

**Enfield Board of Selectmen
Whitney Hall
Enfield, New Hampshire**

MINUTES of December 16, 2013

Board of Selectmen: John W. Kluge, Chairman; Fred Cummings; Donald J. Crate, Sr.

Administrative Staff: Steven Schneider, Town Manager; Alisa D. Bonnette, Executive Assistant; Jim Taylor, Director of Public Works; Richard A. Crate, Jr., Chief of Police

Others: Marcia Herrin, Henry Cross, Kurt Gotthardt, James Bonner, Alan Strickland, and other members of the public.

BUSINESS MEETING

I. CALL TO ORDER

Mr. Kluge called the meeting to order at 6:00 PM.

Mr. Kluge announced that there would be two public hearings held at 6:30 PM, one regarding a petition for Pole & Conduit License amendment and one regarding expenditure of funds from the CIP Capital Reserve Fund for cruiser and DPW vehicles lease payments.

II. APPROVAL OF MINUTES

Mr. Crate moved to accept the minutes of December 2, 2014 as printed, Mr. Cummings seconded, vote unanimous in favor of the motion.

III. COMMUNICATIONS

None.

IV. BOARD REPORTS

None.

V. TOWN MANAGER'S REPORT

Joint Meeting:

A joint meeting of the Budget Committee, CIP Committee and Board of Selectmen is noticed for Thursday, December 19th at 6:00 PM.

Ambulance Revenues:

The Board received revenue information. About \$38,000 has been collected to date. The cost of on-call ambulance is about \$20,000 so ambulance billing has more than covered those costs. Mr. Schneider requested a non-public session later in the meeting to review write-off reports which include patient names and therefore should not be discussed in public session.

Telephone/Internet Changes:

Mr. Schneider made not in his last Town Manager's Report on the Enfield Listserv that the Town is ready to make changes to its phone and internet providers. Notes on the white board in the meeting room showed the costs for various services.

Comcast has the lowest numbers for internet service but there are redundancy issues. The next lowest is Sovernet at a cost of \$680/month for internet service for all buildings. We're currently spending about \$1,000/month for internet and speeds will be tremendously faster with the fiber network internet connection. The Whitney Hall will have a 50mb connection that is tied to the Police Department, Public Works will have 20 mb, and all others will have 5mb. Sovernet was selected for the Town's internet provider.

The next choice was a phone provider. The existing phone system at the Town Offices needs replacing as it is failing and no longer serviceable. We reviewed 7 providers and had some come in so we could have a hands-on look at the phones themselves. Current-Concepts was selected as the phone provider for a number of reasons. The phones are of excellent quality. They are our current provider so we have experience with their responsiveness to problems. The system they offered allowed us to utilize the best of both worlds – the reliability of copper line with the ability to use the internet in a unified system providing the service, speed and affordability of the internet.

For five years the cost will be close to \$1,000 with the system cost built in. After 5 years the phone charges will be approximately \$519/month. The system is upgraded somewhat for emergencies and will be more reliable when the weather is bad.

Mr. Cummings questioned the cost of the Current-Concepts proposal which exceeded another that used Avaya phones. They use Avaya phones in Hanover and for more important things. He questioned what we're gaining with the system provided by Current-Concepts.

It was explained that the price listed for the Avaya phone system didn't provide the phone service, just the phone system. With the system provided by Current-Concepts phones are portable and can be used anywhere there is an internet connection and they will continue to function as a part of the phone system. There are applications and software that can push calls to cell phones as well. There are other features that will be beneficial to the Police Department. This system will also save us \$650/month over what we're currently paying for phone service. We will adjust our budgets for 2014 to reflect those changes.

FastRoads is ready to hook into. We have some Enfield residents who are already hooked up. Hanover is almost ready. It's a lot of change all at once.

Project Updates:

There was a pre-construction site meeting for the NH Route 4A sagging sewer line repair project. They are working on it now.

Three companies are looking at the acoustics issue at the Community Building. It's difficult with the holidays, but Mr. Schneider is hoping to meet with some of them this week. They are all companies in the industry.

VI. PUBLIC COMMENTS

None.

VII. BUSINESS

Veterans Park Lighting:

Mr. Cross reported 4 of the Town's LED lights out. Some of the bridge lights are "sick." He asked what the Town is doing about this. He had been told the Town is licensed to replace the bulbs.

Mr. Schneider responded that the lights are under a 5 year warranty and we are getting replacement bulbs and fixtures. There have been issues with both the bulbs and the fixtures themselves. Parts are ordered and will be installed as soon as possible. Light bulbs we can replace, fixtures we can't. Fixture replacement requires an electrician.

Mr. Cross feels the Energy Committee did a poor job of putting bids out and investigating companies. We've been waiting three months and the service has been poor. It's a shame to have a park like that. For the safety factor he would hope to have better results from the company.

Trash & Recycling:

Mr. Schneider forwarded the proposed solid waste ordinance to the Town's attorney for review of the language regarding penalties. He has not heard back yet.

The issue of toters at the curbside in Enfield Village has improved.

Mr. Kluge said we need to work on Route 4 at the corner and Route 4A in Enfield Center.

Mr. Taylor and Mr. Schneider met with Casella last week. Casella is committed to going up Goodhue Hill Road permanently

Changes for 2014 – we'd like to start zero-sort recycling at the Transfer Station. People will be able to put all of their recyclables in one bin and go. This will require rearranging containers.

They talked about bags outside of containers. They have been picking them up more than not. They have a decal that says "Oops" the bags should be in a container and they aren't picking it up. If that is OK with the Board that will begin in 2014.

Mr. Kluge asked if we go to zero-sort at the Transfer Station do we lose revenue? He was informed by Mr. Schneider that it's ours and we get revenue.

Mr. Cummings asked if there is a problem with bags.

Mr. Schneider said that with the bags left curbside we don't know if it's Enfield trash. The containers are supposed to be adequate for a regular single family. The goal with the 64 gallon trash is to move into recycling. We want to be sure we're only picking up Enfield rubbish. In the past trash was appearing on roads already picked up.

Mr. Crate asked, “why not have dumpsters at the apartment building in Enfield Center.

Mr. Cummings said if they were collecting without hands on like they were supposed to he’d have less objection. They aren’t picking up bags everywhere.

Mr. Schneider responded that it’s our program. If we allow bags alongside toters we may have increased dumping.

Chief Crate said that if we think there’s dumping happening to contact the Police Department. It may be beneficial to get public input on this to see if this is working for them. Some are making weekly trips to the Transfer Station because both their recycling toter and trash toter are full to the top. We should communicate some of the problems we’re seeing.

Mr. Kluge asked if there’s any way to raise this issue and ask for input in the Town Manager’s Report.

Mr. Gotthardt pointed out that if you go with the sticker the homeowner will see it. Either they’ll know it’s theirs or that someone else left it, in which case they can report it.

One member of the public said she loves the curbside recycling. She lives close to the Transfer Station. The problem with zero-sort at the Transfer Station is according to Casella’s instructions corrugated cardboard has to be cut into 12” squares. She hopes that won’t be required at the transfer station.

Mr. Schneider said the reason for that is so it fits in the container.

Mr. Crate pointed out that the toters at the Enfield Center apartment building are blocking the sidewalk.

Mr. Schneider agree and we are trying to address that with the ordinance.

Mr. Schneider announced that there will be a one-day delay for Wednesday and Thursday pickups Christmas week. The Transfer Station will be open the day after Christmas. And he pointed out that all wrapping paper is recyclable.

PUBLIC HEARING

Petition for Amendment to Conduit & Pole Licenses

Mr. Kluge read the notice of the public hearing: A Public Hearing will be held by the Board of Selectmen on Monday, December 16, 2013, in the Whitney Hall Conference Room, 23 Main Street, Enfield NH, at 6:30 p.m., on the Petition delivered to the Board of Selectmen to universally amend pole and conduit licenses in the Town of Enfield to require the payment of properly assessed property taxes and to require the licensees to provide information to the Town annually on the entities attached to their poles or conduits. The Petition is available for review in the Town Manager’s Office, 23 Main Street, Enfield, NH, between the hours of 8:00 a.m. and 4:00 p.m. The public is invited to attend and participate in the hearing.

Mr. Cummings moved to open the public hearing at 6:35 PM, Mr. Crate seconded, vote unanimous in favor of the motion.

Mr. Kluge asked Steven Schneider if he would like to address the Board of Selectmen and explain why the license and agreements need to be amended.

Mr. Schneider thanked Mr. Kluge. The amendments proposed are in the public good because they would change the licenses and agreements to comply with the requirements of NH law by referencing the statutory scheme which authorizes the Town to tax entities with poles and conduit in the public rights-of-way and others using the rights-of-way. Additionally, the amendments would require the license holders and those with such agreements to notify the Town of additional attachers on the poles and conduits who have perhaps avoided taxation until now. Properly assessing property taxes against all entities using the public rights-of-way is required under the law and is in the public good.

The law of NH is clear at this time that licenses such as those held by license holders are required by law to include a section requiring the licensee to pay properly assessed real and personal property taxes. Specifically, I point the Board of Selectmen to the cases of N.E. Tel. Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) (“Rochester I”), Verizon New England, Inc. v. City of Rochester, 151 N.H. 263 (2004) (“Rochester II”), N.E. Tel. Tel. Co. v. City of Rochester, 156 N.H. 624 (2007) (“Rochester III”). This requirement also covers others with agreements with the Town to use the right of way, such as gas or water companies.

Additionally, RSA 72:23, I(b) currently requires that all leases or other agreements for the use or occupation of real property owned by the Town “shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.”

The law also requires that if the lease or person using or occupying the property fails to pay the duly assessed real and personal property taxes on the due date, the tax collector must notify the Town and the Town must terminate the lease or agreement. RSA 72:23, I(c).

The Petition to the Board of Selectmen is to universally amend the licenses and agreements they have issued for conduits or poles or water or gas pipes in the public right-of-way to include these requirements and the requirement for the licensee to notify the Town of additional attachers on the pole or conduit to conform to the law.

Mr. Kluge thanked Mr. Schneider.

Copies of the Petition were available. The Board also received a written letter from the Public Service of New Hampshire which they requested be included in the minutes of the hearing, and a copy of the 2013 tax bill from NH Electric Co-op Inc., with a statement that the taxes are paid under protest. (See attachments)

Mr. Kluge asked if there was anyone else who would like to speak; any of our current license or agreement holders or any of our citizens.

There were no comments.

Mr. Cummings moved to close the public hearing at 6:40 PM, Mr. Crate seconded, vote unanimous in favor of the motion.

There were no comments from the Board.

Mr. Crate moved to grant the Petition to Amend Pole License and the Agreements to use the public rights-of-way, Mr. Cummings seconded the motion.

Mr. Kluge asked all in favor to say “aye”, all opposed to say “nay”.

Mr. Crate – aye, Mr. Cummings – aye, Mr. Kluge – aye, vote unanimous in favor of the motion.

PUBLIC HEARING

Expenditure of CIP Capital Reserve Funds for Cruiser and Public Works Vehicle Lease Payments

Mr. Kluge read the notice of the public hearing: The Board of Selectmen will hold a public hearing December 16, 2013, 6:30 PM, to discuss the expenditure of Capital Improvement Program Capital Reserve Funds for cruiser and Public Works vehicle lease payments as discussed and approved at the 2012 Annual Meeting.

Mr. Cummings moved to open the public hearing at 6:40 PM, Mr. Crate seconded, vote unanimous in favor of the motion.

Information regarding the lease payments made for the 2012 cruiser and Public Works vehicles was provided. The 2012 Town Meeting articles indicated a first lease payment of \$15,000 for the cruiser and \$35,000 for the Public Works vehicles. The 2013 cruiser principal payment was in the amount of \$15,000. The interest payment was \$859.45. The payment for the Public Works vehicles totaled \$33,009.51.

The Board of Selectmen are agents to expend the CIP Capital Reserve Funds. This purpose of this public hearing is to authorize the 2013 expenditure of CIP Capital Reserve Funds in the amount of \$15,000 for the cruiser lease payment and \$33,009.51 for the Public Works lease payment.

There were no public comments.

Mr. Cummings moved to close the public hearing at 6:42 PM, Mr. Crate seconded, vote unanimous in favor of the motion.

Mr. Crate moved to authorize the withdrawal of CIP Capital Reserve Funds for the purpose of offsetting the 2013 lease payments totaling \$48,009.51, Mr. Cummings seconded, vote unanimous in favor of the motion.

VII. BUSINESS, continued**Dog Park:**

Marcia Herrin from Enfield Center, presented the Board with a proposed site plan for a dog park at the far end of the Shaker Recreation Park property. She shared a list of things done by the group since the August 5th Selectmen's meeting. The potential site plan is probably more than we can raise money for. She is happy to answer any questions

Mr. Schneider asked when Lebanon would make a determination.

Ms. Herrin and about 8 others have been working on this project. Some are in attendance this evening. Lebanon will hold a meeting on December 26th. There was an information meeting there last year. Whoever gives the group the best deal is who they'll go with. Abutters in Lebanon are not in favor of it. Another issue at the Lebanon Fellows Hill location is the traffic on Route 4 both in the AM and PM. The Fellows Hill location would be convenient for many residents. Abutters don't want more traffic or more turning traffic.

The group has reached out informally to abutters of the potential Enfield site and some abutters have been in attendance at informational meetings. Some abutters know there are deer that use that field, but Ms. Herrin is sure the deer will find other places. Dog parks are surprisingly quiet. The group has prepared letters to send to abutters, but decided to wait until they met with the Board of Selectmen to see how they feel about the project.

The group is asking for the Town's permission to use the field at the eastern end of the Shaker Recreation Park property. Money will be raised and the project run under the auspices of the Town's Recreation Commission.

In response to a question from Mr. Schneider, Ms. Herrin informed the Board that the Hartford dog park has been in operation since 2008.

Mr. Cummings asked if the Town of Hartford covers the dog park with insurance. He was told it does. Ms. Herrin does not know what the insurance costs would be.

Mr. Kluge said that when this was discussed at the last meeting the feeling was if the Town wants the land back for some reason we can hat it, but with \$50,000 involved it would be hard to do.

Ms. Herrin said that would be the deal, though there would be people who would be unhappy. Ms. Herrin pointed out other possible uses for the remainder of the property.

A member of the dog park group is optimistic, based on Hartford's experience, that if given enough time to raise funds that they can get this done. We may pull people from other towns. The Town may have push back if the Town wanted to close it once it's opened.

Ms. Herrin feels a dog park is a selling point for a community. People want to buy property in towns with dog parks. It may increase business locally.

Mr. Crate stated that the portion of the property Ms. Herrin is talking about was for future playing fields if so needed.

Mr. Schneider said our only limitation is that we can't put in a non-recreational building there.

Mr. Gotthardt thought the property was too wet for fields.

Mr. Crate explained that the entire things was wet, but they added fill for the playing fields.

Mr. Schneider clarified that while the land is wet it is no considered wetland.

Dan Kiley said the proposal came to the Planning Board last week. And while it's Town property and not their purview the Planning Board was in favor of the project.

Access was discussed, including the proposed parking and possibility of a trail connecting the existing lot with any new lot. Mr. Crate pointed out that the State would have to issue a driveway access permit.

Ms. Herrin noted that half the estimated cost is parking and the other half is a good solid fence.

Mr. Schneider asked if the whole thing would be fenced. Ms. Herrin responded that in the design there is an area that remains unfenced and might have walking trails for walking dogs on leash. The plan also includes a separate fenced area that could be for training classes, though she's not sure this would be affordable. She does like the idea of a separate training area.

Ms. Herrin asked if there were plans to expand the existing parking.

Mr. Gotthardt pointed out that if there will be more fields more parking will be needed.

Other than liability insurance the Town of Hartford doesn't cover anything, even plowing.

Mr. Schneider's concern is that there are people dedicated to the project now. It would be nice if there was a longer history of volunteerism at the Hartford dog park.

Ms. Herrin replied that Hartford is in its second generation of volunteers.

Mr. Kluge feels it's a reasonable concern for keeping up a property like that. If it's not maintained and things aren't done, it would reflect poorly on the Town.

It was pointed out that at the Hartford dog park there's a receptacle for donations. And it's expected that for a new dog park there would be at least one sizeable fundraiser per year.

Mr. Cross asked how much they would be looking for a year from now. If the funds aren't being donated would they come to the Town for funding? And would the Town be liable for dog bites from dogs leaving the park.

Ms. Herrin said if enough funds aren't raised to continue operating it, it could be closed and the fence sold.

Mr. Gotthardt asked if they are looking for corporate sponsors.

Ms. Herrin replied that Purina give funding for dog parks. The group has also talked about fundraising events that build community.

Mr. Cross inquired about rubbish pick-up from the site.

Ms. Herrin explained that in Hartford the dog park pays for Casella to pick up the trash.

What Ms. Herrin is looking for from the Board is support to proceed.

It was agreed the following things are needed before the Board decides to proceed: An agreement between the Town and the dog park group should be in place, insurance costs should be investigated, investigation into the possibility of a driveway access permit from the State, and feedback from abutters. A letter looking for abutters' feedback can be drafted by the dog park group and vetted by the Town Manager.

A bridge discussion ensued regarding the status of proposals for dog parks in Lebanon. At this time all of the proposed sites have had significant issues such as lack of parking or opposition from abutters.

Streetlights:

The Board received materials from Kurt Gotthardt, including maps of streetlights and those recommended for removal and a summary of studies conducted that find no correlation between crime and accidents and the presence of streetlights, or lack thereof.

Chief Crate pointed out that Kurt Gotthardt wanted 98% of the lights outside the historic district to be removed and Chief Crate feels this will have a poor effect from a public safety aspect. When filling out accident reports officers include lighting conditions, but they are not looking to see if a streetlight would prevent or contribute to an accident; the same with crime. Chief Crate doesn't believe there's data one way or another. Common sense tells you if it's lit you can see it. For DUI stops they look for flat, well lit areas. We also tell women to stop in a well-lit area. With the proposed removal of streetlights all we'll have is the business community; much of town will have no lights.

Chief Crate identified two streetlights that could be removed: one at Mountainview Drive that is a duplicate and one that was at the Lockhaven Store, which is no longer there.

Mr. Gotthardt explained there are 231 lights in Town and he and the Energy Committee are proposing removing 123 of them, about half. Per the Town Meeting warrant article it's the areas outside the core village areas that are subject to possible removal. There are 39 streets consisting of 37 miles with no lights at all. There are no lights in the village of Eastman. He understands Chief Crate is coming from the perspective of safety. It's hard to say that the half of Town with no lights has more accidents or crime.

Chief Crate responded that Eastman has its own security. The Enfield Police Department patrols the Enfield portion of Eastman. Grantham and Springfield patrol their portions. There have been break-ins there, but it's not known if that due to lack of light or because they're vacant, seasonal homes.

Chief Crate pointed out that the Town just completed a multi-million dollar project on Route 4 and now we'll turn the lights off. That's not common sense.

Mr. Gotthardt directed the Board's attention to the summary of evaluations from various State and Federal agencies which he provided. Each comes to the conclusion that there is zero correlation that the amount of streetlights had an effect on crime rates or accidents.

The savings estimated is \$10,000 if the streetlights are removed as recommended by Mr. Gotthardt.

Mr. Kiley looked at the streetlights from Georgia Avenue to Mountainview Drive. There are perhaps three lights in this area that could be removed.

Mr. Gotthardt pointed out the random spacing of lights that seem to be in front of old farmhouses.

Mr. Crate said that's probably because people built houses and then requested a light from the Town.

Chief Crate said his charge was to look at the lights we have now.

Mr. Gotthardt's interpretation of the Town Meeting vote is that people wanted less lights and seemed comfortable with our criteria. His understanding of a Planning Board discussion is that Drybridge is one of the most dangerous stretches of road in Enfield and there are no streetlights there. No one has proposed streetlights there.

Mr. Cummings said there are intersections that should have streetlights. Hanover shut off some lights where there are pedestrians and he feels this is a dangerous situation. There are places we could add lights. One intersection that concerns him is Grafton Pond Road and Oak Hill Road. He didn't read any of the studies, but cutting out a light for \$50 then having someone hit is not a place he wants to be in.

Mr. Kiley takes exception to Mr. Gotthardt's interpretation. He thinks the article was amended at Town Meeting because a lot of people thought it was too stringent. He does, however, believe Mr. Gotthardt is right; there are lights we could get rid of.

Mr. Crate asked how many people were at Town Meeting. He was informed by Mr. Schneider that 109 voted.

Mr. Gotthardt mentioned that the Energy Committee spoke about reaching out to people.

Mr. Kluge said that's what Town Meeting is for.

Chief Crate pointed out that Drybridge Hill has winter accidents and that's why it's a problem.

Mr. Cummings said if there's redundancy he's more will to look at removal of a light.

Mr. Cross said public safety should be of primary importance.

Mr. Crate said he's terrified to drive at night with the number of people walking.

Mr. Kluge agreed with Mr. Cummings, if we have redundancy, but he has trouble with reovign lights in whole areas of Town.

Mr. Cummings said one area he doesn't agree with is removal of lights from the Lutheran Church to LaCroix Lane. People are walking there all the time.

Discussion ensued regarding variations in the amount of traffic in different parts of Town.

Mr. Gotthardt contends that most of the streetlights are random. How can you justify pay for them?

Mr. Crate pointed out that the precinct was from Dr. Brown's, to Lovejoy Brook and the Roller Rink.

Mr. Kluge said it's one thing to have the lights put up over time and another to have them removed. We need to focus on lights that are redundant and too close together.

Mr. Bonner lives on NH Route 4A by Proctor's General Store. Proctor's is well lit and there are two streetlights opposite the store. He'd like one removed. He was asked to submit a request for removal for the Board's consideration.

Mr. Gotthardt is willing to ask the abutters of streetlights how they feel about removal of the lights.

Mr. Crate doesn't think you can put a \$10,000 price on a human life.

Mr. Kluge called for drawing discussion to a conclusion. The program of removing lights in whole areas of Town is not one the Board can support. Mr. Gotthardt was told the requests for removal must be more specific to fly with this group. The recommendations need to be more clearly focused on individual lights with justification for removal.

Mr. Gotthardt said other Towns have had driving review of streetlights.

To play devil's advocate, Mr. Kluge does not think \$10,000 is such an enormous amount.

Mr. Crate knows of someone from Enfield who was killed in another state. If there had been lights it may not have happened.

Holiday Schedule – Town Offices:

The Town Offices will be closed on Wednesday, December 25th. The Town Clerk's and Tax Collector's Offices will be closed Wednesday, December 25th and Thursday, December 26th. Closings have been noticed.

Public Works Surplus Items:

Public Works had an item that someone requested be declared surplus – an engine and cab. The individual no longer wants it so they is no longer a need to declare it surplus. The trailers which the Town was going to scrap will go back out to bid to due increased interest in them.

Mr. Crate inquired about the snowblower on the new tractor as he saw the old tractor being used with a snowblower attachment but the new tractor was using a plow.

Treasurer Position Update:

Mr. Schneider still has no definitive answer. He was hoping to have a meeting with the treasurer today, but that didn't happen. He hopes to meet with her tomorrow morning.

2014 Budget:

All departments have made their presentations, as have regional organizations. Thursday will be the joint meeting of the CIP Committee, Budget Committee and Board of Selectmen. In conversations with the CIP Committee there are a handful of items for 2014: three Public Works trucks, one Police

cruiser and two infrastructure projects – Lovejoy Brook culvert replacement which is not slated to be done until 2015, and the boat launch.

Mr. Taylor asked that the Lovejoy Brook project be added to the TIF Project List.

The CIP Committee had a good discussion on the boat launch. They would like to fix all of the problems there so have committed to paving the lot, plus repairing the boat launch. This would solve the parking issues there. The permit for the boat launch is good for 5 years. We'll fund engineering and permits for the parking lot. They discussed the permit requirements and associated costs depending on State requirements. This puts the project off another year.

Mr. Crate asked how much it cost to pave the Community Building parking lot. When informed it cost \$25,000 he wondered why the boat launch parking paving would cost \$60,000. He was told this is due to its proximity to the lake. We can't add to run-off into the lake.

Mr. Cummings noted this doesn't improve the boat ramp part as we wanted to do.

Mr. Crate expressed more concern about the Boys Camp Road bridge over Bicknell Brook than the boat launch.

Mr. Schneider understood the Board would be looking for a Bailey Bridge like that on Shaker Boulevard. That would be a 2015 project.

Encumbrance of 2013 Funds:

The Board discussed the encumbrance of funding for the Transfer Station shed. There was room, but it was not clear yet if it would be useful due to the new curbside rubbish & recycling program.

Mr. Crate moved to encumber the \$15,000 for the Transfer Station shed, Mr. Cummings seconded, vote unanimous in favor of the motion.

Acceptance of Food Pantry Donation:

The Town received a donation of \$1,400 from the Mascoma Savings Bank Foundation for the Enfield Food Pantry.

Mr. Crate moved to accept the donation of Food Pantry funds, Mr. Cummings seconded, vote unanimous in favor of the motion.

Boston Post Cane:

The Board discussed the apparent recipient next in line for the Boston Post Cane presented to the oldest resident of Enfield. The oldest resident that we are aware of is just over 97 years old.

Marjorie Carr indicated that she would be willing to do the presentation on behalf of the Board of Selectmen.

Mr. Crate moved to authorize Marjorie Carr to award the Boston Post Cane to the Margaret Haskins, Mr. Kluge seconded, vote unanimous in favor of the motion.

Administrative Items:

The Board reviewed and approved an application for a Veterans Exemption.

VIII. OTHER ITEMS

Next Meeting:

Thursday, December 19, 2013, 6:00 PM at the Public Works Facility – Joint Meeting with the CIP Committee and Budget Committee

Monday, January 6, 2013, 6:00 PM at Whitney Hall – Regular Meeting

CONFERENCE

I. NON-PUBLIC SESSION

The Board discussed entering non-public session to review the ambulance billing write-off list which includes individuals’ names and personal information that should not be discussed in a public forum. The list was provided by Comstar, the third party billing company.

Mr. Cummings moved to enter non-public session at 8:00 PM, RSA 91-A:3 II (c), Mr. Crate seconded. Roll call vote: Mr. Cummings – aye, Mr. Crate – aye, Mr. Kluge – aye, vote unanimous in favor of the motion.

Mr. Crate moved to come out of non-public session at 8:10 PM, Mr. Cummings seconded, vote unanimous in favor of the motion.

II. ADJOURNMENT

Mr. Crate moved to adjourn at 8:10 PM, Mr. Cummings seconded, vote unanimous in favor of the motion, meeting adjourned.

John W. Kluge, Chairman

B. Fred Cummings

Donald J. Crate, Sr.
Enfield Board of Selectmen



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The Northeast Utilities System

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Senior Counsel

December 6, 2013

Board of Selectmen
Town of Enfield
23 Main Street
Enfield, NH 03748-3044

**Re: Public Hearing Notice – Hearing to Amend Pole and
Conduit Licenses**

Hearing Date: December 16, 2013

Dear Board of Selectmen:

The undersigned is legal counsel to Public Service Company of New Hampshire (“PSNH”). PSNH has received your notice of a public hearing at which the Town of Enfield will take up the matter of the universal amendment of existing pole and conduit licenses in the Town, to require the payment of properly assessed property taxes, and to require licensees to provide information pertaining to entities attached to their poles or conduits. This is to advise that, to the extent the proposed amendments seek to make language changes to the pole licenses of PSNH consistent with RSA 72:23, and the rulings of the New Hampshire Supreme Court in N.E. Tel. & Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) and Verizon New England v. City of Rochester, 151 N.H. 263 (2004), PSNH does not intend to raise a legal objection to the amendments. However, this should not be construed as a waiver of PSNH’s rights to protest, seek an abatement of, or otherwise legally challenge as excessive or disproportionate the assessment by the Town of Enfield of any incremental property tax upon PSNH’s use or occupancy of the public right of ways in Enfield, and PSNH fully reserves all such rights.

PSNH does, however, object to the proposed amendments to include the requirement or condition that the licensee (1) notify within 90 days of the date of amendment each attacher to the licensee’s poles or conduit, by serving a copy of the petition, (2) submit to the Town Clerk a complete list of attachers to each pole or conduit, listing the pole or conduit locations of each, and (3) update annually on or before May 1st the information provided to the Town Clerk, including the location of additional attachers, and any attachers that have removed or added new

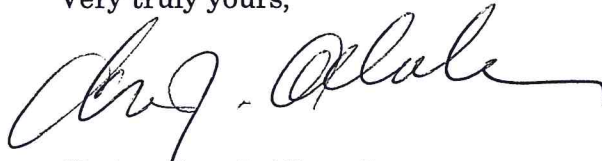
attachments. These requirements are not revisions required under RSA 72:23, or the New Hampshire Supreme Court cases interpreting that statute, in order to legally assess and tax either the facilities or equipment of the named licensee, or the use and occupancy of the public right of way by the named licensee. Furthermore, such other attachers, to the extent they may exist, are required to license or permit their facilities located within the public rights of way with the Town of Enfield pursuant to RSA 231:159, et seq., just as PSNH is. Consequently, the identity of attachers utilizing the public rights of way, whether by attachment to existing utility poles, conduit or otherwise, should be obtainable from Enfield's own public highway licensing records. PSNH is not aware of any statute or other provision of law in New Hampshire which authorizes the Town of Enfield to compel PSNH to provide this information as a requirement or condition of a pole or conduit license.

We also bring to your attention that, in accordance with the requirements of RSA 374:34-a, public utilities such as PSNH must provide non-discriminatory access to their distribution poles and conduit to certain third parties seeking to use them for attachment of their own lines, cables and appurtenances. Under existing regulations of the New Hampshire Public Utilities Commission (Puc 1303.08), such third parties are required to clearly label their attachments with owner identification. This affords another means by which the Town may obtain its own information pertaining to attachers utilizing the public rights of way.

Under the above circumstances, PSNH maintains it is neither legally necessary, nor fair or reasonable, to require a licensee to provide or report to the Town information about others using the licensee's poles or conduits licensed in the public right of way. Such a license amendment is not required in the public good.

PSNH respectfully requests that this letter be included in and made a part of the record of the minutes of the hearing of this matter on December 16, 2013. Thank you.

Very truly yours,



Christopher J. Allwarden
Senior Counsel, Legal Department

cc: Leonard Gerzon, PSNH
Paula Vincent, PSNH

