

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

MINUTES of May 1, 2017

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

Administrative Staff: Alisa Bonnette, Interim Town Manager; Jim Taylor, Director of Public Works; Richard Crate, Jr., Chief of Police; Karol Hammer, Recording Secretary

Others: James Bonner (video), Kurt Gotthardt, Sam Eaton, Shirley Green, Dwight Marchetti, Ray Stanford, and others.

BUSINESS MEETING

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Mr. Kluge made and Mrs. Smith seconded the motion to approve the minutes of the April 17, 2017 Regular and the April 24, 2017 Regular and Non-Public meeting minutes as presented. The motion passed unanimously.

III. COMMUNICATIONS

Ms. Bonnette reported that the Town had received a Right-to-Know request for “copies of the public and nonpublic meeting minutes of the April 24 meeting of the Enfield Board of Selectmen and a copy of the conditional employment offer sent to the board’s choice to fill the town manager position.”

The Town had not responded to the request, pending consideration by the Board of whether to unseal the minutes of the April 24 Non-Public session.

Mrs. Smith made and Mr. Kluge seconded the motion to unseal the April 24 Non-Public meeting minutes. The motion passed unanimously.

IV. BOARD REPORTS

Mrs. Smith said the Heritage Commission was struggling with the grant application for the Enfield Center Town House. They were waiting for an estimate from Matt Dow, as the moisture problem was much worse than previously anticipated.

The State approved the National Register application, which was then forwarded to Washington, DC for final approval and entry onto the Register.

V. TOWN MANAGER'S REPORT

Ms. Bonnette reminded the Board that it would hold a special meeting the following Monday, during which a Public Hearing would be held to discuss the amendment of the sewer ordinance to allow assessments against the sewer project expenditures.

The Town was working on a State aid grant for the Route 4 sewer and water extension. The State was accepting applications even from previous awardees, so the project may see some additional grant funding.

Mrs. Smith asked if the local State representatives were involved.

Ms. Bonnette said she didn't think it was quite time for that.

VI. PUBLIC COMMENTS

A gentleman complimented the Board on its search for a new Town Manager. The candidates were very knowledgeable and had varied expertise.

He encouraged the Board to set formal goals and objectives for the new Town Manager, saying that the Board should be able to evaluate him, and guide him as a mentor.

Mr. Kluge noted that the Board initially had goals and objectives for Mr. Schneider, but that the practice had waned.

The gentleman encouraged the Board to set them on a regular basis.

The same gentleman asked the Board to do something about the appearance of Main Street on garbage collection days. He said many people put their receptacles right on the sidewalk. As someone who walked along the street on a regular basis, it was unsightly and a safety hazard. He felt it was disgraceful for the community.

Mr. Kluge agreed, saying it was a never-ending battle.

VII. BUSINESS

Shaker Landing:

Sandy Orr, president of the Shaker Landing Homeowners Association (HOA) expressed thanks for the Board and Mr. Schneider's help with the project to date. The upper half of the association was on the Town system, and the lower half wasn't. The tanks had been in the ground since the '60's, he said.

He was thrilled at the prospect of hooking up the rest to the Town system. However, he continued, the property owners were not a rich community. He asked that the Board treat them the same as they were treating Lakeview. Shaker Landing wanted to avoid a situation like Lakeview.

All other pumps, he said, had generators, but theirs didn't. He asked that theirs have a generator, and was looking for the Town's help.

Mr. Kluge asked Mr. Taylor to comment.

Mr. Taylor said the Town operated five (5) pumping stations, and only three (3) of them had generators (one of which recently failed).

Mr. Orr said that the Shaker Landing pumping station was right near the lake.

Mr. Cummings asked if there had been any progress on the easement that had been requested through Shaker Landing for the Lakeview project.

Ms. Bonnette said the Shaker Landing HOA still had to approve it so the sewer main could go down Landing Road.

Mr. Orr said the HOA had just received the proposed paperwork that day and had yet to review it in its entirety.

He said he hoped the Town would maintain the Shaker Landing pumping station.

Ray Stanford, the Shaker Landing property manager, clarified that the HOA had received the easement paperwork back from its own attorney that day. He said anything to prevent or anticipate problems should be done, adding that the worst problems always seemed to happen when it was below zero and the lights went out.

He was anxious about the bid process yielding bids that were twice the engineering estimates.

Ms. Bonnette asked if there had been discussion about the operation of the pumping station prior to the bidding.

Mr. Taylor said he had understood it was to be a smaller station, to be operated by Shaker Landing. Early in the process, the understanding had been that, if the Town owned everything through the construction period, the project would be eligible for grant funding. But the USDA changed its position very late in the process, adding a requirement that the Town would have to own the system over the long term.

Mr. Kluge said the Town wished neither to own nor operate private systems.

Mr. Cummings said there had been no discussion of pumping stations.

Mr. Taylor said the Shaker Landing project was considered a service line.

Mr. Orr said the HOA was paying over \$5,000 each time they had to pump into the Town system.

Mrs. Smith observed that the system hadn't failed.

Mr. Orr said the system was so old, the HOA held its breath every time it was pumped. They wanted to be proactive. If that meant extra money, he was sure they could work something out.

Mr. Stanford agreed, saying the original memorandum of understanding anticipated grants and low-interest loans, with the Town having ownership until construction was complete. There was no provision for what might happen if ‘the Feds’ didn’t come up with some of the money. Losing 44% of the construction cost was making it very, very difficult and jeopardized the properties and the lake.

Mr. Gotthardt asked if the Town intended to own the Lakeview system.

Mr. Taylor said the Town would own the proposed pumping station on Lakeview property, and the gravity sewers through private property. But the service lines to the system would be Lakeview responsibility.

Mr. Cummings asked what were the next steps for Shaker Landing.

Ms. Bonnette said it depended on ownership. SRF funding was available, with 10% forgiveness with the interest rate a little lower than the USDA.

Mr. Stanford added that the SRF payback period was 20 years, instead of 30.

Mr. Orr agreed, saying that without grant funding, the Shaker Landing HOA couldn’t afford the project.

Mr. Kluge asked about rebidding that pumping station.

Mr. Taylor said separating the Shaker Landing project from the Lakeview one, and rebidding it could result in more (and lower) bids. The original bid package was large enough to prevent some smaller outfits from bidding – the job was too big for them to handle. A smaller scope opened possibilities with an entirely different tier of contractors.

Mr. Kluge asked whose responsibility was it to rebid.

Rod Finley, of project engineering firm Pathways Consulting, said they couldn’t sign the contract with the chosen contractor (Kingsbury) until the bond opinion and title work had been done on all involved property. A deductive change order could be done, removing Shaker Landing, or they could renegotiate with Kingsbury to see if the Shaker Landing cost could be reduced.

Ms. Bonnette added that the Town needed the easement in order to proceed.

Mr. Finley agreed, saying that time was a significant factor. The contract needed to be signed by June 3 (60 days after the bid opening), or an extension would need to be agreed upon by the State, USDA, and the contractor. Without the contract or an extension, all bids would be null after June 3.

Mr. Orr asked if having the Town own the property through construction would help.

Mr. Kluge said that no, the USDA requirement was long-term ownership. The Town attorney and the Board were firm in not being interested in having the Town responsible for the financial burden in perpetuity.

Mr. Orr asked again about Town ownership just through the project.

Mr. Cummings reminded him the USDA wouldn't allow that.

Mr. Orr asked if the Town would consider perpetual ownership if there was an agreement that it could bill the Shaker Landing HOA for costs.

Mr. Kluge said the Board was not a team of legal experts. He suggested that the Shaker Landing attorney and the Town attorney hash it out and offer advice.

Mr. Cummings said he was amicable to anything that didn't financially burden the Town.

Mr. Kluge said the Board was sensitive to taxpayers. They had said no in the past to similar requests from other property owners.

Kevin DelMastro, president of the Lakeview HOA said he was concerned that the Shaker Landing issues would further delay the original Lakeview project.

Mr. Cummings said that the Board had stated at its previous meeting that it wanted to move on Lakeview ASAP.

Mr. DelMastro was concerned that resources would be redirected to working out the issues with Shaker Landing.

Mr. Kluge asked if Pathways was comfortable that it could work both issues at the same time.

Mr. Finley said Pathways was ready to go on the Lakeview project as soon as the easement was received.

Mr. Stanford said the Shaker Landing HOA had the language from its attorney and needed to review it.

Mr. DelMastro asked if they could predict their timing.

Mr. Orr said the Shaker Landing's HOA would meet the following Monday.

Mr. Kluge suggested that the meeting be moved up.

Mr. DelMastro said that Lakeview was spending \$4,500 per month for pumping, and that figure would increase by \$16,000 if there was a failure. He didn't want any more delays, whatsoever. He said they just needed the easement from Shaker Landing, and the contract could be awarded and signed. Then Pathways could work on the Shaker Landing issues.

If the project went beyond construction season, Enfield was likely to have a bankrupt community (Lakeview).

Mr. Cummings agreed, saying the Board wanted to move on Lakeview ASAP. The Board fully supported Shaker Landing as well, he said, but it couldn't hold up Lakeview anymore for it. He said they wouldn't give up on Shaker Landing; a solution would be there eventually.

Surplus Property:

Mrs. Smith made and Mr. Kluge seconded the motion to surplus the equipment detailed in a memorandum the Board had received from Mr. Taylor. The motion passed unanimously.

The equipment included:

- 1991 Dresser Roller
- 3 Used Loader Tires
- 6 Used Grader Tires
- Miscellaneous Truck rims
- Stihl Chainsaw

Board and Committee Appointments:

Ms. Bonnette referred the Board to the list of the Town's appointed officials, on which was indicated the people whose terms were expiring and which wished to be reappointed.

A letter needed to be sent to Planning Commission Vice Chair Tim Taylor, as he had no e-mail, so his reappointment was not included. He had not attended any meetings in the past year.

Holly West had requested that her appointment to the TIF District Advisory Committee be extended by one meeting, after which she would decide whether to seek reappointment.

Mrs. Smith made and Mr. Kluge seconded the motion to reappoint all who indicated a wish to continue to serve in their respective positions. The motion carried unanimously.

Ms. Bonnette pointed out that there also would be a vacancy to fill on the TIF Committee, as Rob Malz had resigned.

Lakeside Park:

Mrs. Smith said the DOT should be starting work on the park soon. The picnic tables had been moved.

Mr. Cummings asked about the poison ivy situation. Mrs. Smith said more signs would be put up on Lot 44, warning the public.

Ms. Bonnette suggested that the signs include photographs of poison ivy, to help people who might not be familiar with it.

A gentleman in the audience had a real concern about people bringing in mulch to fill in spots, and the mulch had mare's hair.

Mrs. Smith didn't know who'd dumped the mulch there. She said the Town had put the kibosh on filling with chips because of the uncertainty about what was in them.

Mr. Gotthardt asked about the State work. Mrs. Smith said it would be digging down Main Street under the underpass, and adding sidewalks to the bypass road, and doing a lot of planting.

Mr. Taylor said he had the plans, for anyone who was interested in taking a look.

Other Business:

Sam Eaton – Budget Concerns – Mr. Cummings addressed Sam Eaton, saying that he had never said the Budget Committee was to blame for the Town's financial situation. He was referring to communication the Board had received following the previous meeting, where the Town auditor had reviewed the deficit situation and the discussion had moved to what caused the deficit.

He said none of the Board blamed the Budget Committee, and that he felt the meeting minutes accurately relayed his concern that the Town's practice of tight budgeting was a problem, but that his comments were intended as complimentary. He meant that the Budget Committee was concerned for the taxpayer's dollars when referring to going through the budget to find \$50 savings here and there.

Mr. Kluge agreed, adding that it was the Selectboard that pushed for the overly tight budgeting, not the Budget Committee.

Mr. Cummings said that, rather than respond to the e-mail, he wanted to recognize in this setting that there had been several years of revenues not meeting expectations and expenses that went over expectations.

The auditor had explained what looked like nearly a million in the hole. The Town was still waiting on the preliminary audit report for 2016, but anticipated a surplus for that year.

Ms. Bonnette said she had communicated with the auditor and learned that the preliminary findings were not yet available.

Mr. Eaton said the Town had taken steps, and so had the Committee, to rectify the situation. He said there was a lot of money on hand, just not in the Undesignated Fund.

Chief Crate added that departments were being careful about timing their bill payments, saying the police department waited until the last possible minute to pay the County bill.

Mr. Cummings said the new Town Manager would be tasked with finding where the Town could save money and how to deal with contracts.

Mr. Gotthardt asked if there was a start date for the new Manager. Mr. Cummings said there wasn't. The Board would be going into non-public session to discuss that and the background check. He anticipated a start in June or July.

Mr. Kluge agreed, saying the Town couldn't move without a completed background check.

Dwight Marchetti said he'd had years of experience in hiring and never had seen such an early identification of a new person by name. He felt the Town had jumped the gun.

Mr. Cummings said the announcement was made only after consultation with MRI and agreement by the new Town Manager. It was done in response to the Right-to-Know request for all the meeting minutes. The Board had been very clear in its announcement that only a conditional offer of employment had been made. They hadn't anticipated doing it that way.

Chief Crate added that Portsmouth had announced its entire slate of finalists when it hired a new police chief.

Non-Public Session:

Mr. Kluge made and Mrs. Smith seconded the motion to enter Non-Public session at 6:56 PM, RSA 91-A:3 II (a) & (b). Roll call vote: Mr. Cummings – aye, Mr. Kluge – aye, Mrs. Smith – aye. The motion passed unanimously.

Mr. Kluge moved to come out of non-public session at 7:12 PM, Mrs. Smith seconded, vote unanimous in favor of the motion.

Administrative Items:

The Board reviewed and approved the following documents: Gravel Tax Levy, Yield Tax Levy, Application for residence in industrial or commercial zone, Veteran’s Tax Credit, and Current Use Applications.

Mr. Kluge moved to grant three Elderly Exemptions as submitted, Mrs. Smith seconded, vote unanimous in favor of the motion.

Next Meeting:

Monday, May 15, 2017, 6:00 PM Public Works Facility Conference Room

VIII. ADJOURNMENT

Mr. Kluge moved and Mrs. Smith seconded a motion to adjourn at 7:25 PM; vote unanimous in favor of the motion; meeting adjourned.

B. Fred Cummings, Chairman

Meredith C. Smith

John W. Kluge
Enfield Board of Selectmen