

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

**MINUTES of May 7, 2007**

**Board of Selectmen:** Curtis Payne, Chairman; Rebecca S. Stewart; Donald J. Crate, Sr.

**Administrative Staff:** Steven Schneider, Town Manager; Alisa D. Bonnette, Recording Secretary; Ken Daniels, Director of Public Works; Sergeant Ken May; Police Chief Richard Crate

**Others:** Meredith Smith, Heritage Commission Chairman; Doug Smith, Mary Boswell, Keith Oppeneer, Shaker Museum; Tim Lenihan; Dr. David Beaufait; Richard Martin, Alan Gove; Fire Wards; David Crate, Fire Chief; Dan Kiley; John Pellerin, Enfield Fire Department, and other members of the public.

**BUSINESS MEETING**

**I. CALL TO ORDER**

Mr. Payne called the meeting to order at 6:00 pm. He introduced the Selectboard, Town Manager and Recording Secretary to the audience.

**II. APPROVAL OF MINUTES**

**April 2, 2007:**

Mr. Crate moved to approved the non-public session minutes of April 2, 2007 as printed; Mrs. Stewart seconded, vote unanimous.

**April 16, 2007:**

Mrs. Stewart moved to approve the regular session minutes of April 16, 2007 as printed; Mr. Crate seconded, vote unanimous.

Mr. Crate moved to approve the non-public session minutes of April 16, 2007 as printed; Mrs. Stewart seconded, vote unanimous.

**III. COMMUNICATIONS**

**Standard Dredge & Fill Application: United Methodist Church, bank stabilization of unnamed tributary (abutting Huse Park) and Minimum Impact Expedited Application: Leo Dowd, bank stabilizing of unnamed tributary (abutting Huse Park):**

Mr. Payne reviewed the applications for bank stabilization. The United Methodist Church application represents an impact on a small area of about 50 square feet. The Leo Dowd

application represents an impact of a slightly greater area. Mr. Crate reported that the Conservation Commission reviewed and signed these applications at its last meeting.

**SAU 62 Notice of Special School District Meeting:**

The Mascoma Valley School District will be holding a Special School District meeting relative to the re-negotiated 3-year contact with the Support Staff. The Deliberative session is scheduled for Tuesday, May 29, 2007 at 6:00 PM at the Indian River School in the gymnasium. Official voting is scheduled in each of the five district towns on Tuesday, June 26, 2007 from 2:00 PM to 7:00 PM.

**Tax Lien Listing:**

Mr. Payne reviewed the list of liened properties.

**Mike Sousa ~ Master Roads Scholar:**

The Board asked that a letter of congratulations be sent to Mike Sousa on attaining Master Roads Scholar status. The Town now has two Master Roads Scholars: Mike Sousa and Ken Daniels. Mr. Schneider reported that the entire department is active in this program. Mr. Daniels reported that three employees, Scott Johnston, Ed Tourville and Chris Hammond have all moved up a grade in the program.

**IV. BOARD REPORTS**

**Conservation Commission:**

Mr. Crate attended his first meeting of the Conservation Commission. Alan Strickland is acting as temporary chairman. The Commission discussed the applications for bank stabilization by the United Methodist Church and Leo Dowd; the Commission signed both applications. Alan Strickland has possession of the keys.

**Heritage Commission:**

Mrs. Stewart attended the Heritage Commission meeting in April, chaired by Meredith Smith. Alternate Suzanne Hinman, who was erroneously omitted from the list of alternates, is interested in serving as a full member. Paul Mirski is interested in a full member position as well. It was recommended that Joe Mandell be appointed as an alternate member.

Discussion at the Heritage Commission meeting centered around approaching the entire downtown as a historic district and the benefits of doing so, versus picking certain buildings and designating them on an individual basis.

Mrs. Smith stated that the Commission is applying for National Historic status. Mrs. Stewart added that this allows the Town to access certain grants that it wouldn't ordinarily be able to. National Historic status places no restrictions on renovations.

Mr. Payne asked, "What's the criteria for qualification?" Mrs. Smith replied that a 1998 NH Department of Transportation (DOT) survey defines the boundaries and mentions that Enfield is eligible for National Historic Register status. This required a historic researcher. A presentation will be made by the Commission to the Lions Club and other groups to raise the funds required. It would be least expensive to use the same researcher that did the DOT study.

National Historic Register status provides the highest honor with the least onerous restrictions – it's an honorary title. When the Commission is done in the Village they would like to move on to Enfield Center.

Mrs. Stewart noted a historic district consisting of the entire downtown area doesn't require individual homeowners to go through the process.

Mrs. Stewart took a self-guided tour of the Enfield Center Town Hall. She feels the building is in excellent condition, but still has negative drawbacks. Research has been done and there's nothing that prevents the Town from moving the building. She is not recommending it, but it is an option. The building cannot be moved to the field next to Shaker Recreation Park due to property restrictions on that site. Moving the building should be a last resort.

Mrs. Stewart reported that there are more than 5 scenic backdrops at the Enfield Center Town Hall. She's spoken with April Farewell and there are Grange items in the Enfield Center Hall. The Grange now meets at the church. There was a question as to who owns the scenic drops. This needs to be researched.

**Enfield Village Association:**

Mrs. Stewart attended the Enfield Village Association meeting. The main point of discussion was 78 Main Street and what to do with it. They are actively looking for the appropriate tenant.

Potentially, the Enfield Village Association will be receiving an award on May 21<sup>st</sup>. Mrs. Stewart would like to attend. The Board was agreeable to her absence from the next Selectboard meeting for this purpose.

**V. TOWN MANAGER'S REPORT**

Mr. Schneider reviewed his May 4, 2007 Town Manager's Report with the Board of Selectmen.

**WCNH.net:**

The WCNH group will meet with key business leaders in May to present a business plan and see if there is interest in investment in the project. There should also be a meeting in June to bring someone from each of the 8 member communities.

**Emergency Plan:**

A flue pandemic tabletop meeting is scheduled for May 9 at Lebanon High School from 5-9 PM. Mr. Schneider and Mr. Payne will attend.

**Stump Dump:**

The Bog Road Stump Dump is open for the season. The Selectmen reviewed the pros and cons to various alternatives, including the Lockhaven DPW site, Grafton Pond Road, other sites, or no Stump Dump.

Mr. Crate and Mr. Payne both feel the Town needs a Stump Dump.

The Grafton Pond Road site is a viable alternative. The 7 acres that was proposed as building lots to be sold could be used for this purpose. Mr. Schneider and Mr. Daniels will look into this further.

**Strategic Plan:**

Prior Strategic Planning session documentation was provided to Mrs. Stewart and Mr. Crate for their review. Mr. Schneider recommended a meeting later this month or in June.

**Community Building:**

Light bulbs and the siding at the rear of the building have been replaced. Lighting of the handicap parking area, ramp and rear stairs has been quoted at \$1,700. Mr. Crate recommended obtaining a quote from an Enfield business as well as the one received.

Mr. Crate asked if the area at the bottom of the rear stairs is going to be paved. Mr. Daniels replied that it would.

Mr. Crate asked about stonework on the ramp. He was informed that the ramp was designed for a stonework face to be installed.

Mr. Schneider and Mr. Daniels will meet with the Lions Club to discuss these projects, for two reasons, because the Lions have a strong sense of ownership of the building and for financial support.

Mr. Crate asked why there is a propane tank on top of the ground instead of a larger tank buried underground. Mr. Daniels replied that could be done as soon as there's a decision on the site plan.

Discussion ensued regarding problems with propane delivery when Irving took over Johnson & Dix and the Town was automatically switched to "Call" status. That problem was corrected. Mr. Crate explained there was a problem just last month. Mr. Daniels he was not informed of the problem. It came to light that someone has blacked out the gauges on the tank so they can't be read. It was suggested that the gauges be replaced.

**Cable Access:**

Mr. Schneider met with Upper Valley Public Television to discuss broadcasting meetings. They first need to know what the Town's franchise fee is and the number of subscribers. They can come and broadcast the meeting live once or tape it and run in 4 times in 24 hours. This type of programming is a fairly successful in Vermont. There is potential for our membership to broadcast Selectmen's meetings, other meetings, and to develop programming.

Mr. Payne asked if Enfield would have its own channel. Mr. Schneider responded that having our own channel is another issue. CATV does channel 8 and channel 10. Mr. Schneider will be speaking further with Upper Valley Public Television and Comcast. Mr. Payne would like to participate in these discussions.

**Whitney Hall Repairs:**

Town employees are completing the foundation repairs. Three sides of the building have foundation drains installed; the rear of the building needs work. Three heating companies have

been contacted about replacing the 1960's vintage boiler. Windows and insulation are the next two projects to be undertaken.

Mrs. Stewart asked about the time frame to get the boiler replaced. Mr. Schneider replied that quotes are needed first, but the work should be completed before the next heating season.

Mrs. Stewart reported graffiti on the wall above the "dressing room" on the stage that should be removed.

**Depot Street Building:** Mr. Crate asked about the status of the water in the basement of the FAST Squad Building and the condition of the posts. Mr. Daniels replied that a third pump has been installed as a back up. Future plans for the building will dictate the action taken regarding the posts. The posts are concrete columns wrapped with steel. Even if the steel rusts off the concrete columns still have strength and will hold up. The roof of the building will be taken care of soon.

**Public Works Report:**

Department wide, since January 1<sup>st</sup>, about 380 work orders have been entered into the Public Works system. This system documents job history, who was involved on the job and what was done. Mr. Daniels has provided the Selectmen with a summary of work orders in the past; he will do so again in the future.

**Paving Bids:** A joint bid with Enfield, Lebanon and Hartford was prepared. Pike Industries is the apparent low bidder at about \$1,128,500. There were no surprises this year.

**Depot Street Building:** Asbestos contractors are scheduled for June 18<sup>th</sup> and will have the roof stripped in a day's time. Lloyd Hackeman will follow the removal with a new roof.

**Cemeteries:** The Town's cemeteries are now open and the crew is very busy with burials.

**Storm Damage:** The April storm resulted in a probable damage assessment of \$70,000 to \$80,000. Some paved shoulders were lost. The only road with undermined conditions is Lockhaven. Trees were down and there were washouts here and there. A meeting is scheduled with FEMA on Wednesday. Mr. Schneider and Mr. Daniels will find out how to get reimbursement. There is a potential for reimbursement on the FAST Squad building.

**Police Department SUV:**

Sergeant Ken May made a presentation to the Board regarding the Department's proposal to acquire an SUV to augment the fleet. After review of several vehicles makes and models, weighing the reliability and cost of each, the Department recommends the Ford Expedition at an estimated cost of \$25,000. This SUV would replace the S-10 pickup, which is responsible for 22% of the Department's vehicle maintenance costs.

Sergeant May presented a funding plan for the Ford Expedition and other Police equipment, which, through the use of trade-ins, grants, etc., will result in a balance of \$5,670 remaining in the budget after all of the proposed purchases are made. Mr. Schneider explained that revenue from grants would go into the general fund. The equipment line will be over budget, but revenue in the general fund would offset the expenses.

Mr. Crate said he would go with the Department's recommendation. Mr. Payne agreed.

## **VI. PUBLIC COMMENTS**

### **Steve Goldsmith:**

Mr. Goldsmith spoke in support of the use of Whitney Hall by local groups. He asked how does the Town weigh a proposal from away versus a local group? It appears to be the policy of the Selectboard to keep business local. Two proposals were received by the Board, one that offered \$100 per month for exclusive use 12 months of the year, the other from a local group that has been working for a long time to establish a presence at Whitney Hall. The local group has altered its proposal as requested by prior Boards of Selectmen. Mr. Goldsmith expressed concern for the Town and his children in this community versus helping the Upper Valley as a whole. Do we need to give away our one venue to benefit the Upper Valley? How does the Board weigh these two competing proposals, one being a local, non-exclusive community proposal. Regarding keeping things local, the practice of this Board and others is to be frugal and to keep money in the Town, but taking money in has been based on the highest bid.

Dr. Beaufait was impressed by the professionalism of the outside proposal, though he participates in a local group. He cautioned against exclusive use by any group; there are other activities that have traditionally occurred in the Whitney Hall auditorium. He noted that the situation requires that whichever group the Board decides upon do a good job.

Mr. Payne asked Mr. Goldsmith who is in the local theatre group. Mr. Goldsmith pointed out that 30% of the people present at this meeting are involved in the local group. Also local school members are involved.

Mr. Payne asked, who besides Joe Mandell could put together a show? That would be a significant factor to consider. Mr. Goldsmith replied that there's a woman at the school that does choreography. The project has been driven largely by Mr. Mandell's passion. There is probably no formal structure because there has been no commitment to the Town. People won't do too much without a commitment since they'd be spending time on something that's subject to the whim of the Board. Discussion ensued regarding potential participation.

### **Dan Kiley:**

Regarding designation of the downtown area as a historic district, he hopes the Town is going to go the property owners for input on the proposal. As individual property owners are they going to have any input? If the entire area is going to become a historic district there should be property owners on the commission.

As someone that went along with the Bicknell Brook property conservation because of the 3 lots that were going to be sold, Mr. Kiley finds it a bit disconcerting that the Selectmen are

considering it as a potential new Stump Dump site. He feels the Bicknell Brook property should not have been given away if it was not going to be offset by revenue – that was part of the deal.

## VII. PUBLIC HEARING

Mr. Payne called the public hearing to order at 7:23 PM. The purpose of the hearing was to discuss the expenditure of funds from the Technology Capital Reserve Fund. The Board of Selectmen is named agent to expend.

The Board discussed the purchase of a replacement computer for the Fire Department at a cost of \$2,317 and an upgrade to the Town Office copier that would provide network printing and scanning capabilities for \$1,238. The total cost should not exceed \$3,555; though Mr. Schneider believes a better price can be negotiated for the Fire Department computer.

Mrs. Stewart moved to authorize the expenditure from the Technology Capital Reserve Fund an amount not to exceed \$3,555 for a Fire Department computer and Town Office copier upgrade; Mr. Crate seconded.

Mr. Payne invited discussion on the proposed expenditures. Mr. Schneider stressed that this is a replacement computer for the Fire Department not a new one. No other comments were forthcoming.

Mr. Payne moved to close the hearing at 7:26 PM

Mr. Payne called for a vote on the motion to authorize the expenditure from the Technology Capital Reserve Fund an amount not to exceed \$3,555. All in favor, motion carried.

## VIII. OLD BUSINESS

### **Fire Department Software:**

John Pellerin explained that the software allows for pre-planning that would allow the Department to plan out a building so they'll know what they're going to do before they even arrive. The program can also download stats to the State that can then be included in the national database. Richard Martin pointed submission of stats is required for grant funding.

The total package cost is \$3,880.

Mr. Schneider noted that an added benefit is keeping all of the Town's ISO information in one location.

Mr. Payne asked, once the Department gets the package, what costs are anticipated for upgrades? Mr. Schneider replied that there would be upgrades every couple of years, but they could continue to run the old program. The software proposed is quite prevalent. Additional user licenses would be available if needed.

In the future the Fire Department will want a laptop/mobile computer to bring onto the scene.

Alan Gove noted that the Fire Wards support the purchase of this software.

**Technology Capital Reserve Fund:**

The Board reviewed a list of equipment requested by the Police Department, including a cruiser laptop, replacement desktop computer, replacement laptop, replacement tape backup drive, and a lease for a networked copier/printer. The total cost for these proposed items is \$11,028.93.

The existing tape backup drive does not have the capacity to back up the Police Department server on one tape. Mr. Payne inquired about the amount of data being backed up pointing out that a lot more storage could be saved on a permanent disk. Mr. Schneider stated that disks require a more robust server. Tapes are still feasible because the next step up is high. A tape drive should be adequate for the next five years.

Chief Crate explained that since the change to Hanover dispatch there's been a change in how the Department operates. The mobile data terminals are now cellular. The request for equipment includes 2 mobile data terminals. The Town of Hanover is putting in for a grant so the Town will have to pay just 50% of the cost.

The networked copier/printer will allow scanning to email. This proposal is for the lease of a BizHub and will save money on printing. BizHub costs per page are less than a laser printer.

Mr. Payne feels comfortable with the proposal, including the tape drive.

Mr. Schneider stated that the Police Department request with the grant offset is \$10,613.93. With the Fire Department software it comes to a not-to-exceed cost of \$14,493.93. After this evening's approval of \$3,555 and the additional proposed \$14,493.93 the balance remaining in the Technology Capital Reserve Fund will be approximately \$35,000.

A public hearing will be held to discuss the proposed expenditure of \$14,493.93 from the Technology Capital Reserve Fund on Monday, May 21, 2007.

**Whitney Hall Repairs:**

This has already been discussed. Any quotes received will be submitted at the next meeting.

**Whitney Hall Auditorium Use:**

Mr. Schneider has had multiple conversations with both groups. Joe Mandell's group is really a community theatre, an organic effort to develop a theatre group in the Town of Enfield for the Town of Enfield. Bill Coons group will seek out talent in Enfield, but will also draw on expertise throughout the Upper Valley.

The Board received a rough schematic of the impact on the auditorium space from Mr. Coons. He is proposing no use of the stage at all, but instead proposes seats on risers surrounding a central stage. The risers would all be portable and adjustable. All of his lighting and sound would be portable and brought in close to the performance time and removed when they're done. There will be no real permanent presence in this space so other groups, such as the Library or the Town, could use the space

Exclusivity was a concern, but there will be no use of the space in the summertime. Mr. Coons emailed with a list of what he'd want for space. He would like 3 weekends of performances and

rehearsals beforehand. He understands the Library is below and needs consideration. He is not interested in musical theatre so there will be no dancing or music. He will allow us to be an active player in the space. He also understands that painting of the hall will have to be OK'd by the Town.

Mr. Payne asked how much time Mr. Coons plans on tying up the space. Mr. Schneider replied that Mr. Coons is looking for 9 weekends of performances, plus rehearsals. Mrs. Stewart stated that there are usually 8 weeks of rehearsals. The Selectmen could still have meetings during that time, but the Town would not otherwise have use of the space.

Mrs. Stewart looked at the calendar of existing uses. She didn't see any conflicts with a few exceptions. There are events scheduled that are immovable, the library book sale, a 4-week dance class and one Boy Scout meeting. The rest are at the Community Building or the Whitney Hall conference room downstairs.

Dr. Beaufait pointed out that elections are also held in the auditorium. There will be a lot of them in 2008.

Mr. Schneider said that the only time Mr. Coons would not be flexible is during performances.

Chief Crate mentioned that the Enfield Village School children are evacuated to the auditorium.

Steve Goldsmith informed the Board that the school also has an art show at Whitney Hall every other year.

Mr. Schneider reported that Joe Mandell has a couple of productions he'd like to do in June, one for the children that's just 45 minutes long. This still fits with Mr. Coons' schedule. Mr. Mandell has a series of events scheduled throughout the year, including a holiday production. He understands that anything beyond the current month is tentative. The Town should be able to honor his requests through his Point production in early June.

Mr. Payne said that Mr. Mandell has almost single handedly staked interest in using the auditorium space again. Mr. Payne does not think this should sink or swim on Mr. Mandell. Mr. Coons is very professional. The question is, how do we want to utilize the space for our Town?

Mr. Goldsmith stated that no venture could rely on one person. The Board hasn't been able to commit for a number of reasons. There could be 20 other people at this meeting if that's what the Board wanted. The Board has a proposal for \$1,200 a year to use the auditorium as a room. Another proposal wants to use the stage as a theatre. If it's the \$1,200, Mr. Goldsmith offered to right a check for \$1,200. The Town shouldn't be looking at the \$1,200. There's no down side to allowing the local community theatre.

Mr. Payne stated that it's a philosophical question. He'd be willing to provide the local group a year to see if they can do it.

Mrs. Stewart addressed the comment about Enfield versus "away." She does not want to set that up in anyone's mind. The community draws from a wide area and she would rather not get into that discussion. A lot of us are not from Enfield. A lot of good things come from "away."

Discussion ensued regarding how the Lebanon Opera House functions, including the lease of space by the Opera House to other venues. Different groups have specific times each year. They each pay for a portion.

Mr. Payne said there is not a right or wrong decision. The money doesn't matter. There's a lot to discuss. Who's using it? What's the purpose? Whichever way it goes policies and procedures need to be in place.

Dan Kiley expressed concern about exclusivity. They need to schedule around each other. If they each want to put on 3 or 4 events each year they'll have to use the space around each other.

Scheduling was discussed.

Doug Smith said it's misleading that the \$1,200 is the only benefit. The benefit to using an established producer is the draw of people.

Bart Thurber stated that whoever uses the space would be using lights and sound and electricity. There are limitations to what the building's wiring can handle. Mr. Schneider replied that both groups are aware of the limitations.

Discussion continued regarding the ability of the two groups to work around each other, and the benefits of a local theatre group to high school programs.

Mr. Schneider will work with both groups to work out a schedule of the space. After a schedule is drafted Mr. Payne would like to review it before approval.

## **IX. NEW BUSINESS**

### **Board & Committee Appointments:**

#### **Heritage Commission:**

Mrs. Stewart moved to alter Joe Mandell's appointment on the Heritage Commission from a permanent position to an alternate position and to appoint as regular members, Paul Mirski and Suzanne Hinman; Mr. Crate seconded, vote unanimous.

To maintain staggered terms for Commission members the Board needed to decide who would serve a two-year term and who would serve a three-year term. Meredith Smith, Chairman of the Heritage Commission, requested that Paul Mirski be appointed to the three-year term.

Mrs. Stewart moved to amend her motion to appoint Paul Mirski to a three-year term and Suzanne Hinman to a two-year term on the Heritage Commission; Mr. Crate seconded, vote unanimous.

#### **Capital Improvement Program Committee:**

Mr. Payne moved to appoint Kurt Gotthardt and David Saladino to the Capital Improvement Program Committee; Mr. Crate seconded, vote unanimous.

Upon Mr. Schneider's recommendation, Mr. Crate moved to appoint Ken Daniels to the Capital Improvement Program Committee; Mrs. Stewart seconded, vote unanimous.

The Budget Committee should be contact regarding a nomination for appointment of a representative from the Budget Committee.

**Conservation Commission:**

Conservation Commission appointments were tabled until the next meeting.

**Tax Collector's Deeds:**

The Board of Selectmen reviewed and accepted four Tax Collector's deeds due to non-payment of taxes: Map 22, Lot 15; Map 14, Lot 66-6V; Map 9, Lot 56-2; and Map 9, Lot 30. Map 22, Lot 15 is the Shaker Cemetery. Richard Henderson, up to this point, has personally taken care of this cemetery. The Town will take on this responsibility now that the Town has taken possession of the property. Two properties are residential and have people living there.

**Administrative Items:**

**Charitable Exemption ~ Chosen Vale, Inc.:**

The Shaker Museum, dba Chosen Vale Inc., has submitted an application for tax-exempt status. Doug Smith read a statement, provided to the Selectmen, that provided the Museum Board's reasons for feeling they are entitled to the exemption, specifically for two buildings that are typically rented.

The Museum Board contends that the properties are occupied by the Museum, even when rented, and are used directly for their charitable purpose. They believe they meet the criteria for tax-exempt status. A Supreme Court decision was cited.

Julie Huntley, Assessing Assistant, has a different take on the Supreme Court decision, however the Town's contracted assessor has not had the opportunity to review the application. A memo to the Board from Ms. Huntley asks that this application be tabled pending further review.

Mary Boswell stated that it is the mission of the organization to preserve those buildings.

Mr. Schneider explained that it's a point the Town has to consider. The decision is up to the Board of Selectmen. Not only should consideration be given to the Shaker Museum, but to the Town as a whole.

Mr. Payne summarized, that of the 8 buildings owned by the Museum, 6 are non-taxable and two are under question.

Mr. Oppeneer stated that the Supreme Court decision opened their eyes to the situation.

Doug Smith stated that the Inn was taxed because the Museum had a private operation in the building, but the Museum Board thinks now that the Town was mistaken in taxing that property.

Mr. Payne understands that it is the Museum Board's contention that the rental of the buildings is essential to their mission which is to preserve the buildings. Mr. Oppenheer replied that the rental income contributes to the mission but that additional funds are needed from the capital campaign.

Discussion ensued regarding rental income from the properties and occupation of the buildings.

Mr. Smith expressed his hope that the Selectmen could make a decision this same night. He believes this is hindering the operations of the Museum.

Mr. Crate feels the Town should consult its attorney. Mrs. Stewart thinks the Board should honor the request to table the application pending additional review. Mr. Payne does not want to say no, but wants to do due diligence and therefore defers to the Board. This issue has been tabled.

**Property Tax Abatement (Bill):**

Mr. Crate asked if a stipulation could be placed on the abatement that the property is cleaned up. Mr. Schneider does not believe so, but he can be asked to remove the items. Mr. Payne offered to talk to the property owner. The Board signed the abatement of property taxes without conditions.

**Other Administrative Items:**

The Board reviewed and approved the following documents: Water & Sewer Warrant, Certification of Yield Taxes Assessed, Gravel Tax Levies and Veterans Tax Credit Applications.

The Board received a memo regarding the Crate Sand and Gravel Pit from Jim Taylor, Community Development Director, outlining requirements placed on the signing of the 2007 Gravel Intent and actions taken to date at the site.

Mr. Crate moved to approve a sewer service request for Map 34, Lot 97; Mrs. Stewart seconded, vote unanimous.

**X. OTHER ITEMS**

**Elections & Meetings:**

Dr. Beaufait stated that some of the voting booths need replacement and some additional booths are required.

Dr. Beaufait feels the sound system at Town Meeting needs improvement next year. And consideration should probably be given to lunch breaks or refreshments.

Dr. Beaufait stated that there would be a special School election held on June 26<sup>th</sup>. Plans are to run a skeleton crew at Whitney Hall for the Enfield voting. In the past the School has piggybacked on Town elections. The School must cover all of the costs for this election.

**CONFERENCE**

**I. NON-PUBLIC SESSION, RSA 91-A:3 II (d)**

Mr. Payne moved to enter non-public session at 9:32 PM, RSA 91-A:3 II (d); Mrs. Stewart seconded. Roll call vote: Mr. Payne – aye, Mrs. Stewart – aye, Mr. Crate – aye, motion carried.

Mr. Payne moved to come out of non-public session at 10:02 PM; Mr. Crate seconded, vote unanimous.

Mrs. Stewart moved to seal the minutes; Mr. Crate seconded, vote unanimous.

**II. ADJOURNMENT**

Mr. Payne moved to adjourn at 10:03 PM; Mr. Crate seconded, vote unanimous.

Statement by Doug Smith to Enfield Board of Selectmen, May 7, 2007

My name is Doug Smith. I'm a resident of Enfield and serve as Vice President of the Board of Trustees of Enfield Shaker Museum. I am here to support the Museum, whose corporate name is Chosen Vale, Inc., in its application for tax-exempt status.

I am not a lawyer, so I hope the lawyers in the room will forgive me if I speak in layman's language. I have read the NH Supreme Court's decision in Eldertrust of Florida vs. The Town of Epsom, in which the Court upheld the decision of a lower court to grant tax exemption to a charitable organization. In the decision the Court also affirmed four guiding criteria for determining tax-exempt status for a charitable organization in New Hampshire.

- 1) The organization must be established and administered for a charitable purpose.
- 2) An obligation exists to perform these charitable services to the public, and not just to the members,
- 3) The land, in addition to being owned by the organization, is occupied by it and used directly for the stated charitable purposes, and
- 4)(whether) any of the organization's income or profits are used for any purpose other than the purpose for which the organization was established. Officers and members may not receive any pecuniary benefit.

I can assure you that the Enfield Shaker Museum meets all four of these criteria, and is entitled to tax exemption from the Town of Enfield.

In its charter the museum was clearly established to render a charitable service, to interpret the Shaker site and educate the public about the Shaker heritage. We are forbidden by the charter from engaging in any activity that would not be exempt from federal tax under section 501c(3) of the Internal Revenue code, and further forbidden from providing pecuniary benefit to officers, trustees or members. Thus the Museum clearly meets the tests of criteria 1, 2 and 4 from the Supreme Court. There is no need to dwell on these points. Let me return now to #3.

3) The land, in addition to being owned by the organization, is occupied by it and used directly for the stated purposes.

The Museum owns and occupies 20 or more acres of land and eight buildings. This is all that remains safe from private development from the scores of buildings and hundreds of acres inhabited by the Shaker Community during the 150 years or so of their existence in Enfield. These eight buildings, all built by the Shakers, and the surrounding grounds, represent the bulk of the Museum's collection. It is the buildings, as much or more than what goes on inside, which attract people to the Museum. They come to see the buildings and in the process they learn about the people who built them and the profound influence those people had on The Town of Enfield and on Society in general. I want to emphasize that we occupy all eight of them. Our collection of artifacts is scattered around among them, we hold events in several of them; and they are all on tour for public view, as are the gardens. We encourage visitors to move from building to building in order to appreciate the entire site.

None of these buildings is owned or used specifically to generate revenue. But they are old and precious, and it takes a lot of money to keep them from deteriorating further and to keep them suitable for public use and benefit. We must be creative in generating as much revenue as we can from as many sources as are available to us. As a Board we have often agonized about where the money is coming from to repair a leaky roof or shore up a sagging foundation.

In discussing this third criterion, The Supreme Court asks the question, "Is the income earned by the property reasonably necessary to the pursuit of the purpose for which the organization was chartered?" I can tell you that the income from rentals is not only reasonably necessary, but is absolutely essential to our purpose. It goes directly into the cost of maintaining the buildings in service to our mission and covers only a portion of the money required.

Therefore if there is space in some building or other that is suitable for rental to a non-interested party, we must be free to derive rental income from that space without the threat of losing our tax-exempt status.

I hope this layman's review has convinced you, as I am convinced, that the Enfield Shaker Museum meets all four of the criteria for tax-exemption laid down by the New Hampshire Supreme Court, and that the Town is obliged to grant the museum tax-exempt status.