

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

MINUTES of November 7, 2016

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

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

Others: James Bonner (video); David Beaufait, Charlie Depuy, Jenny Richardson, Jean Patten, Jim Martel, Ray Buskey, Keith Thomas, Elaine Day, Rob Malz, Jeff Hinman, Suzanne Hinman, Joann Gretigan, and several others.

BUSINESS MEETING

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Mr. Kluge offered corrections to the October 17, 2016 draft minutes, as follows:

- On page five (5), the sentence, “Mr. Kluge said that permitting could be reasonable.” Should be corrected to read that he “...said that permitting should be reasonable.”
- On page six (6), the sentence that began with “Mr. Cummings said he had taken to heard...” should read, “Mr. Cummings said he had taken to heart...”

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

III. COMMUNICATIONS

Mr. Schneider referred the Board to the Town of Enfield Trust Funds Quarterly Selectmen Report As of 9/30/16. Mr. Schneider had met with the Trustees a couple of weeks prior, and noted that the Trustees planned to come before the Selectboard in the not too distant future to talk about long term planning. For the time being, the Town’s investments were mostly stable, in CDs and money markets, and in good shape.

The Town had received a letter of “Disallowance Due to Insufficient Fund Balance” from the State Department of Revenue Administration. The insufficient balance was \$2,005. Mr. Schneider said he would attend a meeting with the Cemetery Trustees in the coming week and planned to clarify the situation and have more information for the Selectboard’s next meeting.

Next, Mr. Schneider turned the Board’s attention to the Town of Enfield Maintenance Road Paving plan for the period 2017-2021. He said he had asked Mr. Taylor for a five (5)-year plan based on current

conditions in order to get a feeling for what the coming five (5) years would hold for maintenance on Town roads.

The plan prepared by Mr. Taylor called for about 11,000 feet per year, or a bit over two (2) miles.

IV. BOARD REPORTS

Mr. Kluge reports that the Planning Commission had a busy meeting on October 26. Among other things, the Commission had reviewed a site plan for work at 12 Fitzgerald Road, where many abutters had concerns about a planned day care. The Commission stipulated fencing for the property.

Mrs. Smith reported that the Heritage Commission had completed its application and was in the process of submittal to the NH Division of Historical Resources, which had to happen before final submittal for Federal funding.

V. TOWN MANAGER'S REPORT

Mr. Schneider said the Budget Committee had met with the Police, Ambulance, and Public Works Departments at its last meeting, and planned sessions with the Building Inspector and the Enfield Village Association at its next meeting. Mr. Schneider said the Committee was nearing the end of its process, and that there had been no major changes or issues so far.

He added that the CIP Committee would meet the following Wednesday.

Finally, Mr. Schneider presented to the Board the Deed documents for conveying the Shaker Cemetery back to the Shaker Museum, as had been approved at Town Meeting. The Board signed the document.

VI. PUBLIC COMMENTS

Mr. DePuy noted that the headstones in the Shaker Cemetery were being restored.

VII. BUSINESS

Auction of Town Property:

Mr. Schneider noted that this was the last Board meeting before the November 19 auction. He wondered if the Board would want to give him or another designee the authority to waive minimum prices on lots where the highest bid came reasonably close, or if a Board member would be present to fulfill that role.

Mr. Kluge asked if all three (3) Board members would need to be present.

Mr. Schneider said it would be good to designate a surrogate for the role. There were 15 properties to be auctioned off, and the Town had received a considerable number of requests for information. A couple of properties were clearly more popular than the others.

Mr. Cummings made and Mrs. Smith seconded the motion that, in the absence of a Selectboard member at the November 19 auction, the Town Manager would have the authority to waive minimum price requirements for lots where the highest bid came reasonably close to the set minimum. The motion passed unanimously.

Water/Sewer System Projects/Issues:

Mr. Taylor said that the Town was at the point where it had to look at replacing the 1903 water line, the majority of which was to the North of Route 4. He was interested in seeing if the Board or the Water Commissioners would be able to move forward and look into financing options.

Another effort was replacing water meters; something that was needed every 10-12 years. Mr. Taylor said some could be replaced each year, preferably moving toward meters with remote reading technology. That way, the data could be automatically transmitted to a central location, or collected through 'drive-by' readings. He said December and March readings were hard to do, particularly at seasonal properties, where driveways were not plowed. He said the better technology also would make it easier to track water usage.

Mr. Taylor said the department wasn't ready to pull the trigger on the effort yet, but he would like to put together financing options.

Mrs. Smith asked what material were the 1903 pipes. Mr. Taylor said they were cast iron.

Mr. Schneider said that these could be capital projects, but that advance engineering would be needed. The Town's Capital Reserves could be used for such engineering; the Selectboard, as agents of the Reserves, could authorize the expenditure.

There would be \$160,000 in the Water reserve fund by the end of the year; that money could be leveraged as match or to offset financing and pay up front engineering costs.

Likewise, there would be approximately \$11,000 in the meter reader reserves.

The consensus of the Board was that efforts should proceed.

Mr. Taylor added that the Town also needed to take money out of reserves to replace two (2) sewer pumps. One was a rebuilt pump and the other had just quit. He estimated that the expenses for the year could be triple the budget and said he would need authorization to pull funds from reserves to make up the difference.

Mr. Schneider said the sewer reserves would be at approximately \$145,000 by the end of the year. Mr. Taylor agreed, and added that the amount needed to cover required repairs and equipment replacements would be about \$35,000.

Mr. DePuy asked if the pumps drew significant amounts of electricity.

Mr. Taylor said that they didn't run a long time; the largest ran only 15-20 minutes, six (6) times per day, but that yes, they did use a lot of power when running.

Mr. Kluge asked if rate adjustments had been considered.

Mr. Taylor said they were looked at annually, and that he already had a call in to Lebanon to make sure that whatever adjustments the Town made to rates this year would keep up with Lebanon costs.

Mr. Schneider said the Town staff had discussed internally the need to look at the Town water rate, which hadn't been adjusted in 10 years.

Election:

Mr. Beaufait said the Town was set to go for the next day's election, and had some extra help lined up for the expected record turnout.

There had been a few issues in the Valley News over the past week regarding firearms. Mr. Beaufait noted that, since Whitney Hall was a public building, the Town Moderator had no say regarding open carry, but that voter intimidation was a felony and he promised to take that very seriously.

He also noted that a new RSA prohibited people from wearing election-related items into the voting space. Violators would be asked to remove such items (or turn shirts inside out, for example), or face a \$1,000 fine.

Mr. Schneider said the lights would be on from early morning until 7:00 PM, and that he expected it to be crowded.

A member of the audience asked if people wearing election-related garb would be turned away. Mr. Beaufait said they wouldn't, but they would be required to remove or conceal it prior to entering, or they'd be reported to the Attorney General.

Community Revitalization Tax Relief Incentive Agreement – Copeland Block:

Mr. Schneider presented the agreement for Board execution, saying it was a housekeeping item from the Town Attorney; the Board had approved it earlier in the year. The Agreement, once executed, would become part of the property deed for the length of its term, similar to other projects along Main Street, like 78 and 64 Main.

The Board executed the agreement.

Lakeview Sewer Extension – Right of Way Certificate:

Mr. Schneider said that, as part of the USDA loan, the certificate needed to be approved by the Board. The ROW for the project essentially would be Route 4a, he said, plus some on Lakeview for the pumping station and for the mains.

Mr. Cummings made and Mrs. Smith seconded the motion to adopt the Right of Way Certificate as presented. The motion passed unanimously.

Lakeside Park:

Mrs. Smith said that Tony Booth had discovered documentation to the effect that the Division of Rails and Transit had been in the process of deeding Lot 44 to the Town in 2003. He had been in the group charged with surveying and found the mention of the deeding effort in the process. Mrs. Smith said efforts were under way in pursuit of having that quit claim deed completed.

2017 Budget:

Mr. Schneider said he had given all the updated information as part of his report earlier in the meeting.

CIP:

There was nothing to discuss on the CIP – this had been an agenda placeholder.

Administrative Items:

The Board executed CIP Committee Appointments that had previously been voted upon.

PUBLIC HEARINGS
Monday, November 7, 2016
6:30 PM
Public Works Facility, Enfield

Mr. Kluge read the Public Hearing Warrant, as follows: The Board of Selectmen will hold two public hearings on Monday, November 7, 2016, 6:30 PM, Public Works Facility, 74 Lockhaven Road, Enfield.

Public Hearing #1 at 6:30 PM – to discuss proposed Fireworks Display Ordinances;

Public Hearing #2, to immediately follow Public Hearing #1 – to discuss the expenditure of funds, in the amount of \$19, 545.95, from the Capital Improvement Program Capital Reserve Fund.

Mr. Cumming made and Mrs. Smith seconded the motion to open the first public hearing at 6:32 PM. Motion passed unanimously.

Mr. Schneider referred to the two (2) draft Fireworks Display Ordinances available at the meeting, noting that they had been distributed and were available to the public. He asked the Board if the drafts accurately reflected the discussion of the previous meeting.

Ms. Hammer asked about the clause requiring permission to shoot fireworks. Mr. Cummings pointed out that two ordinances had been drafted; one for Class A fireworks that anyone could shoot, and the second for Class B/C, which were considered professional-class and would require authorization.

Mr. Kluge said the two really were noise ordinances.

Mr. Schneider read an e-mail message Paul Mirski had sent to Ms. Bonnette, as follows:

Members of the Board of Selectmen,

I occasionally hear fireworks during the week but have no neighbors who have ever been any sort of a problem so I have no complaints concerning fireworks displays one way or another.

Generally I like fireworks. For those who complain though, could this ordinance not make their fireworks issues worse by concentrating and even encouraging more fireworks activity on the weekend.

Sometimes “let sleeping dogs lie,” is the best public policy. – Paul Mirski.

Mr. Kluge opened the discussion to the floor, asking those who chose to speak to please identify themselves and state their address of residence.

Jenny Richardson, who lived on Bridge Street, said that generally fireworks ought to go for about 45 minutes and be done. Her experience had been that people started at dark, around 8 PM, shot them for 15-20 minutes, then do the same thing again at 9 PM, and every hour until around 1 AM. She said it had become an all-night thing that never ended.

Mr. Kluge agreed, saying that was why the Board had specified a time limit in the draft ordinances. When you have 6-7 hours continually, it got unreasonable. He said the Board’s thought was that 10 PM was a reasonable compromise.

Ms. Richardson agreed, repeating that their experience had been from 8 PM to 1 AM.

Jean Patten of Livingstone Lodge Road said the draft ordinances would be a great starting point. There never could be a perfect document or law. She, too, was tired of hearing fireworks every night. She said she was not retired; she had to go to work, and fireworks all night interfered with her getting a good night's sleep.

Mr. Cummings noted that the Board had considered working people's need for sleep when it discussed the issue, and felt this was a place to start. He said the Board was trying to find the middle ground.

Mr. Kluge agreed, observing that the middle was always a dangerous place to be, but that the Board had tried to make sure everyone got something from the ordinances.

Jim Martel of Mascoma Lake, said he was in charge of water quality for the lake, and mentioned that the NH DES produced fact sheets about water quality. It had done one on fireworks, he said, and the Department urged people to consider what was being dumped into the lake from fireworks residue and possibly find alternatives. Possible contaminants included lead, lithium, and rubium; he added that the debris wasn't good either. The less fireworks, the better, he said.

Referring to the draft ordinance, he suggested the Board restrict the allowed times further, to only one day a week. He also suggested that, as a Veteran, he didn't look at Memorial Day as a celebratory holiday. He asked the Board to remove it from the list of holidays on which fireworks would be allowed to 10:30 PM.

Mr. Martel concluded by thanking the Board for their effort.

Mr. Cummings said that people were shooting fireworks seven (7) days a week over the summer months. The Board already had limited that to weekends. He didn't feel going to one (1) day would be reasonable.

He pointed out that this wasn't just about the lake; it was a Town wide issue, and the Board had to draft ordinances to cover the whole Town.

Mr. Cummings noted that the Board had seen the DES informational sheet on fireworks at a previous meeting.

Mrs. Smith said that Sunday nights were tough, since people needed to go to work on Monday.

Ray Buskey, Vice President of the Mascoma Lake Association said he didn't have a particular bent other than the environmental impact and watershed.

Mrs. Smith said fireworks didn't affect only Mascoma; there were other bodies of water, too.

Mr. Buskey said the impact from the chemicals ought to be considered, and that the DES document, which was done in 2008 ought to be updated to reflect current fireworks technology/composition. He would like more information, and hadn't found much out there. If things were that bad, it shouldn't be a Town issue, it should be State or EPA.

Mr. Kluge agreed that it would be ideal to have the EPA address it.

Mr. Schneider said he didn't know if the City of Lebanon tested the water, noting that it was their water supply.

Mr. Taylor said Lebanon tested incoming, not outgoing.

Keith Thomas, who lived on Shaker Boulevard, said he disagreed with the proposed time limit. He felt it should be extended to 10:30 PM. Regarding the environmental impact, he said you had to look at the long term chemicals. Debris from people putting their leaves into the lake, milfoil, fishermen who put their junk into the lake – all that was ten (10) times worse than fireworks.

Mr. DePuy seconded Mr. Martel's suggestion regarding removing Memorial Day from the permitted days, and felt the Board should go further and restrict fireworks only to the limited list of holidays. He said there wasn't only an environmental impact. There was also an issue of the public peace. Fireworks were disruptive stuff, he said. If people have an expectation, they can anticipate and be prepared.

He said restricting only to holidays (and leaving out Memorial Day) would accomplish part of the environmental and go a long way toward peace of mind for those who struggle through.

He added that the environmental issue wasn't only about what is dumped directly into the lake, it also was a watershed thing.

Elaine Day asked if the Board had considered any provision for special events, like weddings.

Mr. Cummings said the Board could write something in about special circumstances.

Ms. Day said she'd be willing to have it limited to holidays.

Mr. Cummings noted that the annual Family Fair would need special permission, since its fireworks display typically didn't start until 10 PM.

He added that anyone needing special conditions could apply for waiver through the Board, just as with any Town ordinance.

Ms. Day said that her conclusion was the Board should limit to holidays and not every weekend.

Mr. Cummings said that would be a move toward permitting, and that the Board already had a lengthy discussion about who would have to administer and perform the inspections. Someone had suggested the Fire Wardens, and he was opposed to that. It would fall to the Fire and Building Inspector, but his fear was that, if the Town sent someone to inspect, and then something went wrong, the Town would have some liability.

Ms. Richardson said she would love to see restrictions for the protection of loons and other wildlife. Fireworks were being shot all around the loons' nesting cove. She had listened to them in distress. She would be in favor of a restriction that said no fireworks could be shot over the lake at all.

Rob Malz of Bridge Street said that neighbors moved in recently and were blasting until 1 AM. He didn't think the Town should stop all fireworks. There were four people who lit fireworks on Shaker Bridge; he thought that would be a good alternative to shooting them over the lake. The Town could shut down the bridge and shoot from there, then clean up the Bridgeway.

He wasn't in favor of stopping everything. There should be limits, and going with holidays would be good, in his opinion.

Ms. Patten said she was happy the Board was addressing the issue. She had called Hanover Dispatch in the past year or two and, each time had been told there was nothing that could be done since Enfield didn't have a noise ordinance.

Mr. Cummings said he didn't want to turn the Police Department into the fireworks police.

Mr. Kluge added that the Board did, however, want them to enforce the rules and collect the fines.

Mr. Schneider said the Police Chief had asked him if there would be a time limit on the fines; would a warning be issued each year, or if someone had received a warning one year, and no violation until the next year, would they move up to the first fine?

Mr. Cummings asked the audience's feeling.

A gentleman said 'forever.'

Mr. Cummings said he agreed.

Mr. Schneider asked for verification that this meant someone would receive only one warning, then advance to fines; they couldn't start over the next year.

Mr. Cummings confirmed.

Mr. Schneider said that meant there was no need to change the draft language.

A woman observed that people were spending thousands of dollars on fireworks; she felt the fines should be increased.

Mr. Kluge said that eventually there would be someone who couldn't afford to pay.

Jeff Hinman said that he agreed that the only explosions that should be heard on Memorial Day were cannons and gun salutes. He also agreed with Mrs. Smith's suggestion of no Sundays. He suggested that the Board look at reloadable mortars and look at banning those containing plastics. He appreciated the time the Board was putting into the issue.

Mr. Beaufait said that, as a private citizen, he wondered if there was consensus among those in attendance that the ordinances be revised to restrict fireworks to Fridays and Saturdays, going to 10:30 PM, and limiting the holiday exceptions to January 1, July 4, and Labor Day.

Many people nodded their heads.

Mr. Cummings said he had reservations about Memorial Day, too. He personally didn't believe fireworks was how the holiday should be celebrated, but he did know some Veterans who wanted to shoot fireworks on that day. He wondered how the Board could decide one way or the other.

He said it traditionally was not something you celebrate that way; he respected others' opinions, but didn't think they were in the majority.

Mr. Kluge asked how many in the audience favored going to Friday and Saturday, with no Sundays. Nearly everyone raised their hands.

A gentleman noted that the majority of those shooting fireworks were summer residents.

Mr. Cummings asked how many felt fireworks should be allowed to go to 10:30 on Fridays and Saturdays. About a quarter of the attendees raised their hands.

Joann Gratigan of Crystal Lake Road asked how this would be policed. Where she lived, she could call the police, but by the time somebody came, the fireworks would be done.

Mr. Kluge said people needed to be caught in process. If people look the police in the face and lie, it's hard to get around. He said the Town had a good Police Department; they wouldn't get everyone, but they would do their best.

Mr. Cummings said that, without an ordinance if somebody was shooting fireworks at 11:30, the police would give a warning. If they starting shooting them again and the police were called again, they would be charged with disorderly conduct. He hoped the Town wouldn't have to get there.

The new rules would be posted everywhere possible.

Mr. Cummings asked how many would delete Memorial Day from the list of approved holidays. Most people raised their hands.

Mr. Cummings made and Mrs. Smith seconded the motion to close the Public Hearing. The motion passed unanimously.

Mr. Cummings made and Mr. Kluge seconded the motion to allow fireworks within the Town of Enfield on Fridays and Saturdays, and on January 1, July 4, and Labor Day until 10:30 PM. The motion passed unanimously.

Mr. Thomas suggested that something be added about coming before the Board to apply for exceptions. Mr. Cummings responded that exceptions to any ordinance were already handled that way; no special language was necessary.

Mr. Kluge thanked everyone in attendance, adding that he hoped this would work.

Mr. Kluge adjourned for a 5-minute recess at 7:05 PM.

Mr. Kluge reconvened the meeting at 7:12 PM.

Mr. Cummings made and Mrs. Smith seconded the motion to apply the same changes to the Class B ordinance as had been made to the Class A ordinance. The motion passed unanimously.

Mr. Cummings made and Mrs. Smith seconded the motion to open the second Public Hearing at 7:13 PM. The motion passed unanimously.

Mr. Cummings summarized that the Public Hearing was to withdraw money to pay for the upgraded guardrail on Boys Camp Road and for the new dock.

Mr. Schneider confirmed.

Mr. Kluge opened the floor to discussion.

Mr. Thomas asked about the dock. Mr. Cummings said the Town had purchased a dock from the Dartmouth Sailing Club for \$2,500.

Mrs. Smith asked about costs to haul the dock. Mr. Cummings said the Highway Department did that.

Mr. Cummings made and Mrs. Smith seconded the motion to close the Public Hearing at 7:14 PM. The motion passed unanimously.

Mr. Cummings made and Mrs. Smith seconded the motion to approve the withdrawal of funds from the capital reserve. The motion passed unanimously.

Mr. Cummings made and Mrs. Smith seconded the motion to enter Non-Public Session 7:15 PM, RSA 91-A:3 II (c). Roll call vote: Mr. Cummings – aye, Mrs. Smith – aye, Mr. Kluge – aye. Motion passed unanimously.

Mr. Cummings made and Mrs. Smith seconded the motion to reconvene the Public Session at 7:37 PM. The motion passed unanimously.

Other Business:

There was general discussion among the Board, the Town Manager and the Town Moderator about logistics and poll coverage for the next day’s election, with the Board members working out when each would be in attendance.

Next Meeting: Monday, November 21, 2016, 6:00 PM Public Works Facility Conference Room

Adjournment:

Mr. Cummings made and Mrs. Smith seconded the motion to adjourn at 7:39 PM. The motion passed unanimously.

CONFERENCE

I. NON-PUBLIC SESSION

Mr. Cummings made and Mrs. Smith seconded the motion to adjourn to Non Public session at 7:15 PM. Roll call vote: Mr. Cummings – aye, Mr. Kluge – aye, Mrs. Smith – aye, motion passed unanimously.

II. ADJOURNMENT

John W. Kluge, Chairman

B. Fred Cummings

Meredith C. Smith
Enfield Board of Selectmen