

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

MINUTES of September 15 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; Richard A. Crate, Jr., Chief of Police

Others: Alan Strickland, Dwight Marchetti, Gary Gaudette, Shirley Green, Kurt Gotthardt, Dan Kiley, Leslie & Rick Barrow, Marcia Herrin, Scott Berry, Linda Von Reyn

BUSINESS MEETING

I. CALL TO ORDER

Mr. Cummings called the meeting to order at 6:02 PM.

II. APPROVAL OF MINUTES

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

III. COMMUNICATIONS

Wetlands Permit Application:

The Board was notified that a complete copy of subject wetland application was available for viewing. The application is for 412 Shaker Blvd., Map 24 Lot 15 – Boulder shifting toward dock – move 10 feet to the left of dock.

NH Dept. of Environmental Services Correspondence:

The Board received a copy of correspondence from NHDES to the Daskocils of Enfield, dated September 10, 2014, with the State's findings relative to a complaint about a culvert.

IV. BOARD REPORTS

Budget Committee:

At the last Budget Committee they assigned department liaisons and scheduled meetings for the 2014-2015 budget season. The Committee meets next in the beginning of November. Doug Pettibone continues as Chairman and Sam Eaton as Vice Chairman.

CIP Committee:

The CIP Committee reviewed Public Works submittals. They had a series of questions regarding the request for two trucks and a mower. Other Public Works projects include the Lovejoy Brook project that would have a 75% grant/25% Town funding split, and the boat ramp project.

Boys Camp Road bridge was discussed. The project is currently on the CIP for 2015 but may be a 2016 project. They may want to spend time discussing the different options for bridge replacement.

A new fire truck will be the main topic of discussion at the next CIP Committee meeting.

V. TOWN MANAGER'S REPORT**Housekeeping:**

Mr. Schneider reported that the Town Office staff did 3 – 4 hours of work cleaning the balcony storage area. 1.2 tons of paper was disposed of and stacks of boxes in the hallway are to be shredded. The housecleaning project was part of the plan to reorganize the building. The space looks completely different than it did. It went from having a narrow path through stacks of boxes to being wide open. The documents thrown away are records we no longer need to retain.

VI. PUBLIC COMMENTS**Dwight Marchetti – Whitney Hall Flagpole:**

Mr. Marchetti asked about the status of the rope on the flagpole at Whitney Hall. He expressed that it is nice to have a flag in front of a major Town building. He was informed that a part has been ordered. The status of the order will have to be investigated.

Dwight Marchetti – Community Building Entry:

Mr. Marchetti reported a problem with the front entrance of the Community Building which has become a tripping hazard.

Kurt Gotthardt – Crosswalk Striping:

Mr. Gotthardt asked, if the Town is going to stripe the crosswalk in front of Whitney Hall, can cross hatching be put in where the “no parking” zone is in front of the building. The no parking sign is set back and people ignore it and park in that space created a blind spot for people pulling out of the Whitney Hall drive.

Kurt Gotthardt – Letter of Support:

Mr. Gotthardt requested a letter of support for the Bicknell Brook Management Plan. The Mascoma Watershed Conservation Council (MWCC) is strongly in favor of supporting the grant, but someone needs to write a letter; Mr. Schneider will do so.

Kurt Gotthardt – Mascoma River Local Advisory Committee:

This committee is a quasi-government committee sanctioned by the State. The Committee has no funding and would like to get on the list of regional organizations for the Town of Enfield for 2015 budget requests. Mr. Gotthardt was instructed to contact Diane Heed in order to get the paperwork for submission.

VII. BUSINESS

Conservation Commission – Harris Brook Reservoir:

The Conservation Commission is interested in protecting a natural resource and inviting people to enjoy what's already there. The Harris Brook Reservoir is owned by the Town of Enfield and located in Canaan off of Moose Mountain Road. The Town has a deeded right-of-way that allows public access to the reservoir and the Town has the right to upgrade the road. The Town also owns a nearby property that could provide parking. The Conservation Commission held a site visit and identified two potential locations for parking located on the Town-owned property. Both potential parking areas are near Moose Mountain Road and would require people to walk in to the reservoir, thereby limiting how much they could bring in. The smaller of the two parking areas is fairly level and would just need brush hogging to open it up for parking for 3-5 cars. The larger of the two potential parking areas has 55' of frontage and extends back about 48', but would probably need some fill to level it out.

The Enfield Conservation Commission met with the Canaan Conservation Commission. The Canaan Conservation Commission voted unanimously to help in any way they could. They would not be helping financially, but would be willing to volunteer labor. The Mascoma Watershed Conservation Council might have some available funds for this project.

Mr. Marchetti informed the Board of an ordinance adopted by the Board of Selectmen on June 30, 1980 that prohibits use of the reservoir for recreational activities unless directed by the water commissioners. The ordinance also states that the entrance would be blocked. The ordinance would need to be amended to allow recreation use of the reservoir.

Mr. Marchetti stated that the reservoir is a beautiful natural resource. It needs some work and there are 5 boats there that should be removed. The boats aren't registered so it would be hard to find the owners. There's a snowmobile trail near the back part.

Mr. Crate asked what impact the parking would have on the wellhead protection area. It was determined that the well is a considerable distance from the proposed parking, though it was noted by Mr. Crate that it's on a downhill slope. If parking is not a problem for wellhead protection he is OK with the proposal.

Mr. Gotthardt presented for viewing a plan of the wellhead protection area and surrounding lots.

Discussion ensued regarding a 'Private Property – Keep Out' sign posted within the Town's right-of-way. The placement is on the property owner's land, though within the right-of-way and is believed to be intended to keep people from going down their driveway. The Town would want the sign to be moved.

Mr. Cummings asked if anyone has spoken to the neighbors. He was informed by Mr. Marchetti that they have not spoken to the neighbors since it would be a moot point unless the Selectmen support it.

Mr. Gotthardt met the owner of Lot #3 on his plan. The right-of-way is on the property of the person who lives at the end of the drive. The 'Private Property' sign was put up when there were a bunch of cars parked on his property.

Mr. Kluge asked what activities would be permitted.

Mr. Marchetti suggested picnicking, enjoying the natural resources, walking a trail around the reservoir.

Mr. Kluge asked about boating, fishing and swimming. Is there a reason to maintain these prohibitions?

Mr. Taylor explained the reason for the prohibitions stem from the time when the reservoir might be used as a water supply. There is no longer any chance it would be used for that purpose.

Mr. Crate added that that ordinance was put into effect when there were a lot of parties, fires, etc. taking place up there.

Mr. Cummings pointed out that that's an issue for the Canaan Police. We don't have jurisdiction.

Mr. Gotthardt said that currently there's just a small amount of old trash.

Mr. Kluge agreed that maybe having the parking a bit further away, as suggested, is a good idea.

Mr. Marchetti said the 5 boats there now have been there since last year. If the Selectmen want to allow boats they might want to allow them on a carry in/carry out basis.

A few additional points were made: The Town is spending about \$1,000 a year on dam maintenance. It's nicely maintained. It was questioned how the owner of the property, over which the right-of-way passes, will feel about the traffic. It is unclear what would have to be done to the larger parking area.

Mr. Cummings asked if the gate would come down. Mr. Marchetti and Mr. Strickland suggested to him that it not come down, but that a pedestrian path around the gate be established.

Mr. Gotthardt walked around the reservoir. There's 100' to 500' from the shoreline of dry walkable land. There's a natural path where the tree canopy has prevented a lot of undergrowth. A trail that does a full loop could be established.

Mr. Kluge would like to see the Town do more development like this. Mr. Cummings agreed. Mr. Crate has no problems with the proposal. The ordinance would now have to be revised.

Mascoma Community Healthcare (MCH):

Scott Berry and Linda Von Reyn introduced themselves to the Board. They are out in the community actively seeking support. They have about 2200 pledges of support at this time. Those showing support have indicated they think it's a great resource and they would consider using it. About 25% of the 5 area towns have shown support.

They have an option on land at the corner of Route 4 and John Roberts Road in Canaan. This location provides an affordable, central location with high visibility for the Route 4 corridor. The option is contingent on funding. The furthest distance for the vast majority of individuals is about 9 miles.

Lavallee & Brensinger of Manchester is the architect for the project. This firm has experience in design of healthcare facilities. The building will be about 10,000 square feet. They are starting on the design process this week.

The Board was informed there will be a meeting in Canaan on Thursday to discuss the project.

Funding may include a USDA Rural Development loan, CDBG, CDFA and other funding sources. They are in the grant process now. They are not looking to burden towns with financial support.

The goal is to break ground in March and open in the fall or early winter of 2015.

No MCH Board member can derive more than 10% of their income from the clinic.

Services they plan to provide include primary care, dental, lab services, behavioral health, radiology, pharmacy and physical therapy. They won't have all of these services available initially but as the patient base grows they hope to expand the practice. They plan to be open 60 hours a week, with evening and weekend hours. Though even hours will not be all at once, but phased in as the patient base grows.

They will hire practitioners independently and also collaborate with DHMC and APD. There was a rumor that DHMC was not interested in collaborating, but it was clarified that DHMC has expressed interest in collaborating with some positions, but not primary care, as they are currently challenged with primary care physicians. MCH is not asking people to switch their primary care physician, but how many primary care physicians have weekend hours? The clinic will have availability at different hours offering convenience.

A sizeable amount of funding was received from the Byrne Foundation. \$50,000 has already been received, with another \$50,000 to be received after they obtain 501(c)(3) status.

Mr. Cummings understands that the goal is to save on health insurance costs.

Ms. Von Reyn replied that they do plan to provide affordable healthcare. They'll accept Medicare, Medicaid, and insurance, plus they'll have a sliding scale payment option for those without insurance.

Affordable healthcare was discussed as many folks are uninsured or underinsured.

Mr. Berry explained that there are 24 seats on the MCH Board and they have ex-officio advisors. They are working closely with Ed and John of Family Pharmacy, as well as Dr. Beaufait.

Mr. Cummings pointed out another fear of some people, that being that they won't have the same doctor at each visit so they can't building that doctor/patient relationship.

Mr. Berry agreed that relationship is very important. MCH plans to use the Medical Home model where a team of people know a patient well with the care led by a doctor who is engaged in their care. Appointments will also be based on 30 minutes rather than 15 minutes as is common elsewhere.

MCH will be run and owned by the community. Fifty percent of the Board members are community members.

Water/Sewer Rates:

Mr. Schneider distributed a spreadsheet with the annual impact of increases of 5%, 10%, and so on, up to 60%. This is the information the Board requested at their last meeting. The goal is to simplify out structure to a one rate structure.

Rick & Leslie Barrow provided information for the Board's consideration including an email about the proposed rate change, and their clarification of information included in the September 2, 2014 Selectmen's minutes.

A fixed rate system would be without a tier system and would mean the more you use the more you pay. This means we would be getting rid of the increased rate for higher users.

Discussion ensued regarding the calculation of the rate. The Town knows its fixed costs and can distribute those accordingly. The Town is confident it can establish a rate that generates what is needed for revenue.

The Board of Selectmen was tasked with selecting a rate setting option: give larger users a break, assess larger users more, or charge them exactly the same. The Town used to operator on a single rate system, but switched to the tiered rate structure in 2007. The rate structure change was used to support the small users because the department deficit was so large at that time. The rate had not been adjusted often enough to cover expenses.

Discussion followed regarding usage. Right now we're sending 85,000 - 90,000 gallons per day. The system is currently designed to handle 180,000 gallons per day. The Town's allotment with the City of Lebanon is 300,000 gallons per day.

Mr. Cummings said there's a feasibility study being done for an extension of the system to Lakeview Condos. How much will that add to capacity? He was informed it would put us over 100,000 gallons but under 180,000 gallons.

We know that the Lebanon rates are going up. We're a customer of Lebanon so will be directly affected by that increase. Initially we were told the increase would be 9% each year, but the Lebanon City Council has decided to increase the rates by a lower percentage. What the increase will be will be clarified with the City of Lebanon.

We know our expenses and can structure the rates in a way to reach our revenue goal and determine a rate.

Mr. Kluge is opposed to a discount to high volume users.

Mr. Cummings thinks a one-rate system is fairer, but he doesn't want to go as high as a 25% increase on the small users. He does not want to exceed 10%.

Mr. Schneider explained that we'll want to set our rates in December so the new rate can be effective in January. We'll want to publicize the proposed change.

Mr. Cummings and Mr. Kluge support an increased one-rate bill for smaller users of not greater than 10%. Mr. Crate would like the increase to be no more than 5%.

Mr. Taylor pointed out that this doesn't include Lebanon's increases, but shifts 10% of costs to smaller users.

Mr. Kiley said the smaller users would be subsidized so there's no need for them to conserve. If the cost is \$1.00, but smaller users are paying 50 cents, a 10% increase means they're still only paying 55 cents.

Mr. Schneider said they will calculate a 5% and a 10% increase and reach out to Lebanon for a better understanding of their increases.

Mr. Cummings said that it this is what it's costing us this is what we should pay.

Mr. Schneider mentioned the need to look at the rates on an annual basis.

Mr. Kluge said even with the increase it's still a good deal compared to a private well and septic.

Mr. Barrow pointed out that the 32% of users are not full users. Those in the top 5% are the majority of people using the water. There's a difference between bill payers and users.

Dog Park:

The Town received a call from the NH Dept. of Transportation, Division 2 (NHDOT). Our request for driveway access for the dog park was denied. They informed the Town that they had granted too many curb cuts for the section of road from the Shaker Bridge to Sloan Road. We want to receive the actual letter before taking any action. There is an appeal process.

This is not the best news, but does not prevent the park from being built.

Ms. Herrin informed the Board that the Dog Park Supporters have raised \$60,000: \$25,000 from the Byrne Foundation, \$25,000 from PetSafe and another \$10,000 from private donations. The group has no entrance, no agreement with the Town and has not been before the Planning Board.

Mr. Kluge said the Planning Board will need the curb cut, then everything will fall into place.

A copy of the letter will be provided to Marcia Herrin when it arrives.

Police Department Software:

Chief Crate went to a meeting to look at software that allows Police Departments to search open social media sites. The Department does that now, checking public posts on Facebook, etc. They do not need warrants to do this. It does not provide information that is privately posted.

Mr. Kluge was adamantly opposed to this software. He felt strongly that a program that searches for a broad issue, for example, "suicide" is an invasion of privacy. While he has no problem with the PD searching for information posted by a specific subject of suspicion he did not like the idea of broad general searches.

Chief Crate said this just allows them to get information without having to go through it all. They could do a search for a keyword, such as "suicide" and if someone posts publicly about suicide they would get an alert. This has the potential for saving a life if a child posts something like this and the Department can act to prevent it.

Mr. Schneider reported that the Town has used social media successfully, but since this programming is just gathering a lot of data this is an issue he wanted to bring before the Board.

Mr. Kluge stated that it's different if you have suspicions about a single individual. You can search for that specific individual.

Mr. Cummings asked who makes the software. He was informed it was a firm working with UNH.

Mr. Kluge believes the voters of this Town would be outraged.

Mr. Cummings would like to see a demo of the software. He was told that could be arranged.

Mr. Schneider pointed out that the Enfield Police Department has been on the forefront in the past, such as with Tasers. The Department has been on the front edge of progressive police administration in the past and was able to successfully implement Tasers – something other communities were adamantly opposed to.

Chief Crate reiterated that this information is put out there; it's public. If you share something only with your friends it won't be found.

Mr. Kluge likened the software to license plate readers. License plate readers are not permitted in the State of NH, even though nothing is more public than a license plate. While Mr. Cummings feels this is two different things, Mr. Kluge contends that it has to do with privacy.

Mr. Cummings would like to see a demo before he talks about it.

Mr. Crate would like more time to think about it.

Mr. Marchetti asked if there is any agency in NH, New England or the US who has adopted this system. He assumes any who have adopted this have guidelines for use. When the Police Department wants to invade privacy they need a warrant or an exception for that warrant. Given that, are there any agencies challenged with the information they received?

Chief Crate state that the expectation of privacy is not there.

Mr. Gotthardt said if the Police Department has probable cause they can pull up a search engine, but this sounds like it's flagging a word that came up as opposed to searching for specific individuals you have suspicions of. It does a broad search.

Personnel Policy:

The Board received a copy of the Personnel Policy for approval. The policy presented to the Board has the changes from the past 10 years now incorporated.

At-will employment was discussed. At-will employment means that employees can be terminated at any time without reason. The Policy has a disciplinary process to follow prior to termination. This is not a new process, but was in place in the 2004 policy.

The Board will take time to review the policy.

Main Street Rail Trail Crossing:

The Town received correspondence from Victoria H. Chase, PE, Project Manager, NH Dept. of Transportation, relative to the Main Street Rail Trail Crossing. The letter informs the Town that the study of the Northern Railroad Historic Corridor has been completed and the corridor has been determined eligible for the National Register of historic Places as a linear historic district.

The letter indicates two options remaining available to the Town:

- 1) Shifting all Main Street traffic onto the bypass road. This would leave the existing rail trail bridge in place (closed to Main Street traffic). Road improvements would be required and it would limit future recreational development opportunities should the town seek to acquire the remnants of the former motel property. The estimated cost of this alternative is over \$300,000.
- 2) "No-build" alternative maintaining the existing Main Street rail trail underpass and leaving the existing bypass roadway in place, as it is today. Most traffic would continue to use the Main Street underpass, while emergency and large vehicles would use the bypass roadway.

The latter of these two alternatives, according to the letter, seems to balance the diverse interests in this area and the "no-build" alternative is believed by the State to be the most practical approach.

Mr. Crate asked what happened to the political representatives who were working on this for the Town. Mr. Crate would like to fight this decision.

Mr. Kluge is not sure where you would fight this.

Mr. Schneider spoke with Ms. Chase. The Historic Survey found the entire trail from Concord northward to Lebanon is now a historic resource. Ms. Chase will come to the first Selectboard meeting in November. They discussed whether the historic designation can be appealed. It's a State designation. They have to do what has the least impact on the historic resource.

Mr. Schneider can speak to the Town's attorney about appealing the historic designation and what that means.

Mr. Cummings noted that this is political.

Mr. Crate asked if, when people come to the rail trail crossing at the road, aren't they supposed to stop?

Chief Crate said each group has a different requirement. Snowmobiles have to stop. The homemade stop sign is probably one put up by the local snowmobile club.

Mr. Crate reported that people coming through on bicycles and running are just blowing through whether a car is coming or not.

Chief Crate pointed out that the bypass is not really a road.

Mr. Schneider said that if it were a road there would be gates.

Mr. Cummings stated that we should close the underpass and use it as a road.

Mr. Schneider pointed out that the bypass road is not constructed for that level of vehicle traffic.

Mr. Kluge added that we would also lose a lot of ground for parking.

Mr. Schneider said there is still water frontage and this area is really a staging area for the other, neighboring parcel. It isn't ideal to have a road going through a recreation area, however.

Mr. Crate is not ready to give up on this issue.

Mr. Schneider would still like the State engineer to come in and hear their thought process.

Mr. Marchetti asked if the State is going to maintain the overpass. It's in poor condition. It could be a hazard to people driving underneath.

Town-wide Revaluation:

In progress - nothing new at this time.

Enfield Community Building Acoustics:

Mr. Schneider met with the Lions Club a couple of weeks ago and described the two choices for addressing the acoustics issue. He didn't ask for money, but wanted a feel for their preference of material. He believes they preferred the plaster option. Mr. Schneider would like to move forward with the plaster option as soon as possible. This was discussed at the Lions Club meeting, but Mr. Schneider didn't get a consensus from them. Would the Selectmen like to move forward?

The Selectmen unanimously agreed to move forward with the plaster option.

Mr. Crate asked if the A/C was fixed.

Mr. Taylor said they are scheduled to do the work on the 26th. The building will be without heat for 2 days.

Administrative Items:

The Board reviewed and signed a 2013 Property Tax Refund previously approved.

VIII. OTHER ITEMS

Elections:

There has been a thread among managers regarding election monitoring. An AG visited some of the area polling places and was not impressed with the Selectmen's attendance. The AG did not visit Enfield. A majority of the Selectmen are supposed to be present at the polls. The Enfield Town Moderator is OK with the Board of Selectmen appointing designees.

Streetlights:

Mr. Crate provided a list of streetlights that are still not functioning properly, or at all, to Chief Crate.

It was pointed out by Mr. Crate that there is no streetlight at the corner of Kluge Road and Shaker Hill Road. There was a question as to whether there was a pole near the intersection. This would have to be looked at.

Crosswalks:

Route 4 has been striped; Main Street has not.

Mr. Cummings would like the crosswalks painted. He also would like to include the crosswalk at the end of Depot Street. The Depot Street crosswalk has worn down to a single line.

Mr. Taylor said that if we're going to continue to do striping of crosswalks he would like \$10,000 put in the budget for a striper. It's expensive to hire someone. The cost to do the crosswalks by the Library and at the 4-way stop on Main Street is \$1,100. Additional crosswalks would increase the cost.

Mr. Cummings pointed out that children cross the sidewalks every day.

Mr. Kluge hates to spend the money to do a State job, but if it's for the safety of the kids he is supportive.

Mr. Gotthardt wondered if it would be possible to get grant money as a 'safe kids to school' project.

Mr. Crate asked about the cost of striping equipment. He was informed by Mr. Taylor that a machine would cost about \$5,600, conservatively. With supplies it would be about \$10,000. You can buy less expensive stripers which are essentially spray cans at the end of a stick, but this break quickly and the paint is not of a quality that it lasts.

Chief Crate also pointed out that when you lay down a crosswalk you have to be sure to lay down paint with grit so the crosswalk isn't slippery. We can still call NHDOT about kids crossing.

Mr. Taylor said that if we're going to pay \$1,200 - \$1,500 a year to rent we could pay for one in about 5 years.

The Selectboard agreed striping equipment should be put in the budget.

Shirley Green asked if the State isn't concerned about liability.

Chief Crate responded that State law limits the amount that the State can be sued for.

Next Meeting:

Monday, October 6, 2014 at 6:00 PM in the Whitney Hall Conference Room, 23 Main St.

CONFERENCE

I. ADJOURNMENT

Mr. Kluge moved to adjourn at 8:08 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