

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

MINUTES of June 2, 2003

Board of Selectmen: Ilene P. Reed, Chairman; Keith Oppenneer; Dominic Albanese

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

Others: David Carr, Dwight Marchetti, Fred & Pat Paradis, Duncan Baillargeon, Chief Giese, Tim Taylor

CALL TO ORDER

Mr. Oppenneer called the meeting to order at 5:30 pm. Mrs. Reed arrived at 5:32 pm.

APPROVAL OF MINUTES

Mr. Oppenneer moved to accept the minutes of May 20, 2003 as presented; Mr. Albanese seconded, vote unanimous.

ADMINISTRATIVE

Warrant Oaths:

The Board signed Warrant Oaths to accompany warrants signed at the May 20, 2003 meeting.

New Hampshire Retirement System:

The Board signed New Hampshire Retirement System Group II certification forms for police patrolmen.

Heritage Commission:

The Board discussed the membership of the Heritage Commission and the term of office for Heritage Commission members. The terms should be staggered so no more than two are up for reappointment in any one year. Without looking at the list of members present to the Board at this meeting, Mr. Oppenneer suggested randomly assigning term expiration dates in order of 3 years, 2 years, one year, 3 years, 2 years, etc... This results in the following terms of office: Marjorie Carr – 1 year, Evelyn Palmer – 2 years, Rob Rudd – 2 years, Dominic Albanese – 3 years, Meredith Smith – 3 years.

Town Hall & Building Committee:

One representative from the Enfield Village Association and one representative from the Library are still needed.

It has come to their attention that Mike Seiler is not yet a resident of the town. Mr. Albanese will explain that he cannot be a member of the Committee until he is a resident. However, Mr. Seiler is encouraged to attend the meetings as a citizen.

CITIZENS FORUM

No citizens wished to speak at this time.

OLD BUSINESS – TOWN MANAGER’S REPORT**DPW Facilities and Potential Borrowing:**

Following up on the issue of the town audit report, Mrs. Whittaker advised that it was her opinion that the town does not have \$100,000 of un-issued debt. There appears to be a miscommunication between the auditor and the bank with regards to the exhibit of debt. The bank’s exhibit does indeed show \$900,000, but failed to show that \$100,000 has already been paid down on the debt during 2002 and 2003.

Mrs. Whittaker suggested a meeting of the Board of Selectmen, Ken Daniels and she to review what money is available and what expectations the Board has with the current look of the site. A site walk through was scheduled for Monday, June 16, 2003 at 5:30 PM. The Selectmen’s regular meeting will follow.

Sewer:

Mrs. Whittaker recommends that if the town has no contact from the City of Lebanon by the middle of June that the Board set up a work session with town counsel, and begin to move forward on a legal footing with a view to taking the same to arbitration.

The flyover is complete, and the town should have base maps for number generation within 90 days. The Sewer Committee will have a report for management recommendations, but will obviously be silent on numbers until they can be generated. They may want to meet with the Selectmen to see if there are other areas they can move into from the perspective of expanding the charge during the summer months.

Digitizing Tax Maps:

The town has appropriated \$6,500 in the Assessing budget for digitizing tax maps. The Board reviewed and discussed the proposal for additional layers. Mrs. Whittaker recommends including the zoning boundaries and tabular zoning. The funding can come from the Technology Capital Reserve Fund.

Mr. Oppeneer asked if the Conservation Commission contract for digitized mapping include Arc View. Mrs. Whittaker replied that their project could be integrated with our software. Arc View is the methodology for layering GIS.

Mr. Albanese wondered what the ramifications would be if the additional mapping was included in the fall budget process? Mrs. Whittaker replied that it would take another year to get the project completed.

The Board took the additional mapping under advisement. The Board concurred with beginning the first phase (\$6,500) of digitizing the maps. Mrs. Whittaker will seek additional information regarding the zoning overlay.

PUBLIC APPOINTMENTS

Oak Grove Cemetery Association:

David Carr thanked the Selectmen for meeting with the Oak Grove Cemetery Association to discuss whether or not the cemetery is applicable for a charitable exempt status. The Association is looking for clarity. The Association has non-profit, 501(c) (3), status with the IRS. They expressed their concern that they are doing the same thing they've done for decades, yet they may lose their charitable exemption.

Mrs. Whittaker explained that non-profit status is not enough to meet the requirements of the statute for the charitable exemption. The statute allows for three types of exemption: religious, educational and charitable. When looking at what is charitable the Selectmen have to look at the public benefit and public obligation. The town has been remiss in not doing an annual review of non-taxable properties and all of the non-taxable properties have undergone the same review this year.

The town is now subject to a certification process by the State of New Hampshire. All towns have to tax equitably. It is Mrs. Whittaker's job to be sure Enfield meets 4 corners of the statute. Mrs. Whittaker shared the town attorney's opinion regarding the charitable status of Oak Grove Cemetery.

It was explained that the burden rests with the Oak Grove Cemetery Association to show the town the charity, to show the town why the cemetery should be tax exempt.

Fred Paradis stated that Oak Grove Cemetery has participated in Memorial Day observances for 54 years. The town provides flags, but the Association supplies the labor to place them on the graves of veterans. The Association also pays the staff to open the cemetery on Memorial Day for the parade.

Mrs. Whittaker explained that this should be included in the Association's application for charitable exemption.

It was noted that people purchase a deed to the land in the cemetery in the form of burial plots. Eventually the Association will not be landowners at all. Mrs. Whittaker explained that many times people purchase the "right to be buried" rather than the actual land itself. The Association should look at its deeds to verify this.

Mrs. Whittaker explained that the property is stigmatized. It is unlikely to sell at the same price as a comparable lot that was never used as a cemetery. The property currently as an un-

developable factor, but there would be merit in going back to the assessor to take another look at the stigmatized factor.

There was discussion of the cost of cemetery lots. It was Mr. Carr's understanding that the Association could not charge less for its lots than the town charged for town-owned lots.

Mr. Marchetti asked if the law defines what the charitable act will be? Mrs. Whittaker explained that the burden is on the property owner to present a mission statement. What is the Association's purpose in life? What can the Association do for the community? The Memorial Day activities should be included.

Inquiries were made as to the level of charity that are required. Mr. Albanese explained that the problem isn't about negotiating a deal. The Association should provide the services it needs to provide, not provide services to please the town. Mrs. Whittaker explained that the town couldn't define it for the Association. The Association had the burden to show that it provides a public benefit. Non-profit does not equal charitable.

Mr. Marchetti understands that the Dartmouth Outing Club receives an exemption of something less than 100%. It was explained to Mr. Marchetti that the Dartmouth Outing Club has a 75% exemption for educational purposes, but no exemption for the summer months when the club is not used for the educational purposes of the statute. Mrs. Whittaker further opined that to compare an educational exemption to a charitable exemption is not comparing "apples to apples."

Mrs. Whittaker explained that the Association would receive a first issue tax bill. The Selectmen have the authority to abate the taxes, should the Association be able to define a charitable process for the general public benefit at a later date.

Exemptions:

Julie Huntley presented the Board with information regarding property exemptions: what's exempted, the basis for exemption and the percentage exempted.

The Upper Valley Humane Society does not charge for Enfield's deposit of stray dogs, and given the geographical location of the facility, it is Mrs. Whittaker's recommendation that the caretaker's home not be taxed, as the facility requires a presence 24 hours. The caretaker's salary also is reflective of a reduction due to housing as provided. Due to these factors, it is recommended that the Selectmen approve a full exemption for the caretaker's house and charge Current Use values for the back land.

The Board of Selectmen signed an additional property tax warrant for the Upper Valley Humane Society.

Living Waters Bible Church has back land that will be taxed, the land is not "used or directly occupied" by the church. The church will be informed of the Current Use program.

The Enfield Outing Club was discussed. The Outing Club is working out an agreement with the Police Department for use of the facility for training and firing purposes. Until the agreement is to hand, recommendation is to tax with the agreement that the taxes will be abated once a

contract settled regarding the use by the Police Department. The Outing Club will also be pursuing a Scholarship program. The charitable aspect can be argued back as the tax benefit to the town. If the Outing Club did not offer the facilities, the town would have to purchase land for gun training, purchase target equipment and increase insurance costs due to liability. Mrs. Whittaker believes the Club can argue this as public benefit and public obligation.

Taxation and exemption is based on the percentage of use that is charitable. An additional property tax warrant was signed for the Enfield Outing Club.

The Board briefly discussed Chosen Vale (Shaker Museum). The town is currently not taxing a good portion of the property. Chosen Vale did not provide documentation in time for this meeting. Mrs. Huntley will look into the property further. It is her feeling that Chosen Vale has not be exempted enough, especially concerning land issues.

Mrs. Huntley requested a non-public session under RSA 91-A:3 II (c). Mr. Oppenneer moved to enter non-public session at 7:10 PM; Mr. Albanese seconded. Roll call vote: Mr. Oppenneer – aye, Mr. Albanese – aye, Mrs. Reed – aye.

Mr. Oppenneer moved to come out of non-public session at 7:23 PM; Mr. Albanese seconded, vote unanimous.

Mr. Oppenneer moved to abate the 2002 & 2003 liens as recommended; Mrs. Reed seconded, vote unanimous.

Hiring Process:

Peter Giese, Chief of Police, requested a non-public session under RSA 91-A:3 II (b) & (c).

Mr. Oppenneer moved to enter non-public session at 7:26 PM; Mr. Albanese seconded. Roll call vote: Mr. Oppenneer – aye, Mr. Albanese – aye, Mrs. Reed – aye.

Mr. Oppenneer moved to come out of non-public session at 7:56 PM; Mr. Albanese seconded, vote unanimous.

Fireworks:

Tim Taylor, Fire Ward & Assistant Fire Chief, came before the Board to discuss the 4th of July fireworks. There is a pasture with horses located near the site used the previous year and there are too many horses this year to relocate them. In order to avoid spooking a horse and causing possible injury, Mr. Taylor recommended moving the fireworks to the water tower on the hill. This location is further from the horses and should not cause a problem. The people that board the horses will be notified of the new location and asked for their approval of the event. If any problems with the horses arise, they should contact the Fire Department immediately so the event can be halted. Additionally, the fireworks will be limited to those that have a lot of colors and rings, but without the loud bangs. Mr. Taylor is trying to reach the owner of the horses as well.

Iron Man also needs to provide approval for this event, but as Chairman of the Planning Board, Mr. Taylor cannot approach them. It was suggested that Jim Martel of the Lions Club might be able to approach Iron Man for approval.

A request has been made to the contractor for a copy of their Insurance Certificate, a statement that the operators are indeed employees of the company, and a full site plan in compliance with statutes and permit requirements, prior to any signature by the town's designees.

Mr. Albanese moved to authorize the Town Manager to allow the Fire Department to shoot off fireworks from the water tower, provided all requirements of the statutes are met and it is signed off by the horse owner; Mrs. Reed seconded, vote unanimous.

The Board discussed the non-profit status of the Firefighters Association, the Firefighters Association Fund and fire department administration. Mr. Taylor is doing what he can to assist. Mrs. Whittaker explained that it is not necessary for the Association to spend their fund as quickly as possible in order to prevent losing it to the general fund. Rather, steps will be taken to make this fund meet statute so the Association can retain it. Mrs. Whittaker asked that the Fire Department see her about spending funds from the general fund before they spend Association Funds.

Mrs. Whittaker will assist the Fire Department with the development of a Standard Operating Guidelines (SOG). The Fire Chief would then be responsible for making sure the SOG is read by the firefighters.

Mrs. Whittaker reported that the grant for the Jaws of Life has been confirmed by the Office of Emergency Management and the equipment is being ordered.

Baltic Mill:

Mr. Taylor informed the Board of problems in the past with underground fuel tanks that required removal and events that followed the clean up. Mrs. Whittaker expressed to Mr. Taylor that junk vehicles and debris need to be cleaned up.

Therefore, there will be a walk through of the Mill at 10:00 AM on Friday, June 13, to which the Selectmen were invited. This would give them the opportunity to see the inside of the Mill, and to sort items of junk for removal from equipment used and needed by Mr. Taylor.

Driveway Regulations:

It has come to Mrs. Whittaker's attention that the town is remiss in not having adequate driveway regulations, and further that the town has been in the business of replacing and bearing the costs for replacement of culverts in private driveways. Driveway regulations will be constituted and will require a vote by the Planning Board (Statute) to approve. It will be Mrs. Whittaker's intent to cover the Town's liability with respect to having emergency services access the property (placing owners on notice regarding driveway design and turning circles of oil and fire trucks) and to place the onus on homeowners to take care of their own culverts as is common practice in other towns.

Mrs. Whittaker will prepare a revised fee schedule to cover what the planners are currently doing with respect to fees for golf courses and storage units.

The Revenue Process:

The Selectmen set July 21st to go through the revenue accounting system, and set a date for budget 2004 and process discussion.

Town Manager's Report:

The Town Manager's Report also touched on the following subjects:

- Bridge Project ~ Main Street: An informational meeting has been scheduled for June 12th, 2003. DOT and Miller will also provide update on intended future construction for the Shaker Bridge and realignment to the rail trail.
- Status of Sale of Properties: High Street and May Street: Duly advertised. Bid opening June 30th at 12 Noon.
- Junkyards: 4 Properties along Route 4A have been issued with court summons. Mrs. Whittaker's goal is to begin with the highly visible junkyard problems and work through them all systematically.
- New Committees: The Heritage Committee is scheduled to meet June 3 in conference room. Committee's charge is defined by statute. Selectmen's representative to help organize. Building Committee to meet Thursday June 19.
- Recreation Commission: New Standard Operating Guidelines have been drawn up or are being typed up for the Recreation commission ~ Mrs. Whittaker will be meeting with them on June 9 to finalize the guidelines and to receive input for guidelines for the summer camp program.

Rail Trail:

A request was received from the Friends of the Northern Rail Trail, via Mrs. Zoller-McKibbin, for permission to place a portable toilet on the old highway garage property on Shedd Street. The Board of Selectmen approved the placement of a portable toilet on the Shedd Street property, however the arrangement must be reviewed on an annual basis, rental must be the Friends expense, they will also be responsible for providing a level surface for placement. The Town does not receive a reduce rate on portable toilet rentals so there are no savings that can be passed along by the town by having the town act as a third party.

Directional Sign at Shaker Bridge:

Mrs. Zoller-McKibbin was informed that the sign at the Shaker Bridge directing people to Main Street businesses is owned by the State.

New Street Name:

A new street name, Cambridgeville Drive, was proposed for the drive serving the new apartment buildings off Anderson Hill Road. This will be a private road to be maintained by Cambridgeville, LLC.

Mr. Oppeneer moved to approve the name of Cambridgeville Drive as recommended; Mrs. Reed seconded, vote unanimous.

LaCroix Excavation:

Correspondence has been sent to Robert LaCroix regarding an excavation permit. The letter also addressed the sale of vehicles on lots other than those previously approved. A site plan is need to change the use of these lots.

Blanche Decker:

Mrs. Decker wrote a letter expressing her concern about the truck traffic on Sargent Street. Mrs. Whittaker will respond.

INFORMATIONAL ITEMS

Planning Board Hearing Notice: Wednesday, June 11, 2003 at 8:00 PM ~ Peter & Diane Guay
Site Plan Amendment.

April 2003 Police Report

ADJOURNMENT

Mr. Albanese moved to adjourn at 9:12 PM; Mr. Oppeneer seconded, vote unanimous.