

**Enfield Board of Selectmen
Whitney Hall
Enfield, New Hampshire**

MINUTES of August 4, 2008

Board of Selectmen: Rebecca S. Stewart, Chairman; Donald J. Crate, Sr.; John W. Kluge

Administrative Staff: Steven Schneider, Town Manager; Alisa D. Bonnette, Recording Secretary; Ken Daniels, Director of Public Works; Richard A. Crate, Jr., Chief of Police

Others: Dwight Marchetti; Alan Strickland; Henry Cross; Attorney for Henry Cross; Dan Kiley; Paul & Kim Withrow; Bob Cusick; Katina Caraganis, Connecticut Valley Spectator; Evelyn Palmer

BUSINESS MEETING

I. CALL TO ORDER

Mrs. Stewart called the meeting to order at 6:00 pm.

II. APPROVAL OF MINUTES

Mrs. Stewart moved to approve the minutes of July 7, 2008 as printed, Mr. Kluge seconded: vote unanimous.

Mrs. Stewart moved to approve the minutes of July 21, 2008 as printed, Mr. Kluge seconded: vote unanimous.

III. COMMUNICATIONS

ZBA Public Hearing Notice ~ August 12, 2008

Grafton County FY 2009 Budget ~ Approved June 30, 2008:

A complete budget is available for viewing. The Selectmen were provided with a summary of budgeted revenues and expenditures. The proposed budget has increased by about \$500,000 over the current year budget.

UNH Technology Transfer Center ~ Senior Roads Scholars:

Robert Donnelly Jr. and Christopher Hammond achieved Senior Roads Scholar status. This training is part of their ongoing professional development. The next level is Master Roads Scholar. Ken Daniels is currently a Master Roads Scholar. Mrs. Stewart asked if they received a

letter of commendation on their achievement. Mr. Kluge noted that this speaks well of the department as a whole.

NHDES ~ EcoLink:

The New Hampshire Department of Environmental Services has launched a new information source for municipalities – the Municipal EcoLink. DES requested that three paragraphs be read into the minutes of the municipality. Mr. Schneider suggested not reading them aloud, but including them in the minutes of the meeting.

“New Amendments to Shoreland Protection Act Effective July 1: Effective July 1, 2008, new amendments to the Comprehensive Shoreland Protection Act (CSPA), RSA 483 B, took effect across New Hampshire. Permits must be obtained from DES prior to undertaking most types of construction, excavation and filling projects within 250 feet of lakes and ponds greater than 10 acres, tidal waters, fourth order streams and designated rivers. It will be very important for municipal planning boards, zoning boards of adjustment and code enforcement officers to ensure that municipally-issued permits or approvals for affected properties are coordinated with the CSPA requirements. For further information, contact Jay Aube at 271-8176, or go to www.des.nh.gov/cspa.

Air Permits Required for Rock Crushing Operations: Many contractors use either stationary or mobile rock crushing machines to break large rocks into smaller rocks, including gravel. In most instances an air emissions permit for the operation of such facilities must be obtained in advance from the DES Air Recourses Division. A list of currently permitted rock crushing facilities, by town or name of facility, is available for review on the DES website at www2.des.state.nh.us/OneStop/Air_Stationary_Source_Query.aspx. For general information, or if you are aware of any rock crushing operations of a permanent or temporary nature that may not currently have such a permit, please contact Todd Moore, 271-6798, or Michele Andy, 271-6793.

Prime Wetlands Designation: Pursuant to RSA 482-A:15, towns are authorized to undertake a study process that can lead to designation of wetlands within their boundaries as “prime wetlands.” The majority vote of residents is required to adopt prime wetlands and seek DES’s acceptance of the study and maps. The maps must indicate the boundary of any prime wetlands on a tax map base. Once DES accepts the designation, any proposed impacts to prime wetlands and the 100-foot prime wetland buffer are given greater scrutiny in DES’s wetlands permitting process. Although the statute and regulations do not require that towns notify the owners or abutters of properties being studied, DES strongly recommends that such notifications be provided at the outset of any prime wetlands designation studies, including when fieldwork is planned. For guidelines, please see www.des.nh.gov/Wetlands/Guidebook/primewet.htm. Administrative Rules may be found at Env-Wt 700. For questions about eh prime wetlands designation process, please contact 271-2147 or wetmail@des.nh.gov.”

This is an outreach program. This agenda item is strictly informational.

Mrs. Stewart asked where the Town was in relation to prime wetlands designation. She was informed that this process has been completed in Enfield, though it may be redone at some point in the future.

Trustee of Trust Funds Report ~ June 30, 2008

The Town's investments are averaging a 2.4% yield; lower than usual, but reflective of the economy. Mr. Schneider spoke to one of the Trustees. They feel 2009 will be better. They're currently working with local financial institutions to get the best return on Town investments.

IV. BOARD REPORTS

Heritage Commission:

The Heritage Commission is continuing with the application process for the National Historic Register District. They received 400 pictures from the consultant. In order to reduce costs, the Commission is labeling the photos.

There is still some debate by the Commission on firming up the boundaries of the District.

Capital Improvement Program Committee:

There was no quorum for the meeting. Those that did attend had an informal discussion.

The CIP Committee will meet the 4th Tuesday of each month at the Public Works Facility.

A new form was developed for departmental requests that has been well received.

V. TOWN MANAGER'S REPORT

Cemetery Trustee:

Gordon Clough has submitted his resignation as Cemetery Trustee. The Board can consider potential candidates to fill this position.

Enfield Business Flyer:

The Board received a copy of the final proof before it goes to the printer. This flyer is a project being done in conjunction with the Enfield Village Association. They hope to print 500 to start. Several meetings were spent going over pictures to represent the Town. Betsy Childs is in graphics and has done much of the work on this project.

They will be distributed at the Chambers of Commerce in Lebanon and Hanover, sent to Concord, the Grafton County Economic Development Council and the Upper Valley Lake Sunapee Regional Planning Commission. These are not tourist brochures, but are specifically targeted for the business population.

Lake Management Advisory Committee:

Mr. Schneider met two weeks ago with the Lake Management Advisory Committee. They had a meeting at the Shaker Museum and discussed the health of Mascoma Lake in general. They discussed cyanobacteria blooms and scientific studies that may have found a link between cyanobacteria and Alzheimer's and ALS. They also did lake testing of the water

A WROS inventory was conducted. This is a planning tool for lakes and helps identify what is existing in the Lake already, what the Town might want to enhance, change or direct development away from. How do we make our area more unique? They discussed development and protection options. This is a tool that can be used on other bodies of water in Enfield.

VI. PUBLIC COMMENTS

Dwight Marchetti ~ Municipal Parking Lot:

Mr. Marchetti stated that the parking across from Seasons has a Town sign limiting parking to 3 hours. Is there an ordinance to back it up or is it only suggested? Police Chief Crate believes it's advisory. Mr. Marchetti highly recommends an ordinance and went on to relay information about recent use of the lot for long-term parking. If the Town is going to advertise 3-hour parking it should get some teeth into it. Without an ordinance the Police's hands are tied.

Police Chief Crate relayed the past practice of approaching individuals that are parked longer than 3 hours and asking them to move their cars.

Mrs. Stewart noted that generally the Police Department's tactic has worked. Her personal concern with an ordinance is that someone on the Rail Trail may take longer than 3 hours. However, in one case relayed by Mr. Marchetti, the vehicle was broken down.

Police Chief Crate will follow up on this, thought the vehicle has now moved.

Mr. Kluge stated that unless there's a problem it should be left as is.

Mr. Schneider suggested perhaps no overnight parking.

Mr. Marchetti suggested repainting the lines in the parking lot before fall.

Discussion ensued regarding people parking in the space directly to the rear of the lot that is intended for people to back into to exit the parking lot. Lines in that space to identify it as a space that is not intended for parking might be helpful.

Mrs. Stewart's inclination is to keep the status quo unless a chronic problem arises. She does agree with no overnight parking.

Mr. Kluge suggested going with the 3 hour maximum sign unless there's a problem.

Mrs. Stewart thanked Mr. Marchetti for bringing this issue to the Board's attention.

Bob Cusick ~ Ambulance Billing:

Mr. Cusick asked the Board if they have had any more thought on the ambulance billing issue he brought up at a recent meeting.

Mrs. Stewart replied that yes, some discussion of the fairness issue was discussed after Mr. Cusick left the meeting. Some comments were that it is fair in that no matter who calls during the day they will typically be billed and in the evening if Enfield responds they won't be billed.

It's applied equally during those hours. Anything beyond that would require substantial expense in personnel.

Mr. Cusick doesn't think it's an issue of where the Town wants to go. The Town can't bill one group for services, but not bill another group.

Mr. Cusick asked if there was any discussion with the Town's attorney. Mr. Schneider informed Mr. Cusick that he hadn't yet heard back from the Town's attorney.

Mrs. Stewart stated that she has to object; it's not a *group* that's not being billed, it's a matter of time of day. No group is treated differently. She personally doesn't see it as discrimination; the Town is not targeting a specific group.

Mr. Cusick contends that the townspeople are paying for ambulance services through their taxes. Someone that calls during the day is billed. Someone that calls in the evening when the Enfield ambulance responds is not billed. Both pay taxes and the ones calling during the day are billed. Once the Town's attorney responds he'd like to know.

Police Chief Crate's understanding is if a neighbor doesn't pay the Town picks up the cost. So the Town pays Lebanon less because of those that do pay through insurance.

Mr. Cusick asked, "If they don't pay then the Town has to pick that up?" That should be more public based knowledge.

Mr. Schneider will talk to Chris Christopoulos and get clarification. It does get reflected in the Town's bill.

Police Chief Crate believes it's the soft billing the Budget Committee proposed.

Kim Withrow announced that the Enfield FAST Squad has stepped up responses during the day so Lebanon response is not needed every day. Though some members have picked up second jobs [and are unable to respond as often].

Mr. Cusick said that is commendable, but there are still 200 calls responded to by Lebanon. If you bill one individual you need to bill all individuals.

Dan Kiley ~ TV at Roadside:

Mr. Kiley said that next to the Veterans Park there is a color television that has been curbside for weeks. They are now mowing around it. He doesn't know what the Town can do about it.

Mr. Schneider replied that the Town could pick it up and bill the property owner for disposal costs.

Mrs. Stewart replied that the Town would take care of the issue.

Dan Kiley ~ Mooring on the Lake:

Mr. Kiley noted that they [the Enfield Sailing Club members] seem to be mooring on the lake rather than at Shaker Bridge Landing. Mr. Schneider responded that some of the boats couldn't moor at Shaker Bridge Landing due to the centerboard.

It was questioned who is responsible for mowing at Shaker Bridge Landing? It's not being kept up. Mr. Schneider will pass the information along. The Town is doing the maintenance, but it wasn't going to be a weekly mowing.

Mr. Crate thought the Enfield Sailing Club was going to take care of it. Mr. Schneider will check into that. Maybe they can just do the edges.

Mrs. Stewart invited other public comments; being none she closed the meeting to public comments.

VII. OLD BUSINESS**Lockehaven Drainage:**

Henry Cross attended the meeting with his attorney. He inquired if the Selectboard was aware of his latest communication with Steve Schneider. He was informed they were.

Mr. Cross has been waiting for answers. Mr. Schneider told him there was a set back.

Mr. Cross stated that the Town did not respond to a letter from DES on April 8th regarding the permit application. The State requires a response by August 8th. Mrs. Stewart replied that the Town is still within the deadline. Mr. Cross asked why it took from April 8th for him to know about it.

Mr. Cross said he was promised two years ago that something was going to be done. He was told this year it was going to be done in August. He was also told the Town will lose the funding this year that was encumbered. He does not want to wait until next year; it's unacceptable.

Mrs. Stewart responded that as of the last meeting the Board agreed to proceed. The water test was to be done and has been.

In the meantime there was correspondence with the State where it wasn't a case before.

Mr. Schneider said that was the issue with the State – the previous application they absolutely had jurisdiction over. The project they recommended was more than the Town budgeted. The solution to the Town was to no longer treat the water, but to redirect it into an existing ditch. The mistake was to not respond and withdraw our initial application. Mr. Schneider and Mr. Daniels still do not think this [new project plan] is under DES jurisdiction. When Mr. Schneider spoke to the same person that Mr. Cross spoke to he was told he was not sure if [the State] had jurisdiction. That says to Mr. Schneider the State may not be on as sure a footing as they think.

Mr. Cross asked if the Town had talked to a contractor or about the power guy wire. Mr. Daniels replied that the contractor is a phone call away. The contractor is away of the Town's time

frame. There was a work order, regarding the guy wire, submitted to the power company last year.

Mr. Cross asked if the Town is going to have the project done this year or not. Mr. Schneider replied that he wants to have it done. Mrs. Stewart added that the issue is the State has stepped back in and until it's straightened out the Town can't proceed.

Mr. Schneider does not blame Mr. Cross for calling the State. Mr. Cross added that it was the State that informed him of the April 8th letter.

Mrs. Stewart said that if the Town is not going to do the project the letter was sent for then we don't have to complete the questionnaire.

Mr. Schneider added that the application is dramatically different than what was proposed before. He hopes to still have the project done in August. There's another route, which is routine maintenance of the Town's ditch lines. He hopes the project falls under that category. If the Town has to go through the DES process, getting it done this year could be a problem. The Town can purchase materials with the funds that are available this year. If DES is not involved, Mr. Schneider hopes to get the project completed this month.

Mr. Cross left Mr. Schneider last Friday and was uncomfortable when he said the project might not happen. Mr. Schneider has tried to be as up front and honest with Mr. Cross as he could. Aside from Mr. Cross and his family there is no one who wants this project completed more than Ken Daniels and Mr. Schneider do. The Town is trying to keep the State as uninvolved as possible to move the project forward quickly.

WCNH.net

Mr. Schneider passed around materials from his recent trip to southwestern Virginia. He relayed information to the Board about the communities he visited and their progress in establishing community-wide fiber. It was a positive trip.

Library:

The Board received a draft of the future site sign for the new Library building. The sign will include a diagram of the building. The drawing is of the side that faces Main Street and the Police Department. Marjorie Carr, Mr. Schneider, the architect and engineers meet tomorrow so they can do financial planning.

Mrs. Stewart liked the concept of a screened porch. It gives the building a hometown feel.

Cable TV:

Curtis Payne and Mr. Schneider had a conference call with Comcast. The Enfield public access channel will be channel 8. They'll be sending the check to the channel so they can buy equipment. They'll have it up and running soon – definitely before the end of the year. They can then begin airing meetings, community events and anything from CATV.

Strategic Plan:

The next Selectboard meeting will be reserved for strategic planning. No regular business will be conducted unless absolutely necessary.

VIII. NEW BUSINESS**Whitney Hall Painting Proposals:**

The Selectmen received a list of painting proposals received. Five of the proposals are within the Whitney Hall Renovations capital reserve fund balance (\$44,000). There was quite a spread between the lowest proposal and the highest. Mr. Schneider spoke to all of the contractors, before the proposals came in, to discuss what we needed to do.

Thomas Monmaney, now C. Monmaney Contracting, has done the most recent painting of Whitney Hall. Mr. Kluge noted that with the discount offered for a deposit by August 5th, it is the lowest bid. C. Monmaney Contracting provides a 10-year warranty, 3 coats of paint, and taking it down to bare wood.

Mr. Schneider can make the decision, but asked for the Board's input. Mr. Kluge stated that Mr. Monmaney is a known quantity. Mr. Crate would go with Mr. Monmaney.

Because the funding was placed into capital reserves and unexpended funds will remain in capital reserves for other projects.

Donations to the Town:

Fuel Assistance: Bob Cusick came to the Board about fuel assistance. In 1998 the Town voted to allow the Board to accept gifts and hold them in trust. This allows the Board to create a fuel assistance trust fund without further action of Town Meeting.

Mr. Schneider provided the Selectboard with a list of governance issues: 1) that the funds will be utilized only for fuel assistance; 2) that the Human Services Director distributes the funds; 3) that the Human Services Director establishes criteria for eligibility; 4) that the Town Manager and/or his/her designee can fill in for the Human Services Director when necessary; and 5) that the Trustee of the Trust Funds manages the funds.

Mr. Cusick asked if the town has looked at the Massachusetts Good Neighbor program for fuel assistance. He can forward that information to Mr. Schneider.

Diane Heed, Human Services Director, has been active on this subject, having had a meeting just this past week.

Discussion ensued regarding soliciting funds, posting information on the Town's website, preparing a mailing, or an article in the paper. Mr. Cusick offered to sponsor a mailing, a two-phase letter so people know about the fund raising and also to inform them that they have a place to go if they need help.

Mr. Kluge moved to establish an expendable trust fund for fuel assistance, Mrs. Stewart seconded; vote unanimous.

Shaker Bridge Landing Port-a-John: The Enfield Sailing Club donated half the cost of the port-a-john rental at the Shaker Bridge Landing. As the amount is less than \$500 no public hearing is required for acceptance of the donation.

Building Permit/Taxable Status:

Mr. Marchetti walked the Rail Trail and one thing caught his eye. Photos were provided to the Board for review. Three of the five photos were docks and structures on State land; not the property the Town has an agreement to manage, but the abutting property. Being a law-abiding citizen, Mr. Marchetti contacted the State to find out how he could utilize the property, as others were. After a long delay and multiple attempts to get answers, Mr. Marchetti was informed that he could not utilize the property as it belongs to the State and the structures and storage were there illegally and they are trespassers. That property is listed under the State of NH, but an RSA states that buildings on State land are taxable, so maybe the Town should be taxing these structures. Louis Barker, from the State of NH, said he was going to send letters to people that may be using the property.

Mr. Marchetti also provided two other pictures, one of a dock and boxes for storage that are located on Fish & Game land, the other of a dock and boats at another location. Mr. Marchetti passed this information on to the Town Manager and Building Inspector. Perhaps some revenue could be received from these structures.

Mr. Marchetti received a copy of the letter sent to residents that may have docks and other structures on State land. Mr. Schneider does not want to send Town staff out to remove these structures; it's a State issue.

Mr. Schneider reported in a memo to the Selectmen that an inquiry was made by a resident if certain structures in Town require a building permit and/or are they able to be taxed. Specifically the structures are storage boxes, docks and fences. Any structure that is less than 64 square feet does not require a building permit. Temporary structures also do not require a building permit. In terms of Taxable Status, we make our determination on taxable property on April 1st of each year. If the property in question is not on the property as of April 1st we do not considerate it eligible for taxing. The items in question are most certainly temporary/seasonal and they fall outside our current regulations in terms on needing a building permit, or being eligible for taxing.

Mr. Schneider notified the State May 30th that the docks appeared again. He never received a response.

Police Chief Crate informed the Board that in the 4A issue they have a permit from Fish & Game.

Discussion ensued regarding State permitting that is required for docks, when a building permit is required, individuals notified to remove their docks and removal of trees on the shoreline.

Capital Improvement Program Committee Appointment:

Gail Malz has expressed interest in serving on the CIP Committee,

Mr. Kluge moved to appoint Gail Malz to the Capital Improvement Program Committee, Mr. Crate seconded; vote unanimous.

Administrative Items:

The Board reviewed and approved the following documents: Notification of Town's intent not to use Inventory of Taxable Property, Land Use Change Tax and MS-1 Extension Request.

Other New Business:

Mrs. Stewart invited comments from the public.

Evelyn Palmer thanked the Board for holding a Selectmen's meeting in Enfield Center.

Dan Kiley liked the backdrop on the stage. Mrs. Stewart reported that the Town did miss the deadline for the moose plate grant this year. They have indicated support for the backdrop restoration project.

IX. OTHER ITEMS

Next Meeting:

Monday, August 18, 2008, Whitney Hall Conference Room

CONFERENCE

I. NON-PUBLIC SESSION ~ RSA 91A:3 II (A)

Mrs. Stewart moved to enter non-public session at 7:34 PM, RSA 91-A:3 II (a) & (d); Mr. Kluge seconded. Roll call vote: Mrs. Stewart – aye, Mr. Kluge – aye, Mr. Crate – aye, motion carried.

Mr. Kluge moved to come out of non-public session at 8:00 PM, Mr. Crate seconded; vote unanimous.

II. ADJOURNMENT

Mr. Crate moved to adjourn at 8:00 PM, Kluge seconded; vote unanimous.