

# TOWN OF ENFIELD

## 2006 TOWN MEETING MINUTES

Moderator David Beaufait opened the meeting at 9:00 am on Saturday, March 18, 2006 at the Enfield Village Elementary School. He led the audience in the pledge of allegiance, then introduced the head table: Selectmen Dominic Albanese and Nancy Scovner, Town Manager Steven Schneider, Town Counsel James Raymond, Chairman of the Budget Committee Lee Carrier, Budget Committee members, Ken Daniels, Director of Public Works and Richard A. Crate, Jr., Chief of Police.

Rules of the meeting were discussed. A moment of silence was observed for recently deceased Dolores Gaudette, long-time Enfield resident and former town clerk.

The Selectmen presented the following certificates of appreciation:

Richard Bean, Fire Ward for nine years

Paul Mirski, Keith Oppenneer, and Pat Paradis, Town Offices/Library Needs Assessment Committee.

Steven Stancek, Fran Perillo, and Nicole Hamilton, Solid Waste and Recycling Committee

Articles 1-3 were voted on by ballot on March 14, 2006.

**Article 1.** To choose by ballot all necessary Town Officers for the ensuing year.

For Two Years:	One Moderator	David Beaufait	406
	One Cemetery Trustee	No Candidate	
For Three Years:	One Selectman	Dominic Albanese	391
	One Trustee of Trust Funds	John Carr	415
	One Cemetery Trustee	Frederick Altvater	394
	One Fire Ward	<b>Timothy Taylor</b>	<b>222</b>
		Alan Gove	205
	One Library Trustee	Judith Kmon	413
	Two Zoning Board of Adjustment Members	Terry Finsterbush	270
		Curtis Payne	317
	Three Budget Committee Members	Lee Carrier	323
		Richard A. Martin	344
		David L. Stewart	316
For Six Years:	One Supervisor of the Checklist	Nancy Foley	409

**Article 2.** Are you in favor of the adoption of **Amendment #1**, as proposed by the Enfield Planning Board, for the Town of Enfield Zoning Ordinance as follows?

**In order to protect and preserve the rural character of Enfield add the following to Article IV, Section 406:**

**4. Class VI Roads**

No Class VI Road shall be upgraded without prior review and written recommendation to the Board of Selectmen from the Planning Board, the Conservation Commission, Community Development Director, Director of Public Works, and the Town Manager.

**Article 2 passed, 295 For, 145 Against.**

**Article 3:** Are you in favor of the adoption of the following **Amendment #2**, as proposed by the Enfield Planning Board, for the Town of Enfield Zoning Ordinance?

**In order to limit the number of back lots allowed under zoning add the following to Article IV, Section 401.1R, Section 401.2R & 401.3R:**

Rights of way to back lots shall not exceed 500' in length.

**Article 3 failed, 164 For, 258 Against.**

**Article 4:** To see if the Town will vote to (i) raise and appropriate the Budget Committee's and Board of Selectmen's recommended sum of four million, three hundred thirty-two thousand, one hundred thirty-one dollars, (**\$4,332,131**), which represents the operating budget. This article does not include appropriations voted in other warrant articles. (Estimated tax impact \$5.743 per \$1,000 valuation)

D. Albanese made the motion to accept the article as printed; N. Scovner seconded. L. Carrier, Chairman of the Budget Committee, spoke to the article. He explained that the budget represented a .05 ¢ increase, and that increases were reflected in several areas but that the debt service is down. He provided comparison charts of the history of the tax rates for the last several years.

D. Albanese made motion to amend Article 4 to increase the General Government Building, line 4194 of the posted budget, by thirty-five thousand dollars (\$35,000), N. Scovner seconded the motion.

D. Albanese explained that the purpose of this amendment was to continue work to prepare a plan for Town review that will address the Whitney Hall building operational and service problems facing the town offices and library. The monies would be withdrawn from the Whitney Hall renovation capital reserve to defray the engineering and architectural costs necessary to bring a comprehensive facilities plan for Town review at the 2007 Town Meeting. The amendment would not affect the tax rate.

B. Thurber, Chairman of the Library Trustees, spoke of the library's needs for more space and a more efficient, cost-effective building.

T. Finsterbush asked what was in the capital reserve account, and S. Schneider replied a little over \$72,000.

The Moderator asked if the Board of Selectmen have the authority to expend the capital reserve monies, and D. Albanese replied yes but the Board wanted to let the townspeople know what they were doing.

S. Beaufait acknowledged the needs of the town offices and library but pointed out that the Board should take into account the historic nature of the building, and that Whitney Hall itself needs to be preserved. A non-profit group has been formed to renovate Whitney Hall.

N. Scovner replied that the Board is considering Whitney Hall.

R. Stewart introduced herself as a professional costume designer involved in theater and asked that Whitney Hall be preserved as a performing arts space, and asked if the architect considered had any experience with such space.

D. Albanese explained that the architect would address the best use of the space in a cost-effective fashion, and at this point couldn't promise that he would recommend preserving Whitney Hall. The Board interviewed 3 architects and the one chosen designed the Capitol Arts Center.

The Moderator called for a voice vote on the amendment; unanimous in favor.

T. Hayes asked how the proposed increase in town water rates affects the budget.

D. Albanese explained that the waterworks is a separate entity and that the increase supports that department so it doesn't affect the budget. He pointed out that a public hearing on the increase will be held on March 20<sup>th</sup>.

The moderator called for a voice vote on Article 4 as amended, unanimous in favor.

**Article 5:** To see if the Town will vote to discontinue the Police Equipment Capital Reserve Fund created in 1995. Said funds (\$17,066.31), with accumulated interest to date of withdrawal, are to be transferred to the Town's general fund.

N. Scovner made the motion to accept the article as printed; D. Albanese seconded.

L. Carrier addressed the article, explaining that Articles 5-9 would close capital reserve funds that are no longer needed for the purpose they were created for. The balance of these accounts will return to the General Fund and be counted as revenues.

R. Cusick asked how the Town invested the monies and what interest rate it received.

E. Hackeman, Chairman of the Trustees of the Trust Fund, explained that there were limitations on where the Town may invest, and that the interest rate was about what a Certificate of Deposit would earn.

K. Gotthardt asked why these funds were created.

D. Albanese explained that originally the Police Equipment Capital Reserve Fund was created to purchase cruisers, and that we are now budgeting new cruisers in the annual budget.

K. Oppeneer said that it makes good sense to close these funds.

The Moderator called for a voice vote on Article 5, unanimous in favor.

**Article 6:** To see if the Town will vote to discontinue the Town Dump Capital Reserve Fund created in 1984. Said funds (\$9,034.42), with accumulated interest to date of withdrawal, are to be transferred to the Town's general fund.

N. Scovner made the motion to accept the article as printed; D. Albanese seconded.

T. Jennings said that he agreed with the housekeeping effort of these articles but knew that we were having debates with the State over the stump dump and that the transfer station is sited on top of an old landfill so are we sure we won't need these monies there.

D. Albanese replied that if we have to look at capping the transfer station site it would be handled as a separate project, and E. Hackeman stated that the original purpose of the Fund was for the purchases of land.

B. McKinley moved the question, T. Jennings agreed.

The Moderator called for a voice vote on the article; unanimous in favor.

**Article 7:** To see if the Town will vote to discontinue the Downtown Revitalization Capital Reserve Fund created in 2000. Said funds (\$3,307.46), with accumulated interest to date of withdrawal, are to be transferred to the Town's general fund.

D. Albanese made the motion to accept the article as printed; N. Scovner seconded.

T. Jennings said that he would like to see these monies given to the Enfield Village Association and would make an amendment to do so.

J. Raymond advised that an amendment to that effect would change the purpose of the article and that the Department of Revenue Administration most likely would not accept it.

The Moderator called for a voice vote on the article, majority in favor.

**Article 8:** To see if the Town will vote to discontinue the Recreation Facility Capital Reserve Fund created in 1995. Said funds (\$1,752.79), with accumulated interest to date of withdrawal, are to be transferred to the Town's general fund.

N. Scovner made the motion to accept the article as printed; D. Albanese seconded.

E. Hackeman explained that this fund was established for the purpose of land acquisition.

The Moderator called for a voice vote on the article, unanimous in favor.

**Article 9:** To see if the Town will vote to discontinue Library Automation Capital Reserve Fund created in 1999. This Fund carries a zero balance.

N. Scovner made the motion to accept the article as printed; D. Albanese seconded.

D. Albanese explained that the project this fund was established for is completed.

The Moderator called for a voice vote on the article; unanimous in favor.

**Article 10:** To see if the Town will vote to (i) raise and appropriate the sum of sixty thousand dollars (**\$60,000**) for repair of damage to Oak Grove Street, and (ii) to authorize the use/transfer of sixty thousand dollars (**\$60,000**) from the undesignated fund balance for this purpose. (This article has no impact to the proposed 2006 Tax Rate.)

D. Albanese made the motion to accept the article as printed; N. Scovner seconded.

K. Daniels, Director of Public Works, spoke to the article. He explained that in January approximately 2800' of Oak Grove Street's slope slid in to the river. The street is used as an alternate route for emergency services if the bridges are out, and it also carries major electric and water conduits. Police Captain Agan and he had tried to obtain state funds for the repair without success.

S. Carr asked why this was a warrant article; why didn't we just fix the street.

D. Albanese explained that the Board thought they should present it to the people, and N. Scovner explained that when this happened the budget was already done so couldn't specify it there.

S. Carr said to just fix it.

K. Plumley asked if this could be the State's responsibility, as a result of all the work they did on the reconstruction of Route 4 above it.

K. Daniels explained that this would be hard to prove, and that technically it's the State's land that slid into the river.

P. Paradis, Treasurer of the Oak Grove Cemetery Association, pointed out that two of the cemetery's entrances were blocked by the closing and that they really needed the street fixed.

C. Aufiero asked if the \$60k includes re-sizing the culvert and changing the water stream. Also would the street still be posted to no truck traffic.

K. Daniels answered that the culvert crossing under Oak Grove Street had nothing to do with the slope failure, and that the street would remain posted to truck traffic.

The Moderator called for a voice vote on the article; unanimous in favor.

**Article 11:** To see if the Town will vote to (i) raise and appropriate the sum of one hundred fifty-eight thousand dollars (**\$158,000**) (ii) purchase the following Public Works vehicles and equipment, and (iii) authorize the amount of seventy-two thousand, eight hundred thirty-nine dollars (**\$72,839**) to be withdrawn from the Public Works Vehicle/Equipment Capital Reserve fund. (Estimated tax impact 37.3907 cents per \$1000 valuation.)

7 yard Dump Truck with plow, wing, and spreader	\$140,000
Tractor	\$18,000

**N. Scovner made the motion to accept the article as printed; D. Albanese seconded.**

L. Carrier spoke to the article, explaining that it was part of an ongoing plan to maintain capital reserves for future expenditure.

T. Jennings asked why aren't we drawing the fund down completely, because in the next article we just add money back into it.

L. Carrier explained that it was part of a long-term strategy.

J. Patten asked where these price amounts came from, and D. Albanese said from state contracts.

K. Brazas asked if this was to replace a truck to be sold, and K. Daniels said yes.

The Moderator called for a voice vote on the article; majority in favor.

**Article 12:** To see if the Town will vote to raise and appropriate the sum of one hundred ninety thousand dollars (**\$190,000**) to be placed in previously established Capital Reserve Funds, as follows:

Capital Reserve Account	Appropriation	Estimated Tax Impact Per \$1,000 Valuation
Technology Services <sup>(2)</sup>	30,000	7.0995 cents
Library Technology <sup>(3)</sup>	5,000	1.1833 cents
Bridge Construction <sup>(2)</sup>	10,000	2.3665 cents
Ambulance <sup>(2)</sup>	15,000	3.5498 cents
Fire Vehicle/Equipment <sup>(1)</sup>	80,000	18.9320 cents
Public Works Vehicle/Equipment <sup>(2)</sup>	50,000	11.8325 cents
<b>Total</b>	<b>\$190,000</b>	<b>44.9636 cents</b>

Authorization to expend: <sup>(1)</sup> Town Meeting, <sup>(2)</sup> Board of Selectmen, <sup>(3)</sup> Library Board of Trustees.

N. Scovner made the motion to accept the article as printed; D. Albanese seconded.

L. Carrier spoke to the article, reiterating that the capital reserve accounts are part of a long-term strategy to save for future major expenditures so the monies don't have to be raised by taxes all at once.

T. Jennings stated that he still doesn't understand why we put money in the DPW account one year just to take it out the next.

D. Albanese and L. Carrier explained that it's a matter of showing what the capital reserves are for and are expended on, basically a trail of the reasoning behind the funds.

J. Martel asked why we just discontinued the Library Automation Fund and now have a Library Technology Fund.

B. Thurber explained that the original fund was used for the purchase and implementation of equipment, now the technology fund will be to upgrade, maintain, and replace as needed that equipment.

K. Plumley said she was in favor of the capital reserve funds and moved the question.

The Moderator called for a voice vote on the article; unanimous in favor.

**Article 13:** To see if the Town will vote to (i) establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of Emergency Services and Equipment expenditures including equipment purchases, replacements or major repairs, (ii) raise and appropriate the sum of twenty-five thousand dollars (**\$25,000**) to be placed in said fund, and (iii) name the Board of Selectmen as agent to expend. (Estimated tax impact is 5.9163 cents per \$1,000 valuation.)

D. Albanese made the motion to accept the article as printed; N. Scovner seconded.

D. Albanese explained that \$25,000 would be placed in this account for the future purchase of a generator for the Public Works Facility. The Public Works Facility will become the Town Emergency Operations Center and the generator will allow the Town to operate in less than ideal conditions.

The Moderator called for a voice vote on the article; unanimous in favor.

**Article 14:** Shall the Town raise and appropriate the sum of six thousand dollars (**\$6,000**) from the undesignated fund balance, for deposit into the Cemetery Maintenance Fund, an expendable general trust fund previously established under the provisions of RSA 31:19-a for the purpose of maintaining cemeteries? This money represents 2005 revenue from the sale of cemetery lots in 2005 and is available to offset the appropriation. (This article has no impact to the proposed 2006 Tax Rate.)

N. Scovner made the motion to accept the article as printed; D. Albanese seconded.

There was no discussion on this article.

The Moderator called for a voice vote on the article; unanimous in favor.

**Article 15:** To see if the Town will vote to (i) raise and appropriate the sum of eight thousand dollars (**\$8,000**), to place a conservation easement on the Bicknell Brook property (Map 9, Lot 45).

This easement will consist of 165 acres more or less, 7 acres +/- to which the town shall retain development rights. Said easement to be held by the Upper Valley Land Trust to insure the following objectives are met:

1. To make this land accessible to the public for recreation
2. To protect the established Bicknell Brook and Colette trails
3. To protect the water quality of Bicknell Brook and Crystal Lake
4. To protect wildlife habitat
5. To enhance the scenic value of Enfield

The Town of Enfield shall retain the forestry and agriculture rights to the acreage under conservation easement. (Estimated tax impact is 1.8932 cents per \$1,000 valuation.)

N. Scovner made the motion to accept the article as printed; D. Albanese seconded.

D. Albanese explained that the Board of Selectmen and the Conservation Commission have worked together to develop a plan for the Bicknell Brook property, and that this is the best way they came up with to preserve it. The Conservation Commission has raised the \$8,000 in donations so actually we won't need to expend this money.

R. Alan Strickland, Conservation Commission member, read a prepared statement outlining the involvement of the Upper Valley Land Trust and the merits of preserving the property. (Statement attached as permanent part of record).

R. Stewart said that she supported the article but would like some assurance that the property will never be restricted to hunting, fishing, and snowmobile access.

P. Mirski said that the Enfield Conservation Commission deserves a lot of credit. The difficulty he sees is that this only addresses a small portion of Bicknell Brook. He would rather see a land acquisition plan to acquire land along the brook between Grafton Pond and Crystal Lake. There is pressure on Enfield with increased growth; we have been shut out of acquiring beaches in the past. He does not approve of giving control of public property to a private entity. He proposed an amendment:

**Article 15:** To see if the Town will vote to (i) raise and appropriate the sum of eight thousand dollars (**\$8,000**), to place a conservation easement on the Bicknell Brook property (Map 9, Lot 45).

And further to raise and appropriate the additional sum of \$8,000 for the purpose of developing an easement acquisition plan for the purpose of preserving both sides of Bicknell Brook from Grafton Pond to Crystal Lake

This easement will consist of 165 acres more or less, 7 acres +/- to which the town shall retain development rights. Said easement to be held by the Upper Valley Land Trust to insure the following objectives are met:

6. To make this land accessible to the public for recreation
7. To protect the established Bicknell Brook and Colette trails
8. To protect the water quality of Bicknell Brook and Crystal Lake
9. To protect wildlife habitat
10. To enhance the scenic value of Enfield

The Town of Enfield shall retain the forestry and agriculture rights to the acreage under conservation easement. (Estimated tax impact is 1.8932 cents per \$1,000 valuation.)

**Special Warrant Article**

**The Board of Selectmen recommends this article.**

**The Budget Committee recommends this article.**

D. Albanese stated that the Upper Valley Land Trust does not limit what we can use the property for, and that we can only protect what we own. We are not selling the property to the Land Trust...we are granting it a conservation easement. This \$8,000 is from the Conservation Commission and we can't transfer it to another use.

P. Mirski asked the Board to look at the constitutional question of the town granting its legislative authority to a third party.

J. Raymond said that this is being done in many towns and is okay because a conservation easement is defined as an interest in the property, not property ownership.

L. Davis, K. Gotthardt, and S. Hagerman all spoke in favor of the article, to set an example to conserve property for future generations.

K. Plumley moved the question.

S. Stancek asked if the Conservation Commission had raised the \$8000 do we need to raise and appropriate the money or only appropriate? Wasn't the sale of the lots to raise money for legal expenses. He'd hate to see the loss of the land with access to Route 4A.

Discussion ensued about the fact that the question had been moved. The Moderator called for a voice vote on the move the question, which was unclear. He called for a hand vote, which was a tie so the Moderator chose to let the debate continue.

T. Jennings objected with the Moderator's rule of order; the Moderator called for a voice vote on his ruling and it seemed to be evenly divided so T. Jennings said he accepted it.

R. Bean said that he didn't know who'd looked at that property but he'd hunted there for years and it's all wetlands. We couldn't get much for it so we should just keep it.

P. Mirski stated that he'd like to change the amendment to change it to a land acquisition fund to acquire land in the future:

**Article 15:** To see if the Town will vote to (i) raise and appropriate the sum of eight thousand dollars (**\$8,000**), to place a conservation easement on the Bicknell Brook property (Map 9, Lot 45).

And further to develop an easement acquisition plan for the purpose of preserving both sides of Bicknell Brook from Grafton Pond to Crystal Lake

This easement will consist of 165 acres more or less, 7 acres +/- to which the town shall retain development rights. Said easement to be held by the Upper Valley Land Trust to insure the following objectives are met:

1. To make this land accessible to the public for recreation
2. To protect the established Bicknell Brook and Colette trails
3. To protect the water quality of Bicknell Brook and Crystal Lake
4. To protect wildlife habitat
5. To enhance the scenic value of Enfield

The Town of Enfield shall retain the forestry and agriculture rights to the acreage under conservation easement. (Estimated tax impact is 1.8932 cents per \$1,000 valuation.)

E. Laughlin asked if the sale of the land germane to the budget, and why don't we just put all the land into conservation easements.

N. Scovner and D. Albanese both explained that the sale of the lots would put the land back into the tax revenue stream.

C. Aufiero said that part of the trail is protected on both sides of the brook and that there is a Class VI road to get to Grafton Pond.

S. Stancek asked again if a donor has the \$8,000 available why do we need to raise the money in this article.

D. Albanese & N. Scovner explained that with the budgeting process we have to have the money available.

R. Stewart asked if the Town owns the property why do we need the Conservation easement.

N. Scovner answered to protect it forever.

R. Stewart said that in the future the Town may have some compelling reason to sell the property and that we should keep it.

The Moderator displayed the second version of the amendment P. Mirski proposed, N. Palmer seconded the amendment.

P. Mirski said that this is a great resource and in the future we should target this as a goal.

K. Gotthardt suggested that next year a capital reserve fund should be established for land acquisition. Towns in southern New Hampshire are spending millions of dollars to acquire conservation easements.

To a query from N. Scovner about the legality of the amendment, J. Raymond said that the rule is that the amendment has to be germane to the original article, and that the monies must be for the same purpose as the original article. He didn't believe that DRA would allow it and he would not recommend passage of the amendment.

D. Albanese explained that the Conservation Commission has funds that it can dispense on its own and dictating to them what to do with their money isn't good. Also, we already have a land acquisition capital reserve fund.

P. Mirski said that he was just asking for the will of the legislative body to save this asset.

E. Scovner asked if we pass the amendment and DRA disallows it does that kill the entire article, to which J. Raymond answered yes, it would.

E. Scovner asked for a no vote against the amendment and moved the question.

P. Mirski withdrew his amendment.

E. Laughlin asked that the Board of Selectmen consider not selling the 7 acres, which J. O'Keeffe agreed with.

D. Albanese explained that the money from the land sale would go directly to offset the tax rate.

The Moderator called for a second on P. Mirski's second version of his amendment. E. Brady seconded.

The Moderator called for a voice vote on the amendment; failed.

Much discussion ensued in support of the easement and against selling the 7 acres. S. Carr, D. Edwards, R. Cusick, S. Green, K. Gotthardt, and B. McKinley all participated. During the discussion J. Patten move the question. The Moderator took a voice vote to limit debate, in favor.

The Moderator called for a voice vote on the original article; majority in favor.

**Article 16:** To hear the reports of agents, auditors, committees, or any other officers heretofore chosen and pass any vote relating thereto.

D. Albanese made the motion to accept the article as printed; N. Scovner seconded.

P. Mirski informed the audience that the house has voted on a constitutional amendment that would allow towns with a population of 3100 or more to have their own representative, and if it

passes it would ensure that Enfield has its own representative. He also brought up the naming of the Main Street bridge and asked for audience suggestions. In the past the Ladies of Enfield Bridge and the Women In Service Bridge have been suggested.

Some discussion ensued about Article 3 but the Moderator pointed out that it was a moot point as it was defeated.

N. Scovner made the motion to adjourn the meeting, D. Albanese seconded.  
The Moderator called for a voice vote on adjourning; all in favor.

The Moderator declared the meeting adjourned at 12:26 pm.

Respectfully submitted,

Carolee T. Higbee  
Town Clerk/Tax Collector