

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

MINUTES of September 19, 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); Jeffrey Hinman, Suzanne Hinman, Charles DePuy, Norman Bernaiche, David Beaufait, Paul Currier, Steve Patton, Patty Williams, Terry Lynch, Ray Buskey and others.

BUSINESS MEETING

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Mr. Cummings made and Mrs. Smith seconded the motion to accept the Public and Non-Public session minutes for the September 6 meetings as presented. The motion passed unanimously.

III. COMMUNICATIONS

Mr. Schneider noted that the Board had been invited by the Mascoma Valley Regional School District to attend a Round Table session on October 25. His understanding was that all five (5) towns in the District had been invited to a single session.

Mr. Cummings said he had heard that each town would have its own session and was pleased to hear that might not be the case. It would benefit everyone to have all present.

Mr. Kluge agreed.

Mr. Schneider said he would clarify with the School District.

Mr. Schneider also noted that the Town had received notification from B.H. Keith Associates of an Application it had filed on behalf of L.P. Gas Equipment LLC to the Wetlands Bureau for property at Tax Map 6, Lot 25.

IV. BOARD REPORTS

Mr. Schneider hoped that the CIP would meet the following Monday, noting that an opening had been created on that board by the resignation of Lee Carrier. Mr. Carrier's term would have run through May 2017, so the Board would need to make a short term appointment to serve out the remainder of the term.

Mr. Schneider asked for suggestions/nominees. It would involve meeting twice per month between now and the end of December.

Mrs. Smith noted that the Heritage Commission would meet during the week. Andrew Cushing planned to finish the documentation for the National Historic Register application fairly soon, though he would not be at the coming meeting.

V. TOWN MANAGER'S REPORT

Mr. Schneider noted that a sewer connection request had been received from John Batten for his property at 82 Shaker Hill Road.

Mr. Kluge asked if a pump would be necessary; Mr. Taylor responded that it would.

Mr. Schneider presented the Board with a draft Vehicle Use Policy, to be added to the Personnel Policies.

Mr. Cummings made and Mrs. Smith seconded the motion to adopt the policy as presented. The motion passed unanimously.

VI. PUBLIC COMMENTS

None.

VII. BUSINESS

Tentative Ordinance – Display of Fireworks:

Jeffrey Hinman presented the Board with his suggestions for implementing a new Town fireworks ordinance. He said that, over the past several years, many residents town wide had expressed concern over the increasing number of fireworks being discharged all around town.

His research showed that many towns had passed ordinances to regulate fireworks displays, and asked that the Selectboard adopt an ordinance for Enfield, particularly to govern the times and types of fireworks.

Unrestricted use/detonation was being done without consideration of fire hazard and was causing health issues and sleep disruption.

In the last four (4) years, he said, New Hampshire had approved fireworks of almost professional level. Those generated noise at about 140 decibels; he noted that ear protection was advised for any noise above 90 decibels.

The New Hampshire Fire Marshall, according to Mr. Hinman, would like to ban all fireworks, and was supportive of Enfield enacting an ordinance.

Between June 25 and July 8, 2016 in New Hampshire, over 25 fires had been detonated by fireworks, including two houses.

Mr. Hinman said he had personal experience with fireworks debris around his home. Fireworks generate chemical, cardboard, foil and other pollution. Plastics were a recent addition. All these pollutants were being dumped into the lake and washing up along its shores, presenting danger to the water, fowl and amphibians.

Mr. Hinman's proposal for an Enfield Fireworks Ordinance would include the following:

- 1) Fee-based permitting for fireworks detonation;
- 2) Applications must be made by property owner or have proof of owner's approval
- 3) Restriction on the days fireworks would be permitted (July 3-5);
- 4) Restriction on the times (5p.m. to 10p.m.)
- 5) Fines for violation of the ordinance (\$250 first offence, \$500 second; fine and prohibition after third)
- 6) Limits on the types of permitted fireworks (prohibiting reloadable mortars, multitube launchers, any fireworks containing plastic parts, and any firework that deploys parachute-like devices)
- 7) Buffer distance between ignition and neighboring property of 150 feet.

He referred to the sample ordinances he had presented the Board from Sunapee and Newbury.

Mr. Hinman passed out to the Board plastic bags full of fireworks debris he had collected, to show the types of material they generate. The bags contained bits of cardboard, plastic, metal and other materials, the largest pieces being approximately the size of a quarter.

In Enfield and around Mascoma Lake, people start shooting fireworks around Memorial Day and go three to four months. In his opinion, Memorial Day wasn't a day for celebration or fireworks.

A woman in the audience said she supported having an ordinance, seeing no need for fireworks at any time other than July 3 and 4. However, she said, if the permits work as well as fire permits, the Town shouldn't bother. The Town should simply restrict days and times.

Paul Currier said he'd live on Crystal Lake for over 50 years and generally wasn't in favor of a lot of ordinances, but felt it was time to do something with fireworks. People seem to be out to out-do each other, and the displays have been getting bigger, louder and longer.

He said going to Tinkham's field yields 8-10 baskets of debris the morning after displays. He was concerned that, with that much going into the field, a lot must be going into the lake.

He felt it was time to fear back on fireworks; time for the Town to put its foot down and say, 'enough is enough.'

Mr. Cummings asked how the Town should handle special events if fireworks were restricted to July 3-5.

Mr. Hinman said he was asking for restrictions on consumer (Class C) fireworks; the Town could address professional in a different way.

Mr. Cummings said no, the fire department used Class C fireworks.

Mr. Hinman said that in that case, he'd say 'No.'

Mr. Cummings said the Board represented the entire Town; why couldn't people shoot fireworks at a wedding.

Mr. Kluge said he supposed the Town could have permitting.

Mrs. Smith agreed, adding that there could be a stiff fee.

Mr. Schneider said that Sunapee allows three days of the year where no permit was required, then permits were required the rest of the year.

Steve Patton said that fireworks had been going off any day or night of the week and that, for him, having them go past 10p.m. was the real problem.

A gentleman in the audience said it was still light until 9p.m. in the summer, so a 10p.m. restriction was too early. He felt 11p.m. would be ample, but that people couldn't get the fireworks off quickly enough if they couldn't start until 9. He added that he did understand that people have to get up to go to work.

Charlie DePuy noted that some people suffer from PTSD. Fireworks were a mental health hazard for those who've been woken in the middle of the night by mortars going off.

Terry Lynch commented that they do go off all summer and plastic particles and toxic metals (that make the colors) all go into the lake. It couldn't be good for wildlife and was getting out of control.

Patty Williams said she owned a new fiber farm on Route 4a (in what used to be the Poitras' house). They have a small brook and sheep in the fields. Fireworks started in May on the hill, she said.

At the times when they're prepared (anticipating fireworks), like for July 4, they could get the sheep in and keep them close by until after fireworks in order to control the situation.

However, when fireworks were going off and they weren't prepared, sheep would freak out and run away. Quite often, they'd get tripped up in electronet wire.

Ms. Williams continue that fireworks were different for her autistic son; to him they were chaos and triggered melt downs. In anticipation of July 4th weekend, they could medicate him or go somewhere else. But the medication needed time to kick in, so when fireworks went off without notice, they had real problems.

It wasn't the single pops that were a problem, she added, it was the longer rapid fire displays. And even at this late date in September, they were still going off, she finished.

Mr. Cummings agreed that it was time to look into an ordinance. He said he had come to the meeting against adding an ordinance, but that the information presented at the meeting had him reconsider. He said he liked some of the ideas about not needing a permit on certain days. He agreed that permits would be easy to put in an ordinance, but not so easy to enforce.

Mr. Kluge said the Town could send a message about expectations. He felt a simpler ordinance would be better and agreed about not needing permits at certain times.

Mr. Cummings acknowledged that fireworks were not the safest thing in the world.

Mr. Kluge said there had never been as many as there had been the current year.

Mr. Hinman said that a lot of the problems are from non-residents and that living at or near the lake was like being in a combat zone.

He said that Lloyd Hackman had intended to attend the meeting and was supportive of an ordinance, as were several other residents he knew.

He thanked the Board for being receptive. He remembered one case the previous year in Enfield, where there was video of a drunken episode.

Mr. Kluge said he was sure that there was alcohol involved at times, particularly over the 4th.

Mr. Hinman said the State Fire Inspector would be happy to assist the Board in crafting an ordinance.

Mr. Cummings said fireworks had become readily accessible and cheap. He wasn't sure the Town would want to be so restrictive and ban reloadables, as long as they were handled safely and involved no alcohol.

Mr. Kluge asked how the Board felt about inviting Mr. Wymans (the NH Fire Inspector) to a future meeting.

Mrs. Smith thought it was a good idea; Mr. Cummings noted that Mr. Wyman was in favor of a ban, but agreed that it would behoove the Town to sit down with him.

Mrs. Smith said Crystal Lake and Mascoma Lake associations likely would be willing to participate.

Mr. Depuy added that the lakes were set up perfectly to carry the sound.

Dr. Beaufait said it also would make sense to coordinate with Lebanon, since a good portion of Mascoma Lake was in Lebanon.

Mrs. Smith thought Lebanon already had a ban.

Mr. Cummings said they did, but only within the City Compact.

Mr. Schneider asked for the Board's thoughts on fees. Mr. Kluge was not a fan.

Mr. Hinman said fines might be more effective.

Ray Buskey, the Vice President of the Mascoma Lake Association said coordination between towns would be a good idea. He personally loved fireworks, but stopped shooting them in 2009 after he saw an environmental fact sheet about their debris and its effects on the environment. He said he hasn't seen updated information since then and wonders what might be in current fireworks.

Sea World in San Diego apparently did fireworks every night.

Disney went to compressed air as a propellant, reducing perchlorate levels.

He thought it would be educational to let people know what was in the fireworks.

Karol Hammer asked the Board to consider including an advance notice requirement if it enacted an ordinance, saying that many people could handle fireworks better knowing when they might happen.

Mr. Schneider noted that Newbury posted fireworks notices on its Town web site.

A member of the audience said that a 10p.m. cutoff would be helpful, noting that this would give an hour for shooting them even in summer when it's light until 9.

Mr. Kluge said the Board would work on the issue.

Mr. Cummings added that public hearings would happen.

A member of the audience asked that public hearings not happen in winter, since summer residents would not be here, and this was an issue that was particular to summer.

Jerold Theis – Abatement Request:

Mr. Schneider introduced Norm Bernaiche, the Town Assessor, noting that at the previous meeting Dr. Theis had a dollar figure in mind that was not close to Mr. Bernaiche's recommendation. He said the Board was there to hear from Mr. Bernaiche and make a decision on Dr. Theis' request to bring the assessed value of his property down to \$281,000.

Mr. Bernaiche said he had been in Dr. Theis' house; it was a very nice house. The basic living area was 147' long, it had two levels above ground. He shared a photograph with the Board, describing the setting as spectacular and remote with a long, mostly paved drive that went through fields. The property had 121 acres and a 14-acre abutting lot.

Mr. Bernaiche said he'd run an analysis of recent comparative sales and listings that showed values of \$108 to \$161 per square foot. The properties he used for comparison were decent-sized houses, some older, some newer, some with a little land and some with a lot.

Mrs. Smith asked if the property were in current use; Mr. Bernaiche said some of it was, and that its assessed value, even considering current use, was around \$500,000.

It was the type of property, he continued, that people would buy for its uniqueness and seclusion.

One thing he said hadn't been discussed with Dr. Theis was his cost for everything he'd done to the property. Mr. Bernaiche said Dr. Theis had 'done all the heavy lifting' in property improvements.

He encouraged the Board to visit the property and look at it in person if it was considering doing anything significantly different on the assessed value.

He said it really was a 6,000 square foot home that was set up very nicely. With present configuration and current use, it would be \$135 per square foot.

It had 3,000 feet above ground and nearly 3,000 feet of daylight basement.

It had been valued on the low side of the comparatives because appraisers were trained to focus on the first floor of a residence when determining its value. That meant that the daylight basement got very little weight, even though its quality was as good as the upper/main floor.

Mrs. Smith noted that it had four (4) bedrooms and four (4) bathrooms; Mr. Bernaiche added that it was equipped with an elevator.

He said Dr. Theis was claiming the building could be built for \$82 per square foot.

Mr. Schneider said the Board could take action, and then if Dr. Theis disagreed he could go to court. He asked if Mr. Bernaiche felt good about defending his numbers if that happened.

Mr. Bernaiche said he did, that looking at the sale price to square footage against the comparatives, and looking at market and assessed value for current use, he could stand by and defend the numbers.

Mrs. Smith said it had a uniqueness factor, too. Mr. Bernaiche agreed; it would attract and need a cash buyer. Mortgage companies wouldn't touch the property, he said, because of its size and acreage. The buyer would have a lot of money and be looking for a personal entertainment property.

Mr. Schneider said there would be a chance a judge would split the difference between the sides.

Mr. Bernaiche agreed, saying judges had a habit of doing that when certain things had not been considered. But he felt that the Town had considered everything and also given a 15% (\$115,000) discount.

Mr. Kluge asked what if the Board offered a reduction to \$475,000. Mr. Schneider was not sure Dr. Theis would accept that amount.

Mr. Bernaiche said that if he had reason to point to something and say it was out of whack, he would, but he felt the numbers were good. He suggested waiting for Dr. Theis to get to that point. It was a unique enough property; just because Dr. Theis threatened suing was not a reason for dominoes to fall.

He said the decision was the Board's to make; he didn't have a problem defending the current numbers, as much from assessed proportionality as from market value.

Mrs. Smith asked if the Board would offer \$475,000. Mr. Cummings noted that was only a \$20,000 reduction.

Mr. Kluge recalled that Dr. Theis had requested \$400,000 at the previous meeting, and said he wasn't willing to go that low.

Mr. Bernaiche reiterated that Dr. Theis had not been asked for his costs.

Mr. Cummings said the Board was not obligated to do that.

Mr. Bernaiche responded that the Town would put interrogatories to get them if the case went to court.

Mr. Kluge asked if there was a motion. Mr. Cummings said not from him.

Mr. Kluge asked if he'd want to go further than \$475,000. Mr. Cummings preferred to stick with Mr. Bernaiche's number.

Mr. Bernaiche noted that the comparative properties had, on average, sold for 94% of assessed value. That reinforced his confidence in the assessments the Town was doing.

Mrs. Smith moved that the Board value Dr. Theis' property at \$495,286. Mr. Cummings seconded. The motion passed unanimously.

2017 Budget:

Nothing to discuss; this had been a placeholder.

Lakeview Sewer Extension:

Mr. Schneider reported that a meeting was to happen in two days. The State had allowed pumping to stressed systems, which would reduce fees the residents had been paying and bridge the gap for them through the winter.

Still behind schedule, he said it was possible work would begin before the winter cutoff, but chances were better that bids would happen after the first of the year.

Mr. Schneider noted that there had been an amendment to the loan agreement, reducing the interest rate from 2.552% to 2.32%.

Shaker Bridge Theatre Lease:

Mr. Schneider said he and Dr. Beaufait had met with the theatre and that ample space should be cleared for the general election. The Town planned to move same-day registration downstairs, which would ease some of the congestion in the upper hall.

He said the Theatre asked for half an hour of Town labor time to help with clearing the space.

Mr. Cummings said he had heard from some residents who felt an increase in rent was warranted.

Mr. Schneider said the current rent rate of \$200 per month had been established to cover the utility bills.

Mr. Cummings said he wanted to charge more.

Mr. Kluge asked who was responsible for cleaning the space. Mr. Schneider said the Town tried to handle it.

Mr. Cummings asked how much the Town charged for use of the Community Building; Ms. Bonnette said the Enfield resident rate was \$100 per day.

Mr. Cummings said \$100 per day versus \$200 per month.

Mr. Kluge asked what might be a reasonable rent. Mr. Cummings said \$500 per month.

Mr. Kluge suggested \$300, noting the value that the theatre brings to the Town. Mrs. Smith agreed, adding that it was huge value.

Mr. Kluge said he would be comfortable at \$300.

Mr. Cummings suggested splitting the difference and agreeing on \$400.

Mr. Kluge said that was not unreasonable.

Mr. Cummings moved that the rent be set at \$400. There was no second.

Mr. Kluge made and Mr. Cummings seconded the motion that the rent be set at \$350. The motion passed with two (2) votes in favor and one (1) opposed.

Lakeside Park:

Mrs. Smith noted that Chris Way and Mark Scorano would visit on October 4.

The Park Committee intended to meeting the next day (Sept 20) to discuss winter activity.

Main Street Paving:

Mrs. Smith asked what would happen with the raised sewer lids along Main Street if the paving was not to happen before spring. Mr. Taylor said Pike planned to plane joints in two (2) days, in preparation for paving in two (2) weeks, not in the spring.

Mr. Cummings asked how far up Shaker Hill Road would be paved. Mr. Taylor responded that all of Shaker Hill Road would be paved.

Primex Workers Compensation and Property Liability Programs:

Mr. Schneider presented the Board with the resolutions for its adoption, noting that it was similar to the previous program and caps increases.

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex) to enter into its Workers' Compensation Assurance Program (CAP) as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex risk management pool membership during the term of the Workers' Compensation Contribution Assurance Program (CAP). The coverage provided by Primex in each year of membership shall be as then set forth in the Coverage Documents of Primex.

Mr. Cummings made and Mrs. Smith seconded the motion to approve the Resolution to Enter Primex Workers' Compensation Contribution Assurance Program (CAP). The motion passed unanimously.

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex) to enter into its Property & Liability Contribution Assurance Program (CAP) as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex risk management pool membership during the term of the Property & Liability Contribution Assurance Program (CAP). The coverage provided by Primex in each year of membership shall be as then set forth in the Coverage Documents of Primex.

Mr. Cummings made and Mrs. Smith seconded the motion to approve the Resolution to Enter Primex Workers' Compensation Contribution Assurance Program (CAP). The motion passed unanimously.

Mr. Kluge executed both documents on behalf of the Board.

Administrative Items:

Ms. Bonnette noted that the Mr. Schneider had signed the NHMA Voting Delegate Authorization so that she could attend in his stead. Ms. Bonnette asked the Board members if they had any feedback on the proposals for the conference.

Other Business:

Mr. Cummings noted that he would be out of state on October 3, the date of the next Board meeting. Mr. Kluge added the he also may not be available; he promised to let Mr. Schneider know.

Mr. Taylor noted that, if paving did not happen for some reason this fall, the caps would be lowered back to street level for winter.

Next Meeting:

Monday, October 3, 2016, 6:00 PM, Department of Public Works Conference Room

Adjournment:

Mr. Cummings made and Mrs. Smith seconded the motion to adjourn at 7:18 PM.

John W. Kluge, Chairman

B. Fred Cummings

Meredith C. Smith
Enfield Board of Selectmen