

**TOWN OF ENFIELD
SELECT BOARD
MEETING MINUTES AUGUST 21, 2023**

TIME: 6:00 PM

**LOCATION: Public Works Facility & Teams videoconference
74 Lockehaven Road, Enfield**

PRESENT

Board of Selectmen: John Kluge, Tracy Young, Alice Kennedy, Erik Russell

Excused: Kate P. Stewart

Administrative Staff: Ed Morris, Town Manager; Alisa Bonnette, Assistant Town Manager

Members of the Public: Jeremy Clay, Highway Supervisor; Bob Cusick, Carolyn Wallace, Brad Rich, Carol Cusick, Dan Kiley

CALL TO ORDER

Mr. Russell called the meeting to order at 6:00 pm.

APPROVAL OF MINUTES – August 7, 2023

Mr. Kluge made a motion to approve the minutes as presented. Ms. Kennedy seconded. Vote unanimous in favor of the motion (4-0).

BOARD REPORTS

Members of the Select Board (SB) presented updates on their respective committee assignments.

TOWN MANAGER’S REPORT

Mr. Morris presented the following updates to the SB:

- He stated that the current vacant positions are for full-time officers and one part-time police assistant. He stated that a bonus program for new hires and certified officers is being discussed and they are researching what local towns and police departments are offering.
- There is a grounds position that is open which is anticipated to be re-advertised in the fall. The position is currently filled by a temporary employee which is going well.
- The Whitney Hall project estimate came back high, and they are working with Bread Loaf to evaluate options for consideration to make adjustments to the current plan.
- He is working with the Shaker Museum and LaSalette for the potential lease of the gift shop and assembly hall on the LaSalette property for temporary housing for the town offices and library. He stated that he is working with employees and the town historian regarding the disposal of old items from Whitney Hall to prepare for the move. He stated that the attorney is still working on drafting the sale and purchase agreement for the Shaker Granite site for the public safety facility.
- He has received contact from Hub 66 stating that they are working with Liberty Utilities to expand the First Light broadband fiber in Enfield.
- He is continuing discussions with Chinburg Properties and the DPW regarding the possibility of an Urban Compact area on the Route 4 corridor, and more information will be brought forward to the next meeting.
- The Methodist Hill Property Use Committee held their first meeting and the organization of the board and established the meeting schedule for discussion of the property. He stated that it is their goal to have a recommendation back to the SB by early 2024.
- Five contractors came for a Shedd Street walk through, and it is anticipated there will be more bids for the abatement and demolition of that property. He is optimistic that it will be completed or at least under contract by the end of this year.

- He has been working on a draft of the Strategic Plan. He stated he will be reviewing the facilities and infrastructure sections, as well as the technology and efficiency sections with personnel.
- DPW installed 18 posts for the storybook walk at the Shaker Recreation Park, which was funded by a grant from the Eastman Charitable Foundation.
- We have received a Federal Disaster Declaration for the July storms and we are continuing to recuperate the money spent responding to the storm.
- The sewer project contractor has finalized their CCTV video study of the storm drains and a report with recommendations will be brought forward when it is finalized.
- Pathways Consulting is working to schedule an onsite meeting with DOT to discuss the lighting requirements for the crosswalk in front of the Enfield Village School.
- The town has been approved to receive \$9,142.30, which is a 75% cost share for the work that needed to be done related to the ice and rainstorm from Christmas day in 2022.
- The well pumps are fixed and replaced, with one that should be back online this week.
- The DPW has demolished the shed and trailer on the Johnston Drive property, and we are awaiting legal to come back to finalize the recommendations for the property to the SB.
- A leak repair was done on Wells Street.
- The first CIP meeting was held, and the board was established. He stated previous years' work was reviewed with one new request from the DPW regarding a leaf blower which will be discussed later in the meeting. Staff members are currently filling out their CIP requests to be submitted.

Bob Cusick inquired if there was any focus on utilizing town acquired property for housing and development instead of looking for other ways to use it.

Mr. Russell stated that it is definitely a part of the discussion, but the committees are doing due diligence to review a wide variety of uses to report on and make recommendations to the SB.

With no further comments or questions, Mr. Russell moved on to the next agenda item.

BUSINESS

Short Term Rental Ordinance Discussion

Mr. Morris presented a draft for an ordinance relative to short-term rentals. He stated that the idea of the ordinance was brought forward by former town manager, Ryan Aylesworth, but was not instituted before his departure. He stated that he has been in discussion with the Planning and Zoning department regarding the ordinance to present the current draft to the SB. He stated that the draft has also been brought forward to the Planning Board. Mr. Morris stated that the ordinance was brought up last year as there are many towns across the state having issues with short-term rentals, and the issues wishing to be addressed in town are related to overall safety, as well as fire and parking issues.

Mr. Kluge stated that there has been concern for the neighborhood in general and while it may seem rigorous at first, it does address important safety, neighborhood, and community values.

Mr. Russell stated that the next step would be a Public Hearing, followed by a ballot vote at Town Meeting for approval. He stated that he is interested in hearing from people that it would impact to get their feedback.

Brad Rich stated that the first time he read it he was against it, but from what he has seen on Crystal Lake and Mascoma Lake that the ordinance is reasonable. He supported details such as having someone within a 30-minute drive to be contacted for issues that may arise, and noted that there have been issues with insufficient parking for large groups of people staying at rentals, as well as water safety issues for boats that are available to renters. He stated that it should be fair to the bed and breakfasts who need to pay state taxes.

Carolyn Wallace, who lives on Crystal Lake, stated that she had a couple concerns. She stated that there are other options than bedrooms, which is what is used to guide occupancy in the ordinance, such as lofts or studios that the ordinance didn't seem to consider. She stated that the number of beds in a dwelling may be more

appropriate, especially if there are inspections, as there will be known viable sleeping spaces that are available. She stated that when her family members come visit with two adults and two children, they sleep in one bedroom, but that would be against what is stated in the ordinance. She stated that she would appreciate more thought on how the ordinance would be administered, and as a homeowner and taxpayer, having options to offset high taxes needs to be taken into consideration as well.

Mr. Russell clarified that this is only related to renters, so when her family is visiting it would not apply to that scenario.

Mr. Morris stated that other options to be utilized as beds, such as pull-out couches, etc. were discussed, but ultimately the decision was made based off of the septic system capacity for each house, which is based on the number of bedrooms in the dwelling. He noted that there have been issues related to too many people utilizing a household that lead to septic failure.

Mr. Cusick stated it should be considered how intrusive it can feel to have someone enter their home and do an inspection. He stated that there are things for health and safety that are necessary, but he is curious how it works and is concerned for liability. He stated that there should be a method of solving the problems that can be found in an inspection, and a committee should review the proposed measures. He stated that there are 16 towns that do not allow rentals and 36 towns that have regulations relative to renting. He said it would be worth reaching out to see how it has been implemented elsewhere and it is affecting residents and due diligence should be taken.

Mr. Young stated that, as written, the ordinance is a little confusing and a bit overbearing in the initial approach. He stated that he is concerned with some of the definitions and noted that the town does not have an ordinance to inspect all septic systems and he doesn't want to put the onus on the building inspector to evaluate whether it is or is not sufficient for a rental. He stated zoning recently changed to allow for a second ADU (accessory dwelling unit) on a homeowner's property and inquired if that was taken into consideration. He stated that homeowners need to have access to means to be able to pay their bills, and he is not sure if there is an existing problem that needs to be addressed by having such an ordinance. He stated we should chase the cause of the problem, such as developing parking ordinances that address the issues we are seeing. He stated he would like to better understand what the problems are that have caused such an ordinance to be necessary and would like more insight and quantified data that can support why this might be necessary.

Ms. Kennedy stated that she agreed with approaching this lightly and better understanding the problems that have been associated with short term rentals and hearing from the public about successes and challenges with short term rentals in town.

Mr. Kluge stated that it needs to be addressed and a public hearing would give valuable feedback for the SB. He stated that there have been problems reported, and there is concern for those problems worsening if they are not addressed. There needs to be a way of communicating with people and having general guidelines for people, and he is in favor of pursuing this further.

Carol Cusick stated that the number of bedrooms in a dwelling are listed on property tax cards, and she inquired if that number is what is expected to align with the septic capacity on the property.

Mr. Russell confirmed the number of bedrooms on the property tax cards would be used to define the septic capacity.

Ms. Cusick stated that she is concerned that there will be a lot of properties that are allowing more people than should be there and she is concerned about the capacity of septic systems, especially on the lake.

Dan Kiley stated that if this moves forward as a Zoning Ordinance, it will need to be brought before the Planning Board by November as the state has set timelines and statutes for the next steps.

Mr. Morris stated that it is not a Zoning Ordinance and will be a Select Board Ordinance as most of the ordinances will be enforced by the Police Department regarding overcrowding and parking.

Mr. Kiley stated his support that this ordinance is addressing safety issues and not planning issues.

Mr. Russell requested that Mr. Morris provide members of the SB a Microsoft Word copy of the draft so they can each send him their thoughts on the document.

Mr. Young stated that he would prefer to have a public hearing and hear the opinion of the public and landowners relating to short term rentals. He stated that he believes the ordinance would be based on what the public wants and not what is imposed on them.

Mr. Russell stated that such an ordinance has been discussed over the last four years and there has been feedback from the public which has continued to support the need to develop something for guidance. He stated he supported a public hearing, but it was hard to have a discussion without having a draft of an ordinance to present for discussion.

Mr. Kluge supported members of the SB giving feedback directly to Mr. Morris, and once that is further evaluated a public hearing can be discussed.

Mr. Russell proposed to have an invitation for the public to discuss the proposed ordinance at the next meeting, and for SB members to provide feedback thereafter to Mr. Morris to be addressed at the following SB meeting on September 18th.

Mr. Kluge made a motion to move forward with Mr. Russell's proposal. Ms. Kennedy seconded. Vote passes in favor of the motion (3-1).

Mr. Morris stated that there will be a notice distributed to request public comment.

Mr. Russell stated that there may also be organizations, such as the Enfield Village Association and the lake associations, that would be interested in being a part of the discussion.

With no further discussion, Mr. Russell moved on to the next agenda item.

Whitney Hall Curtains

Mr. Kluge inquired if the stage curtains were of historical significance.

Ms. Bonnette stated that the stage curtain, also referred to as the 'grand drape' does, but the black curtains do not. She stated that the black curtains that are drawn closed during a performance are what is being brought forward for discussion and not curtains on the windows or the grand drape. She noted that the Shaker Bridge Theatre was interested in keeping the black curtains if the town did not want them.

Members of the SB supported reaching out to the Heritage Commission and holding on to the curtains until we have a better understanding of what we are doing with the space.

Tax Deeding

Members of the SB discussed details regarding the properties as presented by Ms. Bonnette and Mr. Morris.

Mr. Kluge made a motion to move forward with the tax deeding as presented. Mr. Russell seconded. Vote unanimous in favor of the motion (4-0).

Budget Priorities

Mr. Morris stated that the CIP request and budget process with the department heads is under way to prepare for the meeting with the CIP Committee and the Budget Committee. He inquired if the SB had any priorities they would like to bring forward to the CIP Committee or the Budget Committee as the process begins.

Mr. Kluge stated that we have two building projects in progress and those need to be the focus. He added that addressing the sewer issues that have been discovered by the CCTV cameras will need to be addressed and infrastructure is a big piece of the conversation.

Mr. Morris stated that we should be fiscally conservative, maximize the undesignated fund balance if possible, and be careful about our expenditures for the remainder of this calendar year. He stated that we should ensure we budget for projects that need to be finished, including paving Maple Street, and completing the Shedd Street demolition. He stated that there is also the Shaker Boulevard bridge match as well as water well development plans to keep up with the needs and avoid future issues.

Mr. Russell stated that his priorities would be executing projects that have been committed to and started, the existing building maintenance items, the current wage study in progress, and being sure we are taking current projects into consideration as we look forward.

Mr. Kluge stated that he anticipates a robust discussion regarding the ambulance services in town.

Mr. Morris stated that he is hearing we should focus on the current commitments, and work on the strategic planning and other planning to help form a vision for the future.

Accept FHWA Byways Grant

Mr. Russell requested comments or discussion from the SB regarding the grant, which includes developing parking along Main Street and Mascoma Lakeside Park.

Mr. Young inquired if in-kind donations will be accepted as a part of the match.

Mr. Morris stated he did not believe so, but he would reach out to confirm. He noted that the project has a timeframe of needing to be completed by 2029.

Mr. Young inquired if unfunded balance between now and 2029 could possibly be used.

Mr. Morris stated that we could look at it, but we do not know how the unfunded balance will trend and how the project will roll out over a couple of years. He stated that money from undesignated funds could not be taken out unless a capital reserve account was set aside to be designated to the project.

Mr. Morris stated that there are multiple sources, such as undesignated fund balance or capital improvement where it may be able to come from, which can be discussed.

Mr. Kluge made a motion to authorize the Town Manager or their designee to accept the Byways grant awarded by the Federal Highways Administration with a total estimated project cost of \$918,021.26 consisting of a Town Match of \$183,604.26, and hereby authorize the Town Manager or their designees to take such action and execute all documents that may be necessary. Ms. Kennedy seconded. Vote unanimous in favor of the motion (4-0).

Proposed Leaf Blower Purchase

Mr. Morris stated that he has been in discussion with Mr. Clay and Mr. J. Taylor regarding purchasing a large turbine style leaf blower. He stated that we currently have a small unit that is mounted on the John Deere tractor, but the request is for a larger one that could sit in the back of a pickup truck. He stated that it would help keep ditches clean, especially during the fall to prevent leaves clogging the ditches. It was not budgeted or as a part of

the CIP, but Mr. Clay has utilized such equipment in the past and highly recommends it as an addition to the fleet.

Mr. Morris stated that some budgeted funds were saved by utilizing the brine solution and pre-treatment on roadways, but there is not enough to buy the leaf blower within this year's budget, which is why it was brought forward to the CIP Committee. He stated that they received unanimous permission from the CIP Committee to spend \$5,000 from the CIP fund, if approved by the SB, with the rest of the cost being covered within the current 2023 budget.

Mr. Morris stated that extensive research was completed regarding models and costs that would fit the needs of the town. He stated that it is being requested to circumvent the RFP process as there is one brand, Buffalo Leaf Blower, that is a superior product and warranty which will fit the needs and can be serviced locally.

Mr. Kluge made a motion to authorize the expenditure of \$5,000 from the Capital Improvement Program Capital Reserve Fund, with the remainder of the funds coming from the 2023 budget, for the purchase of a Buffalo Turbine Leaf Blower, and further authorize the Town Manager or their designee to take such actions and execute all documents that may be necessary to complete the purchase. Mr. Young seconded. Vote unanimous in favor of the motion (4-0).

Ms. Kennedy inquired about where the funds will come from in the 2023 budget.

Mr. Morris noted that it will come from the highway department budget, as there have been some savings from the personnel line, overtime savings, and a few other line items that can help support the purchase from that budget.

Chipper Funding Mechanism

Ms. Bonnette stated that the old chipper was destroyed, and the pro-rated value of the chipper was paid by the insurance company and put into the 2022 General Fund. She stated that the new chipper was ordered but did not arrive until 2023, and therefore is a 2023 expenditure. She stated to get funds properly accounted for, we would ideally need to take the \$46,900 issued by the insurer back out of the General Fund to pay for the chipper, with the remaining balance coming from the CIP Fund. She noted that it also requires the approval of the Budget Committee approving of the use of the undesignated fund balance.

Mr. Morris noted that, after speaking with our auditor, and because the revenue and expenses were in different years, we need to find a mechanism that allows the balance of those funds for the income and expenditure. He stated that he and Ms. Bonnette recommend that the new chipper be purchased out of CIP funds, and then the money sitting in the undesignated fund balance will be designated to repay the CIP fund in the coming year. He stated this funding mechanism as it will have no impact on the tax rate, will meet generally accepted accounting principles, and will allow the insurance revenue to offset the expense by the way of the General Fund, with a net expenditure from the CIP CRF in the amount of \$17,505.75.

Mr. Young made a motion that with recommendation from the CIP Committee, concurrence from the Budget Committee, and approval by the Select Board, the entire purchase price of \$64,405.75 would be requested of the Trustees of Trust Funds from the CIP CRF in 2023. At the same time, it would be proposed to budget \$46,900 in the 2024 Budget to come from General Fund Balance to reimburse the CIP CRF.

Mr. Morris requested an amendment to remove the approval of the Budget Committee to expend CIP funds so that the purchase can be moved forward.

Mr. Young amended his motion to state: with recommendation from the CIP Committee, and approval by the Select Board, the entire purchase price of \$64,405.75 would be requested of the Trustees of Trust Funds from the CIP CRF in 2023. At the same time, it would be proposed to budget \$46,900 in the 2024 Budget to come

from General Fund Balance to reimburse the CIP CRF. Ms. Kennedy seconded. Vote unanimous in favor of the motion (4-0).

Acceptance of Donation to Community Nursing Program Trust Fund: \$2,000

Ms. Kennedy made a motion to accept with gratitude the donation from Mascoma Bank to the Community Nursing Program Trust Fund. Mr. Young seconded. Vote unanimous in favor of the motion (4-0).

ADMINISTRATIVE ITEMS

MS535 Financial Report of the Budget (2022)

Solar Exemptions

Ms. Bonnette presented documents for signature by members of the SB.

OTHER BUSINESS TO COME BEFORE THE BOARD OF SELECTMEN

Public Comment

Mr. Russell requested comments or questions from members of the public.

Mr. Kiley stated that trash on Main Street is becoming an issue with people putting their trash bins out too early and having it overflowing with crows picking into the garbage.

It was noted that there is an ordinance that is enforceable by the police and requested to be brought up with the Chief of Police.

Mr. Morris stated that the ordinance wording states that it needs to be taken off the curbside and off the sidewalk, so if it is set back onto a homeowner's lawn it is considered their property and is not enforceable.

Mr. Russell stated that LaSalette will be closing, and they will be open for a series of festivities which will be held Saturday, September 16th through Tuesday, September 19th.

With no further comments from the public, members of the SB moved on to nonpublic session.

NON-PUBLIC SESSION PERSUANT TO RSA 91 A-3: II; (m)

At 7:22pm, Mr. Kluge moved to enter non-public session following 91-A:3 II (m). Ms. Kennedy seconded. Vote unanimous in favor of the motion (4-0).

At 7:46pm, Mr. Kluge moved to come out of non-public session. Mr. Young seconded. Vote unanimous in favor of the motion (4-0).

Mr. Russell moved to disclose the non-public session minutes of 11/4/2013, 7/16/2018, 9/17/2018, 11/4/2019, 11/18/2019 7:32pm, 11/18/2019 7:40pm, 11/21/2020, 10/5/2020 and 9/6/2022. Mr. Young seconded. Vote unanimous in favor of the motion (4-0).

Mr. Russell moved that the minutes of 10/8/2018 and 8/18/2003 remain sealed. Mr. Kluge seconded. Vote unanimous in favor of the motion (4-0).

INFORMATIONAL ITEMS – NO ACTION REQUIRED

- West Central Behavioral Health thank you for 2023 annual appropriation
- FEMA correspondence re: Floodplain Management Ordinance

ADJOURNMENT

Mr. Russell made a motion to adjourn at 7:49pm. Mr. Kluge seconded. Vote unanimous in favor of the motion (4-0).

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The meeting was adjourned at 7:49 pm.

Katherine D. P. Stewart, Chair

Erik Russell, Vice Chair

John W. Kluge

Alice Kennedy

Tracy Young

Enfield Select Board