

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

**MINUTES of April 6, 2009**

**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

**Others:** Bart Thurber, Library Trustee; Marjorie Carr, Library Director; Dr. David Beaufait; Chuck Reese, Regional Manager, NH Dept. of Revenue Administration; Dawn Wirkkala, Education Coordinator, NH Dept. of Revenue Administration; Shirley Green; Norm Bernaiche, Assessor; Dan Kiley; Frank Sparrow and Evan Dybvig, owners/operators of Whaleback

**BUSINESS MEETING**

**I. CALL TO ORDER**

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

**II. ASSESSMENT REVIEW**

Norm Bernaiche, the Town's contracted assessor, explained that every five years an assessment update is required per the State constitution. The past year, Enfield saw only 65 sales of all types, so it will make the job of assessment more difficult.

Mr. Bernaiche did the Town's original revaluation in 1997. The last statistical update was performed in 2004. Mr. Bernaiche explained the revaluation process to the Board and things to consider when assessing property, such as topography, neighborhood, building condition, etc. Exemptions of all types, including elderly and charitable, tax credits, and Current Use documentation will be reviewed.

The State will monitor the process and do a sampling to verify data for accuracy.

Hearings will be scheduled to allow property owners to dispute their new assessment.

Mr. Bernaiche will gather the best data he can, based on sales, do an analysis, complete model and implement those changes to non-sale property. He will then review and verify the results for accuracy of the new assessment. Rules of thumb will be provided. In mid- to late-August the Town will notify taxpayers of the old and new values and explain how they can appeal the new value.

Mr. Kluge inquired about the stats available on commercial sales. Mr. Bernaiche explained there was very little information. There have not been enough in this sample to run a ratio. Seven sales are needed in a samples and Mr. Bernaiche does not believe there have been 7 commercial sales since the Town hired him. He can go out of Town for comparables on businesses such as gas stations and mobile home parks.

Mr. Cummings asked if the letters go out in August would people see their taxes go up just before the budget season? It was explained that wouldn't necessarily be the case. Mr. Schneider explained the relationship between assessments and the tax rate. If the amount of money you want to raise remains the same and property values go up, then the tax rate would go down.

Mr. Bernaiche will come back to the Selectmen after he does the analysis, probably at the end of June, and report on the general standing of various types of properties.

Mr. Schneider explained that the assessment information could be used as a tool during the budget season. Total property valuation is used. These values have increased by 1% to 2% each year. The goal of revaluation is to get everyone an equitable assessment. New Hampshire and Vermont haven't had the same spikes in property values that other areas have.

Mr. Reese confirmed this. The housing crash may have been bad in some places, but in NH it hasn't been that dramatic. There is still a demand for properties with waterfront and/or views. Because Enfield's assessments are a little low, they may rise a little rather than go down as people might expect. A field review will be conducted by the State that will allow Mr. Bernaiche to fine tune the model and identify any aberrations. This process takes four to five days.

### **III. APPROVAL OF MINUTES**

Mr. Kluge moved to accept the minutes of March 16, 2009 as printed, Mr. Cummings seconded; vote unanimous.

### **IV. COMMUNICATIONS**

#### **TIF District Build Out Analysis:**

Mr. Schneider explained that in 2008 there was money put aside to conduct a TIF District Build Out Study. The Upper Valley Lake Sunapee Regional Planning Commission met with the TIF District Advisory Committee several times. This analysis will be an excellent planning tool and is essential for the continued development of the TIF District.

Mr. Kluge inquired about the request for proposal (RFP) for visioning and planning services at Huse Park that is listed on the Town's website. He was informed that the TIF District Advisory Committee issued the RFP for continued development of Huse Park and to help the Town finish the project. This is the first step. The Selectmen will definitely have input on parking, landscaping and lighting.

**Mascoma Lake Association 2008 Water Quality Report:**

If the Selectmen care to read the report in full they would find that by changing our planning and land use regulations we can greatly improve the quality of our lakes by addressing issues such as road run-off, snowmelt and other run-off issues.

There are some State regulations in place, but anything the Town can do to protect its lakes is important.

**NHDES Administrative Order ~ Evans Fuel:**

The State is requiring that Evans Fuel install a secondary containment system.

**Tax Collector's Trial Balance Report ~ January 1, 2009 – March 31, 2009**

**Town Clerk's Report ~ March 2009**

**Tax Collector's Unpaid Balance Report for Deeding April 20, 2009**

**V. BOARD REPORTS**

**Planning Board:**

The Planning Board discussed the subdivision of Town owned property into a 5-acre and a 2-acre lot. It was appreciated that the Town looked for Planning Board approval. There were some tricky questions regarding wetlands and zoning and a couple of questions about how the Town would market these lots.

Mr. Schneider replied that the Town sells land annually, typically by sealed bid. These lots are planned for sale this year. The availability for sale can be posted on the Town's website. An RFP can be prepared for a realtor to market the properties. This will be looked at further in May when we have a better understanding of what we'll have available for sale.

**VI. TOWN MANAGER'S REPORT**

**Stimulus Update:**

The Board received a memo regarding several Stimulus opportunities that the Town is pursuing:

- 1) The replacement and relocation of the Shaker Bridge sewer force main and the installation of a 12" water main. Estimated cost: \$1,129,400. The proposal is to relocate the lines into the bedrock layer beneath the lake. A pre-application has been completed.

The Board discussed the timing of this project in relation to the bridge. This could be completed before bridge construction.

Mr. Crate expressed concern about how the Town would know if there was a leak in a pipe running under the lake.

Mr. Schneider handed out information a horizontal directional drill.

Mr. Daniels reported that the pre-application has been accepted and is placed 27<sup>th</sup> based on a scoring system. A few more points might be added based on Mascoma Lake being Lebanon's water supply.

Mr. Crate asked if the State wouldn't allow the pipe on the new bridge. Mr. Daniels replied they would, but the Town would then have to foot 100% of the cost of removal to a temporary location and moving it back to the new bridge.

Mr. Kluge asked what the Town's cost would be.

Mr. Daniels explained that of the \$1,129,400 the Town would get a low interest revolving loan fund with a 50% cost forgiveness. The cost for relocation was a few hundred thousand dollars years ago. Mr. Schneider added that for a few hundred thousand more the Town could have a more permanent solution. He will however obtain costs for both options for the Board's consideration.

2) The Police Department is eligible for approximately \$13,000. The Town will submit an application with other Grafton County police departments and the Grafton County Sheriff's department will be the pass through for the funds. We would use these dollars to offset budget reductions; specifically radios, radar display board and investigative funds.

Because the Enfield Police Department submits UCR reports to the Federal government, they are now eligible for funding. The Sheriff's Department would take about \$1,200 for administration.

Mr. Kluge asked if there had been discussion of putting video in cruisers? Mr. Cummings stated that video takes away from the guesswork. Mr. Schneider replied that perhaps the funds could be used for video instead. This is a straight grant, no matching funds.

3) Application for Broadband dollars to support our WCNH initiative. There has been discussion with Dartmouth College about jointly applying for stimulus funds. A grant writer would be hired to submit the application. Specifically seeking funds that will create the municipal backbone between the eight communities and connections to less expensive metropolitan Internet suppliers.

The WCNH group is making a fast and furious effort to make an application for broadband funding. The Town has been in discussions with Dartmouth who wants to connect major universities to metropolitan hubs. Currently UNH and UMaine are connected. They are looking to connect Plymouth State and UNH Amherst. Their backbone would go right through Enfield. There's up to \$5 billion for the nation and each state would get at least one grant. The communities would probably have to hire a grant writer. With the Board's backing, Mr. Schneider would like to offer some money to hire a grant writer. The application will be due in June. Our project is as fundable a project as you'll find. Much of what's needed is in place.

3) The library project may apply for USDA funds to support equipment purchases, but only after the project has begun.

**Finance/Audit Committee:**

The Board received a copy of the Management Letter from the 2007 Audit, which outlines several recommendations for financial controls.

The FY 2007 audit identified recommendations. Some things can be done in a couple of weeks, others will require more time. Mr. Schneider suggests a small ad hoc group to help craft some regulations to be sure we're doing everything right. With the Board's blessing, he'll move forward with that.

Mr. Kluge noted that quite a few of the recommendations are of a very technical nature.

**Intermodal Transportation Facility Project Overview:**

The Upper Valley intermodal transportation facility will serve as a terminal for intercity bus transit, provide connections between intercity and local transit, and serve as a public park-and-ride facility. The facility is planned to be located in the Upper Connecticut River Valley of New Hampshire and Vermont and will directly serve I-89.

The Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) will act as facilitator for the process and assist the NH Dept. of Transportation with administrative staff support.

Mr. Schneider has pushed for the location to be in Enfield. It's important to be involved in this. Ken Daniels and Steve Schneider are appointees to that body. Mr. Schneider would be happy to be part of this process. Meetings will start in June.

**VII. PUBLIC COMMENTS****Shirley Green ~ Relocation of Sewer Main:**

Mrs. Green asked, to go underwater, does the Town need approval from the NH Dept. of Environmental Services? Mr. Daniels replied, yes, from Shoreland Protection but not Wetlands.

The Board received a memo from Ken Daniels regarding the Shaker Bridge replacement timing and associated Town impacts.

Mr. Daniels spoke to the NH Dept. of Transportation (DOT) last week. The design plans are at the 50% stage. DOT plans to begin in the 2010 construction season. They discussed the relocation of the gravity sewer main due to conflicts with the bridge abutments.

Mr. Crate asked if the Town has to foot the bill for that. Mr. Daniels replied, for the sewer yes, but not for water.

Discussion ensued regarding soil conditions in the area. Mr. Crate suggested that perhaps it would be better for DOT to move the abutment back.

Mr. Daniels said they discussed the sewer main and the abutment will encase the existing underpass. Part of the issue in the past was to save the historical underpass. Why not relocate it as a historic marker and do an at-grade crossing? Conduit is already there for fiber optic. The original intent was an at-grade crossing.

Mr. Daniels informed the Board that he would have numbers for the next meeting regarding the temporary relocation of the sewer main. If the Town can't come up with a plan to move our sewer line the State will have to close the bridge.

The 2010 portion of the project is pre-loading the soils. Most of that work is on the Lebanon side where the force main is located.

Mr. Schneider said, perhaps we can get the State in for the first May meeting to discuss impacts on the Town.

Mr. Schneider informed the Board that at the last Heritage Commission meeting they discussed the design of the bridge. They would like it designed in such a way that it becomes a landmark. Is there enough interest in the Town to pay the difference in cost? The State is open to alternative ideas.

Mr. Crate expressed concern that it might delay construction of the bridge.

Mr. Cummings ask, for the 2 years of bridge construction boats won't be able to access the other side of the lake? Mr. Schneider replied that was his understanding.

**Dan Kiley ~ Shaker Bridge Theatre:**

Mr. Kiley thought the Town Meeting article allowed the Town grant a lease to the Shaker Bridge Theatre. Is there a lease?

Mr. Schneider replied that there is a lease and Shaker Bridge Theatre is being charged \$100 a month. He offered to provide a copy of the lease to Mr. Kiley.

Mrs. Green asked if the Theatre Company paid for the improvements made to the Auditorium. Mr. Schneider replied that they pad for the electrical work. The Town paid for the curtains and painting.

**VIII. OLD BUSINESS**

**New Library Building ~ Final Budget Estimate:**

The Board was provided with a summary of expenses for the new library building and a summary of the project overall. The total comes to \$3.2 million. The plans and architectural specifications are completed. The Library Trustees have met with the architect and construction manager. Some funds have already been expended, \$133,000 from the Town, plus \$27,000 from Library reserves and other sources.

If they are able to break ground earlier, they might be able to shave 3% to 5% off the numbers. Every year they wait will raise the price by 3% to 5%. The economy has put pressure on the capital campaign.

Mr. Schneider explained that Stimulus money would be available for equipment, but no bricks and mortar. There is a sizeable amount of equipment that would qualify for Stimulus funding.

Stimulus dollars continue to change weekly and an eye will be kept on any changes that might take place.

Bart Thurber explained that an estimated 100 people would be employed for 6 to 9 months.

The decision was made to go to the more expensive option of geothermal, which is more energy efficient and more costly to install initially than conventional heating and cooling systems, but frees the Town from fuel usage over the long term. They also looked at windows and window coverings. A lot of thought has been put into the project from an energy standpoint.

Mr. Schneider stated that the Enfield Energy Committee has greatly assisted with the geothermal aspect of the project. The project goal is to make the building as self-sustaining as possible.

Mr. Kluge asked if the budget estimate included the geothermal system. Mr. Thurber informed him that it does. The biggest additional cost is approximately \$88,000 for the 2 wells. Geothermal has been implemented at another small library in the State. They also plan to use geothermal for the new Kilton Library in West Lebanon that will be constructed soon.

Mr. Thurber mentioned that the new library would have an "Enfield Room" and there is information about the library project on the Town's website.

Mr. Schneider pointed out that the construction manager made an effort to talk to local contractors to get the numbers for the estimate, so these numbers are as close as the Library Trustees can get. A lot of the money will stay in Enfield with local contractors.

Mr. Schneider has a copy of the construction documents if the Selectmen would like to view them. We have the site. We have the plans. When the money is raised we'll be ready to begin construction. The plans will remain good as long as Enfield is approximately the same size.

Mr. Thurber said that they new \$3.2 million was a large number. They considered whether to scale back the project or look at the long-term needs of the community. They opted to stay with the plans they have.

**School District Study Committee:**

The meeting has been moved to April 29<sup>th</sup>. Mr. Schneider received an opinion from the Town's attorney and a Selectman has to be a representative on this committee. Lee Carrier could be an appointed member.

The Board discussed which of them would serve on this committee. The decision will be made at the next meeting of the Selectboard.

**IX. NEW BUSINESS****Whaleback Tax Issue:**

Frank Sparrow and Evan Dybvig came before the Board to discuss the past due taxes on the Whaleback property.

Mr. Sparrow explained that they purchased Whaleback in 2005 and operated it each winter since that time. They ended their first year of operation in substantial debt and considered giving up the project. They instead chose to move ahead with the project. They have always felt that Whaleback is an important asset, particularly for area youth, which are their focus. They have made progress. This past season has been their best yet. They've done a better job of controlling costs, but their debt has not gone away. They need to refinance the project and the debt. They are currently in the process of refinancing, however, the property is up for deeding on April 20, 2009 and while the wheels are in motion, it will be 90 to 120 days before the refinancing can be completed. They asked if there was any way they can get deference on the tax bills outstanding.

Mr. Schneider asked for more discussion of their confidence in the financial arrangement. The Town would want to be sure this is a one-time event and that they won't be back again next year with the same request. He asked if the improvements done at Whaleback have impacted the value of the property enough that the bank feels comfortable refinancing.

Mr. Sparrow replied that there are no guarantees. They feel that the value is there in the real estate and the numbers will show they can support the debt based on revenues.

Mr. Schneider asked when they thought they could have the numbers to the Town. Is the amount owed the Town going to be incorporated into the refinancing plan?

Mr. Sparrow replied that they couldn't refinance without paying the taxes. They are looking for a 90-120 extension. If they can't get that kind of accommodation one of the mortgaggers will foreclose on the property. They currently offer 60-70 full and part-time jobs.

Mr. Kluge agreed that Whaleback is an asset to the community.

There were no objections to allowing a 120-day extension for the payment of taxes on Whaleback.

While Mr. Sparrow did not request a motion from the Board, Mr. Schneider will provide something formal.

**Temporary Use Occupancy Agreement ~ Property Adjacent to Shaker Bridge Landing:**

The agreement allows no construction or major changes. The Town would take over the day-to-day operations of it. This would be the property the Town would take ownership of after the bridge construction is completed. There's an 82' right-of-way for the railroad, making developing the property difficult, but the property as a whole gives the Town the opportunity to make a lakeside park.

Mr. Kluge asked if the Town would lose its present beach when the bridge is rebuilt.

Mr. Schneider replied that might be the case. Perhaps that could then be a non-motorized boat launch.

Mr. Cummings asked how long the Temporary Use Occupancy Agreement is good for. He was informed that it remains in effect until the bridge project begins. When they're done with the project they'll offer the property to the Town.



The Temporary Use Occupancy Agreement allows the Town to enter into fact-to-face discussions with existing dock owners to discuss why they think they have a right to be there. At least one owner is ready to take it to court. We could say we're not comfortable with a dock on the property.

Mr. Crate moved to allow the Town Manager to enter into a Temporary Use Occupancy Agreement for the property adjacent to Shaker Bridge Landing, Mr. Cummings seconded; vote unanimous.

### **Enfield Cable Channel 8:**

As part of the 2009 budget the Town is using the franchise fees from Comcast as part of the revenues for the general fund rather than giving them to Channel 8. What's holding up broadcasting is the need to buy a computer and software, which will cost about \$2,000. They've requested that the Town purchase this equipment for them and allow them to pay it back when the franchise fees are again given to Channel 8. Mr. Schneider stated that funds from the Miscellaneous Technology could be used for this purpose.

Mr. Cummings moved to give Channel 8 the money they need to buy the computer, Mr. Kluge seconded; vote unanimous. Mr. Schneider added that this is with the understanding that they'll pay us back.

### **Tree City USA Program ~ Appointment of Tree Warden:**

The Tree City USA<sup>®</sup> program provides direction, technical assistance, public attention, and national recognition for urban and community forestry programs in thousands of towns and cities.

Mr. Schneider informed the Board that we want to be a Tree City USA. In order to participate in this program the Town must hold an Arbor Day celebration and must appoint a Tree Warden. The Tree Warden is responsible for the trees in town and decides which trees should stay and which should go.

Mr. Kluge moved to appoint Ken Daniels as Tree Warden for Enfield, Mr. Cummings seconded; vote unanimous.

### **Administrative Items:**

The Board reviewed and approved the following documents: Timber Tax Levy and MS-2 Report of Appropriations Actually Voted.

The Board received memos from Jim Taylor, Community Development Director, that Suzanne Laliberte and David Saladino are interested in reappointment to the Planning Board. Lori Bliss Hill and Deb Truman are interested in reappointment to the Enfield Tax Increment Finance Advisory Committee.

Mr. Cummings asked if alternate members could be appointed to the Capital Improvement Program Committee. Mr. Schneider replied, yes.

Mr. Kluge moved to reappoint Suzanne Laliberte and David Saladino as regular members and Dan Kiley as an alternate member of the Planning Board, Mr. Cummings seconded; vote unanimous.

Mr. Cummings moved to appoint Richard Martin as a Capital Improvement Program Committee Alternate Member, Mr. Kluge seconded; vote unanimous.

Mr. Cummings moved to reappoint Lori Bliss Hill and Deb Truman to the Tax Increment Finance Advisory Committee, Mr. Kluge seconded; vote unanimous.

## **X. OTHER ITEMS**

### **Moose Plate Grant:**

An application for a grant up to \$10,000 has been made for relocation and restoration of a stage backdrop, currently at Enfield Center Town Hall.

### **Next Meeting:**

Monday, April 20, 2009, Whitney Hall Conference Room. Steve Schneider will not be at this meeting as he will be on vacation.

### **Septic Pumping Costs:**

Mr. Crate asked why people in Enfield have to pay dearly when their septic is pumped. They're having it taken to Franklin or Plymouth. This is why he asked for an Enfield pumping station.

Mr. Daniels will check into this. Part of the Town's agreement with the City of Lebanon is that Lebanon is first and Enfield is second priority at the Wastewater Treatment Plant.

### **Senior Citizens:**

Mr. Kluge said that someone has brought up the question of what the Town has to offer where the elderly can congregate.

Mr. Schneider explained that the Community Building is used for meals once a month. Enfield Center Town Hall is a resource, but without water, septic or parking that building is not an option.

Mrs. Green asked what percentage of Enfield's population is elderly? Mr. Schneider replied that we'd have a better idea next year with the Census.

The Community Building could be used. Scheduling can be done with Alisa Bonnette. The lack of storage is the only issue.

When the new library is done there may be space they can use.

CONFERENCE**I. SAILING CLUB**

Representatives of the Shaker Village Sailing Club came before the Board to discuss use of Shaker Bridge Landing. A copy of their proposal, as well as a draft 2009 Sailing Club Schedule was provided to the Board.

The Club requested permission to use, on a non-exclusive basis, Shaker Bridge Landing for sailing-related activities, each year from April through October until such time as NH DOT needs the property for staging/storage purposes while preparing for and repairing Shaker Bridge.

The propose to build a 32 x 48 food stockade fence for securing and storage of dinghy class sailboats, kayaks and related equipment, to moor 6-8 sloops off the property as depth allows and place 3-4 small dinghies on the shore with which to access these sloops, place 2 picnic tables along eh wall above the shore for use by Club members and other users of the property and to share with the Town on a 50-50 basis the cost of rental of a porta-john for this property for the six month sailing season.

The Club maintains liability insurance and will provide the Town with a certificate of insurance naming the Town as an additional insured. They'll work with the Conservation Commission and Public Works Department to do spring clean-up and seasonal maintenance as needed, and the Club will meet with the Selectboard and/or submit an End-of-Season report to the Board for the purposes of feedback and planning each year.

The Club would like to leave the fence in place during the winter, only removing it when necessary for the State to do bridge construction. The Board discussed this proposal. Dr. Beaufait said if it looks like the bridge will be built in 2010 they would remove it this fall. If the Town is not sure the bridge would be built, and if the Selectmen think it's reasonable for them to leave the fence in place, they'd like to do so, or at least leave the foundation to make it easier to put back in place in the spring.

Marine Patrol will come take a look at the site after the ice is out to see if there's any chance they can obtain a waiver of the 150' requirement for mooring boats. Because of the topography of the lake bottom in that area it can cause problems for some of the boats.

Maintenance of the property was discussed and the need to work with the Conservation Commission and to follow Shoreland Protection Act requirements. The Public Works Department will continue to go out there and take care of the lot.

The Board discussed the fencing. Mr. Cummings is supportive of leaving the fence up and having an agreement in place until the State needs to use the property. Mr. Kluge feels this is still a work in progress and would prefer that the Club come to see the Board each year. Mr. Crate stated that if the State starts construction on the bridge in 2010 the fence would need to come down. I might be better to remove it in the fall. Mr. Schneider suggested waiting until fall to make a decision on the fence.

The Board agreed to go along with the Club's proposal for one year and to revisit the fence issue in the fall.

Mr. Schneider stressed the importance of developing the property slowly and creating a good foundation. It might be cumbersome in the beginning, until the bridge is done, but it's probably better to be cautious.

Dr. Beaufait stated that some boats have a deep enough draft that the Club is working with the State to continue mooring on the Route 4A side of the lake. They are also talking to the State about an above grade stairway to prevent erosion and improve safety. They've been asked not to park at the sewer pump station. Some older residents have problems with parking farther away the Club was hoping to get 2 or 3 spaces in that area.

Mr. Schneider noted that the previous year when the Board talked to the Club about mooring at Shaker Bridge Landing they thought more boats would be at Shaker Bridge Landing and fewer near Route 4A; the more at Shaker Bridge Landing, the better.

Mr. Daniels explained that it's tight quarters at the pump station, particularly if the Public Works Department has to get in there in case of an emergency. He agreed to walk the property, but there might be problems with the easement documents; the Town doesn't own the property.

## **II. ADJOURNMENT**

Mr. Kluge moved to adjourn at 8:41 PM, Mr. Cummings seconded; vote unanimous.