

**TOWN OF ENFIELD
ENFIELD BOARD OF SELECTMEN
SPECIAL MEETING MINUTES**

DATE: Monday, May 25, 2018
TIME: 2:00 PM
LOCATION: Whitney Hall Conference Room, 23 Main Street

PRESENT: Meredith Smith, Chairman; John W. Kluge
& Katherine D.P. Stewart (arrived at 2:05 PM)

OTHERS: Ryan Aylesworth, Town Manager; Alisa Bonnette, Assistant Town Manager

CALL TO ORDER

Mrs. Smith called the meeting to order at 2:00 PM

BUSINESS

1ST Issue Property Tax Warrant:

The 1st Issue Property Tax Warrant is in the amount of \$7,144,309.34. The Board reviewed this document as well as an Oath that states as the Selectmen and Assessors that in making the inventory for the purpose of assessing the taxes they appraised all taxable property at its full value.

Mr. Kluge moved to approve the 1st Issue Property Tax Warrant and Oath as presented, Mrs. Smith seconded, vote unanimous in favor of the motion by a vote of 2-0.

Upon her arrival at 2:05 PM, Ms. Stewart reviewed the warrant. She asked if the warrant amount was audited and was informed the State of NH audits the assessment process. Ms. Stewart also approved and signed the Warrant and Oath as presented.

Resolution/Authorization Re: Capital Lease for DPW Vehicle:

Mr. Aylesworth informed the Board that the Town's Counsel is currently in Utah. Mr. Aylesworth spoke with the attorney covering for him and this attorney is not prepared to provide an Opinion of Counsel in favor of the capital lease agreement as his is not comfortable with some aspects of that agreement. At least one issue had been discussed and approved in previous lease agreements. Unless or until the Town's Attorney is comfortable with the agreement Mr. Aylesworth would not sign the agreement. In the meantime, the Board of Selectmen may, if they choose to do so, approve the resolution authorizing Ryan Aylesworth to sign the agreement documents pending Town Counsel approval.

Mrs. Smith moved to approve the resolution authorizing Ryan Aylesworth to enter into a long-term lease agreement and complete the necessary paperwork pending Town Counsel approval, Mr. Kluge seconded, vote unanimous in favor of the motion by a vote of 3-0.

Letter of Approval for Municipal Registration Agent Appointment:

The State of NH requires a letter from the Board of Selectmen to approve the appointment of Wendy Huntley, Deputy Town Clerk, as a Municipal Registration Agent before she is qualified to do vehicle registrations.

Mrs. Smith moved to approve the appointment of Wendy Huntley as Municipal Registration Agent, Mr. Kluge seconded, vote unanimous in favor of the motion by a vote of 3-0.

Quick Review of Potential Tax Deeding:

The Board reviewed a list of potential tax deeds. Mr. Kluge asked why the Town of Enfield was included in this list. It was explained that the property in question is one the Town is expecting to be redeemed in the near future and keeping it on the tax rolls simplifies the calculation of past due taxes, costs and fees.

Mascoma Lake Park Use Discussion:

Mr. Aylesworth discussed the mooring of boats of the shore of Mascoma Lakeside Park. Mr. Aylesworth had requested of the Mascoma Sailing Club to moor the boats to leave a 25' path so others launching non-motorized boats from the boat launch at the park would have easy access to open water. With wind, some of the boats have drifted to close that path to something less than 25'.

Prior to the use of the lakefront property being used as a construction staging area by the NH Dept. of Transportation, the Town managed the lakefront property and the Board had allowed the storage of dinghies. Once the Town owns the Mascoma Lakeside Park property this will be an issue the Board will need to address. Mrs. Smith said the Sailing Club would ultimately have to move it.

Mr. Kluge stated that when the Board signs the agreement with the State and the Town owns the property no singular group can use the space so the dinghy storage would not only have to move but exit the park.

Mr. Aylesworth noted that this arrangement gives the appearance that the Sailing Club is getting special access not given to others.

Mr. Kluge said that when the Town finally has an agreement and ownership and we have the ability to put up signage there should be signage that there is no overnight boat storage available.

As for moorings, the Town has no control over where boats are moored on the lake.

There has been discussion in the past about charging non-residents for parking. Mr. Aylesworth read into the record (attached) an email from Bill Fontaine, Commodore of the Sailing Club.

The Board discussed the email from Mr. Fontaine and his request that members of the Sailing Club, residents and non-residents alike, get free parking. Mr. Kluge thanks them for their support and hopes their support continues, but he feels strongly the Board cannot give them the free parking for non-resident members of the club if other non-residents are charged for parking. Ms. Stewart agreed and pointed out that this would be an administrative nightmare. Mrs. Smith noted that the Sailing Club, as the email notes, has donated funds toward improvements and has pledged support for future maintenance. Mrs. Smith added, however, that donations have come in from many other sources, not only their private effort.

Mr. Aylesworth pointed out that the Town is not trying to penalize non-residents, but it's inevitable at some point that there will be tax dollars used toward maintenance and this would mean non-residents get the use of the park for free while residents pick up the expenses. The organization cannot treat this property as its own personal access. Donations to the Mascoma Lakeside Park Fund mean the property doesn't go away.

Charitable Exemption Discussion:

Mr. Aylesworth wanted to follow up on the Monday, May 21st Selectboard meeting. He spoke with the Town’s Attorney and filled him in on the Board’s decisions relative to tax exemption for bike shop located on the property of the Shaker Museum. There is case law in NH that clarified municipalities can and should levy a property tax when part of a property is used for other purposes. The 1st Issue Property Tax Warrant has been approved so the exemption is there, but case law allows for taxing the portion they don’t occupy.

Mr. Kluge expressed surprise that the Board voted unanimous on one position, he missed a meeting for a well announced reason and the vote was changed. In the past, out of politeness, the Board doesn’t hold a vote and waits until the 3rd Selectman is present. Mr. Kluge was willing to tax the space occupied by the bike shop and wanted an attorney opinion.

Mrs. Smith pointed out a case where a Florida based nursing home operating in Epsom, NH sought a tax exemption they won in court; Epsom lost. She added that the Museum does a lot of good in Town.

Mr. Kluge doesn’t want exemptions to be granted based on who is voted to the Selectboard. He would like the Board to define a standard and let the Town’s attorney weigh in.

Ms. Stewart added that the Town could have a large number of new exempt organizations move into Town and whether they are occupying the space or not could get tricky.

Discussion ensued about what constitutes a charitable organization under statute, without a final answer to that question determined. Mr. Aylesworth said that, if nothing else, the Town needs clear policies and procedures. Whether a cause is near and dear to his heart should not apply.

NEXT MEETING

- Monday, June 4, 2018, 6 PM, Public Works Facility, 74 Lockehaven Road, Enfield
- Monday, June 4, 2018 6:30 PM, Public Hearing

ADJOURNMENT

Mrs. Smith moved to adjourn at 2:41 PM, Mr. Kluge seconded the motion, vote unanimous in favor of the motion, 3-0.

Meredith C. Smith, Chairman

John W. Kluge

Katherine D. P. Stewart
Enfield Board of Selectmen

-----Original Message-----

From: William Fontaine

Sent: Thursday, May 24, 2018 12:30 PM

To: Ryan Aylesworth

Subject: Questions regarding the Lakeside Park

Dear Mr. Alesworth,

My name is Bill Fontaine and I'm the commodore of the Mascoma Sailing Club. I live in West Lebanon, NH.

I recently spoke with Sally Sharp and Kate McMullan who tell me that there are plans to charge non-residents for parking at the Lakeside Park.

If this policy were to be implemented, would complimentary parking passes to active members of the Mascoma Sailing Club?

As you know, the Club has pledged \$2,000 a year toward the Park's maintenance. The Club also donated \$3,000 toward the construction of the non-motorized boat ramp at the Park. The Club also rents space in Enfield from Joe Gasparik, which helps pay his Enfield property taxes.

The Club has also supported the Enfield Old Home Days by participating in the parade and hosting a community sail event. We also provide sailing lessons to area youth through the Mascoma Recreational Program.

I have personally participated in Enfield's green up day to help clear brush and beautify the Park both this year and last year. I have donated \$1,000 to the Park fund.

As the Club's commodore, I am on the verge of sending out a fundraising letter to our membership asking them to donate or pledge to the Park fund. I have set aside an additional \$2,000 of my own money to match their donations in the hope that this will encourage giving.

Perhaps you can understand my hesitation to push for donations from our Club's membership when non-resident members will be required to pay to park at the Lakeside Park that they help fund through their donations and Club dues. I am very interested in supporting the Park, but it would be very encouraging to know that Club members would be able to access the Park at no charge. I hope you can understand that asking people to donate to a public park they will be charged to use is problematic. But if this is the case, I would need to inform them of this fact in the fundraising letter.

I do ask that the proposed policy of charging for visitor parking be reconsidered. In the grant applications to the Byrne Foundation and the Mascoma Bank Foundation, the park was presented as an opportunity for public access for residents and visitors alike. Charging visitors is not equal access, even though the grant application letters and the FAQ on the Town's Web site imply equal access. The policy would also result in visitors being able to launch motor boats at the public boat launch at no cost while charging for use of the non-motorized boat launch.

I hope that in consideration of the Sailing Club's contributions to the Town and the Park, its membership would receive complimentary parking passes if such a policy were to be implemented. This would make our fundraising efforts much easier.

Thank you for your kind consideration. I look forward to hearing from you.

Sincerely,
Bill Fontaine