

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

**MINUTES of September 6, 2016**

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

**Administrative Staff:** Steven Schneider, Town Manager; Alisa Bonnette, Assistant Town Manager; Richard Crate, Chief of Police; Jim Taylor, Director of Public Works; Karol Hammer, Recording Secretary

**Others:** James Bonner (video); Dan Kiley, Rob West, Nancy Smith, David Stewart, Bob Cusick, Donald Plante, David Beaufait, Kurt Gotthardt, Kim Quirk, Jerold Theis, and others.

**BUSINESS MEETING**

**I. CALL TO ORDER**

The Chairman called the meeting to order at 6:00 PM.

**II. APPROVAL OF MINUTES**

Mrs. Smith asked that a correction be made to the minutes of the August 1 public session minutes revising the second and third sentences of the Heritage Commission discussion under Board Reports to read as follows: "Andrew Cushing was doing excellent work, assisting in the preparation of an application for the National Historic Register for the Enfield Center Town House. Once complete, the Heritage Commission planned to apply to the NH Preservation Alliance for a planning grant of \$5,000 for the Town House."

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

**III. COMMUNICATIONS**

**Expedited Impact Wetland Application: Downing/Knittle:**

Mr. Schneider referred to the Expedited Impact Wetland Application: Downing/Knittle, Map 12 Lot 21, Lockhaven Road as an item in the Board packets for Board information.

**Tax Collector's Report – July/August 2016:**

Mr. Schneider pointed out that tax collections at a reported 97% were right where the Town normally was at that point in a year.

**Town Clerk's Report – July/August 2016:**

Comparing the August 2015 revenue figure of \$631,574.19 against this year's August year-to-date total of \$668,942.43 showed that the Town was on track for a good year, Mr. Schneider noted.

#### **IV. BOARD REPORTS**

##### **Planning Board:**

Mr. Kluge reported that the Planning Board had considered a conceptual plan for a project across Route 4a from Shaker Boulevard and that the Board had recommended the project.

He said that, as a result of State mandate regarding mother-in-law housing, regulation had been left wide open. He said the Planning Board was considering whether the Town might want to place its own limitations or let the State regulations stand without further restrictions placed within Town.

#### **V. TOWN MANAGER'S REPORT**

Mr. Schneider reported that budget memoranda had been distributed to department heads the previous Friday, and that department draft budgets were due at the end of the month. His goal was to pretty much complete the budgeting process by the end of December. He felt this was realistic and achievable since the process was getting off to an earlier start than in previous years.

The Boys Camp Bridge project was slated to start the following Thursday and would take an anticipated three (3) weeks to complete. Notices had been issued regarding the construction and detours.

A CIP public hearing would be needed for guard rail; the details about this are to be discussed at the next Selectboard meeting.

The Department of Public Works hired Mike Stearns to replace Steve Stebbins.

##### **Roads Scholar Achievements:**

Mr. Schneider recognized the achievements of several Department of Public Works employees who had mastered new levels of training in the New Hampshire Roads Scholar program, as follows:

Damian Hetzel	Safety Champion
William Shoemaker	Safety Champion
Scott Johnston	Master Roads Scholar II
Robert W. Donnelly, Jr.	Master Roads Scholar II

Mr. Taylor acknowledged that the Master Roads Scholar II certification was the second highest level of achievement available through the program.

Mr. Schneider and the Board offered their congratulations and appreciation to the four gentlemen.

#### **VI. PUBLIC COMMENTS**

None.

#### **VII. BUSINESS**

##### **Donald Plante – Enfield Outing Club**

The chair prefaced the discussion by cautioning all in attendance, particularly all interested parties to be civil. He warned that there was to be no conversation/statement between members of the audience, reminding all that they were present to address the Board of Selectmen, not to discuss the topic between themselves.

Donald Plante said he had two issues to discuss, and started with public safety.

He was asked to speak up, but explained that he couldn't, due to a throat disorder.

He continued, saying that he had raised the issues in the past but that he felt his concerns had been ignored. He had spoken several times with Mr. Schneider – the last time being last November – and that Mr. Schneider had not gotten back to him with a promised letter.

Mr. Cummings asked what the letter was to have been about. Mr. Schneider said it was the same issues that had been raised in the past.

Mr. Kluge told Mr. Plante he knew he'd been disappointed in the past, but asked him to address current issues and asked what he wanted of the Board at the current meeting.

Mr. Plante said he wanted to address the same issues because the Board had promised formal responses.

Mr. Cummings asked what he was looking for in a letter.

Mr. LaPlante said that his request had been in a letter he'd sent the Board in September of 2015.

Mr. Kluge asked him to move forward.

Mr. Plante said he had sat with Police Chief Crate last November to talk about people shooting at night [at the Enfield Outing Club]. There hadn't been much of that in the current year. Traffic from unknown vehicles also had decreased since last November. His concern at that time had been a person running around with an assault rifle, shooting into the berm and then slinging the gun over his shoulder.

He asked Chief Crate if there had been follow-up with the club regarding that incident.

Chief Crate said there hadn't, since no law had been violated.

Mr. Plante said he hadn't been looking for charges to be filed, but that he had expected the Chief to reach out to the Club.

Mr. Cummings noted that the Board would not ask or expect the Chief to do that if nothing against the law had happened. He asked Mr. Plante if he'd sent a letter.

Mr. Plante said he had sent a letter and video.

Mr. Schneider recalled Mr. Plante giving him something.

Chief Crate did not recall seeing any video.

Mr. Plante said he'd watched the Chief put the video in his workstation and play it. He said Detective May also was present.

Chief Crate said he'd have to go back and look at his notes.

Mr. Plante noted that there were a dozen or so Outing Club members, including a man in the audience, whose presence at the Club he found comforting. Those people would go, shoot their pistol, and then go

home. The other nonsense he has seen there does not occur when those people are present; but others behave differently.

An occurrence at approximately 6:30 PM on August 10, 2016 had him grab his grandson and go into his home. Someone with an automatic assault rifle was discharging it into heavy metal plates. Bullets were scattering. The plates were spinning. He felt it was a threat to anybody going by and an unreasonable risk.

Mr. Kluge asked if Mr. Plante had videotaped the incident. Mr. Plante said he had and that, because of this incident, he had begun taping everything in front of his house.

Mr. Cummings asked what had changed and what Mr. Plante expected the Board to do.

“Be aware,” Mr. Plante said. Most clubs don’t allow shooting at metal.

Mr. Cummings noted that he, himself shot metal.

Mr. Plante said that people with military assault rifles shooting at objects that were designed to be shot, allowed to settle and then shot again put everybody at risk. He felt people should have the privilege to travel the road in safety.

Mr. Cummings asked again what Mr. Plante wanted the Board to do.

Mr. Plante said he would have liked the Chief to have a conversation with the Club.

There was an exchange where Mr. Plante said he had thought Mr. Cummings had a connection to the Club and Mr. Cummings assured that he did not. Mr. Cummings noted that when he had spoken about ‘we’ shooting at the Club, he had been speaking as a Selectman and the ‘we’ referred to the Town’s police officers.

Mr. Plante reiterated that he didn’t understand why a conversation couldn’t be had with the Club.

Mr. Cummings explained that there was no reason to have one. The Club was not going against any RSA’s, so discipline was not in the Town’s purview.

Mr. Plante replied, ‘So public safety is not in the Town’s purview?’

Mr. Kluge asked if Mr. Plante had a lawyer, to which Mr. Plante responded, ‘Not for this.’

Nancy Smith said she lived down the road from the Outing Club and had gotten used to hearing the gunfire, but she was not a fan. Recently, guests eating breakfast at her Bed and Breakfast commented that it sounded like a war zone.

Mrs. N. Smith noted that her interpretation of RSA 644:13 regarding the unauthorized use of firearms gave Towns flexibility. She would love to know if there was enough flexibility there to say that weapons cannot be fired in a Town’s compact area. She asked that the Board obtain an opinion from the Town Attorney, in hope that a restriction be placed on automatic weapons.

Mr. Cummings asked Chief Crate if the Outing Club was located in Enfield’s compact area. Chief Crate said it wasn’t within the 300 feet, no.

Mr. Kluge said the issue at hand was shooting too close to someone's house. He said the problem was that the Outing Club was a shooting range.

Mrs. N. Smith said this could be an exception.

Mr. Kluge said that prohibitions couldn't be enforced retroactively.

Mr. Cummings said that weapons were not allowed to be fired within the Lebanon City compact. He didn't know if Enfield had an established compact. He believed the law referenced by Mrs. N. Smith would not apply because we don't have a compact area.

Mr. Kluge said he'd be happy to have the Town Manager consult with the Town Attorney, and that the Town must be cautious.

Chief Crate noted that the Town Attorney was not a criminal attorney, and that the law in question was criminal code. He suggested consulting the County Attorney, who had a criminal law background.

Mr. Cummings asked Mr. Schneider to consult both attorneys.

Mrs. N. Smith said that the Outing Club was being rude to its neighbors.

David Stewart, Outing Club President, commented that he wished neighbor Mr. Plante would talk directly with the Club. They have cameras and log sheets and would be able to identify the culprit any time a problem was reported to them. He said the Club had made significant progress since he joined in 2004. At that time, there were almost no rules. By 2009, there was a full sheet of rules. The Club of today, he said, took safety very seriously. He said, 'Let's be good neighbors and talk.'

Mr. Cummings asked Mr. Plante if there was anything else.

Mr. Plante said that Mr. Stewart had been present when the incidents were going on. Club rules state [shooting should be] down range or at the ground. His home and property had become worthless, he said, even though he paid his taxes.

Mr. Cummings encouraged him to move on.

Mr. Plante accused Mr. Cummings of 'cutting me off again.' He said the meeting wasn't a democracy; that Mr. Cummings was dictating.

An Outing Club member who identified himself as Mike pointed out that the Club rules prohibit automatic weapons. Semi-automatic weapons were allowed, yes.

Mr. Cummings asked Mr. Plante again to move on.

Mr. Plante said his other concern was ongoing contamination, noting that he had left documentation for Selectwoman Smith in April about solid waste ordinance.

Mrs. M. Smith asked if he had had his soil tested.

Mr. Plante said most ranges in America had come around to Best Practices. Ten years ago, he had shared Best Practices information with Mr. Stewart and others at the Outing Club, and they did nothing with it.

He continued that Mr. Stewart had mentioned a Pathways study of 2014, but that the only documentation of it that Mr. Osgood had been able to find listed only pH values, with no identifiers or other useful information. He reminded Mr. Kluge that he (Kluge) had previously stated that legitimate soil science should be done.

He asked how, for \$30 a year, could people walk into his neighborhood and leave waste.

Mr. Kluge announced that he was giving the discussion a ten-minute warning, because it already had used 45 minutes of the meeting.

Mr. Schneider asked Mr. Plante if he was trying to apply solid waste ordinance to force the Outing Club to clean up.

Mr. Plante said he wanted an explanation of why it was not being applied, yes. There was commercial, toxic waste being buried on the Outing Club property.

A gentleman in the audience said that not many people were shooting lead bullets any more, and that there probably was as much copper as lead in the berm.

Mr. Plante disagreed. He said he'd like to come to the next Selectboard meeting to go over that point by point.

Mr. Schneider said he'd ask the Town Attorney about the application of the solid waste ordinance to the issue.

Mr. Cummings advised that Mr. Plante could address that directly with the Town Manager; he didn't need to come back to the Selectboard for it.

Mr. Plante expressed distrust that the Town Manager would respond.

Mr. Plante then raised the issue of the Club's tax exempt status.

Mr. Kluge expressed frustration, saying he was tired of Mr. Plante denigrating the Board's good efforts. He reminded Mr. Plante that the Board had told the Outing Club it couldn't have a charitable tax break anymore. He said Mr. Plante was alienating those who were sympathetic to his cause.

Mr. Plante said he didn't feel that Mr. Kluge was sympathetic. He said he had come to Mr. Cummings, Mr. Kluge and former Board member Donald Crate [the Board at the time], and that they had denied the Club's exemption at the time based on information he'd provided, but then gave it back to them the next year.

Mr. Kluge said that was because they were a non-profit that did good work.

Mr. Plante said that they don't meet the criteria.

Mr. Cummings said that was why the Board denied the exemption the next year.

Mr. Plante said he felt those taxes should be recovered.

Mr. Cummings told Mr. Plante the Board had been very clear at the last meeting he had attended. It had no problem with him coming to meetings, but that it was frustrating to have him raise the same issues over and over again. He felt that Mr. Plante was listening only to reply and not to understand.

He said full explanations had been given, but that Mr. Plante was not understanding them. He invited Mr. Plante to be on the agenda for future meetings if he had new information or issues.

Mr. Stewart commented that a test of Mr. Plante's well water showed that it had the same background lead contamination levels as any well. The Club had its berm and surrounding soil tested, and there was no surrounding contamination.

David Beaufait suggested that the issue needed to be put to rest. It had been discussed over and over by this and other Boards.

Mr. Cummings said he was looking at it from a view of what the Selectboard can do. Continuing debate wouldn't do any good.

Mr. Kluge said that these may not be the answers Mr. Plante wanted, but they were what the Board was prepared to do. He thanked Mr. Plante and everyone present for the civility of the discussion.

Mr. Plante said he only asked that the Board refrain from passing judgement on him.

#### **Food Pantry:**

Bob Cusick reviewed the work that the Food Pantry and new Friends Feeding Friends effort had done over the summer. Over 17,000 pounds of food had been brought into the Enfield Food Pantry, including fresh vegetables and meat. There was an increase in people using the resource, both people in need and working people who were struggling to make ends meet.

Fresh fruit and vegetables were being obtained through the Willing Hands program. Flash-frozen meat was coming from Price Chopper's Fresh Rescue program, and lots of food was being purchased inexpensively from the NH Food Pantry.

The group had been able to obtain freezers and a refrigerator to store perishable items.

Pantry hours in Enfield and Canaan were being adjusted to streamline transport and volunteer requirements; each pantry would now be open four hours on one day each week. In Canaan, the Pantry would be open Wednesdays from 2:30 to 6:30p.m., and in Enfield, the new hours were Thursday from 3 to 7p.m.

Mr. Cusick encouraged all present to send anyone they know who was in need.

The summer breakfast and lunch program was offered five days a week, and served over 8,000 meals. The two fridge units at Huse Park had been replaced by a new fridge and a freezer. Friends Feeding Friends and the Lions Club planned to share the equipment during the Lions Club's annual Christmas Tree sale.

Mr. Cusick asked the Board to accept the new equipment, with the understanding that the Food Pantry can use the freezer during the winter, and the fridge and freezer during summer.

Mr. Cummings made and Mrs. Smith seconded the motion to accept the refrigerator and freezer with the stipulation that the Food Pantry be able to use it as described. The motion passed unanimously.

**Whaleback Mountain/UVSSF – Ticket and Pass Discounts for Enfield Residents:**

Rob West provided a data sheet update of the program and other efforts at the mountain. He said one of the challenges the mountain was facing was how to better inform Enfield residents of the benefits available to them.

In 2015-2016, only 41 Enfield residents bought discounted passes, ranging in price from \$95 to \$199. No day ticket data was available.

He said the mountain was always looking for ways to increase use and participation. He said they call Enfield businesses first, and that the Town was well-represented on the Board of Directors.

The organization planned to launch a capital fundraising campaign, and invited input from the Board on how to increase visibility, use, and support.

Mr. Cummings commented that he thought the mountain was doing great and commended all efforts.

Mr. Kluge suggested posting at schools, and asked if the organization was non-profit.

Mrs. Smith also suggested including brochures in Town welcome packets.

Mr. Cummings added that a Valley News advertising would be good.

Mr. Kluge thanked Mr. West for the informative report and sheet, saying it was exactly what the Board had been asking for. He said he was happy that the mountain was still there.

**Tentative Ordinance – Display of Fireworks:**

Discussion postponed until the next meeting.

**Lovejoy Brook Culvert Grant:**

Mr. Schneider asked that the Board accept the terms of the grant and authorize him and/or the Assistant Town Manager to sign documents on its behalf for the project.

The Town of Enfield Board of Selectmen, in a majority vote, accepted the terms of the Hazard Mitigation Grant Program (HMGP) as presented in the amount of \$212,601.00 for the Lovejoy Brook Road culvert replacement project. Furthermore, the Board acknowledges that the total cost of this project will be \$283,468.00, in which the Town will be responsible for a 25% match (\$70,867.00).

Mr. Cummings made and Mrs. Smith seconded the motion to accept the terms as described above. The motion passed unanimously.

Further, the Board authorizes the Town Manager and/or the Assistant Town Manager to sign all documents related to the grant.

Mr. Cummings made and Mrs. Smith seconded the motion to authorize the Town Manager and/or Assistant Town Manager to sign all documents related to the grant. The motion passed unanimously.

**Jerold Theis – Abatement Request:**

Mrs. Smith made and Mr. Cummings seconded the motion to adjourn to Non Public session at 7:01 PM. Roll call vote: Mr. Cummings – aye, Mr. Kluge – aye, Mrs. Smith – aye, motion passed unanimously.

Mrs. Smith made and Mr. Cummings seconded the motion to adjourn to Non Public session at 7:12 PM. Roll call vote: Mr. Cummings – aye, Mr. Kluge – aye, Mrs. Smith – aye, motion passed unanimously.

**Town Property:**

Mr. Schneider referred to the Town of Enfield 2016 Auction Property List, noting that the auction had been scheduled for November 19 at 10 AM.

Mr. Kluge asked if any homes were on the list. Mr. Schneider said some of the properties did have buildings on them.

Mr. Schneider said the list would be available online, but wasn't yet on the Town web site. He said the auctioneer, felt it was a good combination of property and should realize significant return for the Town.

Mr. Cummings suggested that the auction be publicized on the Town web site and e-mail listserv. Mr. Schneider agreed and added that the auctioneer also would publicize it.

**Huse Park Fence:**

The Board reviewed information about the fence proposed to run the street-side perimeter of Huse Park, from the bank to the Community Building, constituting 240 feet of three-foot (3') high fence.

Mr. Cummings asked if TIF considered funding the effort, which had been estimated to be \$20,000 – but the bid came in lower, at \$15,000.

Mr. Schneider said that the Board was the steward of Town land. If the Board was okay with the proposed fence material, structure, budget and plan, the next step would be to have the TIF hold a public hearing.

The Board agreed.

**Primary Election:**

Mr. Beaufait said the election would be the following Tuesday, and that a Board member or Board representative must be present for the duration of polling.

Mr. Cummings made and Mr. Kluge seconded the motion that the Town Manager or Assistant Town Manager could serve as Board representatives for the election day. The motion passed unanimously.

Mr. Beaufait also was looking for a volunteer to stand in for one inspector who could not be present.

Mr. Schneider said that the Shaker Bridge Theatre had been notified of the Town's needs for the day of voting and was expected to move its seating and equipment to make room.

**Lakeview Sewer Extension:**

Mr. Schneider reported that a regular meeting for the project would happen the next day. The 30-day comment period was in process and would end at the end of the month. The project then would go out to bid, with an award anticipated in November.

Some work needed on the Lakeview property and Shaker Landing could be done over winter. Mr. Schneider said Lakeview's board planned to approach the state regarding use of the stressed onsite system as needed to get them through the winter as the project would still be in progress.

He said it was possible that the 4a portion of the project could be done in November.

Lakeview representatives had attended every meeting and were keeping their property owners and tenants informed.

Mr. Schneider expected to receive an update regarding using onsite systems and asking the State for funding toward the pumping costs (which could be eligible for State funding since it was done at State direction).

He said the project was moving more slowly than anyone had wanted, but that it was still moving forward.

**Shaker Bridge Theatre Lease:**

Mr. Schneider said the lease had expired at the end of August and that the expired document did not address the State Primary Election or the coming Federal Election.

Election space hadn't been an issue in the past, but he was mindful of recent Board concerns about theatre space/equipment encroaching on election space.

Mr. Beaufait said that Mr. Coons had been advised that adjustments needed to be made and that some reasonable accommodations had happened. With volunteers, the Town has found ways to make elections happen. Mr. Beaufait said that the Primary would be easy, but that the Federal/General election would be more of a challenge. Fitting in all the voting booths was not an issue, but having space for temporary booths was.

Mr. Kluge said the recent change to theatre in the round posed limitations on election officials. He's going to have to figure a better way to stack or store his equipment.

Mr. Beaufait said having more volunteers would be helpful.

Mrs. Smith said it would be wise to speak to the Theatre ahead of time – they have a big board.

Kim Quirk asked whether the Town could consider other locations for elections.

Mr. Cusick said the only way to use a school facility would be to declare a district-wide holiday. Voting couldn't happen at a school while classes were in session because unvetted people could not be allowed into the building. The Superintendent wasn't against the idea, Mr. Cusick said, but it would be difficult to manage.

Mr. Kluge said there were great virtues of having the elections in Whitney Hall, such as the ready availability of Town supplies and copying equipment.

Dan Kiley added that some students attend programs in the Hartford school district; calling a school holiday would affect their attendance there.

Mr. Cummings expressed frustration that the same issues were being discussed every year. The primary focus of Whitney Hall was to serve the residents of Enfield. He stressed that he wasn't advocating moving the theatre.

Mr. Kluge agreed, saying he just wanted the theatre to be more helpful in stacking and storing its equipment and making enough space for Town needs.

Mr. Cusick asked how much it would cost to pay 3 guys to do the work.

Mr. Schneider said it wasn't so much the cost as the interruption in other things they need to do.

Mr. Cusick asked if the Town could hire a moving company, guessing the cost would be around \$200.

Mr. Schneider said it would be four (4) time that.

Mr. Gotthardt suggested that the new lease specify the accommodations must be made to the Town's satisfaction. For previous elections, the space was not adequate. It's the Town's property, he told the Board, you write the lease.

Ms. Quirk suggested that if the space was too small for the November election that was a problem.

Mr. Schneider said the space wasn't too small.

Mr. Cummings agreed, saying the problem was that enough of the space hadn't been cleared.

Mr. Kluge said he was very much in favor of the theatre, but the Town has needs.

Mrs. Smith asked if the Board could ask the Town Manager to relay information.

That was done the previous year, Mr. Cummings noted, with not much success.

Mr. Schneider suggested that he prepare a draft lease and include the specific dates on which the Town would need the room cleared.

Mr. Kiley said he'd like the theatre director to attend a Board meeting with a report similar to the one the Whaleback organization had just presented. The theatre had promised discounts for Town residents, but put conditions on those discounts and delayed the student ones.

Mrs. Smith cautioned that the theatre brought a lot of people into Town and worked out a package deal with the 56 Main Street Bar & Grill.

Mr. Beaufait said parking was an issue at schools, logistics were a problem at the Community Building, and there were other issues at LaSalette.

Mr. Kluge directed the Town Manager to prepare a lease and make the Town's position clear to the theatre.

Ms. Bonnette noted that the more successful the theatre became, the harder it was for Town residents to take advantage of the discounts, given the restrictions that had been placed on them. She would like to see a season pass discount offered to residents.

**Lakeside Park:**

Mrs. Smith reported that Federal representatives would be meeting with local and regional organizations to see how the bodies can assist with funding the project. The NH Lakes Association also was preparing a feature article.

**Road Name Request:**

Mr. Taylor presented a letter from Mr. Rusty Estes, suggesting the name Renie Lane for a subdivision road on Shaker Hill Road near Crystal Lake formerly known as Estes Lane. The 911 people were okay with the proposed name.

Mr. Cummings made and Mrs. Smith seconded the motion to rename Estes Lane to Renie Lane. The motion passed unanimously.

**Knittle Current Use Penalty:**

Mr. Cummings made and Mrs. Smith seconded the motion to reduce the penalty by 15%. The motion passed unanimously.

**Administrative Items:**

None.

**Other Business:**

Mr. Kiley noted that the Chair had not invited Public Comment as provided for earlier in the agenda.

Mr. Kluge asked if there were public comments.

Mr. Gotthardt asked if trail access would be lost during the Boys Camp bridge replacement project. Mr. Cummings advised that there would be a detour.

Mr. Stewart commented that the Enfield Outing Club members who had attended the meeting were very impressed with the Board's patience and even-handedness.

**Next Meeting: Monday, September 19, 2016, 6:00 PM Department of Public Works Conference Room**

**Adjournment:**

Mr. Cummings made and Mrs. Smith seconded the motion to adjourn at 7:45 PM.

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John W. Kluge, Chairman

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B. Fred Cummings

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Meredith C. Smith  
Enfield Board of Selectmen