

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

**MINUTES of December 3, 2001**

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

**Administrative Staff:** Stephen B. Griffin, Assistant Town Manager; Alisa D. Bonnette, Secretary

**Others:** Barton Mayer, Town Attorney; Henry Cross; Marjorie Carr, Town Historian; Dwight Marchetti; Peter H. Giese, Chief of Police

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Mr. Oppenneer moved to approve the minutes of 19 November 2001 as prepared; Mrs. Reed seconded, vote unanimous.

Mr. Oppenneer moved to approve the minutes of 26 November 2001 as prepared; Mrs. Reed seconded, vote unanimous.

**BUSINESS**

**Legal Issues:**

Barton Mayer mentioned to the Board that the town's insurer should cover a lawsuit involving a police matter. The Living Waters Bible Church suit has also been sent to the town's insurer.

**Potential Sale of Town-owned Property:**

Mr. Mayer explained the history of the issue relating to town owned property located at 680 Shaker Hill Road, formerly owned by Phil Mans. Mr. Field had a financial relationship with Mr. Mans.

Mr. Mans declared bankruptcy prohibiting the town from taking the property for past due taxes. In 1995, the Selectboard authorized the sale of the property to Bill Field for taxes, interest, costs and fees, at such time that the town was able to convey the property. In 1997, Mr. Mayer wrote a letter restating the Selectboard's authorization to convey the property. Taxes, interest, costs and fees have mounted over the years. The Town took the property for past due taxes as soon as the bankruptcy case was settled.

Mr. Crate is opposed to selling the property for less than its assessed value.

Mr. Mayer does not recommend fighting this case as the cost to fight may exceed the difference in value and what Mr. Field has offered.

Mr. Mayer stated that the Legislature says the town has to take the excess (received from sale of a property) beyond taxes, interest, costs and fees and distribute that excess to interest holders. This only applies if the property was taken for taxes after 1998. The date the property was taken for taxes must be looked into.

After further discussion, Mr. Mayer summarized, the Selectmen are saying that because of the circumstances and appreciation of the property and Mr. Field's refusal to pay full bore for the property that they want to rescind the previous offer to sell the property to Mr. Field.

The Selectmen were informed that an advertisement in the paper, selling the property by bid, is not going to bring the kind of money they are looking for.

Mr. Crate moved to reject the counteroffer from Bill Field and to place the property for sale; Mr. Oppenheer seconded, vote unanimous.

No action will be taken on the sale of the property until after the first of the year.

**Use of Town Equipment:**

Mr. Griffin had asked about what policy the town might have if the town permits people to use town equipment. Mr. Mayer explained that the Court set minimums that must be met: 1) if the town sets a policy, everyone has to be able to use the town equipment; 2) use by the public has to be subordinate to the town's needs; 3) the use has to be paid for at commercial rates. If you're allowing people to use town equipment you must make a policy and you must make it known. No such policy was considered, retaining the current policy that town equipment not be used by other than town employees for town work.

**Exclusionary Zoning:**

Mr. Oppenheer expressed concern that proposed zoning changes might be considered exclusionary. Mr. Mayer explained that the question about exclusionary zoning is whether there's a wide variety of zoning/housing available. While Mr. Mayer would not be in a position to analyze the zoning ordinance without doing a study of existing housing, he is not concerned.

**Proposed Veterans Memorial Park:**

Henry Cross came before the Board with a proposal for a Veterans Memorial Park at the corner of US Route 4, opposite High Street. Mr. Cross requested a letter stating the Board's approval that he proceed with this project so he can obtain non-profit status. Non-profit status would allow him to do fundraising for the project.

The plan includes engraved walkway bricks that can be sold as a fundraiser, as well as a monument for each war.

The Board of Selectmen set a public hearing on 17 December 2001 at 7:00pm., to discuss the proposed Veterans Memorial Park. Mr. Cross was asked to bring the model that he had prepared.

**Board and Committee Term Limits:**

The Board received a request from Ed Scovner for reconsideration of the two-year term limit policy recently approved by the Board of Selectmen. Mr. Oppeneer wished to make it very clear that 1) the Selectmen are not angry. The Selectboard did not express any anger, only concern that the Planning Board may have taken an action that was not legal. There was no anger at the Planning Board or any member of the board. And 2) the Assistant Town Manager introduced the policy. Mr. Oppeneer proposed opening up positions for appointment when an individual's term expires and appointing either a new applicant or the incumbent at that time.

Mr. Crate moved to rescind the appointment policy; Mrs. Reed seconded, vote unanimous. Mr. Crate wished it to be known that this decision is not based on pressure from Mr. Scovner.

**CITIZENS FORUM****Dwight Marchetti—Boundary Markers:**

Dwight Marchetti was in regarding the pins on his property that may have been moved during the installation of a water line near his property. The Town contracted this installation. Mr. Marchetti had previously had a survey completed by Hathorn Surveys. The Board agreed that Hathorn Surveys should go in, at town expense, and check the pin placement.

Mr. Crate moved to get a surveyor to resurvey the entire property line adjacent to the water line; Mr. Oppeneer seconded, vote unanimous. The surveyor will be asked to replace the pins if necessary, and to provide a written report, following completion of the work, stating that the pins are in their correct position or were placed in their correct position and on what date the work was completed.

**Dwight Marchetti—Zoning Complaint:**

On 4 December 2000, Mr. Marchetti came to the Selectmen and told them of his dissatisfaction that an employee of the town failed to appear in court after being subpoenaed. Mr. Marchetti was told that someone would get back to him on this issue and he has heard nothing to date.

Mr. Griffin will get a letter to Mr. Marchetti. The issue was addressed and the town should have gotten back to him earlier.

**TOWN MANAGER'S REPORT****Grader Funding:**

The NH Department of Revenue Administration approved the use of emergency funds for purchase of a new road grader.

**Recreation Commission Duties:**

A draft memo to the Recreation Commission will be acted on at the next meeting.

**Road Signs:**

The town, as part of E-911, installed road signs on private roads. The theory is that if the signs need replacement the owners of the road should pay for the replacement sign.

**Bulk Rate Stamp:**

The Board agreed that the Enfield Village Association could use the Town's bulk rate stamp if the post office has no objections.

**Budget Committee:**

Chief Giese reported to the Selectmen that he witnessed some bullying at the last Budget Committee meeting, including name-calling and insults. This may be happening at other committee meetings as well. A Budget Committee meeting is a public forum and there is no need for name-calling. While Chief Giese will resolve this issue himself, he did suggest bringing an outside person in for training.

Chief Giese also discussed grants that he is working on with the managers. State law allows the Board of Selectmen to accept grants and the Police Department is going to continue to obtain what they can unless the Selectmen or managers object.

Chief Giese noted that when the school was fighting with its budget committee everyone looked bad.

Mr. Oppeneer would like to continue this discussion at the next meeting.

**Stop Signs:**

The Board discussed the lack of stop signs on road entering NH Route 4A from Lower Shaker Village. It will be determined where stop signs had been previously installed at Lower Shaker Village (entering onto 4A). Where a sign had been previously installed LSV will be expected to pay for a replacement. Where a stop sign had not been previously installed the town will install one and assume the cost.

**ADJOURNMENT**

Mr. Oppeneer moved to adjourn the meeting at 7:28pm.; Mr. Crate seconded, vote unanimous.