

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

MINUTES of July 7, 2014

Board of Selectmen: Fred Cummings, Chairman; Donald J. Crate, Sr.; John W. Kluge

Administrative Staff: Steven Schneider, Town Manager; Alisa D. Bonnette, Executive Assistant; Jim Taylor, Director of Public Works

Others: James Bonner, Dan Kiley, David Dow, Dan Edwards, Tim Taylor

BUSINESS MEETING

I. CALL TO ORDER

Mr. Cummings called the meeting to order at 6:00 PM.

II. APPROVAL OF MINUTES

Mr. Kluge moved to approve the regular session minutes of June 2, 2014 as printed, Mr. Crate seconded, vote unanimous in favor of the motion.

Mr. Kluge moved to approve the non-public session minutes of June 2, 2014 as printed, Mr. Crate seconded, vote unanimous in favor of the motion.

III. COMMUNICATIONS

NH Dept. of Environmental Services (NHDES) Notice to State Street Realty:

A notice earlier this year was sent to State Street Realty due to a complaint received alleging re-routing of Stony Brook without a permit. NHDES performed a site inspection and found no violation.

Town Clerk's Report – May 2014:

As of May 2014 Town Clerk revenues are about \$23,000 over prior year revenues.

IV. BOARD REPORTS

None.

V. TOWN MANAGER'S REPORT

Enfield Center Town House Painting:

Painting of the Enfield Center Town House will begin soon and will include all of the shutters and the exterior of the building. It may not be completed by the next Selectboard meeting held there.

Water & Sewer Quarterly Commitment:

The Board was presented with the 2014 Water & Sewer Commitment List for the second quarter of 2014.

Mr. Kluge moved to approve the Water & Sewer Quarterly Commitment as presented, Mr. Crate seconded, vote unanimous in favor of the motion.

Community Building Heating & Cooling:

Mr. Taylor reported that a Request for Proposals was sent out only one response was received for considerably more than we had in the budget. Mr. Taylor is working with the only bidder, Hayward Refrigeration, to pare down the project to something within budget. We may be able to replace the A/C and furnace, but probably can't make modifications to the ductwork. The last week of August has been set aside for the installation.

Mr. Schneider reported the budget is for \$15,000 and the bid came in at around \$28,000; \$13,000 over budget.

VI. PUBLIC COMMENTS

Dan Kiley – Curbside Rubbish

Mr. Kiley asked if there is anything that can be done about the garbage that has been left curbside on Route 4 for a month now. This is in the vicinity of the western end of Flanders Street. There are now some Town of Enfield bags at the side of the road as well. It's the first thing you see when you come into town.

The rubbish is from an apartment building believed to contain 4 units. A notice will be sent.

Mr. Crate suggested maybe a dumpster as is now being used for an apartment building in Enfield Center.

Because this apartment building is next door to another apartment building owned by the same individual, a dumpster may make sense for this location.

Dan Kiley – School Board Updates:

Mr. Cummings asked Mr. Kiley if he had any School Board updates to report.

Mr. Kiley reported they have a list of 5 construction managers. They have no costs yet since they do not have bids yet.

Dan Kiley – Mascoma Lake Boat Launch:

Mr. Kiley wondered if a parking lot similar to the White Cottage in Woodstock might be an option for the Mascoma Lake Boat Launch. The White Cottage in Woodstock has a gravel parking lot with spaces delineated using 4x4 timbers with 8" lag bolts driven into the ground.

Mr. Crate doesn't believe that would work in the winter with snow plowing. The White Cottage is closed in the winter.

Mr. Cummings pointed out there has been a lot of beach parking at the boat launch.

Mr. Schneider responded that with the project we're hoping to complete the problem will be solved. Additional attention can be given to beach parking at the boat launch, but it's not something we want lifeguards dealing with. More individuals have been parking in the upper lot than in the past.

Rob Godfrey – Dog Licensing:

Mr. Godfrey received a letter that his dogs were not licensed with notice of a fine of \$25 for each unlicensed dog. Normally the dog licenses are paid in March when his wife registers her vehicle or at the time of the first issue tax bill. One of their two dogs was due for a rabies vaccination which was not done until April, so the dogs were not licensed in March as usual. Mr. Godfrey objected to the fine since no previous reminder notice had been sent s there is with vehicle registrations and taxes.

Reminder notices have been sent in the past with no noticeable difference in dog registrations.

The Board feels the fine should be waived in this instance, something the Police Department can do. Mr. Godfrey, however, has already paid the fine. While notices are on the Town Calendar and posted in a number of locations something can be included in the Town Clerk's budget in the future to send out reminders sometime after Town Meeting and before dog licenses are due.

VII. BUSINESS**David Dow – Dustin Road (Class VI):**

Mr. Dow presented a copy of the approved subdivision plan. This was required before the Selectmen could give final approval for use of a Class VI Road for access to the property. This issue was discussed at a previous meeting. Selectboard members had an opportunity to view the site, which was staked out.

Mr. Crate moved to approve the use of Dustin Road for the approved subdivision, Mr. Kluge seconded, vote unanimous in favor of the motion.

Tim Taylor – Baltic Mill Utility Assessment:

Mr. Taylor submitted an application for abatement and supporting documentation for his Baltic Mill property contesting the value placed on the dam by Sansoucy, the appraiser hired by the Town of Enfield for utility values. Mr. Taylor contends that Mr. Sansoucy has a number of assessment cases in court due to over valuation of utilities. Mr. Taylor requested a reduction of the value for the dam to the value set by the State of NH. The abatement application is late arriving because the Town was waiting for a response from Mr. Sansoucy. No response has been received.

Mr. Kluge moved to accept the recommended abatement with the assessment based on the State's value, Mr. Crate seconded, vote unanimous in favor of the motion.

Mr. Taylor said the Town can issue him a check for the abatement or apply it toward his fall tax payment.

Engine Brake Ordinance Proposal:

The Board received a citizen request for an Engine Brake Ordinance on Jones Hill Road. Mr. Schneider reported that Police Chief Crate offered comment that it would be difficult to enforce.

Mr. Crate is not for it. It's a safety feature. If you went to court it would be beaten. Signs may say use only in an emergency, but any time you want to slow a loaded truck it's an emergency. Mr. Crate went on to say how engine breaks work. Unlike gasoline engines, diesel engines don't have compression unless you flip on the engine brake.

Mr. Kluge said if it's difficult to enforce, the courts may not enforce it and it's a safety issue he's in favor of setting this request aside.

The Board chose to take no action on this request.

Shaker Bridge Theatre: Whitney Hall 2nd Floor Improvements:

Shaker Bridge Theatre would like to relocate the lights to the ceiling and get rid of the poles. In favor of this request is you take what seems like the less safe choice of poles and put the lights on the ceiling. A negative is that if the theatre goes away we'd have lights on the ceiling we may have no use for.

Mr. Cummings is not sure he'd support modifying and drilling into the ceiling.

Mr. Crate would like to look at it before making a decision.

Dan Edwards – May Street:

Mr. Edwards came before the Board to discuss the maintenance of the culvert on his property that handles drainage from May Street. Sand comes down the road from Canaan and dumps into the culvert. The culvert needs periodic cleaning due to the accumulation of sand. The Town has informed Mr. Edwards in the past that it is not a Town culvert and would not be maintained by the Town (see correspondence from Ken Daniels, Director of Public Works, dated June 8, 2004). Before Ken Daniels came on as Director of Public Works and prior to his purchase of the property from Dick Hall, the Town was taking care of the culvert. More recently Mr. Edwards has been maintaining it at considerable cost to himself. He has received no reimbursement for these expenses.

There used to be a berm before the new road was put in, but when they put in the new road they didn't replace the berm and sand comes down and dumps on his property. The problem is really in Canaan where the culvert is not big enough.

Jim Taylor reported that when Canaan graded their portion of the road they left a windrow of dirt that prevented the water from going into the culvert. Mr. Taylor had members of the Highway crew do some hand work and it should be improved.

Mr. Edwards noted that the Town line was at the pin at his property but it's moved. He asked for an explanation. He was told the Town would have to pull records relating to this for an explanation.

Mr. Crate remembers when Andy Stevens and Joe Lashua put in the catch basin. At one time water flowed around the building. Dick Hall lived there when the work was done.

Mr. Kluge said it could be a problem if people see the Town that far in the property doing maintenance.

Mr. Crate thinks the Town needs to keep it open.

Mr. Edwards said it's open because he keeps it open but it's getting to be too much to handle. The pipe is nearly full of sand now.

Mr. Crate said if water is coming off our road and that's why the pipe was put in we need to keep an eye on it.

Mr. Schneider explained that part of the reason we're here is that it was done by a handshake. Going forward we need something in writing to specify the responsibilities of each party.

Mr. Cummings stated that if we put it in to solve a problem we should maintain it.

Mr. Crate said that we can maintain it to keep it open, but when it comes to replacing it, it was a one shot deal and we're not responsible for replacing it.

Mr. Cummings disagreed. We set a policy to replace driveway culverts in the Town's right-of-way (ROW). If the culvert is in the ROW we replace it. If we maintain it and it needs replacing we should replace it.

Mr. Kluge asked if the culvert totally fills with sand who would be impacted. He was informed only Mr. Edwards would be impacted.

Mr. Cummings feels either the Town should have nothing to do with it or everything to do with it.

Mr. Schneider said it's located 100' outside of the Town's ROW.

Mr. Taylor expressed concern that if the Town takes on the maintenance of this culvert there will be other homeowners who live downhill from other Town roads making requests for resolution to their drainage issues.

Mr. Kluge noted that it's conclusive the Town installed it. It may have been a bad idea, but it was done.

Mr. Crate pointed out that drainage took out the yard and drive when the road was built up and that's what created the problem.

Mr. Kluge said there's a clear cause and effect, but does it include replacement?

Mr. Cummings contends the Town caused the problem and has an obligation to maintain it and replace it if needed; maybe not because of a decision we made, but a decision made in the past.

Mr. Schneider will prepare an agreement for the Board to consider.

Discussion ensued regarding the material the culvert is made of.

Comstar Billing Rates:

The Board received ambulance billing information regarding 2014 Medicare Allowed Rates, Average Bundled Comstar Top 50 Rates and Enfield's Current Rates. Mr. Schneider explained that a rate change won't affect anyone out of pocket. It's just a bill and insurers will pay.

Mr. Kluge noted that a change from the Current Rates to the Average Rates would be a significant upward change. Who is the top 50?

Mr. Schneider is not sure, but it includes Lebanon and Hanover. Comstar is based in Massachusetts so they're all New England communities.

Mr. Crate expressed concern that the insurers may start upping rates.

Mr. Cummings explained that it's a numbers game. There are always a lot of adjustments. He would go with the norm and let it work itself out.

Mr. Kiley pointed out it's the insurance companies we don't have contracts with who will be picked up by this rate increase. The Town has chosen not to bill the balances to residents. If the Town was doing hard-billing it would be a different story.

Mr. Kluge agreed to go along with the Average Rates grudgingly.

Smith Pond – Greg Baker Correspondence:

Relative to Smith Pond and as follow up to a previous meeting with the Board of Selectmen, Dr. Baker submitted a written request for a 40% tax abatement as partial compensation for his efforts and expenditures toward preserving one of Enfield's most unique and valuable natural resources.

Mr. Kluge can appreciate the benefit of having a Smith Pond, but on the other hand the result is to enhance the value of his property.

Mr. Schneider added that it is also to enhance the natural habitat. Smith Pond, unlike Mascoma Lake or Crystal Lake, is spring fed. Forty percent is a big number, but the cost is actually not as high.

The Board viewed the assessment card for this property, which is owned by Smith Pond Preservation Alliance. The dam itself is not taxed.

Mr. Kluge asked if the house can be part of this abatement.

After review of the impact of the requested abatement, which would be approximately \$2,300, the Board considered other, lower percentages. Mr. Cummings was considering something between 25% and 30%. Mr. Kluge could live with 25%. Mr. Crate agreed with 25%.

It was noted that the Cavicchi property is for sale.

Mr. Crate moved to grant an abatement of 25% on the total assessment of the property, Mr. Kluge seconded, vote unanimous in favor or the motion.

Dog Park:

Soil testing of the Dog Park site was done a couple of weeks ago. There's a peninsula of land in the middle that isn't wet land; the rest is wet. It's a pretty clear line. There is also a small strip of land along Route 4A that is not wet.

Mr. Kluge asked if the area is big enough to suit their purposes.

Mr. Schneider said it's a good acre, so he believes so. The project still has to go to the Planning Board.

Mr. Crate asked if they need a wetlands permit.

Mr. Kiley said it would require a 75' buffer.

Mr. Cummings said they could get a variance.

Mr. Taylor believes a fence is exempt from the buffer requirement.

The area to use for parking was briefly discussed. The can find some property closer to Route 4A.

Mr. Crate stated we don't want to maintain the existing lot in the winter months.

If necessary the park could be closed for the winter months.

Community Building Acoustics:

The Reverberation Study at the Community Building confirms what we've known. Conversations and most noise are in the range of 500 Hz to 2 kHz. Results at the Community building fell between 2.5 kHz

and 3 kHz. If we use one of the recommended forms of acoustic mitigation we can expect to bring down to where it should be.

The wood option is less expensive than the plaster option. There would be spaces to deaden the sound. The texture would cut down on reverberation time. The ceiling is the easiest place to install it. About 40% to 60% of the ceiling would need to be covered. We can't affect sprinklers, lighting or circulation. We do not have prices yet.

Mr. Crate wondered if the Board would be able to see an example of what it would look like installed.

Mr. Schneider said they could. These are just the recommendations of the engineers. They don't sell the product. Prices will be obtained.

Administrative Items:

The Board reviewed and approved a Junkyard License Renewal, Veterans' Tax Credit Applications and a form notifying the State that the Town would not be using Inventory Forms in 2014.

VIII. MISCELLANEOUS

Next Meeting:

Monday, August 4, 2014, 6:00 PM, Enfield Center Town House, NH Route 4A

Maple Street Reservoir:

The Board briefly discussed the Town-owned reservoir off Maple Street in the Town of Canaan and the possibility of using it as a recreation area. Investigation into the allowed uses of the Town's right of way is needed.

There was also some discussion about policing of the area. In the past the Town had picnic tables there which were vandalized and used for a bonfire.

Mr. Cummings thinks the Town should sell the property if we can't use it.

Shakoma Beach:

Mr. Cummings asked why swimming is not allowed after 9 PM. He was informed by Mr. Schneider that all Town parks close at 9 PM and there's no lighting.

Mr. Crate said that yeas ago the Town had problems with people going there and drinking, so a closing time was set.

Mr. Cummings would like to review the policy. People fish off the bridge after 9 PM.

Mr. Schneider replied that the Town doesn't own the bridge; we own the beach. We're adhering to the same rules (as the parks).

Mr. Cummings doesn't have a problem with people cooling off on a hot night. He would like to revisit this.

Mr. Kluge suggested obtaining the Police Chief's input.

Mr. Cummings contends we have police personnel on duty. If it becomes a problem we can address it. He has a problem kicking people off on a hot night. The more restrictions you have the more people try to push back.

Mr. Kluge asked if there should be some kind of ending point. Do you want people there at 3 AM?

Mr. Cummings said no.

Mr. Kluge added that he doesn't think there's a need to look at Huse Park, that's a different environment.

Mr. Crate does not want to extend the house.

Mr. Kluge is willing to look into it, but is not saying yes.

Mr. Cummings stated there are certain things he doesn't understand, such as the open container ordinance in Huse Park during Old Home Days. Another town lifts their open container ordinance for the event. Why can't the Enfield ordinance be lifted for the adult softball league? We over-regulate. We allow sales of beer, but don't allow open containers. They do it in other towns and it's not an issue.

Mr. Crate does not support drinking at the Shaker Rec Field.

Mr. Kluge agreed, he also is not in favor of drinking at the Shaker Rec Field.

It was questioned if the ordinance was adopted by the Board of Selectmen or the voters. Research indicated that the ordinance was adopted by the Board of Selectmen.

Mr. Kluge attended one of the events in another town where the open container ordinance was lifted. He thought people had too much to drink.

Marathon Man:

Mr. Kluge asked if anyone knew the logistics of the Mascoma Marathon Man on the 26th. How will that impact the Town. The Shaker Museum has a large wedding that day.

Mr. Schneider responded that they'll enter the lake with transitions at the old motel property. The Town no longer manages that property. Transitions happened at the Museum in the past but won't now.

Yoga Classes:

Mr. Kluge asked if the yoga classes being offered are subsidized by the Town.

Mr. Schneider replied they are not. The regional recreation program fees pay for the instructor.

Mr. Kluge said there's an organization that might provide space for this type of class, but not if it's a profit making enterprise.

Mr. Schneider suggested speaking with Kati Lary Jopek, Regional Recreation Director.

Shakoma Beach, continued:

Mr. Cummings would like, between now and the August Selectboard meeting, to try a beach closing at 11 PM, to be reviewed at the August meeting. Something can be put over the 9 PM closing time on the sign to indicate the new closing time.

Mr. Schneider would like to confirm liability concerns and to talk to the Police Department and Recreation Commission.

Mr. Crate is opposed to the later closing time, wanting to keep the closing time at 9 PM.

Mr. Kluge said he'd be willing to experiment with an 11 PM closing time.

Mr. Schneider said he didn't know if it was well lit. There's a wall that becomes treacherous in the dark.

Mr. Cummings would like to try it, pending safety concerns.

Mr. Schneider said he needs to see how far out the lights shine. He needs to take a look at it at night to see what concerns there might be.

Mr. Kluge asked about the large porta-john located right next to the road.

Mr. Taylor explained the other location was not handicapped accessible and when they re-graded the road they didn't leave the little platform where the porta-john was previously located.

Susan Gosselin Catch Basin:

Mr. Crate asked that the State Highway office be called. The catch basin and Susan Gosselin's residence near Wescott Road, is overflowing, has gone over the back side and started to erode the end of her dooryard; it was blacktop. Leaves keep filling it up.

Mr. Taylor will call. Susan Gosselin should also call, as should the members of the Board of Selectmen and Mr. Schneider. The "squeaky wheel gets the grease."

CONFERENCE

I. ADJOURNMENT

Mr. Kluge moved to adjourn at 8:00 PM, Mr. Crate seconded, vote unanimous in favor of the motion, meeting adjourned.

B. Fred Cummings, Chairman

Donald J. Crate, Sr.

John W. Kluge
Enfield Board of Selectmen