

**TOWN OF ENFIELD
SELECT BOARD
MEETING MINUTES SEPTEMBER 5, 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, Kate P. Stewart

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

Members of the Public: Jeff White, Richard Day, Elaine Day, Tina Stearns, Bob Cusick, Bob Lacroix, Keely Marie, Harrison Trumbull, Carol Chichester, Brian Degnan, Dan Reagan, Karen Currier, Brian Cloud, David Fracht, Lindsay Smith, Donald Macmeekin, Dori Macmeekin, AJ Horvath, Sam Cook, Carol Cusick, Nancy Horvath, Tom Claus, Elizabeth Klorer, Paul Klorer, Michael Donnelly, Barbara Jones, Rick Sam, Rob Malz, Carolyn Wallace, Bobby Lacroix, Jan Smith, Brad Rich, Celie Aufiero, Marty Gibson, Ed Rippe, Pete Hugo, Leigh Davis, Jan Sample, John Hall, Sue Gibson, Ann Claus, Jane Rippe, Gretchen Williams, Carol Krauss, Glyn Green

CALL TO ORDER

Ms. Stewart called the meeting to order at 6:00 pm.

PUBLIC HEARING – Discussion & Comment on Draft Short Term Rental Ordinance

Mr. Russell made a motion to open the Public Hearing to discuss the Draft Short Term Rental Ordinance. Mr. Young seconded. Vote unanimous in favor of the motion (5-0).

Ms. Stewart stated that the purpose of the Public Hearing is to get feedback from residents and the Select Board will not be making a decision regarding the implementation of the ordinance during this meeting.

Mr. Morris stated that a previous town manager had begun drafting a Short Term Rental Ordinance with Mr. R. Taylor, the Land Use & Community Development Administrator, due to area towns in the lakes region having problems with short term rentals. He noted that issues such as overcrowding of houses, failed septic systems due to overcrowding of residences, and noise complaints have all been a source of concern. He stated that the goal at this time is to get feedback from residents as the draft presented is continuing to be worked with and, if and when it is finalized, may move to a Town Meeting vote.

Members of the public discussed the need to understand the predicate and data that supported moving forward with an ordinance. Questions were raised regarding the enforcement of the ordinance, the addressing of safety matters related to tenants and residents, as well as the need to protect town lakes from pollution. It was noted that there are already ordinances, such as parking and noise ordinances, that would address some of the issues stated with short-term rentals.

Members of the public recognized that some properties are being purchased to solely be short-term rentals, and some homeowners are renting on an occasional basis to help provide the income they need to pay their taxes, especially those who are retired and on a fixed income.

Harrison Trumbull stated his support for the ordinance and recommended that the town provide a poster of the rules and ordinances for the town, especially for short term rentals, which would be helpful to educate those staying there.

Brian Degnan stated the health inspector should be the one to approve or deny applications and use, and the fees assessed do not cover the actual costs of implementation. He added that three to five calls a year for problems related to short-term rentals is not a reason to create all the proposed infrastructure.

Karen Currier stated that there is a difference between those purchasing property for business purposes versus personal property owners. She noted that imposing the ordinance would cause great financial hardship for her to update the cottage she has on her property and recommended exemptions, waivers, or grandfathering to be offered as well as an appeals process.

Lindsay Smith stated that her parents have worked hard to open and run their bed and breakfast business, adhering to all state laws etc. relevant to bed and breakfasts. She noted that Airbnb is not run by any government entity, and it does not have policies and procedures that ensure the safety of those staying there. She noted we need to be preemptive before an emergency or tragedy occurs. She agrees that the fees should be higher, as there is a burden on the town, neighbors, roads, neighbors, and safety departments.

Members of the public expressed that short-term rentals affect neighboring properties as well as the lakes. It was noted that the lakes in town are an important resource to protect and we should not wait until there is a problem to address it.

Michael Donnelly stated that he is concerned with government getting involved with private property owners.

Members expressed questions regarding how taxing is assessed for private properties when some are utilized commercially through short term rentals but are taxed as personal property.

Carolyn Wallace stated that, as a rental owner, she invests in housekeepers, property managers, and conducts interviews and background checks for tenants. She noted that increases to the tax rate, such as the renovations to the high school, present challenges to affordability as a property owner and she utilizes rentals to assist with those expenses.

Mr. Morris stated that feedback that may lead to updates in the proposed ordinance will come back to the Select Board (SB), to continue the discussion and he would recommend another public hearing before it moves forward to action such as being voted on at Town Meeting.

Mr. Kluge made a motion to close the public hearing. Mr. Russell seconded. Vote unanimous in favor of the motion (5-0).

Ms. Stewart thanked members of the public for attending and giving their feedback. With the public hearing closed, she requested comments from members of the SB regarding the proposed ordinance.

Mr. Russell stated that the next steps will be for members of the SB to provide feedback to Mr. Morris. He recommended a goal to be prepared to bring updates forward again in a timely manner.

Ms. Kennedy agreed with Mr. Russell and stated that she agreed with members of the public requesting data around the need for the ordinance.

Mr. Kluge stated that the ordinance has a lot to do with the environment, including the water quality of the lake and the atmosphere of the neighborhood in which we live. He stated that he is concerned with the enforcement of the ordinance.

Mr. Young stated that he is concerned with being fair to people who are renting and need it for income, while also understanding the importance of ensuring that the lake is not contaminated by failed septic systems. He noted that it is a complex problem, that may benefit by being reviewed by a smaller committee who can listen to lake owners and current rental owners, to make a proposal to the SB. He stated that the ordinance is long, and

the problem needs to be quantified.

Ms. Stewart thanked members of the public for their feedback and noted that it is important to come together to have these discussions. She stated that she is looking forward to looking at the data and recognized that not all issues have been recorded by being called in to the Town Manager or police department.

Mr. Morris stated that information will be brought forward to a future meeting after notes are received from members of the SB.

Ms. Stewart requested a five-minute recess at 7:36.

At 7:41 Ms. Stewart resumed the meeting and moved on to the next agenda item.

BUSINESS

Hawley Drive Discussion

Brad Rich of the Hawley Drive Road Maintenance Association reviewed information regarding storm water runoff from the most recent storms which impacted Hawley Drive. He stated that there is a concern with the quality of water that is running off of the land and into the lake water. He noted that there is a long history of issues with storm water affecting the roadway, with documentation that goes back to the 1970's. Mr. Morris attended the Crystal Lake Association meeting where he discussed the possibility of working with other towns and with the state to try to draft a watershed plan for the area, which is greatly supported, but is a long-term project. He stated he would urge the SB to think of things that can be done around the lake, especially on Hawley Drive side, that would help mitigate some of the damage that is occurring to the lake.

Mr. Rich presented a map which demonstrates the areas of water runoff that greatly affect Hawley Drive. He stated that there are culverts feeding water to streams that cannot handle the volume of water coming in. He stated that there was also an agreement that the retention pond at the intersection of Lockehaven Road and Hawley Drive would be dredged out every other year and maintained. He noted that the water from the July storm pushed the retention pond beyond its capacity, leading to the flow of silt and gravel and other materials from the pond into the lake.

It is requested that a team of town personnel and a committee assist with the evaluation of the work that needs to be done to help prevent further pollution of the lake.

Mr. Kluge stated that Hawley Drive is a private road and inquired what the town was being requested to do.

Mr. Rich stated that Hawley Drive is the choking point for water that comes from other areas of town and requested that the town consult a civil engineer to make a plan to help the situation. He stated that he was open to ideas to help mitigate the issue.

Ms. Stewart stated that she believes it should be a continuing conversation with Mr. Morris and the Department of Public Works (DPW) as they have the skillset to understand the situation.

Members of the SB discussed whose property the retention pond is located on and what roles the town and state had in the development of the pond, as well as factors such as increased precipitation and the increase in structures on private property in the general area.

Mr. Morris stated that he has discussed with Mr. J. Taylor and Mr. Clay at the DPW, as well as the Budget Committee, a proposal to utilize FEMA money that will be going into fund balance to be reappropriated to be utilized for mitigating storm water.

Members of the public expressed the direct impact of heavy rainwater and runoff that has affected their property, homes, and septic systems, and urged the need to reevaluate the diverted water flow and retention pond. It was noted that the water runoff is affected by multiple surrounding properties, and it is not a situation

where one property owner can make a difference alone, it will take working together to find the necessary solutions.

Ms. Stewart stated that she appreciated those in attendance to speak to the topic, and it will need to be brought forward to the DPW, as well as involve the DES. She stated that we can use the information to learn and address other potential issues in town.

Mr. Regan stated that the issue on Hawley Drive needs to be treated as an emergency and there was no time to wait for the watershed project. He stated they would like to work with the town and meet with DES as soon as possible to come up with a solution.

Ms. Stewart stated that the presented issue needs to go through operations under the direction of Mr. Morris and his team. She added that due diligence has been put forward by the town departments to document the storms and resulting damage to be able to report for FEMA purposes. She stated that she also reached out to the governor for an emergency declaration, but it was unable to be issued for the area.

Members of the public inquired if the town will pay or assist in the compensation for the hiring of civil engineers for the work that needs to be completed regarding Hawley Drive. They stated that the need for engineering is due to poor planning and implementation, which is affecting the property owners on Hawley Drive.

Ms. Stewart stated that the town will work to determine what is in their purview, with discussions between Mr. Morris and Pathways Consulting to understand those pieces. She noted that it can be a long process to work with DES, but they will make a commitment to work on it.

Mr. Kluge noted that Hawley Drive is a private road, and he finds a conflict with asking that money from taxpayers pay for it.

Jean Rippe stated that the request is to fix the source of the problem, which originated from town work associated with the diversion of water, that is causing further issues to water runoff on Hawley Drive. She noted that there just as much concern for the lake as there is for the residents that are currently working through water runoff issues.

Gretchen Williams, President of the Hawley Drive Road Maintenance Association, stated that there is a more emergent issue because the pond is overflowing into the road, and there is a risk of the culvert being washed out as it has before in 2008. She thanked the SB for having the discussion to assist in the process.

Ms. Stewart stated that this will be an ongoing conversation and encouraged the communications between the association and Mr. Morris to remain open as discussions progress with the DES.

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

APPROVAL OF MINUTES – August 21, 2023 Regular & non-public session

Mr. Kluge made a motion to approve the public and non-public minutes as presented. Mr. Young seconded. Vote passes in favor of the motion (4-0), Ms. Stewart abstained.

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 remain the same from his last report.

- We are working with Bread Loaf to create a design around the current location of the elevator shaft, staircase, and mechanical room as those are expensive parts of the building to move in the floor plan.
- He has been working with the Shaker Museum to lease the La Salette property after the sale is completed.
- The Route 4A trail is in progress but is slowing down a bit. An RFQ has been submitted and he has received approval from the state for moving forward with one of the firms to finalize a contract.
- The town finance software has been moved from a server to a cloud-based structure, and there are issues that are being worked through. It is making it easier and efficient to find information and invoices, and there is intention to move other assessing programs to the cloud as well.
- Properties that were authorized for tax deeding have been paid, and no properties will be moving forward in the tax deeding process.
- Boys Camp Road will be closed Monday, September 11th for culvert replacement from 7am-3pm. The school bus schedule was consulted to ensure the work did not interfere with the bus routes.
- Pathways Consulting has submitted details to the New Hampshire Department of Transportation and we are awaiting further contact from DOT to follow up.
- The FEMA assistance application for the winter storm has been submitted for damage on Potato Road and excessive ice and damage on Shaker Hill Road.
- We have been approved to present a class at the NHMA conference regarding the Town's Invasive Species Project, regarding the work the town has done and the plan of action for further management. He stated that there will be classes at the DPW for the general public in the future, as well as discussions with a contractor who can assist with the application of chemical management.

With no further comments or questions, Ms. Stewart moved on to the next agenda item.

BUSINESS CONT'D

Award Public Safety Building MEP RFP

Neagley and Chase (N&C) has been busy working through the RFP for Mechanical Electrical and Plumbing (MEP) for the public safety building project. They received 4 electrical responses and 1 plumbing/HVAC response which is well over the established budget with the VRF system. After receiving only 1 bid, N&C talked with contractors who the project's spring start is attractive, however the extent of the current workload and resources to bid the project seems to have been the issue for the lack of responses. Based on this feedback, they reissued the plumbing/HVAC bid package. Unfortunately, they only received one more bidder, but they feel the price is close enough to where we need to be to enter discussions with both the electric and Mechanical/Plumbing contractors to negotiate and tweak the system to meet budget.

Andrew Martin from N&C contacted me today to see if we can make an intent to award the two contracts, so we can start negotiations and recommends the award be made to Defiance Electric of Enfield NH and Alliance Mechanical from West Lebanon NH.

Mr. Kluge made a motion to authorize the Town Manager to enter a contract with Defiance Electric and Alliance Mechanical for the MEP contracts for the Public safety building contingent upon determination of a final budget that fits within the financial capabilities of the Public Safety Bond, and hereby authorize the Town Manager or his designees to take such actions and execute all documents that may be necessary. Ms. Kennedy seconded the motion.

Mr. Young requested an amendment to the motion, with "intent" to award the contract being included.

Mr. Kluge made a motion to authorize the Town Manager to allow Neagley and Chase to enter an intent to award a contract with Defiance Electric and Alliance Mechanical as subcontractors for the MEP contracts for the public safety building, contingent upon determination of a final budget that fits within the financial capabilities of the Public Safety Bond, and hereby authorize the Town Manager or his designees to take such

actions and execute all documents that may be necessary. Ms. Kennedy seconded the motion. Vote unanimous in favor of the motion as amended (5-0)

Award Shedd St. RFP

In this year's budget, the budget committee allocated \$75,000 for the purposes of completing environmental testing, cleaning up any hazards and demolishing the buildings at the Town's Shedd Street property. To date, we have spent \$6,006.18 on testing which leaves \$68,993.82 for abatement and demolition. In June, the Town Released an RFQ/RFP for proposals for the clean up and demolition of the Shedd Street property. The bids came back higher than expected with costs ranging from \$146,100 to \$199,000. Though this is more than the costs allocated in the budget. Mr. Morris asked that the Select Board authorize him to work with Hammond Grinding and their environmental contractors to create a plan to complete this project throughout the 2023 and 2024 budget years, pending budget approval.

Mr. Russell made a motion to authorize the Town Manager to enter a contract with Hammond Grinding for an amount not to exceed \$146,100 for the abatement and demolition of the buildings at 7 and 15 Shedd Street contingent upon budget allocation and approval, and hereby authorize the Town Manager or his designees to take such actions and execute all documents that may be necessary. Ms. Kennedy seconded, vote unanimous in favor of the motion (5-0).

Award Whitney Hall Hazard Assessment RFP

In June, the Town Released an RFQ/RFP for proposals for hazardous building materials assessment for Whitney Hall, to identify hazardous substances in preparation of abatement prior to the remodel and expansion of Whitney Hall. Mr. Morris sent the RFQ/RFP to five different companies and advertised through our normal channels. We ended up only receiving one proposal from Credere Associates LLC, which is the same environmental company we used for the Shedd Street project.

Because Mr. Morris does not believe that re-advertising this RFQ/RFP will produce any results that will produce any significant savings, and with time being a factor to move the project along, he recommends the Select Board award the contract for hazardous building materials assessment of Whitney Hall to Credere Associates.

Mr. Kluge made a motion to authorize the Town Manager to enter a contract with Credere Associates LLC for an amount not to exceed \$ \$11,820 for the completion of a hazardous building materials assessment and report, and hereby authorize the Town Manager or his designees to take such actions and execute all documents that may be necessary. Mr. Russell seconded, vote unanimous in favor of the motion (5-0).

Surplus Property

The Director of Public Works, Jim Taylor, requests the Select Board move to declare the **1991 Bandit Chipper** surplus property and authorize the sale of said surplus property.

Mr. Kluge moved to declare the 1991 Bandit Chipper surplus property and authorize the sale of said surplus property. Mr. Young seconded, vote unanimous in favor of the motion (5-0).

Deputy Treasurer (Appointment by Treasurer with Approval of Select Board)

The Treasurer would like to appoint Tamara Cederman as Deputy Treasurer.

Mr. Russell made a motion to approve the Treasurer's appointment of Tamara Cederman as Deputy Treasurer. Mr. Kluge seconded, vote unanimous in favor of the motion (5-0).

UVLSRPC Board Appointment

With the resignation of Ed McLaughlin from the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) Board of Commissioners, Mr. Morris requested appointment as commissioner to represent the Town of Enfield on the UVLSRPC Board of Commissioners.

Mr. Kluge made a motion to appoint the Town Manager, Ed Morris, as one of the two commissioners to represent the Town of Enfield on the Upper Valley Lake Sunapee Regional Planning Commission Board of Commissioners. Ms. Kennedy seconded, vote unanimous in favor of the motion (5-0).

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

Mr. Kluge made a motion to accept the donation of \$2,000 from Geokon LLC for the Community Nursing Program Trust Fund, with thanks. Mr. Russell seconded, vote unanimous in favor of the motion (5-0).

OTHER BUSINESS TO COME BEFORE THE BOARD OF SELECTMEN

Public Comment

Ms. Stewart requested comments or questions from members of the public.

Mr. Young noted several policies are due for review, including the Unassigned Fund Balance Policy, Capital Reserves Policy, and Debt Management Policy.

Mr. Russell asked that the note of thanks for 2023 funding of the Mascoma Community Healthcare in the amount of \$5,000 be forwarded to the Budget Committee.

With no further comments from the public, members of the SB moved on TO XXX ADJOURNMENT.

INFORMATIONAL ITEMS – NO ACTION REQUIRED

- NHDES Incomplete Wetlands Permit-by-Notification File – Map 11, Lot 43, Landing Road (Shaker Landing Condominium Association)
- Forestry Permit-by-Notification File 2023-01800 - Map 5, Lot 2 (Welch)
- Mascoma Community Healthcare – Thank you for 2023 Funding
- NHDRA Enfield 2022 Cyclical Monitoring – Final Results

ADJOURNMENT

Mr. Kluge made a motion to adjourn at 9:28 pm. Mr. Young seconded. Vote unanimous in favor of the motion (5-0).

The meeting was adjourned at 9:28 pm.

Katherine D. P. Stewart, Chair

Erik Russell, Vice – Chair

John W. Kluge

Alice Kennedy

Tracy Young
Enfield Select Board