

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

**MINUTES of May 6, 2002**

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

**Administrative Staff:** Peter H. Giese, Interim Town Manager; Alisa D. Bonnette, Secretary

**Others:** Ken Daniels, Director of Public Works; Stephen Seiler; Bill Warren; Kris Eddy, Valley News; Alan Strickland; Celie Aufiero; Kurt Gotthardt; Don Roberts

**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 April 9, 2002 as prepared; Mrs. Reed seconded, vote unanimous.

Mr. Oppenneer moved to approve the regular meeting minutes of April 15, 2002 as prepared; Mrs. Reed seconded, vote unanimous.

Mr. Oppenneer moved to approve the non-public minutes of April 15, 2002 as prepared; Mrs. Reed seconded, vote unanimous.

**BUSINESS**

**Stephen Seiler Junkyard Letter:**

Stephen Seiler came before the Board to discuss a junkyard letter he received. Mr. Seiler stated that this is the second letter he's received since last fall and he considers it harassment. He also noted in past minutes that the Selectmen have discussed only his property when discussing potential junkyards, no others. A list of other individuals that also received a letter was provided. Mr. Seiler also feels that he should have been approached personally before being sent a letter.

Peter Giese explained to Mr. Seiler that he must clean up his property; that the laws pertain not just to cars but to junk in general. Chief Giese told Mr. Seiler to clean up his property or have a judge order it.

Mrs. Reed feels the town should give Mr. Seiler a certain length of time to clean things up.

Chief Giese agreed and stated that Mr. Seiler has made progress on his property. Chief Giese's objective is to work with him to get him into compliance. Changes will be made in the way these issues are handled.

**Town Manager Search:**

Mr. Oppenneer put together a packet of materials for the Town Manager Selection Committee for when they meet with the people from the NH Municipal Association (NHMA) on Tuesday, May 7<sup>th</sup>. The packet includes RSA's, a copy of the contract with NHMA, a draft job description and a proposed schedule. Mr. Oppenneer plans to get the Selection Committee meeting going, then he'll leave the Committee and NHMA representatives to continue their meeting. His intentions are to go over the timeline, duties and procedure.

Mr. Oppenneer noted that the Board had a letter from Jean Patten and he received a call from another resident about Larry Gardner and Ken Wheeler having the appearance of a conflict of interest.

Chief Giese stated that the Selection Committee is an advisory board and the Selectmen ultimately make the decision. The Selectmen had choices for the Committee membership and he feels a need to respect those choices. He also expressed the need to get the public involved and keep them informed.

Chief Giese also noted that while lawsuits have a negative connotation, but the modern way to settle disputes is through a court of law. Mr. Gardner and Mr. Wheeler should not be disenfranchised by not being allowed to serve on the Committee.

Mrs. Reed read the town's conflict of interest policy and feels that Mr. Gardner and Mr. Wheeler have a conflict of interest. She has been opposed to these appointments from the start. Who knows what the Town Manager will be signing relating to the suit?

Bill Warren disagreed with what Chief Giese said. It is not about the law, but about ethics. The Town Manager acts as the go to person for the defense attorney and makes decisions regarding payments on the case. Now the plaintiff and the plaintiff's attorney will help in making the decision on who will make decisions on their case. These individuals have a pecuniary interest. There's an actual conflict because there is a current court case. Mr. Warren feels these two individuals need to recuse themselves due to a conflict of interest.

Mr. Oppenneer does not feel that these two individuals on a Committee of seven will have a high degree of influence. He called an attorney friend and was told the Town Manager would have no influence on the case. The courts will decide.

Mr. Crate stated that before he withdraws the names of the individuals he's chosen for the Committee he would like a legal opinion.

After further discussion it was agreed that a legal opinion would be obtained to find out if there is a legal or ethical conflict of interest.

**Board Representative:**

A member of the Board of Selectmen is requested to act as a representative at a meeting regarding the case of Living Waters Bible Church v. Town of Enfield. Ilene Reed agreed to act as the Board's representative.

**Permanent Protection of Bicknell Brook Trail Properties:**

Kurt Gotthardt would like permanent protection of the Bicknell Brook Trail properties against future sale and development.

Celie Aufiero stated that the Conservation Commission has asked for the property to be maintained as conservation land.

The properties combined total approximately 170 acres and support a variety of wildlife, including black bear, bobcat, otter, deer and moose.

Mr. Oppeneer expects that any permanent protection of the land will require town meeting approval. Mr. Crate recommended getting a plan together for the next town meeting.

It was agreed that the Kurt Gotthardt, Celie Aufiero, Alan Strickland and the other Conservation Commission members work together to come up with a recommendation for the Board of Selectmen in 30 days.

**Hardship Abatement:**

The Selectmen received a request for a hardship abatement an individual that owns property that is up for deeding due to non-payment of taxes.

Don Roberts informed the Board that he has a purchase and sale agreement on the subject property and asked that the taking of the property be tabled until June 5<sup>th</sup>, the closing date.

Mr. Oppeneer moved to table the taking of the Bean property until June 5, 2002; Mrs. Reed seconded, vote unanimous.

**Notice of Right-of-Way Infringement:**

There are properties in town where property owners have erected fences and have been planting within the Town's right-of-way. Chief Giese noted instances of flowerpots at the road's edge, and trashcans that are left on the sidewalk attracting vermin. The Board approved a notice of right-of-way infringement by consensus.

**CITIZENS FORUM**

Alan Strickland apologized to the Board for the problems with the Celie's Marsh sign. He accepted all responsibility for the way things turned out.

Ms. Aufiero explained that Mary Lou Bryant owns the majority of the marsh on Shaker Hill Road where the sign had been erected. Ms. Bryant's property is already in Current Use and she's working on a conservation easement. The goal of the Conservation Commission and Ms. Bryant is to put up a small boardwalk with identification markers of species of plants and

wildlife living in the marsh, including the beaver. Ms. Bryant would like to name the marsh after Suki Grover, another owner of the property, who died of breast cancer.

There was discussion of the beaver and the Conservation Commission's desire that it be allowed to remain in the marsh. The potential for property damage was also discussed and the need to keep water levels under control. A properly installed "beaver pipe" can maintain lower water levels while allowing the beaver to remain in the marsh.

Regarding the marsh sign, it was agreed that a sign can be erected, but if it's erected on private property it should not say "Town of Enfield" on it. The final wording for the sign will be presented to the Selectmen for approval before a new sign is erected.

#### **Board and Committee Appointments:**

The Board agreed, unanimously, to continue the terms of committee appointments for an indefinite period until the Selectmen find replacements.

Ex-officio appointments were discussed. Keith Oppenneer has served on the Budget Committee for 5 of the 6 years he has served as Selectman. He would like to serve as the Planning Board representative this year. Mrs. Reed would like to retain her position as the Planning Board representative.

State law will be investigated for the requirements for membership of various boards and committees and the need for ex-officio members.

This issue was tabled until the next meeting.

#### **TOWN MANAGER'S REPORT**

Chief Giese prepared a report for the Board addressing several issues:

- 1) Budget – Chief Giese would like to change the way it's done. He would like to limit the number of meetings required.
- 2) Junkyards – Chief Giese will have the town's prosecutor assist with these. Chief Giese signed a junkyard letter as Interim Town Manager. The Police Department will assist in enforcement.
- 3) Whitney Hall Locks – will be changed. The Board of Selectmen will receive master keys. All other individuals will receive keys based on their need for access to the building.
- 4) County Government Meeting – will be held in Enfield on May 28<sup>th</sup> at 10:00 am. A light lunch will be served. This will be a good opportunity for EVA to present their projects.
- 5) Memorial Day Parade – will take place on Monday, May 27<sup>th</sup> beginning at 10:00 a.m. at Huse Park. David Scanlon, House Majority Leader will be the main speaker. There will also be a tribute to firefighters in the wake of 9/11. A complete itinerary will be provided to the Board at the next meeting.

- 6) 911 Dispatching in Eastman – A test of the 911 system will take place on 14 May 2002 at 7:00pm.
- 7) Signage – New signs will be installed at Whitney Hall to identify the various offices. Chief Giese said he was not going to change the office hours, but when people come into town to do business he wants them to feel welcome and know where to go.

**Other Items:**

The Bog Road is settling where a culvert had been installed. Ken Daniels explained that the structural gravel is settling. There is barrier fabric that will limit the amount the area will settle. Shimming will be done to correct the problem.

Saturday, May 4<sup>th</sup> people caused damage to the fields by driving their vehicles on them. A barrier of some sort will be installed to prevent future access to the field by unauthorized vehicles.

**Selectmen’s Concerns:**

Mr. Oppeneer asked about the status of police recruitment. Chief Giese reported that a new part-time officer has come on board.

Mr. Oppeneer, upon asking, was assured that adequate playground cushioning was in place.

Mr. Crate wondered if there was any way to go to the school to see if someone living in another town is claiming to be an Enfield resident. Mr. Oppeneer and Chief Giese assured him this could be done.

Kurt Gotthardt wondered if some wood chips and a picnic table could be put in at the rear of the Whitney Hall parking lot. The Selectmen approved the idea. Chief Giese has also considered creating a smoking area away from the town hall entrance.

Mr. Crate noted that Shakoma Beach needs more sand and debris needs to be cleaned up.

**INFORMATIONAL ITEMS/CORRESPONDENCE**

Tax Collector’s Report, year ending 12/31/01

NH DOT letter, dated 4/8/02, re: Shaker Blvd. bridge over Knox River

Stephen B. Griffin memo, dated 4/16/02, re: Sale of Tax Deeded Properties

NHMA Open Letter Regarding the Current State of the Insurance/Reinsurance Market

Memorandum for the Record re: Acting Chief of the Enfield Police Dept.

Interim Town Manager memo to Planning/Zoning, dated 5/2/02, re: Tower Construction

Tax Collector memo re: 2002 Tax Lien Procedure.

**ADJOURNMENT**

Mr. Oppeneer moved to adjourn at 7:40pm.; Mrs. Reed seconded, vote unanimous.