

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

MINUTES of February 3, 2003

Board of Selectmen: Donald J. Crate, Sr., Chairman; Ilene P. Reed; Keith Oppenneer

Administrative Staff: April Whittaker, Town Manager; Alisa D. Bonnette, Secretary

Others: Kris Eddy, Valley News; Mary Murray, Connecticut Valley Spectator; Carl Pellerin; Celie Aufiero; Gary Gaudette; Meredith Smith; Leigh Davis; George Seiler; Holly Sanders

CALL TO ORDER

Mr. Crate called the meeting to order at 5:30 pm.

APPROVAL OF MINUTES

Mr. Oppenneer moved to approve the minutes of January 6, 2003; Mrs. Reed seconded, vote unanimous.

The minutes of January 20, 2003, page 3, state that the Town buys bank run sand. Mr. Crate informed the Board that this is incorrect; the Town buys screened sand. Mrs. Reed moved to accept the minutes of January 20, 2003, as corrected; Mr. Oppenneer seconded, vote unanimous.

Mr. Oppenneer moved to approve the non-public session minutes of January 20, 2003; Mrs. Reed seconded, vote unanimous.

PUBLIC APPOINTMENTS

Land Use Boards:

A copy of the Access of Private Property was provided to those present. Discussion ensued regarding the need for a committee vote before a member enters onto a property, as well as the need to attempt contact with owner to obtain permission to enter onto the property and the procedure that can be followed to obtain an administrative inspection warrant if a property owner denies a legitimate inspection.

As a regular citizen they each have the right to go on anyone's property that is not posted. Should a town land use board member be on someone's property for personal recreational purposes and they see a violation, the board should be approached for a vote to visit the property and the Access of Private Property should be followed.

It was recommended that a police officer be asked to accompany board members if an administrative warrant must be obtained and the owner is uncooperative.

The Conservation Commission has asked the State Forester to investigate some potential violations over the past year.

ADMINISTRATIVE

Property Tax Abatement:

The Board reviewed and approved an abatement of 2002 taxes as presented.

Planning Services Agreement:

The Board reviewed and reviewed a Planning Services Agreement regarding a proposed household hazardous waste collection to be held in Enfield in 2003. Mr. Oppenneer moved to approve the household hazardous waste collection as proposed; Mrs. Reed seconded, vote unanimous.

CITIZENS FORUM

Carl Pellerin was the only citizen present and had no issue to present to the Board at this time.

OLD BUSINESS

Sewer Issues:

Mrs. Whittaker prepared a draft charge for the proposed Sewer Committee. The draft charge will focus the committee and provides a deadline. While a petitioned warrant article was submitted from folks that would like to form a commission, another big piece of the committee charge is the analysis of sewer lots.

The Board of Selectmen approved the Sewer Committee charge as presented.

The Board received correspondence regarding the sewer rate increase from Dorothy Porter, Karen Taylor and Rose Hollis.

Mrs. Whittaker will prepare an informational item to explain this issue to the public.

The Ironman Development and potential affect on town infrastructure was discussed.

Mr. Oppenneer proposed a change in the sewer rate. The rate has four components. Mr. Oppenneer proposed the elimination of the Capital Reserve charges and to spread the payback of the deficit to a 10-year period rather than a 5-year period. Payback of the deficit over a longer period would reduce this portion of the rate from \$1.73 to 86¢. Then, any money that it saved with Lebanon following the negotiations could go to Capital Reserve. This would reduce the rate from \$11.53 per thousand gallons to \$9.51 per thousand gallons. Mr. Oppenneer would be willing to take the gamble with Capital Reserve.

Discussion followed regarding the potential for significant repairs to the sewer lines in the spring following the cold weather we have been experiencing. Mrs. Whittaker mentioned that the Lebanon Wastewater Treatment Facility is 12 to 13 years old and upgrades are needed. The rate prudently puts money into capital reserve to cover these costs. The Town needs to buffer for this future capital project. Within the next four years this will affect ratepayers.

Mr. Oppenneer called the New Hampshire Municipal Association regarding the use of undesignated fund balance to pay off the sewer deficit. RSA 149-I:17 allows the general fund to absorb the deficit, so the petitioned warrant article does propose an authorized use of the general fund.

Mrs. Whittaker does not believe the warrant article to have the deficit forgiven is going to be the relief the sewer users expect.

After further consideration, Mr. Oppenneer withdrew his proposal for a change to the sewer rate.

NEW BUSINESS

Town Meeting:

The Board received and accepted four petitioned warrant articles: (1) sewer deficit forgiveness, (2) establishment of an elected water/sewer commission, (3) 4x4 pickup for the Fire Department, (4) a resolution for Healthcare for New Hampshire.

The Selectmen discussed the need to make a recommendation on each of the monetary warrant articles. Mr. Oppenneer moved to not recommend either of the two monetary petitioned warrant articles; Mr. Crate seconded, vote unanimous. All other monetary warrant articles were recommended. The sewer deficit was not recommended because it would compromise the general fund, which will need to be built up again. If the DPW building is not finished in this year the town will need to find the money next year. The pickup was not recommended because the proposed purchase by-passed the budget process with the Selectmen and Budget Committee. While the truck was proposed for purchase, when information was requested no justification of the purchase was provided.

The Selectmen unanimously agreed to request the presence of the town's attorney at Town Meeting.

PUBLIC APPOINTMENTS

George Seiler:

Mr. Seiler introduced himself and his son, Michael. Mr. Seiler came before the Board to lodge a formal complaint against the Planning Board. Mr. Seiler believes that the criteria the Planning Board used for his minor subdivision request was inappropriate. The Planning Board made several requests based on the assumption that building would occur on the lot. Mr. Seiler did not ask for a building permit, but only a subdivision of a ½ acre of land. Not only was Mr. Seiler led to believe that having the area re-surveyed would result in approval of his subdivision application—it did not—but then the Planning Board started to require more than was not

germane to the issue—a request for a subdivision. Requirements for anything related to building on the subdivided lot were inappropriate. Mr. Seiler also expressed concern over the voting procedure. He was under the impression that he had approval for his subdivision after which the Planning Board made a vote to deny it.

The Board of Selectmen do not have oversight of the Planning Board beyond the appointment of its members. Any appeal of their decisions must go through the courts.

Mrs. Whittaker advised because there may be litigation involved that the Board of Selectmen take the information under advisement and to talk to the Planning Board.

The Planning Board will be asked to attend the February 24th Selectmen's meeting.

NEW BUSINESS

Peter Giese, Chief of Police:

Chief Giese wrote a memo regarding pistol permits for people to sell firearms rather than an individual to have firearms. Permits are good for three years. Clarification of issuing authority was requested. It was recommended that the Selectmen have a policy that these entities must abide by, with a checklist of requirements, such as security. These entities should also meet zoning regulations. Mr. Crate moved to designate the Chief of Police the authority to issue licenses for the sale of firearms; Mr. Oppeneer seconded, vote unanimous.

Municipal Solid Waste Agreement:

The Board of Selectmen reviewed and approved the Municipal Solid Waste Agreement with the City of Lebanon.

OLD BUSINESS

Complaint & Observation Procedure Policy:

Mr. Oppeneer moved to adopt the Complaint & Observation Procedure Policy; Mrs. Reed seconded, vote unanimous.

Goals 2003:

Mr. Oppeneer stated that prioritizing should be done in such a way that the easy to accomplish tasks that provide the highest impact are top priority. Projects of lower priority would be those that are more difficult to accomplish and provide the lowest impact. The 2003 goals were deferred.

PUBLIC APPOINTMENTS

Richard Barrows:

Mr. Barrows came before the Board to discuss his potential sewer bill and presented a request for abatement. Mr. Barrows was unable to find industry standards, but does know from published articles that the evaporation factor is 10%. The 10% in itself would not be enough to keep the

laundry in Enfield. Mr. Barrows presented a request for about \$800 in relief on a quarterly basis. Even with this relief his bill will be about \$1,000 higher per quarter than it is now. Mr. Barrows explained that the big problem is that he has equipment loans that won't be paid off until September and repairs are now needed. It's getting to the point where small towns won't be able to support these services. Generally speaking, in any business, you're going to have bulk rates, so he does not believe he's asking the Selectmen to reinvent the wheel. Other businesses are also concerned about the increase.

After considering the upcoming votes at Town Meeting the Board agreed unanimously to postpone further discussion of this issue until the first Selectmen's meeting following Town Meeting.

Carl Pellerin:

The Board discussed the sewer increase with Carl Pellerin. It was explained that while the Town of Enfield has a 300,000-gallons/day reserve capacity at the Lebanon facility the only portion of the sewer rate that is affected is the cost of capital improvements to the treatment plant. The flow from Enfield is metered and charges for treatment are based on actual flows.

Mr. Pellerin expressed the concerns of landlords and their desire not to increase rents.

It was suggested to Mr. Pellerin that he put his name in for the Sewer Committee being formed by the Board of Selectmen.

Mrs. Whittaker suggested caution when discussion the sewer issue due to the on-going negotiations with the City of Lebanon.

INFORMATIONAL ITEMS

2003 Regional Dinners

Dredge & Fill Application: State of NH, Maintenance of Bridge #063/100

ADJOURNMENT

Mr. Oppeneer moved to adjourn at 8:00 pm; Mr. Crate seconded, vote unanimous.