

**TOWN OF ENFIELD  
ENFIELD BOARD OF SELECTMEN**

**MINUTES**

**DATE:** Monday, July 1, 2019  
**TIME:** 5:00 PM  
**LOCATION:** Public Works Facility, 74 Lockhaven Road

**PRESENT:** John W. Kluge, Chair; Meredith Smith; Katherine D.P. Stewart (arrived at 5:55 PM)

**OTHERS:** Roger Dontonville; Jim Bonner (video); Alice Kennedy (recording secretary)(arrived at 5:55 PM); Bob Cusick; Brian Duggan of Municipal Resources, Inc. (MRI); Bud Lynch; Terri Lynch; Jean Patten; Jeff Hinman; Patty Williams

**CALL TO ORDER**

Mr. Kluge called the meeting to order at 5:00 PM

**APPROVAL OF MINUTES**

**June 3, 2019 Regular Meeting and June 13, 2019 Special Meeting/Public Hearing:**

Mrs. Smith moved to approve the minutes of June 3, 2019 and June 13, 2019 as written, Mr. Kluge seconded, vote unanimous in favor of the motion (2-0).

**COMMUNICATIONS**

**Tax Collector's Report – June 2019:**

Mr. Aylesworth reported that this being July 1<sup>st</sup> (the due date for taxes) the Tax Collector was not able to turn around the month end report in time for this meeting.

**Town Clerk's Report – June 2019:**

June 2019 was a little slower than June 2018 being about \$14,000 behind. Year-to-date is lagging a little behind 2018 figures, but well within the range of what is historically normal and it is still quite possible things will improve in the coming months to enable 2019 revenue to exceed that of 2018.

**Conservation Commission Correspondence Re: Unauthorized Use of Town Land, Map 9 Lot 46 (Bicknell Brook Property, Grafton Pond Road):**

This was discussed at an April meeting of the Board of Selectmen. The Commission says there is not only an issue of access but trail management going on, including hauling brush, cutting trees, removal of downed trees, etc. and the person has no permission from the Board of Selectmen to be doing that on Town property. The Conservation Commission agrees with the Selectmen's decision to post the property 'no snowmobiling.'

A member of the audience, an abutter to the Bicknell Brook property, asked the Board if they thought the posting was enough, or just a first step.

Mr. Kluge replied that he thought it was a first step and the Town will have to pay attention to it. He is confident there some people who *will* pay attention to it, and if there's a problem the Board will pass it on to the next level.

The audience member thinks the cutting of trees breaks the conservation easement as well as the Town rules, so he believes the Upper Valley Land Trust might also be interested.

As discussed at the April meeting, it was suggested there was nothing in the easement that specifically prohibits snowmobiles.

The audience member noted the cut trees.

Mrs. Smith said it might be worth having a conversation with the Land Trust as they frown on any cutting of trees.

Mr. Kluge believes the Conservation Commission is really paying attention to it and Mr. Kluge has a lot of confidence in them.

#### **Shoreland & Wetland Permit Applications:**

Three Shoreland/Wetland Applications were provided to the Board. Mr. Aylesworth reported these are on file and being reviewed by the NH Department of Environmental Services (DES) so these are for informational purposes:

- **Shoreland Permit Application – Susan Weaver, Map 22 Lot 13, 16 Bassy Lane, Install a Pervious Patio, Re-align Walkway/Stairway (Complete Application Available for Viewing)**
- **Wetlands Permit By Notification – Lloyd Johnson, Map 44 Lot 18, 51 Algonquin Road, Installation of Closed Entryway and Deck, and Refurbish/Repair Retaining Wall & Steps:**  
Mr. Kluge asked about the enclosed entryway. Is the application here because it is within the 'not permitted' area? Mr. Aylesworth speculates that the application was filed because the work will take place within the setback or within the 50' buffer zone. Mrs. Smith said if it's an enclosed entryway she assumes it has a roof and is therefore an impervious surface.
- **Notice of Shoreland Application, Joyce Winslow, Map 20 Lot 22, 11 Bay Drive, Installation of a Pervious Patio with fire pit, retaining walls, pervious walkway**  
Mrs. Smith had a conversation today with Mary Ann Haagen about this project, a direct abutter. They aren't particularly happy about it. This is the first official filing with DES.

All of these applications are provided to the Conservation Commission.

## **BOARD REPORTS**

#### **Mascoma Lakeside Park Committee:**

The Mascoma Lakeside Park Committee met and is moving to a once a month meeting schedule. They are moving ahead with various RFPS – Archaeological Determination of Effect and Landscape Design and Pavilion construction.

#### **Heritage Commission:**

The Heritage Commission met last Thursday. The Commission is moving along with a plan to have Nadine Miller come on July 11 to tour the Town and possibly identify local historic district areas.

#### **Planning Board:**

Mr. Kluge was unable to attend the Planning Board meeting, but from the notes of the meeting it seems Rob Taylor, Land Use & Community Development Administrator, is charging forward.

Mrs. Smith attended last Friday's EVA (Enfield Village Association) Coffee and she had a chance to talk to Rob Taylor and David Fracht, the new Chair of the Planning Board.

Mr. Aylesworth reported that the Planning Board has a meeting scheduled for July 10<sup>th</sup> – a work session to focus specifically on the Master Plan update process.

## **TOWN MANAGER'S REPORT**

### **Town Newsletter:**

The July issue of the newsletter was published today, July 1.

### **New Employees:**

As Mr. Kluge alluded to, Rob Taylor started as Land Use & Community Development Administrator on June 10<sup>th</sup>. And in addition to helping to assemble an RFP for Master Planning services, Mr. Taylor and the Town Manager are in the process of brainstorming two public engagement sessions. One will target local businesses and seek input from local business owners and operators to get feedback businesses as to what's working and what's not working in town, what can municipal government can do to help make local businesses more successful. The second session will target local residents to learn about what new businesses they'd like to see in our community.

Ed Winters has officially started as Enfield Recreation Director. Mr. Winters comes from Colby Sawyer College where he's the Assistant Director of the Recreation and sports programs at Hogans Sports Center. He's hit the ground running. He has a lot of experience administering programs to people of all ages.

### **Municipal Facilities Advisory Committee:**

The Municipal Facilities Advisory Committee most recently met on June 24 at the Department of Public Works (DPW). That meeting involved a comprehensive review of the DPW grounds as well as the grounds' potential suitability for a public safety complex if it were to be sited there. They also looked at the condition of the DPW building. Department heads, from their standpoint, don't have additional space needs at this time. The building is meeting the needs of the Town but the use of this site for other purposes is being considered. A July 8<sup>th</sup> meeting of the Committee will include a tour of the Enfield Community Building and Huse Park Pavilion. They'll hear from Recreation on current and potential future programs.

July 22<sup>nd</sup> the committee will consider a field trip to other facilities, such as public safety complexes, recently renovated libraries, well designed municipal buildings, to get a sense of what other towns have done and hopefully avoid any pitfalls down the road that they may have encountered.

The Committee is working well together and a lot diverse perspective is being brought to the table.

### **Paving:**

Summer paving is winding down. They still need to put the top coat on George Hill Road, now that the reclamation is completed. And other side roads in town that were going to be paved, have been paved.

### **Public Information Meeting – Route 4A Sewer Connection:**

On July 25<sup>th</sup> the Town will be hosting a public information meeting for those interested in connecting to the Route 4A sewer. It will be targeting residents on Route 4A between Landing Road and Lakeview Condos. It's open to the public, so those with general interest are welcome to attend, but it is expected most of those attending will actually live along that corridor and be interested in connecting.

**Network Assessment:**

Town has been working with SymQuest – SymQuest currently maintains our networked copier/printer – to do a comprehensive network assessment. The purpose of the assessment is to check the work of our existing IT contractor; it's the IT equivalent of an independent audit. We think we get good counsel from our IT contractor but it's healthy every few years to have somebody else look at it and see if they agree with how things are configured, and also to make sure there's not an argument for going toward something different, like a cloud computing environment as opposed to on-site servers with off-site backup.

**PUBLIC COMMENTS****Bob Cusick – Mascoma Lakeside Park Development & Heritage Commission/Historic Districts:**

Mr. Cusick feels the Town needs to have more involvement with the Mascoma Lakeside Park Committee. At the end of the story after these things are built the Town has to be able to assume any kind of maintenance or other requirements put on the Town. He's not sure how much input the Town Manager has, but Mr. Cusick would strongly suggest that the Town have input into exactly what's going on, the RFPs, and all the rest.

Mrs. Smith pointed out that Mr. Aylesworth attends every meeting.

Mr. Cusick feels that's good and he thinks Mr. Aylesworth needs to have input.

Mr. Kluge said the Selectmen receive pretty specific reports as to what's being considered. As a Selectman, he has never felt like he doesn't know what's happening. There may be a bit of a time lag.

Mr. Aylesworth mentioned that at the last meeting they were talking about the Committee's role and the transition that will take place at some point as things transfer, as day to day stuff becomes the focus of Public Works and Recreation, making sure from a program standpoint and from a facilities maintenance standpoint they are fully up to speed on what the vision is.

Mr. Cusick remembers when he and Lee Carrier approached the meeting when they were talking about a new office space and they suggested the Town take a look at 56 Main. He recalls there was uproar about the Town not wanting to have more property to take care of; that issue is liable to resurface at some time in the future.

With the Town doing a revised plan, Mr. Cusick would strongly suggest there be no additional forays into the Town creating a historical district. He thinks the Town has to wait until the plan is finished. In reading the Heritage Commission minutes, a Committee he thinks does a great job, they're talking about 196 homes with a C after it, wanting to go in and take pictures (Mrs. Smith clarified – only if a demolition permit is issued) and then you're going in between the homeowner and the Town and you want to insinuate yourself into that. He feels that's an invasion of privacy. Whenever a Town creates an historic district a lot of problems come with it. He's spoken to people in Concord at the Historic Commission there and there are a lot of rules that impinge on the property owner's rights.

Mrs. Smith disagreed with Mr. Cusick's statement about impinging on property owners' rights.

Mr. Cusick thinks the Town has to be careful to make sure that these historic districts don't come in direct conflict with the planning and moving forward. He understands wanting to take care of our historic buildings, and he agrees with that, but we have created a feeling in the Town that we do not appreciate

people who come in, such as Jake's who invested millions in property, and we continually go after them. So until the planning is done, the proper planning and regulations as to what we're going to have in this town, he thinks we need to really withdraw from creating any historical districts in the Town or doing anything to become a certified local government.

Mrs. Smith wanted to explain a bit about the National Historic Register District we already have in Town. There are no restrictions to the property owners. They can tear the building down if they want to. It's strictly honorific. In that district there are, she believes, 198 contributing structures. The owners of these properties are under no obligation. The only time the federal government steps in is if you are getting a federal tax credit, for which you have to apply and jump through hoops; the Hewitt House is an example; otherwise there are no restrictions.

Mrs. Smith went on to explain the local historic districts that she's referring to are, again, honorific; it simply identifies important buildings and places within the Town as part of becoming a certified local government. Lebanon has been a certified local government for about 5 years to great advantage. It means being eligible for grants the Town would otherwise not be able to receive, especially planning grants, which is why this route is being pursuing; just to offer these grant opportunities to the Town.

## **BUSINESS**

### **Fire/EMS Transition Planning Process "Kickoff"– An Overview Provided by Brian Duggan**

Mr. Duggan introduced himself and his associates, Christopher Olsen and Christopher Norris, from Municipal Resources, Inc. (MRI). The planning process, here for the kick-off today, will be a multi-pronged approach. Today they are doing a "listening tour", trying to get together with key people, listen to what they have to say about the opportunities before the Town to transition, consolidate, realign, in the future, Fire and EMS services. And with that, they'll have representatives from Fire and EMS present to listen and they will to their comments. That will result in an analysis that's shared back to the Town Manager relative to industry best practice, the MRI staff's collective lens of experience, and the comments they've heard, both tonight and also previous comments Mr. Duggan heard when he was last here relative to how to best to approach the process. From there MRI is going to go into a process of involving stakeholders. When they come back they'll do a nominal group process where they can identify priorities, timelines, and action items that are essential to positively move the services forward. From there they will facilitate meetings to actually transition that into action items over time and managing communications through that process. It will be a long term approach but it's the most important thing. Mr. Duggan spoke to Mrs. Smith a number of months ago about level of involvement; that's one thing they do that's different from many other companies. They really want to involve the stakeholders in the process. The stakeholders are truly going to be the ones who will steer the process with MRI toward fruition.

The Selectboard had no questions at this time.

### **Fire Station Overhead Door – Requested Withdrawal of \$6,500 from CIP (Capital Improvement Program) Capital Reserve Fund (CIP CRF):**

Mr. Aylesworth had anticipated the Fire Chief would be in attendance to speak to this, but Chief Cummings let Mr. Aylesworth know a short time ago that he would not be able to attend. A few years ago there was money set aside in the Capital Improvement Program Capital Reserve Fund (CIP-CRF), at least part of which was to replace the overhead door at Union Street Station. Although the project was approved and given the blessing of the Board of Selectmen at the time, the Department didn't take any action on it. The authority to expend the funds for this purpose has since lapsed. Chief Cummings received an estimate from a local contractor. While originally it was expected not to exceed \$6,500,

Chief Cummings now believes it won't exceed \$6,000. The Board was asked to vote to withdraw from the CIP Capital Reserve Fund up to \$6,000 to replace this overhead door which has been in a state of disrepair for some time.

Mrs. Smith asked who the local contractor is.

Mr. Aylesworth believes it's a combination of folks working on it. He believes Lloyd Hackman is providing some labor at a deeply discounted rate and as far as the hardware he believes it's a local overhead door company.

Mrs. Smith noted there is such a company in Enfield and she recently had three garage doors replaced and it was nowhere near that kind of money.

Mr. Aylesworth responded that it's a large door. He wishes Chief Cummings were available to talk about the cost breakdown.

Mrs. Smith – she and her husband did a lot of research and they found the local contractor was by far the least expensive, for a better door.

Mr. Aylesworth requested a motion to authorize funding in an "up to" amount.

Mrs. Smith moved to authorize up to \$6,000 (from the CIP CRF) for replacement of the overhead door at the Union Street Fire Station; Mr. Kluge seconded, vote unanimous in favor of the motion (2-0).

**Request for Parade Permit – July 4 Fireworks Display on Shaker Bridge (Main Street):**

Mr. Aylesworth reported that Police Chief Roy Holland has been in communication with Rob Malz, an Enfield resident, whose intent is to have a private fireworks display; it would be publicly visible, but a privately conducted display. The Board of Selectmen must issue a determination on this request. Mr. Aylesworth believes Chief Holland has all of the information the Board needs to make an informed decision.

Chief Holland informed the Board that Rob Malz dropped off a Public Function Request to the Police Department. Enfield does not own the bridge, so Chief Holland contacted NH Dept. of Transportation (NHDOT), Division 2, and they said Mr. Malz needed a Parade Permit to be able to launch the fireworks off the Shaker Bridge on the Saturday, July 6<sup>th</sup>.

Mr. Kluge asked if that would involve closing the bridge to traffic. He was informed by Chief Holland it would. Mr. Kluge asked for what period of time it would be closed.

Chief Holland explained it would be partially closed for 20 minutes and fully closed another 20 minutes, so 40 minutes total impact to traffic. Chief Holland contacted the State to see if this was something that was even possible and they said yes. A Parade Permit would need to be forwarded to the State. Part of the Parade Permit is the first part which is signed off by the Police Chief, Town Manager or Selectmen. This request is something new, which we haven't dealt with in the Town prior, so in speaking with Ryan Aylesworth, Chief Holland didn't feel comfortable signing off as Police Chief and sending it off to Division 2. The Town is not the authority for the permit. The permit is issued or denied by the State, but if the Town doesn't sign its part it's basically dead in the water at that point.

Chief Holland also checked with Marine Patrol to find out if a permit was required, but was informed it doesn't meet their permit application process. He spoke with Fire Marshals as well, but it also doesn't meet their permit application process; in both cases because it's a private show, not a public show. It's

not commercial, it's not being advertised. He contacted the Environmental agency to find out if there was a permit required or if it was legal to launch that amount of fireworks over the water. The agency does not require a permit.

Mrs. Smith mentioned there is a DES (NH Dept. of Environmental Services) fact sheet about fireworks and the dangers to marine life and water.

Chief Holland replied that he was not looking at this from an environmental standpoint, but from the law enforcement side he wanted to find out if there was necessary permitting or if there was anything that prevents someone from doing this. Under what we have for a Town ordinance the permit comes through the Police Dept. Environmental services didn't have anything on the books that specified that they could or could not do this. Chief Holland then contacted the Town's insurance attorneys to determine the Town's liability and according to Primex attorneys, by signing the permit the Town does not accept any liability and also does not accept any endorsement of the event. In order to not sign it, we need to have an ordinance already in effect that lays out the parameters of why we're denying it. What Chief Holland found is that the Town has an ordinance under 105.9 the Chief of Police is authorized, not to deny or accept, but to assign a certain amount of Police personnel for safety. Other than that we have no environmental ordinance. The Town fireworks ordinance doesn't have anything in it about doing a public display so those are our parameters.

Mr. Aylesworth clarified that Chief Holland was saying his research found the Town can adopt an ordinance that would create some limitations, controls or prohibitions related to this sort of display but because we haven't done it to date, for the purposes of reviewing this application we can't retroactively apply standards. Chief Holland agreed with this assessment.

Mr. Kluge asked if Saturday is one of the days that fireworks are allowed. Chief Holland explained that fireworks are allowed on Fridays and Saturdays and select holidays.

Mrs. Smith called Doug King at NHDOT, District 2, and he told her these permits are issued only to municipalities, not to individuals. This is an individual who is applying.

Chief Holland responded that the State can deny it. The Town could sign it today, then it goes to NHDOT, Division 2, then the State could choose not to sign it. Doug King is the individual Chief Holland spoke to at Division 2 and he told Chief Holland to send it to him and he would talk to his bridge maintenance person and then decide. He's aware this is an individual applying, not the Town.

When Bob Cusick did fireworks for the high school he was granted a permit as an individual by the State Fire Marshal. They were set off at the high school. He had insurance.

Chief Holland did run the plan by the Fire Chief, feeling that was important, and the Chief Cummings had no issues with the application.

Mr. Kluge invited public comment.

Bud Lynch asked if the Police Department witnessed someone littering off the bridge would they be required to do something about it. He was informed, yes. Mr. Lynch stated here's a tremendous amount of litter that goes into the lake with these fireworks, tubes of cardboard, some of the chemicals are still there. They don't rise to the level of contamination, most of the time, but there's a tremendous amount of cardboard litter that's in the lake. It tends to dissipate over time, but it's a large volume.

Chief Holland said he is not going to have his officers going out and citing everyone who sets off fireworks around the lake. That's not within the parameters of why we can or can't endorse the permit.

Mr. Lynch, noted that this is where we're going to make an exception for littering? In the case of fireworks?

Chief Holland asked if Mr. Lynch meant that no fireworks could be set off anywhere in the State because of littering.

Mr. Lynch said there was something that said you have to clean up and set them off at high angles, but even the ones set off at high angles are going to drop cardboard and litter. It will be in the lake, it won't be seen, but it will be 10 or 15 feet down and it stays for a while.

Chief Holland noted that Mr. Lynch is talking to him about something that is unenforceable in law enforcement.

Mrs. Smith pointed out that Mr. Lynch is just talking about the bridge.

Chief Holland stated that as far as the plan Mr. Malz submitted, they would clean up the bridge of all the debris after the event.

Mr. Lynch said what's going in the water is the same as throwing a cardboard cup into the water.

Chief Holland understands his concerns, but because the Town doesn't have an ordinance about environmental impact for a parade or event, the Board can't create one after the fact. And we can't selectively enforce a law. So if Chief Holland were to cite Mr. Malz for littering for pieces of cardboard that go up 100' and don't come back, the Police would have to collect that evidence, he would have to have *the means* to collect the evidence, and he can't selectively enforce it, citing one person and not another. If the State passes a law...

Mrs. Smith pointed out that Mr. Malz is requesting to do this from a public place and the fireworks law says they have to be shot off on private property. Mr. Cusick received permission to do fireworks at the high school, correct?

Mr. Cusick confirmed he received permission from the school board, principal, Canaan police chief and others.

Mr. Kluge asked Mr. Cusick if they had to close Route 4 for that and was informed they did not. Mr. Kluge stated that his concern as a Selectmen, in the interest of safety and in the interest of defining the Board's role, they certainly have every right and opportunity to express to NHDOT the Board's deep concern over closing Shaker Bridge, which is a primary artery for the Town.

There were questions relative to emergency vehicle access during the display. There would be 20 minutes when no traffic of any kind could use the bridge.

Terri Lynch strongly objects to the Town signing and giving Rob Malz permission to use our public road for his own personal fireworks. She feels it's a bad precedent. Last year when fireworks were lit on the bridge she rode her bike over the bridge the next day and there was litter all over the bridge, it was not cleaned up. She swept up some; there was a lot in the lake. The loons get terrified. New loons are trying hard to nest; they nested right next to the bridge and the next failed, but are trying to re-nest. It disturbs



all of the wildlife. She personally does not like all the sound herself, but if he wants to set them off on his own property let him do it, but to set them off on our bridge sounds wrong and sets a bad precedent.

Mr. Aylesworth thought he gathered from earlier discussion with Chief Holland, regardless of how individuals feel about fireworks – and these are valid concerns, especially the environmental impact – he thinks everyone would agree that equating fireworks with hate speech those are different things, but the point being if a hate group wanted to do a parade down Main Street in our community, that we don't have a means...perhaps Chief Holland can explain.

Chief Holland said if a group came to Enfield that we don't agree with, such as a hate group, and they wanted to have a parade down Main Street, with our current ordinances Chief Holland can, because of a potential for fights and the like, require a certain number of officers to be security at the event at the event holder's expense, and it has to be reasonable.

Mrs. Smith stated they still wouldn't be a municipality applying for a parade permit, which she understands is the law that parade permits are given only to municipalities, not to individuals.

Chief Holland said that may well be and when it gets to Doug King's desk he may determine it doesn't fit the State's definition to issue a permit. Based off the attorney's advice, we don't have the ordinances.

Mrs. Smith said the State does, and they only issue to municipalities.

Chief Holland understands people are passionate about this, but we have to step back from the emotion of it and we have to go by the Town's ordinances and governance that says whether we can or can't deny a permit.

Mr. Kluge asked who is approving or denying the permit; he was informed the State makes the decision. He went on to state that the Selectmen can communicate with NHDOT and let them know the Selectboard strongly opposes closing of Shaker Bridge.

Chief Holland agreed. If the Town opposes it, it doesn't go any further. At that point we do deny it and the State is the ultimate decision maker.

Jean Patten is not wild about fireworks, but believes the issue here is that by closing the bridge and closing the road we're just opening up Pandora's Box. If this is allowed, who else will want to close a road for whatever purpose? She does not feel, as a Town, that we have the authority to even endorse this permit when it's not a Town road.

Jeff Hinman stated he was involved in the initial implementation of the fireworks ordinance, is a resident at the south end of the lake and has neighbor, Jim Martel's, proxy to speak for him tonight. He encouraged the Board of Selectmen not to approve this at all. We do condone littering when it comes to fireworks in the lake – it's not cardboard, it's plastic. He provided examples of litter from fireworks that all gets deposited on the south end of the lake. He does not want to clean up Mr. Malz's garbage. He encourages the Board not to support the application.

Chief Holland would caution denying based on stopped traffic as the Town stops traffic for 20 minutes plus – on Route 4A twice a year, on Main Street once or twice a year.

Mrs. Smith stated in those instances it's being done for the Town of Enfield, not for a private citizen.

Chief Holland noted the Shaker 7 is not the Town of Enfield. An audience member noted that the Shaker 7 is put on by the Enfield Village Association and Mr. Kluge noted that they don't totally close the road, only for the start – not for 20 minutes.

Mr. Kluge does not know the legalities of the situation. If the Police Department feels they have no recourse but to sign this, all well and good. He thinks the Board of Selectmen, from what he can determine feel pretty strongly that they will communicate with NHDOT and say they are thoroughly opposed to closing Shaker Bridge.

Mrs. Smith moved the Board of Selectmen communicate with NHDOT District 2, that the Board takes strong objection to closing Shaker Bridge for a fireworks display on July 6<sup>th</sup>, or at any other time, for a private individual. Mr. Kluge seconded, vote unanimous in favor of the motion (2-0).

Jeff Hinman requested clarification on denying the application. He was informed by Mr. Aylesworth that if the Board doesn't sign the permit application, it ends here.

Jean Patten understands that this is denied, but he can come back and request to display from his own property. She was informed by Mr. Aylesworth that Mr. Malz can do it from his property. Mr. Malz has given an indication that he would do it from his property or from a barge on the lake. Mr. Kluge added, the Town has no control over what Mr. Malz does on his property according to the standards the Town has set. Mrs. Smith spoke with Marine Patrol and there are no restrictions on shooting off fireworks from a boat.

Mr. Kluge said, whether at some point we need to revisit this whole thing and define more clearly, that's possible, but that's the best the Board can do tonight.

Jean Patten feels this is a learning lesson for us moving forward to refine things and rethink what we have in place.

Jeff Hinman said this year the fourth falls on a Thursday, so there's a potential for three nights of fireworks this year. He would hope we'd someday limit fireworks only to the 4<sup>th</sup> of July no matter what day it lands on.

Mr. Kluge stated, when the Board passed the ordinance they really ramped it down. It's much better than it used to be; he hears that from people around the lake. Members of the audience agreed that it has improved a lot.

**Patty Williams – Tax Deeded Property, NH Route 4A, Map 9 Lot 39:**

Patty Williams came before the Board to discuss property taken by tax deed. It's called the Beard plot in the quitclaim deed. There's no road, just a brook. She abuts Bicknell Brook and the trail comes onto her property for a bit. It's heavily used by snowmobiles. The parcel, of 1 acre more or less, used to be part of about 110 acres the previous Beard family owned. It's become a dump. Photos were provided.

Ms. Stewart and Mrs. Kennedy arrived at this time.

Patty William's property surrounds the Beard plot on three sides. There's a 20' right-of-way leading to the property that is all brook and swamp. If anyone wants to access the property they typically park in her driveway and walk through her sheep fields to get there. They have to park along 4A, there's a little bridge thing, then they climb down a steep bank, put on waders to get back along there. She doesn't think you could ever put in a road because of the brook. If you look out from the broken down building people refer to as a cabin, you look out at a broken down, abandoned bus that something is living in. She provided photos of this, the cabin – inside and out, an abandoned propane tank.

Mr. Kluge thinks everyone can agree this is not a habitable building.

Mr. Aylesworth stated that in lieu of auction, Ms. Williams would like to buy the property from the town directly. It has lack of access and is currently uninhabitable. Ms. Williams would like to purchase it for the back taxes.

Mr. Aylesworth explained the process when property is sold prior to three years and a day from tax deeding. He added that in this situation the law suggests that since it is an unusual lot with lack of access, and there is a provision in RSA 80:80 that talks about 'as justice may require', the Selectboard has the ability to deviate from a competitive sale/bidding process if deemed appropriate. He feels it's best to gather more information regarding the property's value. The Town has the property assessed at about \$7,200. The Town can move forward in good faith in a negotiation with Ms. Williams.

Mrs. Smith said this could be an attractive nuisance or liability for the town.

Ms. Williams informed the Board the previous owner has passed away. Discussion followed regarding the estate and conversations Ms. Williams had with a woman who claimed she had authority to act on behalf of the estate, but who never provided documentation of that. She feels there's really no one left to give money to. This was followed by discussion of use of her property by snowmobile clubs and others. Mr. Aylesworth will talk with the Town's assessor and gather more information. Ms. Williams offered to take him back there if needed as the right-of-way if very hazardous.

**Capital Improvement Program Capital Reserve Fund – Vote to withdraw up to \$11,000 for Police Department renovation project:**

Chief Holland explained that, as part of his strategic plan and during the budget season, his plan was to do some renovation to the Police Station, converting the sally port to an evidence room and converting the old evidence room to an IT room. He tried to get 3 quotes, but it's such a small project many contractors aren't interested in it. He got 2 quotes, one being much less than the other, and for that reason he checked the quality of past work and he got good responses. He can't get quotes for phase 2 of the project until the first portion is complete, but is requesting authority to expend the full \$11,000. He is confident he can complete the project within budget.

Mrs. Smith moved to authorize the withdrawal of up to \$11,000 for the Police Department renovation project, Mr. Kluge seconded, the vote was unanimous in favor of the motion (3-0).

**Request to Discontinue Town Sewer Service – 0 Wells Street Map 31, Lot 49:**

It's understood that should a future connection be designed, a connection fee will be assessed. The owner would like to stop receiving charges for fixed fees. Mr. Kluge moved to approve this request, Mrs. Smith seconded, and the vote was unanimous in favor of the motion (3-0).

**Authority to Execute Loan for George Hill Road Improvement Project:**

The original loan was fixed at 3.05%, for a limited time, and the alternative was 3.25% for 10 yrs. The alternative is what Mr. Aylesworth is more inclined to accept. Mrs. Smith moved to authorize Mr. Aylesworth to execute the loan documents for the George Hill Road improvement project, Mr. Kluge second, and the vote was unanimous in favor of the motion (3-0).

**Policy for Removal & Filling of Vacancies [on Town Boards, Committees & Commissions]:**

Mrs. Smith moved to approve the policy, Mr. Kluge seconded, the vote was unanimous in favor of the motion (3-0).

**Municipal Financial Policies – Initial Draft Review:**

The Board was asked to review the policies prior to the next meeting.

**Cemetery Trustee Resignation [Selectmen appoint to fill the vacancy for the remainder of the term (March 9, 2021) RSA 289:6]:**

Gordon Clough has resigned. No one has expressed interest at this time. Ryan Aylesworth will advertise the vacancy. Ms. Stewart moved to accept Mr. Clough's resignation with regret, Mrs. Smith seconded, the vote was unanimous in favor of the motion (3-0).

**Acceptance of Grant Funds for IRS XC & Track from NH Charitable Foundation in amount of \$500.00 – Vote Required:**

Katherine Stewart moved to accept the funds, Meredith Smith seconded, the vote was unanimous in favor of the motion (3-0).

**Donations for Conservation Commission Sponsored Bench in Memory of Gary Gaudette: \$150.00 – Vote Required:**

Ms. Stewart moved to accept the funds, Mrs. Smith seconded, the vote was unanimous in favor of the motion (3-0).

**Donations to Mascoma Lakeside Park Expendable Trust Fund: \$2,500 in aggregate – Vote Required:**

Mrs. Smith moved to accept the donations, Ms. Stewart seconded, the vote was unanimous in favor of the motion (3-0).

**Donation to Enfield Recreation & Mascoma Valley Regional Recreation for Summer Camp Scholarships: \$450 – Vote Required:**

Mrs. Smith moved to accept the donation, Ms. Stewart seconded, the vote was unanimous in favor of the motion (3-0).

**ADMINISTRATIVE ITEMS****BTLA Settlement – Vote Required:**

Mr. Aylesworth explained that this issue involves a property at 6 Simple Gifts Lane. The property was assessed at \$537,000, there has been a reduction of the assessment in the amount of \$20,000 and Norm Bernaiche, Assessor, believes this is fair. Ms. Stewart thinks makes sense. Approved for sale.

Ms. Stewart moved to accept the agreed upon settlement number as documented in the memo and authorized Ryan Aylesworth to act in accordance, Mrs. Smith second, the vote was unanimous in favor of the motion (3-0).

**Junkyard Permits Renewals:**

The permits are renewals for pre-existing junkyards owned by Joseph & Francis Lassen and Chase & Sons. Ms. Stewart moved to approve both permits, Mrs. Smith second, vote unanimous in favor of the motion (3-0).

**Land Use Change Tax:**

Small penalty being annexed to an abutter. The land has a \$350 value, calculating to a \$35 tax penalty. Ms. Stewart moved to accept as printed, Mrs. Smith seconded, the vote was unanimous in favor of the motion. (3-0).

**Dog Warrant:**

Mr. Aylesworth would like the authority granted to the Police Department to collect fines on dogs that are unlicensed, and seize any dogs that are unlicensed and hold for a period of 7 days. Ms. Stewart moved to accept the warrant, Mrs. Smith seconded, the vote was unanimous in favor of the motion (3-0).

**PUBLIC HEARING****Acceptance of Donated Funds for Fire Department Air Packs**

The public hearing was opened at 6:30 pm regarding acceptance of donated funds for Fire Department air packs. A grant of \$20,000 in support of air packs has been received. This leaves a remainder \$34,925 to be voted on for the Fireman's Association to take from their budget, plus \$11,000 to be withdrawn from CIP CRF for a total of \$66,000. That is the amount for 10 air packs, which cost approximately \$7,000 each.

Having no comment, the public hearing was closed at 6:31 PM.

Ms. Stewart moved to accept the donated funds in the amount of \$34,925 from the Firefighters Association with thanks, Mrs. Smith seconded, and the vote was unanimous in favor of the motion (3-0).

**OTHER BUSINESS****Roger Dontonville Legislative Update:**

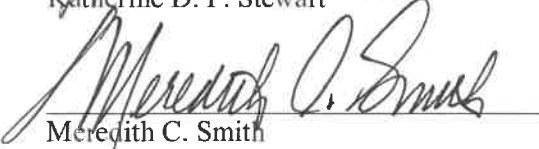
Everything is back on the table. The budget was not approved which will mean less funding for many smaller towns nearby.

There was an interesting debate in the house. Business tax is getting cut, down from 8.2-7.9. When the economy is doing well you should not cut business tax, yet we are, which is being picked up by property tax. The presented budget proposal was willing to freeze spending levels, but that is not sufficient for the current governor. It is hard to tell what will happen in the next few months. A lot of things, including family leave, were taken out of the budget, but the business tax removal was the big point of contention. Unsure what else can be taken out without jeopardizing the health of NH citizens. It will be a very interesting 3 months.

In discussion of fireworks, Mr. Dontonville requested a clarification – as voted on the 10:30 pm limit ordinance on Fridays, Saturdays and select holidays. Under what was written why would that not be acceptable now? He is opposed to closing the Shaker Bridge; permits to close state roads are only given to municipalities.

**ADJOURNMENT**

At 6:35 Mr. Kluge move to adjourn, Mrs. Smith seconded, and the vote was unanimous in favor of the motion (3-0).

  
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John W. Kluge, Chair  
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Katherine D. P. Stewart  
\_\_\_\_\_  
Meredith C. Smith  
Enfield Board of Selectmen

## TOWN MANAGER REPORT – JULY 1, 2019

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### *General Information and Updates from Departments*

- The July issue of the Town newsletter will be published on July 1.
- Rob Taylor officially began his new role as Land Use & Community Development Administrator on June 10. Rob's first round of meetings with the both the Planning Board and ZBA went well (both land use board had rather busy agendas), and he is proving to be a quick study when it comes to our land use regulations. In his short time on the job we have already begun identifying areas where the language in the Town's Zoning Ordinance could be made clearer. Rob has also been assisting with the development of an RFP relative to master planning support services, and this RFP will be a focus of discussion at the Planning Board's July 12 meeting. At the Town Manager's request, Rob is also in the process of planning a couple different public engagement sessions relative to local businesses. One of these sessions will seek input from owners and operators of existing Enfield businesses, and the other will seek input from residents regarding new businesses they are interested in seeing in Enfield.
- The Lebanon City Council held a meeting on June 26, 2019 to discuss changes to the City Code relative to the use of the landfill. Representatives from Enfield and other 20 Upper Valley communities that utilize the landfill were invited to attend the meeting. Enfield was represented by the Town Manager and Public Works Director. The following issues were discussed:
  - The presence of PFOA/PFAS chemical compounds in the landfill and the new proposed NH DES regulations relative thereto. Addressing PFOA/PFAS is likely to add cost to the operation of the landfill which will impact future disposal fees.
  - Proposed revisions to the Solid Waste Chapter of the City's Code (the specific revisions will authorize the facility to accept construction and demolition debris, which, although the city has been doing so historically, the city's code did not expressly allow for this).
  - Updated landfill business plan. (It should be noted that, although it was anticipated that the new business plan would include a substantial increase in tipping fees, it does not currently appear that this is the case)
- Our part-time Enfield Recreation Director position has been offered to (and accepted by) Ed Winters of Sunapee. Ed has served as the Assistant Director of Recreational Sports & Hogan Sports Center at Colby Sawyer College for the past 11 years. Prior to that he was the Executive Director of the Tilton-Northfield Recreation Department, and, before that, he was the Assistant Director of the City of Franklin's Recreation Department. He also holds bachelors and masters degrees in sport management. So, suffice it to say that Ed has considerable professional experience and training in the recreation field. He also has a passion for recreational programs across the full age spectrum as Colby Sawyer offers programs and facilities to young children and seniors in addition to college-age students. During the interview process there were two candidates who stood out (Ed of course being one), and both currently hold full-time jobs with another employer. As such, either candidate would need to juggle both responsibilities. Ed has committed to serving as the Recreation Director for the foreseeable future.
- The Police Department recently received a permit request from an Enfield resident wishing to carry out a private fireworks display on Shaker Bridge (Main Street) on July 4. The final outcome

of the permit request will ultimately be determined by the state (because Main Street is a state road), but appropriate Town officials (police chief, Town Manager, or Board of Selectmen) must first review the request and determine whether or not it wishes to support it. Local official support of course does not guarantee that NH DOT will approve the permit request, but local officials recommending against the request would have the effect of denying the request because it is unlikely that NH DOT will approve a request that the municipal government objects to. This matter will be presented by the Chief of Police in more detail so that the Board of Selectmen can take definitive action on the request at the Board's July 1 meeting.

- The Police Department notified the Department of Public Works on June 28 by that a hole had emerged on Bog Road in the middle of the road at a point where a culvert crosses the roadway. DPW personnel have been battling beavers at that location for several days. The beavers had constructed a dam at the midpoint of the culvert at a joint that had a failed collar where two sections of pipe were joined together. The road was repaired and is passable and will be monitored over the weekend to ensure public safety. This is a 48" culvert with a flowing stream and its permanent replacement will need a NHDES wetland permit. In the interim, a steel road plate will be installed next week to protect the waterway while we wait for the permitting process to be completed.
- The Enfield Public Library and Police Department have added a new feature to their already productive collaborative working relationship. Enfield police officers will assist with the administration of the Evelyn J. Crate Library Fund "Share the Joy of Reading" for senior citizens by delivering bags of books to participating seniors who have difficulty leaving their home. In addition to providing a convenient means of delivering books, this collaboration will also create opportunities for members of the Police Department to complete wellness visits and provide older members of our community a friendly face. This past week, Officer Michael Crate (Evelyn's grandson) made the very first book delivery, and it is our understanding that the *Valley News* is in the process of writing a story about the program for publication in an upcoming edition.

### ***Project Updates***

- The Municipal Facilities Advisory Committee held its fourth meeting on June 10 and fifth meeting on June 24. The meeting on June 10 included site visits to the Union Street Fire Station, Depot Street Ambulance Facility, and Shedd Street garages. The committee's site visit included both an examination of the interior and exterior of the buildings. It is quite apparent that the Union Street and Depot Street facilities are not adequately meeting the needs of the Fire and Ambulance departments, and that it will not be feasible/practical to expand, modernize or otherwise significantly renovate these buildings in order to enable them to effectively meet the current and future needs of the departments. Both the Fire and Ambulance chiefs echoed the sentiments previously conveyed by the Police Chief that a multi-departmental public safety complex would improve operational efficiencies, cross-training, and convey a wide range of benefits to the community.

The meeting on June 24 involved a site visit to the DPW Facility on Lockhaven Road. The committee's site visit included a walking tour of the entire DPW facility grounds and an examination of the interior and exterior of the buildings. Highlights of the tour included the following:



- The Lockhaven site poses a wide range of significant challenges with respect to the potential siting of a public safety complex (i.e., the presence of wetlands, the amount of fill that would be needed, safety/logistical concerns that would arise from increased vehicle traffic, etc.), which makes this option seem untenable.
- The existing DPW buildings/facilities are generally structurally sound, well laid out and organized, and effectively meeting the needs of the department with no need for expansion at this time.
- In order to prolong the life of the facility, it will be necessary to address certain issues, such as the need for better building insulation and mitigating water/ice damage caused to the backside of the building due to the absence of roof extensions.

The Committee will meet next on July 8 to tour the Enfield Community Building, Huse Park, and the rec pavilion/building. Plans are now being developed for members of the Committee to visit well-designed facilities in other communities for comparison purposes.

- The three-member team of consultants from Municipal Resources Inc. (MRI) will be in Enfield on July 1 for meetings with the Town Manager and all three public safety chiefs (Fire, EMS, Police) and a larger group listening session with all members of both the Fire and Ambulance departments. MRI will return to Enfield in mid-July for their next visit, which will entail a nominal group process with members of the Fire and Ambulance departments. As a reminder, the stated deliverables of the project are as follows:
  - Conduct an analysis of merging fire/EMS into a joint fully integrated department
  - Provide an overview of pros and cons of integration and make a recommendation reflective of industry best practice.
  - Provide planning and implementation support relative to this organizational and service re-alignment.
  - Work with Enfield Fire/EMS staff and transition team members to reshape organizational culture and generate buy-in pertaining to new organizational governance, structures and procedures.
  - Provide perspective based on industry best practice and team experience.
  - Track and reporting progress on action items.
  - Provide electronic communication to identified stakeholders.
- The Town of Enfield has completed paving on Lapan Circle, Melinda Road, Sargent Street, High Street, and the Livingstone Lodge end of Shaker Boulevard. These streets received a 1.25" overlay. A section of George Hill Road beginning at the Springfield town line is currently being reclaimed and will be paved with a 2" top coat in early July, along with a 1.25" overlay on another section of George Hill Road adjacent to the reclaim area. In total, approximately one mile of road surface on George Hill Road is being improved. At its July 1 business meeting, the Board of Selectmen will be asked to authorize the Town Manager to execute associated loan paperwork with Mascoma Bank. The amount of the loan will be \$250,000 and it will be a 15-year term with the interest for the first 10 years being fixed at 3.25%.
- The Town of Enfield will be hosting an informational meeting for property owners that are interested in connecting to the recently completed sewer pressure main that extends from Shaker Village to the Lakeview Condominium complex. The meeting will be held at 7:00 pm on Thursday July 25, 2019 at the Enfield Public Work Facility and will cover subjects including the

financial, ownership, location, technical, maintenance and permitting aspects of connecting to the Enfield Sewer System. Property owners along NH Route 4A have received letters via surface mail announcing this meeting and answering a wide range of frequently asked questions. A copy of this mailer has been included in the informational packet for the Board of Selectmen's July 1 meeting.

- All department heads have been asked to respond to a series of questions relative to the state of progress at the midpoint of "Year 1" of the department strategic governance plans. A copy of these questions has been included in the informational packet for the Board of Selectmen's July 1 meeting. Because strategic governance is an ongoing/iterative process, it is important for the operating departments to continuously track progress toward specific goals and associated initiatives, as well as identify new goals and initiatives for potential inclusion in the next iteration of their respective strategic plans (which will cover 2020-2024).
- The Town has retained the services of SymQuest to perform the previously described comprehensive IT network assessment. Because the Town already has a client relationship with SymQuest (they provide/service the majority of our networked printers/copiers), they are performing this assessment at no cost. SymQuest's senior engineer who was assigned to the project has already spent one day on site compiling information, talking with the Town's current IT service contractor (Twin Bridges, LLC) and will be returning in the coming days to finish the on-site portion of the assessment. A detailed report with findings and recommendations will be furnished to the Town within the next few weeks. This information will help us identify any issues/vulnerabilities/shortcomings with our current assemblage of computers, servers, firewalls, internet connectivity, off-site data backup, and overall IT network environment.
- A pair of RFPs related to planned improvements at Mascoma Lakeside Park (one pertaining to the development and implementation of a landscape design plan, and the other pertaining to the design and construction of an open-air pavilion) were published on May 20. The deadline for submissions was originally June 17, but was extended to July 1 due to the need to make some minor modifications to the RFPs as originally published. At this time we are anticipating at least two proposals in relative to the landscape design planning RFP. We have not as of yet received confirmation that any firms are planning to submit proposals regarding the pavilion design-build, but it is not unusual to receive last-minute submissions. In accordance with the grant received from the Northern Borders Regional Commission, all work must be completed (and reimbursement requests submitted) by September 2020. A reputable landscape design firm has already signaled an intention to submit a proposal in response to the one RFP, and it is our hope that multiple qualified firms will submit bids to obtain competitive pricing.
- As has been previously reported, a revised RFP related to archaeological services (which are being required as part of the deed) at the Mascoma Lakeside Park property was issued in early-May May 10 with proposals due by May 31. The Town ultimately received proposals from four different archaeology firms. Although a firm called Independent Archaeological Consultants (IAC) was initially selected for the project based on relevant criteria (they also appeared to be the low bid), we are revisiting this because it appears that their quoted fee was actually based on some inaccurate/incomplete information. IAC is in the process of correcting their proposal and all four proposals will be again reviewed (to ensure an "apples to apples comparison) and evaluated at that time.

- As was previously reported to the Board of Selectmen, the Town of Enfield issued an RFP relative to structural repairs and stabilization of the Enfield Center Town House. Proposals were due by June 3. Unfortunately, no bids were submitted despite directly sending the RFP to a number of local contractors. Town officials have received some anecdotal information to suggest that the proposed scope of work was not attractive to contractors who considered bidding on the project. The Town has since prepared a second Moose Plate grant application for \$10,000 (submitted by the June 14 deadline) in the hopes that a larger project budget will provide the financial flexibility to devise a project with a broader scope of work. Personnel at the NH Division of Historic Resources have indicated their willingness to deviate from their typical guidelines and let the Town retain its previously awarded \$10,000 grant beyond the September 30, 2019 project completion deadline while additional grants are sought.

### ***Recent/Upcoming Meetings***

- The Town Manager attended the Annual Meeting of the UVLSRPC on June 12, and was ultimately nominated and elected to serve as the Vice Chair of the UVLSRPC for Fiscal Year 2020.
- The Town Manager attended the Municipal Managers Association of New Hampshire Annual Conference (hosted in Lincoln, NH) on June 19-21.
- The Town Manager will be on vacation (out of state) from July 3-July 14.
- Public informational meeting relative to Route 4A sewer connections on July 25 beginning at 7:00 PM in the Enfield Community Building.