepath is one of the highest priority projects in Town. Generally, the Committee prefers to explore projects within the scope of already scheduled roadwork, in order to keep costs low. However, Boston Post Road was recently redone, and so the typical cost savings solutions are not available. The estimated cost of the project is about \$225,000, with approximately 4,000ft of sidepath proposed at \$56.25/linear foot. There are potential issues along this route, including a water crossing and a narrow right of way.

Chris Buchanan explained that grant funding may be available for this project, but the only way for the Town to effectively apply would be to demonstrate a capacity for its matching portion. The TAP grant has project minimum thresholds; in 2018 this was a \$400,000 minimum. It is unknown yet what the minimum will be for the next TAP grant. As the Boston Post Road sidepath project falls under the previously known minimum amount, it is hoped that the Town could raise close to its 20% portion for the grant and that then, if the grant is received, the rest of the grant funding could be used for other eligible projects. The Board would be the agent of the fund and could select to use the funds on the Boston Post Road project only, or in addition to other projects.

Chairman Lyon explained that the Boston Post Road sidepath project is projected at \$225,000. The Warrant Article looks to raise \$75,000 over three years to fund the project completely, if no grant funds are received. The language within the Warrant Article though is not specific to this one project, so that if grant funding is received it could be used towards other projects, if there is a higher minimum project threshold.

In response to a question from Selectman Brew, Chris Buchanan stated that snow removal for the proposed sidepath has been discussed with DPW. The sidepath would be able to be plowed with existing DPW vehicles and would simply be added to the DPW's route.

Selectman Grella suggested that, if there is a \$400,000 minimum project threshold, the project could be extended down Boston Post Road to the Middle School. Chris Buchanan agreed and noted that there are many different ways to expand the scope of this project.

In response to a comment from Selectman Panasiti, Chris Buchanan noted that this proposed CRF Warrant Article is very similar to how funds are raised to purchase vehicles for the Fire Department, for example. When these CRF funds are voted on in advance, there is often no specific engine in mind, but the general cost is understood. Chris Buchanan explained that part of the proposal is to potentially raise \$75,000 every year for three years to fund the project fully, in case no grant funds are received, as a way to spread out the cost for taxpayers.

Will Ludt, 3 School Street, stated that the Heritage Commission received the TAP Grant in 2003/2004 from the DOT to pursue a reroute of the road in front of Town Hall. NRPC was a great advocate for the project.

In response to a comment from Selectman D'Angelo, Chris Buchanan noted that the Town's effort to pursue a TAP Grant in 2018 failed because, as was discussed with DOT, the Town had not raised its matching 20%.

Cheryl Eastman, Finance Director, reviewed the other proposed Warrant Articles, including: Contingency Fund, Communications Center CRF, Assessing & Revaluation CRF, Bridge Repair & Maintenance CRF, Fire/Rescue Vehicle & Equipment Purchase and Repair CRF, establish a CRF for DPW Vehicles, Police Station Renovation Phase 2, Service Connected Total Disability Tax Credit, ACC Open Space bond, Bike/Ped CRF, and Buck Meadow Improvement CRF.

In response to a question from Selectman D'Angelo about the need for a Capital Reserve Fund for DPW purchases, Selectman Brew stated that there is a spreadsheet that lists certain DPW equipment that needs to be replaced. The problem with pursuing this through a lease/purchase option is that the items need to be specified at Deliberative Session, and there is no option to find a later substitute if the item fails. The proposal to move towards a CRF for these purchases will allow for greater flexibility in the future.

Selectman D'Angelo stated that he would like to see something from Town Counsel stating that the Town has to have specific information for the lease/purchase option at the Deliberative Session. He doesn't believe this is how things have been done in the past.

Town Administrator Shankle explained that, because these items do need to be specific, the DPW hasn't pursued the lease/purchase option for the past two years. Selectman Brew agreed that Town Counsel had noted that if the lease/purchase option had been used, the Town would have been out of compliance with the RSA.

Selectman D'Angelo stated that the Board worked hard to have money for these purchases put directly into the budget, instead of creating a CRF for them. He is unsure why the Board would now try to remove these funds from the budget and try to place them into a Warrant Article, would could fail to pass. He would like to see more documentation on this item.

In response to a question from Selectman Grella, Chairman Lyon stated that DPW Director Eric Hahn did pay cash for the last two DPW vehicle purchases because that money was available in the budget; he is unsure if that method can continue into the future. Selectman Brew noted that, if future years' budget funds are committed towards a purchase, that purchase needs to be specified at Deliberative Session.

In response to a question from Selectman Panasiti, Selectman Brew explained that the DPW's lease/purchase line currently sits at \$250,000, but that the funds for this year have all been expended. Selectman Brew explained that the proposed CRF looks to lower the amount requested to \$46,000.

Chairman Lyon stated that the Board will need to hear more information regarding the possible Buck Meadow CRF.

In response to a question from Lisa Eastland, Chairman Lyon stated that there are additional funds needed for the Police Station Renovation, \$175,000, due to unanticipated items.

Selectman Brew noted that, in regard to CRF's being sought instead of bonds for some items, items such as the Fire/Rescue CRF funds are sought every year and thus this is not a one-off request, but rather a recurring request that occurs each year.

In response to a question from Lori Mix, Cheryl Eastman explained that the Contingency Fund is funded from the unassigned fund balance, and so only expended if used. If the funds are not expended, they remain in the unassigned fund balance.

In response to a question from Lori Mix, Chairman Lyon stated that the Board has not explored funding any other Warrant Articles through the unassigned fund balance in the past.

4. Draft 1 Budget

4.1 FY22 Budget

Cheryl Eastman reviewed the draft budget with the Board. This does not include possible changes to health insurance, workman's comp insurance, and a Cost of Living Adjustment (COLA). The proposed budget is \$14,657,379; an increase of \$41,003, or 0.28%.

Selectman Brew noted that the regular medical budget for the Town last year was about \$1M. If a 10% increase happened, that would be an additional \$100,000 to the budget. Cheryl Eastman noted that if the COLA is done as it was in the past, a 1% increase would amount to a budget increase of about \$56,000.

Selectman D'Angelo mentioned that he is pleased to see an almost flat budget being presented.

In response to a question from Lisa Eastland, Cheryl Eastman explained that the proposed budget has the \$250,000 DPW lease/purchase line reduced to \$46,000.

4.2. 2020 Tax Rate Setting

Cheryl Eastman shared with the Board a spreadsheet with the details of the unassigned fund balance. The FY19 unassigned fund balance was \$6,869,071. The FY20 unassigned fund balance was \$7,243,527. The target amount for the fund balance should be \$5,573,393. The retained unassigned fund balance is \$7,019,527. The amount to be retained to offset the tax rate, if the Board follows its policy would be \$723,247.

Chairman Lyon explained that, in order to maintain the Town's portion of the tax rate from last year, \$5.60, the Board would need to vote to return approximately \$940,000. This decision was tabled from the Board's Friday meeting, in order to obtain more accurate numbers.

Selectman Brew stated that he wanted to make sure the \$1,446,494 number is correct. After reviewing the information, he is satisfied with the fund balance information.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to use \$940,000 to offset taxes and hold the tax rate, per thousand, at \$5.60.

Selectman Brew stated that it seems reasonable to keep the tax rate the same. He will be voting against the motion because he believes it would be a better idea to stick with the policy and not create potential spikes in the future.

Selectman D'Angelo stated that, even if the motion passes, there will still be about a half million dollars in excess, over and above the target, in the unassigned fund balance.

Selectman Grella stated that he believes the motion should pass. Keeping the tax rate the same shows hard work by the Town's employees.

Selectman Panasiti stated that he is happy keeping the Town's tax rate level for this year. He noted that he believes some of the excess money, over the target 10%, should be used to offset the extra funds needed for the Police Station Renovation, in order to not request it from the voters.

Chairman Lyon stated that he is in favor of the motion. He also believes the policy is a sound one.

Roll call vote: Selectman Brew – nay; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. 4-1-0; motion carried.

5. Administration

Town Administrator Shankle noted that the discussion on the DPW winter maintenance policy will be held off on until the next meeting.

5.1 Co-Ad Realty LLC request for a building permit

Tom Quinn, representing Co-Ad Realty LLC, joined the Board.

Town Administrator Shankle stated that this request is regarding a building permit for a lot with no frontage. This item first went to the Zoning Board of Adjustment for a variance, which was granted. The Planning Board then reviewed the application and stated that it has no issues with the building permit being issued.

In response to a question from Selectman Panasiti, Tom Quinn explained that there is access to the property off Amherst Street, by a 35' wide right of way, as shown on the plan. This is also supported by a utility easement. The applicant is requesting a single-family residence on the 10 acres of land.

A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to authorize the Community Development Department to issue a building permit for a single-family residence on Map 5 Lot 51 as approved by the ZBA and after all of the associated required paperwork is done, including the Waiver of Municipal Liability.

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 Approvals

A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve the Land Use Change Tax in the amount of \$23,500 for Tax Map 005 Lot 059-035, 24 Founder's Way.

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 the Veteran Tax Credit for tax year 2021 on the following map and lot numbers:
005-016-017 17 Atherton Lane \$500.00*

018-039-000 5 Manchester Road \$500.00

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 Accounts Payable Manifests and Meeting Minutes October 12, 2020

A MOTION was made by Selectman D’Angelo and SECONDED by Selectman Panasiti to approve one (1) FY21 Payroll Manifest in the amount of \$224,866.98 dated October 8, 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 Payroll Manifest in the amount of \$225,735.23 dated October 22, 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 \$199,290.51 dated October 13, 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 \$35,908.21 dated September 30, 2020, subject to review and audit. (NH DMV)

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 \$41,661.25 dated October 16, 2020, subject to review and audit (NH DMV).

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 meeting minutes of October 12, 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.

7. Action Items

The Board reviewed its action items.

8. Old/New Business

Chairman Lyon noted that the polls will be open on Voting Day, November 3, 2020, from 6am – 8pm.

413 A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to
414 adjourn the meeting at 8:47pm.
415 By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye;
416 Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.
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422 **NEXT MEETING: Monday, November 9, 2020**
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424
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426 _____
427 *Selectman Reed Panasiti* *Date*