

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

MINUTES of January 4, 2010

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

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

Others: Attorney Thomas Trunzo; Wendell Creighton; Art Creighton; Doug Pettibone, Budget Committee Chairman; Kim Quirk, Energy Committee member; Bob LaCroix; Dan Kiley; Curtis Payne

BUSINESS MEETING

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

December 21, 2009:

Mr. Kluge noted corrections to the December 21st minutes. Page 2, Revaluation, paragraph 3, first & second sentences: change “should” to “could.” Page 4, second paragraph, second sentence (10th paragraph under Old Business, Shaker Bridge/Rail Trail), change “beat” to “beach.”

Mr. Kluge asked for clarification of the statement on page 6, first paragraph (33rd paragraph under Old Business, Shaker Bridge/Rail Trail). This portion of the minutes states the Town would lose 85% of the beach for the bulk of the project. Is that correct?

Mr. Schneider explained that the response to that statement follows in the next paragraph. Mr. Schneider also noted a correction to that he and Ken Daniels met with the State property appraiser, not property owners.

Mr. Kluge moved to accept the minutes of December 21, 2009 as corrected, Mr. Cummings seconded, vote unanimous in favor of the motion.

III. COMMUNICATIONS

Comcast ~ Price Adjustments

This is a notice of fee changes to Comcast customers.

Terry Finsterbusch ~ Assessments:

Mr. Finsterbusch has written similar letters to the Town expressing his displeasure with the revaluation process and the financial state of the federal, state and local governments. Mr. Finsterbusch is aware of the abatement process. Mr. Schneider is unsure how to respond to a letter like this. Mr. Schneider asked the Selectmen to let him know if they think this letter needs a formal response.

Town Clerk's Report ~ December/Year End 2009;

Year end revenues came in at \$714,087, about \$11,000 less than the estimated revenues of \$725,000. Mr. Schneider will put \$700,000 in the 2010 revenue budget.

IV. BOARD REPORTS

There were no Board reports.

V. TOWN MANAGER'S REPORT

There was no Town Manager's report.

VI. PUBLIC COMMENTS

There were no public comments.

VII. OLD BUSINESS

2010 Budget:

Mr. Schneider said there are some unexpended dollars within the 2009 budget that can be used to offset 2010 expenditures. There are other things that can be looked at. The 2010 budget does not include employee raises, but does include funding for regional organizations.

Potential changes to the 2010 budget include:

Cemetery: \$ 25,000 – eliminate special project and new equipment

Recreation: \$ 5,000 – reduce recreation personnel hours to 2009 levels

EVA: \$ 5,000 – maintain 2009 funding level

Fire: \$ 17,500 – we are able to purchase the equipment with 2009 dollars

Ambulance: \$ 9,000 – we are able to purchase the equipment with 2009 dollars

Highway: \$140,000 – maintain 2009 funding level

Police: \$ 47,955 – we are not carrying the salary of an officer while in the military

Personnel: \$19,000 – health insurance change to higher deductible plans

Mr. Schneider also recommended utilizing \$80,000 from the undesignated fund balance.

Mr. Cummings said he doesn't support funding regional organizations if employees are not getting raises.

The Budget Committee had spoken about not funding regional organizations at all, though the Town Manager's budget includes funding at this time. A straw poll of the Budget Committee resulted in the majority leaning toward not funding regional organizations in 2010.

The 2010 budget doesn't include any capital items. It does include a new cruiser because, years ago, the cruiser was moved to the operating budget.

The Cemetery Trustees requested a sulky mower and a new building at the Countryside cemetery. It was expressed to the Cemetery Trustees that they have trust and capital reserve funds they can expend on this items.

There was discussion at the Budget Committee meeting of having a separate warrant article for pavement maintenance above and beyond the \$50,000 budgeted. There are pros and cons to this approach. To have the additional funding in the budget adds to the tax rate.

In the Police Department, the Town is not going to carry the salary for the officer that is serving overseas because he is being paid through the military. The Town committed to making him whole, but his military pay and benefits make him whole, so the Town will not carry his salary in 2010. We will take a hit in 2011 when he returns.

There will be savings in Personnel due to a change to a higher deductible plan with lower premiums and not carrying insurance for the officer in the military. The actual number is closer to \$30,000, not \$19,000.

Mr. Schneider also recommended tapping into the undesignated fund balance. Even doing so the fund balance would remain at the 2009 level of about 5%. There is almost \$730,000 in that fund.

The Budget Committee meets again on Saturday, January 9 and will go over these recommended changes. There are other \$2,000 - \$3,000 items, but the changes presented here are the lion's share.

Mr. Cummings stated that Mr. Schneider told him that a 2% raise for employees would be about \$26,000. He can't support regional organizations if employees aren't getting raises.

Mr. Kluge asked if Mr. Cummings knew how many towns are not giving employees raises.

Mr. Cummings reiterated that he has a hard time funding regional organizations if employees are getting raises.

Mr. Kluge asked about the \$41,000 for contracted services in the Police Department budget. He was informed it was primarily for the Town's share of the prosecutor who is shared with other towns. There may be a minor reduction in the prosecutor cost, but we don't know the amount yet.

It also includes \$2,500 for the Special Operations Unit.

The budget does include a new cruiser in the operational budget.

The budget does not include any capital items for the Highway Department, though two 1-ton pick ups, a 6-yr dump truck and a backhoe were requested. It can be debated whether to include these as separate warrant articles.

The current budget is simply operational with no capital items.

Discussion ensued regarding the budgeting of capital items; which is up to the Board of Selectmen and Budget Committee. Can the Town accept increasing the budget to cover capital expenditures? When developing this budget Mr. Schneider concentrated on day to day needs.

Mr. Crate asked, of the highway vehicles and equipment requested, which is most important.

Ken Daniels informed him that the backhoe is the most important of the four capital items. He is looking for a backhoe of the same size the department has now. The current backhoe is 11 years old with 10,000 hours.

Mr. Cummings asked how the 1-tons are holding up. He was informed by Mr. Daniels that the drive trains are holding together.

Mr. Schneider stated that the process isn't complete, but these changes get us to \$5.51 for a Town tax rate, which is where we are today. He actually cut things back a bit more, but not so much that we can add \$140,000 for a backhoe.

This will be the first time in a while that employees haven't received a raise. Mr. Crate asked what the response from employees was.

Mr. Schneider replied that he hasn't discussed it with employees because he wanted talk to the Selectmen first. He has discussed the change in benefits, but didn't want to talk yet to employees about raises. Employees didn't get raises in 2009 until July 1st. It's a very understanding group.

Mr. Kluge stated that we've been very fortunate to be able to keep our people employed.

Mr. Cummings said he didn't disagree with that, but he doesn't agree with giving money away.

Mr. Kluge responded that the Enfield Village Association (EVA) is using every penny of the funds they receive for the betterment of the Town. EVA is gearing up for economic development in the community.

Mr. Cummings doesn't feel making the flagpole pretty is economic development of Enfield.

Mr. Schneider said the Budget Committee will discuss these things on Saturday. He invited the Selectmen to be there so they can see where the Budget Committee is at. The Budget Committee has been very conscious of the tax rate.

Doug Pettibone said the question is whether to have separate warrant articles. The Town didn't do a lot of pavement maintenance in 2009. We can't do this forever.

Mr. Crate feels that would be the way to go; let the voters decide.

People understand the need for road maintenance. Ken Daniels can provide a prioritized list of road maintenance. Mr. Schneider is there to provide objective data and let the Selectmen and people decide the policy.

Mr. Kluge agreed with doing a separate warrant article for one big ticket item, but not with everything. He feels the Board should make some decisions.

Mr. Schneider said he doesn't know if the regional organizations will be funded by the Budget Committee. One year the Selectboard and Budget Committee had two separate budgets. That was a difficult year. The people like to see the two boards in step.

Mr. Pettibone pointed out that the regional organizations are separate from the Enfield Village Association.

Mr. Crate's question is which regional organizations would we not want to fund?

Mr. Pettibone said there were 7 solid, yet informal, votes for not funding any of the regional organizations. Though the Visiting Nurse Association and Advance Transit are ones they seem to be more highly in favor of.

Mr. Crate asked if the Police Department used any of these regional services.

Chief Crate said they use West Central Behavioral Health and the Mascoma Valley Health Initiative, most recently with the H1N1 flu issue. Those are the two the Police Department has the most contact with.

Mr. Pettibone would like a consensus from the Budget Committee on the amount of funding, not funding at all, funding at 50%, fully funding, or some other amount.

Dan Kiley said he feels the funding of asphalt is an operational item.

Mr. Schneider said the Town needs to let the regional organizations know of the Budget Committee's funding decision far enough in advance so they can prepare a petitioned warrant article, if necessary. Regional organizations are not a large part of the budget, but there are differing views on funding; some feel the Town shouldn't fund regional organizations, but individuals should fund who they want.

Mr. Schneider informed the Board that the regional organizations submit documentation, but no longer come in to meet with the Budget Committee.

Mr. Crate asked if the regional organizations weren't funded, what would the Police Department do.

Chief Crate said the regional organizations would still provide the service. The problem is the level of service may go down overall.

Mr. Schneider added that these organizations serve the individuals, not the Town. We don't pay for a share of the service. There was talk of Advance Transit not making stops in Canaan when they weren't funded by the Town of Canaan, but it's not know that ever happened.

Kim Quirk asked if there would be a warrant article for each regional organization. Wouldn't that be unwieldy?

Mr. Schneider replied that it could be.

Mr. Kluge asked if someone could make a motion to restore funding.

Mr. Schneider said they could, but that it would be just a recommendation. The budget is the bottom line. Everything is up to the Selectmen, the Town Manager and the Department Heads to be sure it gets done. Mr. Schneider invited the Selectmen to attend the Budget Committee meetings.

Mr. Crate expressed concern for senior citizens in the community if the regional organizations aren't funded. He's not saying to fund 100%, but he would fund them to some extent.

Strategic Planning:

Mr. Schneider said there is just a little strategic planning to do and some big issues coming down the pike. Only Recreation & Culture remains.

The Board will do strategic planning at their next regular meeting on January 19th and have only an abbreviated regular meeting.

Sewer Replacement:

The contracts for the sewer force main replacement are signed. The Town got the award from the State today. The contractor is ready to start in February and will be done in 30 days.

Mr. Schneider talked to the engineers about funding. The Town hasn't bonded the project yet. The engineers are working with the State on this. Disbursements will be made and the State will pay them. There's a lot of funding the State hasn't used yet.

Mr. Crate asked if, once the line is put across, it will be tied in immediately.

Mr. Daniels doesn't expect they'll tie in until warm weather when they can patch it.

Mr. Schneider added that there won't be much impact on the boat launch. The equipment will be set up closer to NH Route 4A.

Energy Committee ~ Grant Opportunities:

Kim Quirk reported that there are grant opportunities the Energy Committee would like to pursue.

Mr. Schneider noted that this would include changes to our infrastructure so it's more energy efficient.

Mrs. Quirk said the question is how much grants can help with this.

Chief Crate mentioned that the Police Station system originally installed was flawed, from the boiler to the circulators. If we can do anything with little impact on the budget it would be beneficial.

Mr. Crate said this sounds like a good plan.

There were no objections from the Board.

Tomasz Jankowski ~ Streetlight Request:

Mr. Jankowski submitted a request for the Town to take over and turn on a streetlight that exists at 152 US Route 4.

The streetlight in question appears to light the parking lot of the building at this location.

Mr. Crate said that if the light is in the parking lot the Town shouldn't take it over.

Mr. Cummings said that if the light is just lighting the parking lot we're not paying for that.

Mr. Kluge said that accepting this light would open up the Town to taking over other private lights.

Mr. Schneider will send Mr. Jankowski a memo telling him the Selectboard has chosen not to take over that street light at this time.

Abatement Review Process:

The Board reviewed a memo from Mr. Schneider outlining the abatement review process. It's the Selectmen's role to review the data supplied by the property owner and the Town's assessor and make a determination. Property owners must file the abatement with the Town by March 1st. The Town has until July 1st to grant or deny the abatement application. The property owner may file an appeal of the Town's decision no later than September 1st with the Board of Tax and Land Appeals or Superior Court. The property owner must choose one place to file the appeal and cannot appeal in both places.

RSA 76:16 states that municipalities may abate taxes for good cause. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by demonstrating poverty and inability to pay the tax. It is up to the property owner to show that the Town has miscalculated their current property assessment.

When an abatement application is filed the Board will receive any data the property owner has submitted and a report from our assessor outlining how he arrived at the current value. The property owner can have a representative (Attorney, etc.) present their case to the Board. The Board doesn't have to answer at that meeting. The Board is able to ask questions and seek additional data as long as they do not violate the July 1st deadline.

The Town has placed \$100,000 in overlay this year to pay for any abatement requests that the Board deems to be worthy.

Mr. Kluge asked how they define disproportionate assessment.

Mr. Schneider explained that the abatement application form includes the process. The property owner has the burden of proof.

Mr. Kluge said they could hire their own appraiser to make a determination of market value as of April 2009.

Mr. Cummings said some found their assessment was higher than market value and that leave him cause to be concerned.

Mr. Schneider said the Board will get the information. If the Town's assessment is within a couple of thousand dollars we're in the same ballpark. It's up to the property owner to prove the value.

Mr. Kluge said the Board can set some rules. We can demand comparables.

Mr. Schneider responded that the Board can't demand it. They can encourage it.

Mr. Cummings expressed his concern over the revaluation process and the changes made by the assessor in some of the values.

Mr. Schneider reported that the Town issues \$84,000 in overlay following the 2004 revaluation. When you do a revaluation every 5 years it's going to be an issue. The Board can determine what they're going to do about a possible revaluation in 2010 once they receive the 2009 abatement applications. There will be folks appealing the Selectmen's decisions.

Mr. Kiley remembers there being about 18 abatement application done in 2004 and them being done in 2 hours. He asked if the Town's assessor could make a deal before the abatement comes before the Selectmen. He was informed he could not. All adjustments must go through the abatement process and must come before the Board of Selectmen.

Mr. Schneider mentioned with the 2010 budget undergoing preparation does the Board want to do another revaluation in 2010 at a cost of \$30,000. The Town can go out with a Request-For-Proposals.

Cemetery Expendable Trust Fund Expenditure:

The Cemetery Trustees approved the expenditure of \$1,310.90 for the fabrication of six granite Barre Gray, engraved blocks. The granite blocks were to be used as grave markers for indigent

individuals burring in the Lakeview Cemetery. Because the Board of Selectmen is named agent to expend from the Cemetery Expendable Trust Fund, a vote is required by the Selectmen to approve expenditure of funds from this account.

Mr. Cummings moved to pay the bill out of the Cemetery Expendable Trust Fund, Mr. Kluge seconded, vote unanimous in favor of the motion.

Energy Committee Appointments:

The Energy Committee recommended the appointment of Charles DePuy and Mike Mooney as alternate members of the Committee.

Mr. Cummings move to appoint Charles DePuy and Mike Mooney as Energy Committee alternate members, Mr. Kluge seconded, vote unanimous if favor of the motion.

VIII. NEW BUSINESS

Rice Road Property Claim ~ Estate of Bessie Creighton:

Attorney Thomas Trunzo came before the Board with Wendell Creighton, child of Bessie Creighton, and Art Creighton, grandson of Bessie Creighton. The Creighton family has a claim to the Rice Road property, Map 2, Lot 50. They have a survey that shows the perimeter of the property, which shows clearly defined boundaries, except for the boundary shared with Dorothy Miles. The property is identified on the survey as the "Pillsbury Lot." The purpose of coming to the Selectboard meeting is to get some guidance. What does the Estate of Bessie Creighton need to provide to the Town to get a quitclaim deed to the property, as well as an agreement that would determine the tax issue. Taxes have not been paid on this property for some time as it has been listed in Town records as "owner unknown."

Mr. Kluge asked if a title search had been done.

Mr. Trunzo will provide the results of the title search. One of the Creightons, Clarence Creighton, now deceased, lived on the property.

Mr. Kluge asked if there are remnants of a foundation.

Wendell Creighton says there was. Art Creighton added that Clarence Creighton lived in a trailer on the property.

Mr. W. Creighton called Carl Patton to see if he recalled what happened back in 1978. According to Mr. W. Creighton, Mr. Patton remembered the situation and said, at the time of the original discussion, if Mr. W. Creighton could give documentation of ownership the Town would do a quitclaim deed. Mr. W. Creighton also spoke to a person in the office who said ownership wasn't on the record. Mr. W. Creighton said it was and if you look at letters it was a tax-free property. Mr. W. Creighton relayed a story about a deal that was made and signed by the Chairman of the Board of Selectmen back in 1926 that resulted in the property being tax-free.

Mr. Trunzo stated that if there's anything besides the title search and Selectmen's records that are needed they'll do their best to provide it.

Mr. Schneider asked about probate.

Mr. Trunzo said they filed through probate court. It's now pending, but they have to file an inventory. Art Creighton is the temporary administrator of the estate until the estate can be settled.

Art Creighton said there are technically 26 people belonging to the group of heirs.

Mr. Schneider requested the latest information from probate court, which Mr. Trunzo promised to provide.

Mr. Cummings asked, "Who is the owner on file?"

Mr. Schneider responded that there is no owner on file.

Mr. Trunzo said they will start by providing the title search and Town records and will also send copies of the survey to the Town. Mr. Trunzo would like to get this issue resolved. It gets more complicated as time goes on.

Mr. W. Creighton provided the Board with written account of what he knows about the history of the property ownership.

Mr. A. Creighton mentioned that two months ago they drove up the road and Dorothy Miles had posted signs up and down the road and on their property. Mr. Trunzo sent her a written letter. She said she was sick and hadn't done anything. The Creightons then posted what they know is their property.

IX. OTHER ITEMS

Next Regular Meeting:

Tuesday, January 19, 2010, 6:00 PM, Whitney Hall Conference Room

Transfer Station ~ Glass Grinding:

Mr. Crate asked what was done with the glass that's brought to the Transfer Station. Someone thought they saw the transfer station operators throw ground glass into a dumpster.

Mr. Daniels said the glass is ground and loaded in a trailer. It's used for pipe bedding. He wondered is what the person saw was disposal of the tailings, which includes labels, caps, etc.

Basketball Court ~ Skating:

Mr. Crate received a request from a resident asking that the basketball court be flooded for skating as has been done in the past.

The court cannot be flooded. The curb around the basketball court was removed years ago and the court is not level.

Mr. Kluge thought it would be a small surface for skating.

Mr. Crate explained that they could go to the frog pond on Main Street or the old motel property.

CONFERENCE

I. BOB LACROIX ~ PROPERTY ISSUE:

Bob LaCroix came before the Board back in August, 2008. There was discussion at that time of swapping a piece of State owned land at the end of McConnell Road with a piece that Mr. LaCroix owns on Lovejoy Brook Road within the Town's wellhead protection area. It has taken this long for the State to go through the process of declaring the parcel surplus and putting a value on it.

II. ADJOURNMENT

Mr. Cummings moved to adjourn at 7:37 PM. Mr. Crate had a couple of issues to discuss (See Other Items). There was no second. Mr. Cummings withdrew his motion.

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