

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

MINUTES of December 16, 2002

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

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

Others: Police Chief Peter Giese; Lt. Richard Crate; Henry Cross; J. David Fitzgerald; Dwight Marchetti; David Crate and Tim Taylor, Fire Wards; Kurt Gotthardt; Mary Murray, Connecticut Valley Spectator; Jodie Tillman, Valley News

CALL TO ORDER

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

APPROVAL OF MINUTES

The minutes were tabled.

PUBLIC HEARING FOR VETERANS MEMORIAL PARK TRUST FUND:

The hearing was opened at 5:30 PM. Mrs. Whittaker read the published hearing notice, "The Board of Selectmen shall hold a Public Hearing in Accordance with RSA 91-A, and RSA 31:19 to (i) establish a Trust Fund to be known as the "Veterans Memorial Park Trust Fund" and (ii) accept donated funds to be held in said Trust. Such funds shall be dedicated towards the Construction of the Park, acquisition of monumentation and future site and Monument maintenance."

Mr. Cross explained that in 2000 the Veterans Memorial Park Committee applied to the State of New Hampshire for non-profit status and a non-profit ID number. Unfortunately, the IRS wanted to charge \$500 for a federal ID number. Later, the Board of Selectmen approved the Committee's use of the Town's federal tax ID number. Since then, Mr. Cross received a letter from the NH Attorney General's Office regarding the IRS number. They suggested that if the Committee is using the Town's federal tax ID number that the town create a trust fund for the donations collected. The Trustees of Trust Funds will manage the fund and distribute the funds to the Veterans Memorial Park Committee as needed for the project. Mr. Cross asked the Board of Selectmen to establish a Veterans Memorial Park Trust Fund.

Mr. Crate arrived at the meeting at this time.

Mrs. Reed asked the public and the Selectmen if they had any further questions; none were forthcoming.

The hearing was closed at 6:35 PM.

Mrs. Reed moved, under RSA 31:19, to establish a trust fund to be known as the “Veterans Memorial Park Trust Fund” and to accept donated funds to be held in said trust; Mr. Oppenneer seconded, vote unanimous.

Mr. Cross mentioned that the Committee is waiting for funding. The Committee currently has about \$11,500. They have sold only 113 bricks. He regrets that he is not seeing the support of the local people. Mrs. Whittaker suggested including something in the town report.

ADMINISTRATIVE

The Board of Selectmen reviewed and approved the following documents: 2001 and 2002 Property Tax Refunds and Yield Tax Warrants.

Mr. Oppenneer moved to confer veteran’s exemptions on the three applicants brought before the Board; Mrs. Reed seconded, vote unanimous. Property Tax Refunds for these three applicants were also approved.

OLD BUSINESS

Fitzgerald Drive Acceptance:

The Planning Board voted to recommend acceptance of Fitzgerald Drive as a Town Road on December 4, 2002. Mrs. Reed moved to accept Fitzgerald Drive as a Town Road; Mr. Oppenneer seconded, vote unanimous.

CITIZENS FORUM

Dwight Marchetti—Procedure for Citizen Complaints Against Committee Members:

Mr. Marchetti read from NH RSA 36-A:1 and 36-A:3 regarding Conservation Commissions. The Board of Selectmen is the appointing authority. RSA 36-A:3 states, “Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority.” Mr. Marchetti feels that the Board of Selectmen, as the appointing authority, should have a procedure in place of the public to request removal of an appointed committee member. He asked if the Board of Selectmen has a procedure.

Mr. Oppenneer stated that in his years on the Board, the Selectmen have not had a member of the public request the removal of member of a committee.

Mr. Marchetti's interpretation of the RSA's is that if a citizen brings in a complaint regarding the member of a committee, the Board of Selectmen can notify the committee member of their removal from the committee, if the Selectmen so decide, and then the committee member that has been notified of removal from the committee can request a public hearing.

If the Selectmen do not have a procedure in place, Mr. Marchetti would like a procedure developed and would then like a copy.

Chief Giese wrote a report and submitted a memo to the Board of Selectmen during his term as Interim Town Manager. He believes these are problems that need to be addressed. As Interim Town Manager he did not have the authority to remove or discipline a committee member, but if he had that authority he would have used it.

Mr. Cross asked, "Shouldn't you have policies in place ahead of time?"

Mrs. Reed agreed that the town needs a policy. But before the Selectmen get rid of someone they need to be allowed to come to the Board of Selectmen with their views.

Mr. Oppenneer feels there should be due process. A case needs to be documented, a policy in place and behavior in violation of the policy must be addressed. The last thing the Board wants to do is remove someone from a committee based on an unsubstantiated complaint.

Mrs. Whittaker provided the Board of Selectmen with information previously submitted by Peter Giese, as well as the Town Attorney's opinion. She will prepare the information in a policy format for the Selectmen's signatures.

Mr. Oppenneer requested a copy of the Conservation Commission Charter and By-Laws.

Chief Giese wished to remind the Board that there are several things on the table, not just people on private property, but also grievances against committee members.

Mr. Marchetti stated, in closing, that he was in to see the Board of Selectmen on August 29th at the encouragement of Keith Oppenneer. Mr. Marchetti brought a person in and they spoke their peace to the Board and nothing has been done. Mr. Marchetti wants committee members to be accountable to the Board of Selectmen.

PUBLIC HEARING FOR EXPENDITURE OF FUNDS FROM CAPITAL RESERVE

Mr. Crate opened the hearing at 6:06 PM. Mrs. Whittaker read the published hearing notice, "Pursuant to RSA 91-A, the Board of Selectmen will hold a Public Hearing to expend funds from a Capital Reserve for the acquisition and upgrading of computer equipment and software in the Police Department, Selectmen's Office and Department of Public Works."

Mrs. Whittaker presented a memo, dated November 26, 2002, and explained the proposed computer hardware and software acquisitions, totaling \$43,929. She explained that an inventory

of all of the town's technology would be done, including the year purchased and the purchase price. She expects that she can get a better deal on technology equipment with assistance from the MIS in Hanover.

Chief Giese explained the Police Departments transition to digital communications.

Mrs. Whittaker explained the need to develop a plan for the Ambulance and Fire Departments for the transition to digital communications, i.e. radio acquisitions.

Mr. Oppenneer also asked for planning software. Mrs. Whittaker replied that it would be no problem to obtain the program in 2002. The program cost is \$245, plus associated costs for implementation.

Mr. Oppenneer moved to approve the expenditure of these funds, as discussed, from the Technology Services Capital Reserve Fund; Mrs. Reed seconded, vote unanimous.

OLD BUSINESS—TOWN MANAGER'S REPORT

Habitat for Humanity:

Per the Selectmen's request, Mrs. Whittaker provided a copy of the signed anti-discrimination agreement with Habitat for Humanity. Did the Board of Selectmen have the legal right to donate the land? Per the 1998 Town Meeting the Board of Selectmen was given authorization by an article that read, "Shall the Town vote to accept the provisions of RSA 80:80 providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the selectmen to administer, sell or otherwise dispose of any tax lien or real estate acquired by tax title or otherwise, by public auction, by advertised sealed bids, or to otherwise dispose of as justice may require, providing that if such property is to be sold at public auction, then the same shall be advertised sixty (60) days in advance of sale and again forty-five (45) days in advance of sale with notice posted in three public places and two local newspapers of wide circulation for two consecutive weeks?" According to the town's attorney, the Board of Selectmen did have authority to donate the property to Habitat for Humanity.

The problem that arose is that the proposal for the new DPW building included references to the offsetting revenue from the sale of the surplus property on May Street, then at a public hearing the Board of Selectmen voted to donate the same property to Habitat for Humanity.

Mr. Oppenneer noted that there are strong arguments both for and against the donation and that the safest way to go is to present the question to the voters at Town Meeting 2003.

Mr. Crate thinks the Selectmen should put an article on the warrant and let the people decide.

Mrs. Reed questioned why it had to go to Town Meeting. She does not think an article is needed and that it's something the Selectmen should deal with.

Discussion followed regarding other Habitat for Humanity projects, what other communities have contributed, and different ways RSA 80:80 can be interpreted.

Mr. Oppenneer moved to proceed with Habitat for Humanity by placing the potential donation of the May Street property on the Town Warrant for 2003; Mr. Crate seconded. Mr. Crate and Mr. Oppenneer were in favor of the motion, Mrs. Reed was opposed, motion carried, 2 to 1.

NON-PUBLIC SESSION

Fire Wards Tim Taylor and David Crate requested a non-public session to discuss a personnel issue.

Mr. Oppenneer moved to enter non-public session at 6:37 PM to discuss a personnel issue under RSA 91-A:3 II (c); Mrs. Reed seconded. Roll call vote: Mrs. Reed-aye, Mr. Oppenneer-aye, Mr. Crate-aye, motion carried.

Mrs. Reed moved to come out of non-public session at 6:43 pm.; Mr. Oppenneer seconded, vote unanimous.

Mr. Oppenneer moved to seal the minutes for a period of three months; Mr. Crate seconded, vote unanimous.

NEW BUSINESS

Health Insurance Cost Co-Pay Comparisons ~ 2003:

The Board of Selectmen received a Health Insurance Cost Co-Pay Comparison for 2003. Mrs. Whittaker recommended the Selectmen fund only to the Blue Choice level and require employees to pay the difference if they choose to stay with the JW plan. The only difference between the plans is that Blue Choice requires the employee to name a primary care physician. Mathew Thornton has features that are not comparable to the other two plans.

Mr. Oppenneer stated that on the basis of the coverage being substantially the same, he would like to make Blue Choice the preferred plan and to fund to that level.

Mr. Crate requested a day or two to think about the issue. Mrs. Whittaker advised him that a decision is needed soon, so employees have time to make a decision on the matter before the first of the year. Mr. Crate suggested that the Selectmen inform Mrs. Whittaker of their decisions over the phone over the next few days.

Employees that are currently on the JW plan met with a representative of Health Trust and the differences between the JW and Blue Choice plans were explained.

Keith Oppenneer left the meeting at this time.

Goals 2003:

Tabled until the next meeting.

Whitney Hall Window Replacement:

Marjorie Carr and Ken Daniels informed Mrs. Reed of the need to have the windows replaced in Whitney Hall. Mrs. Whittaker stated that it's not feasible to do it now. She's proposing a warrant article for either a new building or changes to Whitney Hall and recommends that the renovations should be made all at once. Putting plastic over the windows to preserve heat was suggested.

Community Building Dewatering:

Mrs. Whittaker read a memo from Ken Daniels regarding the digging of a trench to allow the draining of water around the foundation of the Community Building. Mrs. Reed moved to have Morrill Construction dig the trench; Mr. Crate seconded, vote unanimous.

Mission to Mars Petition:

Tabled until the next meeting.

Baltic Street Traffic Flow:

Mrs. Whittaker presented a proposal for traffic flow on Baltic Street where the end west of Pillsbury Street would be designated one-way from west to east and the end of the road east of Pillsbury Street would be designated as a two-way traffic.

Mr. Crate suggested posting a sign for one-way traffic from 7:00 am. until 7:00 pm. After 7:00 pm. the traffic eases considerably.

Mrs. Whittaker would recommended obtaining opinions from the Fire Chief, Ambulance Dept., and Police Chief.

Vote of Thanks:

The Board of Selectmen gave a vote of thanks to the Police Department for their due diligence regarding the apprehension of Alan Como.

CITIZENS FORUM

Kurt Gotthardt—Rail Trail Access:

Mr. Gotthardt understands that eventually the Shedd Street Highway Department properties are going to be sold and/or subdivided. Mrs. Whittaker confirmed that the current plan is to annex the two existing lots and subdivide them into three lots of about ½ acre each.

Mr. Gotthardt suggested that one of the ½ acre lots be designated as a Rail Trail parking area and listed and signed as such. Mr. Gotthardt parks there now as there's no other place to park and access the trail. Mr. Gotthardt believes this will be good for Main Street businesses as people coming to the rail trail are likely to shop in local businesses.

Discussion followed regarding the parking lot opposite the Lutheran Church, but that is a private lot.

Kurt Gotthardt—Selectmen’s Agenda:

Mr. Gotthardt asked if the Selectmen’s agenda can be included on the website. He was informed that it is included under the Meeting Schedule, but that a notice that it is available can also be posted in the What’s New section.

NON-PUBLIC SESSION

Mrs. Reed moved to enter non-public session at 7:27 PM to discuss the hiring of personnel, RSA 91-A:3 II (b); Mr. Crate seconded. Roll call vote: Mrs. Reed – aye, Mr. Crate – aye, motion carried.

Mr. Crate moved to come out of non-public session at 7:44 PM; Mrs. Reed seconded, vote unanimous.

INFORMATIONAL ITEMS

DPW 2002 Pavement Maintenance Projects Report

Police Department Press Release re: Shaker Boulevard Burglary

Response to Enfield~Mascoma Lioness Club re: Use of Community Building

Seeking Common Ground Meetings Schedule

NH DRA Technical Information Release – Low and Moderate Income Homeowners Property Tax Relief

Tax Collector’s Report on Collection of 2002 Taxes, dated 12/16/02

ADJOURNMENT

Mr. Crate moved to adjourn at 7:45 PM; Mrs. Reed seconded, vote unanimous.