

**Enfield Board of Selectmen
Whitney Hall Conference Room
Enfield, New Hampshire**

MINUTES of April 18, 2016

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

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

Others: James Bonner (video); Donald Plante, Paulette Dunbar, David Stewart, Shelley Hadfield, Dan Kiley, Nancy Smith, Kurt Gotthardt, Adam Ricker, Tim Lenihan, Bob Cusick, 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 Mr. Kluge seconded the motion to approve the April 4, 2016 Public and Non-Public Board meetings minutes.

Mr. Kluge said his second of the motion was contingent upon a correction: In Section VIII. Business: under the discussion of Blacksmith Alley Trash, the minutes incorrectly cited a statement he had made, as follows: “Mr. Kluge said that he agreed the Town should want a bunch of totes there.”

The correct statement should read: “Mr. Kluge said that he agreed the Town should not want a bunch of totes there.”

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

III. COMMUNICATIONS

Mr. Schneider reviewed the Trustees of Trust Funds Quarterly Report as of March 31, 2016. He noted that the Town is earning “not much” on its investments; earnings below 1% were anticipated until interest rates started to rise.

The GL Holdings law suits were progressing, he said. The courts and trustees had tracked down some of Mr. Thibodeau’s spouse’s assets and funds in the Philippines, but any recovered funds would be tied up in the courts for some time.

Mr. Schneider then called the Board’s attention to a set of e-mails regarding the Town’s Liability and Worker’s Compensation insurances. The provider was in the process of going out of business. The Town’s new policies under a new provider Primex (with whom the Town had held insurance previously)

would take effect on July 1. The new policies' cost, Mr. Schneider said, were going to be less, so the change will have been a good one for the Town.

Finally, Mr. Schneider noted that final tax bills had been mailed November 5, 2015, and that the Town had completed its report to the State Board of Tax and Land Appeals of the final billings.

IV. BOARD REPORTS

Mrs. Smith reported that the Lake Task Force was slated to meet the following day.

The Heritage Commission had met regarding the rehab of the Enfield Center Townhouse; Andrew Cushing was helping with the narrative for proposals.

V. TOWN MANAGER'S REPORT

Mr. Schneider said that the Boat Launch project was moving with along; work on the coffer dam was to begin the next day. The weather had been beneficial to the project schedule to the point where it was progressing a full month ahead. There had been, as yet, no issues with unhappy boaters. They had seemed to find their way to the alternate launch points with no trouble.

VII. PUBLIC COMMENTS

None

VIII. BUSINESS

Donald Plante – Enfield Outing Club:

[The exchanges presented in these minutes and particularly under this topic provide as accurately as possible from handwritten notes the sense of the discussion, with key points specified as clearly as possible. This is not a word-for-word transcription.]

Mr. Cummings prefaced the discussion with a caution to Mr. Plante and to the Outing Club members in attendance, saying that he understood there were differing opinions, but didn't want a back and forth between the groups. If that happened, he said, the discussion would be stopped.

Mr. Schneider said to the Board that they each should have a copy of an e-mail that Mr. Plante had submitted outlining the issues he wished to discuss.

Mr. Kluge said that he understood from comment Mr. Plante had made just prior to the meeting that he would be narrowing the focus of his discussion.

Mr. Plante said that was correct; he would prefer to focus on the environment and on taxes. He felt the environment was the most important of the issues. He said he came to understand that in May 2015, the Board has granted a one year tax exempt status to the Enfield Outing Club.

Mr. Cummings said that was correct.

Mr. Plante asked the Board to explain.

Mr. Kluge said the Board thought the Outing Club's argument had merit and decided to grant the exempt status for one year to give them time to become legally tax exempt.

Mr. Plante said that meant, whether the Outing Club provided evidence of the status or not, they were exempt for one year. He said he felt that was overreaching and not fair to the taxpayers, especially since in 2014 he showed multiple files the Outing Club had made to the Town that were incomplete at best.

He said their most recent filing omitted things to make them seem tax exempt.

Mr. Kluge told Mr. Plante that if he was going to raise legal issues and go back to 2014, he should have given the Board advance information so that it could be prepared and know what he was talking about.

Mr. Plante took exception to Mr. Kluge's tone, asking him who was accelerating the discussion and saying Mr. Kluge was assuming the worst.

Mr. Cummings cautioned Mr. Plante to remember the ground rules. The Outing Club had been granted exempt status. He told Mr. Plante to move on.

Mr. Plante said he took offense to the way Mr. Cummings spoke to him.

David Stewart said the property had been found by Pathways Consulting to be clear of environmental effects, so the environmental concerns were a moot point. He said Mr. Plante's well water had been found to have lead levels in keeping with background leakage, like other wells in the area. He accused Mr. Plante of presenting lies.

Mr. Plante referred to the Outing Club's 2014 submission to the Town, which referred to attempts to build new berm, and that it was continuing its lead remediation program and lead levels were found to have been normal except for the berm.

He said he was concerned about the environment, pollution, and drinking water. Nobody knows where all that lead goes. He said he'd like access to that testing documentation. The 2014 submittal also included reference to paying 'that firm' \$600, except the berm. He requested access to that information as well.

There was general discussion among the Board and Mr. Schneider about whether that would be public information that the Town could provide.

Mr. Stewart said yes, it had been provided to the Planning Commission. He said that he was not concerned about the berm, since the Outing Club had among its members several reloaders who go harvest bullets from the berm to melt down and make new ones.

Mr. Cummings said to Mr. Plant that if the Planning Commission has the documentation, the Town Manager can get that to you. You can get the documents. What do you expect the Selectboard to do?

Mr. Plante said, "be aware."

Mr. Cummings said, "and do what?"

Mr. Plante said that Mr. Cummings was getting ahead of the process. Mr. Cummings asked what he meant, and Mr. Plante explained that he couldn't address it until he reviewed the documentation he had requested.

Mr. Cummings said, "OK."

Mr. Cusick asked if there had been any attempt at negotiation between the two parties. The Valley News article was awful for the Town. Shouldn't it be easier to sit down and hire a mediator? Nobody should be infringing on the rights of the Outing Club. We (the Outing Club) will hire a lawyer. It'd be good to all sit down before spending a lot of money on a legal fight.

It also would be good, Mr. Cusick continued, to know what he wants. Is he going for a summary judgement?

Mr. Stewart agreed with Mr. Cusick.

Mr. Plante said that he had significant problems with the tax exemption being granted without documents submitted. He said that the Outing Club made several claims about what they do, like preserve & promote competitive and leisure shooting, sports, and firearms education, and the uses of the Outing Club, like charity, youth rifle, Enfield Police Department. He said the Enfield Police Chief had told him it had been three years since the department did any shooting there.

Mr. Kluge said that the PD is welcome to shoot there.

Mr. Plante said, "not by us." He said the Outing Club's materials made no mention of being available as a rental property.

Mr. Cummings said that churches are exempt but rent their facilities all the time.

Mr. Plante said Churches are exempt from everything. The Outing Club is a private corporation.

Mr. Cummings said we gave them a year to prove that they were charitable and if they didn't prove it, they'd never be exempt again.

Mr. Plante said, "I said they didn't disclose..."

Mr. Cummings wanted to know what was the difference.

Mr. Plante said that if he were the Board, and a corporation came and asked me, I'd expect them to provide all the info I need to make a decision.

Mr. Cummings said that perhaps churches had been a bad example but that Mr. Plante should get the point.

Mr. Plante said he was sorry Mr. Cummings felt that way.

Mr. Kluge said you have a major disagreement with the Selectboard and our decision to grant the exemption.

Mr. Plante asked what the timeframe is for exemption requests. Mr. Cummings asked Mr. Schneider to explain.

Mr. Schneider said that tax valuation is based on a property's state on April 1. So the next two tax bills are based on that value. Property owners can challenge the value prior to April 1.

Mr. Plante interjected that the Outing Club approached the Board in May.

Mr. Schneider said yes, they did. The request was for the June and September tax bills.

Mr. Plante, "So the year they didn't pay..."

Mr. Cummings: "Is done."

Mr. Plante began talking about his case before the Grafton Superior Court.

Mr. Cummings said he had read the [Valley News article]. As of January 1, the Outing Club had not obtained non-profit status. The tax exemption should be a dead issue. Move on to the next topic.

Mr. Plante said he didn't appreciate Mr. Cummings' tone and asked that it be noted in the record. This was one of at least four such requests.

Mr. Cummings, "Move on."

Mr. Plante, "The taxpayers trust you to be fair."

Mr. Cummings, "Move on. They haven't been charitable since January 1. It's a done deal. It is no longer non-profit. If they apply again, no."

Mr. Plante, "Moving forward."

Mr. Cummings, "Your disrespect for this Board is ridiculous." He said they had extended courtesy to Mr. Plante to have him on the agenda, even though he has legal action in process.

Mr. Plante asked Mrs. Smith for her opinion on the subject.

Mrs. Smith said that, because Mr. Plante has legal action in process, she questioned the viability of the Selectboard allowing him to be on the agenda with this topic. Tax abatements are granted yearly, she said. Last year it was given, this year she assumed it wouldn't be.

Mr. Kluge agreed that tax exemptions are awarded each year. Once an exemption is awarded for a given year, the Board would not take it back.

Mr. Plante said that if he were to start a corporation and request a tax exemption, he would have to file documentation and evidence.

Mr. Cummings said yes you would, with the State and Federal governments.

Mr. Plante said that the Enfield Outing Club had never filed for tax exempt status in the State of New Hampshire, but had enjoyed exempt status for many years.

Mr. Stewart said they were not inclined to make the request for the current year.

The Chairman adjourned for a five (5)-minute recess.

CDBG PUBLIC HEARINGS**Monday, April 18, 2016****6:30 PM****Whitney Hall, Enfield**

Mr. Kluge recused himself from the discussion and voting to avoid any conflict of interest.

Mr. Cummings read the Public Hearing Warrant, as follows: The Town of Enfield will hold two consecutive public hearings on Monday, April 18, 2016, at 6:30 PM at the Whitney Hall Conference Room, 23 Main Street, Enfield, New Hampshire, to hear public comment on a proposed Community Development Block Grant (CDBG) Feasibility Study application to the NH Community Development Finance Authority (CDFA), and related planning documents. Up to \$500,000 annually is available to communities or counties on a competitive basis for housing, public facilities, economic development and emergency activities that directly benefit low and moderate income persons. Up to \$12,000 is available for feasibility study grants. The proposal to be heard includes:

- A proposed planning grant application for \$12,000 in CDBG funds to be used to hire a consultant to assist Visions for Creative Housing complete an energy efficiency and sustainability plan.
- Adoption of the Town of Enfield Anti-displacement and Relocation Plan for this project.

Mr. Cumming made and Mrs. Smith seconded the motion to open the first public hearing at 6:36 PM. Motion passed unanimously with one recusal.

Shelley Hadfield, Grants Consultant, passed out a handout describing the project. Visions for Creative Housing has put together the structure needed to support the young, special needs adults, residing permanently or temporarily at Sunrise Farm and now is looking at long term sustainability both in terms of capital needs and financial security. Hadfield explained that while there are multiple potential funding sources a plan is needed to support any applications. The purpose of the feasibility study is to hire the consultants needed to develop a sustainable facilities plan which includes both immediate and longer term needs as well as energy improvements to reduce costs. The plan will identify potential funding sources for capital needs and explore financing opportunities.

Mr. Cummings invited comment from the audience. An audience member asked if the whole study would benefit just the applicant organization and what they meant by “workforce housing.”

Mr. Cummings responded that the language was boilerplate.

Nancy Smith said that, as the parent of a disabled daughter, she was entirely in favor of the project. It was her dream that her daughter could live there some day.

Mr. Cummings agreed, particularly given that there would be no cost to the Town.

Mr. Schneider agreed.

Mr. Cummings made and Mrs. Smith seconded the motion to close the hearing at 6:41 PM. The motion passed unanimously, with one recusal.

Mr. Cumming read the portion of the notice regarding the second public hearing as follows: Adoption of the Town of Enfield Anti-displacement and Relocation Plan for this project.

Mr. Cummings made and Mrs. Smith seconded the motion to open the hearing at 6:43 PM. Motion passed unanimously with one recusal.

Ms. Hadfield explained that the Anti-Displacement and Relocation Assistance Plan must be adopted as a part of any CDBG project and is specific to the project. The Plan assures that if any displacement takes place as a result of this project, the Uniform Relocation Act will be followed, which requires that any displaced household or business in a project using any federal funds must be found comparable housing/space in a comparable neighborhood at a comparable price. No displacement is anticipated as a result of this project.

There were no public comments.

Mr. Cummings made and Mrs. Smith seconded the motion to close the hearing at 6:46 PM. Motion passed unanimously with one recusal.

Mr. Cummings made and Mrs. Smith seconded the motion to support submission of a CDBG Feasibility Grant application to develop a plan for sustainability and energy efficiency for Vision for Creative Housing and to authorize the Town Manger to sign, submit and execute any documents that may be necessary to effectuate the CDBG application and contract. The motion passed unanimously with one recusal.

Mr. Cummings made and Mrs. Smith seconded the motion to adopt the Town of Enfield Anti-Displacement and Relocation Assistance Plan for the project. The motion passed unanimously with one recusal.

Solid Waste Ordinance:

Mr. Kluge said that the Town needs to come to grips with its solid waste policy and at what point an apartment building would be considered a commercial enterprise for the purposes of solid waste handling. Under the current policy, a building with six (6) or more units would be considered commercial. That would mean a five (5) unit building would have ten (10) totes.

Also under the current policy, there have been people paying to have their own dumpsters who don't generate as much trash as a five (5) unit building.

Mr. Schneider suggested a survey to get a gauge of public opinion, and also said that Town staff could look at policies in other communities.

Mr. Cummings said he'd like to see Mr. Schneider and Mr. Taylor put their heads together to come up with suggestions.

Mr. Taylor reminded the board that the Town picks up all residential solid waste.

Mr. Cummings said he was concerned with totes versus dumpsters more than he was about picking up residential versus commercial.

Mrs. Smith asked if he was saying the Town would provide dumpsters.

Mr. Kluge said that yes, the Town would have to pay for dumpsters.

Mr. Cummings said the Town already pays for some dumpsters.

Mr. Kluge has heard people complaining about having dumpsters because they had been paying for them. He wondered how a five (5) unit apartment building would not be considered commercial.

Mr. Taylor said that the contract was all trash before; when we changed, we swapped dumpsters to dumpsters and barrels to totes.

Mr. Cummings said five (5) units would classify as residential and they were given totes. Apartments are residential.

Mr. Kluge asked if a day care would be commercial.

Mr. Taylor said that no, if the owner lived in the building, a day care would be considered an accessory use of a residence. Any other commercial enterprise paid for its dumpster rental and collection.

Mr. Kluge asked whether a certain day care was owner occupied. He then asked if the Town was adhering to the current policy.

Mr. Taylor said it did. Buildings with six (6) or more units have dumpsters and the Town pays for them.

There were eight (8) dumpsters at Lakeview. The day care Mr. Kluge had asked about had ten (10) totes.

Mr. Cummings said that if it's a residential building, it should have one tote (each, for trash and recycling).

Mr. Kluge said that means we need to look at the policy and the practice and consolidate totes for dumpsters; it'll be better aesthetically.

Mr. Cummings said the Town needs to start enforcing the rule about putting totes away once garbage has been collected. People have been leaving their totes out a lot. That needs to go away. We need a plan for enforcement.

Mrs. Smith asked if Zoning should be involved, too.

Mr. Schneider said public feedback would be helpful.

Mr. Kluge said it'd be possible to do a study.

Mr. Taylor said it would be nice to have an ordinance and practice follow each other.

Mr. Cummings said the decision had been made a long time ago to do all residential.

Mr. Taylor said that would mean needing a new 'large residential' category.

Mr. Kluge said that also means changes to the next contract.

Mr. Cummings said the swapping could start now; no need to wait for a new contract.

Mr. Schneider said some village locations with totes would have a challenge figuring out where to put a dumpster.

Mr. Cummings said the totes would at least have to come away from the road.

Mrs. Smith mentioned about Jamie Orr's building on Main Street as an example of a location that would have a hard time finding a place for a dumpster.

Mr. Taylor said that there had been issues with dumpsters on the public right of way where they had become seeds for couches and all kinds of other trash.

Mr. Schneider said the discussion tied right into the discussion about Blacksmith Alley trash. Where the problem might be eliminated by enclosing the totes.

Space is the issue.

Mr. Kluge asked Mr. Schneider and Mr. Taylor to get some facts and figures for the next meeting.

Lakeside Park:

Mr. Schneider shared with the Board a preliminary plan for the park. It would be shared during the week with the State Historic Preservation and Department of Transportation. The plan included pavement work on Main Street to where the access road connects to Main (most notably drainage and improved shoulders). Extra attention would be paid under the underpass, where the road would be dug down to gain 3-5" more vertical clearance and the shoulder would be enhanced.

Changes to the access road would include gates at either end. He reminded the Board that this was only a preliminary proposal.

The access road would then be for emergency vehicles only and its pavement would be removed.

Mr. Cummings said that he had understood that the access road would stay as it currently is. It is needed for things like propane trucks and buses, not just emergency vehicles. Would they be automatic gates?

Mr. Schneider said that all of Mr. Cummings' concerns were discussed earlier in the day in a meeting of Town staff that included Mr. Taylor, Police Chief Crate, Assistant Town Manager Alisa Bonnette, and Mr. Schneider. Their consensus opinion was that the access road should not change.

However, Main Street should be improved to the point where folks won't want to use the access road.

Tim Lenihan said that the DES would tell the Town that the pavement had to come up because of the proximity of the pavement to the lake water.

Mr. Cummings said that the boat launch ramp would be paved right to the water.

Mr. Kluge wondered if the gates could be set up to open electronically.

Mrs. Smith asked how the larger vehicles got through before the access road was added.

Mr. Cummings said they had turned around; they didn't go through. He said keeping the access road was supposed to have been a tradeoff for having to keep the overpass. The Town didn't want to keep the overpass from the beginning.

Mr. Schneider said the parking area would be improved, and a sidewalk would come through and eventually connect back up with South Main Street. He asked the Board members to please review the plan and share their comments with him before Thursday.

Mr. Kluge asked whether the gates could be omitted and still get rid of the pavement.

Mrs. Smith said that the DOT Commissioner had changed; the new one came from Massachusetts. She immediately wanted signage changed to limit access road use to emergency vehicles only.

Mr. Kluge said that the Town should fight to get rid of the gates.

Mr. Lenihan suggested that perhaps the gates could be open at certain times.

Mr. Kluge said there was no mention of locking the gates.

Mr. Cumming expressed strong preference for omitting the gates altogether.

Mrs. Smith said that at one point the new Commissioner was talking about installing bollards.

Mr. Gotthardt asked if the State would be the owner of the park.

Mrs. Smith said the State had paid for the old motel property, with the Town responsible for maintenance. Her hope would be to have the Town acquire the adjoining lot.

Mr. Gotthardt said that the plans were for the property adjacent to the overpass.

Mr. Schneider said the meeting was also to plan spots where land would be disturbed for things like picnic tables, benches, etc.

Mr. Cummings asked why the Town didn't make a play for the material that came out of the boat launch. Mr. Taylor said it wasn't the best of material.

Mr. Cummings asked if the Town had bid the process so that it would own the material. Mr. Taylor said no; the Town had no place to store or process it.

Northern Border Regional Commission Grant:

Mr. Schneider said that the Northern counties of Maine, New Hampshire, Vermont and New York could apply to the Regional Commission for funds. The Lakeside Park future developments would be eligible. Proposal deadline is June 17.

Mrs. Smith said that the one catch would be that the Town is not a registered charitable (501 (c)3) organization. She had asked the Enfield Village Association (EVA) to serve as a vehicle for channeling grants.

This would be a 50/50 matching grant program.

Nate Miller, Mrs. Smith said, wants the town to propose a TIF extension to the bridge to free up more funds for the project.

Mr. Schneider said it would be a way to offset costs.

Mr. Kluge asked if EVA was willing. Mrs. Smith said they were.

An audience member asked whether the TIF change would have to be voted on by the Zoning Board. Mr. Schneider responded that it was actually a Town Meeting issue. It wouldn't be a significant change to the TIF district, since it already extends to Oak Grove.

Mr. Cummings expressed concern about losing revenue from all those houses.

Mr. Schneider said that existing revenue from them would not change; the TIF would only apply to the value of improvements to those properties.

Mr. Kiley added that increases in assessed values also would fall under the TIF.

Mr. Schneider agreed, and said that the potential to use funds on hand without affecting the tax rate was present.

Blacksmith Alley Trash:

It was agreed that this topic had been covered in the discussion of the solid waste policies.

Lakeview Sewer Extension:

Mr. Schneider presented the Board with the loan resolution for the Lakeview project, noting that it reflected the loan for the thirty (30) year term at a rate of 2.25%.

Mrs. Smith asked if this was the Federal portion of the project. Mr. Schneider said yes, it was a USDA loan. For this program, all the loan funds had to be expended before tapping into the grant funds.

Mr. Gotthardt asked if it represented the entire project cost. Mr. Cummings said that no, there was an additional \$900,000. Mr. Schneider added that there were also State funds on top of that.

Mrs. Smith asked if the total included the Shaker Landing extension that had been approved at the Board's previous meeting.

Mr. Schneider said that was his understanding.

Mr. Kluge read the resolution as follows: "A resolution of the Board of Selectmen of the Town of Enfield authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Sewer Line Extension facility to serve an area lawfully within its jurisdiction to serve."

Mr. Kluge declared the remainder of the document to have been read by its inclusion as an attachment to the minutes of the meeting.

Mr. Cummings made and Mrs. Smith seconded the motion to approve the resolution as presented. The motion passed unanimously and the Chair executed the document.

Administrative Items:

Mr. Schneider asked the Board to enact a resolution for the funding of the cruisers and DPW vehicles leases as approved at Town Meeting.

Mr. Kluge read the resolution as follows: "Resolution of the Enfield Board of Selectmen of Town of Enfield Declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made an/or to be made in connection with the acquisition, construction and equipping of certain capital improvements."

Mr. Kluge declared the remainder of the document to have been read by its inclusion as an attachment to the minutes of the meeting.

Mr. Cummings made and Mrs. Smith seconded the motion to approve the resolution as presented. The motion passed unanimously and the Chair and Mrs. Smith executed the document.

Mr. Kluge made and Mr. Cummings seconded the motion to appoint Charlie Clark of Enfield to the position of Alternate Energy Committee member. The motion passed unanimously.

The Board executed various other documents.

Other Business:

Mr. Schneider said he would have updates on tax liens and deedings at the next meeting, which should be held at the Public Works conference room.

Mr. Cummings said he was happier having meetings at the Public Works Facility.

Mr. Kluge agreed.

Mr. Cummings made and Mrs. Smith seconded the motion to hold all future Selectboard meetings at the Department of Public Works. The motion passed unanimously.

Adjournment:

Mr. Cummings made and Mrs. Smith seconded the motion to adjourn at 7:30 PM. The motion passed unanimously.

Next Meeting: Monday, May 2, 2016, 6:00 PM Department of Public Works Conference Room

John W. Kluge, Chairman

B. Fred Cummings

Meredith C. Smith
Enfield Board of Selectmen