

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

MINUTES of February 22, 2011

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

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

Others: Bob Cavalieri, Dan Kiley, Kurt Gotthardt, Curtis Payne

BUSINESS MEETING

I. CALL TO ORDER

Mr. Kluge called the meeting to order at 6:02 pm.

II. APPROVAL OF MINUTES

The Board reviewed the minutes of February 7, 2011. A typographical error on page 5 will be corrected changing the word "out" to "our."

Mr. Cummings moved to accept the regular session minutes of February 7, 2011 as corrected, Mr. Kluge seconded, vote unanimous in favor of the motion.

Mr. Cummings moved to accept the non-public session minutes of February 7, 2011 as printed, Mr. Kluge seconded, vote unanimous in favor of the motion.

III. COMMUNICATIONS

Donahue, Tucker & Ciandella re: Summary of Final Executed Renewal Agreement:

The Board received correspondence with a bulleted list of key provisions of the Comcast Cable Franchise Agreement renewal.

Bob Cavalieri ~ Walkway Proposal:

The Board received a proposal from Bob Cavalieri for a walkway along Mascoma Lake as follows:

To : Selectmen

The State is in the process of cutting back the vegetation along Route 4A for the road drainage project. I've spoken to a District 2 engineer and, while they are doing some repaving, they are not planning to do anything to make the road between the Shaker Bridge and Lower Shaker Village any safer for pedestrians. As a Town, could we propose doing the minimal amount of grading and adding hardpack to create a simple walkway along the lake? This may well be

achievable this spring with little cost since the state is already going to excavate for the drainage improvements. It seems the perfect time.

I attended the meeting when the state engineers met with the town residents about different proposals for the Rail Trail crossing. They were looking for input from the public as to how the state could improve the area being worked on. I've spoken to Jim Taylor and we talked about the feasibility of the Town doing the work required to complete the walkway. The area for the walkway may have a sewer easement with the state. The amount of work required and the cost would seem to be well worth having a safe walkway along 4A and the lake.

Could we propose the walkway to the State engineers when they come in March for the public meeting about the Rail Trail crossing? This walkway would fit right in with the state's replacement of Shaker Bridge, the Rail Trail crossing at grade, and drainage work along 4A and would help to nicely join the Village area from Main Street along the lake to Lower Shaker Village.

Mr. Cavalieri submitted photos of the proposed walkway location taken from different vantage points, including photos from the eastern and western ends and the views of the lake from the proposed walkway location. It would be about 5/10 or 6/10 of a mile east from the entrance of the upper beach parking lot to the first house at Lower Shaker Village.

Mr. Cavalieri has spoken to an engineer at the NH DOT District 2 office and the State has nothing planned for this section of roadway except drainage work. They will include a 5' tapered shoulder. There is no work planned to make this section of road safer for pedestrians. They cut all of the trees along the NH Route 4A in this section. The elevation provides beautiful views of the lake.

Mr. Cavalieri spoke with Jim Taylor and was informed the Town has a sewer easement along this length of roadway. It might be nice to put a walkway along the easement; remove the vegetation and add hardpack. This might be something to talk to the State about while they have equipment there. Perhaps they could grade that section a bit.

Mr. Cavalieri mentioned there is about \$15,000 in the Sidewalk Construction Capital Reserve Fund that perhaps could be used. The Board questioned if these were the funds for the sidewalk for the Ironman Development that were returned. The Board was informed they were not. The funds in the escrow account were returned, but the Sidewalk Construction Capital Reserves is a separate fund.

Upon inquiry, Mr. Taylor shared that his thoughts were to make the trail seasonal to limit maintenance. He would suggest walking it to see how much grading, if any, would be required. They left it pretty flat when they put in the sewer. The project could be doable.

Mr. Schneider added that it would end almost at the LaSalette property line.

Mr. Cavalieri doesn't think LaSalette would mind since they have a business there.

Mr. Kiley asked who owns the property. When informed the property is owned by the State he added that the State would have to agree to it.

Mr. Schneider said the land has some restrictions. As long as we're not paving or improving the property it's an easier conversation to have with the State. There is a trail from LaSalette, through the woods, to the Upper Beach Parking Lot. Putting in some type of pathway as suggested could make a loop. So, there are two conversations to have, one with the State and one with LaSalette.

Mr. Cummings thought the State was going to put in sidewalks. He was informed by Mr. Schneider that the cost to put in sidewalks from Lebanon to the Shaker Bridge and then to Lower Shaker Village was too high.

Mr. Kluge said the Town should have these conversations. The Board agreed.

NH Department of Revenue Administration ~ Equalization Ratio:

The Board received notice of the Town's Equalization Ratio for the year 2010. The overall equalization assessment – sales ratio for the land, buildings and manufactured housing is 100%. The median ratio for the land, buildings and manufactured housing in the Town of Enfield for the tax year 2010 is 98.8%.

IV. BOARD REPORTS

Budget Committee:

The Budget Committee met last week for about a half hour to discuss Warrant Article 5, the proposed acquisition of the Bill property at 217 Main Street. Six of the 10 Budget Committee members were there; two by conference call and 4 present at Whitney Hall. This attendance is OK as long as those on conference call have the same materials in front of them, which they did. The vote to recommend or not recommend Article 5 was a tie vote of 3 to 3 so it was defeated. Article 5 is not recommended by the Budget Committee.

Planning Board:

There were no public hearings but the Planning Board discussed the ongoing project to revise and edit the Town planning documents. The work on this project by Nate Miller is extremely well done.

The Planning Board is getting proposals for a design charrette for the US Route 4 Sewer Extension so landowners and business owners can weigh in on the project.

Enfield Village Association (EVA):

The first Business Coffee will be held at 8:00 AM, Friday, February 25, 2011 at YogaPiphany. The purpose of the Coffee is to get business people connected and talking to each other. Mr. Schneider added that the Coffee is the first outreach to the community outside of the Village. EVA is trying to expand their presence to the entire Town. EVA has re-written its mission statement to be town-wide, not just in the village.

EVA is holding a Thank You Party on March 4th. They would like RSVP's as soon as possible.

EVA continues to focus on economic development and façade grants.

V. TOWN MANAGER'S REPORT

Public Forum ~ Article 5:

Next Monday, February 28th, there will be an informational meeting regarding Article 5, the proposed purchase of 217 Main Street, the Peter Bill property. It is not a Town sponsored project. Mr. Schneider is planning to attend. The meeting will be held at the Enfield Community Building, Mr. Schneider is unsure of the time, but the meeting is posted on the Town's website and on the bulletin board at Whitney Hall. It's appropriate to have this meeting before Town Meeting. Word has gotten out about the project pretty well. The question is can we afford it?

Mr. Crate thinks that's the big question.

Mr. Cummings commented that, unfortunately, the Budget committee focused too much on coming up with a financial plan. They didn't focus on the big picture of whether we want that land or not. That's the question.

Mr. Schneider thinks there were also questions about the cost.

Mr. Cummings agreed, but feels the majority of the questions were about the plan.

Rail Trail Crossing at Main Street:

Mr. Schneider has a meeting with Alex Vogt, NH Dept. of Transportation, on Thursday and they'll discuss how to move the Rail Trail project along. There will be a NH DOT meeting on March 14, 2011 at the Community Building regarding the Rail Trail crossing at Main Street. We'll get the time out more specifically at a later time. Mr. Vogt has some thoughts and ideas he wants to talk to Mr. Schneider about before the March 14th meeting. On Thursday, Mr. Schneider will talk to Mr. Vogt about the color of the railings on the Shaker Bridge, which are in the specifications as silver, unlike the Main Street bridges which are black, as well as the proposed NH Route 4A walkway. He'll be meeting with Mr. Vogt on Thursday at 1 PM at Whitney Hall.

VI. PUBLIC COMMENTS

Dan Kiley ~ Kudos to Town Departments:

Mr. Kiley gave kudos to Jim Taylor, Chief Crate and their departments for the excellent job they've done this winter. The Public Works Department has done an excellent job of snow removal and the Police Department has been great assisting people who have gotten stuck.

Dan Kiley ~ Owners Unknown:

Mr. Kiley noticed in the Town Report that there are two properties with unknown owners. We don't get taxes for these properties. One of the properties is 25 acres on Oak Hill Road. He's not sure the property is worth much. It's in Current Use now. Is there any way for the Town to get that?

Mr. Schneider will talk to Julie Huntley, Assessing Administrator, about it. Sometimes it can get tied up. For instance, there's one on Rice Road that is now in the courts with individuals claiming ownership.

Mr. Kluge said there's a property on the corner of Dustin road and Kluge Road that we used to pay taxes on, then someone else claimed it, now who knows.

Mr. Cummings asked what the Town is doing with property that is surplus.

Mr. Schneider replied that the Town has land that could be sold. There are the two parcels at Grafton Pond Road & NH Route 4A, a 2-acre parcel and a 5-acre parcel. The Board discussed this in the past and thought to hold off and wait for the economy to rebound.

Mr. Crate would continue to wait to see if the market rebounds.

Mr. Schneider added that the Town usually gets rid of occupied properties as quickly as possible, but holds off on vacant properties. We can revisit the sale of property in September or October. The vacant land off Grafton Pond would be easier to sell since its land the Town owned to begin with.

Mr. Kluge asked about the Shedd Street property. He was informed by Mr. Schneider that it is the Town's property and it could be sold; it's up to the Board of Selectmen.

Mr. Crate and Mr. Taylor were not in favor of selling the Shedd Street property because it's still being used to store vehicles and equipment by a number of Town departments. This property is also being used for salt storage until a salt shed is constructed at the Public Works Facility on Lockhaven Road.

Mr. Cummings has been approached by individuals that are interested in purchasing the Grafton Pond Road/NH Route 4A properties to build a house.

Mr. Crate asked if the Grafton Pond Road/NH Route 4A properties have been appraised. He was informed that Mr. Schneider did not think they had been appraised.

Mr. Cummings suggested that perhaps the Town should look into the value of the property.

VII. OLD BUSINESS

2011 Town Meeting:

The Board discussed the presentation of the articles at Town Meeting. Doug Pettibone or David Stewart will be asked to present the budget. Steve Schneider will present the article for the proposed Lovejoy Brook Road/McConnell Road property swap (Article 4) and the Cemetery Maintenance Trust Fund (Article 6). Doug Smith will be asked to do a presentation on the proposed purchase of 217 Main Street (Article 5) and Kurt Gotthardt has agreed to do the presentation of the proposed Enfield Trail Fund (Article 7).

Doug Pettibone, Budget Committee Chairman, sent out an email to the Budget Committee and Town Manager requesting legal insight in terms of the Budget Committee playing a role in determining whether the financing part of Article 5 is sound and right. Mr. Schneider was not prepared to consult with the Town's attorney without first bringing it to the Board of Selectmen.

Mr. Cummings quoted from Mr. Pettibone's email, "**Article 5:** This is where I have concerns fro 2011 – If TM approves Article 5, I believe that the BC will be excluded from its due diligence on whether to recommend the appropriation to buy the Bill property. My main concern, therefore, is the inclusion of the 'BOS contingency clause' in the Article as amended. It appears that not only does this contingency clause remove the BC from its due diligence, but also removes the voters."

As Mr. Cummings tried to explain before, the question is if we ant to buy the property rather than the financing. The tone of the email and purpose of the email is that the Budget Committee should be able to weigh in on the use of the property and if it makes financial sense to the Town. Mr. Cummings is not sure he agrees with that. Mr. Cummings is also troubled that Mr. Pettibone feels that Mr. Schneider is not a neutral participant, even though Mr. Schneider does work for the Board of Selectmen.

Mr. Schneider stated that the Budget Committee typically doesn't get involved in policy and implementation. The Board of Selectmen and Town Manager are charged with putting it into practice. Mr. Schneider doesn't believe Mr. Pettibone's intent is for the Budget Committee to get involved in day to day operations.

Mr. Cummings said the intent is not bad or wrong. Mr. Pettibone says it's the Budget Committee's job is to look out after the town. Mr. Pettibone wants to know where the Budget Committee fits in all this.

Mr. Schneider said the Budget Committee had a chance to say yes they recommend or no they don't recommend this. After Town Meeting approves the article, or does not approve the article, the Budget Committee doesn't have a role.

Mr. Crate added that all they're doing is giving the taxpayers the opportunity to say yes or no. They won't be able to say the town didn't give them the chance to decide.

Mr. Cummings said that before we look at plans we need to decide if we want to buy the property or not.

Mr. Schneider told the Board that in terms of Mr. Pettibone's request to have the issue reviewed by the Town's attorney, he will give it to Attorney Jim Raymond, who will be in attendance at Town Meeting, as a heads up.

Mr. Crate agreed that Attorney Raymond should be provided a copy of Mr. Pettibone's email so he's fully aware of the issue. Mr. Cummings also agreed.

Mr. Kiley said they could amend the article at Town Meeting, maybe by adding "and Budget Committee." They had their input. Mr. Kiley doesn't think it's their place.

VIII. NEW BUSINESS

Water Quality ~ Jim Taylor Update:

Mr. Taylor reported on the recent water main break and water quality concerns.

The system had a break for about 2 weeks before it was found. They had looked at several areas of the system and were unable to find the leak. They had scheduled for a water listening expert from Rural Water when Ed Tourville saw water running down Route 4. They fixed the leak and had it back on at 3:00 AM. The next morning they fixed the road to the State's satisfaction. You can hardly tell where the work was done. As a result of the leak the Water Department had to bring the McConnell well on-line and use it substantially. The McConnell Well has very hard water. At no time was the quality of the water harmful or life threatening. The problems are primarily with folks running their dishwasher with extra heat. Now that the leak is fixed they are using the McConnell well very little.

The Marsh Well has been off-line since Christmas and is having the controls replaced. The company doing repairs should be here on Thursday so the Water Department hopes to have it on -line the first of next week.

The Fire Department also used a lot of water to fight the barn fire on Route 4 so the Water Department had to fire up the backup well.

IX. OTHER ITEMS

Next Meeting:

Monday, March 7, 2011, 6:00 PM, Whitney Hall Conference Room, 23 Main Street.

CONFERENCE

I. NON-PUBLIC SESSION

Mr. Cummings moved to enter non-public session at 6:50 PM, RSA 91-A:3 II (a), 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 7:03 PM, Mr. Cummings seconded, vote unanimous in favor of the motion.

II. ADJOURNMENT

Mr. Crate moved to adjourn at 7:03 PM, Mr. Cummings seconded, vote unanimous in favor of the motion, meeting adjourned.