

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

MINUTES of May 3, 2010

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; Richard A. Crate, Jr., Chief of Police

Others: Kurt Gotthardt; Tim Taylor; Curtis Payne; Jim Martel; Dan Kiley; Paul Butcher; Laura A. Weit-Marcum, Acting Rivers Coordinator, NH DES; Shawn Donovan, Lebanon resident

BUSINESS MEETING

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

April 19, 2010:

Correction: page 10, third sentence, change “had” to “hate.” Mr. Cummings moved to accept the regular session minutes of April 19, 2010 as corrected, Mr. Crate seconded, vote unanimous.

Mr. Cummings moved to accept the non-public session minutes of April 19, 2010 as printed, Mr. Crate seconded, vote unanimous.

III. COMMUNICATIONS

2009 Assessment Review:

The Board received three letters from the NH Department of Revenue Administration regarding the 2009 assessment review

In the first letter Stephan Hamilton sites a problem with Current Use reporting. A certain matrix has to be done. It is not that they are uncomfortable with the values but how we came up to them. Julie Huntley has done a great deal of work collecting that information, it’s just not in the form the State wanted.

In the second letter it addresses four phases of review of our work. Mr. Schneider explained the phases. Market value should be at 90% to 110%. In 2008 we were at 83.1%. In 2009, after the revaluation we were at 94.7%. The COD (coefficient of dispersion) is recommended at 15 or less. The Town’s 2008 COD was 13.5 and 2009 COD was 8.6. The PRD (price related differential) should be close to 1. The Town’s PRD for 2008 was 1.08 and 2009 was 1.03. All the data collected, formulas and statistics make good values.

The Town was about 95% of fair market value; Norm Bernaiche's goal.

The last letter is a review of the large book of data provided by Norm Bernaiche. There was one comment on item #49 Land Value Support: "It is helpful to the non-assessor / appraiser to simply state the base site value is..."

Mr. Kluge said this all essentially suggests our revaluation was quality.

Mr. Schneider agreed that the data created was more than adequate from the State's perspective.

Tax Collector's Reports:

Mr. Schneider pointed out that the numbers are in line with what we've been seeing in the past. This Town pays its property tax even through the worst economic times.

Town Clerk's Report:

Revenues year to date are pretty close to where we were last year; about \$1,400 behind year-to-date.

IV. BOARD REPORTS

Tax Increment Finance Advisory (TIF) Committee:

There will be a TIF Committee meeting tomorrow at the Public Works Facility.

Enfield Village Association (EVA):

EVA has had discussions of further economic development, renovation at the flag pole area and fundraising to support EVA. The EVA electronic newsletter included an article about Roy Holland, their annual town clean-up day, etc.

Mr. Crate asked if the flag pole area was going to have grass or mulch.

Mr. Kluge thinks there's going to be some bark, plantings, rock and new asphalt around the base.

Recreation Commission:

The Recreation Commission met last week. They'll be moving forward with all-day camp. Registrations will go to kids in the next couple of weeks. The number of children enrolled will determine the number of summer employees hired. The cost to attend will pay for the employees. A half day option is still there. The all day option will include swim lessons. The half-day program is \$75. The full day program is \$90 per week. There are scholarships available for those that can't afford it.

Energy Committee:

The Energy Committee reviewed the State lighting design and discussed the lighting of the Shaker Bridge.

V. TOWN MANAGER'S REPORT

Watershed Mailing:

If you live in the Crystal Lake or Mascoma Lake watersheds you'd have received a mailing that included a map and booklet. The materials and mailing were paid for with grant funds. The information informs you, if you live in the watershed, how you can protect the watershed. Many thanks to the staff and Conservation Commission for making this happen.

TIF Project:

The TIF Committee will meet tomorrow at 6:00 pm. Five bids were received for the Huse Park project and they will discuss those. They will move forward with the selected engineer to determine a plan for the park.

Ambulance Contract:

Mr. Schneider met with Lebanon Fire Chief, Chris Christopoulos to discuss the ambulance contract. The new contract proposes \$245 per call vs. the current \$230. They also discussed the billing process and how comfortable they are. Information provided by Chris Christopoulos will be forwarded to Richard Martin.

VI. PUBLIC COMMENTS**Paul Butcher ~ Shaker Bridge Landing:**

Mr. Butcher asked if he could leave a small 11' rowboat chained to a tree at the Shaker Bridge Landing. It's just a rowboat; no motor.

Mr. Kluge asked if it would be kept where the sailboats are. He was informed that was Mr. Butcher's intention.

The Board voiced no objections, therefore Mr. Butcher will be allowed to store his rowboat at Shaker Bridge Landing.

Kurt Gotthardt ~ Trails Map:

Mr. Schneider reported that the Town received the Trail Maps last week. There were 1020 of them printed. The Town will charge \$2 per map. Proceeds will be directed to a Conservation fund. The goal is to have proceeds go toward future reprinting of the map.

In order to establish a Recreation fund for this purpose we'd have to obtain Town Meeting approval to keep it out of the general fund.

Mr. Gotthardt pointed out that if its in the Conservation Fund it's out of the Selectboard's hands.

Mr. Crate said to put it wherever it makes sense.

Dan Kiley ~ Driveway/Shaker Hill Road Maintenance:

Mr. Kiley asked if the State could be asked to do something about the end of his driveway and Shaker Hill Road. The Town put down salt 18 times in January because water doesn't go down the swale, but into the road. The State has to do something with the ditches.

Mr. Crate said they took out a culvert and tried a new method and it didn't work.

Mr. Schneider will contact the State.

Dan Kiley ~ Mill Street:

Mr. Kiley told the Board that Mill Street has potholes 6" to 10" deep. If it's a Town road it needs work.

Mr. Cummings agreed the condition of Mill Street is horrible.

Mr. Schneider will take care of this.

Mr. Gotthardt said the Board may want to be sure it's a Town road. He's not sure it was properly adopted as such.

Mr. Crate replied that it has been maintained by the Town of over 60 years.

Mr. Kiley added that by default it's a Town road.

Kurt Gotthardt ~ Mud Pond Road:

Mr. Gotthardt asked what the final decision was regarding Mud Pond Road and the request submitted by the Snows and Linns at the last meeting.

Mr. Schneider replied that parking will be established and signs posted.

Mr. Gotthardt asked if there was any discussion of designating it a trail from barrier to barrier.

Mr. Crate responded that there are property owners that access their property from Mud Pond Road. He then asked how Springfield allows building on Class VI roads.

Mr. Schneider said Springfield has rules and regulations in place.

Mr. Cummings said designating Mud Pond Road a trail doesn't solve the problem. They were here for problems with people digging up the road near their houses. And we can't maintain that section of road. It's not the use of the road between the gates that is the problem.

VII. OLD BUSINESS

Comcast Franchise Agreement:

The Board signed a two-month extension of the Town's franchise agreement with Comcast.

Shaker Bridge:

Police Chief Crate and Mr. Schneider contacted the Governor's Office to arrange a meeting. They can have a meeting with the Governor, it now needs to be scheduled. The Governor's Office is cautious about having a quorum of the Board of Selectmen.

Mr. Crate replied that he's sorry, but we're all going. The meeting can be posted.

Mr. Schneider was asked by the Governor's Office if they wanted the Commissioner there. Mr. Schneider told them it would be OK if the Commissioner were there, but they don't want to

delay a meeting with the Governor in order to set up a meeting that fits the Commissioner's schedule.

Sewer Line Replacement:

The drilling company worked all weekend. The amount of equipment on site keeps changing. They took time off when we had snow. Drilling is going as they expected or a little better. The whole thing could go in the lake where it will float on the surface; they'll then pull it through. Hopefully they'll be done in the next couple of weeks.

Mr. Cummings hopes they'll be out by Memorial Day weekend.

Mr. Crate responded that if not, it can't be helped; it has to be done.

Human Services:

The Town has received a letter of resignation from our current Human Services employee. She has accepted a position of considerably more money and fewer hours. The Town has until the end of May to find someone.

Mr. Cummings asked if we'd employ a full-time individual.

Mr. Schneider said no, it would be for 25 hours per week.

Mr. Crate asked if the position would be advertised.

Mr. Schneider replied that it would.

VIII. NEW BUSINESS**Tax Deedings:**

Two vacant lots in Eastman, on Paul's Place and Road 'Round the Lake, and one on NH Route 4A are up for deeding. A fourth is the Boyd/Vasconcelos property (Map 9 Lot 62) that the Selectmen agreed to hold until the end of May. There is still an opportunity for the prior owners to buy the properties back. The Board accepted the three properties located at Map 39 Lot 3; Map 51 Lot 65 and Map 51 Lot 122.

Mr. Cummings explained to those present the reason for holding off on the taking of the Boyd/Vasconcelos property which should have the taxes paid by the end of May as discussed at the Selectmen's last meeting.

Tax Abatement Process:

Letters have gone out with Norm Bernaiche's determination of each abatement request. Property owners can agree or disagree with his determination. If they agree the paperwork is forwarded to the Selectmen for approval. If they disagree they can come to the Selectmen for a hearing.

Mr. Kluge asked how many have not agreed with Mr. Bernaiche's determination.

Mr. Schneider said that quite a few have. A meeting needs to be scheduled to hold the hearings.

The Board agreed to hold a meeting on May 24th at 6:00 PM for this purpose.

Snowmobile Access to Goss Lane:

The Mt. Cardigan Snowmobile Club has requested access to Goss Lane, a Class VI Road.

Mr. Cummings moved to authorize access to Goss Lane for the Mt. Cardigan Snowmobile Club for a period of one year, Mr. Crate seconded, vote unanimous in favor of the motion.

Administrative Items:

The Board reviewed and approved the following documents: Certification of Yield Taxes Assessed, Gravel Tax Levy, Intents to Excavate, 2009 Property Tax Refunds, and Planning Board Appointment previously voted and approved.

IX. OTHER ITEMS

Veterans Memorial Park:

Mr. Crate asked if the bark would be replaced at the Veterans Memorial Park before Memorial Day.

Mr. Schneider informed him that the Grounds Department was told two things: all cemeteries and all parks need to look good for Memorial Day. It will be done.

Main Street Trash:

Mr. Kluge asked about the house on Main Street that had the problem with trash. Did it accrue and fines?

Chief Crate is not aware of any.

CONFERENCE

I. JIM MARTEL ~ MASCOMA RIVER NOMINATION

Jim Martel explained that the Mascoma River Nominating Committee is trying to nominate the Mascoma River under the NH Rivers Management and Protection Program (NHRMPP), which provides more protection than there is now. Ninety-five percent of the water in Mascoma Lake comes from the Mascoma River. The purpose of this increased protection would be to maintain the quality of the water. There are already 16 rivers in the State of NH that have been nominated.

If nominated, a local advisory committee (LAC) would be established with members of Canaan, Enfield and Lebanon. Dorchester has not responded to entreaties to participate. The LAC sets up a management plan for the area from the shoreline of the Mascoma River and Mascoma Lake up to a ¼ mile. The LAC would review permit applications made to the State.

Laura Weit-Marcum, Rivers Coordinator, explained that when a permit application is submitted a copy will go to the LAC who can submit comment on the application to the State for their consideration.

Mr. Martel mentioned that they have met with the Conservation and Planning Board and they appeared to be supportive of the program.

The Selectmen were provided with a map of the proposed protected area and segment classifications along the Mascoma River, which include Rural, Rural Community and Community classifications, as well as information on the NH Rivers Management and Protection Program, copies of State statutes pertaining to this program, a copy of the Spring 2008 "Meanderings" newsletter of the NH Rivers Management and Protection Program, and the following Fact Sheets: River Classifications and State Regulated Protection Measures As They Apply To Each Classification, Responsibilities of Riparian Landowners Along Designated Rivers. [See Appendix for links to web sources of these documents]

The NHRMPP was established by State statute RSA 43 in 1988. Ms. Weit-Marcum explained the process. The Nominating Committee documents resources and submits it to NH Department of Environmental Services (DES). A public hearing is held. The nomination doesn't move forward without strong local support. Criteria are reviewed. DES reviews the nomination, which then goes to both the House and Senate for approval. From there it goes to the Governor for approval. Then a local advisory committee (LAC) is formed. The Selectmen/Council nominate up to three people to serve on the LAC from each town. These nominated LAC members are then appointed by the Commissioner.

Review of permits is done by the LAC.

Shawn Donovan, a resident of Lebanon and Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) representative, informed the Board that since the winter of '88 when they started this project they have met with many boards and have received strong support. They reached out to Dorchester, but Dorchester has not responded. The risk to the water in Dorchester is slight. Nomination and protection is important to Lebanon, who has the most to gain and lose since the Mascoma River is the source of their municipal water.

Mr. Donovan remembers when the water quality was poor. Great strides have been made in the last 50 to 60 years. New challenges have arisen. The NHRMPP is a non-regulatory program. It provides a way for local people to collaborate in water quality issues.

Mr. Kluge asked if they've contacted the Crystal Lake Association.

Mr. Donovan replied that they have not, but will.

Mr. Schneider asked what type of permit would be reviewed.

Ms. Weit-Marcum explained that shoreland, wetland or alteration of terrain permits are reviewed. There is no process where they automatically receive septic design plans for review.

Mr. Schneider mentioned that there is a development near him, within ¼ miles of the shore of Mascoma Lake but outside the Shoreland Protection zone of 250'.

Being already approved, there would be no review of this project.

Mr. Kluge clarified that the NHRMPP isn't adding a layer of enforcement, just communicating with other municipalities.

Ms. Weit-Marcum replied that yes, it is advisory.

Mr. Donovan said they are at the same spot in the process in Lebanon. They will be meeting with the City Council again soon.

Kurt Gotthardt said the LAC receives permits to review. It's just a comment that they can submit. Is there any time frame?

Ms. Weit-Marcum explained that it's the same time frames as for the permit. LAC's usually meet monthly. The standard comment period on permit applications is 45 days.

Dan Kiley asked if this extends DES's pervue. He was informed that it does not. Shoreland protection only goes 250' from the shoreline. The NHRMPP reinforces that, but wetland permits and alteration of terrain permits are within ¼ mile of the shoreline. It does not extend DES jurisdiction. The ¼ mile allows the LAC to do educational programs. It does not slow the planning process and it doesn't pre-empt local planning and land use ordinances.

Mr. Kiley noted that major urban areas in the State are not involved in the program.

Ms. Weit-Marcum acknowledged that there is a gap in the middle of the Merrimack.

Tim Taylor asked if they are excluding the Enfield village area.

Mr. Donovan responded that they named it a "Community" classification.

Ms. Weit-Marcum explained that there are four classifications: Natural, Rural, Rural Community and Community. Natural is the most protected. Community has the most use. The Planning Board asked for the Village to be changed from Rural Community to Community. Community designation allows new dam structures.

Mr. Kluge inquired about protection levels. This implies regulations.

Ms. Weit-Marcum pointed out the Fact Sheet which provides a table of allowed and disallowed purposes within each classification.

Mr. Kluge noted that all of the regulations noted on the Fact Sheet look as if they're existing regulations.

Ms. Weit-Marcum pointed out the few expanded regulations within the NHRMPP, including no interbasin transfers, no sludge and septage, no new hazardous waste facilities and no new solid waste facilities.

Mr. Taylor asked if the Town chooses in the future can they vote to get out of the program?

Ms. Weit-Marcum replied that RSA 43 can be amended.

Mr. Taylor clarified that this means the Town would have to petition the legislature for the change.

Mr. Donovan replied that, yes, Mr. Taylor was correct. The legislation has to be changed to the Mascoma River and Mascoma Lake designated.

There were no further questions from the Board.

Mr. Martel explained that they are looking for a motion or letter of support.

Mr. Crate would like the Board to discuss it further. He would also like to see what the City of Lebanon is going to do.

Mr. Donovan thinks the response from the Lebanon City Council will be positive. The Lebanon Conservation Commission and Planning Board support it.

Mr. Cummings asked, “what’s the down side?” He doesn’t see a downside. He’s all for protection natural resources. We can get out of it the same way we got in.

Mr. Cummings moved to support the nomination of the Mascoma River and Mascoma Lake, Mr. Crate seconded, vote unanimous in favor of the motion. Mr. Crate still thinks the Board should wait and see what other towns do.

Mr. Cummings replied that this process takes a year and if Lebanon doesn’t support it the Enfield Board of Selectmen could withdraw their support.

II. ADJOURNMENT

Mr. Crate moved to adjourn at 7:22 pm, Mr. Cummings seconded, vote unanimous in favor of the motion.

Appendix

The Mascoma River – Proposed Segment Classifications (map)

<http://www.uvlsrpc.org/files/pdf/MascomaRivermap030110.pdf>

Meanderings, The Newsletter of the NH Rivers Management & Protection Program, Spring 2008

<http://des.nh.gov/organization/commissioner/pip/newsletters/meanderings/documents/08spring.pdf>

Designated Rivers (map)

http://des.nh.gov/organization/divisions/water/wmb/rivers/documents/designated_rivers.pdf

RSA Chapter 483, NH Rivers Management and Protection Program

<http://www.gencourt.state.nh.us/rsa/html/L/483/483-mrg.htm>

DES Fact Sheets:

The New Hampshire Rivers Management and Protection Program (RMPP)

<http://des.nh.gov/organization/commissioner/pip/factsheets/rl/documents/rl-2.pdf>

River Classifications and State Regulated Protection Measures As They Apply To Each Classification

<http://des.nh.gov/organization/commissioner/pip/factsheets/rl/documents/rl-14.pdf>

Responsibilities of Riparian Landowners Along Designated Rivers

<http://des.nh.gov/organization/commissioner/pip/factsheets/rl/documents/rl-19.pdf>