

**Enfield Board of Selectmen  
Public Works Facility  
74 Lockehaven Road  
Enfield, New Hampshire**

**MINUTES of September 8, 2015**

**Board of Selectmen:** Fred Cummings; John W. Kluge

**Absent/Excused:** Donald J. Crate, Sr., Chairman

**Administrative Staff:** Steven Schneider, Town Manager; Alisa D. Bonnette, Assistant Town Manager; Jim Taylor, Director of Public Works; Richard A. Crate, Jr., Chief of Police; Phil Neily, Building Inspector/Health Officer/Zoning Administrator

**Others:** Donald Plante, Paulette Dunbar, Dan Kiley, Harrison Trumbull, Meredith Smith, Doug Smith, Marcia Herrin, Terri Lynch, Jo Ann Clark, Jeff Goodrich, Ed McLaughlin, and other members of the public.

**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 public and non-public session minutes of August 4, 2015 as presented, Mr. Cummings seconded, vote unanimous in favor of the motion.

**III. COMMUNICATIONS**

Notice of Wetlands and Shorelands Permit Application: Tax Map 21 Lot 36, 47 Meadow Lane, Enfield NH

Town Clerk's Report – August 2015

Tax Collector's Report – August 2015

**IV. BOARD REPORTS**

None.

## V. TOWN MANAGER'S REPORT

### **NHDOT Ten Year Plan:**

There are a couple of Enfield projects on the DOT 10 year plan. The Main Street underpass is scheduled for 2017. There is also a major Route 4 project from the Lebanon line to Main Street in Enfield. What's lacking is any funding for unnumbered State roads, which would include Main Street and Shaker Hill Road.

Mr. Schneider would like to offer testimony at the Lebanon hearing next week. Shaker Hill Road costs us funds every year for damage to our winter maintenance vehicles. The State says we can take over Shaker Hill Road, but it would cost \$3 to \$4 million to bring it to our standards.

Jo Ann Clark asked if it would do any good for the general public to attend. She was told it would. The hearing is on September 15<sup>th</sup> but they are also accepting written testimony into November.

(Note: A NH DOT posting of hearing dates and information is located on the Town's website at [http://www.enfield.nh.us/Pages/EnfieldNH\\_WebDocs/bulletin](http://www.enfield.nh.us/Pages/EnfieldNH_WebDocs/bulletin) and will remain available until after the November 5<sup>th</sup> deadline for comment.)

## VI. PUBLIC COMMENTS

None.

## VII. BUSINESS

### **Donald Plante: Pollution:**

Mr. Plante asked, as a taxpayer, are records accessible for Town projects? Specifically records related to the reconstruction of the berm at the Enfield Outing Club (EOC) in 2010? Materials brought in, if the Town participated, etc. Jim Taylor replied that the Town delivered a few loads of excess chips. Mr. Plante asked if he had a record of that and was told by Mr. Taylor that could be provided. Mr. Schneider asked that Mr. Plante put his request in writing.

Mr. Plante informed the Board that he went before the ZBA last week to appeal a decision relative to the EOC and misuse and disruption. He was disappointed with the way the hearing went as he found instead that the ZBA focused on the issue of noise, which Mr. Plante said he was not appealing. The ZBA denied the appeal. Mr. Plante said his appeal was on misuse and disruption but the decision was on noise.

Donald Plante and Paulette Dunbar submitted a letter to the Selectmen regarding concerns they have about "public safety, public health, destruction of property values and unlawful misuse of property." They contend the property is currently being used as a commercial rental property and the "waste products, generated and deposited, abandoned by these businesses are carcinogenic elements, compounds, hazardous wastes the likes of lead, lead styphnate, lead azide, antimony, arsenic, and on the lighter side, copper and tin."

It is the understanding of Mr. Plante said the Town drinking water supply contains lead. The levels in the Town water supply are well below allowable limits.

Mr. Plante would like to pursue this issue and in that pursuit requests a written statement from the Board of Selectmen indicating concern or lack of concern, action or inaction.

Mr. Plante expressed disappointment with the actions and/or decisions of the Zoning Administrator, Zoning Board of Adjustment, Planning Board, Police Department and Board of Selectmen relative to the EOC. He believes the Town has encouraged the EOC to continue to rent their facilities to out-of-state organizations who contribute to the waste and no remediation or recovery on the site.

Discussion ensued regarding acquiring the help of NH Department of Environmental Services (DES). Mr. Schneider said his last conversation with DES resulting in obtaining a copy of best practices for shooting range clean up. It was unclear if the Town has the authority to force them to clean it up. Mr. Plante contends DES will not take any action unless the Town of Enfield expresses concern and asks for help.

Mr. Plante believes the Town can use its solid waste ordinance to enforce clean up as he says the EOC is "burying" waste in the berm. Mr. Schneider responded that the Town knows ammo has been fired on the property.

Mr. Plante says this is his life's mission now and feels they have suffered greatly, sometimes at the hands of the Town. He cited the use of the EOC, sometimes, by the Police Department for training over a period of 10 years. And no one asked them if it was OK for the Police Department to train on the property. Mr. Plante was informed the Town did not need to get his permission. Mr. Plante asked if the Police Department recovered the lead during the time they trained at the EOC. Chief Crate informed him they had not.

Mr. Planed reported he and his family have lead, arsenic and antimony in 2 of their 3 wells; it's within limits. No one can say definitively what the source is.

Mr. Kluge said that unless someone gets DES involved he doesn't see that the Town can take this on. The Board does not know that they have the power to force the issue of soil testing. While Mr. Plante says he just needs a statement of concern/lack of concern, action/inaction, the Board does not think it can provide that.

Ms. Clark asked whose responsibility is it to say to the EOC "you need to get it tested and until you get it tested you can no longer shoot"?

Mr. Plante stated there are wetlands on the property. He believes they've dug in the wetlands. He also stated that when you hit a clay pigeon 10" of the ammo goes into the clay pigeon, the remaining 90% spreads over a wider area. He believes this has ended up in the wetlands as well.

Ms. Clark asked if the Board can get DES to look at it and see if testing is needed. She does not feel the type of shooting going on at the EOC has a place in the middle of a residential area.

Mr. Cummings doesn't know if the town can regulate it. It's private property. And while Mr. Plante says we now have zoning, Mr. Kluge points out the EOC is grandfathered. Mr. Plante contends that shooting is not shooting generically.

Mr. Kluge said the Town is not in a position to hire a lawyer and litigate this for Mr. Plante.

Mr. Plante reiterated his request for a statement of concern/lack of concern, action/inaction.

Mr. Cummings said the Board will discuss this further at the next Selectmen's meeting when all three Selectmen are present. In the meantime Mr. Schneider will contact the Town's Attorney for an opinion.

### **Dog Park:**

The Board reviewed the current Dog Park rules. Mr. Cummings said his only problem is that he's adamantly opposed to not allowing unaltered dogs. Watson Dog Park doesn't prohibit intact dogs. If he had a stud dog who was mild mannered he should be able to use the Dog Park.

Marcia Herrin said he's asking volunteers to break up dog fights with unneutered dogs.

Mr. Cummings said he stopped by the Dog Park and there were two unneutered dogs there. They were fine. He has no problem with not allowing female dogs in heat. He does have a problem with not allowing unneutered dogs since the choice not to neuter can be for many reasons including breeding or health issues.

The ASPCA dog park guidelines say no unaltered dogs. Even if they are fine, they are often targeted by other dogs.

Mr. Cummings just wished to go on the record that he has a significant problem with that rule.

As for age of children allowed there was a compromise made.

Marcia Herrin said that female dogs in heat can be hard to assess. She has a problem with putting unaltered dogs and families together due to safety concerns. There was a dog fight on Sunday. Like a skateboard park, bad things can happen. Asking the Dog Park to allow unaltered dogs is asking the volunteers to be involved in a situation more dangerous than they're comfortable with. This is a place for people whose dogs need to play.

Jo Ann Clark said this issue is a huge concern. One or two times a year there may be injuries. They are trying to make this as safe as possible. Children have other places to go. This is a place for dogs.

Ms. Herrin would like to wait another year on this. The Dog Park volunteers are reaching out to the majority here. She doesn't want to see it as discriminatory. They feel it's dangerous to have

an unaltered dog in that type of situation. This has been a learning process. Though Mr. Cummings has a previous version, these rules were presented back in December.

There was discussion of the three different areas, one for small dogs, one for large dogs and a training area. The training area can and has been used for dogs who are not good around other dogs.

Mr. Kluge's concern is the Board represents the Town as a whole and there's a valid point that some residents are being fenced out of the facility. He asked if the Dog Park would be closing for winter. He was informed by Ms. Herrin that they are unsure.

It was pointed out by Ms. Clark that no one will like all the rules.

Terri Lynch said if someone has a female dog that they don't know is in heat and the large, intact Bloodhound that Mr. Cummings saw at the park was there as well, there would be an interaction. She's very anxious about that.

Dan Kiley thinks the Board should keep the rule for now. The volunteers are managing the Dog Park. If they don't feel comfortable you'll be putting them in a position that's detrimental to their safety. He is not in favor of the rule, but he doesn't have a dog and the owner made a decision not to neuter that dog.

Mr. Cummings said as a Board they have a job to represent all the people.

Ms. Clark asked how many have complained about the neutered dog rule. Mr. Cummings replied, "a handful." Ms. Herrin has received one email. Mr. Kluge has received one email. Ms. Clark estimated 100 dogs were there on Sunday. How many dogs have been registered in Enfield, a thousand? That's a small percentage. She has a problem with changing a rule that make sense and has science behind it. Rules should not be changed based on complaints. This is a dogs' playground, not a children's playground. A 13-year old in the middle of a dog fight is not a good situation. That's why the rule should stay in force, so we can educate people.

Mr. Kluge said he's inclined to go with Mr. Kiley's thinking and give it some time. Mr. Cummings agreed.

Ms. Clark said they want the Dog Park to be safe for those who use it.

Ms. Herrin hoped the Board saw the nice press the Dog Park got in the Sunday Valley News.

**PUBLIC HEARING****Community Revitalization Tax Relief Incentive, RSA 79-E  
Enfield Village Association (EVA) / Greeley House**

Mr. Cummings read the notice of the public hearing.

Mr. Kluge moved to open the hearing at 7:00 PM, Mr. Cummings seconded, vote unanimous in favor of the motion.

The Board has reviewed RSA 79-E and is fully in support of this.

Doug Smith, speaking on behalf of EVA, submitted a change in their request. At the last meeting it was said that, "The Town abates the taxes on the improvement to the property. The structure is taxed on its original purchase price, which in this case was \$76,500." The purchase price was \$40,000 and EVA would like the value set at that amount vs. \$76,500.

Mr. Schneider said there are two different things; this hearing will abate value of improvements. Is the Board supportive of abating improvements?

There were no public comments.

Mr. Kluge moved to close the hearing at 7:02 PM, Mr. Cummings seconded, vote unanimous in favor of the motion.

Mr. Kluge moved to approve the property tax exemption for the Greeley House in accordance with RSA 79-E, Mr. Cummings seconded, vote unanimous in favor of the motion.

**Lakeview Septic Systems:**

Jeff Goodrich, Consultant and Engineer for Lakeview, has been working with Mr. Schneider on the Memo of Understanding (MOU) between Lakeview and the Town. Lakeview currently has an issue with disposal of effluent. They've approached the Town to see if we can help them dispose of it in any way. The effluent is not the solid matter from the septic tanks, but the liquid waste that is normally pumped into the leach fields for dispersal. Lakeview would like to bring the effluent to our pump station. This is an immediate issue for them.

In the past, the City of Lebanon has not permitted the septage from private septic tanks to be introduced into the Enfield system for treatment in Lebanon. The amount of solids is difficult for Lebanon to process. The difference with Lakeview's request is that it's for the liquid effluent only.

Jeff Goodrich explained the Lakeview wastewater disposal systems are reaching the end of life. They would like to take the liquid normally pumped to the leach field and deliver it to the Enfield municipal sewer system. Lakeview is looking at spending money to take effluent off site to lower disposal costs.

Mr. Kluge asked how the short-term funding works.

Mr. Goodrich replied, however the details Steve Schneider works up. It is expected this will be at no cost to the Town of Enfield.

Mr. Schneider said in the past residents asked why we couldn't take their septic and it's because Lebanon won't take it. As presented, this is different material. This would provide relieve to Lakeview. They are also investigating other places it can go.

Mr. Cummings is OK with this as long as there is no cost to the Town.

Mr. Schneider wants to put this topic back on the agenda for the next meeting so Don Crate can weigh in on it.

**“Old Motel” Property / Ad Hoc Committee:**

At the last meeting there was a list of items discussed. There is an estimated cost of \$3,000 to do archaeological exploration on the properties; this to take place only where we would disturb the ground.

The State of NH is not willing to do a staircase from lakeside to the Rail Trail.

Relative to Main Street itself, Victoria Chase was here with an engineer to review the site. The State is not going to spend any more engineering money upfront, but will wait until the Town decides in what direction it wants to go. Mr. Schneider relayed the State's ideas for improvements including address surface drainage by widening the area used in the existing State right-of-way and installing ditches and/or curbing. Pulling down the pavement to just before they hit water, perhaps as much as 6", and using "super strength pavement." DOT has a whole building just for researching pavement products. With the super strength pavement they can use just 3" and crown the road to improve drainage. They would also improve the shoulders where people pull out of the way of opposing traffic at the underpass. Potential fixes were offered. It wasn't going to be feasible to do digging and redoing the whole road under the underpass. They think we can improve safety and the quality of Main Street.

They are not willing to fund bathroom construction. They would put in barriers on the Rail Trail where it crosses the access road as they have at other road crossings. The access road would remain as access to the property and for over-sized vehicles. The State would improve the access road so it would be a more long-term fix.

If the Town is amenable to this they would then engineer the parts.

Mr. Kluge asked, if the Board says let's pursue this, what are the next steps? Do they want a formal motion? A public hearing? Mr. Schneider says a motion would be enough.

This issue will be back on the agenda for the next meeting since Don Crate should be involved in the decision.

Meredith Smith informed the Board that the Ad Hoc Committee is meeting once a month. Bob Cusick has been doing mowing at the property. He wanted to rake, but with the equipment he has he can't as he would be disturbing the ground. He is holding off on further work until the archaeological issue can be addressed. Terri Lynch marked the 50' shoreline buffer. Some old pieces of dock need to be removed.

**Tax Exemption Request / Payment in Lieu of Taxes:**

The PILOT negotiations are moving forward for Visions for Creative Housing Solutions.

**TIF Committee Vacancy:**

The Board received a letter of interest from Nate Miller.

Mr. Cummings moved to appoint Nate Miller to fill the vacancy on the TIF Committee, Mr. Kluge seconded, vote unanimous in favor of the motion.

**Recreation Field Camera Installation:**

The possibility of installing a camera at the Shaker Recreation Fields was investigated. A camera would be expensive. We received a quote for \$4,000 for a solar powered camera, plus a couple of thousand for the data transfer equipment. However, we can add boulders to limit access.

**Emergency Operations Plan:**

Mr. Kluge moved to adopt the Emergency Operations Plan as submitted by Police Chief Crate, Mr. Cummings seconded, vote unanimous in favor of the motion.

**Administrative Items:**

None.

**VIII. OTHER ITEMS**

**Next Meeting:**

Monday, September 21, 2015, 6:00 PM , Whitney Hall Conference Room

**CONFERENCE**

**I. NON-PUBLIC SESSION**

Mr. Kluge moved to enter non-public session at 7:27 PM, RSA 91-A:3 II (c) and (d), Mr. Cummings seconded the motion. Roll call vote: Mr. Kluge – aye, Mr. Cummings – aye, vote unanimous in favor of the motion.

Mr. Kluge moved to come out of non-public session at 7:49 PM, Mr. Cummings seconded, vote unanimous in favor of the motion.



## II. ADJOURNMENT

Mr. Kluge moved to adjourn at 7:49 PM, Mr. Cummings seconded, vote unanimous in favor of the motion, meeting adjourned.

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Donald J. Crate, Sr., Chairman

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John W. Kluge

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B. Fred Cummings  
Enfield Board of Selectmen