

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

**MINUTES of November 17, 2003**

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

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

**Others:** Dan Kiley; Kurt Gotthardt; Jennifer Petersson; Larry Gardner; John Goodwin; Dave Carr; and other members of the Oak Grove Cemetery Association.

**CALL TO ORDER**

Mrs. Reed called the meeting to order at 5:30 pm.

**APPROVAL OF MINUTES**

**October 28, 2003:**

The Board discussed the minutes of the work session of October 28, 2003. Mr. Albanese noted that Mrs. Reed abstained from the vote concerning the cost of living increase for employees in 2004. Mr. Oppenheimer moved to approve the minutes of October 28, 2003 as corrected; Mr. Albanese seconded, vote unanimous.

**November 3, 2003:**

A typographical error requires correction on page 5. Mrs. Reed moved to accept the minutes of November 3, 2003 as corrected; Mr. Oppenheimer seconded, vote unanimous.

**November 10, 2003:**

Mr. Albanese moved to accept the minutes of the public session of November 10, 2003 as presented; Mrs. Reed seconded, vote unanimous.

Mr. Albanese moved to accept the minutes of the non-public session of November 10, 2003 as presented; Mrs. Reed seconded, vote unanimous.

**CITIZENS FORUM**

**Henry Cross ~ Veterans Memorial Park:**

Henry Cross received a letter from John Sununu regarding the Veterans Memorial Park that he shared with the Board of Selectmen. This letter was read at the park dedication on Veterans Day.

**Henry Cross ~ Grafton Pond Dam:**

Mr. Cross asked if Jim Gallagher of the NH Dam Bureau has gotten back to the town regarding the lowering of Grafton Pond. Mr. Cross was informed that Mr. Gallagher was not expected to contact the town regarding the lowering of the pond, but just to do what was agreed upon at the public hearing.

Mr. Cross reported that the pond was lowered only 8", not 12". Crystal Lake is also higher than he remembers it ever being. Recent rains have contributed to the higher water levels. Mr. Cross anticipates problems this winter.

**Henry Cross ~ Scenic Roads:**

Mr. Cross inquired about the liability a homeowner may have regarding trees along a scenic road. Mr. Cross has had conversations with a member of the Conservation Commission regarding this issue and wondered if the Conservation Commission had jurisdiction in this area. It was explained that the Planning Board must hold a public hearing before trees within the town's right-of-way can be cut. The only exception to this is trees that pose an imminent threat to public safety.

Mrs. Whittaker suggested that the Selectmen might want to consider a tree warden. A tree replanting program could be adopted. This might be worth discussing with the Conservation Commission in 2004.

**PUBLIC APPOINTMENTS****Kurt Gotthardt ~ Perambulation:**

Mr. Gotthardt volunteered to perambulate the town's boundaries. Per state law, perambulations are required every seven years. The Board discussed the perambulation process and Mr. Gotthardt's intent to walk the boundaries, to document the process in writing and to photograph the markers for historical records.

Mr. Gotthardt requested a written authorization for him to perform the perambulation so he can present it to property owners that may question why he is on their property. Mr. Albanese noted that property owners should be notified in advance of the perambulation in keeping with the town's policy about public officials entering onto private property. Mrs. Reed suggested Mr. Gotthardt be issued a photo ID.

Mr. Oppeneer moved to authorize Kurt Gotthardt to conduct the perambulation of the town boundaries; Mr. Albanese seconded, vote unanimous.

**Kurt Gotthardt ~ Warrant Article for Town Forest:**

Kurt Gotthardt requested an article on the warrant designating the Bicknell Brook Trail property a town forest. The property consists of about 170 acres. The purpose of the article is, in part, to protect the property from sale and development by future boards of selectmen. A town forest would require a forest management plan to be written so the care and use of the property is done using best management practices.

Either an independent committee, of which the town's tree warden could be an ex-officio member, or the Conservation Commission could manage of the town forest according to the forest management plan. A licensed forester based on the objectives laid out by the Board of Selectmen would write the forest management plan. Mr. Gotthardt has reviewed plans from other towns and he is most impressed by the plan used by Lyme, NH.

Mr. Albanese feels this may be a great use for this lot. The Conservation Commission has also said they want to designate the 167 acre parcel behind the Lakeview Condominiums as a town forest. Mr. Albanese is not necessarily comfortable with too many such lots. Mrs. Whittaker suggested the Conservation Commission be asked to develop a plan to provide continuity as an example and reason for purchase. It might be beneficial to purchase easements for trails rather than purchasing property. Mr. Albanese wants it made clear to the Conservation Commission that this is not setting a precedent.

Mrs. Whittaker recommended tabling this issue until the next meeting at which she can present a draft warrant article for the Board's consideration, and would allow for solicitation of opinions from the Conservation Commission for the concept of a designated town forest.

**Oak Grove Cemetery Association ~ Tax Exemption:**

Larry Gardner, representing the Oak Grove Cemetery Association, presented his arguments for granting the Association tax-exempt status based on RSA 72:22. He also discussed what he feels is the inappropriate application of RSA 72:23.

Mrs. Reed asked that Mr. Gardner's argument be forwarded to the town's attorney for rebuttal, and for opinion. Mr. Albanese and Mr. Oppenheimer wanted to settle the issue at this meeting.

Mr. Oppenheimer moved to exempt the Oak Grove Cemetery Association and their real estate from taxation based on their status as a public burial ground, per RSA 72:22; Mr. Albanese seconded, vote unanimous.

**Jennifer Petersson ~ Petition for Relief of Sewer Rates:**

Ms. Petersson presented a petition, signed by over 150 residents (not verified by town clerk), asking for the Board of Selectmen to provide a 25% discount in the form of a bulk sewer rate to businesses and homeowners charged for 12 or more "units". The petitioners include a broad range of individuals from the community including individuals on the sewer system and those that are not on the sewer system. The petition was also signed by a number of Enfield businesses. The hope is that the application of a 25% discount, retroactive to the first of the year, would help the Laundromat stay open.

Discussion ensued regarding the unavailability of funds to provide the requested discount. By law, neither the town's surplus, nor the Sewer Capital Reserve Fund can be used to lower the sewer rate. The only option is to have the decrease to some users supported by an increase to other users of the system.

Mr. Albanese stated that the town is working aggressively with the City of Lebanon to resolve conflicts with the inter-municipal agreement. Mr. Albanese stated that he couldn't vote to do something for Mr. Barrows based on rates that are in flux. The agreement with Lebanon needs to be finalized first. He would like the Sewer Sub-Committee to look at the bulk rate issue.

Mr. Oppeneer moved to charge the Sewer Sub-Committee with examination of the issues brought up by the petition presented by Jennifer Petersson regarding a bulk rate; Mr. Albanese seconded, vote unanimous.

**ADMINISTRATIVE**

**Second Issue Tax Levy:**

The Board of Selectmen signed the Second Issue Tax Levy in the amount of \$3,300,221.46.

**OLD BUSINESS**

**Town Manager's Report:**

Mrs. Whittaker provided with Board of Selectmen with the 2003 tax rate calculation. The rate for 2003 is \$27.74, thirteen cents less than the 2002 rate. The rate for the Eastman village district increased by eleven cents, so the total tax rate for Eastman residents is just two cents lower than the 2002 rate.

**NH DOT ~ State-owned Northern Railroad Corridor, Sale of Railroad Land & Crossing Agreement:**

This issue was tabled pending town attorney review of the proposed deeds and agreements

**NEW BUSINESS**

**Library Trustee Appointment:**

Greta Crilley submitted her resignation as Library Trustee, effective Tuesday, November 11, 2003. The Board of Trustees recommended the appointment of Francine Lozeau to the board to complete Mrs. Crilley's term, which ends in March, 2004.

Mr. Albanese moved to appoint Francine Lozeau to the Library Board of Trustees for the remainder of Greta Crilley's term; Mrs. Reed seconded, vote unanimous.

**Main Street Utility Pole Relocation:**

Ken Daniels, Director of Public Works wrote a letter to Alex Vogt, NH Dept. of Transportation, regarding the need to relocate utility poles on Main Street in order to allow proper winter sidewalk maintenance.

**Shaker Hill Road and Main Street Improvements Project:**

Shaker Hill Road has been paved in the vicinity of the bridge. Weather dependent and sub-contractor dependent they will open up a single lane on the Main Street Bridge.

**INFORMATIONAL ITEMS**

**Achievements & Recognition:**

Ken Daniels has achieved the status of Senior Road Scholar.

At the NH Municipal Association Conference, Julie Huntley was presented with the NHAAO President's Award for dedication and time and effort put into assisting the NHAAO.

Mary Quintana was one of six individuals that received awards for volunteerism at the NH Municipal Association Conference.

**Building Permits on Private Roads:**

Mrs. Whittaker provided the Selectmen each with a packet of information she acquired at the NH Municipal Association Conference.

**Budget Committee Meeting, Tuesday, November 18, 2003:**

Ken Daniels will present the Budget Committee with the 2004 Water and Sewer Department requests. The Selectmen are encouraged to attend.

**Mascoma Boat Launch:**

The Mascoma Boat Launch was laid out by Governor and Council in 1963 as a road to public waters and was designated as a Class VI road. Construction was completed in November 1964 as Project No. W-7149. Further information is being sought from the NH Fish & Game.

**Wetlands Application:**

The Dalton's have submitted an application for a wetlands permit for two shared driveways on Shaker Hill Road.

**Mascoma Valley Health Initiative:**

Phil Neily has agreed to serve on the Mascoma Valley Health Initiative committee, which Mr. Oppenneer recently resigned from.

**ADJOURNMENT**

Mr. Albanese moved to adjourn at 8:45 pm; Mr. Oppenneer seconded, vote unanimous.