

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

MINUTES of September 20, 2004

Board of Selectmen: Keith Oppenneer, Chairman; Dominic Albanese; Nancy Scovner

Administrative Staff: April Whittaker, Town Manager; Alisa D. Bonnette, Secretary

Others: Joe Cote, Connecticut Valley Spectator; Dan Kiley; Dave Shinnlinger; Celie Aufiero; Fred Paradis; Larry Elgin; John Esler; Henry & Sally Cross; Barbara & Harry Reed; Shirley & Glyn Green; Dwight Marchetti; Robert & Nancy Foley; Arline Rich; Jay Shepard; Jim Gerding; Wayne & Deb Adams; Alan Strickland; Joan Fishman; Carol Stone; Mary & Joe Stagliano; Larry Battis; Don Campbell; George G. Brooks; Judy & Roger Wilson; Carolyn Cusick.

CALL TO ORDER

Mr. Oppenneer called the meeting to order at 5:00 pm.

APPROVAL OF MINUTES

September 7, 2004 ~ Regular Session:

The Board discussed the regular session minutes of September 7, 2004.

Mr. Oppenneer requested clarification of a statement made by Norm Bernaiche (page 2, 2nd paragraph from the bottom).

Mrs. Scovner misspoke regarding the Bicknell Brook property at the September 7th meeting. Mrs. Scovner had reported that the NH Land Trust met with the Conservation Commission about transferring all of the property to the Trust. It was in fact the Upper Valley Land Trust that met with the Conservation Commission regarding “stewardship” of the property.

Mrs. Scovner thought that property information posted on-line would not include names (page 3, 1st paragraph). It was explained that this is an important piece of information for identifying properties. The properties will be listed with street addresses rather than mailing addresses.

Page 3, paragraph 4, “down” should be changed to “town.”

Mr. Oppenneer moved to accept the regular session minutes of September 7, 2004 as corrected; Mrs. Scovner seconded, vote unanimous.

September 7, 2004 ~ Non-Public Sessions:

Mr. Albanese moved to accept the non-public session minutes of September 7, 2004, 5:45 PM, as printed; Mrs. Scovner seconded, vote unanimous.

Mrs. Scovner moved to accept the non-public session minutes of September 7, 2004, 8:18 PM, as written; Mr. Albanese seconded, vote unanimous.

September 13, 2004:

Mr. Albanese asked that the minutes reflect that April Whittaker and Marjorie Carr are specifically empowered to go forward and work with the architect. They are the official liaisons to the architect and primary spokeswomen for the project.

Mr. Albanese moved to accept the minutes of September 13, 2004 as amended; Mrs. Scovner seconded, vote unanimous.

PUBLIC APPOINTMENTS**Dave Shinnlinger ~ Use of Whitney Hall:**

On September 7, 2004, the Board of Selectmen voted to deny use of Whitney Hall by Dave Shinnlinger for a school program. Mr. Shinnlinger requested reconsideration of that decision. Mr. Shinnlinger is a behavior coach at the Mascoma High School. He takes students that are having problems and takes them into the community to give back to the community through various projects. The Hall would be needed for one hour, from 8:00 AM to 9:00 AM, 2 to 3 days a week. For this hour the students would do their schoolwork with a study hall atmosphere, at which time the students would leave the building to do a community project. Because there are projects lined up in downtown Enfield, Mr. Shinnlinger felt Whitney Hall seemed an ideal location for the schoolwork portion of their day. Because the Hall would be needed on an irregular schedule Mr. Shinnlinger could call the day before to check availability.

The Board expressed concern that the bathrooms are on another floor and students would be unsupervised. It was also pointed out that the hall is often cold in the winter and hot in the summer, and the acoustics are bad; the environment is not conducive to teaching.

The Board did not reverse their decision of September 7th, but instead discussed alternative locations, such as the Methodist Church vestry, Lutheran Church meeting space or Enfield Village Association space. Mr. Shinnlinger was also asked to get back in touch with the Board if one of these other locations does not work out.

Mr. Shinnlinger asked the Selectmen to let him know if there are any projects they'd like the students to take on.

OLD BUSINESS**Draft Welfare Guidelines:**

Mr. Albanese noticed some section numbers were missing in the draft and need to be included, but otherwise the guidelines look good.

Mrs. Scovner moved to adopt the welfare guidelines as presented; Mr. Oppenheimer seconded, vote unanimous.

NEW BUSINESS

GASB 34 Proposal:

The Board considered a proposal for professional assistance with GASB 34 compliance from The Glick Group out of Orange Lake, FL. References are being checked. The company was recommended by the town's auditor and is being used by several New Hampshire communities, including the city of Lebanon and Salem. Mrs. Whittaker would like to use their services to the fullest extent possible. The estimated cost is \$13,000.

Mr. Oppeneer is in favor of the fullest implementation of GASB 34 the town can do. It will provide a more rational basis for budgeting for capital reserves.

In order to have Paul Glick come up to Enfield, the town would need to pay for travel expenses. Mrs. Whittaker will try to schedule this at a time when Mr. Glick will be coming up to Lebanon so travel costs can be shared. The Board approved an interview.

PUBLIC HEARING ~ Expenditure from Capital Reserve Fund

Mr. Oppeneer opened the public hearing at 5:30 PM and read the hearing notice (attached).

Mrs. Whittaker explained that \$5,400 was expended for tree planting and \$2,414.80 was expended for a bike rack, picnic table, bench and planters.

Mr. Albanese asked when the poles would be lowered in height. Mrs. Whittaker replied that this issue has been turned over to the town attorney.

Mr. Oppeneer stated that with the decorative streetlights, 3 or 4 of the streetlights mounted on the utility poles are no longer needed. Mrs. Whittaker will check with Police to see if these lights are still required in their opinion due to safety issues.

Mrs. Whittaker was asked to look into the lighting situation on Main Street as they seem to be working intermittently.

Public input was invited; none was received.

Mr. Oppeneer moved to close the public hearing at 5:34 PM; Mrs. Scovner seconded, vote unanimous.

Mrs. Scovner moved to withdraw \$5,400 and \$2,414.80, totaling \$7,814.80, from the Downtown Revitalization Capital Reserve Fund; Mr. Albanese seconded, vote unanimous.

The regular session reconvened at 5:35 PM

OLD BUSINESS

Enfield Community Building Board of Directors ~ Terms of Office:

The term of office for the members of the Board of Directors will be for three years with initial appointments of 1, 2 or 3 years in order to provide staggered terms. Sharon Kiley and April

Whittaker, or a designee of her choosing, were each appointed to three-year terms. The remaining members of the Board, yet to be appointed, will serve initially for one or two year terms.

CITIZENS FORUM

Henry Cross ~ Veterans Memorial Park:

There are three lights installed at the park. A fourth light will be installed tonight.

NEW BUSINESS

White Cane Safety Day ~ A Proclamation:

Mr. Oppenneer read the following proclamation:

Whereas: The white cane or guide dog, which every blind citizen of our state has the right to utilize, demonstrates and symbolizes his/her ability to achieve a full and independent life, and his/her capacity to work productively in competitive employment; and

Whereas: The white cane or guide dog, by allowing every blind person to move freely and safely from place to place, makes it possible for him/her fully to participate in and contribute to our society; and

Whereas: Every citizen of our town should be aware that the law requires that motorists exercise appropriate caution when approaching a blind person carrying a white cane or using a guide dog; and

Whereas: Every citizen of our town should be aware that the law requires that all motorists stop at all town crosswalks to let a blind person carrying a white cane or using a guide dog cross safely; and

Furthermore: We also call upon the businesses, both public and private, to be aware of the Americans with Disabilities Act (ADA) which allows blind citizens to utilize a white cane or guide dog in places of public accommodations.

The town of Enfield, through its public agencies, and with the cooperation of the National Federation of the Blind of New Hampshire, encourages our citizens to recognize this special day and its purpose, which is to bring awareness to the significance of the white cane.

NOW THEREFORE, We, Keith Oppenneer, Dominic C. Albanese and Nancy Scovner, Selectmen of the town of Enfield, do hereby proclaim and designate October 15, 2004 to be **WHITE CANE SAFETY DAY** in Enfield and call upon all our citizens to recognize the white cane or guide dog as an instrument of safety and self-help for blind pedestrians on our streets and neighborhoods; and call upon our schools to offer full opportunities for training to blind persons; and employers and the public to utilize the available skills of employable blind persons.

Mrs. Scovner moved to proclaim October 15, 2004 White Cane Safety Day; Mr. Albanese seconded, vote unanimous.

NH Building Officials Mutual Aid Agreement:

The NH Building Officials Association is in the process of preparing a mutual aid agreement. Phil Neily, Building Inspector, would like to know if the Board thinks the town of Enfield should get involved. The Board expressed support for the program.

Mr. Albanese moved to support Phil Neily to set up a Building Officials Association mutual aid program; Mrs. Scovner seconded, vote unanimous.

OLD BUSINESS**Town Manager's Report:**

Mrs. Whittaker reported that the unlicensed dog warrant was down to eight. Captain Richard Crate will process summonses for these unlicensed dogs.

Jim Taylor has been sent to the Upper Valley Lake Sunapee Regional Planning Commission's meeting for the transportation enhancement funding cycle to represent Enfield's interests.

The town has received a letter from the NH Dept. of Transportation regarding Mrs. Whittaker's follow-up correspondence to the State's public hearing. The State indicated a willingness to meet with the Board of Selectmen to discuss the rail trail overpass. Other comments made by Mrs. Whittaker will be part of the official transcript. The State is aware of the problems with the site chosen for the public hearing; public turnout exceeded their expectations.

Mr. Albanese requested a copy of the letter for himself and also to have copies sent to Dwight Marchetti and Bob LaCroix. He would also like them to be invited to the meeting regarding the rail trail overpass.

Philip Cronenwett has tendered his resignation from the Library Trustees and Town Offices/Library Needs Assessment Committee due to acceptance of a new position that will take him out of Enfield regularly during the week. Mr. Albanese moved to accept Philip Cronenwett's resignation from the Board of Library Trustees and Town Offices/Library Needs Assessment Committee with regrets; Mr. Oppeneer seconded, vote unanimous.

The COPS FAST grant application remains under pending status. There is no action required at this time. The required reports have been submitted. So far they have only been able to fund 991 applications from 2002 & 2003. Enfield's application was submitted in 2004. Mrs. Whittaker will write the Attorney General's office. She would like to request that communities looking for funding for the first time be given priority over communities that are looking for additional funding.

The Enfield Village Association is holding their annual meeting on Thursday, September 23rd at 7:00 PM in the Whitney Hall auditorium.

The Board briefly discussed attendance by the Selectmen at the November presidential election.

Mr. Oppeneer recently read SB302. He asked Mrs. Scovner to ask the Department of Revenue Administration and Department of Education for the formula and values used to calculate

education funding. Mrs. Scovner stated that they've been asked but the answer they give is that they don't have those numbers.

Mrs. Scovner reported that due to staff reductions the time to process requests for historic markers has been extended significantly, hence the delay in the Town's request for a "Shaker Village" historic marker.

PUBLIC APPOINTMENTS

Crystal Lake Association and Conservation Commission:

Mr. Oppeneer set some ground rules before discussion began in order to maintain order.

Glyn Green, President of the Crystal Lake Improvement Association (Association) expressed concerns of the Association. Three members of the Association attended the August meeting of Enfield Conservation Commission (ECC) to hear about proposed campsites on property owned by Robert Cavalieri and located at the corner of Oak Hill and Grafton Pond Roads. All of the Association's questions were not answered at this meeting so the ECC decided to invite Mr. Cavalieri to a subsequent meeting. The Association members asked to be contacted when this meeting was to be held and left their contact information. The ECC tentatively scheduled a meeting with Mr. Cavalieri for September, but neglected to contact the Association members.

Larry Elgin inquired about the September meeting agenda and was informed that Mr. Cavalieri would not be attending the September meeting. The day following the meeting the Association members found that Mr. Cavalieri had in fact been at the ECC meeting and that the ECC had made a decision regarding the project. The Association members felt that once they were informed that this project would not be discussed that it should have been delayed until a later meeting.

Leigh Davis explained that the project in question is a 3-tent site campground. Mr. Cavalieri was tentatively scheduled for the September meeting, but only if he confirmed with Ms. Davis. When she did not hear from him she did not expect him to arrive. When Mr. Cavalieri arrived at the September meeting they agreed to hear him. However, no decisions have been made

The Association is concerned about possible pollution of the Bicknell Brook and subsequently Crystal Lake.

Ms. Davis explained the ECC is concerned about the privy, campfires, water supply, etc... Mr. Cavalieri is no longer planning on doing anything this year. He's supposed to come back with his plans.

Jim Taylor noted that this all started with a sign that appeared on Grafton Pond Road advertising tent sites for rent. Tent sites are allowable by special exception. At the Zoning Board of Adjustment (ZBA) hearing a fourth tent site was proposed, but was abandoned due to its proximity to wetlands.

The ZBA approved the project with conditions such as health officer approval of the privy, ECC approval of issues affecting wetlands and natural resources, fire department permitting of campfires (already obtained) and posting of the property during camping season.

Mr. Cavalieri does not plan to dredge or fill any wetlands.

The Health Officer has provided Mr. Cavalieri with a privy design put out by the State of New Hampshire. The privy must be located a minimum of 75' from the wetland area.

If water is provided and presented as potable it needs to be tested and needs Department of Environmental Services approval.

Mr. Albanese questioned what the ECC's official role was. Mrs. Scovner replied that it was to make suggestions. Mr. Oppenheer responded by reading the July 13, 2004 ZBA minutes, including the conditions set by that Board.

Larry Elgin did not receive the email that Leigh Davis sent to him regarding the minutes of the ECC. He reiterated the Associations concerns about the dug privy. They wanted Mr. Cavalieri to explain to them what his plans were. They don't want contaminants to enter Bicknell Brook and then into Crystal Lake.

Ms. Davis explained that she had the outgoing email on her computer. She also followed up with a letter the next day. Mr. Cavalieri came to the meeting unexpectedly and the ECC felt he had a right to be heard. No approvals have been given. There were some stipulations made by the ECC that he has to meet and then he is to come back. Ms. Davis is very glad to see the number of people that are concerned about the town's wetlands. She does feel that she has let people down, but said again that Mr. Cavalieri is not going to do anything this year.

Mr. Albanese stated that there is no question in his mind; Leigh Davis was not trying to be deceitful in any way. Organization seems to be the problem. Jim Taylor has been empowered to support the ECC. Mr. Albanese asked the ECC how they would work with Jim Taylor to avoid this type of problem in the future. He asked them to find ways to integrate Mr. Taylor into the ECC, and its administration and professional standards.

Leigh Davis stated that the ECC is a lot of work; she didn't know how much until she became chairman.

Henry Cross stated that committees are obligated to do a job. When they make a commitment they should stand by their word. If they don't they will lose the support of the taxpayers. While he understands that Mr. Cavalieri may have been held up for a while and that may not have been fair, you also need to consider other people. Mr. Cross went on to state again how the Association is concerned about pollution of Bicknell Brook and Crystal Lake.

Mr. Cross was also surprised to see in the minutes of July 13th that Mr. Cavalieri had solicited a letter from Alan Strickland as an individual. It was questioned whether this could be a conflict of interest.

Alan Strickland explained that Mr. Cavalieri wanted to show him the project and did so on an informal basis. Mr. Cavalieri presented a wide range of ideas. There was give and take but nothing definite. Mr. Strickland did provide some feedback as an individual that has worked professionally in the woods. He was asked to write a statement, which Mr. Strickland did, but there was no recommendation, just a statement of facts.

Mr. Albanese understood that Mr. Strickland was only trying to provide good customer service, but once it was put into writing there can be other perceptions.

Mr. Albanese asked if there were plans for an inspection of the project.

Glyn Green apologized to Leigh Davis for the tone of his letter. He was angry but could have handled the situation better.

Mr. Oppeneer suggested that maybe Mr. Cavalieri would like to meet with the Association. Mr. Albanese recommended that the ECC facilitate another meeting with the ECC, the Association and Mr. Cavalieri. Mr. Albanese would also like to hear from the ECC how they could use Jim Taylor to assist them.

Roger Wilson asked if there was potential for the 3-site project to become 50 or 100 sites. He was informed that anything exceeding the current project size would require a new approval.

Celie Aufiero stated that at the ZBA meeting it was questioned whether the project was commercial; the ZBA thought not. Since then Ms. Aufiero has found out that anything over two campsites is commercial. She stated that RSA 216 is very specific as to size.

Dwight Marchetti stated that he is not an advocate for the ECC or the Association but wished to say to the Selectmen that any time they appoint someone to a committee it is incumbent upon the Selectmen to inform them of what their job is and what the rules are. He has asked for the Selectmen to meet with the group and tell them what the rules are. As appointed members of a committee they are an extension of the Board of Selectmen.

Mr. Oppeneer replied that Mr. Marchetti had a valid point and agreed the Selectmen should meet with each appointed board and committee. Many have a charge sheet, but they should go over it verbally.

Larry Elgin stated that there was reference made to a 50' camper pulling into a site. There needs to be some restrictions – no RVs. It's possible someone in an RV could dump his or her septic inappropriately. The sites should be limited to tents.

Shirley Green stated that there should also be a restriction on the number of people permitted. Expectations may be a small number of people, but expectations are not always met.

Leigh Davis responded to Mr. Elgin that where the tent sites are located you could never get an RV into. If Mr. Cavalieri enlarges the projects there are additional rules and regulations he must meet. Ms. Davis agreed with Mr. Marchetti's statement.

Jim Gerding expanded on what Dwight Marchetti stated. The Selectmen have appointed themselves to these committees. The Board of Selectmen ex-officio members should be able to prevent this from happening. The Selectmen's representative should have been sure both sides were heard.

Mrs. Whittaker summarized for those present:

- 1) RSA 216 to have legal interpretation
- 2) Outhouse design per DES to be forwarded to Association
- 3) If the campsite becomes a reality, that there be an annual inspection by the health officer with water testing at the beginning, middle and end of season.

Mr. Oppenneer thanked everyone for coming and closed discussion at 6:50 PM.

INFORMATIONAL ITEMS

The Board of Selectmen was invited by the NASA Explorer School to attend a presentation of the student's work on September 24th at 1:30 PM.

ANY OTHER BUSINESS

As a result of the meeting with Crystal Lake Improvement Association and the Conservation Commission, it was approved by the board to appoint **Shirley Green** as an **Alternate member of the Conservation Commission**, motion Scovner, second Albanese, vote 3 – 0.

NON-PUBLIC SESSION

Mr. Albanese moved to enter non-public session at 6:55 PM, RSA 91-A:3 II (d); Mr. Oppenneer seconded. Roll call vote: Mr. Albanese – aye, Mr. Oppenneer – aye, Mrs. Scovner – aye; vote unanimous.

Mr. Oppenneer moved to come out of non-public session at 7:00 PM; Mr. Albanese seconded, vote unanimous.

Mr. Oppenneer moved to approve the sale of Tax Map 2, Lot 20-1 according to the terms and conditions of RSA 80:89I; Mr. Albanese seconded, vote unanimous.

ADJOURNMENT

Mr. Albanese moved to adjourn at 7:01 PM; Mrs. Scovner seconded, vote unanimous.