



# Town of Amherst, NH

## BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room  
2 Main Street  
Monday, January 4, 2021 6:30PM

1       **1. Call to Order**

2       Chairman Peter Lyon called the meeting to order at 6:31 p.m.

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4       Attendees by Zoom conference call: Chairman Peter Lyon, Selectman Dwight Brew,  
5       Selectman Reed Panasiti, Selectman John D'Angelo [6:33pm], and Selectman Tom  
6       Grella.

7       Also present: Town Administrator Dean Shankle and Kristan Patenaude, minute taker

8  
9       Other attendees and the public accessed the meeting via Zoom.

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

16  
17       Utilizing Zoom teleconferencing for this meeting. All members of the Board have the  
18       ability to communicate during the meeting through this platform and the public has access  
19       to contemporaneously listen and if necessary, participate in the meeting by dialing +1 646  
20       558 8656 and using a webinar ID of 879-6016-5616 or by using the link contained in the  
21       agenda posted at [amherstnh.gov](http://amherstnh.gov).

22  
23       Notice of the meeting and means to access it were previously posted in accordance with  
24       law. Members of the public that have phoned into the meeting can raise their hand by  
25       pressing the \*9 on their phone, in order to make it known that they would like to speak to  
26       the Board. If anyone has a problem accessing the meeting, please call 603-440-8248 for  
27       assistance. In the event the public is unable to access the meeting, the meeting will be  
28       adjourned and rescheduled.

29  
30       All votes will be taken by roll call and for ease, in alphabetical order.  
31       Lastly, the meeting is being recorded and will be replayed on ACATV.

32  
33       The Board started by taking a roll call vote and stating if they were alone.

34  
35       *Roll call vote: Selectman Brew – present; Selectman D'Angelo – present; Selectman*  
36       *Grella – present; Selectman Panasiti – present; Chairman Lyon – present. All noted*  
37       *themselves as being alone.*

38

## 2. Board of Health

### 2.1 Stormwater Regulations

Scott Tenney, Health Officer, joined the Board of Selectmen and the two convened the Board of Health public hearing to discuss stormwater regulations proposed by the Planning Board.

Bill Stoughton, representative for the Amherst Conservation Commission (ACC) and Planning Board, and Nic Strong, Community Development Director, joined the Board of Health.

Bill Stoughton explained that the Town's current stormwater regulations were last adopted in 2007. The ACC began to look at Town regulations and ordinances that deal with water quality. The State has since updated its own regulations to include updated stormwater precipitation tables and require developers to analyze 50-year storm events, instead of the 25-year storm events under the 2007 Town regulations.

These proposed changes would work in conjunction with the updated MS-4 permit that the Town has received from the federal EPA. This permit allows the Town to discharge stormwater into and from the Town sewer system. This permit was issued in 2018 and states that the Town is obligated to review its regulations that look at stormwater retention and treatment by 2020. He explained that a local coalition of towns got together in 2018 to come up with model regulations that address this updated MS-4 permit. Former Town of Amherst Community Development Director, Gordon Leedy, was very involved with this process.

Bill Stoughton explained that the ACC tried to not make these proposed stormwater regulation updates applicable to more properties than the 2007 process was. These updates continue applicability in the same way but have differences in terms of the technical requirements for treatment of stormwater, the amount of cleanup of stormwater required, and updated stormwater amounts.

Bill Stoughton explained that the regulation, in general, deals with the quality and quantity of stormwater in Town. Stormwater is defined as water that is not immediately absorbed into the land and, thus, leaves the lot. He outlined the two major changes proposed in the regulations:

- 1) If a developer adds new impervious surfaces to a site, there can be no more stormwater leaving the site than there was originally. Any additional stormwater must be retained on site and infiltrated back into the ground. This is important in terms of erosion and recharging aquifers.
- 2) Water that starts as stormwater must be treated once it's in the ground for sedimentation and nutrients (nitrogen and phosphorus). This is important because waterways in Amherst are already impaired in terms of these two items. Stormwater must be cleaned for these items; one way of doing this is for stormwater to enter the ground and go under plants that will absorb these nutrients and thus clean the water.

Bill Stoughton explained that these regulations are fairly dense. The ACC was concerned that, while developers will probably have no issues understanding the proposed amendments, homeowners may find the process onerous. Therefore, there are four instances within the regulations that give the Board of Health waiver authority in these cases.

86 In response to a question from Chairman Lyon, Bill Stoughton stated that these proposed  
87 regulations were reviewed by the ACC, Planning Board, Town Counsel, the Town Engineer,  
88 and state DES. Bill Stoughton explained that none of these reviewers had many substantive  
89 comments, as most were pleased with the proposal.

90  
91 Nic Strong thanked Bill Stoughton, and also DPW Director, Eric Hahn, and Assistant DPW  
92 Director, Eric Slosek, for their work on this item.

93  
94 Scott Tenney stated that he has no comments about the technical aspects of the proposed  
95 regulations. He explained that the proposal will bring the Town closer to compliance with the  
96 state Alteration of Terrain (AoT) permit, and MS-4 permit. He does believe that the proposal  
97 may cause hiccups on an inspection basis. He, as the Health Officer/Building Inspector, will  
98 be charged with performing inspections of these stormwater systems. This could lead to a  
99 staffing issue, as this will add a fair amount of time to his general inspection process, and  
100 possibly include additional trips to work sites.

101  
102 In response to a question from Chairman Lyon, Scott Tenney stated that there is enforcement  
103 included in the current stormwater regulations, but these proposed regulations include very  
104 different levels of enforcement and technical information.

105  
106 In response to a question from Selectman Brew, Bill Stoughton confirmed that these proposed  
107 regulations do not make any additional land in Town unbuildable, for example by increasing  
108 setbacks, etc.

109  
110 In response to a question from Selectman Brew, Bill Stoughton explained that the current  
111 application section of the regulations contains a lengthy list of technical materials that every  
112 applicant must submit. There is authorization at the end of the application for the Planning  
113 Board or Board of Health to relieve an applicant from onerous requirements. Bill Stoughton  
114 stated that he hopes eventually there will be one application for developers/land agents, and a  
115 second, more streamlined application with guidance and education for homeowners. This type  
116 of application should encourage homeowners to apply, as the regulations are important to  
117 follow in order to keep all of the water in Town at a higher quality. This streamlining step still  
118 needs to be completed.

119  
120 Selectman Brew stated that he believes adopting these proposed regulations will be for the  
121 betterment of all in Amherst.

122  
123 Selectman D'Angelo thanked Bill Stoughton, Eric Hahn, and Eric Slosek for their work on  
124 this. He believes the Town is close to the end of the stormwater process to be in compliance  
125 with the new stormwater procedures.

126  
127 In response to a question from Selectman Grella, Scott Tenney stated that, a larger scale  
128 project would need to be heard by the Planning Board at one of its regular meetings to have a  
129 waiver request heard. A smaller project could come before the Board of Health at one of the  
130 regular Board of Selectmen meetings. Scott Tenney stated that the Boards could, potentially,  
131 see a lot of waivers for these regulations requested.

Bill Stoughton noted that the proposed Town requirements will closely track those necessary for the State AoT permit.  
Selectman Panasiti thanked Scott Tenney, Bill Stoughton, Eric Hahn, and Eric Slosek for their work on this.

In response to a question from Selectman Panasiti, Bill Stoughton explained that large scale development applicants currently have discussions of their stormwater systems by the Planning Board during the site plan and Conditional Use Permit reviews. The ACC has started to tell any developers that come before the group that these proposed changes might be coming.

Nic Strong stated that, as part of these new proposed regulations, she will be reaching out to the main local development companies to let them know.

In response to a question from Selectman Panasiti, Bill Stoughton stated that the DPW's reduced sand use on roads has definitely attributed to the betterment of water quality in Town. Keeping sand off roads, and thus phosphates out of waterways, has improved water quality in Town.

*A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to adopt the proposed stormwater regulations.*

*Roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye; and Scott Tenney – aye. 6-0-0; motion carried unanimously.*

*A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to adopt the proposed stormwater regulations, as just adopted by the Board of Health.*

*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 Brew to adjourn the Board of Health public hearing.*

*Roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye; and Scott Tenney – aye. 6-0-0; motion carried unanimously.*

### **3. Citizen's Forum**

Chairman Lyon made the following statement regarding the passing of Town Counsel, Bill Drescher:

*"The Town lost a dedicated advocate, as well as a true friend, with the passing of Bill Drescher last week. Many residents of Amherst know that Bill Drescher served our town as town counsel for many years. What may astonish many is that he served in that role since 1971; forty-nine years. Many volunteers and department heads relied upon Bill's sound advice, advice which was not only on point legally, but it was always deeply rooted in common sense.*

179 *It is no exaggeration to say that Attorney Drescher had a reputation as the best municipal*  
180 *lawyer in the State of New Hampshire. Although Bill served as town counsel for many towns*  
181 *in New Hampshire, Amherst was one of his first clients and the one which he was so proud to*  
182 *represent as his hometown. He loved Amherst and everything it provided in raising his*  
183 *family.*

184 *Attorney Drescher also served as a judge with the Milford District Court for many*  
185 *years. Much of his time at the court was spent with the "Night Court," which was a perfect fit*  
186 *for his warm and compassionate personality. Whether a victim, witness, defendant, or a*  
187 *police officer, almost without fail, all these people left his courtroom with a sense that they*  
188 *had met a man who listened, cared, and found justice. If you can measure a man by the*  
189 *number of close friendships he develops in his lifetime, Bill finished at the top of such a*  
190 *list. An interaction with Bill left you feeling that you were now his friend and you felt better*  
191 *about yourself for it. He was respected by all who he encountered, personally and*  
192 *professionally."*

193 Selectman Grella stated that there will be a private ceremony for Bill Drescher on Saturday  
194 and the flags around Town will be lowered to half-staff. In the Spring, there will be an  
195 additional day of remembrance and flags will again be lowered to half-staff at that time.  
196

#### 197 **4. Public Hearing**

##### 198 **4.1 Stop, Speed, and No Parking Signs, 2<sup>nd</sup> Public Hearing**

199 Chairman Lyon stated that this is the second of two public hearings regarding a few proposed  
200 traffic control measures in Town.  
201

202 1. Two (2) stop signs at the intersections of the following Town of Amherst roads:

203 a. Madison Lane @ Williamsburg Drive

204 b. Madison Lane @ Georgetown Drive  
205

206 2. A maximum speed limit of 30 M.P.H. for the section of Manchester Road located  
207 between the intersections of Mack Hill Road and Limbo Lane.  
208

209 3. A no parking zone on Grater Road between the intersection with South Grater  
210 Road and the point 600 feet north of South Grater Road.  
211

212 *A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to open*  
213 *the Public Hearing for the purpose of establishing traffic control regulations.*

214 *Roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye;*  
215 *Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*  
216

217 There was no public comment at this time.  
218

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

221 *Roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye;*  
222 *Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*  
223

Chairman Lyon stated that these proposed traffic control measures will next be deliberated on by the Board at one of their next meetings.

## **5. Administration**

### **5.1. Administrative Overview**

Town Administrator Shankle explained that he has met with ACC Chairman, Rob Clemens, and ACC Commissioner, John Harvey, regarding discretionary easements, as discussed by the Board at their last meeting. The small group will continue to work on gathering information to bring back to the Board.

Town Administrator Shankle stated that Cheryl Eastman, the Town's Finance Director, had her last day on Friday the 31<sup>st</sup>. The position has been advertised for and two applications have been received to date.

Town Administrator Shankle explained that the NH Municipal Association has introduced SB2, which would give Towns the option to postpone Town Meeting to the second Tuesday of either April, May, June or July. He will continue to update the Board on the status of this bill.

Executive Assistant, Jennifer Stover, explained that she has received one quote for mailing the Voter's Guide to every citizen in Town. The quote for a four-page guide was approximately \$2,400, but the actual Guide may end up being longer and thus cost more to distribute. The Voter's Guide will also be made available for pick-up at Town Hall and the Library, with a link circulated to an electronic copy as well.

Selectman Brew explained that the Master Plan Subcommittee mailed approximately 5,000 8x11" postcards throughout the Town for just under \$1,000. He believes a multi-page Guide could be sent out for a similar cost. He also questioned how the Schools send out their Voter's Guide and if there are any efficiencies to be found by sending both Guides out together. In response to a question from Chairman Lyon, Town Administrator Shankle explained that the Town is obligated to make the Guide widely available, as it would usually be inserted into an issue of the Amherst Citizen.

Selectman D'Angelo stated that the hardcopy of the Citizen used to be mailed to each citizen in Town. He also questioned if the Schools and Town could find a way to mail their Guides out around the same time to save money.

Chairman Lyon stated that he believes the Guide should be mailed to each Citizen, as well as an electronic copy being made available. The rest of the Board agreed with this.

Jennifer Stover stated that she would continue to look into options and pricing. She believes that the Schools are in the same boat, as she believes they usually insert their Guide into the Citizen as well.

### **5.2 Health Insurance Membership Renewal**



Town Administrator Shankle explained that the Town has received a Health Insurance Not-to-Exceed Agreement from NH Interlocal Trust. The agreement says that the Town will have no increase if a renewal is agreed to by February 1, 2021.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Panasiti to approve the renewal of the NH Interlocal Trust Insurance plan membership for the coming year and authorize the Town Administrator to sign the membership agreement, with the understanding that this will result in no increase to our rates for the coming year.*  
*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.*

### **5.3 Proposal for Emergency Paid Sick Leave Act (EPSLA) Extension**

Town Administrator Shankle explained that the federal government issued mandates to the Families First Coronavirus Response Act (FFCRA) in March 2020, including the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA). The EPSLA provided up to 80 hours of paid sick and family leave due to the need to isolate or quarantine at the employee’s regular rate of pay, or to care for an individual who is isolating or quarantining at 2/3 of the employee’s regular rate of pay. The EFMLEA allowed for up to 10 weeks of partially paid family and medical leave to eligible employees who were unable to work due to needing to care for a child whose school or place of care was closed.

Town Administrator Shankle explained that, of the two programs, the EPSLA program was used more significantly by Amherst employees. The federal government no longer mandates these programs, but is allowing employers to extend them until March 31, 2021, if they are willing to self-fund. He recommended that the Town extend the EPSLA program to its employees, meaning that the Town would provide paid leave to any employee who, as defined by the Governor’s Emergency Order, is required to be out of work due to COVID-19. This is not an additional 80 hours, but an allowance to continue until the 80 hours maximum is reached. He believes that extending this program will encourage employees to let the Town know if they need to quarantine for COVID-19 reasons.

Town Administrator Shankle explained that there will be no true cost to the Town for extending this program, as employees will generally continue to work from home. There may be some small cost associated if the Police Department or DPW need to fill shifts.

Selectman Brew stated that he is unsure why the federal government thinks it needs to give the Town permission to pay its employees. He agrees with extending the program.

Chairman Lyon explained that the Town received approximately \$274,000 under the CARES Act. He is happy to know that some of this revenue could be used to continue this program for Town employees.

*A MOTION was made by Selectman Brew and SECONDED by Selectman D’Angelo that the Town of Amherst extend the EPSLA for its employees until March 31, 2021.*  
*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.*

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317 **6. Staff Reports**

318 **6.1 Stormwater Regulations**

319 The Board discussed this item previously.  
320

321 **7. Approvals**

322 **7.1 Payroll, Meeting Minutes December 21, 2020**

323 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to*  
324 *approve one (1) FY21 Payroll Manifest in the amount of \$244,663.63 dated December 12,*  
325 *2020, subject to review and audit.*

326 *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye;*  
327 *Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*  
328

329 *A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to*  
330 *approve the meeting minutes of December 21, 2020, as presented.*

331 *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye;*  
332 *Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*  
333

334 **8. Action Items**

335 The Board reviewed its action items.  
336

337 **9. Old/New Business**

338 Selectman Brew explained that the Master Plan Steering Committee community survey  
339 deadline has been extended until January 18, 2021. There have been just under 1,500  
340 responses to date.  
341

342 Selectman D'Angelo stated that the Souhegan School Board Public Hearing will be held on  
343 January 13, 2021 at 6pm. The Amherst School Board Public Hearing will also be held on the  
344 13<sup>th</sup> at 7pm.  
345

346 Selectman Panasiti noted that the Board of Selectmen will hold its Budget Public Hearing on  
347 January 11, 2021 and will have its next regular meeting on January 19, 2021.  
348

349 Chairman Lyon noted that the Board will be communicating with the Planning Board and  
350 Attorney Chris Drescher regarding Town Counsel moving forward.  
351

352 *A MOTION was made by Selectman Grella and SECONDED by Selectman D'Angelo to*  
353 *adjourn the meeting at 7:43pm.*

354 *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye;*  
355 *Selectman Panasiti – aye; Chairman Lyon – aye. 5-0-0; motion carried unanimously.*  
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357 **NEXT MEETING: Monday, January 11, 2021**  
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360

361 \_\_\_\_\_  
362 *Selectman Reed Panasiti*

\_\_\_\_\_  
*Date*