

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

MINUTES of December 19, 2006

Board of Selectmen: Nancy Scovner, Chairman; Curtis Payne; Dominic Albanese

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

Others: Scott Johnston; Dan Kiley; Henry Cross; Joe Cote, Connecticut Valley Spectator

BUSINESS MEETING

I. CALL TO ORDER

Mrs. Scovner called the meeting to order at 5:00 pm.

II. APPROVAL OF MINUTES

November 20, 2006:

The Board of Selectmen received an email from Tim Lenihan, Conservation Commission Chairman, regarding proposed changes to the November 20, 2006 minutes of the Board of Selectmen. (Text of email attached.)

Mr. Albanese moved to strike the sentence that reads, "There is a difference of just \$10,000 and the MWCC would allow hunting on the property" and recognize that Mr. Lenihan disagrees with some other wording of the minutes by attaching his email of December 7, 2006; Mrs. Scovner seconded, vote unanimous.

December 4, 2006:

Mr. Albanese moved to accept the minutes of December 4, 2006 as printed; Mrs. Scovner seconded. Mr. Albanese and Mrs. Scovner in favor, Mr. Payne abstained, motion carried.

III. COMMUNICATIONS

William B. Martin Correspondence ~ Property Taxes:

The Board received correspondence from William B. Martin wherein he suggests that Enfield consider legislation on assessments, which would somewhat parallel Proposition 13 of California. Proposition 13 of California puts a cap on property tax rates in the state. Mrs. Scovner stated that the Board of Selectmen would take his suggestion under advisement. Because this is a legislative issue, Mrs. Scovner suggested forwarding a copy of Mr. Martin's

correspondence to Senator Peter Burling and the Town's Representatives. Mr. Schneider suggested also sending a copy to Executive Councilor Raymond Burton.

Comcast Correspondence ~ Interruption of Service:

Comcast will provide a service credit to those subscribers that experienced an interruption of service during the Adelphia changeover, network transition and email migration.

UNH T² Center ~ Scott Johnston, Road Scholar One:

There was a round of applause for Scott Johnston for attaining the status of Road Scholar One.

Ken Daniels, Director of Public Works, explained that Road Scholar One classification requires 30 hours of classroom time. Road Scholar Two requires 60 hours of classroom time and a couple of classes in the technology field.

Mr. Albanese acknowledged that this is a significant commitment of time.

Community Development Director Report ~ November 2006:

Mr. Albanese asked where the Town stands on the Tax Increment Financing District. Has anything happened from the last meeting?

Mr. Schneider replied that CLD Engineers have provided a proposal to do a comprehensive Route 4 Study; more than Mr. Schneider thinks is needed. He will meet with Jim Taylor, Community Development Director, to review the Town's needs.

Mr. Albanese wants to keep this issue active.

Mrs. Scovner expressed the need to decide whether or not the Town wants to continue with the program.

Petition for Amendment to the Zoning Ordinance:

The Board received a courtesy copy of a petition for an amendment to the Zoning Ordinance. A copy of the petition has been forwarded to the Community Development Director for processing by the Planning Board.

IV. BOARD REPORTS

Enfield Shaker Museum:

Mary Ann Haagen informed Mr. Albanese that the federal grant for the Shaker Museum was denied. The good news is that the new Museum administrator has been successful at obtaining grants in the past and has been encouraged to reapply.

The Museum's capital fundraiser resulted in \$150,000 in donations.

Budget Committee:

The School Budget Hearing is scheduled for January 10th. Mr. Albanese asked that the Budget Committee be sent a reminder of this meeting.

The Budget Committee had big disagreements over the funding of the regional organizations. It may be recommended that the Enfield Village Association be moved from this budget category and maybe prepare a separate warrant article to determine the voters' support for it.

Mr. Schneider reported that the Enfield Village Association budget line has been moved to Economic Development in accordance with the standard chart of accounts for municipalities.

Conservation Commission:

The Conservation Commission discussed at their meeting the closure on the Lakeview property.

Mr. Schneider reported that the Town would give the Commission the support they need. Jim Taylor and Mr. Schneider will swap meetings to limit the number of evening meetings Mr. Taylor has to attend each month.

Heritage Commission:

Mrs. Scovner reported that the Commission has \$400 left in their budget that they want to use to purchase the Whitney Hall historic marker.

Mr. Albanese is opposed to this expenditure, as it has not gone through the budget process. The budget for the Commission was intended to support their purposes. He does not want to set a precedent by all allowing a department to expend funds for other purposes because they have the money remaining in their budget.

Mrs. Scovner feels it is a reasonable expense and does not see the harm in it.

Mr. Schneider believes a grant paid for the markers. The Town installed the posts and signs. He will talk to Sharon Carr.

Mrs. Scovner reported that the Heritage Commission would like to change their name to the Heritage/Historic District Commission. They have a petition signed and ready for an article on the warrant. A Historic District Commission must be established before a district can be established.

Mr. Albanese suggested discussing this further when the Board addresses the warrant as a whole.

Planning Board:

The Planning Board had one minor subdivision and a lengthy discussion about US Route 4 and NH Route 4A as part of the Upper Valley Lake Sunapee Regional Planning Commission presentation of the Route 4 Corridor Study.

Discussion ensued regarding the desirability of a traffic light at the Route 4 & 4A intersection in Lebanon and a conceptual plan prepared by the State for a roundabout at Dodges Corners, a.k.a. Route 4, Main Street, Maple St. intersection.

V. TOWN MANAGER'S REPORT

Mr. Schneider reviewed his report with the Board of Selectmen.

Lockehaven Road Drainage Project:

Funds spent on a soils scientist were well spent. This should assist with permitting with the State. A revised estimate, based on contractors' quotes, has been included in the 2007 budget.

WCNH.net:

Mr. Schneider discussed different approaches that can be taken, particularly which model, the PacketFront model or the Burlington VT model, would best suit the Town of Enfield. PacketFront is modifying their approach by offering a capital lease agreement. This means that for the Town's infrastructure the cost to the Town will be negligible.

Comcast's roll in this project was discussed. Comcast could be a provider on the network.

Verizon is battling this project, which could make use of utility poles greatly delayed. Mr. Schneider suggested burying the cable as an alternative.

Rather than put an article on the warrant in 2007, Mr. Schneider's preference is to wait until 2008. An informational handout can be prepared for the 2007 Town Meeting. There will be some kind of cooperative governance, which is not in place yet.

Mr. Albanese suggested that Lee Carrier, Budget Committee Chairman, might be asked for a ½ hour of a Budget Committee meeting to make a presentation on the subject.

There is an ongoing technical debate as to which format to pursue, a passive network or an open access network. The Town will spend a little money to determine which platform will serve the Town best for the next 40 years. The Burlington model is a passive network. The infrastructure will be decided by the cooperative.

The municipal government networks will be built first, and then the network could be built out over a period of maybe 3 years.

Joe Cote asked if residents would still have to pay to connect to the network. Mr. Schneider replied that yes, residents would be responsible for the cost of connecting their house to the network on the street.

Emergency Plan:

The Emergency Plan is ongoing and will first be sent to other Departments, then to the Board of Selectmen. Wayne Claflin wants the Town to use the emergency plan with exercises. Police Chief Crate indicated that the plan would not be ready for approximately another six months.

Stump Dump:

A warrant article may be required for relocation of the Stump Dump to the Public Works Facility site on Lockehaven Road as the project may encroach on the conserved wetlands.

Employee Compensation Review:

There are some things on which action can be taken now. Other issues will take more time to fully explore.

Mr. Albanese asked Mr. Schneider to look at the budget lines for personnel administration a bit closer rather than budgeting for the worst-case scenario.

Police Report:

Chief Crate reviewed the Police Department report with the Board of Selectmen. Total arrests have risen. In November, two officers were out on vacation. Mileage is down. Motor vehicle stops are not far off from previous periods. Accidents have increased slightly.

The Department is still focusing on being more visible to the public. Unfortunately, a recent rash of burglaries in Lebanon, Canaan and Plainfield came to Enfield. Four burglaries took place at 3 different businesses in Town. The public has been asked to call the Police Department if they see anything suspicious.

There have been staffing shortages in the Department. Overtime was at it's highest over the holidays. While the overtime and salary lines will be very close to budget, the overall budget on target.

The Department was able to order 80 bicycle helmets. A Bike Rodeo will be set up in the spring to distribute them. About \$800 in donations has been received from businesses, a couple of individuals and a school donation from ice cream sales.

Measurements were done at the Main Street/High Street intersection. The sight distance to the left on High Street is about 156 feet. To obtain a driveway permit visibility is required to 300 feet. The visibility to the right is not as much of a concern. While there is a utility pole and box in the way, if you wait a moment you can see if vehicles are approaching. This can't be said for visibility to the left. Buying 2 additional stop signs will be a less expensive way to go.

Police Department Hiring Process:

Mr. Schneider reported that advertising has been done regionally in Burlington and Manchester. They would have liked to advertise in Boston but it was cost prohibitive. The Burlington advertisements include online ads from which the Town received 3 applications after just the first day. Sergeant Ken May has taken an active role in the hiring process, conducting much of the testing. Part-time as well as Full-time officers are being solicited.

Mrs. Scovner suggested posting ads at some of the colleges that offer officer education and training.

Mr. Albanese expressed the Selectmen's appreciation for the amount of work the Department is doing while short-staffed. He asked that the Board's thanks be passed on to the other members of the Department.

Mr. Schneider noted that with the Captain's position vacant, the Department could review its organization to determine the Department's needs. It may be that another patrolman is needed instead. The Department will participate in discussions with Mr. Schneider and Chief Crate as much as possible.

VI. PUBLIC COMMENTS**Larry Elgin ~ May Town Meeting:**

Mr. Elgin pointed out that the Whitney Hall construction project would be coming up for a vote at Town Meeting, but many residents travel to warmer climates over the colder winter months. Because the Whitney Hall construction project will not be a ballot article, those people that aren't in Town on Town Meeting day will not have the opportunity to vote on this important issue. Mr. Elgin suggested that the Town consider rescheduling the Town Meeting from March to May or June on a permanent basis starting as soon as possible. He realizes it is too late for the Whitney Hall construction project vote, but it would still be a benefit to the community.

The Selectmen agreed that this suggestion makes a lot of sense.

Scott Johnston, pointed out that if the Town moves to a May Town Meeting it really needs to switch to a fiscal year (July 1 – June 30) since the Town would otherwise be working even longer without a budget.

Ken Daniels pointed out that moving to a fiscal year would make cooperative bids for some services, fuel oil and paving for instance, would be easier since other Towns in the cooperative bid process are already on a fiscal year.

The Selectmen agreed to look into the switch to a May Town Meeting, as well as the possibility of changing fiscal years. The pros and cons of such a move will be discussed further at a later date. Mr. Albanese would also like the opinion of the Budget Committee.

Henry Cross ~ Whitney Hall Construction Project:

Mr. Cross mentioned that a public hearing tentatively scheduled for November was canceled. When will the next one be? Mr. Albanese replied that he is not prepared to go to the public until the Committee has all of its ducks in a row. Mrs. Scovner wants to have a final cost figure first.

Mr. Schneider will draft an update for the public to keep them informed of the Committee's progress.

Larry Elgin asked if Lee Carrier had spoken to the Selectmen about his proposed scenario. Mr. Albanese replied that he was aware of Mr. Carrier's idea, but that it does not meet the mandate of Town Meeting. The Selectmen didn't know at the time that Whitney Hall had a \$1,000,000 problem to address. Mrs. Scovner feels the Board needs to spend their time on what the voters wanted.

Mr. Albanese pointed out that what gets lost in the discussions is that the cost was anticipated at just \$70 on a \$200,000 house in a year.

Mr. Schneider reported that a building inspection by a structural engineer was recently completed at Whitney Hall. One of the things discovered was in the attic where they found that old ceramic knob & tube wiring is sitting on the insulation.

Mr. Cross suggested that rather than have Joe Cote of the Spectator write an article for the paper, have the Town Manager write something up that states the facts and what the problems with

Whitney Hall are. Mr. Schneider explained that a big piece of that is getting the structural engineering report.

VII. NEW BUSINESS

Proposed Selectmen's Petition for Redistricting:

The Board received a proposed petition for redistricting from Representative Paul Mirski. Mrs. Scovner stated that she would not sign the petition. Mr. Albanese said this is a State issue and Mr. Payne is not in favor of the petition.

Administrative Items:

The Board reviewed and approved veterans tax credits, property tax abatements and property tax refunds.

The Board received a memo from Julie Huntley, Assessing Administrator, regarding an issue where an application for Current Use was not filed with the Registry of Deeds back in 1991 as required. This came to light when the property was removed from the current use program and would have been assessed a current use penalty. The property has received a current use assessment since the application was accepted in 1991. Mrs. Huntley spoke with the Town's attorney who advised Mrs. Huntley to record the current use lien in the same format used in 1991 and attempt to collect the current use penalty from the previous owner rather than the new owner as is typical. The Town's attorney feels confident in defending the Town's actions. The Selectmen concurred with this approach.

Sale of Property ~ Surplus Equipment:

Scott Johnston pointed out the error made by the Town where the deadline in the advertisement for sale of surplus property (lawnmower, 1992 dump truck and 1987 dump truck) was December 7th. Two of the items, the lawnmower and 1992 dump truck, were erroneously awarded on December 4th.

Mr. Schneider discussed the issue with the Town's attorney and because the Town did not receive any other bids on the two awarded items between December 4th and December 7th that award of these items was not a problem. No bids were received on the 1987 truck until December 7th at which time two were received; Scott Johnston submitted the lower of the two.

Mr. Albanese pointed out that the office made a mistake that was neither deliberate nor deceitful.

Mr. Johnston feels the bid process on the 1987 truck was tainted. The Board also voted on December 4th to put the 1987 truck back out to bid.

Mr. Payne does not think there is any proof that things would have changed. There are too many variables to say the bid would have gone Mr. Johnston's way.

After further discussion, Mrs. Scovner announced that she felt the truck should be re-bid.

Mr. Albanese would like a copy of the advertisement to be provided to the Selectmen at the time bids are awarded to avoid this type of problem in the future.

Mr. Schneider will talk to the Town's attorney again, with all of the facts, to obtain his opinion.

Sale of Property ~ Surplus Real Property:

Two lots on Meadow Lane were awarded. There has been some difficulty on the part of the winning bidder in obtaining title insurance due to the way the notice of intent to file a lien was sent. It was not sent separately to both of the property owners, a husband and wife. The Town's attorney can draft something so the second owner can sign off on the property and clear the title. Mr. Schneider stated that this issue is not unique to Enfield, but is an issue statewide. Many attorneys would like the Town to hold properties for at least 10 years, which clears the title. The winning bidder has hired an engineer and has been told that both properties are unbuildable, as they believe there is insufficient space for a septic system. He did look at them in advance of his bid and though they are small lots he felt they were OK.

Tomorrow, December 20th is the last day for full payment to be made on the properties.

Mr. Albanese moved that the Selectmen withdraw the sale of the two properties on Meadow Lane, refund the winning bidder his deposits, clear the title on the property and re-bid it; Mrs. Scovner seconded, vote unanimous.

VIII. OTHER ITEMS

New Street Name:

The Board received a request from Jim Taylor, Community Development Director, for a name for a new street at Lower Shaker Village. The owners of the two properties to be served by this street worked with the Community Association and submitted three names in order of preference: Willow Lane, Harvest Lane and Picket Lane.

Mr. Payne moved to name the street Willow Lane, Mr. Albanese seconded, vote unanimous.

Withdrawal from Technology Capital Reserve Fund:

The Board considered a request to withdraw \$7,605.17 from the Technology Capital Reserve Fund to offset technology expenditures in 2006. Mr. Albanese asked if a public hearing was required. He was informed that it was not, however a public hearing had already been held on the use of approximately \$6,500 of that amount.

Mr. Albanese moved to withdraw \$7,605.17 from the Technology Capital Reserve fund; Mr. Payne seconded, vote unanimous.

CONFERENCE

I. NON-PUBLIC SESSION

Mr. Albanese moved to enter into non-public session at 7:10 PM, RSA 91-A:3 II (c), Mr. Payne seconded. Roll call vote: Mr. Albanese – aye, Mr. Payne – aye, Mrs. Scovner – aye, motion carried.

Mr. Albanese moved to come out of non-public session at 7:40 PM; Mr. Payne seconded, vote unanimous.

II. ADJOURNMENT

Mrs. Scovner moved to adjourn at 7:40 PM; Mr. Albanese seconded, vote unanimous.

ATTACHMENT

(Text of email from Tim Lenihan, Conservation Commission Chairman, dated December 7, 2006.
Attached per vote of the Board of Selectmen, December 19, 2006)

I would like the minutes of the 11/20/06 meeting amended.

At no time did I specifically state:

”Tim Lenihan, Enfield Conservation Commission (ECC) Chairman, told the Board that they are not bound to take the highest bid”

While I maintain my objection to Attorney Mayer’s positions on this issue I did not offer my legal opinion to the town on this matter.

I also did not make the following statement:

Mr. Lenihan voiced his disapproval of the bid process and disagrees with the Town’s attorney regarding the requirement to accept the highest bid or reject all bids.

I did indicate that I disagreed with the Town Attorney that accepting the highest bid cures the appearance of impropriety caused by changing the bid terms after the bids were all in.

I also am assigned the following statement was made by other audience members and not myself.

There is a difference of just \$10,000 and the MWCC would allow hunting on the property.

Thank you,

Tim