

TOWN OF ENFIELD

2003 TOWN MEETING

Moderator David Beaufait opened the meeting at 9:10 am on Saturday, March 15, 2003 at the Enfield Elementary Village School. He introduced Selectmen Ilene P. Reed and Keith Oppeneer, Town Manager April Whittaker, Town Counsel James Raymond, Chairman of the Budget Committee Holly Sanders, and the Budget Committee members. He explained the rules of order.

The pledge of allegiance was recited. The Selectmen and Town Manager presented presents of appreciation for outgoing officials: Donald J. Crate Sr., Selectman, Charles Harrington and Barbara Dow, Fast Squad Members, Mary Quintana, Cemetery Trustee, Cecilia Aufiero, Budget Committee Member and Zoning Board of Adjustment Member, and Leafie Cantlin, Trustee of Trust Funds. The Town Manager thanked the BOS and Budget Committee for welcoming her to town and providing information and support, and that she looked forward to working with the town.

Articles 1 –4 were voted on by ballot on March 11, 2003.

Article 1. To choose by ballot to serve for:

Three years:	One Selectman	Dominic A. Albanese	427
		Donald J. Crate Sr.	220
	Three Budget Committee Members		
		Cecilia Aufiero	224
		Levi Carrier	379
		Laurence F. Gardner	414
		Richard A. Martin	436
	One Cemetery Trustee	Paul Putnam	(by write-in vote)
	One Fire Ward	Wayne Claflin	236
		Timothy Taylor	360
	One Library Trustee	Judith Kmon	594
	One Recreation Commission Member	Carol Felix	(by write-in vote)
	One Trustee of Trust Funds	John Carr	(by write-in vote)
	Two Zoning Board of Adjustment Members		
		Paul Mirski	475
		Curtis Payne	367
Two years:	One Recreation Commission Member	David Carr	(by write-in vote)
One year:	One Recreation Commission Member	(vacant)	

Article 2. Are you in favor of the adoption of **Amendment #1** as proposed by the Enfield Planning Board for the Town of Enfield Zoning Ordinance as follows?

To see if the town will adopt a ground snow load formula as recommended by the Structural Engineers of New Hampshire and the Cold Regions Research and Engineering Laboratory. Replace the snow load map currently in the Town Building Code with the formula:

“At an elevation of 1300 feet above sea level, the ground snow load is 85 lbs per square foot decreasing the snow load by 2.1 lbs for every 100 feet less in elevation.”

461 Yes, 157 No. Article 2 passed.

Article 3. Are you in favor of the adoption of the following **Amendment #2**, as proposed by the Enfield Planning Board, for the Town of Enfield Zoning Ordinance?

To see if the town will include the Equitable Waiver of Dimensional Requirement Appeal provision in the Enfield Zoning Ordinance as required under RSA 674:33a.

Add the following under **Article V**:

508 EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

- (a) The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value.
- (b) The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;
- (c) The physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.
- (d) Due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

402 Yes, 200 No. Article 3 passed.

Article 4: Are you in favor of the adoption of the following **Amendment #3**, as proposed by the Enfield Planning Board, for the Town of Enfield Zoning Ordinance?

To see if the town will amend the Cluster Section as follows with changes appearing in **bold**.

405 OPEN SPACE /CLUSTER DEVELOPMENT

In order to preserve open spaces, particularly forestland, natural habitats, wetlands and scenic views, for the enjoyment of the general public, a residential subdivision of a parcel of land may cluster the dwelling units on lots of reduced dimensions for the purposes of preserving fifty percent [50%] of the gross buildable land as Common Open Space. This Common Open Space is not be developed, subdivided, or any structure placed thereon, and must be permanently reserved as common land to be held by a mandatory Home Owner's Association and so registered at the Grafton county Registry of Deeds, before Planning Board approval is given and construction is permitted.

405.1 Standards and Regulations for Cluster Development

- A. Tract Area: A cluster development tract shall be at least ten [10] acres.
- B. Permitted Uses and Mix: Cluster development shall be restricted to one-family, dwellings.
- C. General Provisions:
 1. Any proposed development of ten [10] or more dwelling units (as opposed to building lots) shall conform to the standards and regulations for a Cluster Development. An exception to this requirement may be granted by the Zoning Board of Adjustment, to allow for conventional lot sizes permitted for in the district in which the proposed subdivision would occur, if the developer can demonstrate that the intent of Section 405, which is to maintain fifty percent [50%] or more of the **gross buildable** land as **permanent** open space **and preserves special places**, is not violated.
 2. Lot dimensions and set back requirements for a Cluster Development may be reduced by up to **fifty five percent [55%]** of that required for a conventional lot in the appropriate district allowing cluster development.
 3. Common land areas and improvements thereon, shall be held, managed, and maintained by the developer until owned and controlled by the "Mandatory Homeowners' Association."
 4. Two plans may be required **by the Planning Board** when a request for a Cluster Development of less than ten [10] dwelling units **is presented**. One plan shall show how the land could be best developed following the zoning guidelines for the district in which the cluster subdivision is proposed. The second plan shall show how the proposed Cluster Development would be sited on the same tract of land. The first plan may be rejected by the Planning Board for its comparison if the plan appears so contrived so as to make the proposed cluster development the best choice.

5. Individual lots, buildings, streets and parking areas shall be designated on the plans and so situated as to: minimize alteration of the site features to be preserved; to lessen the area devoted to motor vehicle access; to avoid adverse effects of noise, shadows and traffic; and to retain aesthetic qualities.
 6. **All utilities serving the development shall be placed underground. This requirement may be waived for lengthy entrance roads that are visually separated from the cluster housing units.**
 7. A timetable for completion of the Cluster Development shall be established and provisions made to indemnify the occupants of the development and/or Town of Enfield if the Cluster Development is not completed. Such provision shall be in the form of a bond or escrow agreement. **Refer to; Subdivision Regulations 4.22 Performance and Maintenance Bonds; 5.03 Major Subdivision: Phase III: Final Review: S. Cost Estimates, and T. Security for Completion of Improvements.**
 8. **If the developer expects the Town of Enfield to assume ownership of any infrastructure, such as, but not limited to, roads, water, sewer, recreational facilities, etc., the developer shall be required to pay for a site inspector of the town's choosing to ensure that the completed infrastructure is consistent with the approved construction documents.**
 9. **The developer shall provide to the Town of Enfield a set of "as built plans," for any infrastructure that will be owned by the Town of Enfield.**
 10. All pertinent provisions of the Town of Enfield Zoning Ordinance, unless specifically superseded in this Cluster Development Section, must be complied with by the developer and the Mandatory Home Owners' Association
- D. Permitted Density: The permitted density is the number of dwelling units in the development **that** shall not exceed the number allowed using the Net **Buildable** Land available and the **cluster** lot requirements for the zoning district in which the cluster development is proposed. If the proposed Cluster Development is located in more than one zoning district, then the total number of dwelling units allowed within the tract shall be the sum of those allowed for the portion of the net developable land lying within each zoning district.
- E. Common Open space: Common open space within the Cluster Development tract will be established and maintained in accordance with the following requirements:
1. The applicant or developer shall provide for and establish a Mandatory Home Owners' Association (a private, non-profit corporation, association, or other non-profit legal entity established by the applicant or developer for the purposes of managing and maintaining all common land.) Membership in said association shall be mandatory for all property owners and made a required covenant in any deed issued or passed as a legal entity under the laws of the State of New Hampshire for the ownership, care, and maintenance of all such land and improvements. Its articles shall be approved in writing by the Planning Board after review by the Town Attorney, prior to subdivision approval. The cost of such legal review shall be borne by the applicant or the developer.

Any changes in such articles of association or incorporation shall require the prior written approval of the Planning Board.

2. Such association shall be created by a covenant. Such association shall be composed of all persons having ownership within the development and shall be responsible for the perpetuation, maintenance, and uses and functions of all common land and facilities.
3. All common lands and improvements shall be described and identified as to location, size, use, and control in the covenant. Such covenant shall set forth the method of assessment for the maintenance of such land. The covenant shall be written so as to run with the land and become part of the deed to each lot or dwelling unit within the development.
4. Such covenant and association shall continue in effect so as: to control the availability of facilities and land thereby provided; to maintain the land and facilities for their intended function; and to protect the development from additional and unplanned densities. Such association shall not be dissolved, nor shall such association dispose of any common area by sale or otherwise except to an organization conceived and organized to own and maintain such areas, without the prior written consent of the Board of Selectmen.
5. **The individual property owners shall be assessed for their share of the Common land, and the developer shall be assessed for all undeveloped lots and the undeveloped lots share of the Common Open Space.**
6. **The Open Space land shall be available for recreational use by the residents of the development.**
7. **The required open space shall be equal to or greater than fifty percent [50%] of the gross buildable land. It shall not include wetlands, steep slopes, drainage facilities, floodways or road reserves.**
8. **The minimum required Open Space Land shall be placed in undivided preserves that are equal to, or greater than three [3] acres. All Open Space Parcels between three [3] and ten [10] acres shall have a length to width ratio equal to, or less than four to one [4:1].**
9. **The Open Space Land shall be directly accessible to the largest practicable number of lots within the development. The plan shall provided safe and convenient pedestrian access to the Open Space Land. For lots not adjoining the open space land, an access/entrance area, with a minimum width of fifty [50] feet between lot lines, shall be provided to the Open Space Land. This access area may be counted as part of the Open Space Land.**
10. The Planning Board, at its discretion, is empowered to designate: specific areas for Common Open Space **including but not limited to**, natural **habitats**, scenic areas/**vistas**, and **prime agricultural land**; the placement, **design and construction** of internal streets, and the location of the home cluster(s).

11. A fifty [50] linear foot upland buffer, of natural vegetation shall be maintained adjacent to wetlands, and surface waters, including but not limited to, brooks, streams, rivers, lakes or ponds.

F. Perimeter Buffer Zone:

1. A **perimeter** buffer zone having a minimum depth of one hundred [100] feet shall be provided between any **building lot boundary line** and the perimeter of the tract. Said buffer zone shall be comprised of vegetation, either natural or planted, and no structure shall be permitted within the buffer zone.
2. **The perimeter buffer zone shall not be counted towards the open space requirement.**

Definitions

Perimeter Buffer Zone: Perimeter Buffer Zone equals the sum of the areas in the one hundred [100] foot zone between the individual building lots and tract boundary. Section G. refers.

Gross Buildable land: Gross Buildable Land equals tract size, minus the buffer area(s) and Unbuildable Land.

Net Buildable Land: Net Buildable Land equals Gross Buildable Land minus Required Open Space.

Required Open Space: Required Open Space equals fifty percent [50%] of Gross Buildable Land.

Unbuildable Land: Unbuildable Land is the sum of wetlands, steep slopes, drainage facilities, and floodways.

363 Yes, 248 No. Article 4 passed.

Article 5. To see if the Town will vote to appropriate the sum of \$235,000 for the purpose of canceling the indebtedness of the Sewer Fund to the Town because the Sewer Fund did not have the money and the Town paid money due and owing to the City of Lebanon for Lebanon Sewage Treatment charges, and to withdraw that sum from the Undesignated Fund balance, which will not affect the Tax Rate, and authorize the Town Manager to take all action as may be necessary to carry out this vote.”

(Majority Vote Required)

*By Petition Special Warrant
Article*

The Board of Selectmen does not recommend this article.

The Budget Committee does not recommend this article.

K. Oppenneer made the motion to accept the article as printed; I. Reed seconded. K. Oppenneer explained that this was a petitioned article to cancel the indebtedness of the sewer fund. C. Felix, T. Kneeland, and D. Marchetti all spoke in favor of the article. L. Elgin asked where the money would come from, and why the BOS and Budget Committee are against the article.

K. Oppenneer explained that the money would come from the undesignated surplus funds, and that the BOS is against it because they believe the charges are fair and legitimate to the sewer

users. H. Sanders explained that the water and sewer departments are governed by laws that require that their expenses be paid for by the users, and that this article required all taxpayers to pay for them. The Town Manager stated the statutory responsibility for the users to pay for the service, and explained that we need to expand our user base. She noted that the “Ironman Subdivision” currently under review would cover the debt schedule. She pointed out that the general fund had already sustained the deficit. Therefore to take money from the general fund would, in effect, be “double dipping”. The deficit had already been covered because money had already been raised and appropriated. However, revenue fees from sewer had not been sufficient to cover the expenses. Mrs. Whittaker then confirmed that the audited deficit amount for the year ending 12/31/2002 was \$177,149. T. Jennings suggested that the newly formed sewer committee should look at the issue and come back next year with recommendations.

B. Powell made the motion to amend that article as the Town Manager suggested, to read: To see if the Town will forgive the sewer deficit amount, which as been budgetarily balanced by use of the town’s general fund to cover the shortfalls caused by lack of sewer fee revenue. Said deficit amounting to \$177,149. K. Oppenneer seconded.

K. Oppenneer said the town needed to look at extending the sewer along US Rt 4 & NH Rt 4A.

D. Marchetti said this had been a growing problem since 1995 and that some one hadn’t been doing their job, but that it shouldn’t be made the fault of the sewer users. S. Plumley moved the question. **The Moderator called for a voice vote on the amendment, which passed.**

H. Sanders made a motion for a paper ballot vote. (No second to the motion recorded...noted that the Moderator said no second was needed). At 10:20 the Moderator declared the polls open for a paper ballot vote on Article 5 as amended.

131 Yes, 55 No; article passed as amended.

The Moderator explained that the audience could not discuss monied articles until the paper ballot vote was concluded. T. Jennings made the motion to table Articles 5 –17 and proceed with Article 18, S. Hagerman seconded. A voice vote approved the motion. For clarity, the articles will be recorded in order.

Article 6. Shall the Town raise and appropriate (i) the sum of three million, six hundred and fifty thousand, nine hundred and seven dollars (**\$3,650,907**), which represents the operating budget; said sum does not include special and individual warrant articles addressed and (ii) to authorize the use of **\$15,000** from the Revaluation Capital Reserve Fund to defray the reappraisal operating budget [Estimated tax impact of \$8.13 per \$1,000 valuation.]

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee does not recommend this article.

K. Oppenneer made the motion to accept Article 6 as written; I. Reed seconded. I. Reed made the motion to amend Article 6 to read:

Shall the Town raise and appropriate (i) the sum of three million, six hundred and three thousand, nine hundred and seven dollars, \$3,603,907, which represents the operating budget; said sum does not include special and individual warrant articles addresses and (ii) to authorize the use of \$15,000 from the Revaluation Capital Reserve Fund to defray the reappraisal operating budget [Estimated tax impact of \$8.13 per \$1000 valuation.] K. Oppenneer seconded.

The Town Manager explained that since Article 5 passed Article 6 needed to be amended to deduct the deficit funding in the sewer fund of \$47,000. **The Moderator called for a voice vote on the amendment and it passed.** H. Sanders made the motion to amend the article to read:

Shall the Town raise and appropriate (i) the sum of three million, five hundred eighty-five thousand, seven hundred and seventeen dollars, \$3,585,717, which represents the operating budget; said sum does not include special and individual warrant articles addressed and (ii) to

authorize the use of \$15,000 from the Revaluation Capital Reserve Fund to defray the reappraisal operating budget [Estimated tax impact of \$8.06 per \$1000 valuation.]

R. Crate seconded the motion. H. Sanders explained that this represented the Budget Committee's recommended budget and that it would reduce the budget in three lines: Regional Associations: the Shaker Museum to \$5500, eliminate \$6690 from the general government buildings account grounds, and \$6000 from the fire department for a jaws of life. N. Scovner made a motion to amend the proposed amendment to read:

Shall the Town raise and appropriate (i) the sum of three million, five hundred ninety-one thousand, two hundred and seventeen dollars, \$3,591,217, which represents the operating budget; said sum does not include special and individual warrant articles addressed and (ii) to authorize the use of \$15,000 from the Revaluation Capital Reserve Fund to defray the reappraisal operating budget, to add back to the Shaker Museum if the Selectmen's budget does not pass.

D. Marchetti seconded. N. Scovner stated that the Shaker Museum is a valuable asset to the town and we need to support it. P. Mirski said that he had a problem with the town donating to organizations, requiring people to make donations to organizations with their tax payments. The town should contract with the Shaker Museum and let people donate individually to who they chose. J. O'Keeffe then made the motion to amend the budget to read:

Shall the Town raise and appropriate (i) the sum of three million, five hundred ninety-seven thousand, two hundred and seventeen dollars, \$3,597,217, which represents the operating budget; said sum does not include special and individual warrant articles addressed and (ii) to authorize the use of \$15,000 from the Revaluation Capital Reserve Fund to defray the reappraisal,

to add another \$6000 to provide funding to West Central Services. F. Phillips seconded the motion. J. O'Keeffe spoke of all the services West Central Services provides to Enfield. S. Carr stated that P. Mirski had made some good points but was in favor of donating to the Shaker Museum. R. Michaud, director of West Central Services, asked permission to address the audience. The Moderator took a hand count, 83 for, 71 against. R. Michaud pointed out all the agencies that the town donates to, and listed all the services that West Central Services provides to the town. He pointed out that community mental health centers had been created by the State but needed funding from the towns they served. R. Rudd, Director of the Shaker Museum, pointed out that traditionally non-profit organizations are taken off the town tax rolls but that the Shaker Museum was among the top ten taxpayers in Enfield. The money they requested was a one-time increase for additional advertising, which would bring more people to Enfield. He stated that on an average a visitor to the Shaker Museum spends \$49.00 in Enfield. B. Powell asked the audience to support the Shaker Museum.

P. Mirski made a motion to amend the article to read:

Shall the Town raise and appropriate (i) the sum of three million, five hundred ninety-seven thousand, two hundred and seventeen dollars, \$3,597,217, which represents the operating budget; said sum does not include special and individual warrant articles addressed and (ii) to authorize the use of \$15,000 from the Revaluation Capital Reserve Fund to defray the reappraisal, and that the town contract for specific services from each grantee of public funds, and that the town develop such a contract form for all similar future grants, by which performance may be measured, to have the town contract with the organizations that provide services to the town;

D. Stewart seconded the motion. Town Counsel was consulted and the Moderator ruled Mr. Mirski's amendment as out-of-order as not relevant to the budget amendments and could be construed as changing the purpose of the article. P. Mirski stated that he just objected to the town funding non-profit agencies when the people may not want to donate to them. He'd like to see contracts so the purpose of the donation is defined. T. Jennings moved the question; the audience seconded. The Town Manager pointed out that contracts will cost a lot more than donations. Town Counsel stated that he was concerned that the amendment was not germane to the article; you cannot change the purpose of an appropriations article. This amendment adds direction to the article, and there is a chance that the Dept. of Revenue Administration would not accept it, which would leave the town with no operating budget. **The Moderator asked for a**

voice vote on Mr. Mirski's amendment; failed. The Moderator asked for a voice vote on the amendment to add money for West Central Services. S. Stancek asked why the BOS and Budget Committee didn't recommend monies to West Central Services and for a jaws of life. The Town Manager stated that we need to see more information from all the agencies that request money; it is hard to equate the services actual use. S. Beaufait agreed that the agencies need to be held more accountable but that we need West Central Services to deal with mental health problems. Support it this year and then next year address all the agencies. T. Jennings recommended having a different style format for operational expenses so that the numbers were not so onerous to amend. The Town Manager said that it would be discussed with the BOS and Budget Committee. P. Mirski suggested dealing with the issue in the future and moved the question, seconded by S. Patten. A voice vote agreed to move the question. **The Moderator called for a voice vote on the amendment to add money for West Central Services; failed. The Moderator called for a voice vote on the amendment to add money for the Shaker Museum. It was unclear so he called for a hand vote; 69 Yes, 68 No.**

J. Huntley made an amendment to return to the original Selectmen's budget article, as amended, to read:

Shall the Town raise and appropriate (i) the sum of three million, six hundred and three thousand, nine hundred and seven dollars,\$3,603,907, which represents the operating budget; said sum does not include special and individual warrant articles addresses and (ii) to authorize the use of \$15,000 from the Revaluation Capital Reserve Fund to defray the reappraisal operating budget [Estimated tax impact of \$8.13 per \$1000 valuation.]

R. Bean seconded. S. Stancek asked again why the jaws of life was removed from the budget. The Town Manager explained that the BOS budget supports it, the Budget Committee budget does not. The town does not have a working jaws of life now but have one available by mutual aid. J. Patten stated that this was the most confusing town meeting she'd ever attended, and asked the Moderator to stop layering amendment on amendment. D. Kiley made a motion to amend the budget to read:

Shall the Town raise and appropriate (i) the sum of three million, six hundred and nine thousand, nine hundred and seven dollars,\$3,609,907, which represents the operating budget; said sum does not include special and individual warrant articles addresses and (ii) to authorize the use of \$15,000 from the Revaluation Capital Reserve Fund to defray the reappraisal operating budget [Estimated tax impact of \$8.13 per \$1000 valuation.] , to include \$6000 for West Central Services; J. Huntley seconded. **A voice vote was taken; passed. The Moderator called for a voice vote on the original amended BOS budget of \$3,603,907; passed. The Moderator called for a voice vote on D. Kiley's amended budget of \$3, 609, 907; failed. S. Plumley asked what the default budget is; the Moderator explained that since we aren't an SB2 town there is no default budget. The Moderator called for a voice vote on the original amended BOS budget of \$3,603,907; passed.**

H. Sanders made the motion to limit reconsideration on articles already passed; C. Pellerin seconded. A voice vote **passed** it.

Article 7. To see if the Town will vote to raise and appropriate the sum of four hundred and twenty-seven thousand dollars (**\$427,000**) to (i) construct a sand / salt barn, (ii) complete site construction, and paving at the new Public Works Facility located off Lockhaven Road, (iii) authorize the use / transfer of **\$427,000** of the December 31, 2002 fund balance in aforementioned amount for this purpose, and (iv) authorize the Board of Selectmen to sell the land parcels at the former public works site located off Shedd Street to the highest bidder(s). (This appropriation is in addition to Article 6, and has no impact on the tax rate.)

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee does not recommend this article.

K. Oppeneer made the motion to accept the article as printed; I. Reed seconded the motion.

K. Oppeneer made the motion to amend the article to read:

To see if the Town will vote to raise and appropriate the sum of three hundred and nine thousand dollars (\$309,000) to (i) construct a sand / salt barn, (ii) complete site construction, and paving at the new Public Works Facility located off Lockehaven Road, (iii) authorize the use / transfer of \$309,000 of the December 31, 2002 fund balance in aforementioned amount for this purpose, and (iv) authorize the Board of Selectmen to sell the land parcels at the former public works site located off Shedd Street to the highest bidder(s). (This appropriation is in addition to Article 6, and has no impact on the tax rate.); I. Reed seconded the motion.

K. Oppeneer explained that the Environmental Protection Agency has extensive regulations for the storage of sand and salt and that we need this building to comply with them. The sale of the Shedd Street property will allow the former site to be sold and put back on the tax rolls and defray building costs. K. Brazas asked what the \$309,000 included. The Town Manager pointed out that page 47 in the town report detailed it, and re-iterated that we had to comply with federal law. K. Daniels, Director of Public Works, explained that under federal law the EPA directed that any industrial facility involving vehicle maintenance or sand and salt storage must be under cover. Without a shed, for “no-exposure” compliance, the run-off at these sites has to be tested after every storm. The town had originally wanted to build the sand and salt shed at the same time as the public works facility but due to funding had to phase in the construction of the sand and salt shed. The EPA will go after the bigger communities first for compliance but it’s something the town has to comply with. K. Brazas stated that this building was too large for our needs; build a smaller building for salt storage and store the sand outside. K. Daniels explained that the town had run out of sand a month ago and had been hauling it in town trucks from pits on Bog Road as cheaply as possible. The state hauls sand from Newport and West Lebanon and gave a comparison of sand costs. K. Brazas asked why not build up the sand in the summer and cover it. K. Daniels explained that we did but still ran out. P. Mirski made a motion to amend the article to read:

To see if the Town will vote to raise and appropriate the sum of four hundred and twenty-seven thousand dollars (\$309,000) to (i) construct a sand / salt barn, (ii) complete site construction, and paving at the new Public Works Facility located off Lockehaven Road, (iii) authorize the use / transfer of \$309,000 of the December 31, 2002 fund balance in aforementioned amount for this purpose, and (iv) **NOT** authorize the Board of Selectmen to sell the land parcels at the former public works site located off Shedd Street to the highest bidder(s). (This appropriation is in addition to Article 6, and has no impact on the tax rate.); M. Smith seconded. P. Mirski

explained that the Shedd Street property provided access to the rail trail and the river and would make a nice neighborhood park. There is no need to sell it. H. Sanders explained that the sale of the property had been authorized at a previous town meeting and that it would have to be brought up as a separate warrant article. P. Mirski made the motion to amend his earlier amendment to read:

To see if the Town will vote to raise and appropriate the sum of four hundred and twenty-seven thousand dollars (\$309,000) to (i) construct a sand / salt barn, (ii) complete site construction, and paving at the new Public Works Facility located off Lockehaven Road, (iii) authorize the use / transfer of \$309,000 of the December 31, 2002 fund balance in aforementioned amount for this purpose, and (iv) **TO DIRECT THE BOARD OF SELECTMEN TO NOT** sell the land parcels at the former public works site located off Shedd Street to the highest bidder(s). (This appropriation is in addition to Article 6, and has no impact on the tax rate.); K. Gotthardt

seconded. K. Gotthardt explained that he thought it would be a great benefit to keep the property as access to the river and rail trail. **The Moderator called for a voice vote on the amended amendment; passed.** The Town Manager explained that the costs broke down as \$207,000 for the sand and salt shed, and \$102,000 for the site work. D. Marchetti said that he felt that we were being asked to pay for things twice; he presented a copy of Article 6 from the 2000 town

meeting in which \$1mil included a sand and salt shed. H. Sanders explained that the report in 2000 was based on information available then. The building then came in at \$1,250,000 and we got the costs down to \$1mil. We had to obtain permits unexpectedly which pushed construction into the winter and as time passed costs went up. The EPA has added more regulations since the report date and that despite all, the town managed to be less than 10% over budget. The longer we put things off the more they'll cost. D. Kiley said he understood rising costs but at some point we had to admit that \$1mil was really \$1.5mil. R. Schmanska said that the Shedd Street property had always been owned by the railroad so how could we sell it; J. Huntley, Assessing Assistant, replied that the town has deeds on record that we own it.

H. Sanders gave the Moderator a written request signed by five voters to have a paper ballot vote; 91 No, 50 Yes. Article 7 was defeated.

K. Oppenneer asked to reconsider the article and a voice vote denied the request.

Article 8. To see if the Town will vote to raise and appropriate the sum of Twenty-three thousand dollars (**\$23,000**) to install site drainage and water hook-up to the Community Building located off Route 4. (This article is in addition to Article 6 and has an estimated tax rate impact of 9.5 cents per \$1,000 valuation)

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

K. Oppenneer made the motion to accept the article; I. Reed seconded. The Town Manager explained that the town has an agreement with the Lion's Club to do this. The Moderator called for a voice vote; **passed.**

Article 9. To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (**\$10,000**) in support of the Veterans Memorial Park to be constructed on land located off Route 4. (This article is in addition to Article 6 and has an estimated tax rate impact of 4.1 cents per \$1,000 valuation.)

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

K. Oppenneer made the motion to accept the article; I. Reed seconded.

H. Cross presented a model of the proposed park and explained that monuments with the Enfield veteran's names on them would be erected for each war/conflict, and that benches and brick walkways would be built. The gardening club and the boy scouts have offered to assist. The town's purple marten birdhouse, built in the late 1800's, has been rebuilt and will be erected there. J. Fishman asked the total cost of the park; H. Cross replied \$40k. J. Patten questioned the safety of the location as it's on a sharp corner; H. Cross replied that before beginning he had checked with the police and they believed it would be safe; the speed limit is 20MPH by there. L. Elgin asked if the \$10k would complete the project; H. Cross replied that they'd need more but hoped to raise it from the sale of the memorial bricks. L. Elgin asked how many more bricks had to be sold; H. Cross replied 200, and pointed out that this was all non-profit. The Moderator called for a voice vote on the article; **passed.**

Article 10. To see if the Town will vote to raise and appropriate the sum of Twenty-four thousand dollars (**\$24,000**) to (i) purchase a new police cruiser and (ii) to authorize the amount of **\$10,000** (ten thousand dollars) to be withdrawn from the Police Equipment Capital Reserve fund established for this purpose. (This article is in addition to Article 6 and has an estimated tax impact of 5.8 cents per \$1,000 valuation.)

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

I. Reed made the motion to accept the article; K. Oppenneer seconded. The Town Manager explained that this was an annual request to replace a police cruiser. **The Moderator called for a voice vote, which was unclear so he called for a hand vote; 90 Yes, 3 No. The article passed.**

D. Barrell made the motion to limit reconsideration of previously voted on articles; D. Marchetti seconded; **passed** by a voice vote.

Article 11. To see if the Town will vote to raise and appropriate the sum of One Hundred and ninety-three thousand dollars (**\$193,000**) to (i) purchase the following Public Works Vehicles and (ii) to authorize the amount of **\$100,000** (one hundred thousand dollars) to be withdrawn from the Public Works Vehicle / Equipment Capital Reserve Fund established for this purpose:

F350 1-Ton pickup with plow	\$43,000
F550 1-Ton Utility with plow	\$75,000
F550 1-Ton Dump with plow & wing	\$75,000
Total	\$193,000

(This article is in addition to Article 6 and has an estimated tax impact of 39 cents per \$1,000 valuation.)

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

K. Oppenneer made the motion to accept the article; I. Reed seconded. The Town Manager explained that this simply represented replacing aging equipment. D. Marchetti questioned that both F550's are the same cost when one has a wing; K. Daniels explained that was a typo and that actually both trucks have wing plows. D. Marchetti presented a list of highway equipment and questioned the spending of so much money on it. H. Sanders explained that some purchases that been deferred the year before and that we're simply replacing old equipment. We have capital reserve fund accounts for equipment so we don't have to raise it all from taxes, and try to replace equipment on a cycle so don't have to replace it all at once. D. Barrell asked how much was in the capital reserve fund; the Town Manager explained that the capital reserves were a budgetary tool used to maintain the rate so as to not impact huge increases. Older vehicles have higher maintenance and labor costs. H. Sanders pointed out that a summary of the capital reserve accounts was on pages 108-111 in the town report. J. Patten asked if the trucks had been ordered; the Town Manager explained that they had been placed out to bid with a non-appropriation clause in case the monies were voted down. S. Plumley and S. Stancek both spoke in favor of the article. S. Plumley moved the question; a voice vote seconded it. The Moderator called for a voice vote on the article; **passed.**

Article 12. To see if the Town will vote to raise and appropriate (i) the sum of Fifteen Thousand Dollars (**\$15,000**) for architectural assistance and expertise to formulate needs assessment and conceptual planning for the Municipal Town Offices and the Enfield Library and (ii) to authorize the withdrawal of **\$15,000** from the Municipal Building Capital Reserve fund established for this purpose. (This article is in addition to Article 6 and will produce no impact to the tax rate.)

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

K. Oppenneer made the motion to accept the article; I. Reed seconded. The Town Manager explained that these monies would allow the town to begin to look forward and make planning decisions for needed space. D. Marchetti moved the question; a voice vote seconded the motion. The Moderator called for a voice vote on the article; **passed.**

Article 13. To see if the Town will vote to raise and appropriate funds to be placed in previously established Capital Reserve Funds, as follows:

Capital Reserve Account	Appropriation	Estimated Tax Impact Per \$1,000 Valuation
Land Acquisition ⁽¹⁾	20,000	8.3¢
Municipal Building ⁽¹⁾	10,000	4.1¢
Technology Services ⁽²⁾	35,000	14.5¢
Downtown Revitalization ⁽²⁾	10,000	4.1¢
Ambulance ⁽²⁾	10,000	4.1¢
Fire Vehicle/Equipment ⁽¹⁾	10,000	4.1¢
Whitney Hall Renovation ⁽²⁾	15,000	6.2¢
Police Equipment ⁽²⁾	10,000	4.1¢
Public Works Vehicle/Equipment ⁽²⁾	50,000	20.7¢
Revaluation	16,000	6.6¢
Total	\$186,000	76.8¢

(Majority vote required.)

Special Warrant Article

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

Authorization to expend: ⁽¹⁾ Town Meeting, ⁽²⁾ Board of Selectmen, ⁽³⁾ Water & Sewer Commissioners (Board of Selectmen), ⁽⁴⁾ Cemetery Board of Trustees, ⁽⁵⁾ Library Board of Trustees.

K. Oppenneer made the motion to accept the article; I. Reed seconded. D. Barrell asked why we were putting money in for public works vehicles when we had just spent a lot on new ones. The Town Manager explained that you don't want to upset the balance of having funds on hand. H. Sanders stated that we were down to \$29k in public works capital reserve, and if we don't put it in this year we'd have to double it next year. S. Carr, D. Kiley and S. Hagarman all spoke in favor of the article. K. Brazas asked what the land acquisition fund

was for; H. Sanders explained that we need money available to buy land for the good of the town, such as wetlands, railroad property, the former Chouinard property, and she pointed out that it can't be spent without town meeting approval. The Moderator called for a voice vote on the article; **passed.**

Article 14. Shall the Town raise and appropriate the sum of two thousand, seven hundred dollars (**\$2,700**), from the undesignated fund balance, for deposit into the Cemetery Maintenance Fund, an expendable general trust fund previously established under the provisions of RSA 31:19-a for the purpose of maintaining cemeteries? This money represents 2002 revenue from the sale of cemetery lots in 2002 and is available to offset the appropriation. This appropriation is in addition to Warrant Article 5 and has no impact on the tax rate.

(Majority vote required.)

Special Warrant Article

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

J. Huntley made the motion to approve the article; K. Oppenneer seconded. D. Marchetti asked if this included all town cemeteries; K. Oppenneer answered that it did. D. Marchetti said that the cemeteries look the best they've looked in years and thanked the grounds crew and cemetery committee, which drew audience applause. The Moderator called for a voice vote on the article; **passed.**

Article 15: To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (**\$10,000**) to initiate and administer the Town's Master Plan process. This will be a non – lapsing appropriation per RSA 32:7 VI and will not lapse until the Master Plan is completed or by December 31, 2006, whichever is sooner. This appropriation is in addition to Warrant Article 5 and has an estimated tax impact of 4.1 cents per \$1,000 valuation

(Majority Vote Required)

Special Warrant Article

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

K. Oppenneer made the motion to accept the article; I. Reed seconded. K. Oppenneer explained that there had been many changes in town since the master plan was last updated. We have to look at the housing shortage in the Upper Valley and the expansion of residents working in Lebanon and Hanover moving to Enfield. The Town Manager pointed out that this would help us with the overall sewer problem. J. Fishman stated that she would like to see the BOS and Planning Board charge appropriate impact fees for new projects. The Moderator called for a voice vote on the article; **passed.**

Article 16: Shall the Town authorize the Board of Selectmen to donate / gift town-owned land identified as Map 38 Lot 24 with a street address of 23 May Street to "Habitat for Humanity" with the stipulation that the property be used for residential purposes only, and that the grantee shall be responsible for all recording, transfer, and other expenses that may be experienced in this conveyance.

(Majority Vote Required)

The Board of Selectmen recommends this article.

K. Oppenneer made the motion to accept the article; I. Reed seconded. K. Oppenneer explained that this referred to the old water & sewer garage. He said there were good arguments for and against it and that the BOS had decided to let the voters decide. I. Reed spoke of all the good that Habitat for Humanity does, and that since the BOS had at one point said that they would donate it they should honor that decision. D. Marchetti spoke against the article; while in favor of Habitat for Humanity he said that the BOS couldn't give away something they'd already promised to the voters to sell. He presented a sheet from the DPW facility committee study stating that the building was to be torn down and the property sold. P. Mirski also spoke against the article; while he is in favor of providing low income housing, the town shouldn't give this much to a single organization. It would create a bad public policy. A. Kovacs, board member of the Habitat for Humanity, spoke in favor of the article, emphasizing all the good the organization provided the upper valley and its communities. K. Withrow spoke against "giving money away". B. Powell urged voters to pass the article, stating that a promise had been made and the amount of money we're talking about was not worth breaking that promise, that the town should do the generous thing. H. Sanders stated that although D. Marchetti was correct the Habitat for Humanity deserved support as providing an important service to communities. H. Cross asked the BOS to be more aware of previous decisions when discussing issues and not let something like this happen again. K. Taylor said that she believed this was a matter of honor and that we should pass the article. C. Pellerin moved the question, K. Oppenneer seconded; a voice vote passed it. E. Palmer spoke in favor of the article. **The Moderator called for a voice vote which was unclear so he called for a hand vote; 54 Yes, 58 No. The article was defeated.**

Article 17: To see if the Town will vote to rescind the unissued previously authorized balance of \$265,000 from the following warrant article; full dollar amounts requested were not needed to complete the projects, but the amount remaining in effect is considered a liability to the town's computation of debt service.

"Article 1 of the August 8, 1983 Town Meeting approved an appropriation of \$4,627,000 for construction of sewer treatment facilities, including bonds or notes authorized not to exceed \$1,579,000. (The Town borrowed \$809,000 in 1986, \$155,000 in 1988, and \$350,000 in 1989, leaving an amount of long-term debt authorized and unissued at December 31, 2001 of \$265,000.)"

(Majority Vote Required)

The Board of Selectmen recommends this article.

The Budget Committee recommends this article.

K. Oppenneer made the motion to accept the article; I. Reed seconded. The Town Manager explained that this was a "housekeeping article". The Moderator called for a voice vote; **passed.**

Article 18: To see if the Town will vote to direct the Board of Selectmen to create a 3-member Commission for the Sewer / Water Department and to oversee and direct the operation thereof. Said members living within the Sewer / Water District.

(Majority Vote Required)

By Petition Special Warrant Article

K. Oppenneer made the motion to accept the article; R. Crate seconded. D. Marchetti stated that he had signed the petition with mixed feelings as he believed in less government, not more, and believed that the town manager should have a chance to work on a

solution to the sewer deficit problem. T. Taylor stated that he felt that the issue had never been reviewed much because it didn't affect all taxpayers, and that we need to put the responsibility on the users. H. Sanders stated that she was opposed to the article because it added another layer of bureaucracy to town government, and that the newly formed sewer study committee and the town manger needed a chance to find a solution. T. Jennings and K. Taylor reiterated what H. Sanders said. F. Phillips stated that most of the comments on this article had been negative and urged the audience to vote no on the article. The Town Manager further advised that the petition as worded had legal technical difficulties. The Moderator called for a voice vote; **defeated**.

Article 19: To see if the town will vote to appropriate \$31,000 for a 4 x 4 pickup truck with crew cab and four doors to carry fire hose, potable water tank, hand tools, and other equipment and personnel for the Fire Department.

(Majority Vote Required)

By Petition Special Warrant Article

The Board of Selectmen does not recommend this article.

The Budget Committee does not recommend this article.

D. Marchetti made the motion to accept the article; T. Taylor seconded. D. Marchetti spoke in favor of the article and urged the audience to support the volunteer fire department. H. Sanders stated that the budget committee did not recommend this as the request was turned in late, without specifics, and that they would be happy to consider it another year. The Town Manager stated that David Crate, Fire Chief, had come before the BOS requesting this. Support of this article would tell department heads that it's all right to avoid the budget process. K. Withrow, R. Crate, and T. Taylor all spoke in favor of the article. H. Cross stated that he was in favor of the article to support the fire department, but felt that the department heads should do their job appropriately if the town expected the BOS and Budget Committee to do theirs. **The Moderator called for a voice vote, which was unclear so he called for a hand vote; 51 Yes, 45 No. The article passed.**

H. Sanders made the motion to limit reconsideration on articles previously voted on; K. Oppenpeer seconded, **passed** by a voice vote.

Article 20: To see if the Town will vote to adopt the following resolution as submitted by the New Hampshire for Health Care:

The Health Care for New Hampshire Resolution

Whereas, New Hampshire residents pay the 12th highest cost of insurance in the country; and **Whereas**, the cost of health insurance premiums for families has increased by 45% over the past three years; and

Whereas, 100,000 New Hampshire residents have no health coverage and 77% of them have a full-time worker at home; and

Whereas, due to these rising costs almost half of New Hampshire small business cannot afford health coverage for their employees, therefore be it resolved

That we, the citizens of Enfield, New Hampshire, call on our elected officials from all levels of government, and those seeking office, to work with consumers, businesses, and health care providers to ensure that:

- Everyone, including the self-employed, unemployed, and underinsured, and small business owners has access to an affordable basic health plan similar to what federal employees receive;
- Everyone, including employers, consumers, and the state, local and federal government makes a responsible and fair contribution to finance the health care system;
- Everyone receives high quality care that is cost efficient and medically effective; and
- That these efforts help control the skyrocketing cost of health care.

(Majority Vote Required)
Article.

By Petition ~ Special Warrant

N. Scovner made the motion to accept the article; J. Huntley seconded. N. Scovner spoke in favor of the article; P. Mirski and D. Stewart spoke against it. The Moderator called for a voice vote; **passed.**

Article 21: To hear the reports of agents, auditors, committees, or any other officers heretofore chosen and pass any vote relating thereto.

K. Oppenheimer made the motion to accept the article; I. Reed seconded. **Passed.** There was no discussion.

The Moderator declared the meeting adjourned at 2:40 pm.

Respectfully submitted,

Carolee T. Higbee