

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

MINUTES of August 19, 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; Kris Eddy, Valley News; Howard Adams, Building Inspector/Health Officer; Celie Aufiero, Conservation Commission; Dwight Marchetti; Gerard Lozeau; John Dunnet; Harry Trumbull; Dave McIntire; Doug Smith; Meredith Smith; Leigh Davis; Jim Gerding; and other members of the public.

CALL TO ORDER

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

APPROVAL OF MINUTES

The Board reviewed the minutes of 5 August 2002 and a typographical error on page 2 will be corrected. Mr. Oppenneer moved to accept the minutes of 5 August 2002 as corrected; Mrs. Reed seconded, vote unanimous.

BUSINESS

Celie Aufiero re: Donation to Enfield Village Association:

Peter Giese informed those present that he would like to start this inquiry out, then proceeded to read from a prepared statement and list of questions regarding Commission by-laws, mission and agendas. Ms. Aufiero replied that the Commission has by-laws. All members should have a copy of the by-laws, but she does not know for sure if the new people have them. She does not know if the Commission has a mission statement. The Commission follows the RSA's. The purpose of the Commission is to protect natural resources.

Ms. Aufiero explained that the \$2,000 was a donation to EVA. Historically a public hearing has been held when the Conservation Commission has bought property. The Commission did not hold a public hearing when they bought a motor for the Mascoma Lake Community Association. The Commission has long been interested in the property purchased by EVA for recreational purposes. It was discussed at the meeting and the Commission as a whole did not feel a public hearing was needed; they thought it was an appropriate expenditure.

Harry Trumbull read aloud a letter that was sent from EVA to the Conservation Commission offering a return of the \$2,000 donation in light of recent events.

Several individuals complained about Mr. Giese's tone of questioning.

Discussion followed regarding the events surrounding the Conservation Commission's decision to expend the \$2,000. Mr. Aufiero stated that, in retrospect and in talking to Marjorie Swopes, it would have been best to hold a public hearing.

Mr. Oppeneer spoke with Judy Silva of the NH Municipal Association. According to Ms. Silva the constitution states that public money has to be spent for the public good. It would probably have been best to have a public hearing and lien on the property for the \$2,000 as a method to recover the funds or a right-of-way to use the property.

Ms. Aufiero does not think it's a problem to do that.

Celie Aufiero re: Multiple Positions on Town Boards:

Mr. Giese proceeded with discussion on Ms. Aufiero's multiple positions on town boards. Ms. Aufiero hold positions on the Zoning Board of Adjustment, Budget Committee and Conservation Commission. Mr. Giese noted that Paul Mirski has brought up this issue before. Ms. Aufiero replied that she believe the Board of Selectmen took this up with the Town Attorney and she also spoke to Marjorie Swope and it is OK. Ms. Aufiero holds two elected positions and one appointed one. She is not the only person to hold multiple positions on town boards.

Mr. Oppeneer also covered this issue with Judy Silva. There is no overt violation of the RSA's. The question is, does the Town have a shortage of people interested in a position? Mr. Oppeneer also noted that a conflict of interest is a moot point since the RSA's do not prohibit it. The voters elected Ms. Aufiero to multiple boards. The practical issue is, as a member of the Budget Committee, which committee "are they" sitting on? The Selectmen only have control over appointments.

Cecilia Aufiero re: Entering onto Private Property

Dwight Marchetti relayed an incident between Gerard Lozeau and Ms. Aufiero. Mr. Marchetti expressed displeasure with the way Ms. Aufiero allegedly spoke to Mr. Lozeau, the hasty decision made by the Conservation Commission to donate the \$2,000 for the EVA property, the money spent by the Conservation Commission on a sign that said "Celie's Marsh" that was posted on property that wasn't owned by the town, and his feeling that Ms. Aufiero abuses her position.

Mr. Lozeau and Mr. Dunnet related their meeting with Ms. Aufiero regarding fill that the Town placed on Mr. Lozeau's property. Ms. Aufiero was concerned that the fill was placed in a wetland. Mr. Lozeau stated that is was not a wetland and the fill has been moved. Mr. Lozeau does not know why Ms. Aufiero didn't come to him and ask why the stone was there, but instead went on his property without permission and took pictures.

Jim Gerding disagreed with Mr. Lozeau's account of the meeting and related his version.

Howard Adams reported on a meeting with Ms. Aufiero that took place several weeks ago and related to the issue of Ms. Aufiero entering onto private property without permission. Ms. Aufiero responded that she did go on that property, but out of her own curiosity.

Discussion continued, regarding septic design, inclusion of wetlands on these plans and state inspections. It was also noted that if someone wants to prohibit anyone from coming on their property they need to post it.

Mr. Crate brought an end to the discussion. A meeting will be scheduled with the Board of Selectmen, the Town Manager and the Conservation Commission.

Mr. Crate does not want the \$2,000 back from the Enfield Village Association. Mrs. Reed and Mr. Oppenneer agreed.

Leigh Davis will be sure there is an agenda provided to Mr. Giese for future Conservation Commission meetings, as well as a mission statement in proper format.

Mr. Oppenneer asked if it would be possible for the town to get a lien on the EVA property. Harry Trumbull sees no problem with this.

Mr. Oppenneer noted that an informational copy of any correspondence from boards or commissions to State officials should be provided to the Town Manager and Board of Selectmen.

The Selectmen would like a policy regarding public officials on private property including a requirement for written permission with a copy of it to the Board of Selectmen.

Mr. Crate questioned the money donated the Mascoma Lake Community Association for a boat motor. The motor should have been town property.

Lafferty & Lafferty Request for Documents:

Mr. Giese reported to the Board of Selectmen that a letter was sent from the Police Department regarding the requested documents. The Police Department has already provided them.

CITIZENS FORUM

No citizens wished to speak at this time.

TOWN MANAGER'S REPORT

Executive Councilor Ray Burton was in Enfield on Thursday, August 15th.

The Budget Committee will hold a meeting on Thursday, August 22nd. Wendy Euler will be the Town Manager's liaison. Mr. Giese would like the Budget Committee to meet in different quarters for their meetings, holding their meeting in the Public Works building when discussing the Public Works budget, in the Police Department when discussing the Police Department budget, etc. Each department was asked to provide a brief synopsis of their 2002 budget.

The Veterans Memorial Park committee wants to put a driveway in; it would have to be a Class V road. The beauty of this is parking would be available in the back and people could come back out onto Route 4 at the Plumley's.

Duncan Baillargeon has retired from his position as Police Assistant, but will act as the Town's crossing guard beginning in mid-September.

Mr. Giese met with school bus officials regarding alternative routes due to the bridge construction. A bus will pick up students on Stevens Street. All of the children will be bussed to the high school first, then continue on to the elementary school. This will avoid use of the intersection of Baltic Street and US Route 4 near Janet's Roadside Café. The first couple of days of school, the Rangers will be out to assist.

The Selectmen recessed the meeting at 7:22pm for a short break and reconvened at 7:30pm.

BUSINESS

Request for Sewer Service:

Mr. Daniels submitted a request for sewer service for Map 18, Lot 18 on NH Route 4A. There is sufficient capacity for this and Mr. Daniels recommends approval of the request. Mr. Oppeneer moved to approve the request for sewer service as recommended; Mrs. Reed seconded, vote unanimous.

Town Manager Search:

Mr. Oppeneer moved to enter non-public session at 7:30pm, RSA 91-A:3 II (b); Mrs. Reed seconded. Roll call vote: Mr. Oppeneer – aye, Mrs. Reed – aye, Mr. Crate – aye.

Mr. Oppeneer moved to close the non-public session at 7:40pm; Mrs. Reed seconded, vote unanimous.

Mr. Oppeneer moved to extend the proposed employment agreement to the Town Manager candidate for the candidate's consideration; Mr. Crate seconded, vote unanimous.

INFORMATIONAL ITEMS

Dominic Albanese letter, dated 8-1-02, re: Resignation from Budget Committee. This issue was tabled. Mr. Giese believes Mr. Albanese may reconsider.

Notice of Bankruptcy Filing and correspondence re: Adelpia Surety Bond

Letter to William Lafferty, Esquire, dated 8-7-02, re: Lester Rogers

Unapproved Minutes for the Enfield Conservation Commission 8/1/02 meeting

Letter to R. Duncan Baillargerion, dated 8-14-02, re: Retirement

Letters from Upton & Hatfield, dated 8-5-02 and 8-6-02, re: Maureen Bacon v. Town of Enfield, and letter from Peter Giese, dated 8-12-02, re: James Taylor and the great job he did on the Bacon case.

Letter from Blanche Decker, dated 7-22-02, re: Crate & Sons

ADJOURNMENT

Mrs. Reed moved to adjourn at 7:41pm; Mr. Crate seconded, vote unanimous.