

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

MINUTES of May 2, 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; Richard Crate, Jr., Chief of Police; Karol Hammer, Recording Secretary

Others: James Bonner (video); David Stewart, Doug Smith, Dan Kiley, Kurt Gotthardt, and others.

BUSINESS MEETING

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Mr. Cummings made and Mrs. Smith seconded the motion to approve the April 18 Board meetings minutes. The motion passed unanimously.

III. COMMUNICATIONS

Mr. Schneider noted that the Town Clerk and Town Tax Collector reports showed that revenues for April were not as good as April 2015, but that the year-to-date figures were still ahead of last year.

Tax collections were at 98% and 97%, so still better than usual.

Mr. Schneider also called the Board's attention to a notice from CLD Consulting Engineers that the entity had submitted an NHDES Shoreland Permit Application to do some work on property owned by Charles Symanski at 68 French Road. The work will involve building a new garage and adding a room to the house on the property. Mr. Schneider said the Conservation Commission would be reviewing the application in detail.

Mr. Kluge said the project was on the Zoning Board agenda for a variance.

Mr. Schneider added that the Zoning Board had issued warning of a three (3) item Public Hearing to be held on Tuesday, May 10 in the Public Works Facility. The Town had an item on that meeting's warning; for placing a temporary bridge on Lovejoy Brook Road.

IV. BOARD REPORTS

Mrs. Smith reported that the Heritage Commission had tried to hold a meeting, but did not have a quorum, so no business could be undertaken.

Mr. Schneider said the Budget Committee intended to have a meeting within the coming month as an opportunity to begin getting comfortable with the budget status and for the Committee to organize itself for the coming year, and also to orient new members.

V. TOWN MANAGER'S REPORT

Mr. Schneider said the Boat Launch project was progressing well toward its scheduled May 9 completion date. The contractor had requested payment of half the project budget, as called for within the contract payment schedule.

The Town had paid a deposit toward the Boys Camp Road Bridge project.

Two quotes had been received in response to a request for bids on the Community Building air conditioning project. Mr. Taylor reported that the bidders were Dickinson and ARC Mechanical, and both were within the Town's estimated budget of \$6,000 per unit.

Mr. Schneider said he had received a letter from the Copeland Block owner asking for Community Revitalization tax relief for recent improvements to the building. He said the request was in keeping with relief previously given for improvements to Enfield Energy, 64 Main Street, and the Greeley House. He said if the Board was okay with the initial request, the Town would schedule a Public Hearing.

Mrs. Smith asked if the request was related to work he did for the new restaurant. Mr. Schneider said it was.

Mr. Kluge indicated no problem with the request and asked the Board for consensus. Mr. Cummings and Mrs. Smith agreed.

Mr. Schneider said the Town will then move forward with a Public Hearing.

VII. PUBLIC COMMENTS

Parking and Trash:

Mr. Gotthardt asked what part of Blacksmith Alley is owned by the Town. He had stopped at the new restaurant and it was so busy that all street-level parking spaces were taken, so he parked down below, behind the building on Blacksmith Alley.

Mr. Schneider said the Town owned the alley and to the small building behind, plus a small piece near the gambrel building. He indicated that there was some potential in that space for additional parking.

Mr. Kluge said the Town was also in discussions regarding more secure facility for garbage on a portion of that same land.

Mr. Gotthardt asked if there had been any discussion of a river walk. Mrs. Smith said that was the long term vision, to connect everything with such a walk.

Mr. Gotthardt said that the Town had turned its back to the river 60 years ago, and that it would be nice to see attention paid to that natural resource again.

Mr. Kiley noted that the dumpster on Blacksmith Alley was an eyesore. He had walked by it the previous Friday and estimated that there were 20 bags of trash on the ground around it. He wondered if the new restaurant was responsible for the overflow.

Mr. Schneider said the new restaurant had its own dumpster.

Mr. Kiley said that he had walked by the first dumpster again that day and, while the dumpster was only one quarter full, there were three (3) bags on the ground.

Mr. Kluge said the Town was in discussions with the owner about building an enclosure for the dumpster to better control the situation.

Mr. Schneider added that the enclosure would accommodate trash and recycling.

Mr. Kluge observed that having the pub doing good business would make people more aware of both the parking problem and of unsightly trash.

Personal Assault:

David Stewart wanted the Board to know that he had pressed charges against a woman who had assaulted him after the previous Board meeting. He said he felt he had no choice, given what he said was a history of physical and verbal attacks from the woman.

Mr. Kluge asked if the police had been informed. They had.

Mr. Stewart said people should be free to attend Board meetings and not be afraid. The incident was affecting him, his wife, and the Enfield Outing Club.

Mr. Kluge suggested that, since it was an active case, the Board should leave it in the Police Department's hands.

VIII. BUSINESS

Property Tax Exemptions Applications:

The Board reviewed eleven applications for exemptions as follows:

1. Living Waters Bible Church: Mr. Cummings made and Mrs. Smith seconded the motion that the Board grant a tax exemption for the two (2) acres around the church itself, but deny exemption for the 48 acres of backland. The motion passed unanimously.
2. Enfield Village Association: Doug Smith, representing EVA, said the organization had decided to drop its application for historic preservation and pursue the exemption, feeling that the exemption would be more in its favor.

Mr. Schneider asked why they'd never applied in the past. Mr. Smith responded that the organization had never owned property before.

Mr. Schneider said the tax assessor recommended an exemption for the office portion of the Greeley Building, but not the apartment.

Mr. Smith said the building was owned, occupied and used for charitable purpose, and that New Hampshire law was clearly in favor of the full exemption. New Hampshire courts have decided that income dedicated to charitable purpose is tax exempt; EVA would be using the rental income from the apartment on its programs.

Mr. Schneider referred the Board to a printout of NH Title V Taxation, Chapter 72, Persons and Property Liable to Taxation, and the specific section on charitable property (72:23-1). Paragraph V reads: "The buildings, lands and personal property of charitable organizations and societies organized, incorporated, or legally doing business in this state, owned, used and occupied by them directly for the purposes for which they are established, provided that none of the income or profits thereof is used for any other purpose than the purpose for which they are established."

Mr. Kluge told Mr. Smith that the only exception he had to the application was the fact that EVA also received \$10,000 of funding by the Town.

Mr. Cummings agreed.

Mr. Smith said that was a separate matter.

Mr. Cummings said his feeling was that if the organization was granted exempt status, the Town shouldn't give more. The building already was being put into Community Development Tax Relief.

Mr. Smith said it wasn't. EVA had withdrawn its application.

Mr. Cummings felt strongly that if the Town awarded the tax exemption, it shouldn't also give a cash allocation.

Chief Crate said that the \$10,000 had been awarded by the Town as a whole at Town Meeting. The law was clear on what the State considered tax exempt and not. The Town would be able to decide separately on the funding issue at the next Town Meeting.

Mr. Gotthard asked if the assessor had given a reason why he recommended not including the rental portion of the property in the exemption.

Mr. Schneider said the recommendation was based on precedent.

Mr. Kluge observed that the law was clear.

Mr. Cummings thought it was murky because EVA didn't occupy the whole building.

Mr. Kluge said the Board could grant the request and someone at Town Meeting or in the budget process could say, 'wait a minute.'

Mr. Cummings said that EVA funding has been contentious in the past.

Mr. Smith said that was a chance EVA would have to take. The building was assessed at \$158,800. EVA would come out worse off if the Town turned them down at budget time, but it was a chance they would take.

Mr. Cummings made and Mr. Kluge seconded the motion to grant the exemption to the whole property. The motion passed unanimously.

3. UVHS: Mr. Cummings made and Mrs. Smith seconded the motion to grant exempt status for the facility, cabin and two (2) acres. The motion passed unanimously.
4. Dartmouth College Trustees: Mr. Cummings made and Mr. Kluge seconded the motion to grant 75% tax exempt status. The motion passed unanimously.
5. Valley Snow Sports Foundation: Mr. Cummings made and Mr. Kluge seconded the motion to grant exempt status with the stipulation that discounts for Enfield residents be better publicized. The motion passed unanimously.
6. New England Forestry Foundation: Mr. Schneider said the assessor recommended denying the request. The property is unoccupied.

Mr. Cummings made and Mr. Kluge seconded the motion to deny exemption. The motion passed unanimously.

7. Grafton Pond Land Trust: Mr. Schneider said the assessor recommended denying the request. The property is unoccupied.

Mr. Cummings made and Mr. Kluge seconded the motion to deny exemption. The motion passed unanimously.

8. Visions for Creative Housing Solutions: Mr. Schneider said the non profit housing project pays only the Town portion of its taxes now.

Mr. Cummings made and Mrs. Smith seconded the motion to approve the exemption. Mr. Kluge recused himself. The motion passed 2-0 with the one recusal.

9. Enfield United Methodist Church: Mr. Cummings made and Mr. Kluge seconded the motion to grant the exemption. The motion passed unanimously.

10. Saint Helena's: Mr. Cummings made and Mr. Kluge seconded the motion to grant the exemption. The motion passed unanimously.

11. LaSalette: Mr. Cummings made and Mr. Kluge seconded the motion to grant the exemption. The motion passed unanimously.

Lakeside Park:

Mr. Schneider showed the Board a draft landscaping plan for the park. He and Mrs. Smith had attended an Environmental Conservation Review meeting in Concord. The project went through with no comments.

At that meeting, he and Mrs. Smith shared their concerns about the proposed installation of gates on the endpoints of the access road and the removal of its pavement. He said the response was that if the

pavement stays, the gates must be placed. It can't be a through road. If it is going to be a through road, it would have to be rebuilt as a road. That process would take much more of the lot. The State really would like it to be emergency access only.

Mr. Cummings asked if keys to the gates would be provided to all the companies that use the road now.

Chief Crate said that making the access road a through road, even for trucks, would change the dynamics of the park. Trucks go through much too fast. Shrubbery could mask a road from the park, but from a safety standpoint, it would be a problem.

Mr. Cummings said that the State isn't going to fix the underpass so that trucks can go through. This started off with the million-dollar bridge to nowhere. Then they added the access road. Now they want to take out the road when the whole principle was to make it so buses and trucks wouldn't have to go the long way around.

Mrs. Smith said that emergency vehicles would be able to use the access road.

Mr. Cummings felt the Town had been sold a bill of goods.

Mr. Schneider said that the underpass couldn't be touched because Federal money was used to create the rail trail.

Mr. Cummings said that had never been an issue when the rail trail folks first talked about removing the underpass.

Mr. Schneider promised to continue talks with the State.

Mrs. Smith said work had stated on a Northern Borders Regional Grant for the park.

Lakeview Sewer Extension:

Mr. Schneider met the previous Saturday with the Lakeview Association. The owners adopted the Memorandum of Understanding at that meeting. The project was scheduled to go before the Governor's Council in June. Assuming that went well, it would go out to bid in July, start in August and be complete by the end of 2016.

Shaker Landing:

Ms. Bonnette said that, in order to include Shaker Landing in the Lakeview Sewer Extension project, a Memorandum of Understanding similar to the Lakeview one would be needed between the Town and the Shaker Landing property owners. Like the Lakeview MOU, it would have the Town assume ownership of the affected property for the duration of the project. Ownership would be turned back to the Association once the work was complete. The Town would continue to own the force main and the pump station.

As with Lakeview, there would be no cost to the Town. The Association and/or the unit owners would repay. Loan and Grant terms would be the same as with the larger project.

Ms. Bonnette said this was essentially the same as the Lakeview MOU, with the exception of the reason for the project. In this case, that was that the owners did not want to rely on old tanks.

Ms. Bonnette read the following project description:

Ownership: Short term ownership, through completion of the construction, will be the Town of Enfield.

Upon completion of construction, ownership of all but the Sewer Force Main and Pump Station will transfer to the Shaker Landing Condominium Association and/or unit owners. The Sewer Force Main and Pump Station will remain the property of the Town of Enfield and will be maintained by the Town of Enfield.

As with all other sewer connections, the maintenance of any system components from curb stop to the individuals' dwelling units is the responsibility of the Association and/or unit owners.

Financial Capability/Repayment: Property repayment will be the responsibility of the Association and/or the unit owners. For USDA RD Funding, payment will be made by the Association and/or unit owners for 55% of the loan. The remaining 45% is paid by grant funding.

The Town of Enfield will conduct any financial audits required by the funding source, which is anticipated to be through the USDA Rural Development Program and/or NH Department of Environmental Services State Revolving Fund Program.

Existing Debt: We have three sewer loans. The Route 4 water/sewer extension is funded solely with TIFI funds. We have a 1989 USDA sewer loan, which will be fully paid off in 2016, that is funded entirely by taxes, and we have a 2012 sewer loan that is funded 50% with taxes and 50% with sewer charges. The total debt service for the two (2) loans funded through taxes in 2016 is \$25,664. Each cent in taxes raises \$5,200 – so it taxes approximately five (5) cents to cover these costs.

Long Term Financial Plan: The long-term maintenance of the Sewer Force Main Extension will be funded through sewer user fees.

Mr. Cummings asked for confirmation that the project would present zero cost to the Town.

Ms. Bonnette said that was correct.

Mr. Cummings made and Mr. Kluge seconded the motion to adopt a resolution authorizing the filing of NH Department of Environmental Services State Revolving Fund Program and USDA Rural Development Program applications. The motion passed unanimously.

Mr. Kiley said he thought the amount of the project on the Town Meeting warrant had been \$2.5 million. Mr. Schneider said it was \$2.2 million, plus a little over \$100,000.

Upcoming Deedings:

This discussion was deferred until Non Public session.

Building Rental Rules:

Ms. Bonnette presented draft Building Rental Rules for the Board's consideration. She would prefer to have written rules to clarify the process and the Town's expectations for people.

Mr. Kluge asked if she was comfortable with the rates.

Ms. Bonnette said she was, and pointed out that the insurance requirement had been increased to \$2 million (from \$1 million).

Mr. Kluge asked that the first sentence be edited to limit use to residents of Enfield.

Mr. Cummings pointed out that others do and have used the building.

Ms. Bonnette said that outside use had been limited to organizations. Individuals who were not residents couldn't.

Mr. Cummings asked what would happen if a yoga teacher who lived elsewhere wanted to have a class there. Ms. Bonnette said programs like that were run through the Recreation Department, so they'd be the renter.

Mrs. Smith moved that the rules be accepted as presented.

Mr. Gotthardt asked if anyone from the Town did post-event walkthroughs to make sure everything was in order and there was no damage. After an event about a month ago, he noticed holes in a ceiling.

Mr. Schneider said there was a Town employee charged with keeping an eye on the condition of the building.

Mr. Cummings seconded the motion on the table. The motion passed unanimously.

The chair reconvened the Public session at 7:02 PM

Upcoming Tax Deedings:

Mr. Cummings made and Mrs. Smith seconded the motion to adjourn to Non Public session to discuss Upcoming deedings at 6:48 PM, RSA 91-A:3 II (c). Roll call vote: Mr. Cummings – aye, Mr. Kluge – aye, Mrs. Smith – aye, motion passed unanimously. (Mr. Cummings observed that any decisions would have to be made during Public session.)

Mr. Cummings moved to come out of non-public session at 6:53 PM, Mrs. Smith seconded, vote unanimous in favor of the motion.

David Stewart asked the Board for one more week before it takes action against his property, saying that he and his wife had paid \$5,000 toward their outstanding debt, including \$500 that morning, and that they planned to pay the remaining balance shown within the coming three (3) to four (4) months.

Mr. Schneider confirmed that the Stewarts had been working on paying their debt; there remained just over \$4,500 outstanding.

Mr. Stewart said his wife was expecting payment for costumes she had designed and they intended to put that \$1,000 toward their taxes.

Mr. Schneider asked Mr. Stewart if he'd be comfortable setting a date by which the debt would be cleared; perhaps by the end of the first week of September. Mr. Stewart said he would.

Mr. Kluge asked if that would be enough time; Mr. Stewart felt it would.

Mr. Schneider said he would prepare a note to document the understanding between the Stewarts and the Town that the balance would be paid by the end of the first week in September.

Mr. Stewart thanked the Board, saying he and his wife were close to paying off their property and that they want to stay in Enfield.

The Board reviewed the Town's Unpaid [Property Tax] Balances Report for the Levy Range of 2010 to 2014 with a cutoff date of May 2, 2016. They focused on the following:

1. Lawrence G. Hart: The Town had not received any payment or communication from Mr. Hart since the end of March. Mr. Cummings noted that the Board had said all along that if this happened, the Town would deed the property.

Mr. Kluge wondered if they should take all of it or only some.

Mr. Schneider noted that if the Town deeded the property, Mr. Hart would have the opportunity to pay all debt in full. If the Town sold the property within three (3) years, the difference between the sale price and the debt would go to Mr. Hart.

Mr. Cummings said that Mr. Hart could still pay any time before the property was sold; that would cancel the sale.

Mr. Schneider said that was true; there had only been a couple of properties that went so far as to be sold.

Mr. Kluge said that there were a number of properties in this case. Mr. Schneider agreed; there were six (6). All unoccupied, Mr. Kluge asked. Mr. Schneider said that two (2) were occupied.

Chief Crate said that Mr. Hart may have a tenant in his property on Fuller Road.

Mr. Cummings said the Board had been very blunt and honest that if he didn't make progress, the Town would have to act. He's getting further and further behind.

Mr. Kluge suggested taking only the unoccupied property to get Mr. Hart's attention.

Mr. Schneider noted that the Town would hold the property for three (3) years before selling it.

Mrs. Smith agreed that it would make sense to start with the unoccupied property, and asked if the others were all rental property. Mr. Schneider said that Mr. Hart occupied one.

Mr. Cummings made a motion to take all property. There was no second. The motion failed.

Mr. Kluge made and Mrs. Smith seconded the motion to deed the unoccupied property. The motion passed 2-1.

2. Helen F. Nylund: Mr. Cummings made and Mr. Kluge seconded the motion to deed the property by tax deed. The motion passed unanimously.

Mr. Schneider stated that if Mrs. Nyland had someone living in the property, the Town could give a date by which the property must be vacant. After that date, if they were still present, they would be trespassing.

Mr. Cummings said that the Town would have to then secure and winterize the property.

Mr. Kluge asked why she would give up the property. Chief Crate said this was a tragic case; she

had lost two people.

3. Frances C. Reside: Mr. Schneider said the owner relied on a non-resident family member to pay taxes. The Town had sent reminders; a nice piece of property. If the Town moved forward with deeding, he felt the debt would be paid. It could wait until the next meeting to see if payment is received from the recent notice. If not, then the process could start.
4. John J. Sanborn: The Town has received notice that Mr. Sanborn has refinanced and that the bank was sending a check.
5. Gary Smith: Mr. Schneider had no information. Mr. Cummings agreed to contact the owner and get information for the next meeting.
6. Ronald E. Stanford Estate: There was no response to the Town's request that someone from the Estate attend the Selectboard meeting. Mr. Cummings noted that the situation went back to 2011. Mr. Schneider said that the debt was over \$25,000.

Mr. Cummings made and Mrs. Smith seconded the motion to deed the properties. The motion passed unanimously.

7. Roy A. Wright: Mr. Schneider explained that the majority of the debt (against the old Frost house on Blacksmith) was from water/sewer liens. Mr. Wright lives out of state. Chief Crate confirmed that nobody lived there.

Mr. Cummings made and Mr. Kluge seconded the motion to deed the property. The motion passed unanimously.

Mr. Schneider said the properties not specifically discussed were smaller balances and not yet at critical levels. He said he would get clarifications on where each stood.

He turned the Board's attention to the 12/31/2015 Water/Sewer Arrearage to be placed under 2016 Tax Lien report. He explained that any water/sewer liens the Board approved would be attached to the property and be incorporated into the property tax bill.

Sending notice that this (or property deedings) would be the Town's next step has been effective for collections. The Town had collected \$60,000 in property taxes and \$20,000 in water/sewer fees since the previous review.

The smaller water/sewer balances were minor. Mr. Schneider said the balances over \$1,000 had built up over a longer period of time and were a concern.

Mr. Cummings suggested a threshold approach where the Board would authorize the Town to place liens on any properties with water/sewer arrears over \$1,000.

Mr. Kluge asked what would happen in that case.

Mr. Schneider said the debt then would be treated the same as a delinquent property tax.

Mr. Cummings made and Mrs. Smith seconded the motion to place liens on properties with over \$1,000 in delinquent water/sewer fees. The motion passed unanimously.

Administrative Items:

The Board executed various documents, including:

- MS-123 Report of Town Officials
- Elderly Exemption for Mrs. Richardson
- Tax Abatements for Lands Owned by the Town
- Veterans Tax Credit Application
- Applications for Current Use
- Certification of Yield Taxes Assessed
- Intent to Excavate

Other Business:

None

Next Meeting: Monday, May 16, 2016, 6:00 PM Department of Public Works Conference Room

Adjournment:

Mr. Cummings made and Mr. Kluge seconded the motion to adjourn at 7:25 PM. The motion passed unanimously.

John W. Kluge, Chairman

B. Fred Cummings

Meredith C. Smith
Enfield Board of Selectmen