

**Enfield Board of Selectmen
Public Works Facility
Enfield, New Hampshire**

MINUTES of July 5, 2016

Board of Selectmen: John W. Kluge; Fred Cummings; Meredith C. Smith

Administrative Staff: Steven Schneider, Town Manager; Karol Hammer, Recording Secretary

Others: James Bonner (video); Doug Smith, Jim Kelleher, Linda Spencer-Green, Marcia Herrin, and others.

BUSINESS MEETING

I. CALL TO ORDER

The Chairman called the meeting to order at 7:00 PM.

II. APPROVAL OF MINUTES

Mr. Kluge asked that a correction be made to the minutes of the June 6 public session minutes as follows: the words “protection areas” should be added on page two under Section IV Board Reports, the last sentence of the sixth paragraph so that the sentence ends: “...planning documents regarding well head protection areas.”

Mr. Cummings made and Mrs. Smith seconded the motion to accept the minutes as corrected. The motion passed unanimously.

Mr. Cummings made and Mrs. Smith seconded the motion to accept the June 6 non-public session minutes as presented. The motion passed unanimously.

III. COMMUNICATIONS

Mr. Schneider reviewed a letter from John Kelly, Athletic Director of Mascoma Valley Regional High School, thanking the Town for the use of Shaker Park for softball. Mr. Kelly specifically commended Jason Darling and crew for their work keeping the field in well-groomed condition.

Mr. Schneider shared an announcement of the grand opening festivities for the renovated Center at Eastman, to be held Saturday, July 9.

Mr. Schneider reviewed the May 2016 Town Clerk’s Report, saying Town’s revenues were in decent shape for the year to date. At the same point in 2015, revenues were \$468,517.65, while the 2016 revenues for the same period in 2016 were about \$505,000, almost \$40,000 ahead of projections.

Mrs. Smith asked if the Town had paid its balance with the School District. Mr. Schneider said it had.

Mr. Schneider reviewed the Town's wetlands application to replace two undersized culverts with an open span bridge, saying efforts were on track to meet all submittal and permitting deadlines. The replacement was slated to happen in 2017.

IV. BOARD REPORTS

Mr. Schneider said the Budget Committee had met the previous week. He had shared the Town's expense reports, which showed that the Town had about 60% of its budget remaining in nearly all accounts. There were some blips, he said, but in small accounts, so the exposure wasn't tremendous.

He pointed out the 54% remaining in the Personnel Administration budget, stating that any time an account is above 50% at this point in the year is good.

One item that he said caused major angst on a regular basis for the Budget Committee was the solid waste budget. The current numbers (58% remaining, even with a small lag in tipping fees) show the Town in much better shape than in the past three years.

Mrs. Smith asked when the Town should begin to look at plans for a new solid waste contract.

Mr. Schneider said the process would begin next summer. He said Mr. Taylor was already talking with Casella about costs.

Mrs. Smith asked what other companies might be considered. Mr. Schneider said Casella was the only one in the area.

Mr. Schneider said Town revenues were exceeding expectations, and that the current use and sale of property goals already had been met.

The Budget Committee was scheduled to meet again in early August, and would develop their goals. Those goals would be discussed with the Selectboard before instructions go to department heads.

V. TOWN MANAGER'S REPORT

Mr. Schneider said a part-time employee wanted to purchase for \$100 a surplus roof rack that had come off a vehicle acquired through drug forfeiture. The Town could sell the roof rack if it was declared surplus by the Board.

Mrs. Smith made and Mr. Cummings seconded the motion to declare the roof rack as surplus. The motion passed unanimously.

Tony Lozeau, who had two properties listed for sale on behalf of the Town, had asked the Town to allow him to adjust the prices to below assessed value as each had been on the market over 18 months.

One parcel was approximately five (5) acres on Grafton Pond Road, valued in the mid \$40's. The second was a two (2) acre parcel on Route 4a valued in the mid \$20's.

The Board agreed the reduction was in order.

VI. PUBLIC COMMENTS

Candidate for Public Office:

Linda Spencer-Green, introduced by Mrs. Smith, was a District 10 State Legislative candidate and wanted to introduce herself to the Board and attendees. A 20+ year Upper Valley resident, Ms. Spencer-Green resided on Methodist Hill the past 8-10 years. Her background was in finance, with MBA and CPA degrees, and her interest in public service is to make this a better place to live. She said she'd have the time to devote to service, since she was retired.

Crosswalks:

A concerned resident inquired about the status of the paving project for Shaker Hill Road and Main Streets, because he felt that crosswalks needed to be repainted very soon. The current faded lines did not call enough attention to them and made them a safety risk, both on those roads and on Route 4. He was in the habit of walking most days of the week along Main Street and across Route 4.

Mr. Kluge said that the paving project was slated to begin momentarily. Mr. Schneider agreed, noting that a good indicator that the paving was about to begin would be culvert work happening near the sheep farm, as that had to happen before the paving.

The State had responsibility for the crosswalks on Route 4, and the Town was responsible for the rest.

The gentleman said he and his wife had nearly been struck as they crossed the road, and asked if someone could paint all of them within the next week.

He also said that the parking spaces behind the Community Building needed to be repainted. Our Highway Department does a great job, but these things ought to get done. He said it was becoming an annual exercise for him to appear before the Board to make the same requests. He felt he shouldn't have to remind the Town to take care of safety issues, especially with the increased walking traffic because of the new businesses on Main Street.

Mr. Kluge asked if the Town actually could stripe on Route 4. Mr. Schneider said it hadn't tried; it could do Main Street.

Mr. Kluge said the rest should wait until the paving was done.

The gentleman said they should have been done in May, that he was as frugal as anybody, but that this was a safety issue.

Mr. Cummings agreed that the Route 4 crosswalk should be done.

Mr. Schneider said the Town would contact the State and look into it.

The gentleman noted that the Shaker Hill and Main Street striping had been done the previous year, but already had worn off.

Dog Park:

Marcia Herrin gave an update on the Dog Park, saying it had opened for the season on May 1 and was enjoying successful operations under its volunteer management.

She said the new well was working well, and that having water available onsite was very nice.

The Mascoma Valley Dog Park Supporters had instituted an Ambassador program, where volunteers versed in Park rules were ‘on duty’ at the park during most of its open hours to help educate and remind people of the rules. Ten Ambassadors had signed up for the season; they wear identification badges, so people can spot them easily.

Ms. Herrin said the Dog Park Supporters as an organization had been involved in supporting the Watson Dog Park organization after the recent dog fight that resulted in one dog being shot and the other seriously injured.

She said the Hartford Park had once had a rule prohibiting guns, but repealed it because it conflicted with State Law. Having such a rule had not occurred to the Mascoma Valley group, and there had been no incidents of concern at that park.

VII. BUSINESS**Jerold Theis – Abatement Request****Bob Cavalieri – Legal Rights**

These two items were deferred as the concerned parties were not present.

Old Home Days:

Kristin Harrington and Stephanie Hill, two of the Old Home Days organizers, distributed event brochures and flyers for the July 29-31 event to the Board. Lindsay Smith, parade chair, invited the Board and Town Manager to participate in the parade; while they’d need to provide their own vehicles, they’d be welcome to be in the parade. If interested, they could notify Ms. Bonnette.

Mrs. Smith mentioned that Wendell Smith enjoyed having his bright red jeep in parades.

The Board thanked the ladies for their hard work.

Jim Kelleher – 56 Main Temporary Deck:

Mr. Kelleher presented a request from the owners of 56 Main Street Bar & Grill for permission to have outdoor seating on a temporary aluminum deck. The deck would consist of two 6’ x 12’ sections, joined with cedar, elevated 4-5” off the ground at the street side, with a railing (standing pins with ribbons) to be in keeping with liquor laws.

The sections would be bolted together and the whole structure would be dismantled at the end of the season and stored for the winter.

Mrs. Smith commented that it sounded like two docks.

Mr. Kelleher agreed, and said the deck could be lifted to facilitate cleaning underneath.

Mr. Kluge asked how the new structure would affect ADA access. Mr. Kelleher said it wouldn't introduce any accessibility issues because the entire structure would be to the right (North) of the restaurant entrance.

Mrs. Smith asked whose liability would cover the deck. Mr. Kelleher said liability would be with the restaurant.

Mr. Schneider said the project would need formal approval from the Town and the State to go forward.

Mr. Cummings made and Mrs. Smith seconded the motion to approve the deck and outside seating area at 56 Main Street Bar & Grill. The motion passed unanimously.

Dustin Rd. – The Common:

The Chair recused himself from the discussion and asked Mr. Cummings to act as Chair for the discussion. Mr. Cummings agreed. Mr. Kluge moved to a seat in the audience.

Mr. Schneider said that a neighbor of an approximately 2.5 acre piece of land under R3 zoning off Dustin Road – also known as The Common – had asked that the Town declare the property 'un-owned' so that the process of reselling the parcel could begin.

Mrs. Smith asked how long the ownership of the property had been unknown/undeclared. Mr. Schneider said it had been a long time. The Kluge family had paid the property taxes for years, but had stopped. If no property taxes were paid on a piece of property for three (3) years, it could be claimed as Town or un-owned property and can be resold.

A party – the neighbor – had expressed interest in purchasing the parcel.

Mr. Kluge showed the Board a survey map to show the lot, a triangular piece of land at the end of Dustin Road.

Mrs. Smith asked how Mr. Kluge ultimately envisions the land. Mr. Kluge said his parents had paid the taxes for at least 25 years and that The Common had been lumped in with his parents' land. The family always considered it theirs.

In the late 1970's, a Mr. Webster bought the house across The Common from the Kluge's residence and claimed to the Town that The Common was his garden plot.

At the time, the Town said resolution of the issue was up to the neighbors. It wasn't until that time that the Town delineated The Common as separate from the Kluge property. Someone did a title search, which concluded that the plot was possibly for a meeting house, though Mr. Kluge has not found any evidence of a meeting house (no footings or evidence of a foundation), and the sign for the meeting house sits across the street.

Mr. Kluge hadn't thought much about it until he saw someone cutting trees on The Common and learned that Mr. Webster had sold it.

Mrs. Smith asked when Mr. Webster gave up the land. Mr. Kluge said it was in the mid 1980's.

Mr. Kluge and his sister split their parents' property in 1999, and a survey was done by Chris Rollins in approximately 2007.

At present, there is no known owner of The Common. Mr. Kluge said that the 25-30 years his parents paid property taxes ought to mean something.

Mr. Kelleher said there should be something in NH Law about adverse possession; if somebody owned the property and allowed the Kluges to pay taxes, the land ought to be the Kluges'.

Mr. Cummings asked how big the parcel was. Mr. Schneider said it was 2.1 acres.

Mr. Kluge said he hadn't paid taxes on it since 2009, but that there was a period when the Town had been collecting dual taxes (from his family and from Mr. Webster).

A gentleman in the audience asked if the Town could collect the back taxes from the Kluges if the land became theirs.

Mr. Schneider said there were strict limits on reclaiming mistakes, and that this issue was well past the limit. He asked Mr. Kluge what he was asking of the Board.

Mr. Cummings said the Town couldn't just mold The Common back into the Kluge property.

Mrs. Smith suggested asking the Town Attorney to review the situation.

Mr. Cummings agreed, saying it would be hard to declare it unknown, but also hard to declare ownership by one family over another.

The gentleman in the audience said it was incumbent upon the Town to get the land back on the tax rolls.

Mr. Schneider said he would talk with the Town Attorney.

Grafton Pond Parcel and Other Town-Owned Property:

Mr. Cummings said the discussion of The Common reminded him of the Grafton Pond property, saying the Town had held onto it since before he became a Selectman. He suggested cutting the price on that land so it would sell and go back on the tax rolls. He said the Town shouldn't be in the real estate business.

Mr. Smith asked if the Town ever sold property at auction, noting that local developers like Don Roberts were known to buy run down properties, develop them and sell them at a nice profit, which also benefits the Town's tax rolls.

Mr. Cummings said the Board should review the entire list of properties and have an auction, with minimum bids set for each property.

Mr. Schneider said he agreed with everything that had been said and that the Town had auctioned properties before. The auctions were handled through sealed bids. He promised to have a list of properties that were 'ready to go' at the next meeting.

Mr. Cummings relinquished the Chair to Mr. Kluge, who returned to the Board table.

Mr. Kluge said the talk of property reminded him that a location for the next Board meeting had not been announced. Mr. Schneider said it would be at the DPW building.

Mrs. Smith said the Enfield Center Townhouse project was progressing, and that Andrew Cushing had volunteered to work with the Town and Heritage Commission on the application to get the building onto the National Register.

Main Street Improvements:

Mr. Schneider had received an agreement from the State for sidewalk maintenance, making the Town would be responsible for maintenance after project completion.

Mr. Cummings made and Mrs. Smith seconded the motion to accept the agreement. The motion passed unanimously.

Lakeside Park:

Mr. Schneider said there was an outside chance that the project could be done in the Fall.

He said the DOT understands that the State would be making an investment, and that the question of ownership of the property could be a problem, with it potentially going into surplus in 2018. Once in surplus, other State agencies have first chance to claim interest, then the Town, then public bidding.

The Town already began working on a list of partners, like the Department of Resources and Economic Development (DRED). DRED may be interested in ownership, with the Town responsible for maintenance. The head of the bureau of trails planned to visit Enfield July 28.

Mr. Schneider cautioned that the State would want fair market value, and that it could be high, given that it was nearly two (2) acres of lakefront property. A new owner could remove the access road.

Mr. Cummings said he didn't think it'd get to that point.

Mrs. Smith agreed, saying it was prime trail head land and in the State's best interest to retain it.

All agreed a long term plan would be needed. Mrs. Smith suggested a 99-year plan.

Mr. Kluge asked if fair market value would apply if DRED acquired it.

Mrs. Smith said that, with the road going through, the land isn't worth \$600,000; the road, in that sense, is a gift.

Mr. Schneider said there'd been good progress. The ownership and management issues would be the key to what the Town could do next.

He had met with the TIF the previous month and discussed extending the TIF boundary to include lakeside properties along South Main Street.

The TIF could count as a share toward erecting a multi-use building down there, but he wouldn't be comfortable making such a change until ownership was settled.

Mr. Schneider felt strongly that a vibrant waterfront would help the village.

Mr. Cummings said he had reservations about extending the TIF district.

Mr. Schneider said that extending the TIF would allow the Town to extend lighting along South Main Street.

Mr. Cummings asked if there had been any discussion about fencing. Mr. Schneider said it was going out to bid so there would be something to look at. The fencing would need to be sturdy to take impact while protecting people.

There was 250' of fencing to be replaced, probably with something similar to the fence next to the Library, but sturdier than vinyl.

Mrs. Smith said if there were things sticking up, then kids wouldn't be able to sit on it.

Inspectors and Election Appointments:

Mr. Schneider presented a list of proposed appointments for inspectors and election personnel.

Mr. Cummings made and Mrs. Smith seconded the motion to appoint/reappoint all positions as proposed. The motion passed unanimously.

Property Tax Abatement Applications:

Mr. Schneider presented the Board with several applications for execution.

Mr. Cummings asked if all had been approved by Norm and was told they had.

Mr. Cummings then asked if approval was needed for each; Mr. Schneider said he just needed the Board to sign the documents – no vote was required.

The Board signed abatements for:

Johnson Irrevocable Trust: Map 44-9, Algonquin Drive
Heidi Crebo-Rediker: Map 27-1, 228 Shaker Boulevard
Naomi Gordon: Map 51-74, 25 Loon Drive
Paul and Candice Gosselin: Map 5-3-1, 379 Bog Road
Richard Maxfield: Map 2-30-1, 500 Methodist Hill Road

Mr. Kluge announced that the Board would be signing documents and then going into non-public session.

Mr. Cummings made and Mrs. Smith seconded the motion to enter into Non-Public session at 8:03 PM, RSA 91-A:3 II (a). Roll call vote: Mr. Cummings – aye, Mr. Kluge – aye, Mrs. Smith – aye, motion passed unanimously.

Mr. Cummings moved to come out of Non-Public session at 8:44 PM, Mrs. Smith seconded, vote unanimous in favor of the motion.

Water/Sewer Commitment:

The Board reviewed and approved the 2nd quarter water/sewer commitment.

Next Meeting: Monday, August 1, 2016, 6:00 PM Department of Public Works Conference Room

Adjournment:

Mr. Cummings moved to adjourn at 8:45 PM, Mrs. Smith seconded, vote unanimous in favor of the motion, meeting adjourned.

John W. Kluge, Chairman

B. Fred Cummings

Meredith C. Smith
Enfield Board of Selectmen

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