



**Town of Amherst, NH**  
**BOARD OF SELECTMEN MEETING MINUTES**  
**Barbara Landry Meeting Room**  
**2 Main Street**  
**Monday, September 13, 2021, 6:30PM**

1           **1. Call to Order**

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

3  
4           Attendees: Chairman Peter Lyon, Selectman Dwight Brew [6:31pm], Selectman John  
5           D'Angelo, Selectman Tom Grella, and Selectman Pray.  
6           Also present: Town Administrator Dean Shankle and Recording Secretary Kristan Patenaude.

7  
8           **2. Pledge of Allegiance** – led by Victoria Parisi, Amherst School Board.

9  
10          **3. Citizen's Forum**

11          William D'Alessandro addressed the Board regarding a potential national network of  
12          surveillance using video doorbells. He stated that he has addressed the question to the Chair of  
13          the Board and to the Police Chief but is now addressing his concern to the full Board. He  
14          would like to know more about the public's privacy rights and how the Police Department is  
15          accessing video from these doorbells.

16  
17          Chairman Lyon stated that he, personally, does not see an issue with this item. He has faith in  
18          the competency of the Police Department and that they will continue to do their job while  
19          respecting everyone's constitutional rights. He stated that he will forward along the concern  
20          and associated information to the Town Administrator, who will work with Mr. D'Alessandro  
21          and the Police Chief.

22  
23          Police Chief Reams stated that he did respond to Mr. D'Alessandro's concern. He will resend  
24          the emails and continue to have the joint discussion.

25  
26          Chairman Lyon noted the loss of two long-time volunteers for the Town, Carolyn Mitchell,  
27          and Vick Bennison. The Board and Town mourn these losses.

28  
29          **4. Scheduled Appointments**

30               **4.1. Victoria Parisi, Update on ASD Facility Projects**

31          Victoria Parisi, on behalf of the Amherst School Board and Joint Facilities Advisory  
32          Committee, explained that the plan for the Clark/Wilkins renovation has been revised a bit.  
33          The new plan shows a two-story building that is accessed through the current front door of the  
34          Wilkins School building. The plan looks to keep the current multipurpose room and cafeteria,  
35          while adding a new gymnasium into the addition building. The Amherst School Board has  
36          hired Tighe & Bond as the civil engineer for the project and DEW Construction as the  
37          construction manager. She noted that there is a 100' wetlands setback on the site. The  
38          Business Administrator, Amy Facey, is working with Community Development Director, Nic

39 Strong, to have conversations with the Planning Board and other Town entities. There will be  
40 a public forum on this project on October 12, 2021, that all are invited to.

41

42 In response to a question from Selectman Brew, Victoria Parisi stated that the estimated cost  
43 is still a couple of weeks away from being known. The intention is to continue to refine the  
44 scope, in hopes of getting closer to an exact number.

45

46 In response to a question from Selectman Brew, Victoria Parisi noted that Wilkins School  
47 currently holds grades 1-4. Clark School currently holds grades PreK and kindergarten. This  
48 proposal would bring grades PreK, kindergarten, and 5 into the larger building. The current  
49 population of Wilkins School is approximately 600-650 students. The addition of the other  
50 grades would bring the school population to approximately 850-900 students.

51

52 Selectman Brew noted that traffic studies will be important as part of this procedure. Victoria  
53 Parisi agreed and noted that the current plan shows an access road going around the property.  
54 The purpose of this access road is not yet fully known.

55

56 In response to a question from Selectman Brew, Victoria Parisi stated that it is yet unclear  
57 what the name of the school will be.

58

59 Selectman Grella stated that using the current multipurpose room as both a gymnasium and  
60 cafeteria has worked well since about 1967. He noted that a new gymnasium will likely cost  
61 quite a bit of money and suggested that the Committee think about other options. Victoria  
62 Parisi stated that adding kindergarten and 5<sup>th</sup> grade to the school will make it difficult to  
63 schedule the day without adding in a dedicated gymnasium.

64

65 In response to a question from Selectman Pray, Victoria Parisi stated that the proposed design  
66 will allow for all grades, PreK – 5<sup>th</sup>, to be under one roof. It will also allow for outdoor  
67 portables to no longer be utilized. This design will allow for seven classrooms for each grade,  
68 and three classrooms for flex years. Currently, the school can allow for 5-6 classrooms per  
69 grade, including portables, and some specials to be accessed via carts.

70

71 Chairman Lyon noted that the Board has no formal role with the approval process for this new  
72 school and thanked the School Boards for bringing information on the project to the Town. He  
73 noted that the traffic situation is currently very difficult and that this project would be an ideal  
74 time to make it better.

75

#### 76 **4.2 Sanborn Head - PFAS testing within town R.O.W.'s**

77 Eric Hahn stated that the previous PFAS testing has been completed. Sanborn Head is under  
78 direct contract from the State for additional testing.

79

80 Amy Blomeke, and Scott Nerney of Sanborn Head joined the meeting. Amy Blomeke  
81 explained that the purpose of this project is to identify sources of contamination and the  
82 respective parties to work on cleanup of the sites. This investigation taps into EPA grant  
83 funding. The previously identified site along the border of Hollis and Merrimack is adjacent to  
84 an aquifer that serves approximately 25,000 people. TCI is the potential source of  
85 contamination for this location of PFAS, but it is prudent to investigate if there are other

86 potential sources. The draft assessment has been completed by Sanborn Head and is being  
87 reviewed by the EPA. This will then become a publicly available document. The report  
88 identified a number of potential sources off Route 101 to further investigate. The scope of  
89 work for this investigation will include installing temporary wells and obtaining water and soil  
90 samples. Two of these potential sources are located within the Town right of way (ROW) and  
91 thus a signed access agreement is needed.

92

93 DPW Director, Eric Hahn, stated that the two sites in question are at Howe Drive near north  
94 Hollis Rd and on north Hollis Rd between the railroad tracks and Route 101A. He could  
95 foresee the results of this project revealing other potential sources. He asked the board to  
96 delegate future permissions for seeking other sources to the DPW.

97

98 In response to a question from Chairman Lyon, Amy Blomeke stated that these potential  
99 source locations are not in areas that pose current risks to residents. These are targeted  
100 locations to gain more information and then engage potentially responsible parties if anything  
101 is discovered.

102

103 In response to a question from Selectman Grella, Amy Blomeke stated that Sanborn Head will  
104 work with the Town regarding any specific requirements needed based on the physical  
105 location, such as police detail.

106

107 In response to a question from Selectman D'Angelo, Scott Nerney stated that there will be  
108 shallow holes created with a temporary PVC well at these two sites. There will be staff near  
109 these holes for a couple of hours in order to take samples. These areas will then be returned to  
110 their original states. This will only be done one time at each location and the turnaround for  
111 results is approximately three weeks.

112

113 In response to a question from Selectman Pray, Amy Blomeke stated that this grant has a  
114 limited budget of approximately \$70,000 for Sanborn Head to do this work. The group is  
115 trying to maximize every dollar to get as much information as possible on a screening basis. If  
116 something additional arises, the EPA could be engaged during the next grant cycle to seek  
117 additional grant funding.

118

119 In response to a question from Selectman Brew, Amy Blomeke stated that they are trying to  
120 ascertain if there could be another source of PFAS outside of TCI. It is not a fair assessment  
121 regarding the proximity of wells and the number of PFAS to only implicate TCI.

122

123 In response to a question from Selectman Brew, Scott Nerney stated that the contaminated  
124 well on the Hollis/Merrimack town line is back online with a treatment system in place and is  
125 continuously monitored. Amy Blomeke stated that there is a concern with Witches Brook  
126 leading into Pennichuck Brook, as PFAS was detected in this area.

127

128 Scott Nerney stated that he believes this project will be complete in early October. He noted  
129 that the signer of the access agreement will have results of the analysis sent to them ahead of  
130 the completed report. He is happy to discuss these results when the report is available.

131

132 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to authorize*  
133 *the Town Administrator to execute the necessary Access Agreement in order to complete this*  
134 *project.*  
135 *Voting: 5-0-0; motion carried unanimously.*

136

#### 137 **4.3 Hoyle Tanner - Bridge and Water Crossing work approval.**

138 Eric Hahn stated that the culvert located near 485 Boston Post Road is deteriorating and he is  
139 suggesting the Town do something while there is still the ability to plan and execute work in a  
140 long-lasting way. He has put up barrels to encourage traffic to shy away from parking in this  
141 area or traveling on the shoulder. He introduced Sean James and Joe Ripley of Hoyle Tanner.  
142 He stated that there are four options for this culvert: the Town can do nothing, the Town can  
143 replace the culvert, the Town can line the culvert, or the Town can ignore the problem which  
144 would likely lead to the need for a full bridge in this area. He is asking the Board to allow him  
145 to continue examining this project with Hoyle Tanner.

146

147 Chairman Lyon noted that there is one culvert on Spring Rd that will cost approximately  
148 \$86,000 and this culvert on Boston Post Road will cost approximately \$281,000.

149

150 In response to a question from Selectman D'Angelo, Eric Hahn stated that the engineering  
151 work is built into these numbers.

152

153 In response to a question from Selectman Pray, Eric Hahn stated that the DPW will do any of  
154 the work on site that it can, in hopes of reducing these total projected amounts.

155

156 In response to a question from Selectman Brew, Eric Hahn stated that the culvert at 485  
157 Boston Post Road has always been in the plan for rebuild/replacement. The Spring Road  
158 culvert was not on this list, but there are two others that were on the list that are not a current  
159 concern. This is a shifting around of projects.

160

161 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Brew to waive*  
162 *the Purchasing Policy and allow Eric Hahn to work directly with Hoyle Tanner to scope out*  
163 *the engineering required for this project.*

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

165

#### 166 **4.4 Boston Post Road Culvert Engineering Work (BPAC & DPW)**

167 Eric Hahn stated that this item deals with a culvert between Cross Road and Stearns road. In  
168 working with the Bicycle & Pedestrian Advisory Committee (BPAC), it was noted that there  
169 can be no sidewalk or sidepath in this area without knowing how to extend/replace/etc. this  
170 culvert pipe.

171

172 Chris Buchanan, Chair of the BPAC, stated that the total project is currently estimated at  
173 \$225,000, but this is based largely on an assumption of work for this culvert. A better  
174 understanding of the scope of this work will lead to a better estimation of the budget for the  
175 total project. The BPAC voted unanimously to recommend using the approved Warrant  
176 Article funds on engineering of this culvert. This is only a recommendation as the Board is the  
177 agent of this fund.

178

179 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Brew to waive*  
180 *the competitive bidding process and allow the DPW to work with Hoyle Tanner on options for*  
181 *this culvert.*

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

183

#### 184 **4.5 EDA-2021-ARPA TOURISM Federal Grant for Outdoor Recreational** 185 **Infrastructure**

186 Chris Buchanan explained that the 2021 American Rescue Plan Act (ARPA) Outdoor  
187 Recreation Infrastructure Grant was announced late in July. This is a first come, first serve  
188 grant with no deadline for the application. In July the Town applied to the RAISE DOT  
189 annual grant. He is hoping to obtain the Board's consent to apply for this ARPA grant with  
190 the same application as was used to apply to the RAISE grant. He noted that the RAISE grant  
191 summary encompassed the school campus sidepath project, and the village streets project.  
192 This project is estimated to cost approximately \$6.1M, with the inclusion of existing road  
193 construction funds and the approved capital reserve fund for a total of approximately  
194 \$480,000. This leads to approximately \$1.46M that the Town would need to raise through a  
195 warrant article, if the grant is awarded.

196

197 Chairman Lyon noted that moving forward with this application does not commit the Town to  
198 anything. Chris Buchanan agreed and stated that the Town would have to raise the matching  
199 portion and a project would be expected to be completed by the end of 2027. If the Town is  
200 awarded either of these grants and changes its mind, there is no commitment. If the Town is  
201 awarded either of these grants and is not able to obtain matching funding through a Warrant  
202 Article, there is no commitment.

203

204 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella for the Town*  
205 *to apply to the ARPA Outdoor Recreational Infrastructure Grant, with the understanding that*  
206 *applying for it does not commit the Town to expend funds, and to authorize the Town*  
207 *Administrator to sign any necessary form associated with the application.*

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

209

210 Chris Buchanan added that this grant allows for projects that include an interjurisdictional  
211 element, for example including the completion of the Amherst Street sidepath into Milford.  
212 With the inclusion of a second municipal body as part of the project, the State will apply to  
213 the grant for the two municipalities and, if awarded, both municipalities get 100% federal  
214 funding for these projects. Applying for this portion of the grant would require the consent of  
215 the State of New Hampshire and Milford. Chairman Lyon stated that he will aid in this  
216 process. The Board agreed to move forward with this portion of the grant as well.

217

#### 218 **5. Strategic Plan Presentations, Tax & Assessing, Police Department,** 219 **Community Development**

220 Peter Moustakis, Assistant Moderator, introduced this year's Ways & Means Committee. The  
221 Ways & Means Committee is made up of Mike Parisi, Chair, Lisa Eastland, Bill Loscocco,  
222 Jim Kuhnert, Lori Mix, Wendy Rannenberg, Mike Patterson, Melanie Geysler, and Diane  
223 Layton.

224

#### 225 **5.1 FY23 Strategic Plan Presentation - Tax and Assessing**

226 Gail Stout presented the Tax and Assessing Department's Strategic Plan presentation. She  
227 explained that the department has two full time employees and that the Town contracts with  
228 KRT Appraisal for assessing. She explained that the 2021 revaluation of properties in Town  
229 has been completed. The notice of preliminary values was mailed to residents on August 16<sup>th</sup>  
230 and the final report is scheduled for September 27<sup>th</sup>. The 2021 tax rate will be set toward the  
231 middle or end of October and tax bills will be mailed in early November and due early  
232 December. She explained that residential properties saw an increased valuation of  
233 approximately 37.3%.

234  
235 Regarding its goals and initiatives, Gail Stout explained that the Department has continued to  
236 maintain its collection rate goal of greater than 94% by year end. The Department has also  
237 been able to achieve its goal of maintaining the downward slope of property tax liens. The  
238 Department looks to expand payment options in the future. She noted that the Department was  
239 able to complete an upgrade of its assessing software in FY20. The total fiscal impact for the  
240 Department's proposed goals and initiatives for each of the following three fiscal years is  
241 \$0.00. There will be a projected Warrant Article for each of these years of \$25,000 in order to  
242 complete the next required revaluation.

243  
244 Gail Stout noted that the tax rate will go down this year as a result of the revaluation.  
245

246 In response to a question from Selectman Pray, Gail Stout stated that the data for residents  
247 requesting assessment appeals is kept. In 2020 there were 19 appeals requested for 19  
248 properties. Zero of these were pursued beyond a local appeal, except for Walmart. Gail Stout  
249 noted that a larger volume of appeals is expected during a revaluation year. Residents cannot  
250 formally appeal until the tax bills are sent out on November 1st and the deadline for appeal is  
251 March 1, 2022.

252  
253 In response to a question from Selectman Brew, Gail Stout stated that any properties on  
254 payment plans are still subject to a lien until paid in full.  
255

256 Selectman Brew noted that for four out of five years 25% of homes in town are surveyed to  
257 check the accuracy of the tax record card. In the 5th year the values of homes and businesses  
258 in Town are established primarily through these record cards. This is what is currently  
259 happening during the re valuation process.

260  
261 In response to a question from Lisa Eastland, Gail Stout stated that properties are not  
262 generally evaluated twice in the five-year period, unless a building permit has been obtained.  
263 Additional evaluations could be done through the Town Assessor or the DRA evaluator. If a  
264 resident is concerned with how many times their property has been evaluated, they are free to  
265 contact the Department.

266  
267 In response to a question from Mike Patterson, Gail Stout stated that there are generally fewer  
268 commercial appeals, but that commercial appeals could lead to a higher refund if approved.  
269 She explained that Walmart was given an abatement in 2019.

270  
271

## 5.2 FY23 Strategic Plan Presentation - Police and Communications

272 Police Chief Reams presented his Department's strategic plan presentation. He explained that  
273 the Department has four goals aimed at improving public safety and maintaining overall level  
274 of service to the community. These include reducing neighborhood property crime, increasing  
275 traffic safety along Town roads and through residential areas, reducing the use and availability  
276 of illicit drugs, and maintaining professional policing standards and level of service. Property  
277 crime has decreased by an average of 10% each year from 2015 through 2019 and the  
278 Department is focused on maintaining that reduction. There was an uptick in residential crime  
279 for 2020, attributed to theft or vandalism of political signs during a contentious election year.  
280 A 2021 survey showed an increase from 75% to 80% approval rating for traffic enforcement  
281 for the Department. Steady officer presence is still required along the two major State roads  
282 due to enormous traffic volume. Agency efforts have been aimed at improving traffic safety  
283 along town roads 10-15% by 2021. Efforts so far have increased focus on town roads by 10%  
284 since 2014. The agency is currently on track to reach its goal of at least 52% Town road  
285 enforcement for 2021. The Department has a goal to increase major drug arrests by an average  
286 of roughly 15% each year through 2020 and this has now shifted forward to at least 2022 as  
287 drug task force grant operations were unfunded in 2020. Task Force operations are expected  
288 to resume in October 2021. He noted that while overdose deaths have declined to 2014 levels,  
289 opioid/fentanyl class drugs are still prominent in the state and remain a critical problem.

290  
291 Chief Reams noted that Phase One of the Police Station building renovation was finished in  
292 January of 2021 and Phase Two is to be completed by spring of 2022. The funding for Phase  
293 Two is already in place. The Department's Strategic Plan in 2020 referenced an ongoing Body  
294 Worn Camera (BWC) discussion. Three weeks ago, the Governor signed into law Senate Bill  
295 96 which established a BWC fund to provide municipalities with a 50% reimbursement. It is  
296 likely at this point that a formal agency request to initiate a BWC program will come in FY24.

297  
298 Chief Reams stated that, in terms of the Public Safety Communications Center, the  
299 Department has continued to maintain its goal of caller satisfaction rating greater than 90%.  
300 The annual Communications Center Capital Reserve Fund contributions have allowed for  
301 emergency repairs and anticipated major equipment upgrades and replacement. There will be  
302 a radio tower replacement necessary in 2025, with an approximate grant match of \$60,000,  
303 and a radio console replacement in 2026, with an approximate grant match of \$60,000.

304  
305 Selectman Brew noted that Town departments have been presenting strategic plans last for  
306 eight to nine years. He hopes that next year there may be an overall town strategic plan that  
307 can be tied to the individual department plans. This could allow for best practices to be used  
308 over all departments. He explained that the mission and vision statements for the Police  
309 Department and Community Development Department come from completely different  
310 angles. In the future he would like for the town administrator and department heads to look at  
311 these together to try to provide consistency.

312  
313 In response to a question from Selectman Grella, Chief Reams stated that the new police  
314 vehicles are on site, but it will take 2-3 months to get them out on the road due to a backup on  
315 outfitting them.

316  
317 In response to a question from Chairman Lyon, Chief Reams stated that body worn cameras  
318 were not put into this year's Strategic Plan, as funding options for them are not yet clear.

319

320 In response to a question from Jim Kuhnert, Chief Reams stated that citations refer to vehicles  
321 being stopped. The vast majority of these citations lead to public education.

322

323 In response to a question from Lisa Eastland, Chief Reams stated that there are currently no  
324 dedicated programs for public education regarding signage issues.

325

### 326 **5.3 FY23 Strategic Plan Presentation - Community Development**

327 Community Development Director Nic Strong presented her Department's Strategic Plan. The  
328 office provides support to the Town's Zoning Board of Adjustment, Planning Board, Historic  
329 District Commission, Conservation Commission, and Heritage Commission. The office also  
330 supports the Capital Improvement Program Committee, Bicycle & Pedestrian Advisory  
331 Committee, and the Master Plan Steering Committee. She noted that, as of September 8, 2021,  
332 there has been a slight decrease in the total number of building permit applications for this  
333 year. As of September 8, 2021, there have been 29 Planning Board applications. There have  
334 been fewer applications to the Zoning Board of Adjustment so far this year. She explained  
335 that the 2020 census showed Amherst's population at 11,753; this is a 4.93% increase from  
336 the 2010 population.

337

338 Nic Strong noted that some of the weaknesses of the Department include staff turnover, the  
339 fact that regulations and ordinances are in need of updating, the filing and accessibility of  
340 data, the office layout, and the lack of communication with the public regarding Planning  
341 Board processes/decisions. The Department is engaged in the Master Plan update. One of the  
342 goals of the Department is to continue to improve the filing system. Another goal is to create  
343 SOP's and FAQs for the Office of Community Development. The Department will continue to  
344 provide transparent information to the public and create a map that shows pending  
345 applications before the Town's land use boards with links to supporting documentation. The  
346 Department will review each Board or Commission's rules of procedure and regulations with  
347 the appropriate Board/Commission for compliance with statutes and to ensure they are being  
348 followed.

349

350 In response to a question from Selectman Brew, Nic Strong suggested that the Town could  
351 create an Economic Development Commission to suggest types of businesses that might be  
352 effective in town. The Master Plan update may also help gather this information.

353

354 In response to a question from Selectman Brew, Nic Strong stated that if signs are placed  
355 around Town in violation of ordinances the Community Development Office will deal with  
356 them as notified, but there is not a person in the office to go out and look for these violations.

357

358 Selectman D'Angelo suggested that the Department ask other local towns what they are doing  
359 in terms of economic development. This could help to inform the Master Plan update and  
360 provide support for a possible Economic Development Committee.

361

362 In response to a question from Selectman D'Angelo, Nic Strong stated that the Master Plan is  
363 slated to be complete in fiscal 2022.

364

365 In response to a question from Selectman D'Angelo, Nic Strong stated that the office is busy  
366 with applications and permitting and has not had the time to restart the digitizing files project  
367 yet. Selectman D'Angelo suggested that if a consultant is needed for this project that the  
368 Department let the board know.

369

370 Selectman Brew noted that the Master Plan schedule shows there being public hearings for  
371 adoption in the summer of 2022.

372

373 Chairman Lyon stated that he would like to keep economic development as an area of focus  
374 and would like to see if the Master Plan update shows some form of direction.

375

376 Town Administrator Shankle stated that he is part of an NRPC Committee that is looking at  
377 economic development for the region. He would like to be involved in this discussion.

378

## 379 **6. Administration**

### 380 **6.1 Administrative Updates**

381 Town Administrator Shankle stated that DPW director Eric Hahn has announced his  
382 retirement at the end of October. he explained that after the last board meeting a petition was  
383 received from neighbors in the route 122 area regarding the speed limit on the road. He has  
384 requested a traffic study from the state engineer but not yet heard back.

385

386 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*  
387 *accept Eric Hahn's resignation with regret.*

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

389

### 390 **6.2 Housing Appeals Board Decision re: Migrela Realty Trust II**

391 Chairman Lyon explained that the Planning Board previously denied the IIHO Carlson Manor  
392 application. The applicant appealed to the newly formed State Housing Appeals Board  
393 (HAB), and that HAB reversed the decision and remanded it back to the Planning Board. The  
394 Planning Board is now asking the Board of Selectmen to authorize an appeal of the Housing  
395 Appeals Board's decision to the State Supreme Court.

396

397 Selectman Brew made the following statement: The Planning Board denied the Carlson  
398 Manor application because it did not comply with the federal law applicable to elderly  
399 housing projects, despite the Board raising its concerns with the developer numerous times  
400 over the course of the nearly year-long application process. The Board also believed the  
401 proposed 49 units, as configured in the application (for a property zoned for approximately  
402 14 homes), did not preserve the rural aesthetic of the town, which is required by the Town's  
403 ordinances. The Housing Appeals Board ruled against the Planning Board and required the  
404 Board to keep working with the developer until the developer got the elderly housing  
405 provisions correct, or simply include a condition of approval requiring compliance with  
406 federal law. It also ruled that "rural aesthetic" was not adequately defined to use as a basis for  
407 denial, and that the density of the development had been approved by a previous Board that  
408 allowed up to 54 units. The Planning Board voted to recommend an appeal for several  
409 reasons. On the elderly housing issue, the HAB has effectively ruled that the Planning Board  
410 cannot deny an application that fails to comply with federal law. Instead, it must be satisfied  
411 with a condition of approval that states the applicant must comply with federal law or give the

412 developer unlimited chances to prepare an application that does comply. This unacceptably  
413 ties the Board's hands in trying to ensure future residents of the development are protected in  
414 accordance with federal law and removes any incentive for a developer to prepare applications  
415 that comply with law. This is an unacceptable precedent. On the rural aesthetic issue, the  
416 HAB ignored long-standing case law that gives Planning Boards discretion to enforce  
417 requirements to preserve the rural appeal of a community, even in the absence of detailed  
418 definitions. The residents of this town have repeatedly reminded us that preserving the rural  
419 nature of the town is one of their highest priorities. Allowing this decision to stand  
420 unacceptably hampers the Board's ability to carry out that priority, contrary to the flexibility  
421 recognized by other courts.

422

423 Selectman D'Angelo stated that two lawyers that sit on the Planning Board concurred that this  
424 appeal would be lost if sent to the Supreme Court.

425

426 Selectman Brew warned Selectman D'Angelo against sharing information that was presented  
427 during a non-public session.

428

429 Selectman D'Angelo stated that if this case is appealed to the Supreme Court and the Town  
430 wins, the applicant can simply come in with a different application for the same property.  
431 Selectman Brew stated that this is correct, but that the applicant will not be able to come in  
432 with an application under the IIHO.

433

434 Selectman D'Angelo stated that the alternative to appealing this to the Supreme Court is to do  
435 as the Housing Appeals Court asked and consider a number of issues brought up. If the  
436 Planning Board moved forward with reconsidering this matter it could save the taxpayers  
437 \$20,000 in legal costs. Chairman Lyon stated that this is a blatant misrepresentation of the  
438 legal cost. Selectman D'Angelo stated that some amount of taxpayer money will be used with  
439 very little chance of success and the Town will then be at the same point it is now.

440

441 Selectman Pray stated that she does not believe Selectman D'Angelo's statement is accurate.  
442 She explained that the Housing Appeals Board is made up of three judges, two who are not  
443 trained in the law. She stated that that she is trained in the law and is familiar with this case  
444 and the public's feelings on it. The public has continued to stress its opinion regarding the  
445 rural nature of this Town. The Housing Appeals Board noted that the Planning Board cannot  
446 decide a case based on rural character, but she believes there is case law for this exact item.  
447 She stated that rural character is an important part of the general health, safety, and welfare of  
448 the Town. She believes that the Planning Board balanced all interests in its original decision.  
449 She supports the decision to appeal this case to the Supreme Court.

450

451 Selectman Brew stated that he is extremely upset that a certain Board member has chosen to  
452 inaccurately portray items that were spoken about in non-public session, while the rest of the  
453 Board members cannot present factual information to set the record straight as they are trying  
454 to abide by the law and not publicly disclosing information they are prohibited from sharing.

455

456 Selectman D'Angelo stated that his intent was not to reveal information otherwise unavailable  
457 to the public. His interest is in protecting the taxpayer's money and he believes the potential  
458 of whether the Town can win this case is a large part of the justification for this appeal.

459

460 Chairman Lyon stated that he believes the Planning Board is well informed and educated in  
461 going through their process. He believes that the Town's residents expect the Planning Board  
462 to do all it can to protect the rural nature of the town. He is completely in favor of appealing  
463 this decision to the Supreme Court. He believes it is a small amount of money to do the right  
464 thing.

465

466 *A MOTION was made by Selectman Brew and SECONDED by Selectman Pray to act on the*  
467 *Planning Board's request to appeal the Housing Appeal's Board decision on Carlson Manor.*  
468 *Voting: 4-1-0 (Selectman D'Angelo against); motion carried.*

469

### 470 **6.3 Acceptance of Resignations, Notice of Vacancies, Fourth of July** 471 **Committee**

472 Chairman Lyon stated that Jennifer Eccleston, Gretchen Pyles, and Leslie Bennett have  
473 resigned from the 4th of July committee. The committee is a five-person committee appointed  
474 by the Board of Selectmen. There are currently two existing members and three vacancies.  
475 These vacancies will be posted on the town website.

476

477 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*  
478 *accept Jennifer Eccleston, Gretchen Pyles, and Leslie Bennett's resignations with regret.*  
479 *Voting: 5-0-0; motion carried unanimously.*

480

### 481 **6.4 2022 BOS Calendar, suggested changes**

482 The Board reviewed the suggested changes to the 2022 calendar.

483

## 484 **7. Staff Reports**

### 485 **7.1 Amherst Highway Safety Committee Report**

486 Chief Reams explained that the Highway Safety Committee investigated complaints of  
487 speeding along Pettingale Road. The Committee is recommending a 25-mph speed limit on  
488 this road. There is currently no speed limit posted.

489

490 In response to a question from Selectman Grella, Chief Reams stated that the statute allows  
491 for a minimum speed limit of 30 mph unless it has been studied, and then a lower speed limit  
492 can be posted.

493

494 Chief Reams stated that the Highway Safety Committee also examined the concerns on  
495 Walnut Hill Road. He stated that the road does not meet the criteria necessary for adding a  
496 speed hump. The road is also not proper for a rumble strip. Traffic on the road is already  
497 reaching the speed hoped to achieve, the issue is in the design of the road itself. The  
498 Committee is suggesting a 25-mph speed limit from Old Quarry Lane to Embankment Road.  
499 It is also suggesting yellow advisory signs and additional livestock advisory signage. In the  
500 long term, there needs to be considerations regarding the current width of the road, as it just  
501 barely meets the 16' requirement.

502

503 In response to a question from Selectman Pray, Chief Reams stated that positive feedback will  
504 be used to measure these successfulness of these suggestions.

505

506 A MOTION was made by Selectman Brew and SECONDED by Selectman Pray to schedule  
507 the required public hearings for speed limit designations for Pettingale Road and Walnut Hill  
508 Road.  
509 Voting: 5-0-0; motion carried unanimously.

510

## 511 **7.2 DPW Garage Heat Installation Contract award**

512 Eric Hahn stated that an RFP was solicited for this project. Three targeted bids were received  
513 and Wetherbee Plumbing & Heating was the low bidder.

514

515 A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to award the  
516 bid for the Garage Heat Installation Contract to Wetherbee Plumbing & Heating for \$12,500.  
517 Voting: 5-0-0; motion carried unanimously.

518

## 519 **7.3 Heating Oil & Propane Bid for Town Buildings contract award**

520 Selectmen Brew noted that Ciardelli Fuel Company and Bot-L-Gas were the low bidders on  
521 heating oil and propane.

522

523 A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to award  
524 Ciardelli Fuel Company the contract for heating oil at \$2.42 per gallon and Bot-L-Gas the  
525 contract for propane at \$1.179 per gallon, both portions effective today and through June 30,  
526 2022.

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

528

## 529 **8. Approvals**

### 530 **8.1 Amherst Junior Women's Club, Trot Your Turkey Off Road Race**

531 A MOTION was made by Selectman Pray and SECONDED by Selectman D'Angelo to  
532 approve the Amherst Junior Women's Club's request to use the Town Green on Friday  
533 November 26 from 7am-11am for the Annual Trot Your Turkey Off Road Race.

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

535

### 536 **8.2 Petition and Pole License PSNH # 12-0892**

537 A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve  
538 the Petition and Pole License PSNH #: 12-0892 for placement of a utility pole on POND  
539 PARISH ROAD and to authorize the Board of Selectmen to sign the document on behalf of the  
540 Town of Amherst.

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

542

### 543 **8.3 Assessing**

#### 544 **A. Veteran Tax Credit**

545 Selectman Brew noted that for the Veteran Tax Credit Application provided, the applicant  
546 does not appear to qualify for the Veteran Tax Credit under RSA 72:28 as less than 90 days  
547 active-duty service were noted on the DD-214.

548

549 A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to deny the  
550 Veteran Tax Credit for tax year 2022 for Map 005, Lot 160-000-005.

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

552

553 **B. Veteran Tax Credit**

554 Selectman Brew noted that for the Veteran Tax Credit Application provided, the applicant  
555 qualifies for the Tax Credit under RSA 72:28 for the 2022 tax year.

556

557 *A MOTION was made by Selectman Brew and SECONDED by Selectman Grella to approve*  
558 *the Veteran Tax Credit for tax year 2022 in the amount of \$500 for Map 008, Lot 081-004.*

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

560

561 **8.3 AP, Payroll and Minutes**

562 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to*  
563 *approve one (1) FY21 Payroll Manifest in the amount of \$249,839.46 dated August 26, 2021,*  
564 *subject to review and audit.*

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

566

567 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Pray to*  
568 *approve one (1) FY21 Accounts Payable Manifest in the amount of \$3,176,201.00 dated*  
569 *August 31, 2021, subject to review and audit (School disbursement).*

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

571

572 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Grella to*  
573 *approve one (1) FY21Accounts Payable Manifest in the amount of \$1,350,370.46 dated*  
574 *August 31, 2021, subject to review and audit (School disbursement).*

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

576

577 *A MOTION was made by Selectman Pray and SECONDED by Selectman D'Angelo to*  
578 *approve the Board of Selectmen meeting minutes of August 23, 2021, as presented.*

579 *Voting: 4-0-1 (D.P. abstaining); motion carried.*

580

581 **9. Action Items**

582 The Board reviewed its action items.

583

584 **10. Old/New Business**

585 Selectman Brew stated that the Planning Board will meet this Wednesday and hold a site walk  
586 next Thursday.

587

588 Selectman Grella stated that there was not a quorum at the Heritage Commission meeting last  
589 week.

590

591 Chairman Lyon stated that the Open Space Advisory Committee had its first meeting last  
592 week.

593

594 Selectman D'Angelo stated that the CIP Committee finished its process last Thursday.

595

596 Selectman Pray stated that the Recreation Commission has not met.

597

598 There was discussion regarding the fact that the DPW equipment CRF is not in the CIP.

599

600 A MOTION was made by Selectman Brew and SECONDED by Selectman D'Angelo to  
601 adjourn the meeting at 9:56pm.  
602 Voting: 5-0-0; motion carried unanimously.

603

604 **NEXT MEETING: Monday, September 27, 2021**

605

606

607

608

609

\_\_\_\_\_  
*Selectman Danielle Pray*

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