

**TOWN OF ENFIELD
SELECT BOARD
MEETING MINUTES JANUARY 8, 2024**

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: Steve Patten, Susan Brown, Tom Claus, Barbara Jones, David Fracht, Madeline Johnson, Paul Vianco, Kurt Gotthardt, Dan Kiley, Jean Patten, Dick Bates, Gary Hubbard, Jean Hinshaw, Harrison Drinkwater, Parker Hinshaw, Shirley Green, Lucy Wilson, Jerold Theis, Peggy Norbury

CALL TO ORDER

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

APPROVAL OF MINUTES – December 18, 2023 (Regular & Non-public session)

Mr. Kluge made a motion to approve both sets of minutes as presented. Mr. Young seconded. Vote unanimous in favor of the motion (5-0).

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:

- Staff report: Enfield PD is working through the hiring process for a candidate; the bonus program has helped bring in quality applications. He noted that there is a good candidate for the Police Assistant position as well.
- The Department of Public Works (DPW) has made an offer for the janitor/building maintenance position, which was accepted. The DPW has currently decided to discontinue seeking a part time plow truck driver for the season.
- He attended a National Telecommunications Interoperability Agency (NTIA) presentation at Sugar Hill and met with state representatives
- FEMA will be holding a meeting regarding the damages from the July 2023 rainstorm, community officials and residents are invited; 4-7pm at Plymouth Town Hall. For more information, please contact Mr. Morris
- He noted that elected positions currently open are listed on the town website, anyone interested can see the Town Clerk to file from Wednesday, January 24th through Friday, February 2nd. Elected positions will be voted on Tuesday, March 12th.
- Reminder of ice safety on the lake as ice thickness is not the same across the entire lake
- Whitney Hall project is moving forward, and the groundbreaking ceremony will be held Tuesday the 16th at 4:00 pm in the theatre area
- DPW has pretreated the roads with a magnesium chloride solution, and they may show a brown residue which is due to molasses being a contributing ingredient. He noted that the pretreatment is found to be less corrosive than salt, and the Conservation Commission also confirmed that it is less corrosive and is a better environmental alternative. People with questions or concerns about it can reach out to Jeremy Clay at the DPW.

Steve Patten stated that they saw the DPW putting down salt on the sidewalks and other roads.

Mr. Morris stated that salt will still be used during storms.

Susan Brown stated that Hanover has been doing it for a couple of years and you can see how well it works on Rudsboro Road.

Tom Claus inquired if the magnesium chloride solution is better or worse for the lake.

Mr. Morris confirmed that the solution being used is better than salt.

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

BUSINESS

Methodist Hill Property Use Committee Presentation

Susan Brown thanked Mr. Morris, Kevin Marker, Paul Whaler, Harrison Drinkwater, and Paul Vianco for their contributions. She added that maps, minutes, and forestry reports are included in the packet presented to the SB with regard to the committee's recommendation.

Ms. Brown read the following recommendation for the record on behalf of the Methodist Hill Property Use Committee (MHPUC):

We recommend that the property on Methodist Hill Road be sold at auction at a cost to cover the back taxes owed plus any administrative and legal fees associated with the sale. There are approximately 25 acres on the southeast corner that could be developed. It is recommended that a reverter clause be used to ensure that a minimum of 3 but not more than 5 housing units be built with each property accessible from Methodist Hill Road. The remaining approximately 70-80 acres shall be deeded for conservation use with the ability to develop trails on it for hiking, mountain biking, snow shoeing and cross-country skiing. It must also be made available and easily accessible to the public, preferably with a small parking area. To minimize the impact on wildlife and to maintain the serenity of this area, snow mobiles, ATVs and other motorized vehicles should be prohibited. This recommendation is being made for the following reasons:

- The overwhelming feedback we received from the abutters and other Enfield residents is that the primary use for this property should be for recreational purposes to preserve the history of the land, to maintain the wildlife habitat and to have a conservation area in this part of town.*
- This proposal adheres to the town's Master Plan including providing much needed housing but also maintaining the rural character of the town.*
- The housing will more than likely not be low-income housing but may help preserve lower income housing that would otherwise have been bought and upgraded or occupied by people that may be able to afford more.*
- This proposal provides the best economic benefit for the town by selling the property and would provide future tax revenue from both the land and housing development.*
- This land already has interested buyers, so it will most likely sell quickly.*
- The few houses which could be developed on this property would have only a minimal impact on the town's resources, traffic and water use in the area, which is a major concern for many of the abutters and nearby residents.*

Mr. Young inquired if the committee is referring to individual driveways or a clustered development.

Ms. Brown stated that it is referring to individual driveways with each property having 250 feet of access to Methodist Hill Road, as aligns with the current zoning.

Members of the SB inquired if the recommendation is to retain the property or sell it.

Ms. Brown confirmed the recommendation is to sell it at public auction for at least enough to cover what the town lost in taxes and cover the fees of the sale.

Mr. Morris stated that it would be sold in one parcel with restrictions on the land, which would protect the tax interest of the town and allow a piece to be left for conservation.

Mr. Russell expressed his gratitude to the committee for their time and assessment. He stated that his questions are more related to the implementation of the recommendations and not the proposal as presented.

Mr. Young thanked Mr. and Mrs. Hinshaw for the report that was presented to the SB.

Ms. Brown noted that Patch Orchards of Lebanon, NH own the property that abuts the Methodist Hill property.

Barbara Jones, a member of the MHPUC, stated her disagreement with the presented recommendation and read her statement for the record:

When I volunteered to be on the MHP committee, I was totally committed to exploring this parcel's potential for low-cost or affordable housing. I looked at the site's location, considered the possibilities that were being put forth to the committee and, as a student of cluster housing, wanted to explore how that could work. I asked Ed to invite a developer to come to the committee to give us a realistic view of how this property could be developed. The developer testified that 2.5 acre lots in the area go for over \$250,000 each, the infrastructure would be difficult, given the slope and the wetlands and that a developer would most likely go bankrupt in the process, and that the houses would need to be sold for way over \$1m. Consequently, these could never, ever be affordable by middle income earners.

Mr. Keleher's testimony convinced me that going forward with any development would end up costing the town more than they would get in property taxes, that going down that road would probably end up with the town dealing with storm water runoff, and services commitments, far exceeding property tax income.

Having been completely turned around by the facts, I came to the very clear conclusion that taking the Hinshaws' offer to heart-that they would keep the acreage as is and that they would steward the land in a way the town could never afford to do, both with money and person power-made more sense than any other option. The town of Enfield is not in a position to spend money on this land and developing it is no guarantee that the town would be off the hook-an unknown. With the Hinshaws' offer, they are guaranteed to keep the land as it is and leave it as a resource for everyone, including flora and fauna.

Looking at the committee's recommendation, I see an act of antagonism, sticking a big finger in the eyes of all those Enfield residents who testified for conservation. To my memory, all but one person spoke to the benefits of conservation vs development. This recommendation also inscrutably aggressively doubles down against the Hinshaws' offer-literally demanding they develop three to five houses and if they don't or can't Enfield pulls out the reverter clause (never agreed to by the committee). I predict that if this path is taken by the selectboard there will be a string of legal debacles and who knows what quagmires the town will be held responsible for. It would be, in my opinion, an epic mistake to embark on this misguided, shortsighted recommendation.

Ms. Stewart inquired if the committee agreed to the reverter clause.

Ms. Brown stated that conditions and restrictions on the deed were discussed, or something similar to a reverter clause.

David Fracht stated that he wished to express there is a third option to dispose of the property, in the case of vacant land, the state is in favor of maintaining open land and combining land that was previously subdivided according to RSA 80:80. He urged the SB to review that option and stated that the land should be undeveloped and combined with a neighboring property.

Mr. Kluge inquired if RSA 80:80 is a necessity or an option.

It was confirmed that RSA 80:80 is optional.

Madeline Johnson inquired if the town attorney had weighed in on the reverter clause.

Mr. Morris confirmed that the town attorney has been consulted and it is possible to execute.

Paul Vianco stated that any concept of developing affordable housing on the property is discounted by the NH affordable housing criteria. He stated that gentrification is typically a problem in urban areas and is not relevant

to Enfield. He stated that there are too many information gaps and legal matters to resolve to have a clear picture, and there are potential for liability issues which should be examined more closely.

Ms. Kennedy inquired if the committee understood all the options, or if they only believed the property could be sold.

Mr. Morris stated that the committee was apprised of the options.

Mr. Gotthardt noted that there are questions on the property that would remain undeveloped and who would own or operate it, and inquired if the town take someone to court if the development of housing on the recommended lots as part of a sales agreement and they are not built.

Mr. Morris stated that attorneys have advised that if the town was to keep the land, the town would likely need to pay the difference between the land appraised value and the taxes and fees on the land. He noted that it is a grey area, and there are mixed attorney and court opinions on whether the town should pay the difference or not.

Dan Kiley stated that he believes the committee has done a great job and hopes the SB accepts the proposal as presented by the committee.

Steve Patten stated that his biggest concern is that, if the property is sold to one person, it would be put in current use. He stated that there is a shortage of building lots. He stated that the town could subdivide and then sell each house lot. He noted that the state of NH will ensure that wetlands are protected, but the town needs to move forward and sell it and stop letting the property cost Enfield any more money.

Dick Bates stated that the committee put in a lot of good work, and it was noted in the committee's recommendation that there were many people who wanted the land to be used for recreation purposes, but the way the recommendation is made the focus is on the building lots and whether there should be building lots or not. He inquired if a minimum number of building lots could be designated in the sale, which could possibly eliminate bidders who may not be able to or want to develop it in the same way, and whether zoning or the SB would be able to put restrictions in place for use.

Ms. Brown stated that the property is zoned R5, and per the zoning, recommended that the lots should be five acres. She stated that the committee has presented possibilities, but what is put in the deed is negotiable between the buyer and the SB.

Ms. Stewart noted that the recommendation presented by the committee was for three lots, and not more than five lots.

Gary Hubbard commended the committee and his neighbors for their work and input on the project. He stated that his major concern is requiring a potential buyer to build a minimum number of lots, and he has never known of any development or housing project that has served a major financial benefit for the town. He stated that setting a minimum number of lots for development doesn't serve as a big benefit to the town.

Jean Hinshaw stated that, as abutters, she and her husband have been interested in purchasing the land to help conserve it for the community and make it available to the public for recreational purposes, as well as to preserve the history of the land. She stated that they have interest in potentially building a guest house, which could provide tax revenue, and encouraged the town to have an in-depth legal conversation regarding RSA 80:80. She stated her agreement with not having a minimum number of lots until a soil study is done and noted that there are charitable avenues that could provide a win-win situation.

Harrison Drinkwater stated that it has been a learning process to understand all the pieces of the project. He noted that during the August meeting the committee worked with the assessor's office, and it was noted that it would take 25 parcels to reduce the tax rate by \$0.01.

Mr. Morris stated that when you look at the large scheme of things, one or two houses will not affect the tax rate by a lot.

Parker Hinshaw stated that he and Ms. Hinshaw care about the wildlife, and their proposal to purchase the land as abutters with intentions for conservation and recreation would be consistent with the Master Plan that is currently in place.

Ms. Stewart noted that the recreation and conservation chapters have not been written for the Master Plan yet.

Mr. Fracht stated that the Land Use chapters of the Master Plan do address the need for recreation opportunities in that side of the interstate and acknowledged that recreation means different things to different people. He stated that the support for building housing was related to areas that would connect to water and sewer and connect people with town services, but there was no indication to support building housing in the R5 zoning area in the immediate future.

Tom Claus stated that there was a lot of thought that went into considering the needs of the community and the town in the committee's recommendation. He stated that there is difficulty finding housing in the area and the recommendations made are not geared toward revenue, but toward creating more housing opportunities.

Shirley Green stated that a few houses are not going to make any impact on the town, and recreation, conservation, and protecting wildlife is much more valuable than what two or three houses could provide.

Lucy Wilson stated that there are many people present from Methodist Hill who will be directly affected by the recommendation, and there is a majority of people who would support the land being sold to the abutters. She stated that habitat loss is important to recognize and there is value in keeping that area rural and undeveloped.

Madeline Johnson stated her thanks for the committee's work and helping to speak for residents in the town. She stated that the Enfield population has been declining for the last ten years. She stated that one thing that needs to be considered is that it is about the land and not about who has the land at that moment. She stated that decisions should be made for the land beyond who is there now and who may own it in the future.

Barbara Jones stated that the land borders to 1,000 acres, which is privately owned in Lebanon, NH, and is a wildlife corridor.

Steve Patten inquired if it was kept for recreation if it would require hiring more people to make and maintain the trails.

Dr. Theis stated that the Conservation Commission has a Trail Master who is capable of training volunteers to make trails with no cost associated other than materials.

Jean Hinshaw stated that they are interested in keeping the land in conservation in perpetuity, including working with the Upper Valley Land Trust and making a commitment to supporting conservation.

Kurt Gotthardt stated that if the condition is placed in the deed that the buyer is required to subdivide the town is going to need to enforce it, which will cost the town money, or the town would be forced to walk away from it. He noted that the RSA's do state that the town is permitted to sell to an abutter for a clause, including for conservation or open space.

Peggy Norbury stated that there are already water runoff issues and speeding issues on Methodist Hill Road, and that that area of the town is not well attended to. She stated that she believes it would be in the best interest of the town to take advantage of the offer from the abutters.

Ms. Stewart stated that further comments can be sent to Mr. Morris which can be disseminated to members of the SB. She stated that a decision on the property would not be made during this meeting to give the opportunity to think about what has been presented from the committee and the public and allow time for more information to be submitted to the SB and will be put on the agenda for an upcoming meeting.

After a brief recess for members of the public to exit the meeting room, the SB moved on to the next agenda item.

Pumper Tanker Bid Results & Recommendation

Chief Neily stated that he met in person with each of the bidders to review information regarding bids received for the pumper tanker. He noted that, as requested by the CIP Committee, Engine 5 will be leaving the fleet.

Ms. Kennedy inquired about the painting option quoted for \$900 and inquired if it was necessary or could be a place to save money.

Chief Neily stated that the painting quote is optional and was included in the quote to be consistent with the visual representation of Engine 1.

Mr. Young inquired about the sale of the current tanker.

Chief Neily said that sales of equipment can vary greatly and is hard to have an accurate sale estimate.

Mr. Kluge and Mr. Young stated their support for having the paint scheme of the new pumper tanker consistent with Engine 1.

Mr. Kiley inquired if it was known whether the CIP is planning to pay cash or finance the purchase.

Chief Neily stated that the pumper tanker is currently anticipated to be received in April 2025, and it will be paid on delivery.

Mr. Young made a motion to accept the total contract amount of \$383,573.00 for the E-One Pumper Tanker, with an approximate delivery of 16 months, with specifications as Chief Neily has recommended, and authorize the Town Manager or his designee to execute all necessary documents to complete the sale. Mr. Kluge seconded.

Steve Patten inquired about the name of the company that got the contract.

Chief Neily stated that the approved contract manufacturer is E-One out of St. Johnsbury, which is the same company that manufactured Engine 1. He added that the company has been consistent and reliable in their service and maintenance of Engine 1.

Vote unanimous in favor of the motion (5-0).

Declaration of Public Works Equipment as Surplus

Mr. Morris stated that Mr. J. Taylor brought forward the recommendation to declare the 32-inch hydraulic grading bucket as surplus property, and confirmed there is not a request for replacement.

Mr. Kluge made a motion to declare as surplus the 32" hydraulic grading bucket with Caterpillar mount and authorize the Director of Public Works to list it for sale on an online auction site. Mr. Young seconded. Vote unanimous in favor of the motion (5-0).

Mr. Morris stated that the auction site link will be posted as soon as it is available.

Whitney Hall Contract

Mr. Morris stated that upon reviewing the contract for Whitney Hall he noted that the elevator refurbishment was listed as an option and not included in the contract. He stated that if the contract is signed 'as-is' there is an overage of \$132,000. He noted that there are three options: not to sign the contract, to sign the contract knowing there is an overage that will need to be funded some other way, or sign the contract with the elevator as an option. He stated they are working on three phase power being brought in, and other aspects of the elevator could be replaced if the funding is available.

Mr. Kluge inquired if there is a safety issue requiring the elevator to be refurbished.

Mr. Morris stated that it is safe as it is, but it would be faster and look nicer. He noted that keeping the elevator and the stairwell in its current location has been a decision made that has had great cost savings to the project. He stated that the refurbishment would include a new motor, noting that even a new one phase motor would be faster than the current unit, and there are kits that can be purchased to update the interior of the elevator as well.

Mr. Kluge inquired if doing the elevator is something that could be done down the road.

Mr. Morris confirmed that it can be done down the road, and it is possible to put the refurbishment out to bid independently. He noted that BreadLoaf quoted an elevator refurbishment at \$145,000, which is anticipated to be lower, but also includes the BreadLoaf 4% overage.

Ms. Stewart stated that the current elevator is not well used or presented, and she is worried about taking it completely out of the plan for Whitney Hall. She stated that it doesn't necessarily need to be included in the project under BreadLoaf, but she is worried that not having it done at all will only create future problems as has been noted from past projects.

Mr. Russell stated that the first MFAC committee heard many complaints about the elevator, and he thinks it should be a part of the current project. He inquired what the worst-case scenario is if the contract is signed and the funding to cover the overage is not secured.

Mr. Morris stated that the \$132,000 would need to be paid up front. He noted that there are some items included in the project budget, such as phones and furniture that will not be entirely necessary.

Mr. Young stated that the general contractor has nothing to do with the refurbishment, they just contract it out and take in the fee. He supported the elevator being removed from the contract with the intention to find a better price within the next twelve months and find the funds to do it within the construction timeline.

Mr. Morris stated that the funding for the elevator can come from the building budget, but it is not in the BreadLoaf contract to build it.

Mr. Young stated that he believes that we can find the money within the current budget to refurbish the elevator.

Members of the SB discussed upgrading the building to have 3-phase electricity, and having an elevator that is compatible with the power supply.

Mr. Morris stated that he agrees with Mr. Young that, if left in the contract there will be funds paid to BreadLoaf to complete the project, or we can pull the elevator and find a way to fund it within the budget.

Mr. Young stated that it is also something that could be tasked to the clerk of the works.

Mr. Russell stated that, if it is not included in the BreadLoaf contract, ideally funds would be found to offset the \$100,000 through grants and rebates, with the worst-case scenario being that the \$100,000 will need to come from the General Fund.

Ms. Stewart suggested that the town looks for ADA funding that could be available to assist with ensuring there is safe and equal access for all members of the community.

Mr. Young stated that he believed that the elevator should be left out of the contract, in that BreadLoaf will not be responsible for bidding or supervising the task, but it will remain in the scope of work for the construction.

Ms. Kennedy made a motion to authorize the Town Manager to enter a contract with BreadLoaf for an amount not to exceed \$5,966,200 for the renovation and expansion of Whitney Hall, and hereby authorize the Town Manager or his designees to take such actions and execute all documents that may be necessary. Mr. Young seconded.

Mr. Kiley inquired about the amount that the Library Trustees have contributed to the project.

Mr. Morris stated that the library has offered a of \$164,000, which is not their total funds raised, but the remainder may go against the bond or other purchases the library may need to make related to the project such as equipment or other items.

Mr. Kiley stated his support for having the elevator refurbishment in the budget.

Vote unanimous in favor of the motion (5-0).

Whitney Hall Stage Curtains

Mr. Morris stated that the stage curtains are the brown curtains hanging and not the grand drape. The Shaker Bridge Theatre asked if they could have them previously and he requested to give them the stage curtains.

Mr. Kluge made a motion to authorize the Town Manager to dispose of the regular theater stage curtains by offering them to the Shaker Bridge Theater as a thank you to the many years that they operated in the Whitney Hall Theater space. Mr. Russell seconded.

Ms. Kennedy stated that she did review the stage curtains with the Heritage Commission when the discussion originated, and she confirmed they were not interested in acquiring the drapes.

Vote unanimous in favor of the motion (5-0).

2023 Encumbrance of \$200,000 for Public Safety Building Loan Payment

Mr. Morris stated that the first payment was not issued for the Public Safety Building as the project did not start in the anticipated timeline, and the funding will not be used in the 2023 budget year. He noted that the funding was budgeted with the intent to pay towards the bond, and without encumbering the funds to the 2024 fiscal year, it would fall into undesignated funds from 2023. He added that, if the SB approves of the encumbrance, he will bring the information forward to the Budget Committee to determine whether the encumbrance could be used to lower the 2024 tax rate, which would push the tax increase into the following year, or if the money will be used to pay down the principal down, thereby reducing the cost in the long term.

Members of the SB discussed the status of the Undesignated Fund Balance and noted that there is currently a health UFB, and the original intention of the debt service budget was to pay toward the bond.

Mr. Kluge made a motion to encumber \$200,000 from the 2023 debt service budget for a payment on the Public Safety Building loan. Mr. Russell seconded. Vote unanimous in favor of the motion (5-0).

Conservation Commission Application (Hinshaw)

Mr. Kluge made a motion to appoint Jean Hinshaw to the Conservation Commission. Mr. Young seconded.

Ms. Bonnette requested that the SB set a term for the position appointed.

Members of the SB agreed to an appointment of three years.

Vote unanimous in favor of the motion (5-0).

NH VW Grant Authorization

Members of the SB signed the documents as presented.

Annual Town Report - dedication, cover photo

Ms. Stewart requested that members of the SB and community think about and submit ideas for the dedication and cover photo to Ms. Bonnette.

It was noted that the cover photo needs to be finalized by February 1st as the 2023 Annual Report will be sent for printing soon after the budget hearing.

Acceptance of Donations to Community Nursing Program Trust Fund: \$500 (Vote Required)

Mr. Kluge made a motion to accept donations in the amount of \$500 to the Community Nursing Program Trust Fund. Mr. Young seconded. Vote unanimous in favor of the motion (5-0).

ADMINISTRATIVE ITEMS

Timber Yield Tax Warrant (Enfield Land Company)

OTHER BUSINESS TO COME BEFORE THE BOARD OF SELECTMEN

Other Business

Mr. Young accepted the resignation of Emily Curtis from the Recreation Commission with significant regret. Mr. Kluge seconded. Vote unanimous in favor of the motion (5-0).

Public Comment

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

Ms. Patten inquired about what the anticipated surplus is for 2023 and the current balance of the undesignated fund.

Mr. Morris stated that the information to close out the 2023 budget year is still being finalized and preliminary information will be brought forward to the January 18th Budget Committee meeting.

Mr. Gotthardt inquired about progress with the Johnston Drive property.

Mr. Morris stated that the information is with the attorney's office at this time regarding the title research, but his final determination should be available in the coming weeks.

Members of the SB signed administrative items and moved on to adjourn the meeting.

INFORMATIONAL ITEMS – NO ACTION REQUIRED

- Tax Collector's Report - December 2023
- Town Clerk's Report - December 2023

ADJOURNMENT

Mr. Kluge made a motion to adjourn at 8:09pm. Mr. Young seconded. Vote unanimous in favor of the motion (5-0).

The meeting was adjourned at 8:09 pm.

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