



# **Town of Amherst, NH**

## **BOARD OF SELECTMEN MEETING MINUTES**

**Barbara Landry Meeting Room**  
**2 Main Street**  
**Monday, July 26, 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: Chairman Peter Lyon, Selectman Dwight Brew, Selectman John D'Angelo,  
5       Selectman Danielle Pray, and Selectman Tom Grella.

6       Also present: Town Administrator Dean Shankle, and Recording Secretary Kristan Patenaude

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8       **2. Pledge of Allegiance** – led by Kayla Woods, NH DOT.

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10      **3. Citizen's Forum** – none.

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12      **4. Scheduled Appointments**

13      **4.1. Rob Clemens, ACC, and Kayla Woods, NH DOT: Appraisal and Offer for**  
14      **easement on ACC's Bragdon parcel abutting Rte. 101**

15      Chairman Lyon explained that this request is for a piece of property that lies in Bedford but is  
16      owned by Amherst and managed by the Amherst Conservation Commission (ACC).

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18      Rob Clemens, Chair of the ACC, explained that the ACC has had several meetings already  
19      with Kayla Woods regarding this project. A site walk was completed with the State and the  
20      appraisal process was reviewed. Town Counsel has also reviewed the documents and  
21      procedures for this project.

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23      Kayla Woods explained that this project is part of work that the DOT is doing in Bedford  
24      along Route 101, near Pulpit Brook. This project consists of three separate drainage  
25      easements: 1) a drainage system that is already in place but will be cleaned up by DOT; 2) a  
26      large drainage swale in the center of the area which will require the existing fence and gate in  
27      this area to be moved back. It will also require the removal of an existing mature tree in the  
28      area. This was compensated for as part of the appraisal. This swale will not be very deep but  
29      will drain down the back of the property towards Pulpit Brook; 3) a large box drain easement  
30      at Pulpit Brook will include a drainage channel easement for a new culvert. This will help to  
31      continue the flow of Pulpit Brook and aid in wildlife crossing.

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33      Kayla Woods explained that all of these are proposed to be permanent easements so that  
34      future fixes can be made without coming back before the Town.

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36      Rob Clemens explained that the ACC's deed for the property has conservation restrictions on  
37      it. The ACC questioned if these restrictions would impact this proposed project, but ultimately  
38      decided that the conservation benefits of the project outweigh the restrictions. This was

addressed with the Amherst Land Trust (ALT), which agreed with this assessment. The ACC believes that this project is a benefit to the environment through the better treatment of road runoff and the improved culverts allowing wildlife migration under Route 101. Rob Clemens stated that he believes this will be a win/win for this property. The ACC approved this proposal and is requesting that the Board of Selectmen do as well.

In response to a question from Chairman Lyon, Kayla Woods agreed that, in the absence of an agreement from the Town, the State will take the easements anyway through the eminent domain process.

Rob Clemens explained that the DOT appraised the property affected and the cherry tree to be removed at \$3,200. He believes that those funds can be placed back into the ACC's Conservation Fund. The ACC may use some of these funds to work on the fence and gate on this property.

Selectman Brew noted that the ACC has determined that this proposal will not take away from the use of this property by people and/or wildlife. Rob Clemens agreed. He noted that the field on this property is currently managed as a hay field. The ACC has an agreement with a farmer to hay the field. There was a concern about making sure the farmer could still access that field, and so the DOT will restore the gate on the property to give continued access. The project is seen overall as not having a negative impact on wildlife in the area, and the improvements to the culvert will have a positive impact on wildlife.

In response to a question from Selectman Grella, Kayla Woods stated that the larger bridge project in this area is not set to be advertised until September. The only thing people might see being done this year is some clearing within the right of way, but otherwise this project is set to begin next year.

In response to a question from Selectman Pray, Kayla Woods stated that the longest easement is approximately 350'. Selectman Pray noted that she believes the ACC has done its due diligence on this project.

In response to a question from Chairman Lyon, Rob Clemens stated that the ALT has a monitoring responsibility for the conservation restrictions on the easement, has reviewed the project, and concurs with the ACC's assessment.

In response to a question from Chairman Lyon, Rob Clemens explained that the swale being proposed is, in part, due to the new stormwater requirements. This will lead to better treatment of the runoff from the road to Pulpit Brook.

*A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to approve the easements, as presented by NH DOT, and previously approved by the Amherst Conservation Commission, and to authorize Town Administrator Shankle to sign any related documents on behalf of the Town.*

*Voting: 5-0-0; motion carried unanimously.*

## **5. Board Discussion - Board, Commission and Committee Appointments**

86           **5.1     Additional Reappointment, Historic District Commission**

87     Chairman Lyon explained that the Board previously approved appointments to  
88     boards/commissions in Town but had not been able to get a hold of one member of the  
89     Historic District Commission. That person has since been reached and would like to continue.

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91     *A MOTION was made by Selectman Grella and SECONDED by Selectman Pray to extend*  
92     *Doug Chabinsky's appointment to the Historic District Commission for a 3-year term.*  
93     *Voting: 5-0-0; motion carried unanimously.*  
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95           **6.     Administration**

96           **6.1     Administrative Updates**

97     Town Administrator Shankle noted that the Board of Selectmen has posted a special meeting,  
98     tomorrow at 12pm, to attend a site visit of the old F.W. Webb building. A new company is  
99     hoping to come into the building and the developer has asked the Board to visit.

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101     Town Administrator Shankle stated that Consolidated Communications is running 250 miles  
102     of fiber in the Milford area (Milford, Amherst, Brookline). He is working to get more  
103     information about where this will be available in Town and the number of houses it will serve.  
104     He stated that this service is supposed to give users 1G up and down. He believes this may be  
105     marketed to the Town as early as September or October.

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107     Town Administrator Shankle also noted that the Treasurer has stated that a considerable  
108     amount of interest has been earned for the Town on 4 CDs, \$583,000. This will be placed into  
109     the Investments & Revenues line.

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111           **6.2     Village Green Park Benches**

112     Town Administrator Shankle stated that the Town was contacted by a citizen who would like  
113     to add a park bench to the Village Green.

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115     The Board discussed the process for adding new benches to the Green. It was determined that  
116     the Recreation Department and the DPW should be consulted. Selectman Brew noted that it  
117     would be a good idea to determine if there are other areas in Town that could be in need of  
118     park benches as well.

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120           **6.3     Discretionary Easements**

121     Bill Stoughton explained that the ACC and Town Administrator Shankle worked together to  
122     draft a policy for Discretionary Easements for the Board's review. This policy is focused on  
123     the financial aspects of these easements. While the State allows for discretionary easements  
124     for a variety of purposes, the financial aspects remain the same. This proposed policy sets the  
125     assessment value of a property at 70% of the fair market value, give an initial easement length  
126     of 10 years, and allows for the amount of termination payments to be 10% of the fair market  
127     value of the land. These proposals make discretionary easements generally revenue neutral for  
128     the Town. The ACC hopes that the Board would still ask for it to review one of these  
129     proposed easements, if submitted for conservation purposes.

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131     John Harvey, ACC Commissioner, noted that the impetus of this policy is to continue to  
132     preserve open space for the benefit of wildlife.

Chairman Lyon explained that a State statute for discretionary easements currently exists for qualifying property owners. The intent of this proposed policy is to help implement these easements as a benefit to the Town.

In response to a question from Selectman Grella, Bill Stoughton explained that the State statute allows for continued terms, if the easement length ends, but only if these terms are agreed on at the outset. If these terms are not agreed to at the start, the better idea might be to allow one easement to end and then begin another.

In response to a question from Selectman Grella, Town Administrator Shankle stated that very few other towns are using discretionary easements, partly because the State statute is somewhat confusing.

Selectman D'Angelo stated that he is fine with using this as a starting point policy. The Town will likely learn more as it uses the policy.

Selectman Pray agreed that she likes starting this process with some outlined standards.

Selectman Brew stated that this policy appears to provide a reasonable compromise. It is a benefit to landowners that do not want to develop their land, a benefit to the Town to leave the land open for wildlife, and a benefit to the taxpayer because this proposal does not sacrifice a significant amount of tax revenue. This policy will help those inclined to pursue this type of easement.

In response to a question from Selectman Brew, Bill Stoughton explained that the statute does not address a situation where one easement ends, another one is started, and the landowner possibly having to pay two exit payments for these. He noted that the Board might want to check with Town Counsel to see if one of these exit payments could be waived.

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to approve the Discretionary Easement Policy as presented.*  
*Voting: 5-0-0; motion carried unanimously.*

#### **6.4 DRAFT, BOS Meeting Calendar 2022**

The Board reviewed its proposed calendar for meetings in 2022. Chairman Lyon noted that the Board will hold a meeting on Tuesday, February 22<sup>nd</sup>, due to a holiday on Monday 21<sup>st</sup>. The Board is set to hold a meeting on April 25<sup>th</sup>; the noted that this is the first day of school vacation. The Board is set to hold a meeting on Tuesday, October 11<sup>th</sup>, due to a holiday on Monday 10<sup>th</sup>. The Board is also set to hold a meeting on December 26<sup>th</sup> but may choose to move that date in the future. He also noted that the Town's Deliberation Session will likely be held on February 9<sup>th</sup>.

*A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to approve the 2022 Board of Selectman Meeting Calendar, as presented.*  
*Voting: 5-0-0; motion carried unanimously.*

180           **6.5     DRAFT, Proposed 2022 Holiday Schedule for Town of Amherst**  
181           **employees**

182     *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Brew to*  
183     *approve the Holiday Schedule, as presented.*

184     *Voting: 5-0-0; motion carried unanimously.*  
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186           **7. Staff Reports**

187           **7.1     CIP Committee Appointments**

188     *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to*  
189     *appoint John D'Angelo, Christy Houpis, Steve Coughlan, Elizabeth Kuzsma, Amy Facey and*  
190     *Julie Patterson to the 2021 CIP Committee.*

191     *Voting: 5-0-0; motion carried unanimously.*  
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193           **7.2     DPW New Hire (Driver/Laborer)**

194     *A MOTION was made by Selectman Grella and SECONDED by Selectman Brew to approve*  
195     *the hiring of Brett M. Weston for the full-time laborer/driver position at DPW.*

196     *Voting: 5-0-0; motion carried unanimously.*  
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198           **7.3     Contract for Build Out Analysis with NRPC**

199     Selectman Brew explained that the Master Plan Steering Committee has been looking into  
200     different buildout scenarios, potential examples include what will likely happen over time if  
201     no changes are made, a Business Development scenario, and a Conservation scenario. The  
202     output of these scenarios would include a report, tables, and maps. An RFP was generated and  
203     the only company that bid on it is the Nashua Regional Planning Commission (NRPC). NRPC  
204     has proposed that this process would cost \$7,500, which seems reasonable based on similar  
205     work done for Amherst and other towns. The majority of these funds are available within the  
206     Master Plan budget, but approximately \$1,000 is needed additionally. The Community  
207     Development Office has identified these funds as available in its budget for this year. He  
208     noted that, while demands on municipal services were discussed as part of this plan,  
209     broadband options were not.

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211     *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to*  
212     *approve the contract with NRPC in the amount of \$7,500 for preparation of a Build Out*  
213     *Analysis.*

214     *Voting: 5-0-0; motion carried unanimously.*  
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216           **8. Approvals**

217           **8.1     AP, Payroll and Minutes Approves**

218     *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to*  
219     *approve one (1) FY21 Payroll Manifest in the amount of \$265,848.49 dated July 15, 2021,*  
220     *subject to review and audit.*

221     *Voting: 5-0-0; motion carried unanimously.*  
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223     *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to*  
224     *approve one (1) FY21 Accounts Payable Manifest in the amount of \$546,502.50 dated July*  
225     *20, 2021, subject to review and audit.*

226     *Voting: 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to approve one (1) FY21 Accounts Payable Manifest in the amount of \$106,071.68 dated July 20, 2021, subject to review and audit.*

*Voting: 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to approve one (1) FY21 Accounts Payable Manifest in the amount of \$3,176,200.00 dated July 1, 2021, subject to review and audit (School disbursements).*

*Voting: 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to approve one (1) FY21 Accounts Payable Manifest in the amount of \$3,176,200.00 dated August 1, 2021, subject to review and audit (School disbursements).*

*Voting: 5-0-0; motion carried unanimously.*

*A MOTION was made by Selectman Pray and SECONDED by Selectman D'Angelo to approve the Board of Selectmen meeting minutes of July 12, 2021, as presented.*

*Voting: 5-0-0; motion carried unanimously.*

## **8.2 Assessing**

**A.** The attached application has been reviewed by our assessor and our assessor recommends granting this credit.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve the All-Service Veterans' Tax Credit for tax year 2022 in the amount of \$500 for Map 010, Lot 059-003.*

*Voting: 5-0-0; motion carried unanimously.*

**B.** The attached application has been reviewed by our assessor and our assessor recommends granting this credit.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve the Service-Connected Total and Disabled Tax Credit for tax year 2022 in the amount of \$4,000.00 for Map 003, Lot 027-007.*

*Voting: 5-0-0; motion carried unanimously.*

**C.** The assessor has reviewed all the BTLA Form A-9's and A-12's submitted from Religious, Educational and Charitable Organizations as required by RSA 72:23-c and RSA 72:23, VI. The RSA for Religious exemption can be found under RSA 72:23, III, Educational RSA 72:23, IV and charitable RSA 72:23, V. All the exempt properties have supplied the necessary forms and documentation within a timely manner as dictated by statute and they all have been determined to continue to qualify for 2021 tax year.

Selectman Brew read a list of the exempt properties.



D. Attached is a land use change tax release for Tax Map 005 Lot 059-022. The parcel was sold making this parcel less than 10 acres and not contiguous with other lots in current use under identical ownership. The Land Use Change Tax of \$22,500.00 amount represents 10% of the full and true market value of \$225,000.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve the LUCT in the amount of \$22,500 for Tax Map 005 Lot 059-022. E.*  
*Voting: 5-0-0; motion carried unanimously.*

E. Attached is a land use change tax release for Tax Map 005 Lot 059-038. The parcel was sold making this parcel less than 10 acres and not contiguous with other lots in current use under identical ownership. The Land Use Change Tax of \$24,500.00 amount represents 10% of the full and true market value of \$245,000.

*A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve the LUCT in the amount of \$24,500 for Tax Map 005 Lot 059-038.*  
*Voting: 5-0-0; motion carried unanimously.*

## **9. Action Items**

The Board reviewed its action items.

## **10. Old/New Business**

Selectman Brew noted that he has a clean copy of the Open Space Advisory Committee charter, with some edited typos and Selectman Pray's suggested language included for the BOS to sign. He also noted that the Master Plan process is going along smoothly. There will be a chance for the Town to reach out to the public and hold some in-person meetings on Master Plan topics this fall.

Selectman D'Angelo noted that the CIP process will begin this Wednesday at 4pm.

Selectman Pray stated that the Recreation Commission will meet tomorrow night. She will discuss the park bench topic at the meeting.

In response to a question from Selectman Pray, Chairman Lyon explained that the Town's property revaluation assessments were incorrectly put online before the data was finalized. There should be letters being sent to the public this week regarding new values, and then the website will be updated.

*A MOTION was made by Selectman Grella and SECONDED by Selectman D'Angelo to adjourn the meeting at 7:45pm.*  
*Voting: 5-0-0; motion carried unanimously.*

321 **NEXT MEETING: Monday, August 9, 2021**

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*Selectman Danielle Pray*

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