

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

MINUTES of August 5, 2002

Board of Selectmen: Ilene P. Reed; Keith Oppeneer
Donald J. Crate, Sr.--absent

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

Others: Ken Daniels, Director of Public Works; Kris Eddy, Valley News; Elmer Murray

CALL TO ORDER

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

APPROVAL OF MINUTES

Mr. Oppeneer moved to accept the minutes of July 15, 2002 as prepared; Mrs. Reed seconded, vote unanimous.

BUSINESS

Other Business:

The Board reviewed and approved the following documents: Deeds transferring properties to Jedow, Drummond and Roberts; Real Estate Transfer Tax forms; DRA Application for Reimbursement to Towns re: State Forest Land.

Town Manager Search:

Due to Mr. Crate's absence, discussion of the Town Manager Search was tabled until Wednesday, 7 August 2002, at 5:30pm.

Test Wells:

Mr. Daniels explained that last fall two test wells were drilled on the Walker property as part of a source water search. One well is 600' deep and yields 1½ gallons per minute. The other well is 300' deep and came up dry. Matt & Jennifer Walker are listing their property for sale and the realtor requested a letter from the town as to the status of the well ownership.

Mr. Oppeneer asked if the town had an easement for drilling.

Mr. Daniels explained that the wells were very near an existing easement to the reservoir. Due to poor and non-existent yields, the town has no use for these wells.

Mr. Oppenneer moved to entertain no objection to the sale of property; Mrs. Reed seconded. No vote was cast. Mr. Oppenneer revised his motion and moved to turn over possession of the two wells on the Walker property to the current owner; Mrs. Reed seconded, vote unanimous.

CITIZENS FORUM

No citizens wished to speak.

TOWN MANAGER'S REPORT

Public Nudity Ordinance:

The Board received and reviewed a memo from Peter Giese regarding the proposed public nudity ordinance, along with RSA's pertaining to the issue. They also received correspondence from Dan & Mary Watts, and Arthur W. Ketchem, President of the First Amendment Legal Defense Fund. Mr. Oppenneer feels RSA 645 covers it, though Mr. Giese explained that the law states these must be under "circumstances which he or she should know will likely cause affront or alarm." This might be difficult to prove with paying customers. If alcohol is involved written authorization must be provided from the town for them to have live entertainment. The Board concurred with Mr. Giese's recommendations to "wait and see."

Communications:

The Board received and reviewed a memo from Mr. Giese regarding communications. It is difficult for Mr. Giese to make decisions when he's not kept informed, specifically, it does appear that matters are surfacing at the state government level without local notification. Excluding routine matters, the Town Manager's office should be notified of any policy or legal issues prior to the involvement of state or federal agencies.

The Baltic Street intersection with US Route 4, is a state project. A fire truck was up there, driven by a person involved in an injunction, halting progress on intersection improvements. The fire truck test at the intersection should have gone through the Board of Selectmen. Mr. Giese is also concerned about buses at the intersection and has scheduled a meeting with bus officials.

New Hire Procedure:

Mr. Giese has implemented new procedures whereby new hires will be subject to a criminal records check and, if they operate town vehicles, a driver's license check.

Impact Fees:

Mr. Giese has also sent a memo to department heads regarding impact fees. The Town is on the verge of substantial growth and Mr. Giese would like to know what population would trigger the need for capital improvements in each department.

Veterans Memorial Park:

Mr. Giese would like to make the Veterans Memorial Park a focal point of the Memorial Day Parade. A sign has been erected on the site. Parking is a concern. Arrangments might be made with the school.

Selectmen's Concerns:

Mr. Oppeneer received a call from a citizen regarding an incident at Woodsville. This citizen feels that the press should use the Interim Town Manager title, not Chief of Police, when referring to Peter Giese. Mr. Giese did not refer to himself as Chief of Police in this instance.

Request for Information:

Correspondence was received from Lafferty & Lafferty for documents from the Police Department. Mr. Giese explained that a complaint was received on a non-criminal case. The Police Department gave them what is a public record.

Letter to Cecilia Aufiero:

The Board received correspondence from Peter Giese to Cecilia Aufiero regarding various issues, including a payment of \$2,000 by the Conservation Commission toward the purchase of the Newton property on Maine Street without holding a public hearing, concern about possible incompatibility of offices held, and entering private property to conduct town business. The Board also received Ms. Aufiero's response to Mr. Giese, including her assertion that the Conservation Commission was not buying "real property" and therefore did not have to hold a public hearing, that there is no incompatibility of office per RSA 669:7, and that she has not seen a policy regarding entering private property, nor has she conducted town business without permission from the landowner.

Mrs. Reed spoke with Ms. Aufiero and with the information Ms. Aufiero has obtained from the RSA's there is no problem or conflict with her holding positions on several boards. Mrs. Reed is aware that Ms. Aufiero does a lot of volunteer work.

Mr. Giese recommended that Ms. Aufiero be asked to meet with the Board of Selectmen. These issues are things that are coming to Mr. Giese, and he said in his memo there *maybe* a conflict. Without getting into the issue of Ms. Aufiero serving on multiple boards, Mr. Giese feels the donation to the Enfield Village Association should have had a public hearing.

Mr. Oppeneer feels the donation toward the purchase of real property was borderline and they should have erred on the side of a public hearing.

Chief Giese indicated the portion of the Conservation Commission minutes relating to the donation. It is land and building, that's real property. The Town has no deed, no easement and no legal authority. That puts the town in a bad light. While he will reserve further comment, Mr. Giese thinks Ms. Aufiero should be brought before the Board to discuss this. On compatibility of office, he is not sure, but he is sure there is a violation of a law, maybe not a grievous one.

Mr. Oppeneer noted that if the property is sold the town has no recourse. He agrees with Mr. Giese; this is a point well taken.

Mrs. Reed agrees that the only fair thing to do is have Ms. Aufiero in to discuss this with the Board. The Board briefly discussed the law that specifies positions that are incompatible. Mrs. Aufiero will be invited to the next meeting on August 19.

Public Nudity Ordinance:

Elmer Murray inquired into the status of his proposal. He was informed of the Board's discussion earlier in the meeting and its position that with the present situation there is no need for an ordinance. Mr. Giese explained that this does not preclude Mr. Murray from coming to the Board of Selectmen with a petitioned warrant article.

The Board has received no indication that such an establishment is planned for Enfield, nor had Mr. Murray, but one such establishment was put in another town under the auspices of a Karaoke bar. What would prevent that from happening here? All Mr. Murray was trying to do is awaken the Board to the idea, it's not an impossible thing.

Mr. Murray wondered if there was anything that could be done to put such plans on hold until after town meeting, but he was informed that it would not be possible since a vote of the people is required.

World War II Museum Proposal:

Mr. Giese has received a verbal proposal for a WWII museum in Enfield. There will be written information coming later. The gentleman making the proposal was informed that he would have to see the Planning Board.

INFORMATIONAL ITEMS/CORRESPONDENCE

Letter to Alexander V. Vogt, NHDOT Project Manager, dated 7/24/02, re: Enfield 10652

Raymond S. Burton letter re: Economic Development at Airports Tour, August 5

Julia Polinski letter re: Speed on Old Route 10 and Police Dept. response, dated 7/30/02

Letter to Robert A. LaCroix, dated 7/26/02, re: Excavation and fill, Tax Map 15, Lot 5

Letter to Rob Rudd, Enfield Shaker Museum, dated 7/26/02, re: Shaker Bridge preservation.

ITM Memo for Record, dated 7/18/02, re: Streetlight on GSE Pole IFA/8 Lapan Circle

Town of Danville letter, dated 7/25/02, re: Coalition of "Receiver" Towns

Councilor Ray Burton letter, dated 7/30/02, re: Veterans Memorial Park

Solid Waste Facility Inspection, dated 7/23/02

ADJOURNMENT

Mrs. Reed moved to adjourn at 6:15pm.; Mr. Oppenheer seconded, vote unanimous.