

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

MINUTES of April 18, 2011

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

Administrative Staff: Steven Schneider, Town Manager; Alisa D. Bonnette, Executive Assistant

Others: Robert Tessier, Henry Cross

BUSINESS MEETING

I. CALL TO ORDER

Mr. Cummings called the meeting to order at 6:00 pm.

II. APPROVAL OF MINUTES

April 5, 2011:

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

April 11, 2011:

Mr. Kluge moved to accept the work session minutes as printed, Mr. Cummings seconded, vote unanimous in favor of the motion.

III. COMMUNICATIONS

DES Administrative Order #11-014 WD (Graham):

The Grahams own property on Graham Road on Spectacle Pond. They wanted to renovate a structure on their property and did something in violation of the Shoreland Protection Act. They have been order to submit a plan and do some corrective work. The lot is a small one surrounded by water on three sides. The Conservation Commission has been involved and expressed concern with DES who issued the order.

Trustees of Trust Funds ~ Quarterly Report as of March 31, 2011:

While the undesignated fund is not real cash, the Capital Reserve and Trust Funds are real cash. There are a few accounts with significant balances. All told there is \$1.3 million invested.

LSV Community Association 2011 Annual Water Quality Report:

The Board received a copy of the Lower Shaker Village Community Association Annual Water Quality Report. They had a violation in July 2010 which they were able to correct.

IV. BOARD REPORTS**Enfield Village Association:**

EVA issued a new electronic newsletter today. It's very informative. EVA is holding its next monthly Business Coffee at the Shaker Inn, hosted by Mascoma Saving Bank, on Wednesday at 5:30 PM. Refreshments will be served.

Planning Board:

Ironman is back in town. Several boxes of application documents were received by the Planning Department just before the last meeting. This is the first time the project has been beyond the conceptual stage. The Planning Board has 90 days unless the deadline is mutually extended, or it's extended by the Board of Selectmen. The project will be complex enough the Planning Board may need to meet twice per month rather than once per month. The plan submitted is for 7 major buildings containing a total of 154 units. The project is similar to the one discussed previously with a combination of 1, 2 and 3 bedroom units. The old approval was for 70 single family homes, so this project will have to go through the entire approval process.

During the previous conceptals for this new design there were concerns about the grade of the road to Route 4 as well as the fire access road, would that be a real road usable year round or something that's only usable part of the year? Maintenance of the roads is a question.

Mr. Cross asked about the impact on the schools.

Mr. Schneider explained that one and two bedroom units don't usually have many kids.. With 100+ units we'd expect 6 new students.

Mr. Cross pointed out that would be a hypothetical figure.

Mr. Kluge recommended that anyone interested in the project come to the Planning Board meetings on the second and fourth Wednesday of each month.

Mr. Cummings asked about the status of our planning staff.

Mr. Schneider informed the Board that an offer has been made and is being given consideration. Nathan Miller, our Acting Town Planner, will be an asset during the Ironman development project; traffic is his forte.

Discussion ensued regarding traffic safety on US Route 4. A turn lane would be important for safety. Mr. Miller has been involved in safety issues along Route 4. That portion of Route 4 is on the State's calendar. On the steep part to Lebanon the State is requested to work on better pavement that may be more traction friendly.

Mr. Kluge noted that it would be really difficult to change Planning Administrators in the middle of this project.

Mr. Schneider replied that he has extended the Planning Administrator's contract for six months, to September 2011.

Mr. Crate added that if need be it can be extended again.

Mr. Cross asked if the State has done a traffic count. He feels that would be an important issue.

V. TOWN MANAGER'S REPORT**Public Works Equipment:**

The Public Works Department went out to bid for a zero turn mower. One of the drivers of a zero turn motor is the current equipment is not friendly to monuments or stones in the cemeteries. A portion of the cost can be borne by the Cemetery capital reserve fund.

Jim Taylor, Public Works Director, recommended acceptance of the low bid from MB Tractor of Tilton, NH.

Mr. Crate asked where it would need to be taken for service since Tilton is a long drive. He also asked that kind of equipment this was.

Mr. Schneider will contact Mr. Taylor and find that information for the Board.

The Public Works Department went out to bid for an asphalt reclaimer. Mr. Taylor recommended acceptance of the low bid from Ray Tech of Charlestown, NH.

Mr. Crate asked if the asphalt reclaimer has the heater on it. He was informed it does.

Mr. Crate approved of the purchase.

Whitney Hall Generator:

Langlois Electric provided an estimate for a generator for Whitney Hall with two options. The quote includes wiring and the generator. It also includes wiring so the Fire Department generator could be plugged in as well.

Grafton County Jail:

The Board was provided an update on the impacts of the new Grafton County jail. The County tax rate will increase 11.54% in 2012 and 10.65% in 2013. The personnel costs will continually add to that.

VI. PUBLIC COMMENTS

None.

VII. BUSINESS**Whaleback Taxes:**

The Board received a copy of emails between Mr. Schneider and Frank Sparrow on behalf of Whaleback regarding payment of past due taxes on the Whaleback property. Outstanding taxes amount to about \$45,000, but all told the amount owed to the Town is about double that and there will be another tax issue in another couple of months. They'll be almost as behind when we tax them again even if they pay up what is currently past due.

A number of parties are involved, including banks. Mr. Schneider has spoken to the primary bank. There are also other lien holders, at least one of which takes precedence over the Town, which limits the Town's ability to take the property. The hole they're in will get deeper when we issue the next tax bill and again in December.

Mr. Crate does not feel the Enfield taxpayers should carry this debt over and over again.

Mr. Schneider wishes they could be more consistent with their payments. The proposed payment plan with 1/3 payments in June, September and November don't get them out of the hole.

Mr. Cummings expressed the need to push them harder and get them as close to current as we possibly can. We've been more lenient with them than anyone else.

Mr. Schneider suggested requiring more documentation of their financial status. The bank is in a similar position as the Town. If we go to tax deeding this triggers a bank foreclosure. The Town can't go to tax deeding until the lien that takes precedence is settled. It's a de facto bankruptcy, if you will.

Mr. Schneider will speak with the tax collector about other liens on the property and will obtain more information on their finances.

Mr. Kluge agreed we need something more comprehensive than a few short emails. Payments in the past haven't been consistent.

VIII. CDBG PUBLIC HEARING – CELDARA GRANT

Mr. Crate moved to open the public hearing for the CDBG Celdara Grant at 6:32 PM, Mr. Kluge seconded, vote unanimous in favor of the motion.

Mr. Cummings read the notice of the hearing, "Community Development Block Grant Project Update: The Town of Enfield will hold a public hearing on April 18, 2011 at 6:30 PM to advise citizens of the progress of the Grafton County Economic Development Council and Celdara Medical, LLC economic development project. The project is funded with a Community Development Block Grant from the NH Community Development Finance Authority to the Town of Enfield. The Town is required to conduct at least one public hearing during the implementation phase of the project. Anyone wishing to submit written comments prior to the hearing should address them to the Town Manager"

Mr. Schneider introduced Shelley Hadfield, Grant Administrator, as well as Mark Scarano, Grafton County Economic Development Council and Jake Reder, Celdara.

Ms. Hadfield explained that this is a mandatory public hearing. Celdara has asked for a 6-month extension to create a couple more low to moderate income jobs.

Mr. Reder explained the purpose of Celdara and the research and clinical trials being done for scleroderma using the scanner purchased using the CDBG funds. He also mentioned the need for an insurance reimbursement code which is required to add the additional jobs for those with low to moderate incomes.

Six or seven jobs have been created so far; nine are needed. The 6-month extension will provide Celdara the time to create those additional jobs, which are expected to be clerical in nature. Sixty percent of the jobs must go to individuals with low to moderate income.

Mr. Scarano distributed copies of the GCEDC annual report to the Selectmen. Steve Schneider is on the GCEDC Board of Directors. The Grafton County Business of the Year award is going to Littleton Coin Company. Last year the award went to West Lebanon Feed & Supply.

There were no public comments.

Mr. Kluge moved to close the public hearing at 6:41 PM, Mr. Crate seconded, vote unanimous in favor of the motion.

IX. BUSINESS, CONTINUED**Robert Tessier ~ Current Use Penalty:**

Mr. Tessier came before the Board regarding a Current Use Penalty in the amount of approximately \$954 for which he had been billed.

Mr. Tessier told the Board that the Town Offices recently did an update of properties in Current Use. Mr. Tessier first put his land in Current Use 45 or 50 years ago. There were no questions at that time about putting in things on the property. Nothing has changed on the property since it was put in Current Use.

Mr. Schneider explained that mowing is considered an improvement.

Mr. Crate moved to forgive the Current Use Penalty, Mr. Cummings seconded, vote unanimous in favor of the motion.

Rail Trail:

Thursday, April 14, the State Historic Preservation Office's (SHPO) Cultural Resource Meeting was attended by John Kluge, Paul Mirski, Meredith Smith, Steve Schneider, Chris Collins of Congressman Bass' office, Bob Cusick, Alex Bernhardt, President of the Friends of the Northern Rail Trail, Alex Vogt and others from the NH Department of Transportation (NHDOT), Jamison Sikora of the NH Federal Highway Administration office and three or four from the Historic Preservation office.

The NHDOT went through informing folks of options as presented to the Town at the most recent public information meeting.

There was a good exchange. The Rail Trail folks were trying to run through the complicated federal regulations.

Mr. Sikora made the point that all of the options will have some impacted and seemed sympathetic to the Town.

A new Rail Trail bridge is off the table, but there are other things we're trying to maintain. The old motel property can be a wonderful access for the Rail Trail, as a picnic area, parking area and place to swim. It is believed these things carried a lot of weight with the NH Federal Highway Administration representative.

Mr. Mirski pointed out that originally the State had approved the original plan with the removal of the existing underpass and construction of a large bridge, so why are they not in agreement with what the Town wants now? SHPO's response was that this is a completely different project.

Mr. Kluge pointed out that it's the Federal Highway Administration that makes the final decision; he's cautiously optimistic.

Mr. Schneider said we have 230 signatures on the petition for an at-grade crossing, plus a photo of the "resource" that is the underpass structure. Alex Vogt was talking about tweaking our at-grade option raising the road grade and reducing the Rail Trail from a 5% grade to a 3% grade to make the Trail more level. The State has the opportunity to open it up more. The fiber optic line must be taken into account, though Mr. Vogt pointed out the simplicity of moving the fiber optic line if needed.

Mr. Schneider thinks the Town is in better shape after this meeting. Mr. Sikora didn't see a fatal flaw with the at-grade crossing option. The State submits a plan to the Federal Government for approval. Mr. Schneider recently received a call from Congressman Bass' office with a request to write a letter to the

Governor to have the project expedited. The letter should include a list of things that have happened to date so when it gets to the Federal Highway Administration Congressman Bass's office can push it along.

Mr. Crate moved to direct the Town Manager, Steven Schneider, to write a letter to the Governor requesting the State to expedite the Rail Trial crossing project, Mr. Kluge seconded, vote unanimous in favor of the motion.

Shaker Bridge:

The company working on the Shaker Bridge was supposed to be out of the boat launch on April 15 and they are still there. Mr. Schneider asked the Selectmen how much they would like him to push them on this.

Mr. Kluge said people should be encouraged to use the other boat launch.

Mr. Crate said we don't want to hamper this project.

Mr. Cummings said we knew there would be inconveniences. If they can make some room in the summer that would be great.

McConnell Road Property:

Article 4 at the 2011 Town Meeting was voted down. The State has declared surplus the land on McConnell Road (Map 36 Lot 18) and is comfortable selling it. The Town has right of first refusal. Robert LaCroix is comfortable with that process. The State will move ahead with the sale.

Mr. Crate asked if the Town needs the property. He was informed by Mr. Schneider that he doesn't think so. We don't need it for the proposed sewer extension.

Even after the State puts the property up for sale the Town can express interest in the purchase. This is just an update for the Board.

Capital Improvement Program:

Mr. Schneider met with Doug Pettibone, Budget Committee Chairman. The year 2012 will be a big year for capital planning. The Town will have debt service freeing up due to the final payment being made on the Public Works Facility in 2011. Mr. Pettibone is interested in having the CIP be the driver so when capital requests come to the Selectmen and Budget Committee they have already been carefully reviewed by the CIP Committee.

Lee Carrier and David Stewart are willing to serve on the CIP Committee.

Rebecca Stewart is already a member of the CIP Committee and Mr. Crate does not want to have both a husband and wife on the Committee.

Mr. Kluge moved to officially appoint Lee Carrier to the CIP Committee, Mr. Crate seconded, vote unanimous in favor of the motion.

Henry Cross ~ Lockhaven Runoff & Crystal Lake:

Mr. Cross is requesting support from the Town regarding the runoff down Lockhaven Road to the settlement pond at the corner of Hawley Drive. Earlier this spring the pond overflowed causing flooding that affected Hawley Drive and my Cross' property. Mr. Cross thanked the Fire Department for their assistance when his basement flooded.

Mr. Cross stated that the Town did the work on the Lockhaven Road drainage project, but the plan was forced on the Town by the NH Department of Environmental Services (DES). They forced the Town to

construct the pond. The Town asked the State for permission to bring the drainage down to the bridge where it used to go. When that was denied the Town then requested permission to increase the size of the settlement pond. DES would not allow that, so the Town constructed the smaller pond as DES required.

Mr. Cross continued, informing the Board that he is legally going after DES. The Town spent the money. DES did the wrong design.

Mr. Cross feels the Town has to look at the implications of this project. There is a major problem on the east side of Crystal Lake with siltation problems. Mr. Cross said he has serious problems since the design by DES. They've compounded the problem.

Mr. Cross asked how the Town will support him regarding his problem and Crystal Lake regarding the watershed problem. He invited the Board to view his driveway, which he has not yet repaired.

Mr. Cross stated that he is definitely going after DES legally. They made a serious error, and engineering error. They forced this design on the Town. They were told it was not going to work and it didn't.

Mr. Schneider added that the Town hired a soil scientist to dispute the State's designation of a wetland.

Mr. Kluge asked if the Town put in writing our problems with the design.

Mr. Schneider does not think we did.

Mr. Cross said that he and the Town talked to the State in person. He is hoping the Town will support him to the point of saying yes, DES was wrong, the engineering was wrong, and the design is helping to destroy Crystal Lake. He would like the Town to tell DES what they did was wrong and ask what they are going to do about it. He does not need an answer this evening, but would like the information shortly.

Mr. Schneider can review the file with Jim Taylor. They can see if we still have the original plans that were submitted. There was a change in staff since the project began.

Mr. Cross said there is a need to be very conscious of the problems we have with the lakes.

Mr. Cummings would like to see what we have for documentation before proceeding, though he is completely sympathetic to Mr. Cross's problem.

Mr. Schneider has spoken to Mr. Cross. It can't be that we're supporting Mr. Cross or Hawley Drive, a private road, but rather that the Town is supporting Lockehaven Road and Crystal Lake. The runoff into the Lake is our concern.

Mr. Cummings stated that he doesn't want to see someone's property ruined because of this.

Mr. Schneider added that the Town doesn't want to have something that will continue to fail.

Board Appointments:

There are three vacancies on the Conservation Commission as of May 1. Recruitment for the Conservation Commission is needed.

Emergency Management: The Board discussed the appointment of John Pellerin as the Deputy Emergency Management Director as recommended by Police Chief Crate. The Emergency Management Director has control after the Board of Selectmen declare an emergency. Chief Crate will make the appointment.

Energy Committee: Mr. Crate moved to appoint the following members to a three year term to end May 1, 2014: Bo Peterson as an alternate member, Richard Lammert as a regular member, and Larry Battis as a regular member, Mr. Kluge seconded, vote unanimous in favor of the motion.

Heritage Commission: Mr. Crate moved to appoint the following members to a three year term to end May 1, 2014, contingent upon acceptance: Cecilia Aufiero and Mary Ann Haagen, both as regular members, Mr. Kluge seconded, vote unanimous in favor of the motion.

Planning Board: Mr. Cummings moved to reappoint Dan Kiley and Tim Taylor as regular members on the Planning Board, each for a three year term to expire May 1, 2014, Mr. Kluge seconded, vote unanimous in favor of the motion.

Paul Mirski does not want to be an alternate. His term as Planning Board Alternate expires May 1, 2011 and will be allowed to lapse.

Recreation Commission: Mr. Cummings moved to reappoint Keli Green and David Carr to the Recreation Commission as regular members, each for a three year term to expire May 1, 2014, Mr. Crate seconded, vote unanimous in favor of the motion.

Tree Warden: The Board discussed the appointment of the Tree Warden position. Jim Taylor was suggested, but Mr. Schneider recommended appointing Will Shoemaker. Mr. Cummings moved to appoint Will Shoemaker to the position of Tree Warden, Mr. Kluge seconded, vote unanimous in favor of the motion.

Administrative Items:

The Board reviewed and approved two Intents to Excavate.

X. OTHER ITEMS

Generator:

The Board continued discussion of a generator at Whitney Hall. Mr. Cummings would like to issue an RFP for a generator at Whitney Hall using the specifications received, to include a transfer switch at the Community Building as well.

Mr. Schneider said the Community Building has potential, but we can't call it a shelter. There is not phone in the building. The question is where to put it and how do you manage the use of it?

Mr. Crate suggested putting it in a room, perhaps the Lions Club room that is not available to the public. They could give us a key to the room which could be stored in the building's Lock Box.

If a phone line is in the building it would make it more valuable. It also opens up the possibility of DSL wireless internet.

Funding sources were discussed.

Mr. Cummings mentioned the savings on Highway equipment that might be used.

Mr. Schneider informed the Board that there had been a lot of overtime in the Highway Department due to the winter weather. There is about \$1,500 in Whitney Hall Renovations capital reserves and \$4,500 in the Emergency Services capital reserves.

Mr. Crate feels a phone should be installed at the Community Building.

Local companies will be invited to submit proposals for the Whitney Hall generator and connection and Community Building connection.

Union Street Fire Station Siren:

Mr. Crate brought up the siren at the Union Street Fire Station which does not work. He asked you has to pursue this; the Fire Wards?

Mr. Schneider explained that the Town will pay for it, but the Fire Wards can line it up and get it done.

Mr. Crate requested a letter from the Town Manager to the Fire Wards. He wants the siren operating.

Mr. Kluge agreed; it's important for safety issues.

Legal Issue:

Mr. Crate inquired about the status of a potential legal issue regarding the accumulation and sale of property.

Mr. Schneider reported that Phil Neily has not noticed any changes.

Mr. Crate asked if there was anything that could be done to pursue the issue. Mr. Crate was informed that the Town's attorney would be consulted.

Property Auction:

Mr. Crate reported on the auction of the property at the end of Sargent Street opposite the old Decker house. The property started at \$125,000 to \$130,000 and there were no bidders. There is an outstanding water bill on the property. The bank owns the property now so why doesn't the bank pay it?

CONFERENCE

I. ADJOURNMENT

Mr. Kluge moved to adjourn at 7:40 PM, Mr. Crate seconded, vote unanimous in favor of the motion, meeting adjourned.