

**TOWN OF ENFIELD
ENFIELD BOARD OF SELECTMEN
MEETING MINUTES JUNE 20, 2022**

TIME: 6:00 PM
LOCATION: Public Works Facility & Teams videoconference
74 Lockehaven Road, Enfield

PRESENT

Board of Selectmen: Katherine D.P. Stewart, John W. Kluge, Erik Russell

Administrative Staff: Ed Morris, Town Manager; Alisa Bonnette, Assistant Town Manager

Members of the Public: Shantelle Gagnon, Administrative Assistant and Human Services Administrator; Kevin Marker, Recreation Director; Dr. Jerold Theis, Conservation Commission Chair; Leigh Davis, Conservation Commission Member; Arlene Adams, Mascoma Bank; Renelle L'Huillier, Bond Counsel; Paul Currier, Peter Tabur

CALL TO ORDER

Mr. Kluge called the meeting to order at 6:00 pm.

PUBLIC HEARING

Proposed ordinance establishing smoke, tobacco and vaping-free public Town-owned facilities and outdoor spaces.

Ms. Stewart made a motion to open the public hearing at 6:01pm. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0)

Mr. Kluge opened Public Hearing to discuss the proposed ordinance.

Mr. Morris stated that he received feedback from a citizen regarding a concern for smoking in public areas. He stated that the proposed ordinance prohibits the use of tobacco in town owned public spaces, except for designated areas, which have not been established yet. He stated the Community Building and the Shaker Recreation Field will be two areas that will be focused on to develop designated areas for. He added that, if the Selectboard approves of the proposed ordinance he will send it to the town attorney for review. He stated that they will review it and send it back with any recommendations, and at that time the BOS can vote to adopt the ordinance.

Mr. Kluge requested any comments from the public.

Paul Currier stated that it seems like every time we turn around there is another rule and another regulation. He added that the fair is coming up and many of the firefighters who attend and help out smoke or use smokeless tobacco, and some have mentioned that, if it goes into effect by the fair then they will need to find other people to run the grill. Mr. Currier stated that it has been the same for 30 years and he didn't see why it needed to change now.

Mr. Kluge stated that he has been thinking of circumstances such as the fair where it will be difficult to regulate, and it is something the BOS should consider and discuss. He stated that if the Board decides to move forward, it will be necessary to have those discussions and be prepared for those circumstances.

Mr. Morris stated that Chief Holland has expressed that his family makes a choice to avoid the fair due to the large amounts of smoke you encounter while walking around.

Ms. Stewart clarified that the ordinance came forward due to a concern for people smoking on the playground in an area where children were playing. She stated that setting a clear policy, clear expectations, and designating a space for the activity will assist in the process. She added that there are expectations and safety guidelines around food preparation, whether you are staff or a volunteer, and setting a designated space for smoking would be an appropriate compromise.

Mr. Russell stated that he heard comments from residents who were surprised that a smoking and tobacco use ordinance wasn't already in place.

Dr. Theis inquired how an ordinance would be enforced.

Mr. Kluge stated that the ordinance noted a fine of up to \$100.

Mr. Morris stated that, when Lebanon enacted their ordinance, the town manager and police chief met to review the education and enforcement of the ordinance.

Ms. Stewart added that the ordinance wouldn't always have to directly involve the police as residents can also refer people to the designated spaces to kindly redirect.

Mr. Kluge stated that it was important to acknowledge that tobacco is a highly addictive substance which is hard for people to give up. He stated that he has attended funerals where tobacco played a role in their death, and by discussing this ordinance we are promoting health for those in our community. He stated that we also need to recognize that, as a highly addictive substance, tobacco is hard to quit, and it was appropriate to have spaces that people can smoke.

Ms. Stewart made a motion to close the public hearing at 6:13pm. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion to approve the ordinance regarding the use of tobacco, cannabis, and vaping devices on public property and direct the Town Manager to send this ordinance to the Town Attorney for final review prior to adoption. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

APPROVAL OF MINUTES – June 6, 2022

Ms. Stewart made a motion to approve the minutes for June 6, 2022, as printed. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

BOARD REPORTS

Ms. Stewart stated that the last Planning Board meeting was cancelled, and the upcoming meeting is scheduled for Wednesday June 22nd at 7pm at the DPW.

Mr. Russell stated that the Shaker 7 road race will be taking place on the morning of Sunday the 26th, which is a fundraiser for the Enfield Village Association.

With no further reports, Mr. Kluge moved on to the next agenda item.

TOWN MANAGER'S REPORT

Mr. Morris presented the following updates to the BOS:

- Applications are continuing to be accepted for the Janitor/Building Maintenance specialist. He stated that he is working with Mr. J. Taylor and interviews have been scheduled.
- Mr. Morris introduced two new hires:
 - Chantelle Gagnon who is the new Administrative Assistant and Human Services Administrator in the DPW building.
 - Kevin Marker, who is the new Recreation Director.Mr. Kluge welcomed the new hires to the Enfield community and stated he looked forward to working with them.
- A cyanobacteria warning regarding Mascoma Lake was put out on June 3rd, which was lifted by the state on June 10th.

Ms. Stewart stated that the Mascoma Lake Association did an excellent job with communication for the town and getting signs up to alert residents.

Mr. Morris agreed and stated that Mr. R. Taylor is looking into more permanent signage that may be beneficial for the future.

- The MFAC design team had their second meeting on June 14th. He stated that the group reviewed RFQ's for a consultant design build, and there are hopes that someone will be on board by September to move forward with the public safety facility. He stated that, due to the use of a USDA loan, it will not be possible to hire a consultant as quickly to address the Whitney Hall project, but it is moving forward.
- Chief Holland has collected internal data regarding motor vehicle incidents involving wildlife and he has also reached out to the state to get further information on people who may have self-reported incidents on town roadways. The information will be brought forward in a future meeting to further discuss wildlife crossing signs.
- The mutual aid for the prosecutor's office is going to be turned over to the Town of Enfield as Hanover will be handing it off. He stated that the assistant town manager is working with staff and auditors to set a separate fund up to manage the account. He added that administrative time to manage the fund will be tracked appropriately and will be taken into consideration for dues to the Upper Valley Prosecutorial Association.

Dr. Theis inquired if the data and photos that he supplied with regard to the wildlife sign recommendations had been distributed to the Selectboard as of yet.

Mr. Morris confirmed that it had not been distributed as of yet and noted that it will be presented with all of the other data currently being collected, which will be presented to the Selectboard prior to the next discussion of wildlife crossing signs.

With no further comments or questions, Mr. Kluge moved on to the next agenda item.

BUSINESS**Peter Tabur – Wetlands Permit**

Mr. Tabur stated that he wishes to build a retirement home on the property he currently owns, which requires a Wetlands Permit from the state. He stated he is having a difficult time getting the permit and he believes it is related to a discouraging letter that was written to the state by the Enfield Conservation Commission.

Mr. Tabur stated that Dr. Theis, who wrote the letter and sent it to the state without it being approved by the Conservation Commission. He stated that Dr. Theis is an abutter to the property and has a conflict of interest. He requested that the Board of Selectmen write a letter to the state to officially retract the letter and note that it was written against policy and should not be considered in their decision-making process.

Ms. Stewart stated that her property is an abutter to the property belonging to Mr. Tabur, and due to a conflict of interest, recused herself from the discussion.

Mr. Kluge inquired if Mr. Morris had been in contact with the town attorney to discuss the matter.

Mr. Morris confirmed he reached out after speaking with Mr. Tabur in February of this year. He stated they discussed the town conflict of interest policy, which states that any abutter that is serving on the committee needs to recuse themselves. He stated that he provided a copy of the letter written by Dr. Theis, as well as a copy of the Conservation Commission minutes which indicate approval for Dr. Theis to write the letter but noted it would be presented to the commission prior to being sent. He noted that there was no indication that the letter was distributed to the other members of the Conservation Commission prior to being sent.

Mr. Morris stated that upon recommendation from the town attorney, he attended a Conservation Commission to discuss the letter. He stated that Dr. Theis and the Conservation Commission were made aware that Dr. Theis should recuse himself from any further discussions about the abutting property going forward. He stated that his recommendation, if the BOS would like to move forward, is to reconvene the Conservation Commission without Dr. Theis present to discuss the letter and their agreement with it prior to retracting the letter. He noted that it is within the prevue of the Conservation Commission to advocate for conservation concerns in the Town of Enfield and communicate concerns with the Department of Environmental services without the expressed consent of the BOS.

Mr. Russell inquired if the Conservation Commission took a vote to recommend or not recommend the letter.

Mr. Morris stated that there was no vote, but he confirmed with the town attorney that there can be an agreement among consensus without having a motion.

Dr. Theis stated that he wrote the letter, and he had the permission of the Conservation Commission to write a letter. He noted that the notice that the Conservation Commission received allowed only 14 days for a response, and all members had the report, as delivered to the Town Manager, and agreed that the letter should be sent. He stated that the property in question that abuts Mr. Tabur's is across the street, is a shared ownership with another individual, and has no structures on it.

Lee Davis, a member of the Conservation Commission, stated that Mr. Tabur had tried to attend the meeting where the letter was discussed, but he had technical difficulties and could not access the meeting virtually. She stated that there was a significant discussion held regarding the letter to protect a major wetland in the Town of Enfield.

Ms. Stewart stated that she also tried signing into the meeting, but it was not accessible. She stated that, the property that she owns which abuts Mr. Tabur's property does not have a structure on it, but she is still an owner of the property, and, per town policy, it is appropriate to recuse herself from the discussion. She stated that members of all other boards and committees should meet the same expectations as outlined in the town policy.

Mr. Russell stated that he sees this as a question of process and not a question of the Conservation Commissions role or the conclusions they reached in their discussion. He stated he believes it would be appropriate for the Conservation Commission to reaffirm the decision with abutters recused, and with a Vice Chair who would be active for the meeting, as is performed in other committees.

Mr. Kluge stated that the process for the Conservation Commission is outlined, but he did not see the BOS becoming involved such as writing to DES or taking over the process in place. He stated that the process belongs to the Conservation Commission, and it is the Selectboards job to ensure that their role is executed properly. He stated that if the Conservation Commission meets and affirms the information in the letter is representative of their collective opinion, then the letter will stand as the Selectboard will not interfere with them.

Ms. Stewart and Mr. Russell requested that a representative from town management be present to assist with the meeting processes for the next Conservation Commission meeting.

Mr. Morris stated he will be attending the next meeting.

With no further discussion, Mr. Kluge moved on to the next agenda item.

Approve and Sign Loan Documents for Public Safety Building

Mr. Morris presented the loan documents regarding the Public Safety Building. He stated that the BOS has been briefed of all discussions regarding the process to secure a loan to lock in the interest rates through Mascoma Bank with a 3.15% interest rate for 20 years with a one-time adjustment to the interest rate after 20 years. He thanked Renelle L'Huillier, the Bond Counsel, and Arlene Adams from Mascoma Bank for their hard work and assistance in the process.

Mr. Morris asked Ms. L'Huillier to speak to the Selectboard and the public regarding details of the loan.

Ms. L'Huillier stated that she is an attorney at Devine Millimet and she does bond counsel work and assists towns to get financing for capital projects. She stated that municipalities can only borrow up to \$10 million within a calendar year in order to have a bank qualified rate, and if the amount borrowed is over \$10 million then the municipality would not qualify for the same rate. She added that the limitations to get a bank qualified rate are set in place by federal law, but there are also state laws which apply to municipal borrowing.

Mr. Morris asked Ms. L'Huillier what the next steps were for approval.

Ms. L'Huillier stated that the next step would be to review the first page of the document, which is the Resolution of the Governing Board, to make the votes to approve the loan. She stated that they can be voted separately or as a slate, followed by signing the documents to finalize.

Members of the BOS voted on each item from the Resolution of Governing Board document to approve the loan as follows:

Ms. Stewart made a motion to authorize the issuance of \$7,259,066 General Obligation Notes (the "Notes") of the Issuer, which were heretofore authorized by the Issuer on April 20, 2022, such Notes to be dated June 23, 2022. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion to sell said Notes to the purchaser (the "Purchaser"), with the principal amounts, maturities, premium, if any, redemption provisions, if any, and interested rates specified on

Schedule A, attached hereto and made a part hereof. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion to issue the Notes in substantially the form set forth in Schedule B, attached hereto and made a part hereof. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion that the Notes shall be general obligations of the Issuer. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion to authorize at least a majority of the Governing Board and the Treasurer to sign the Notes or to have said signatures printed electronically or in facsimile on the Notes and to affix the Issuer's seal thereto. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion to authorize the Treasurer to deliver the Notes to the Purchaser against payment therefor. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion to authorize at least a majority of the Governing Board and the Treasurer to execute and deliver a Signature and No Litigation Certificate with Receipt, a No Arbitrage and Tax Certificate, a Line of Credit Rider and IRS Form 8038-G in substantially the forms presented to this meeting and such other documents as may be necessary or appropriate to accomplish the sale and delivery of the Notes in accordance with the foregoing. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Ms. Stewart made a motion that the Issuer shall serve as its own Paying Agent with respect to the Notes. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Mr. Morris stated that there is a signature page in the packet that gives himself, the Town Manager, or the Treasurer the authority to sign for the disbursements.

Winter Sand RFP Results

Ms. Stewart made a motion to accept the proposal submitted by Clarke & Company to supply the Town of Enfield up to 3,500 cubic yards of screened sand for the winter treatment of ice and snow. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Zero Sort Compactor RFP Results

Mr. Russell made a motion to accept the proposal submitted by Atlantic Recycling Equipment to provide and install a new Zero Sort compactor at the Enfield Transfer Station. Ms. Stewart seconded. Vote unanimous in favor of the motion (3-0).

Primex CAP Agreements: Property-Liability and Workers Compensation

Mr. Morris stated that the agreements are traditionally signed by the Town Manager, but he felt that, due to it being a multi-year agreement that it should be brought before the Selectboard. He stated his recommendation was to accept the agreement with Primex.

Mr. Russell made a motion to hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex) to enter into its Contribution Assurance Program (CAP) for the Primex Property & Liability and Workers' Compensation Coverage as of the date of the adoption of this resolution, and to authorize the Town Manager to execute all documents and take all actions necessary to enter into the agreement. Ms. Stewart seconded. Vote unanimous in favor of the motion (3-0).

Planning Board Alternate Applicant (Banker)

Ms. Stewart made a motion to appoint Whitney Banker as an alternate board member to the Planning Board. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Pending Tax Deeding (July 15)

Mr. Morris made recommendations to the Board of Selectmen in preparation for the July 5th BOS meeting; or, in the event it is cancelled, a special meeting will need to be held to have decisions finalized by July 15th.

Mr. Morris recommended a waiver for the Seidler property due to circumstances related to court proceedings.

Mr. Morris stated that he has been working with an attorney to develop an agreement to work with the mobile home park regarding the tax deeding on mobile homes.

Ms. Stewart made a motion to issue a deed waiver for the Seidler estate. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Members of the BOS discussed the summer meeting schedule, including the July 5th meeting.

ADMINISTRATIVE ITEMS

Members of the BOS signed appointment forms as presented by Ms. Bonnette.

OTHER BUSINESS TO COME BEFORE THE BOARD OF SELECTMEN

Mr. Kluge requested any other comments or questions to come before the BOS.

With no comments, members of the BOS moved on to the non-public session.

NONPUBLIC SESSION

Ms. Stewart made a motion to enter into non-public session in accordance with RSA 91-A:3 II (a) for the Town Managers six-month review at 7:23pm. Mr. Russell seconded. Vote unanimous in favor of the motion (3-0).

Mr. Russell made a motion to exit non-public session at 7:41pm. Ms. Stewart seconded. Vote unanimous in favor of the motion (3-0).

INFORMATIONAL ITEMS – NO ACTION REQUIRED

- Shoreland Permit Application – 1014 Lockhaven Road (Touchette)
- Tax Collector's Report – May 2022
- Town Clerk's Report – May 2022

ADJOURNMENT

Ms. Stewart made a motion to adjourn at 7:42 pm. Mr. Kluge seconded. Vote unanimous in favor of the motion (3-0).

The meeting was adjourned at 7:42pm.

John W. Kluge, Chair

Katherine D. P. Stewart

Erik Russell
Enfield Board of Selectmen