

# SELECT BOARD MEETING AGENDA & RACETRACK PUBLIC HEARING

**DATE:** 6:00pm Monday, February 3, 2014

**HELD:** Public Safety Complex (2nd Floor Meeting Room) 20 George Bennett Rd, Lee

The Select Board reserves the right to make changes as deemed necessary during the meeting. Please limit your speaking time to 15 minutes.

1. Call to Order - 6:00 pm
2. **RACETRACK PUBLIC HEARING**
3. Public Comment
4. **Caren Rossi, Scott Nemet and Julie Glover – Racetrack Inspection Regulations and Licensing Procedures**  
*Present the Board with recommended inspection regulations and licensing procedures with regard to racetracks.*
5. **Scott Nemet, Fire Chief – Introduction of new, full-time firefighter**  
*Chief Nemet introduces the Select Board to Daniel Brothwell.*
6. **Roger Rice, Transfer Station Manger – Horizontal Grinder Demo Day**  
*Request that Lee host the Horizontal Grinder Demo Day Event in the Spring of 2014.*
7. **Don Quigley – Maud Jones Timber Contract**  
*Request the Select Board's approval of the Maud Jones Timber Contract.*
8. **Larry Kindberg, Recreation Commission Chairman – Strategic Plan**  
*Present the Select Board with the proposed 2014-2019 Recreation Strategic Plan.*
9. **Town Administrator's Report**
  - Welfare Guidelines
  - Miscellaneous
10. **Consent Agenda Items** - (Individual items may be removed by any Selectman for separate discussion and vote)

**SIGNATURES REQUIRED**

Veteran Tax Abatement

**INFORMATION ONLY**

Notice of Public Hearing – Durham Planning Board

11. **Acceptance of Minutes – Minutes from January 6, 2014**
12. **Acceptance of Minutes – Minutes and Non Public Minutes from January 21, 2014**
13. **Acceptance of Manifest #15 and Weeks Payroll Ending February 2, 2014**
14. **Miscellaneous/Unfinished Business**
15. **Non-Public**
  - a. **RSA 91- A:3 II (a) – PD Personnel Issue**
16. **Adjournment**

**Posted: Town Hall, Public Safety Complex, Public Library and on leenh.org on January 31, 2014**

Individuals needing assistance or auxiliary communication equipment due to sensory impairment or other disabilities should contact the Town Office at 659-5414. Please notify the town six days prior to any meeting so we are able to meet your needs.



**TOWN of LEE**  
7 MAST RD, LEE, NH 03861  
(603) 659-5414

Office Use Only

Meeting Date: Feb 3, 2014

Agenda Item No. 2

**BOARD OF SELECTMEN  
MEETING AGENDA REQUEST**

**1/30/2014**

**Agenda Item Title: Racetrack Public Hearing**

**Requested By: Lee USA Speedway**

**Date: 1/30/2014**

**Contact Information: Judy MacDonald**

**Presented By: Lee USA Speedway**

**Description: 2014 License to Operate a Racetrack, including review of proposed operation schedule**

**Financial Details: \$100.00 license application fee**

**Legal Authority NH RSA 31:41-a; Lee Racetrack Ordinance**

**REQUESTED ACTION OR RECOMMENDATIONS:**

MOTION: Move to accept the Lee USA Speedway's 2014 proposed operation schedule and grant them a license, subject to the conditions imposed by the Lee Racetrack Ordinance, including inspections by the Building Inspector, Fire Chief, Police Chief and submission of certificate of insurance to the Town Administrator. OR

Move to accept the Lee USA Speedway's 2014 proposed operation schedule with the following changes: \_\_\_\_\_

\_\_\_\_\_ and grant them a license, subject to the conditions imposed by the Lee Racetrack Ordinance, including inspections by the Building Inspector, Fire Chief, Police Chief and submission of certificate of insurance to the Town Administrator. OR

Move to postpone approval of the 2014 license until the following condition are met:

**TOWN of LEE**

**Application for License to Operate a Racetrack**

**For the Racing Season 2014**

Name of Applicant LEE USA SPEEDWAY

Business Address 380 CALEF HIGHWAY, LEE, NH 03861

MAILING ADDRESS: P. O. BOX 344

ROWLEY, MA 01969

Business Telephone 978-462-4252

Contact Person JOHN MACDONALD

Insurance Carrier/Policy Number PK201200001058

A copy of the insurance policy binder is attached.

We request a license to operate the Lee USA Speedway for the **2014** racing season. Attached is a schedule of the racing season that includes the dates, times and types of events.

Also included are tentative rain dates requested in the event a race is cancelled due to inclement weather.

We have previously received a copy of the Town of Lee's Racetrack Ordinance and understand the requirements contained within.

Date 12/31/2013

Signed *John E. MacDonald, President*  
JOHN E. MACDONALD, PRESIDENT

Lee USA Speedway Representative

**FEE \$100**

2014 TENTATIVE LEE USA SPEEDWAY SCHEDULE

NO.	DAY	DATE	RACE EVENT	NO.	RAIN DATES	NO.	TEST & TUNE
1	Saturday	April 12, 2014		1			TEST & TUNE
	Sunday	April 13, 2014	*American Canadian Tour, Classic Lites, NELCAR				ACT Late Models
	Saturday	April 19, 2014	ACT - Rain Date	1	RAIN DATE		
	Saturday	May 10, 2014		2			TEST & TUNE
2	Sunday	May 11, 2014	Modified Open Series				Modified Show
	Saturday	May 17, 2014	Test and Tune Rain date	2	RAIN DATE		
	Sunday	May 18, 2014	Modified Open Series Rain Date	3	RAIN DATE		
3	Saturday	May 24, 2014	*Monster Truck Special				Monster Trucks
	Sunday	May 25, 2014	Monster Truck Special-Rain Date	4	RAIN DATE		
4	Friday	May 30, 2014	Season Opener - NASCAR Weekly				Weekly: LMS, SBS,
5	Friday	June 6, 2014	NASCAR Weekly				HS, IM DIVISIONS
6	Friday	June 13, 2014	NASCAR Weekly				*Special Events
7	Friday	June 20, 2014	NASCAR Weekly				
8	Friday	June 27, 2014	*Valenti Modified Racing Series + NASCAR Weekly				Modified Show
9	Friday	July 4, 2014	*NASCAR Weekly + Fireworks Display				Fireworks
10	Friday	July 11, 2014	NASCAR Weekly				
11	Friday	July 18, 2014	NASCAR Weekly				
12	Friday	July 25, 2014	GSPSS + NASCAR Weekly				
13	Friday	August 1, 2014	NASCAR Weekly				
14	Friday	August 8, 2014	*ISMA Supermodified & N.E.M.A. Lites				Super Modifieds
15	Friday	August 15, 2014	NASCAR Weekly				
16	Friday	August 22, 2014	NASCAR Weekly				
17	Friday	August 29, 2014	NASCAR Weekly				
18	Friday	September 5, 2014	Championship NASCAR Weekly				
19	Friday	September 12, 2014	Race Event - lower division				
	Saturday	September 13, 2014		5	RAIN DATE		
	Sunday	September 14, 2014		6	RAIN DATE		
20	Friday	September 19, 2014	Race Event - lower division				
	Saturday	September 20, 2014		7	RAIN DATE		
	Sunday	September 21, 2014		8	RAIN DATE		
21	Friday	September 26, 2014	Race Event - lower division				
	Saturday	September 27, 2014		9	RAIN DATE		
	Sunday	September 28, 2014		10	RAIN DATE		
	Saturday	October 4, 2014		11	RAIN DATE		
	Sunday	October 5, 2014		12	RAIN DATE		
	Friday	October 10, 2014		3			TEST & TUNE
22	Saturday	October 11, 2014	*Octoberfest Weekend - Requesting a 2 hr extension				OP - 12PM - 10PM
23	Sunday	October 12, 2014	*Octoberfest Weekend - Requesting a 2 hr extension				OP - 12PM - 10PM
	Friday	October 17, 2014		13	RAIN DATE		
	Saturday	October 18, 2014		14	RAIN DATE		
	Sunday	October 19, 2014		15	RAIN DATE		
	Friday	October 24, 2014		16	RAIN DATE		
	Saturday	October 25, 2014		17	RAIN DATE		
	Sunday	October 26, 2014		18	RAIN DATE		



LEEUSAS-01

BEEKMANC

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/8/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Insurance Office of America, Inc. P.O. Box 162207 Altamonte Springs, FL 32716-2207	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): <b>(800) 243-6899</b> FAX (A/C, No): <b>(407) 788-7933</b> E-MAIL ADDRESS:														
<b>INSURED</b>	<table style="width:100%; border: none;"> <tr> <td style="text-align: center; border: none;"><b>INSURER(S) AFFORDING COVERAGE</b></td> <td style="text-align: center; border: none;"><b>NAIC #</b></td> </tr> <tr> <td style="border: none;"><b>INSURER A : United States Fire Insurance Company</b></td> <td style="border: none;"><b>21113</b></td> </tr> <tr><td style="border: none;"><b>INSURER B :</b></td><td style="border: none;"></td></tr> <tr><td style="border: none;"><b>INSURER C :</b></td><td style="border: none;"></td></tr> <tr><td style="border: none;"><b>INSURER D :</b></td><td style="border: none;"></td></tr> <tr><td style="border: none;"><b>INSURER E :</b></td><td style="border: none;"></td></tr> <tr><td style="border: none;"><b>INSURER F :</b></td><td style="border: none;"></td></tr> </table>	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>	<b>INSURER A : United States Fire Insurance Company</b>	<b>21113</b>	<b>INSURER B :</b>		<b>INSURER C :</b>		<b>INSURER D :</b>		<b>INSURER E :</b>		<b>INSURER F :</b>	
<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>														
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<b>INSURER E :</b>															
<b>INSURER F :</b>															

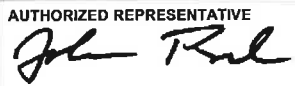
<b>COVERAGES</b>	<b>CERTIFICATE NUMBER:</b>	<b>REVISION NUMBER:</b>
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THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b>			PK201200001058	4/8/2013	4/8/2014	EACH OCCURRENCE	\$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$
	<input checked="" type="checkbox"/> <b>Participant Legal</b>						PERSONAL & ADV INJURY	\$ 5,000,000
	<input type="checkbox"/>						GENERAL AGGREGATE	\$ 5,000,000
	<input type="checkbox"/>						PRODUCTS - COMP/OP AGG	\$ 5,000,000
	<input type="checkbox"/>							\$
	<input type="checkbox"/>							\$
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS		<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS		<input type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE (PER ACCIDENT)	\$
								\$
	<b>UMBRELLA LIAB</b>		<input type="checkbox"/> OCCUR				EACH OCCURRENCE	\$
	<b>EXCESS LIAB</b>		<input type="checkbox"/> CLAIMS-MADE				AGGREGATE	\$
	<input type="checkbox"/> DED		<input type="checkbox"/> RETENTION \$					\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>		<input type="checkbox"/> Y / N				<input type="checkbox"/> WC STATUTORY LIMITS	<input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		<input type="checkbox"/> N / A				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	<b>Participant Accident</b>			US065205	4/8/2013	4/8/2014	<b>Medical</b>	<b>50,000</b>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 The Certificate Holder is included as an Additional Insured, but only as respects to claims arising out of the negligence of the Named Insured when required by written contract or agreement.

East Coast Sand and Gravel Inc, First Stafford Realty Trust, Moran Equipment Corporation, Checkered Flag Structures are additional insured on the General Liability & Participant Accident policies when required by written contract.

<b>CERTIFICATE HOLDER</b>  Town of Lee 7 MAST ROAD Lee, NH 03861	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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14208

**CHECKERED FLAG STRUCTURES, INC.**

P.O. BOX 344  
ROWLEY, MA 01969  
(978) 462-4252

THE PROVIDENT BANK  
NEWBURYPORT, MASSACHUSETTS  
the Provident Bank.com  
53-7402-2113

12/31/2013

PAY  
TO THE  
ORDER OF TOWN OF LEE

\$ \*\*100.00

One Hundred and 00/100\*\*\*\*\* DOLLARS

TOWN OF LEE

7 MAST ROAD  
LEE, NH 03824

VOID AFTER 60 DAYS

*John C. Hyatt Donald*

PRESIDENT

MEMO  
LICENSE TO OPERATE THE RACE TRACK

AUTHORIZED SIGNATURE

⑈014208⑈ ⑆211374020⑆ 27 327467⑈

Security features. Details on back.



**2014 LICENSE to OPERATE a MOTOR VEHICLE RACETRACK  
IN THE TOWN OF LEE**

A license to conduct motor vehicle racing at the **Lee USA Speedway** during the time period of April 12 – October 26, 2014 is hereby granted SUBJECT TO all provisions of the Town of Lee *Racetrack Ordinance* adopted on March 10, 1977 by the Annual Town Meeting, and SUBJECT TO any revisions or amendments to the Ordinance as hereinafter enacted.

The Board of Selectmen grants approval with the understanding that failure to comply with the provisions of the Ordinance shall be grounds for revocation or suspension of this license.

\*No practice or tire testing dates are permitted\*

**23 RACES**

- |                                |                                |
|--------------------------------|--------------------------------|
| 1) Sunday, April 13, 2014      | AC Tour, Classic Lites, NELCAR |
| 2) Sunday, May 11, 2014        | Modified Open Series           |
| 3) Saturday, May 24, 2014      | Monster Truck Special          |
| 4) Friday, May 30, 2014        | Season Opener - Nascar Weekly  |
| 5) Friday, June 6, 2014        | Nascar Weekly                  |
| 6) Friday, June 13, 2014       | Nascar Weekly                  |
| 7) Friday, June 20, 2014       | Nascar Weekly                  |
| 8) Friday, June 27, 2014       | Valenti Series + Nascar Weekly |
| 9) Friday, July 4, 2014        | Fireworks + Nascar Weekly      |
| 10) Friday, July 11, 2014      | Nascar Weekly                  |
| 11) Friday, July 18, 2014      | Nascar Weekly                  |
| 12) Friday, July 25, 2014      | GSPSS +Nascar Weekly           |
| 13) Friday, August 1, 2014     | Nascar Weekly                  |
| 14) Friday, August 8, 2014     | ISMA SM + NEMA Lites           |
| 15) Friday, August 15, 2014    | Nascar Weekly                  |
| 16) Friday, August 22, 2014    | Nascar Weekly                  |
| 17) Friday, August 29, 2014    | Nascar Weekly                  |
| 18) Friday, September 5, 2014  | Championship Nascar Weekly     |
| 19) Friday, September 12, 2014 | Race Event – lower division    |
| 20) Friday, September 19, 2014 | Race Event – lower division    |
| 21) Friday, September 26, 2014 | Race Event – lower division    |
| 22) Saturday, October 11, 2014 | October Fest <u>12pm-10 pm</u> |
| 23) Sunday, October 12, 2014   | October Fest <u>12pm-10 pm</u> |

**3 TEST & TUNE**

- 1) Saturday, April 12, 2014
- 2) Saturday, May 10, 2014
- 3) Friday, October 10, 2014

**RAIN DATES**

- 1) Saturday, April 19, 2014
- 2) Saturday, May 17, 2014
- 3) Sunday, May 18, 2014
- 4) Sunday, May 25, 2014
- 5) Saturday, September 13, 2014
- 6) Sunday, September 14, 2014
- 7) Saturday, September 20, 2014
- 8) Sunday, September 21, 2014
- 9) Saturday, September 27, 2014
- 10) Sunday, September 28, 2014
- 11) Saturday, October 4, 2014
- 12) Sunday, October 5, 2014
- 13) Friday, October 17, 2014
- 14) Saturday, October 18, 2014
- 15) Sunday, October 19, 2014
- 16) Friday, October 24, 2014
- 17) Saturday, October 25, 2014
- 18) Sunday, October 26, 2014

Dates and hours of operation were approved by the Board of Selectmen on \_\_\_\_\_.

\_\_\_\_\_  
John R. LaCourse, Chairman

\_\_\_\_\_  
David Cedarholm

\_\_\_\_\_  
Carole Dennis

\*\*\*\*\*

\_\_\_\_\_  
Building Inspector

\_\_\_\_\_  
Police Chief

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Administrator

\_\_\_\_\_  
Date



**TOWN of LEE**  
7 MAST RD, LEE, NH 03861  
(603) 659-5414

Office Use Only

Meeting Date: Feb 3, 2014

Agenda Item No. 4

**BOARD OF SELECTMEN**  
**MEETING AGENDA REQUEST**  
**1/30/2014**

**Agenda Item Title: Racetrack Inspection Regulations and Licensing Procedures**

**Requested By: Select Board**

**Date: 1/30/2014**

**Contact Information: 603-659-5414**

**Presented By: Caren Rossi, Scott Nemet and Julie Glover**

**Description:** Present the Board with recommended inspection regulations and licensing procedures with regard to racetracks.

**Financial Details: N/A**

**Legal Authority NH RSA 31:41-a**

**Legal Opinion: N/A**

**REQUESTED ACTION OR RECOMMENDATIONS:**

**MOTION: Move to approve the Racetrack Inspection Regulations and Licensing Procedures as presented and to implement them for the 2014 racing season.**



# **RACETRACK INSPECTION REGULATIONS AND LICENSING PROCEDURES**

These regulations are within the authority of NH RSA 31:41-a and in accordance with the Lee Racetrack Ordinance, which was adopted by the Legislative Body on March 10, 1997; and as amended by multiple Town Meetings, the last being on March 13, 2012.

## **Authority**

***RSA 31:41-a Motor Vehicle Race Tracks. – Towns shall have the power to make bylaws relating to the regulation and licensing of motor vehicle race tracks within the limits of the town, and may fix fees not to exceed \$100 annually for the operation of such race tracks, and failure to observe such bylaws shall constitute a violation and any fines collected hereunder shall inure to such uses as said towns may direct. For the purposes of this section, a motor vehicle shall be defined as any self-propelled vehicle, except tractors, activated by an internal combustion engine and not operated exclusively on stationary tracks***

## **Procedure**

Prior to the issuance of the yearly racetrack license, the following inspections will be required. Any inspections performed by an outside agency, including but not limited to, a structural engineer, fire protection engineer, or NH licensed master electrician, will be at the expense of the owner and/or operator of the racetrack. No license will be issued until all licensing officials have indicated by signature that s/he is satisfied that all items under his/her authority are satisfactory and in compliance with all local statutes, codes, ordinances and regulations. Once all three signatures have been obtained, the Town Administrator will forward a copy to the owner and/or operator of the racetrack, after confirming that a Certificate of Insurance, of the types and amounts specified in the Ordinance, has been received.

### **A. Under the authority of the Fire Chief:**

1. A bi-annual Bleacher and Grandstand Inspection Report conducted by an outside agency, fully licensed to perform such an inspection, and submitted to the Fire Chief for review;
2. Fire Suppression Systems and Hood Cleaning Report conducted annually by an outside agency, fully licensed to perform such inspections, and submitted to the Fire Chief for review;
3. Conduct Fire Extinguisher, Fire Alarm, and Emergency Light inspections by an outside agency, fully licensed to perform such inspections, and submit results to the Fire Chief for review;
4. The Fire Department shall conduct a Limited Visual Life Safety Inspection of the property in accordance with NFPA 101-Life Safety Code;
5. The Fire Department shall issue the Place of Assembly Permits for tent and bleacher areas after inspection of same.

# RACETRACK INSPECTION REGULATIONS AND LICENSING PROCEDURES

**B. Under the authority of the Building Inspector:**

1. Conduct a visual inspection of electrical systems
2. Conduct a visual inspection of any evident and/or obvious structural issues, including stairs and decks
3. These inspections are performed under the 2009 International Existing Building Code, International 2009 Building Code, 2011 National Electrical Code & NFPA 70

**C. Under the authority of the Police Chief:**

1. Confirm that all gates are in their proper locations and are in proper working order;
2. Confirm that all signs relative to the sale and consumption of alcoholic beverages are properly posted, pursuant to Section 7 of the Racetrack Ordinance,;

All of the above notwithstanding, the Town of Lee reserves the right to perform additional inspections and/or require additional reports from outside agencies if it is deemed to be in the best interest of the Town and for the safety of the general public before issuing the license.

Adopted by the Lee Select Board on \_\_\_\_\_

\_\_\_\_\_  
Dr. John R. LaCourse  
Chairman

\_\_\_\_\_  
David Cedarholm

\_\_\_\_\_  
Carole T. Dennis

## **RACETRACK ORDINANCE**

In accordance with the provisions of the New Hampshire Revised Statutes Annotated, Chapter 31, Section 41-a, as originally adopted at the Town Meeting assembled on March 10, 1977 and, as amended at the Town Meeting assembled on March 15, 1989, as amended at the Town Meeting assembled on March 11, 1992, as amended at the Town Meeting assembled on March 11, 1998 and as amended at the Town Meeting assembled on March 15, 2006, and as amended by Warrant Article 7 of the March 13, 2012 Election the following regulations are adopted with respect to regulation of motor vehicle racetracks within the Town of Lee.

### **Section 1: Definitions:**

Motor Vehicle: For the purpose of these regulations, a motor vehicle shall be defined as any self-propelled vehicle, except tractors, activated by an internal combustion engine and not operated exclusively on stationary tracks.

Event: A racing contest to be contained within a calendar day, to include, but not limited to practice, heat races and feature races.

Rain Date: An event shall be considered complete, when five (5) heat races or feature races have been completed, whichever comes first.

**Section 2:** Motor vehicle racetracks may be open and may operate from April 1 through October 31 each year for automobile, go-cart and motorcycle racing only. Vehicular racing shall be limited in total operating hours per race date, including warm-up, to eight (8) hours inclusive. At no time shall said operating and warm-up time begin before 12:00 PM. No racing may be started after 11:30 PM and all racing is to stop by 12:00 midnight.

**Section 3:** Not later than sixty (60) days prior to opening of the racetrack each year, said racetrack owners and/or operators shall submit to the Selectmen, in writing, an application for a license on a form prescribed by the Selectmen, together with a proposed operation schedule for the ensuing year. Said schedule shall list the form of the vehicular racing to be scheduled on each date listed. The Selectmen may, consistent with the provisions of these regulations and the interest of public safety, health and welfare, alter the racing schedule in connection with the issuance of any license.

**Section 4:** Upon receipt of the license application, the Selectmen shall schedule a Public Hearing on the request for a license. In so doing, the Selectmen shall give notice to abutters and to the public, at the applicants expense, in the same manner as provided for a hearing conducted by the Zoning Board of Adjustment. At said hearing, which shall be conducted where practicable no more than thirty (30) days after receipt of the license application, the applicant shall have the burden of establishing that operation of the racetrack for the ensuing year will be in conformance with all provisions of any other Federal, State or local statute, ordinance or regulations applicable to the racetrack. Abutters and other interested parties shall be afforded an opportunity to address the Selectmen during this hearing on the subject of license issuance. A license shall

be issued to the applicant if he or she satisfies, by a preponderance of the evidence, the burden of proof as specified in this section. Said license shall be valid for not more than one (1) year and shall set forth the scheduled events, not to exceed twenty three (23), plus twenty three (23) rain dates per license period, stating the date, time and a brief description of each event. A notation on the license shall indicate that such rain dates are subject to change upon written approval of the Selectmen for good cause shown.

Section 5: A license fee in the amount of one hundred dollars (\$100.00) per annum shall be assessed for each racetrack operation in the Town. This fee is to be paid upon application for license.

Section 6: No vehicular racetrack shall be operated within the Town of Lee unless the owner and/or operators shall have, upon written application to the Board of Selectmen, obtained a license to operate such vehicular racetrack contingent upon proof that said owners and/or operators can and will comply with the provisions of the Town of Lee Racetrack Ordinance.

Section 7: Only malt beverages, and no other alcoholic beverages, may be sold and consumed in restricted areas on racetrack property while the racetrack is open to the public for the purpose of viewing vehicular racing. No other alcoholic beverages shall be sold, consumed or allowed during such period of public viewing of vehicular racing. No malt beverages shall be sold to anyone under the age of twenty-one years, and proper age identification shall be required prior to sale. The racetrack owner and/or operator, whoever is in direct charge of the race, shall post signs advising the public of this section at visible locations within the seating areas and at each entrance gate; said signs shall also state the penalty for violation of this section. Failure of the racetrack owner and/or operator to comply with this section shall be grounds for the revocation of the license. Any person in possession of alcoholic beverages outside the restricted area in violation of this section shall be guilty of a violation. The alcoholic beverage shall be seized and disposed of in compliance with State statutes, local law or regulations. Prior to each racing season, the Board of Selectmen or their designee shall inspect to insure signs are properly posted.

Section 8: Authorized agents or representatives of the Town may enter, with or without notice or consent, the premises of any racetrack which holds or has applied for a license at any reasonable time and inspect and report on the conditions found as to compliance with the provisions of the regulations. It shall be the duty of the owner and/or operator of the racetrack to cooperate with such agents or representatives and permit access to any portions of said premises at their request. Failure to comply with these provisions shall be grounds for revocation or suspension of the license.

Section 9: The racetrack owners and/or operators shall provide, at their own expense, such Police and Fire protection as is deemed necessary by the Police Chief and Fire Chief of the Town of Lee, New Hampshire pursuant to written standards promulgated by the said Police Chief and Fire Chief to insure public safety. Said written standards shall be made available upon request and satisfactory compliance with all safety standards referred to hereinafter shall be made in writing to the respective Police Chief and Fire Chief prior to any and all scheduled racing events. A copy of these standards shall be attached to the operating license when issued.

**Section 10:** Racetrack owners and/or operators shall provide, at their expense, suitable and sufficient sanitary facilities including toilets with adequate lavatories. Restroom facilities shall be available for use by patrons at all times the racetrack is open to the public. All sanitary and washing facilities shall at all times be maintained in good working order and be in compliance with New Hampshire Health, Water Supply and Pollution Control laws and regulations and with all applicable State laws, local ordinances, regulations and/or by-laws.

**Section 11:** Racetrack owners and/or operators shall provide, during all times they are open to the public and/or operating, at their own expense, an adequate ambulance service properly licensed under the laws of the State of New Hampshire sufficient to provide for whatever emergency their activities might cause. At no time shall the racetrack be open to the public without one (1) properly manned ambulance at the racetrack.

**Section 12:** All litter shall be cleaned up within thirty six (36) hours from the end of each racing event. This section shall be monitored by the local Health Officer during the racing season.

**Section 13:** Overnight camping shall be permitted on site in accordance with the following standards:

- A. Overnight camping shall be permitted in recreational vehicles with self-contained sanitary facilities.
- B. Such vehicles shall reside at the site only twenty four (24) hours prior to a scheduled event and no longer than twenty four (24) hours following completion of that event.
- C. A specific section of the back parking area shall be designated for this use and shall be posted on site accordingly.
- D. Camping vehicles shall not be permitted within the Shoreline Conservation District.
- E. "Gray Water" may only be discharged into approved septic facilities.

**Section 14:** Owners and/or operators of racetracks shall be responsible for any and all violations of these regulations and their license to operate such vehicular racetrack shall be contingent upon full compliance with these regulations with total cooperation and good faith. The violation of any section of these regulations shall be grounds for revocation or suspension of said license at the discretion of the Board of Selectmen.

**Section 15:** Prior to the opening of any racing season, the owners and/or operators shall post a cash bond with sufficient sureties in the amount specified by the Board of Selectmen of the Town of Lee; said bond shall be applied in the event expenses are incurred by the Town of Lee as a result of any authorized event under these regulations.

Section 16: No license shall be issued, and any license issued, shall be revoked or suspended at the determination of the Selectmen, unless the license shall take out and maintain in effect at the expense of the licensee a policy or policies of liability insurance in a company or companies approved by the Selectmen with limits not less than two million dollars (2,000,000.00) protecting and insuring the licensee and Town and all agents, servants and representatives of each as named insured from liability for personal injuries and property damage resulting from the ownership, use or operation of the racetrack and/or track premises. The licensee, by application for and/or acceptance of any license, shall be conclusively deemed to have agreed to indemnify the Town and its agents, servants and representatives from all liability including personal injuries and property damage coming out of the existence, use, ownership or operation of the racetrack and/or track premises and such indemnity agreement shall be expressly covered in said policy or policies.

Section 17:

A. No use other than vehicular racing, race car education/safety testing and automotive-related flea markets shall be scheduled or sponsored at any vehicular racetrack within the Town of Lee without written approval of the Board of Selectmen of the Town of Lee, New Hampshire.

B. The racetrack shall be kept secure from unauthorized entry when not in use.

C. Automotive related flea markets may be scheduled on the third Sunday of May, June, July and August in addition to the traditional year-end Flea Market scheduled for the first weekend in November. It is understood that no race engines will be permitted to start during these Flea Markets; all activities will take place within the confines of the track/pit areas and only automotive-related vendors will be allowed to participate.

Section 18: No motorcycle event of any nature or kind will be permitted on any vehicular racetrack within the Town of Lee when said date conflicts or falls upon the same weekend as a National or regional motorcycle race of any nature or kind.

Section 19: The invalidity of any other section of these regulations does not affect the validity of any other section of these regulations.

Section 20: The Selectmen may waive or alter the provisions of these regulations for due cause shown.

Section 21:

A. No vehicle, as defined in Section 1 of this ordinance, shall be operated on the racetrack unless equipped with a muffler that meets or exceeds manufacturers specifications to reduce noise below the 97 db level. Sound levels resulting from any activities at the racetrack operation shall not exceed the established level using the A scale (dBA) and Fast Response setting. Sound levels shall be measured at any racetrack property line. Measurements shall be taken using a properly calibrated sound meter which is mounted 36 inches above the ground on a tripod and pointed directly towards the racing track surface. Any sound measurement that exceeds the established level, regardless of the duration, shall be a violation.

- B. Any person operating a motor vehicle racetrack shall allow Town officials, or their designated representatives, to conduct from time to time, at said persons expense, such noise level test or readings that may be deemed appropriate and necessary by the Town of Lee Board of Selectmen or their authorized agents.

Section 22: Any violation of this ordinance shall be punishable as set forth in New Hampshire Revised Statutes Annotated 651 and as amended. Upon the Selectmen of the Town of Lee, or their designated representative, shall rest the responsibilities of enforcement of the regulations.

Dated: \_\_\_\_\_

\_\_\_\_\_  
John R. LaCourse, Chairman

\_\_\_\_\_  
W. James Griswold

\_\_\_\_\_  
David Cedarholm

**Town of Lee  
Board of Selectmen**



**TOWN of LEE**  
7 MAST RD, LEE, NH 03861  
(603) 659-5414

Office Use Only

Meeting Date: Feb 3, 2014

Agenda Item No. 6

**BOARD OF SELECTMEN**  
**MEETING AGENDA REQUEST**  
**1/30/2014**

**Agenda Item Title: Horizontal Grinder Demo Day**

**Requested By: Roger Rice, Transfer Station Manager**      **Date: 1/30/2014**

**Contact Information: 603-659-2239**

**Presented By: Roger Rice, Transfer Station Manager**

**Description:** Request from George LaPorta, Sales Representative CUES Equipment for permission to hold a demo at the Lee Transfer Station facility during the spring of 2014 for the purpose of demonstrating purpose and performance of the Rayco RH1754 horizontal grinder and to invite other representatives from area recycling centers to view the demo as well.

**Financial Details: n/a**

**Legal Authority**

**Legal Opinion:** Enter a summary; attach copy of the actual opinion

**REQUESTED ACTION OR RECOMMENDATIONS:**

**MOTION: Move to approve hosting the Horizontal Grinder Demo Day in Lee.**





# Process Materials Easier & Faster

Powerful 240 hp Cummins 6.7 L Diesel Engine

Our customers asked for a horizontal grinder that makes processing materials such as wood chips, lumber scraps, pallets, logging slash and green waste easier and faster than ever... without breaking the bank. RAYCO listened, and the RH1754-240 was born. It boasts a powerful 240 hp Cummins 6.7 L diesel engine, a longer discharge conveyor, and other enhancements to maximize throughput while keeping operating costs at a minimum. Pile chips higher, or fill open-top trailers, with a discharge conveyor that reaches over 12-feet high. Screens can be changed in minutes allowing the operator to size product to his exact specifications. Variable speed control on both infeed and discharge conveyors can be tailored to virtually any grinding application. And best of all, it's priced thousands less than the competition.

## ***Think Smart, Think Safe.....***

We care about your safety. When operating your RAYCO machinery always wear an approved helmet complete with ear muffs, face shield and the proper eyewear. Never operate under the influence of alcohol or drugs. Know your RAYCO, read and understand your owner's manual cover to cover.



## SPECIFICATIONS

	<b>RH1754-160</b>		<b>RH1754-240</b>	
	US	Metric	US	Metric
<b>GENERAL</b>				
<b>Weight</b>	15,800 lb	7,167 kg	17,500 lb	7,938 kg
<b>Length</b>	333"	846 cm	336" (conveyor folded)	853 cm
<b>Height</b>	120"	305 cm	128" (conveyor folded)	305 cm
<b>Width</b>	90"	229 cm	90"	229 cm
<b>Chassis</b>	8" structural "C" channel	20 cm	8" structural "C" channel	
<b>Fuel Tank</b>	90 gal	341 L	90 gal	341 L
<b>Axle</b>	(2) 9000 lb Torflex with electric brakes		(2) 9000 lb Torflex with electric brakes	
<b>Tires</b>	(4) 235-75R-17.5H		(4) 235-75R-17.5H	
<b>ENGINE</b>				
<b>Model</b>	Cummins QSB 4.5 turbocharged CAC		Cummins QSB 4.5 turbocharged 6.7 L	
<b>Number of Cylinders</b>	4		6	
<b>Gross Power</b>	160 hp @ 2500 RPM	119 kW	240 hp @ 2500 RPM	179 kW
<b>Maximum Rated Torque</b>	460 ft-lb @ 1500 RPM	623.7 N-m	728 ft-lb @ 1500 RPM	987 N-m
<b>Cooling</b>	Liquid		Liquid	
<b>Air Cleaner</b>	Dry type with pre cleaner		Dry type with pre cleaner	
<b>Oil Filter</b>	Spin on type		Spin on type	
<b>Engine Enclosure</b>	Lockable steel		Lockable steel	
<b>Cooling Fan</b>	Puller Type		Puller Type	
<b>External Exhaust</b>	Iso-mounted muffler with rain cap		Iso-mounted muffler with rain cap	
<b>Engine Access Panel</b>	Removable front & rear		Removable front & rear	
<b>INFEED SYSTEM</b>				
<b>Infeed Roller Drive</b>	Planetary		Planetary	
<b>Infeed Roller Diameter</b>	20"	51 cm	20"	51 cm
<b>Infeed Hopper</b>	Open-ended		Open-ended	
<b>Infeed Opening</b>	17" x 54"	43 cm x 137 cm	17" x 54"	43 cm x 137 cm
<b>Infeed Hopper Length</b>	98"	249 cm	98"	249 cm
<b>Infeed Hopper Width</b>	54"	137 cm	54"	137 cm
<b>End Loading Height</b>	48"	122 cm	48"	122 cm
<b>Side Loading Height</b>	70"	179 cm	70"	179 cm
<b>Feed Control</b>	VersaFeed		VersaFeed	
<b>Live Floor</b>	Rubber belt		Rubber belt	
<b>Down Pressure</b>	4400 lb-psi	30336.93 kPa	4400 lb-psi	30336.93 kPa

	<b>RH1754-160</b>		<b>RH1754-240</b>	
	US	Metric	US	Metric
<b>CUTTING SYSTEM</b>				
Rotor Width	54"	137 cm	54"	137 cm
Rotor Diameter	20"	51 cm	20"	51 cm
Cutting Teeth	30		30	
Screen	3" standard 1" - 5" optional	7.62 cm 2.54 cm - 12.7 cm	3" standard 1" - 5" optional	7.62 cm 2.54 cm - 12.7 cm
Anvil	Replaceable		Replaceable	
<b>DISCHARGE CONVEYOR</b>				
Height	104"	264 cm	148" extended	376 cm
Width	42"	107 cm	42"	107 cm
Drive	Hydraulic		Hydraulic	
Belt	Rubber Chevron		Rubber Chevron	
Head Pulley	Magnetic		Magnetic	
<b>MID CONVEYOR</b>				
Width	52"	132 cm	52"	132 cm
Drive	Hydraulic		Hydraulic	
Belt	Rubber Chevron		Rubber Chevron	
<b>TOWING</b>				
Hitch	Pintle		Pintle	
Jacks	Dual hydraulic		Dual hydraulic	
Lights	DOT approved		DOT approved	
Brakes	Electric		Electric	
Tongue Weight	1600 lb	726 kg	1700 lb	771 kg
<b>HYDRAULIC SYSTEM</b>				
Pump	Load Sense 28 GPM @ 3150 PSI		Load Sense 28 GPM @ 3150 PSI	
Oil Reservoir Capacity	50 gal	190 L	50 gal	190 L
Oil Filter	Spin-on		Spin-on	
Oil Type	Tellus T46		Tellus T46	
<b>COOLING SYSTEM</b>				
Fan	Flexxaire Reversing Fan		Flexxaire Reversing Fan	
Coolant	50-50 Glycol		50-50 Glycol	
<b>CONTROL SYSTEM</b>				
	LCD display to monitor engine parameters		LCD display to monitor engine parameters	
	Radio remote control		Radio remote control	

**SAFETY SHUTDOWNS**

**RH1754-160**

US

Metric

Low engine oil pressure

Water temperature

**RH1754-240**

US

Metric

Low engine oil pressure

Water temperature

**OPTIONS**

Variety of screen sizes and shapes

Track undercarriage with triple grouser steel tracks

Long discharge conveyer

Variety of cutting teeth

Variety of screen sizes and shapes

Track undercarriage with triple grouser steel tracks

Long discharge conveyer

Variety of cutting teeth



**TOWN of LEE**  
7 MAST RD, LEE, NH 03861  
(603) 659-5414

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Meeting Date: Feb 3, 2014

Agenda Item No. 7

**BOARD OF SELECTMEN**  
**MEETING AGENDA REQUEST**  
**1/30/2014**

**Agenda Item Title: Maud Jones Timber Contract**

**Requested By: Bill Humm, Conservation Commission Chairman      Date: 1/30/2014**

**Contact Information: 603-659-5414**

**Presented By: Don Quigley**

**Description: Request approval of the Maud Jones Timber contract**

**Financial Details: There will be a small amount of revenue to the Town, but no estimate is available at this time.**

**Legal Authority N.H. RSA 79 – Forest Conservation and Taxation and the Forest Management Plan adopted in 2010**

**Legal Opinion: Enter a summary; attach copy of the actual opinion**

**REQUESTED ACTION OR RECOMMENDATIONS:**

**MOTION: Move to approve the Maud Jones Timber Contract as presented and authorize the Town Administrator to sign the agreement when a contractor is secured.**

Timber Sale Agreement  
Town Of Lee, NH  
Maud Jones Tree Farm  
Management Unit 1 (North Unit)  
Winter season 2013-2014

Objectives: The Town of Lee plans to conduct a harvest of designated trees on Unit 1 of the Maud Jones Tree Farm during the winter season 2013-2014. The harvest is consistent with actions called for in the Forest Management Plan adopted in 2010. The objectives for the harvest are summarized:

1. Shift the current stand toward a more diverse structure to improve wildlife habitat and regeneration of desired species.
2. Provide educational opportunities in forest management for the benefit of the community.
3. Generate a small income for the Town to offset the cost of other forest management activities.

Supervision/Oversight:

This harvest will be planned, administered and supervised by Don Quigley, N.H. Licensed Forester number 147, acting as an agent of the Town. The Town of Lee authorizes Quigley to arrange for all required permits and enter negotiation with harvesting contractors in the fulfillment of this agreement and supervise the operation through its completion. Quigley will work under the guidance and direction of the Town Select Board, The Conservation Commission and the adopted Management Plan for the property. His services are donated to the Town.

Description of the Harvest Area:

Location: The sale area includes approximately 3 acres of the Northern-most portion of the Maud Jones Tree Farm referred to as Unit 1 in the Management Plan.

Access: An entrance into the lot will be permitted by the NH DOT from NH Rt. 155 (Turtle Pond Road) at the road's height of land at the current location of the Tree Farm Sign

Summary Timber Description:

Markings: The trees will be designated for harvest by a blue paint slash at chest height

Volumes of marked species:

White Pine saw logs	35,000 bf est.
White pine pulpwood	30 tons est.
Misc. Hardwood saw logs	1500 bf est.
Hardwood pulp/fuel wood	30 tons est.

Harvesting Contractor Agreement:

The Harvesting Contractor, \_\_\_\_\_ of the Town of \_\_\_\_\_ hereby agrees to the following conditions of the timber sale:

1. To pay the Town of Lee, NH the following amounts for stumpage removed from the sale area:

\$ \_\_\_\_\_ per mbf for White pine sawlogs

\$ \_\_\_\_\_ per ton for White pine pulp

\$ \_\_\_\_\_ per mbf for any misc. hardwood sawlogs

\$ \_\_\_\_\_ per cord for hardwood pulp/fuelwood

The sum of \_\_\_\_\_ for other species or products removed \_\_\_\_\_

2. Other conditions of the harvest agreed to by the contractor:

- a. To waive all claims to the above described trees unless they are cut and removed from the property by \_\_\_\_\_ (date)
- b. To make bi-weekly payments to the Town for the full value of all products removed from the sale area in the preceding weeks. All payments should be accompanied by a legible copy of a scale slip from a mill or trip ticket. All saw logs should be scaled using the International ¼ inch rule or similar locally known scale rule.
- c. To file a "Notice of Intent to Cut Wood and Timber" and pay the N.H. Timber tax as required under state of N.H. RSA 79:1 II (a) 4. "Persons Purchasing Timber on Public Lands".

- d. To construct an entrance off of NH Rt. 155 to the standards prescribed by the N.H. DOT in the currently permitted location. This will require adding materials as prescribed.
- e. To operate the sale in accordance with all state or local laws which pertain to timber harvesting or transportation of forest products.
- f. To protect from unnecessary injury or damage all trees not designated for harvest as described above. Also to protect soils and water resources by applying the procedures outlined in the document published by N.H. Division of Forests and Lands, "Best Management Practices for Protecting Water Quality."
- g. Prior to commencing work the Contractor shall demonstrate that it carries a general liability policy with limits of at least \$1,000,000 per occurrence and general aggregate, applicable to the work performed under this contract. The Contractor shall provide proof of automobile insurance coverage in an amount deemed satisfactory to the Town of Lee. The Contractor will furnish to the Town prior to commencing work a Certificate of Insurance with an endorsement demonstrating that the Town of Lee and its officials, agents, volunteers and employees are named as an additional insured. The Contractor shall provide proof of Workers Compensation insurance meeting the State of New Hampshire required limits. The Contractor's Workers Compensation coverage must waive subrogation against the Town and its officials, agents, volunteers and employees.
- h. To repair damage caused by logging or transport of products to any roads, landings, fences, utilities or adjacent properties as requested by the Town or its agent, DOT or adjacent land owner.
- i. To cease the operation and vacate the property immediately if requested by the Town or its agent in the case of changes in the natural conditions of the sale area which would result in damage to land, trees or soils. This also pertains to cases of violation or misinterpretation of this contract.
- j. Not to assign this agreement in whole or in part to another party without the consent of the Town or its agent.
- k. To lop all slash and reduce logging residue to within 3 feet of the ground and to remove all slash and waste from the trail and landing area by the completion of the job.
- l. To require that all workers or subcontractors in the contractor's charge perform their duties in compliance with safety standards set forth by OSHA, ANSI and trainings of the NH Timber Harvesting Council.



m. As a high-profile operation on public land there may be times when visitors or groups come onto the job site for their own interest or educational purposes. It is requested that the contractor stop his machinery or operation at the first sight of visitors and address the visitors to outline the safest possible way to observe the operation. If it is determined that there is no safe vantage point for the visitor the contractor may instruct the visitor to leave the site and return with the proper safety equipment or under the supervision of the Town's agent.

3. The Town agrees to the following:

- a. To guarantee title to the forest products covered by this agreement.
- b. To grant freedom of entry and right-of-way to the contractor and his employees on and across the property for the purpose of harvesting the forest products provided his activities do not conflict with the special provisions of this agreement.
- c. To publicly notify all abutting land owners of the operation and field all inquiries from public persons and coordinate any known visits by public persons or groups to the site. There will be an informational sign posted at the entrance to the operation regarding visitors and information about the operation.

4. The Contractor is solely responsible for any liability in the case of theft of wood or damage to the contractor's property left on the land during the operation of this agreement.

5. Other conditions of this agreement or amendments:

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Signed in duplicate on the date of: \_\_\_\_\_

Town of Lee authorized official \_\_\_\_\_ date \_\_\_\_\_

Town's agent (Forester) \_\_\_\_\_ date \_\_\_\_\_

Contractor \_\_\_\_\_ date \_\_\_\_\_

Name/Company/Address/Telephone: \_\_\_\_\_

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**TOWN of LEE**  
7 MAST RD, LEE, NH 03861  
(603) 659-5414

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Meeting Date: Feb 3, 2014

Agenda Item No. 8

**BOARD OF SELECTMEN**  
**MEETING AGENDA REQUEST**  
**1/30/2014**

**Agenda Item Title: Recreation Strategic Plan 2014-2019**

**Requested By: Board of Selectmen** 7/18/2011

**Contact Information: 603-292-5790**

**Presented By: Larry Kindberg**

**Description:** In July 2011, the Board of Selectmen requested that the Recreation Commission submit a formal, written, comprehensive plan regarding Little River Park. Since that time, subsequent Boards have requested that the plan include all recreational areas within the Town and address program needs.

**Financial Details: Estimated cost to maintain existing recreation properties is \$18,202. Total of \$243,000 proposed for CIP FY15-23**

**Legal Authority** NH RSA 35-B

**Legal Opinion:** Enter a summary; attach copy of the actual opinion

**REQUESTED ACTION OR RECOMMENDATIONS:**

**MOTION: Move to approve the Recreation Strategic Plan as presented**

**OR**

**Table for further revisions as discussed**

**Recreation  
Strategic Plan**



**Town of  
Lee, New Hampshire**

**2014 - 2019**

**February 2014**

## Table of Contents

Lee Recreation Commission Mission.....	1
Vision and Goals for Recreation in Lee.....	1
Management Objectives for Lee Recreation.....	1
Recreation Commission Responsibilities and Administrative Structure.....	1
Lee Community Description.....	3
Current Recreation Programs and Events.....	4
Future Programs and Event Opportunities.....	4
Town Properties with Recreation Opportunities.....	6
Lamprey Boat Launch.....	6
Durgin Park.....	6
Stevens Field.....	6
Town Field.....	6
Little River Park.....	7
Maintenance Requirements and Improvements Needed.....	8
Lamprey Boat Launch.....	8
Durgin Park.....	8
Stevens Field.....	8
Town Field.....	8
Little River Park.....	8
Funding of Park and Recreation Programs and Facilities.....	12
Capital Improvements (CIP) for Recreation Items.....	14
2013-2014 Budget Year Projects.....	14
Revenue Generation Potential.....	14
Future Staffing.....	14
Appendix A – Planning and Public Input.....	17
Appendix B – Little River Park Playground Plan.....	19
Appendix C – Trail Maps.....	21
Appendix D – Little River Park Natural Systems within the Developed Landscape.....	23

# Recreation in the Town of Lee, New Hampshire

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## Recreation Strategic Plan 2014 - 2019

### Lee Recreation Commission Mission

The Mission of the Lee Recreation Commission is to provide indoor and outdoor programs and activities to improve the physical and mental health of Lee residents.

### Vision and Goals for Recreation in Lee

Recreation is an essential element of a healthy community and lifestyle.

<sup>1</sup>Physical activity makes people healthier.

Physical activity increases with access to parks.

Contact with the natural world improves physical and physiological health.

Parks create stable neighborhoods and strong communities

The 2006 Lee Master Plan stated that recreational opportunities should provide:

- Activities throughout the year
- Locations centrally located for community events
- A place for children and families to play
- A place for the community to be able to gather together
- A place suitable for the mixing of all age groups to encourage multigenerational interaction
- Walk-ability and links from place to place

### Management Objectives for Lee Recreation

The Lee Recreation Commission seeks to provide programs and parks for the Town of Lee that :

- are available and accessible to a wide spectrum of Lee residents, young to old, athletic or not, as much as is possible and feasible
- are multifunctional and diverse in each season
- are protective of natural resources in an environmentally sustainable way
- appeal to park visitors with diverse active and passive recreational needs
- utilize local resources, time and talent
- enhance community building opportunities

### Recreation Commission Responsibilities and Administrative Structure

The Recreation Commission has five members who serve staggering three year terms and are appointed by the Board of Selectmen. The Board of Selectmen may also appoint alternate members. All regular and alternate members are citizen volunteers.

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<sup>1</sup> Trust for Public Land, "The Benefits of Parks: Why America Needs More City Parks and Open Space".

## Recreation in the Town of Lee, New Hampshire

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The Recreation Commission answers to the Board of Selectmen and operates under a set of by-laws. Each September a Chairman, Secretary and Treasurer are elected by the Commission members.

Guidance for Recreation Commissions comes from the authority granted under NH RSA 35-B:3

35-B:3 Officials and Powers. – The power conferred by RSA 35-B:1 may be exercised by a recreation or park commission or any other board or commission as authorized by the governing body of the political subdivision and charged with the responsibility of providing leisure-time services within the political subdivisions' jurisdiction. These powers may be divided as directed by the governing body. The commission shall have powers as are necessary to carry out the purpose for which it is created. These powers may include but not be restricted to the power:

- I. To acquire, hold and dispose of real and personal property; provided, however, the disposal of any real property shall have prior approval of the appropriate legislative body.
- II. To make contracts;
- III. To grant concessions;
- IV. To make charges for the use of facilities or for participation;
- V. To make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon;
- VI. To contract with any municipal corporation, governmental or private agencies for the conduct of park and recreation programs;
- VII. To operate jointly with other governmental units any facilities or property including participation in the acquisition; and
- VIII. To hold trust or manage public property useful to the accomplishment of its objectives

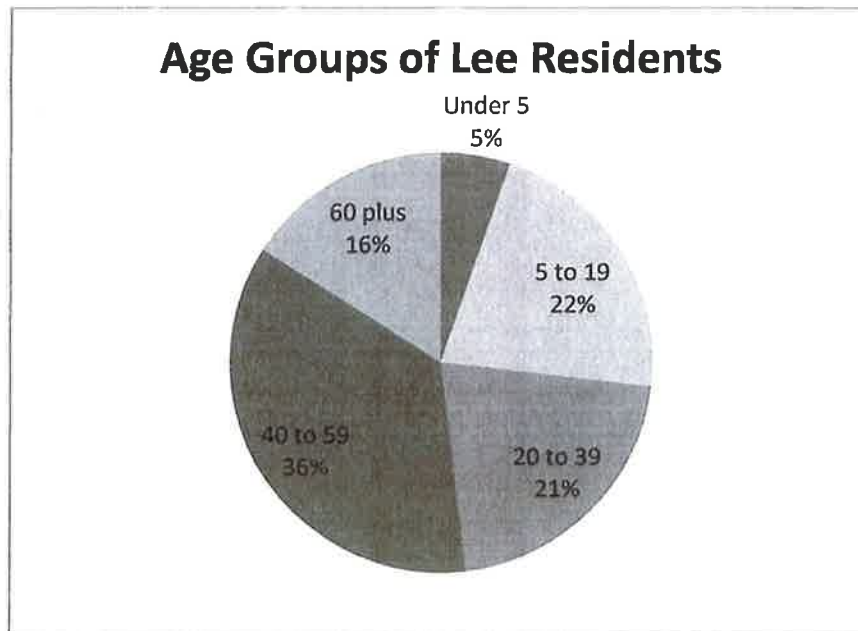
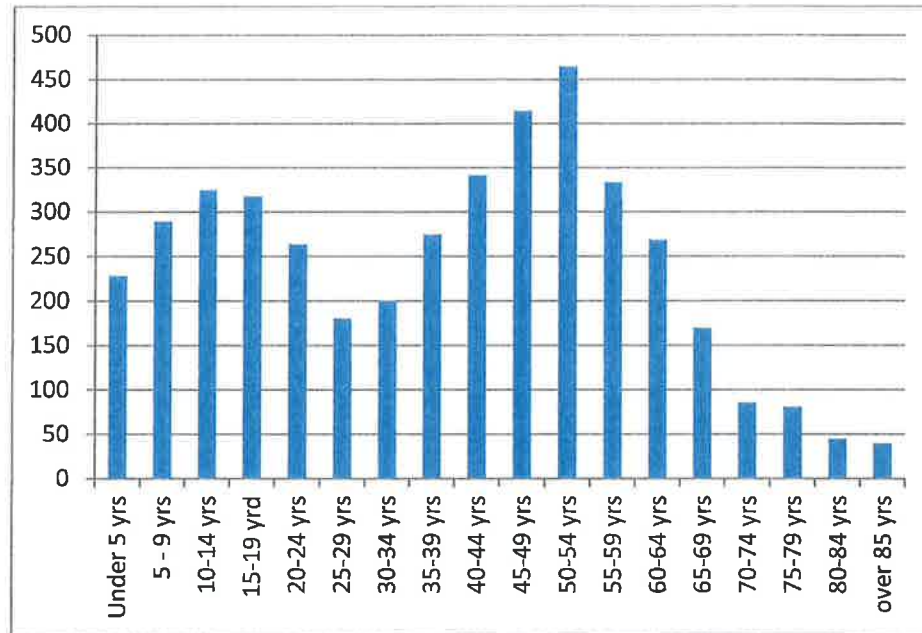
At this time there is no Recreation Department or employees. Planning, organizing, conducting any and all activities of the Recreation Commission is carried out by volunteers serving on the Commission or citizens who volunteer to assist.

The Lee Highway Department assists with mowing, plowing and use of heavy equipment. Hours are accounted for and approved by the Board of Selectmen.

# Recreation in the Town of Lee, New Hampshire

## Lee Community Description

There are 4,330 residents in Lee according to the 2010 Census. Residents are attracted to Lee because of the rural character of the town, scenic roadways, and a good school district. The distribution by age range is as follows:



# Recreation in the Town of Lee, New Hampshire

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## CURRENT RECREATION PROGRAMS AND EVENTS

Each event is coordinated and assisted by community volunteers. Funding for each event is from donations of supplies and prizes and supplemented by Lee Recreation Commission operating funds.

The Easter Egg Hunt is held at the Town Field next to Mast Way School on the Saturday before Easter each year. The event is for children up to the 9<sup>th</sup> grade. Approximately 250 children participate each year scooping up approximately 3,000 eggs filled with candy and prized in a matter of minutes.

The Fishing Derby is held on the Saturday before Mother's Day each year. The Recreation Commission purchases fish that are released within a few days of the event. Prizes are given for the first fish caught, the biggest fish, etc. Even though you must be under age 12 to be eligible to fish, this event is enjoyed by families and multiple generations.

The Recreation Commission participates in the Lee Fair each year with an information booth and assistance with games or other activities as needed.

Ice Skating Parties have been held at the ice rink at Little River Park. Beginning winter 2014, the ice rink will be located at the Town Field. Skating is open when conditions are favorable. The Lee Fire Department has been a useful and supportive partner in this effort.

Most of the organized youth sports programs are offered through the Oyster River Youth Association. ORYA coordinates recreation and travel programs for youth from Lee, Durham and Madbury. Ages 4 through 16 enjoy many sports and dance programs through ORYA. By pooling resources of the three towns the programs offered are more diverse, have more depth in numbers of participants, volunteer coaches and teachers, and compliment the friendships and talents of youth who share a common school district. Individually, each town would lack the resources, personnel, and numbers of youth required to fill teams and participate in competitive activities.

## FUTURE PROGRAMS AND EVENT OPPORTUNITIES

Based on public input received at Town Fairs, Town Meetings, meetings with other Commissions and groups in Lee, and a listening session held on September 18, 2013, the Recreation Commission would like to expand programming to include some of the following:

- Music in the Park – either at little River Park or at Town Field
- Outdoor Movie Night using a blow-up screen and offering refreshments
- Safe walking loops for all ages
- Exercise/Fitness stations
- Kite Flying Day which may be able to link with some other activities
- Model Airplane Day
- Bike Safety Day in coordination with school, fire and police programs
- Bonfire Night for Teens

The Commission will continue to receive input and suggestions to meet community needs.



# Recreation in the Town of Lee, New Hampshire

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# Recreation in the Town of Lee, New Hampshire

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## TOWN PROPERTIES WITH RECREATION OPPORTUNITIES

The Town of Lee has acquired properties over the years through gifts, grants and easements that are open and available for the public to enjoy. The following is an inventory and description of town owned properties with recreation opportunities.

### **Lamprey River Boat Launch**

**Location:** Rt 152 near the Wadleigh Falls bridge.

**Recreation:** Boating, swimming, fishing

**Description:** Granite steps to the Lamprey River for use to put in kayaks or canoes or to swim from. Parking is along Route 152.



### **Durgin Park – 21 acres**

**Location:** Turn off Rt 125 onto Clement Way and bear right onto Rita Lane and follow the road to the end.

**Recreation:** Boating, swimming, fishing

**Description:** This property is on the banks of Wheelwright Pond and is bordered by the Town Forest. There is a parking area, picnic tables and a dock in season. Fishing and the launching of canoes and kayaks is permitted along with swimming at one's own risk. Fires are not permitted. Trash must be carried out with you. There are two short trails for bird watching. Rita Lane is not plowed in winter. There are no bathrooms or porta-potties.



### **Stevens Field – 1.2 acres**

**Location:** Off of George Bennett Road next to the Safety Complex

**Recreation:** organized team sports, open grass area

**Description:** A small field used for soccer, lacrosse and football. No irrigation is currently available. Parking is provided in a small lot with limited on-street potential.

### **Town Field - 2 acres**

**Location:** At the intersection of Mast Road and Recycling Road.

**Recreation:** Little League baseball, tennis court, open grass area

**Description:** This open area next to Mast Way School has a tennis court, a small baseball field and open grass. The tennis courts were built several decades ago and have fencing on each end. The baseball field is used by T-ball and Little League. All areas are used by Mast Way School during recess or gym.

## Recreation in the Town of Lee, New Hampshire

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### **Little River Park - 42 acres**

**Location:** Little River Park is located between Route 155 and Lee Hill Road in the center of Lee. The official entrance to the park is from Route 155 also known as 28 North River Road. The park is within a half mile radius of the Lee Town Hall, Lee Safety Complex, Lee Library, the Jeremiah Smith Grange, and Mast Way Elementary School.

**Recreation:** Babe Ruth baseball, multipurpose grass field, playground, basketball court, walking trails, river viewing, sledding.

**Description:** Little River Park is a mixture of open and wooded areas. Once an active gravel pit, the park has become the location of a large baseball field, basketball court, playground and open lawn area with more facilities both planned and under consideration. Surrounding the central open area is a network of trails through the woods and near the Little River. The park offers a variety of terrain, ecological systems and views. The Little River is the western boundary of the park and the

park's namesake. This beautiful river changes from rippling stream bordered by hemlocks and beech trees to slow moving floodplain bottomland forest. There are several historical and cultural features at Little River Park. Along Route 155 near the parking lot is a cellar hole of a former house thought to have possibly been the location of the first house in Lee. The granite blocks used to create the sand play area are from cattle crossings built when Route 125 was a railroad line. Near the northwest corner of the park there is a spring which was a popular spot to come for drinking water in days past.



The park is being developed with major activity zones and major natural areas. Due to the past use of the property, some areas of the park have had to undergo restoration and development at the same time. Former gravel pits are difficult for the establishment of grass and other plantings and require irrigation due to the sandy nature of the soils. The disturbed areas of the park have been planned to host the most active uses of the park. The park land next to the Little River, on the other hand, has not been disturbed and will remain undisturbed as much as possible. Buildings at the park are to be appropriate for a rural park setting and blend easily with the natural surroundings.



# Recreation in the Town of Lee, New Hampshire

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## MAINTENANCE OF LEE RECREATION PROPERTIES

### Lamprey River Boat Launch

**Maintenance Requirements:** Annual inspection of the steps for stability and the adjacent banks for erosion.

**Improvements Needed:** None

### Durgin Park

**Maintenance Requirements:** Annually install dock, monitor path to dock for erosion,

**Improvements Needed:** None at this time

### Stevens Field

**Maintenance Requirements:** Grass mowing to maintain grass at the proper height for games. The fields will be mowed twice a week from May through September. Routine maintenance such as aeration, fertilization and over seeding will be performed as necessary.

**Improvements Needed:** The field needs additional loam and irrigation to withstand the higher intensity use of daily practice schedules by soccer, football and lacrosse teams.

### Town Field

**Maintenance Requirements:** Grass mowing as necessary during the growing season and aeration, fertilization and over seeding as needed.

**Improvements Needed:** The tennis courts need to be expanded in length and width, including a new surface, fence and net. This is the only tennis court in town. The baseball field needs new infield mix and removal of crabgrass from the baselines.

### Little River Park

#### **Maintenance Requirements:**

**Grass Mowing** – in order to maintain grass at the proper height for games the fields will be mowed twice a week from May through September. Non-athletic field areas should be mowed as necessary during growing season. The Recreation Commission and the Highway Department share a large mower. Currently, mowing of the Babe Ruth baseball field requires an hour each week. Trimming and mowing of general areas around the baseball field requires additional time. In mid-season, mowing twice per week is necessary. In the fall of 2013, a new shed was installed at LRP which will house the mower and other recreational equipment.

## Recreation in the Town of Lee, New Hampshire

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Irrigation – during the summer months the soil at the park is drought prone, especially since the subsoil is a sand and gravel mix. Irrigation is necessary to keep the grass on the athletic fields growing vigorously enough to handle heavy use. Irrigation will be based on soil moisture and will typically be done in early morning. Fewer irrigations that water deeply are preferred over more frequent, shallow irrigations.

Playground - The playground features will need to be inspected twice a year by a yet to be formed playground committee. Safety checks are to be made bi-weekly during the summer months when the playground attractions are used more regularly. Any deficiencies found by park visitors should be reported to the Town Administrator. Contact information will be posted on an information kiosk near the park entrance.



Parking Lot - the parking lot is gravel and will remain gravel so as to not create impervious surface that would contribute to storm water runoff. Routine maintenance of the gravel lot will be necessary to keep the lot level, fill potholes, etc. It is anticipated that the Lee Highway Department will complete the parking lot maintenance. Snow plowing will be provided in the winter to allow for visitors to use the park for winter activities.

Trails - Trail maintenance is to be performed each spring utilizing volunteers at a group work session organized by the Lee Recreation Commission. Limbs, branches, trip hazards, etc. will be

## Recreation in the Town of Lee, New Hampshire

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removed and any heavy impact or erosion spots repaired. Felling of large trees that become a hazard tree or obstruct the trail will be removed by employees of the Lee Highway Department.

Open Grass Areas – flat grassy areas around the athletic fields will be mowed as needed throughout the growing season. Grass height will be based on standards similar to what is expected for lawns. Fertilizer use will be minimized so as to balance healthy sod but not create excessive growth. If suitable, warm season grasses that adapt to hot dry summers will be used.

Hillsides – re-vegetation is occurring naturally on the steep hillsides resulting from the previous use of the site as a gravel pit. Shrubs and trees were planted in May of 2008 in the worst eroding sections. The hillsides will be monitored for erosion control and will be re-vegetated as necessary. Trees will be thinned to provide shade yet keep a more open line-of-sight so that views of the park and baseball fields are relatively unobstructed.

Landscaping and Gardens – at the park entrance an effort will be made to provide a welcoming, attractive entrance to the park. Weed control, flower planting, watering, etc. will be done by volunteers on organized park clean up days.

Forest Management – the wooded areas of the park are to remain wooded. Only downed trees that obstruct trails or pose a hazard to park visitors will be cut or removed through a coordinated forest management plan. Cut wood will be used for building projects or for firewood so that all resources are returned to use at the park.

Riparian Area and Wetlands Protection – the “Mills” portion of Little River Park has a deeded conservation easement monitored by the Strafford Count Conservation District. Every effort will be made to manage this area of the park as a natural community area. The existing trails will be maintained to prevent erosion, water runoff, and overuse. A permitted wetland viewing boardwalk is planned and will be installed in a manner so that wetlands impacts will be minimal.

### **Improvements Needed:**

Multi-purpose Field Fence – to prevent unauthorized vehicles from driving on the sod.

Playground Slide Structures – to install and utilize short slides in the playground area with safety mulch underneath.

Utility Building – to be constructed at the well to house electrical service for the well and the irrigation control panel.

Landscaping – To make the park more “park-like” landscaping is needed. Shade trees, rain gardens, and perennial flower beds will help the park mature into a pleasant location for individual and family activities.

Pavilion – once constructed, the pavilion will need minimal maintenance due to the use of stain, not paint, where possible, use of a metal roof (lifespan 70 years) and no interior or exterior walls. The floor will be a concrete slab. Downspouts and or roof runoff diverters will be used to capture and utilize rainwater to water park trees and gardens. The pavilion will be available for groups and families to use by reservation at a centrally located schedule. Scheduled users of the pavilion are responsible for cleaning the pavilion after use.

Lighting, Park Safety and Signage – modest lighting is to be installed at the pavilion and the bridge between the pavilion and the parking lot. Low voltage lighting will be used (solar, if possible). The

## Recreation in the Town of Lee, New Hampshire

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Lee Energy Committee will be consulted for advice on energy efficient lighting. Lighting for night baseball games is not planned. Signage to include notice of appropriate usage of playground equipment and kiosk for park rules, hours of operation, contact information.

Trash Disposal and Pet Waste Management - At this time, the Little River Park is a “carry in, carry out” park. All visitors are expected to take their trash with them when they leave.

NOTE: Dogs are welcome at the park but owners must pick up pet waste and dispose of properly. Dogs do not have to be on leashes but owners should keep dogs off of the athletic fields and playground areas.

Fitness Stations – for all ages, a circuit of fitness stations has been requested to improve the exercise opportunities at Little River Park. A loop of 6 to 8 stations with a different exercise at each will ring the open area of the park.

Disc Golf – also for all ages, a course of stations of varying “pars” to loop through and around the park. “Holes” are permanent stands to be used with discs or Frisbees after starting from a tee.

Outdoor Stage – for cultural and community events, music in the park, programs, etc.

Concession Stand – this stand, though small, will need routine paint and general maintenance. The roof should be the same as the roof chosen for the pavilion to keep all structures of a uniform look.

# Recreation in the Town of Lee, New Hampshire

## FUNDING OF PARK AND RECREATION PROGRAMS AND FACILITIES

In order to progress with improvements of town recreational facilities in order that a wide spectrum of our community can find passive and active activities, a well-funded development and management budget is necessary. The Lee Recreation Commission has a proven track record of minimizing costs to Lee taxpayers by maximizing in-kind services, donations, volunteers and grants. It is anticipated that this Commission will continue this policy. Capital improvements are integrated into the Town of Lee's Capital Improvements Plan (CIP). Routine maintenance items that are not capital expenditures are addressed in annual operating budgets.

Specialists – talents of Lee residents may be called upon from time to time to assist on projects and activities at the park. Occasionally, specialty trades or licensed contractors will be required and will be hired as necessary.

Volunteer Assistance – coordinated by the Lee Recreation Commission, volunteers are an essential element to a well maintained and cared for park for all of Lee residents. Each visitor has a personal responsibility to “leave the park better than they found it”. Special park clean-up days will be scheduled and organized by the Lee Recreation Commission for the purposes of park maintenance as needed.

Partnerships –Town employee assistance is needed from time to time to support activities or events at Little River Park. The Lee Highway Department, Fire Department and the Lee Transfer Station have been extremely supportive.. The Fire Department has provided watering before irrigation was available and for dust control during events. The Fire Department also made hoses and nozzles available for wetting down the new seeding near the future pavilion site and provided water for flooding the skating rink.

The Oyster River Youth Association (ORYA) has been a valuable partner in the coordination of youth activities and with the maintenance and upkeep of fields used for sports. ORYA has been very supportive by providing staff to help over-seed, aerate, lime and fertilize fields that ORYA utilizes.

Annual maintenance costs for Lee recreation properties are as follows:

Location	What	Who	When/How Often	Hours Required	Cost to Town
Lamprey River Boat Launch	Inspect for stability and erosion		Once/year	0.5	\$ -
Durgin Park	inspect for path stabilization and erosion	Conservation Commission	Once/year	0.5	\$ -
	Mowing	Town Employee	once per week	20 hours	\$ 400.00
	Replenish in-field mix		Once every two years	3 hours	\$ 750.00
Stevens Field	Fertilizing, weed control, etc.	Contractor	Six Applications During Growing Season		\$ 1,736.00
	Aerate/Overseed	Contractor	Once each fall		\$ 700.00
				Sub Total	<b>\$ 3,586.00</b>



## Recreation in the Town of Lee, New Hampshire

Location	What	Who	When/How Often	Hours Required	Cost to Town
Little League Baseball Field at Town Field	Mowing	Town Employee	2X/week in season, 1X/week off season	36 hours	\$ 720.00
	Replenish in-field mix		Once every two years	3 hours	\$ 750.00
	Fertilizing, weed control, etc.	Contractor	Six Applications During Growing Season		\$ 1,736.00
	Aerate/Overseed	Contractor	Once each fall		\$ 700.00
				Sub Total	<b>\$ 3,906.00</b>
Tennis Court at Town Field	Put up / take down net	Volunteer	once at beginning/end of season	1 hour	\$ -
Babe Ruth Field at Little River Park	Mowing	Town Employee	2X/week in season, 1X/week off season	36 hours	\$ 720.00
	Replenish in-field mix		Once every two years	3 hours	\$ 750.00
	Fertilizing, weed control, etc.	Contractor	Six Applications During Growing Season		\$ 1,900.00
	Aerate/Overseed	Contractor	Once each fall		\$ 700.00
				Sub Total	<b>\$ 4,070.00</b>
Multi-Purpose Field at Little River Park	Mowing	Town Employee	2X/week in season, 1X/week off season	36 hours	\$ 720.00
	Fertilizing, weed control, etc.	Contractor	Six Applications During Growing Season		\$ 3,120.00
	Aerate/Overseed	Contractor	Once each fall		\$ 700.00
				Sub-Total	<b>\$ 4,540.00</b>
General Grass Area at Little River Park	Mowing and trimming	Town Employee	Once per week, 20 weeks	20 hours	\$ 400.00
Playground at Little River Park	Safety inspections	Volunteer	Once per month in summer	.5 hour	\$ -
	Replace mulch/sand	Town Employee	As needed	As needed	\$ 150.00
				Sub-total	<b>\$ 150.00</b>
Parking Lot at Little River Park	Snowplowing	Town Employee	15 storms/winter	7.5 hours	\$ 150.00
	Re-grade	Town Employee	As needed		\$ 200.00
				Sub-total	<b>\$ 350.00</b>
Utilities for Little River Park	Electrical	PSNH			<b>\$ 1,200.00</b>
				Total	<b>\$ 18,202.00</b>

# Recreation in the Town of Lee, New Hampshire

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## Capital Improvements Plan (CIP) Recreation Items

What	Where	When	How Much
Landscaping – Phase 1	Little River Park	2014/2015	\$7,000
Pavilion	Little River Park	2015/2016	\$60,000
Tennis Court Refurbish	Town Field	2015/2016	\$20,000
Landscaping – Phase 2	Little River Park	2016/2017	\$7,000
Fitness Stations	Little River Park	2017/2018	\$8,000
Disc Golf (9 holes)	Little River Park	2018/2019	\$9,000
Landscaping – Phase 3	Little River Park	2019/2020	\$7,000
Field Improvements	Stevens Field	2020/2021	\$10,000
Outdoor Stage	Little River Park	2021/2022	\$20,000
Concession Stand/Bathrooms	Little River Park	2022/2023	\$95,000

**The following are specific projects that have been started and need to be completed in the current (2013 -2014) budget year:**

1. Build support structures for remaining slides.  
Funding: playground equipment encumbered funds.
2. Fencing around sod field at LRP.  
Funding: remainder of grass field warrant article.
3. Signage for all fields to comply with Property-Liability Trust (PLT) recommendations.  
Funding: current budget and encumbered funds for playground equipment.

### Revenue Generation Potential

Funding for park improvements has been derived from Recreation Commission operating funds, Recreation Trust Funds, warrant articles, fundraising activities, grants from outside sources and by in-kind support. There is a potential for revenues from services and activities at Little River Park that can be utilized for park maintenance, upkeep and funding of future projects. Some potential revenue sources could be:

- Outfield fence banners
- Scoreboards
- Pavilion rental – per use fee (to be determined)
- Music concerts/Movie Nights – The Recreation Commission may host music events and use ticket income to cover expenses.
- Concessions – once a building is in place to house concessions, revenue can be generated by making food and drinks available or renting out the use of the concession stand.

### Future Staffing

In the future, the following positions may be needed:

Recreation Director (part-time - 20 hours/week) a town employee to schedule use of facilities, be the point of contact, and perform other recreation related duties.

Groundskeeper (part-time) – to mow grass, plow snow from the parking lot and make repairs as necessary.

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## Recreation in the Town of Lee, New Hampshire

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# Recreation in the Town of Lee, New Hampshire

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## Appendix A

### PLANNING AND PUBLIC INPUT

During the time the 2006 Town of Lee Master Plan was being discussed and written the town acquired the Granger parcel in 2004 and the Mills property in 2005 for outdoor recreation. The action items reflect that those parcels needed considerable work to develop them into what we now know as Little River Park. Action Items from the 2006 Lee Master Plan were identified as:

#### Short Term:

- Develop fields for soccer and baseball at Little River Park
- Make improvements to the Town Field tennis court and baseball field
- Erect a playground for young children at Little River Park
- Plan walking links among town-owned property

#### Long Range:

- Plan additional facilities such as a basketball court, gazebo, pavilion and skating rink
- Organize activities for multiple ages, such as bus trips to Red Sox games, ski trips, exercise classes, cultural events, etc.
- Partner with other town organizations for multiple-use of town-owned facilities
- Purchase land for parks and recreational purposes

#### Public Surveys

As part of the Town's 2006 Master Plan development, a survey was conducted that included several questions regarding recreation. Of the 524 respondents, 77% were in the age group of 31 to 60 years old and 80% were working and not retired. More than half of the respondents were not aware of recreational opportunities available within the Town of Lee. More than half said that Lee does not need additional recreational facilities which may have been a factor of the concurrent purchase of the land for Little River Park. A large majority of respondents (83%) felt that developers of large subdivisions should be required to set aside land or sites for recreation.

#### Public Input

Recreation Commission meetings are announced on the town website, are held once a month and are open to the public. Minutes are posted on the town website after approval.

Beginning in 2009, the Recreation Commission began hosting Little River Fest to showcase improvements at Little River Park, provide outdoor entertainment and a community event. At each Fest the Commission hosted an information booth to explain progress and to solicit input and recruit volunteers. A suggestion box was made available at each event. In 2011, the Little River Fest included aspects of Old Home Day.

Each year from 2006 through 2011, the Recreation Commission manned an information booth at the Lee Country Fair to provide information and gather feedback about recreation in Lee and plans for the Little River Park project.

In 2012, Little River Fest was replaced with the Lee Little River Fair and held on the weekend following Labor Day, the same date as the former Lee Country Fair. The Recreation Commission

## Recreation in the Town of Lee, New Hampshire

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booth included a large draft park map to solicit feedback. Members of the Recreation Commission were available each year at each event to talk with those in attendance to discuss successes and planned improvements.

### Public Meetings

Planning for Little River Park began in the summer of 2004 after the town purchased the Granger property which had been extensively disturbed by the mining of sand and gravel. Starting with many acres of rough, un-vegetated land, concepts for a public park began to form with a small group of interested volunteers. The Town Administrator recommended that the group be appointed to vacant positions on the Recreation Commission.

In March of 2006, the Recreation Commission hosted a public meeting to invite suggestions and recommendations for how Little River Park should be developed. Those in attendance included members of the Select Board, Heritage Commission, Conservation Commission, Agriculture Committee and Friends of Lee Open Space. Attendees were asked about partners that should be considered when planning the park, what features and functions should be incorporated, and what resources are available to assist with the creation of the park.

At each subsequent Town Meeting, the Recreation Commission presented activities, a request for an operating budget and warrant articles that would be appropriate. Additional handout materials such as pamphlets, drawings, reports, etc. were made available.

A public hearing was held regarding discussion on picnic table locations at LRP. Lee Hill residents strongly objected to any tables being placed on the ridge overlooking the park along the trail that parallels Lee Hill Road.

In the fall of 2011, a public hearing on a proposal to install artificial turf on the LRP multipurpose field was held. The panel consisted of contractors in the artificial turf business. In November of 2012, a special election was held to vote on the use of artificial turf at Little River Park. It was defeated 907 to 129. During the months between submission of the petition warrant article and the vote there was considerable public information activity on a variety of websites, direct mailings and door-to-door. The vote was an opportunity for the citizens in the town to declare what type of park they preferred. In March of 2013, the voters approved a natural grass field at Little River Park. The field was constructed in the summer of 2013.

A public listening session was held on September 18, 2013 to solicit comments about what Lee residents would like regarding recreation programs in town and at what locations.

# Recreation in the Town of Lee, New Hampshire

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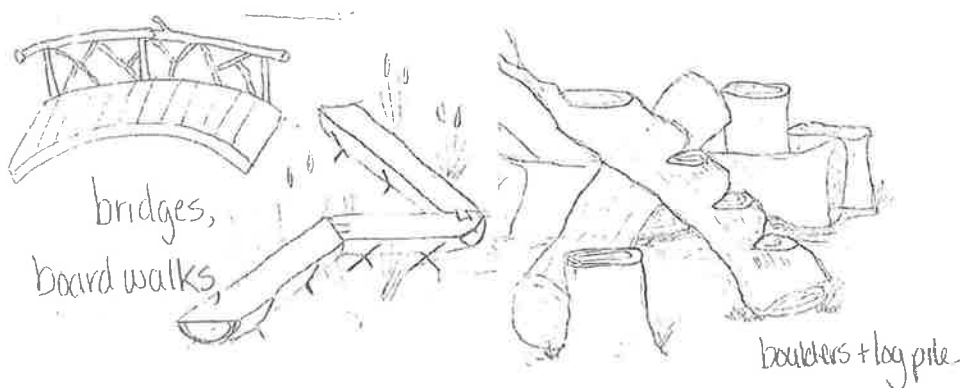
## Appendix B

### Little River Park Playground Plan

When developing Little River Park a strong desire to utilize “natural playground” principles was a key objective. Studies show children have more fun and are more creative when provided with objects and play areas where they can create their own world of fun. It is an incorporation of natural elements such as stumps, logs, boulders, sticks, etc. that can be moved, felt, stacked or utilized in some way to build an imaginary place. Interactive play with parts that move and touch add to the fun.

The playground at Little River Park also utilizes some traditional playground features such as slides and a sandbox but uniquely has a climb net structure and a swing that is suitable for a wide range of ages. Now that the larger, permanent play structures are in place the natural elements and more moveable features can be added and incorporated into the overall plan.

A full plan can be found under a separate document but a sampling of some natural playground features is below.



# Recreation in the Town of Lee, New Hampshire

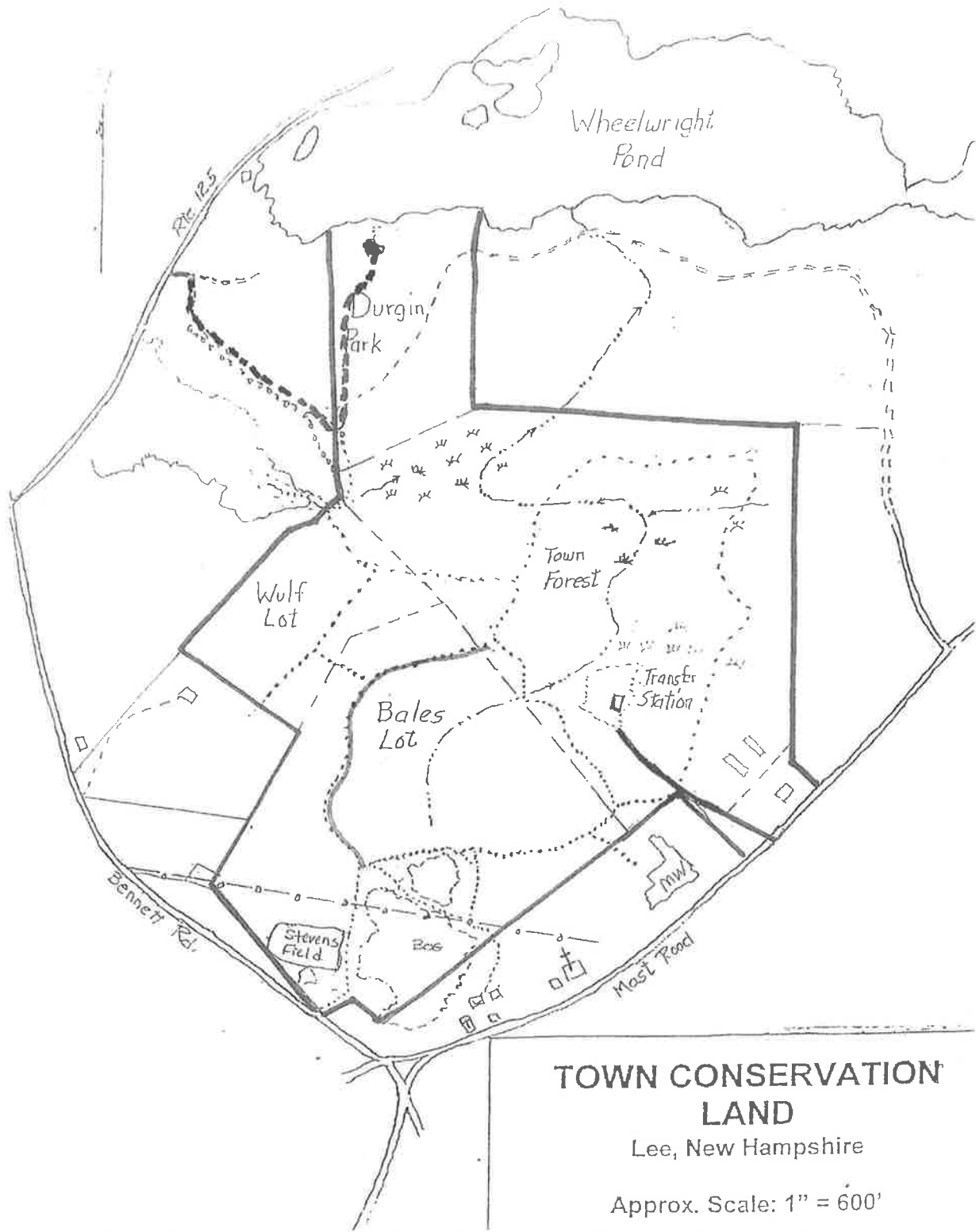
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# Recreation in the Town of Lee, New Hampshire

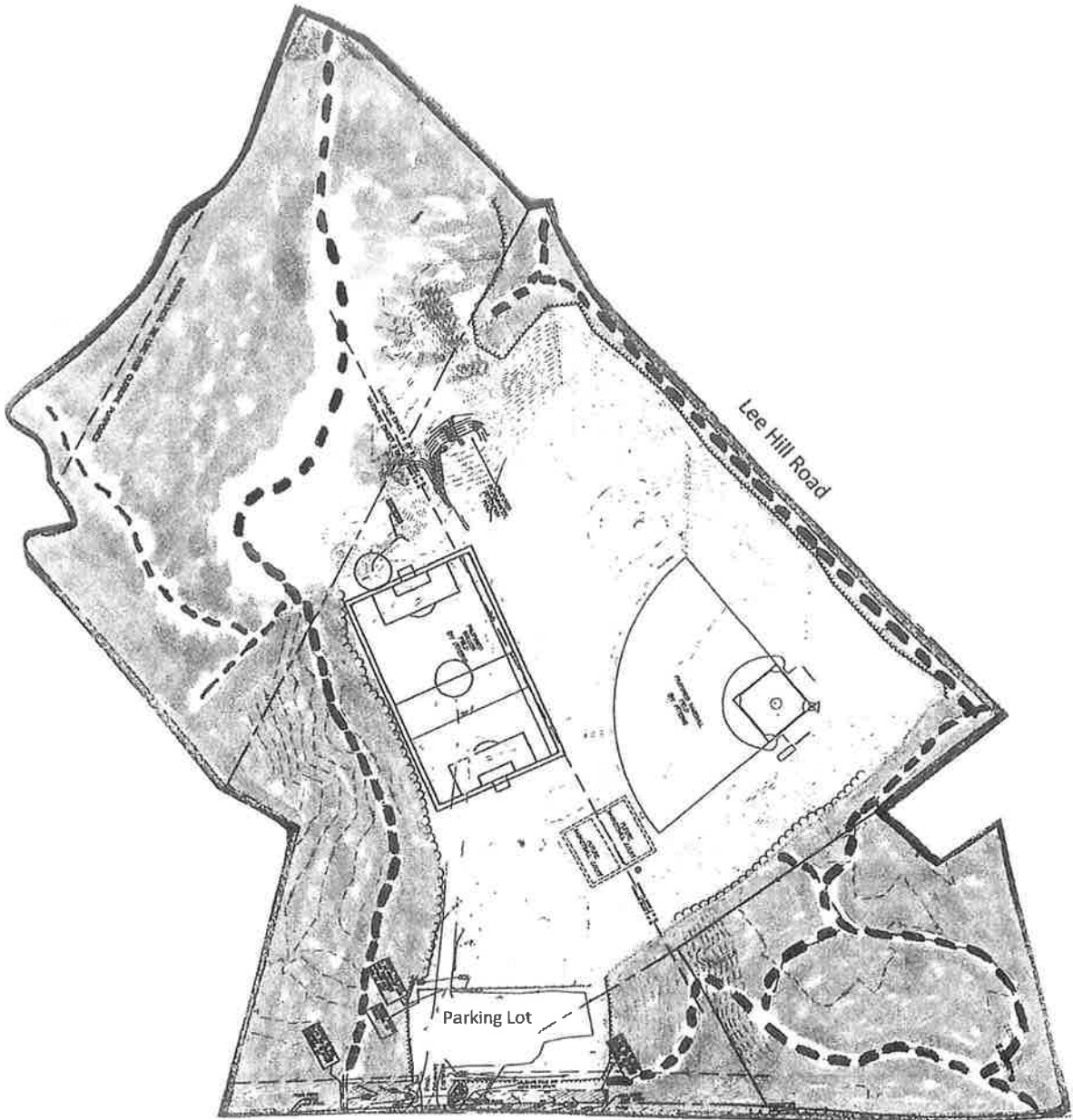
## Appendix C - Trail Maps



An extensive trail system exits on the Town Forest - from library to Wheelwright Pond. Trail map is available at town hall.

# Recreation in the Town of Lee, New Hampshire

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Rt 155

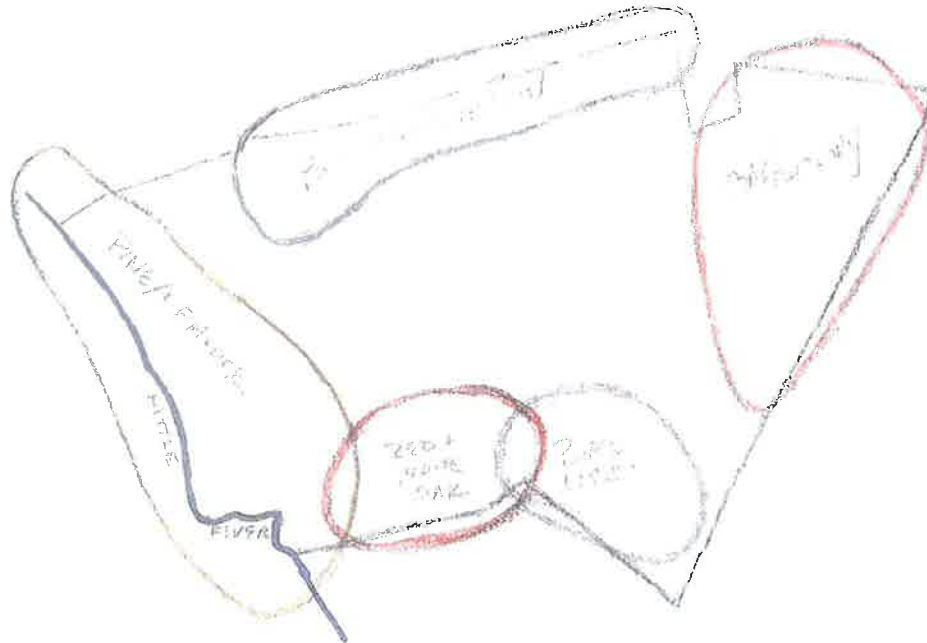
Town Center

Trails at Little River Park

# Recreation in the Town of Lee, New Hampshire

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## Appendix D - Little River Park Natural Systems within the Developed Landscape



### **Woodland Associations at Little River Park**

#### Pine/Hemlock – glade-like floodplain, lower elevations of Park near Little River

- White pine, hemlock, black birch, red oak, white oak, red pine, beech, witch hazel, spicebush, American elm, ash, poison ivy, mitchella, rhamnus, touch-me-not, Jack-in-the-pulpit, sedges, ferns (4), asters, sasparilla, black raspberry, yellow birch, menosperunum cana., hayscented fern, fern understory, thallic trum, royal fern, joepeyweed, gold thread

#### Pine Association – ridge and bank on North side of Park along Lee Hill Road

- White pine, red pine, pitch pine, chestnut, bayberry, black birch, Canadian yew, pyrola, fir and spruce (planted)

#### Oak/Hickory – “forest feel” upper bluff towards Lee Center

- Oak, hickory, alternate leaf dogwood, chestnut. Lower slope includes lady slippers, black gum, viburnums and red pine.

#### Black locust – “open not too long ago” to left of Park entrance

- Red oak, white oak, ash, hickory, arrowwood viburnum, maple leaf viburnum, lowbush blueberry, gaultheria, huckleberry, hawthorn, moose maple Acer penn., pickerelweed, ferns, pumila solomon’s seal, lycopodium, blacken fern, ostrich fern, Indian cucumber, gold rods, autumn olive, carpinus, nemo panthus, high bush blueberry, common juniper, carex pennsylvanica

# Recreation in the Town of Lee, New Hampshire

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## Herbaceous Meadow – remnant pockets

- Milkweed, aspen, dogbane, black berry, golden rod, endive, queen Anne's lace

## Sunny succession and herbaceous landscape – steep slopes

- Elderberry, white birch, dewberry, black cherry, white oad, black tooth aspen, sugar maple, black locust, speckled alder, grey birch, comptonia, box leaf myrtle, willow, sassafras, gold thread, thermopsis, sirilacena, polystibum, carpinus, Virginia creeper, maleberry, stinging nettle, hog peanut, lobelia cardinalis

## The Smallest Habitats → The Wildest Continuum → Corridor Connections

- Do not displace or significantly modify any relatively healthy systems
- Minimize disturbance to any remnant area that is natural. Confine disturbance to edges that can be accessible to management
- Do not compromise natural and cultural resources that cannot be and are already subject to increased disturbance, recreated elsewhere by activities that threaten their character and preservation (i.e. ledge outcroppings, healthy forest, floodplain, stream corridors)
- Protect and expand remaining natural wetlands, streams, and recharge storage areas. Reestablish natural drainage patterns and hydrologic regimes where disrupted
- Reassess and modify the management of existing and potential connecting corridors such as rights of way to favor indigenous species (i.e. snow mobile trail, Lee Hill Road accesses, Rt. 155 access)
- Protect critical forest linkages and reestablish missing links (i.e. steep slopes, ridges, stream corridor)
- Manage corridors and buffer zones to favor indigenous species (i.e. houses along Lee Hill, Rt. 155 and Furber Drive)

## Choosing and Designing Ecosystems

### 1. Water/drainage/rain garden

Human functions: separation, framing, dynamic, spontaneous, adventure, exploration, observation, interaction

### 2. Pathways, corridors, bridges, footpaths, universal access to some areas

Human functions: traversing, site lines, observation, interaction, immersion,

### 3. Ornamental gardens: hummingbird garden, insect/butterfly

Human functions: building, storing, attracting, observation, feedback loops

### 4. Hedgerows, dense

Human functions: defines space, builds habitat, food sources, shelter, nesting

### 5. Meadows

Human functions: visual, openness, long site lines, reduces maintenance

### 6. Lawns

Human functions: structural, playing, gathering, “the human ecosystem”

### 7. Woodlands

Human functions: vertical structure, walls, closes in, fertility reserve

By Lauren Chase-Rowell, Outdoor Rooms Sustainable Landscape Design

**TOWN OF LEE**  
**HUMAN SERVICES DEPARTMENT**  
**GENERAL ASSISTANCE GUIDELINES**



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*Town of Lee, NH*  
*7 Mast Road*  
*Lee, New Hampshire 03861*



## *Our Mission*

To provide interim assistance with basic needs for those who do not have the resources to meet these needs and encourage community involvement in addressing issues to help break the circle of poverty.



## **TABLE OF CONTENTS**

	<b><u>Page</u></b>
<b>Mission Statement</b>	<b>2</b>
<b>Table of Contents</b>	<b>3</b>
<b>I. Definitions</b>	<b>4</b>
<b>II. Severability</b>	<b>6</b>
<b>III. Confidentiality of Information</b>	<b>6</b>
<b>IV. Roles of Board of Selectmen and Welfare Official</b>	<b>6</b>
<b>V. Maintenance of Records</b>	<b>7</b>
<b>VI. Application Process</b>	<b>8</b>
<b>VII. Verification of Information</b>	<b>12</b>
<b>VIII. Disbursements</b>	<b>14</b>
<b>IX. Determination of Eligibility and Amount</b>	<b>14</b>
<b>X. Burials and Cremations</b>	<b>28</b>
<b>XI. Non-Residents</b>	<b>28</b>
<b>XII. Right to Notice of Adverse Action</b>	<b>30</b>
<b>XIII. Fair Hearings</b>	<b>33</b>
<b>XIV. Liens</b>	<b>36</b>
<b>XV. Recovery of Assistance</b>	<b>37</b>
<b>XVI. Application of Rents Paid by the Town of Lee</b>	<b>39</b>
<b>Appendix A Allowable Levels of Assistance</b>	<b>40</b>
<b>Certificate of Adoption</b>	<b>42</b>
<b>Forms</b>	

## **I. DEFINITIONS**

**AGENCY:** Any health, social service or other entity that provides services to a client and/or any such entity to which a Welfare Official may refer a client for additional resources and/or assistance.

**APPLICANT:** A person who expresses a desire to receive general assistance or to have his/her eligibility reviewed and whose application has not been withdrawn. This may be expressed either in person or by an authorized representative of the applicant.

**APPLICATION (Re-Application):** Written action by which a person requests assistance from a Welfare Official. This application must be on a form provided by the Welfare Official.

**ASSETS:** All cash, real estate property, personal property and future assets owned by the applicant. Includes cash on hand, checking account, bank and credit union accounts, retirements accounts, insurance policies with a loan value and non-essential personal property, which shall be considered as available liquid assets if they can be converted into cash, as well as monetary gifts, expectancies and future interests owned by the applicant and household.

**CASE RECORD:** Official files containing forms, correspondence and narrative records pertaining to the application, including determination of eligibility, reasons for decisions and actions by the Welfare Official, and kinds of assistance given. The case record may be kept electronically. A hard copy of all signed documents should be kept.

**CLAIMANT:** A recipient or applicant who has requested a fair hearing, either in person or through an authorized representative.

**CLIENT:** An individual who receives services from the welfare department. May be a single person or encompass a family.

**ELIGIBILITY:** Determination by the Welfare Official, with the assistance of the Guidelines, of a person's inability to support himself/herself, and therefore, the need for general assistance.

**FAIR HEARING:** A hearing, in accordance with the standards in Section XIII, which the applicant may request to contest a denial, termination or reduction of assistance.

**GENERAL ASSISTANCE:** Financial assistance provided to applicants in accordance with RSA 165 and these guidelines.



**HOUSEHOLD:** A household is defined as:

1. The applicant/recipient and persons residing with him/her in the relationship of a father, mother, stepfather, stepmother, son, daughter, husband, wife, civil union partner and/or minor children/stepchildren.
2. The applicant/recipient and any adult (including an unrelated one) who resides with the applicant/recipient "in loco parentis" (in the role of a substitute parent) to a minor child (a person under 18 years of age). A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not his/her own and who has lived with the child long enough to form a psychological family.

NOTE: A minor's residence is always that of the custodial parent.

**WELFARE OFFICIAL:** The official of the Town of Lee who performs the function of administrating general assistance and has the authority to make all decisions regarding the granting of assistance under RSA 165.

**MINOR:** A person under 18 years of age.

**"RELIEVE AND MAINTAIN":** The sustaining of basic needs necessary to the health and welfare of the household.

**NEED:** The basic maintenance and support requirements of a person, as determined by a Welfare Official.

**RECIPIENT:** A person who is receiving general assistance.

**RESIDENCE:** (Residency) A person's place of abode or domicile. The place of abode or domicile is that place designated by a person as his/her principal place of physical presence for the indefinite future to the exclusion of all other. Such residence or residency shall not be interrupted or lost by temporary absence from it if there is intent to return to such residency as the principal place of physical presence. RSA 165:1 (1); 21:6-a. If another municipality moves a client into the Town of Lee, they should pay for the first 30 days of assistance according to the NHLWAA ethics policy. Whenever a non-resident applicant is referred to another local welfare entity pursuant to RSA 165-1-C, the Municipal staff shall make a reasonable effort to contact the local welfare entity to which the applicant is being referred prior to the time the applicant leaves the Lee Human Services Department in order to ensure that the receiving welfare entity is willing to assist the applicant. If the Town staff member cannot make contact

with the other local welfare entity, or the entity refuses to assist the applicant, the Town shall work with the applicant to find adequate emergency services.

**RESIDENTIAL UNIT:** All persons physically residing with the applicant, including persons in the applicant's household and those not within the household.

**SHELTER:** A temporary housing provider through which an individual or family may seek emergency housing until permanent housing can be found.

**UTILITY:** Any service such as electric, gas, oil, water or sewer necessary to maintain the health and welfare of the household.

**VENDOR/PROVIDER:** Any landlord, utility company, store or other business that provides goods or services needed by the applicant/recipient.

**VOUCHER SYSTEM:** The system whereby a municipality issues vouchers to the recipient's vendors and providers rather than cash to the recipient. RSA 165:1 (III). See Section VII.

**WORKFARE:** Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received. RSA 165:31.

## **II SEVERABILITY**

If any provision of these guidelines is held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions will continue in full force and effect.

## **III CONFIDENTIALITY OF INFORMATION**

Information given by or about an applicant or recipient of general assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released or discussed with any individual or agency without written permission of the applicant or recipient except when disclosure is required by law, or when necessary to carry out the purposes of RSA 165. RSA 165:2-c.

## **IV ROLES OF BOARD OF SELECTMEN AND WELFARE OFFICIAL**

The responsibility for the day-to-day administration of the General Assistance Program is vested in the appointed Welfare Official of the Town of Lee. The Welfare Official shall administer the General Assistance Program in accordance with these written General Assistance Guidelines of

the Town of Lee. The Lee Board of Selectmen is responsible for the review and adoption of the General Assistance Guidelines.

## **V MAINTENANCE OF RECORDS**

- A. Each Welfare Official is required by law to keep complete records concerning the number of persons given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for General Assistance.
  
- B. The purpose for keeping such records is:
  - 1. To provide a valid basis of accounting for expenditures of the Town's funds.
  - 2. To support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that assistance was granted equitably).
  - 3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Welfare Official's decision.
  - 4. To provide accurate statistical information.
  - 5. To provide a complete history of an applicant's needs and assistance that might aid the Welfare Official in ongoing case management and in referring the applicant to appropriate agencies (subject to confidentiality guidelines).
  - 6. To aid in the determination of residence under RSA 21:6a; and to allow a smooth transition of information if the recipient is transferred to another legally liable unit.
  
- C. The Welfare Official shall maintain case records containing, as a minimum, the following information:
  - 1. The complete application for assistance, including a signed authorization by the applicant allowing the Welfare Official to release, obtain or verify any pertinent information in the course of assisting the recipient.
  - 2. Written grounds for approval or denial of an application, contained in a Notice of Decision.

3. A narrative history recording need for relief, the results of investigations of applicant's circumstances, referrals, changes in status, and/or grounds for release of information.
4. A tally sheet, which has complete data, concerning the type, amount and dates of assistance given.
5. A completed Welfare Work Program application, if applicable.

## **VI APPLICATION PROCESS**

### **A. Right to Apply**

1. Anyone may apply for general assistance by appearing in person or through an authorized representative and by completing a written application form. Clients are seen by appointment. If more than one adult resides in a household, each may be required to appear at the Human Services Office to apply for assistance, unless one is working or otherwise unavailable. Each adult in the household should sign a "Release of Information Form" if possible.
2. The Welfare Official shall not be required to accept an application for general assistance from a person who is subject to a suspension pursuant to RSA 165:1B, provided that any person who contests a determination of continuing non-compliance with the guidelines may request a fair hearing; and provided further that a recipient who has been suspended for at least six (6) months due to non-compliance may file a new application.

### **B. Welfare Official's Responsibilities at Time of Application**

When application is made for general assistance, the Welfare Official shall inform the applicant of:

1. The requirement of submitting an application. The Welfare Official shall provide assistance to the applicant in completing the application if necessary (e.g. applicant is physically or mentally unable or has a language barrier).
2. Eligibility requirements, including a general description of the guideline's amounts and the eligibility formula.

3. The applicant's right to a fair hearing, and the manner in which a review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility, and presenting records and documents as reasonably available to support statements.
5. The joint responsibility of the Welfare Official and applicant for exploring facts concerning eligibility, needs and resources.
6. The types of verification needed, as well as a compliance date/appointment date.
7. The fact that an investigation will be conducted in an effort to substantiate the facts and statements presented by the applicant and that the investigation may take place prior to, during or subsequent to the applicant's receipt of general assistance.
8. The applicant's responsibility to notify the Welfare Official of any change in circumstances, which may affect eligibility.
9. Other forms of assistance for which the applicant may be eligible.
10. The Welfare Official may make home visits to verify information at his/her discretion and in the least intrusive manner possible.
11. The statutory requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for good cause. The applicant will be requested to sign a lien document to demonstrate the applicant's knowledge and understanding of the lien. Such document may be recorded at the Strafford County Registry of Deeds per RSA 165:28. However, neither the absence of signature of the applicant nor the failure to record such lien document shall diminish the validity of the lien. The right to also place liens on civil judgments per RSA 165:28A.
12. The fact that reimbursement from the applicant will be sought if he/she becomes able to repay the amount of assistance given.

13. The applicant's right to review the guidelines, and the responsibilities as set forth in the guidelines.

**C. Responsibilities of Each Applicant and Recipient**

At the time of the initial application and at all times thereafter, the applicant/recipient has the following responsibilities:

1. To provide accurate, complete, and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.
2. To notify the Human Services Office when there is a change in needs, resources, address, household size, etc.
3. To apply for and utilize immediately, but no later than seven (7) days from initial application, any benefits or resources, public or private, that will reduce or eliminate the need for general assistance.
4. To keep all appointments as scheduled.
5. To provide records and other pertinent information and access to said records and information when requested.
6. To provide a doctor's statement if claiming an inability to work due to medical problems.
7. Following a determination of eligibility for assistance, to diligently search for employment and provide verification of work search, contacting at least three places per day, to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d), and to maintain such employment. RSA 165:1-b, I (c).
8. Following a determination of eligibility for assistance, to participate in the Welfare Work Program if required and if physically and mentally able per RSA 165:31.
9. To diligently work towards independence of local Human Services assistance through employment or other forms of public assistance, or by banking available assets for moving into affordable housing.

10. To reimburse the Town of Lee for assistance granted per RSA 165:20b.

An applicant shall be denied assistance if he/she fails to fulfill any of these responsibilities without reasonable justification. A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable justification. Also disqualification for general assistance may occur as set forth in RSA 165:1-b.

Any person may be denied or terminated from general assistance, in accordance with the Lee General Assistance Guidelines or may be prosecuted for a criminal offense if he/she, by means of intentionally false statements or intentional misrepresentation or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled.

#### **D. Actions on Applications**

1. **Decision:** Unless an application is withdrawn, the Welfare Official shall make a decision concerning the applicant's eligibility immediately in the case of an emergency, or within five (5) working days after completion of the written application. A written Notice of Decision shall be delivered or mailed on the same day or next working day following the making of the decision. The Notice of Decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. A decision may also be made to pend an application subject to receipt of specified information from the applicant. The Notice of Decision shall contain a First Notice of conditions and shall notify the applicant of his/her right to a fair hearing if dissatisfied with the Welfare Official's decision.
2. **Emergency Assistance:** At the time of initial contact, if the applicant demonstrates and verifies that an immediate need exists in which the applicant may suffer a loss of basic necessity of living or imminent threat to life or health (such as loss of shelter, utilities, heat, hot water or lack of food or prescriptions), then temporary aid to fill such immediate need shall be given immediately pending a decision on the application. Such emergency assistance shall not obligate the Welfare Official to provide further assistance after the application process is completed.

3. **Temporary Assistance:** In circumstances where required records are not available, the Welfare Official may give temporary approval to an applicant pending receipt of required documents. Temporary status shall not extend beyond one week.
4. **Withdrawn Applications:** An application shall be considered withdrawn if:
  - a. The applicant has refused to complete an application or has refused to make a good-faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written Notice of Decision.
  - b. The applicant dies before assistance is rendered.
  - c. The applicant avails himself/herself of other resources in place of assistance.
  - d. The applicant requests that the application be withdrawn (preferably in writing).
  - e. The applicant does not contact the Welfare Official after the initial interview when requested to do so.

## **VII VERIFICATION OF INFORMATION**

Any determination or investigation of need or eligibility shall be conducted in a manner that will not violate the privacy or personal dignity of the individual or violate his or her individual rights.

- A.** Verification will normally be required of the following:
  1. Applicant's address
  2. Names of persons in applicant's household residential unit
  3. Positive identification and social security information of dependents
  4. Applicant's and household's income and assets
  5. Applicant's and household's financial obligations



6. The physical and mental condition of household members, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance
  7. Any special circumstances claimed by applicant
  8. Applicant's employment status and availability in the labor market
  9. Names, addresses and employment status of potentially liable relatives
  10. Utility costs
  11. Housing costs
  12. Prescription costs
  13. Facts relevant to the applicant's residence
  14. Names, addresses, and employment status of individuals potentially liable to the Town for reimbursement of benefits provided.
- B.** Verification may be made through records provided by the applicant (for example: birth and marriage or civil union certificates, pay stubs, paychecks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official shall inform the applicant what records are necessary and the applicant is required to produce records within seven (7) days. However, the Welfare Official shall not insist on documentary verification if such records are not available, but should ask the applicant to suggest alternative means of verification.
- C.** Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of a recipient. RSA 165:4

- D.** When information is sought from such other sources, the Welfare Official shall explain to the applicant or recipient what information is desired, how it will be used and the necessity of obtaining it in order to establish eligibility. Before contact is made with any source, the Welfare Official shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Official shall carefully record his/her reasons and actions, and before any accusation or confrontation is made, the applicant shall be given an opportunity to explain or clarify the suspicious circumstances.
- E.** The Welfare Official may seek statements from the applicant's former employers and from legally liable relatives regarding their ability to help support the applicant.
- F.** Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the Welfare Official seek further information that is necessary, assistance will be denied for lack of eligibility verification.

## **VIII DISBURSEMENTS**

The Town of Lee pays vouchers directly to vendors or creditors up to the dollar amount designated on the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. Tobacco products, alcoholic beverages, pet food, magazines, plants, cards, and children's toys are some of the items that cannot be purchased with the food or maintenance vouchers. It is the responsibility of the applicant to safeguard from theft, loss, or misuse of any voucher he/she receives. No duplicate voucher will be issued if the original is lost, stolen, misplaced or misused.

## **IX. DETERMINATION OF ELIGIBILITY AND AMOUNT**

### **A. Eligibility Formula**

A person is eligible to receive assistance when:

1. He/She meets the non-financial eligibility factors, and
2. When the applicant's basic maintenance needs exceed his/her available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need (as determined by the guideline amounts), the person is not eligible for general assistance.

## **B. Legal Standard and Interpretation**

“Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there.” RSA 165:1

1. A person cannot be denied assistance solely because he/she is not a resident.
2. “Whenever” means at any or whatever times that person is poor and unable to support himself/herself.
  - a. The Welfare Official shall be available to speak with persons seeking assistance during normal working hours.
  - b. The eligibility of an applicant for general assistance shall be determined at the time of application if an emergency, or within five (5) working days.
  - c. Assistance shall begin as soon as the person is determined eligible.
3. “Poor and unable to support” means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs for himself/herself or family as determined by the Guidelines.
4. “Relieved” means a person shall be assisted, as the Welfare Official shall determine, to meet those basic needs.

## **C. Non-Financial Eligibility Factors**

1. **Age:** Age is not a factor in determining whether or not a person may receive general assistance. However, age may make certain persons ineligible for other kinds of state or federal assistance.
2. **Minors:** Minor applicants shall be referred to Protective Services of the Division of Children, Youth and Families for case management. Minors have the residence of their custodial parent.

3. **Residence:** Residence and residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his/her principal place of physical presence for the indefinite future to the exclusion of all other. Such residence or residency shall not be interrupted or lost by a temporary absence from it if there is intent to return to such residence or residency as the principal place of physical presence. RSA 21:60
4. **Support Actions:** No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The Town of Lee may pursue recovery against legally liable persons or governmental units.
5. **Eligibility for Other Categorical Assistance:** Applicants or recipients who are eligible for any other form of public assistance, must apply for such assistance immediately, but no later than seven (7) days after being advised to do so by the Welfare Official. Failure to do so may render the applicant or recipient ineligible for assistance. No person receiving Old Age Assistance, or FINANCIAL Aid to the Permanently and Totally Disabled, under RSA 167 or RSA 161, shall at the same time be eligible for general assistance, except for emergency medical assistance as defined. RSA 167:27
6. **Employment:** A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive general assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment, or who voluntarily leave a job (RSA 165:1 d) may be ineligible for continuing general assistance in accordance with the procedures for suspension outlined in the Guidelines. The Welfare Official shall first determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, lack of adequate child care, lack of workers compensation protection, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household.

7. **Work Search:** All unemployed recipients and adult members of their households shall, within seven (7) days after having been granted assistance, register with NHES to find work and must conduct a reasonable, verified job search as determined by the Welfare Official. Each recipient must apply for employment to each employer to whom he/she is referred by the Welfare Official. These work search requirements apply unless the recipient and each other adult member of the household is:
  - a. Gainfully employed full-time.
  - b. A dependent 18 years of age or under who is regularly attending secondary school.
  - c. Medical documentation of inability to work due to illness or due to a mental or physical disability of himself/herself or another member of the household;  
or
  - d. Is solely responsible for the care of a child aged one (1) or under. A person responsible for the care of a child aged one (1) through twelve (12) shall not be excused from work search requirements, but shall be deemed to have good cause to refuse a job requiring work during hours the child is not actually in school or if there is no responsible person available to provide care and no other care is available. A person will be asked to demonstrate contacts made to locate childcare.

The Welfare Official shall give all necessary and reasonable assistance to ensure compliance with work placement requirements, including the granting of allowances for transportation and work clothes. Failure of a recipient to comply with these requirements without good cause will be reason for denial or sanction of assistance.

8. **Disqualification for Voluntary Termination of Employment:** Any applicant eligible for assistance who voluntarily terminated employment shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the applicant:
  - a. Has received local welfare within the past 365 days;  
and

- b. Has been given notice that voluntary termination of employment without good cause could result in disqualification; and
- c. Has terminated employment of a least 20 hours per week without good cause within 60 days of an application for local welfare; and
- d. Is not responsible for supporting minor children in his/her household; and
- e. Did not have a mental or physical impairment which caused him/her to be unable to work.

Good cause for terminating employment shall include any of the following: discrimination, unreasonable work demands or unsuitable employment, retirement, leaving a job in order to accept a bona-fide job offer, migrant farm labor or seasonal construction, and lack of transportation or child care. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d

- 9. **Students:** Applicants who are college students who are not available for and/or refusing to seek full-time employment are not eligible for general assistance.
- 10. **Non-Citizens:** The Welfare Official may, in his/her sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.
  - a. A non-citizen who is not:
    - i. A qualified alien under 8 USCA 1641,
    - ii. A non-immigrant under the federal Immigration and Nationality Act, or,
    - iii. An alien paroled into the United States for less than one year under 8 USCA 1182(d) (5), is not eligible for general assistance from the municipality. 8 USCA 1621 (a)
  - b. Qualified aliens include aliens who are lawfully admitted for permanent residence under the

Immigration and Nationality Act (8 USCA 1101 et seq.), aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8 USCA 1641

- c. A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
    - i. Placing the patient's health in serious jeopardy;
    - ii. Serious impairment to bodily functions; or
    - iii. Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(v) (3)
  - d. A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition, pursuant to Section VIII (7) (a) of these Guidelines.
  - e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625
11. **Property Transfers:** No person who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. RSA 165:2b
12. **Employment of Household Members:** The employment requirements of these guidelines shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, who are:
- a. Members of the recipient's household;

- b. Legally liable to contribute to the support of the recipient and/or children of the household; and
  - c. Not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified by the Welfare Official.
13. The Welfare Official may waive this requirement where failure of the other household member to comply is not the fault of the recipient and the Welfare Official decides it would be unreasonable for the recipient to establish a separate household. RSA 165:32

#### **D. Available Assets**

1. **Available Liquid Assets:** Cash on hand, bank deposits, credit union accounts, and securities are available liquid assets, insurance policies with loan value and non-essential personal property may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. **Automobile Ownership:** The ownership of one automobile by an applicant or his/her dependent does not affect eligibility if it is essential for transportation to seek or maintain employment, to procure medical or rehabilitation services. Reasonable car payments will be considered justifiable expenses when determining eligibility.
3. **Insurance:** The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid.
4. **Real Estate:** The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be considered as available to meet the need. Applicants owning real estate property,



other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any general assistance they receive shall be placed against any real estate they own. (RSA 165:28) The Welfare Official shall not make mortgage payments when the applicant has a co-signer on the note.

## **E. Standard of Need**

The basic financial requirement for general assistance is that a person be poor and unable to support himself/herself. A person shall be considered poor when he/she has insufficient available income/assets to purchase either for himself/herself or dependents any of the following services:

### **1. Housing:**

- a. The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to provide shelter in that municipality.
- b. **Rental Rates:** Consideration will be given to fair market rental rates when it is necessary to maintain housing and no other less expensive alternatives are available, in accordance with RSA 165.1.
- c. **Arrearages:** Will not be paid except in an emergency situation where eviction or repossession is imminent and no other immediately available affordable housing exists, including transitional housing. Emergency means a situation not arising from any action or lack of action by the client. The Town of Lee does not pay security deposits. It is not the responsibility of the Human Services Department to locate housing for applicants.
- d. **Relative Landlords:** Whenever a relative of an applicant is also the landlord for the applicant, the landlord will be presumed able to assist his/her relative pursuant to RSA 165:19, and must prove an inability to assist before any aid payments for shelter are made. Rent will not be paid to non-landlords such as friends and relatives.

- e. Client's name must be on the lease in order for rental assistance to be rendered.

## 2. **Utilities**

When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of "need" by the Welfare Official. Arrearages will not normally be included in "need" except as set forth below: utilities must be in the client name in order to render assistance.

- a. **Arrearages:** Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service.
- b. **Electric Arrearages:** Arrearages for electric service need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of current and future electric bill as long as the recipient remain eligible for general assistance, in accordance with the rules of the New Hampshire Public Utilities Commission relating to electric utilities.
- c. **Restoration of Service:** When utility service has been terminated and the Welfare Official has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.
- d. **Restoration of Electric Service:** When electric service has been terminated and the Welfare Official has determined that alternative electric service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may

attempt to arrange a repayment plan to obtain restoration of service.

- e. **Deposits:** Utility security deposits will be considered as “need” if and only if the applicant is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the Town of Lee.

3. **Emergency Shelter**

The Welfare Official will assist the homeless individual(s) to locate emergency shelter and will help the applicant with transportation to the shelter if necessary. If emergency shelter is located for the applicant(s) and the client refuses to accept the referral, the Welfare Official will not be obligated to pay for alternative housing. This does not preclude the applicant(s) from being entitled to other types of assistance for which he/she is eligible.

4. **Food**

The amount included as “need” for food purchases will be in accordance with the most recent standard Food Stamps allotment, as determined under the program administered by the New Hampshire Department of Health and Human Services per RSA 161:12. An amount in excess of the Food Stamp allotment may be granted if a physician has stated in writing that one or more members of the household needs a special diet, the cost of which is greater than can be purchased with the family’s allotment of Food Stamps. Food vouchers may not be used for alcohol, tobacco or pet food.

5. **Non-Grocery Items**

If an applicant is residing in a shelter, essential maintenance items will only be provided if totally unavailable through the shelter. Needs allowance shall be given for paper goods, soap products and personal items in the amounts included on the Levels of Assistance guidelines (Appendix A.)

6. **Telephone**

If the absence of a telephone would create an unreasonable risk to the recipient’s health or safety (verifiable in writing by a physician) or, for other good cause as determined by the Welfare Official, the lowest available basic monthly rate will

be budgeted as "need". Payments will not be made for telephone bills and the Welfare Official will not provide telephone equipment.

7. **Transportation**

If the Welfare Official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" should include a reasonable amount for car payments and gasoline when determining eligibility or amount of aid, as shown in Appendix A.

8. **Maintenance of Insurance**

In the event that the Welfare Official determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.

- a. **Medical Expenses:** The Welfare Official shall not include amounts for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local Human Services. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs (including the Hill-Burton Act) designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local Welfare Official, he/she must provide written documentation from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant or recipient's well-being will be placed in serious jeopardy. The Welfare Official may accept oral verification from the provider, but shall seek written confirmation. Whenever possible, the applicant will seek service from a Medicaid provider physician. If advance payment is required for such medical services, the Welfare Official may approve payment of the fee up to the reimbursable amount set for the procedure by the New Hampshire Medicaid Program. Whenever

possible, generic medications should be used unless specified differently by the physician.

9. **Legal Expenses:** Except for those specifically required by statute, no legal expenses will be included.
10. **Miscellaneous:** No cost to prevent repossession of any kind, no automobile payments, no registration or licensing costs will be included. No moving expenses shall be included. Furniture storage charges shall not be included.
11. **Shared Expenses:** If the applicant/recipient household shares shelter or other expenses with a non-applicant/recipient (i.e., is a part of a residential unit), then "need" should be determined on a pro-rata share, based on the total number of persons in the residential unit (i.e., three persons in residential unit, but only one applies for assistance: Shelter need is one third of shelter allowance for a household of three persons; if the individual's name appears on the lease).
12. **Payment Levels for Allowable Expenses:** The payment levels established in these guidelines are shown in Appendix A and shall be based on actual local market conditions. The Welfare Official shall periodically review them and make recommendations to the Board of Selectmen to modify, as necessary.

## **F. Income**

In determining eligibility and the amount of assistance, the applicant's standard of need shall be compared to the available income/assets. Computation of income and expenses will be by the week or month. The following items will be included in the computation:

1. **Earned Income:** Income in cash or in-kind earned by the applicant or any member of his/her family or household through wages, salary, commission, or profit, whether self-employed or as an employee, is to be considered as income. Rent income and profits from produce sold are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles arrives at total profit. When income consists of wages, the amount computed should be the amount available after income taxes, social security and

other payroll deductions required by state, federal, or local law, court-ordered support payments and child care costs, and work-related clothing costs have been deducted from income. Wages that are trusteed, or income similarly unavailable to the applicant or applicant's dependents should not be included.

2. **Income or Support from other Persons:** Contributions from relatives or other household members shall be considered as income only if actually received by or to the benefit of the applicant. The income of non-household members of the applicant's residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however).
3. **Income from other assistance or social insurance programs:** State categorical assistance benefits, OAA payments, social security payments, VA benefits, unemployment insurance benefits and payments from other government sources shall be considered as income.
  - a. Food stamps cannot be counted as income pursuant to federal law. 7 USC 2017 (b)
  - b. Fuel assistance also cannot be counted as income pursuant to federal law. 42 USC 8624 (f) (1)
4. **Court ordered support payments:** Alimony and child support shall be considered income only if actually received by the applicant or recipient.
5. **Income from other sources:** Payment from pension and trust funds and the like shall be considered income. Any income actually available to the applicant from members of his/her household shall be considered as income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant (RSA 165:19), and therefore may be required to apply jointly with him/her if they are in the same household.

Any adult (even an unrelated person or roommate) who resides in the same household "in loco parentis" (in the role of substitute parent) to a minor child is liable for contributing to that child's support (RSA 165:32), and thus be required to apply jointly with that household.

For the purposes of determining eligibility under these Guidelines, the income of a member of the household may be considered available to the applicant if he/she lives together with the applicant in a single housekeeping unit and shares the facilities.

6. **Earnings of a child:** No inquiry shall be made into the earning of a child 14 years of age or under unless that child makes a regular and substantial contribution to the family.
7. **Deemed income:** The Welfare Official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.
  - a. The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.
  - b. Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.
  - c. The Welfare Official shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
  - d. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the Welfare Official shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

**G. Residents of Shelters for Victims of Domestic Violence and Their Children**

An applicant residing in a shelter for battered women and children who had income and other resources, jointly with abusive members of the applicant's household shall be required to cooperate with the normal procedure for the purposes of verification, but may have these resources and income excluded from eligibility determinations unless an agreement exists with a member of the abusive household to give the shelter household safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedure taken in accordance with these Guidelines to recover assistance granted shall not delay assistance.

**X BURIALS AND CREMATIONS**

The Welfare Official shall provide for proper burial or cremation, at municipal expense, of persons found in the municipality at time of death, regardless whether the deceased person ever applied for or received general assistance from any municipality. In such cases, assistance may be applied for on behalf of the deceased person, however, the application should be made before any burial or cremation expenses are incurred. The expense may be recovered from the deceased person's municipality of residence or from a liable relative pursuant to RSA 165:3, II. If relatives, other private persons, the state or other sources are unable to cover the entire burial/cremation expense, the municipality will pay up to \$750 for burial/cremation. Payment for burial/cremation is limited to \$750 on total expenses that do not exceed \$1500. RSA 165:3 and RSA 165:1-b; also see RSA 165:27 and 165:27-a

**XI NON-RESIDENTS**

- A. Eligibility:** No persons shall be refused assistance solely on the basis of residence. RSA 165:1
- B. Standards:** The application procedure, eligibility standards and standard of need shall be the same for non-residents as for residents.
- C. Verification:** Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed solely because they are located in the applicant's community of residence.



**D. Temporary or Emergency Aid:** The standards for the fulfilling of immediate or emergency needs of non-residents and for temporary assistance pending final decision shall be the same as for residents.

**E. Determination of Residence:** No determination of residence shall be made unless the applicant requests return home transportation (See Paragraph F, below) or unless the Welfare Official has some reason to believe the person is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.

1. **Minors:** The residence of a minor shall be presumed to be the residence of his/her custodial parent/guardian.

2. **Adults:** For competent adults, the standard for determining residence shall be the overall intent of the applicant, as set forth in the definition of "residence". The following criteria shall aid the Welfare Official in determining the applicant's residence:

a. Does the person have or immediately intend to establish a dwelling place within the municipality?

b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?

c. Does the person have a present intent to leave the municipality at some specific future time?

d. Has the person evidenced his/her domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc. or does he/she intend to do so in the immediate future?

None of the above factors is conclusive. The statement of a person over 18 as to his/her residence or intent to establish residence shall be accepted in absence of strongly inconsistent evidence of behavior.

**F. Return home transportation:** At the request of a non-resident applicant, temporary or otherwise, for assistance to which he/she would be otherwise entitled under the standards set forth in these

Guidelines, the Welfare Official may have the person returned to his/her community of residence per RSA 165:1-c.

- G. Recovery:** Any aid given to a non-resident, including the costs of return home transportation, may be recovered from his/her community of residence.

## **XII RIGHT TO NOTICE OF ADVERSE ACTION**

- A. Right to a Written Decision:** All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for, and recipients of, general assistance to whom aid has been denied, terminated or reduced. Every applicant and recipient shall be given written notice of every decision in an effort to ensure that the applicant understands the decision.

- B. Action taken for reasons other than non-compliance with the Guidelines:**

1. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given to the applicant immediately or within five (5) working days from the time the application is filled out and submitted.
2. In any case where the Welfare Official decides to terminate or reduce assistance for reasons other than non-compliance with the Guidelines, the official shall send notice at least seven (7) days in advance of the effective date of the decision to the recipient stating the intended action.
3. The notice required by Paragraph 1 and Paragraph 2 above shall contain:
  - a. A clear statement of the reasons for the denial or proposed termination or reduction.
  - b. A statement advising the individual of his/her right to a fair hearing, and that any request for a fair hearing must be made within five (5) working days.
  - c. A form on which the individual may request a fair hearing.

- d. A statement advising the individual of the time limits, which must be met in order to receive a fair hearing.
- e. A statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimants. Aid must be repaid if the claimant fails to prevail at the hearing.

**C. Suspension for non-compliance with the Guidelines**

1. **Compliance:** Recipients must comply with these Guidelines and the reasonable requests of the Welfare Official. Welfare Officials must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that non-compliance may result in termination or suspension.
2. **Conditions:** Any applicant/recipient otherwise eligible for assistance shall become ineligible under RSA 165:1b if he/she willfully fails to comply with the requirements of these Guidelines relating to the obligation to:
  - a. Disclose and provide verification of income, resources or other financial material data, including any changes in this information.
  - b. Participate in the Municipal Work Program as assigned by the Welfare Official.
  - c. Comply with the work search requirements imposed by the Welfare Official.
  - d. Apply for other public assistance, which would alleviate the need for general assistance, as requested by the Welfare Official.
3. **First Notice:** No recipient otherwise eligible shall be suspended for non-compliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven (7) day period within which to comply. The first notice shall be given at the time of the Notice of Decision and thereafter as the conditions change. Additional notice of actions required should also be

given as eligibility is re-determined but without an additional seven (7) day period unless new actions are required.

4. **Non-Compliance:** If a recipient willfully fails to come into compliance during the seven (7) day period, or willfully falls into non-compliance within thirty (30) days from receipt of a First Notice, the Welfare Official shall give the recipient a suspension notice. If a recipient falls into non-compliance for the first time more than thirty (30) days after receipt of a First Notice, the Welfare Official must give the recipient a new First Notice with a new seven (7) day period to comply before giving the recipient the suspension notice.
5. **Sanction Notice:** Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a First Notice shall include:
  - a. A list of the Guidelines with which the recipient is not in compliance and a description of those actions necessary for compliance.
  - b. The period of suspension.
  - c. Notice of the right to a fair hearing on the issue of willful non-compliance and that such request must be made in writing within five (5) days of receipt of the suspension notice.
  - d. A statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made, if the recipient so requests on the request form for the fair hearing; however, if the recipient fails to prevail at the hearing, the suspension will start after the decision and such aid must be repaid by the recipient.
  - e. A form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.
6. **Suspension period:** The suspension period for failure to comply with these guidelines shall be:
  - a. Either seven days or 14 days if the recipient has had a prior suspension which ended within the past six months, and

- b. Until the recipient complies with the guidelines if the recipient, upon expiration of the seven or 14-day suspension period, continues to fail to carry out the specific actions set forth in the notice.
  - c. Notwithstanding paragraph C(6)(b) above, a recipient who has been suspended for non-compliance for at least six months may file a new application for assistance without coming back into compliance.
7. **Fair Hearing on continuing non-compliance:** A recipient who has been suspended until he/she complies with the Guidelines may request a fair hearing to resolve a dispute over whether or not he/she has satisfactorily complied with the required guidelines. However, no assistance shall be available under Paragraph B (5) (d) above. The burden of proof lies with the client to show that the Lee Human Services office was incorrect in their non-assistance of the client's request.
8. **Compliance after suspension:** A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. The Notice of Decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven (7) day period for compliance unless new conditions have been imposed.

### **XIII FAIR HEARINGS**

- A. **Requests:** A request for a fair hearing is a written expression by the applicant or recipient or any person acting for him/her to the effect that he/she wants an opportunity to present his/her case to a higher authority. When a request for assistance is denied or when an applicant desires to challenge a decision made by the Welfare Official relative to the receipt of assistance, the applicant must present a request for a fair hearing to the Welfare Official within five (5) working days of receipt of the notice of decision at issue. RSA 165:1-b, III
- B. **Fair Hearing Officer:** The fair hearing officer shall be approved by the Town Administrator. The person serving the fair hearing authority must:

1. Not have participated in the decision causing dissatisfaction.
2. Be impartial.
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Official operated and to interpret to Welfare Officials any evidence of unsound, unclear or inequitable policies, practices or actions.

**C. Time Limits for Hearings**

1. Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The Welfare Official shall give notice to the claimant setting forth time and location of the hearing. This notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing or mailed to the claimant at least seventy-two (72) hours in advance of the hearing.

**D. Fair Hearing Procedures**

1. All fair hearings shall be conducted in such a manner as to ensure due process of law. Fair hearings shall not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
2. The Welfare Official responsible for the disputed decision shall attend the hearing and testify about his/her actions and the reasons therefore.
3. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish. The claimant shall have the opportunity to present his/her own case or, at the claimant's option, with the aid of other, and bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

4. A claimant or his/her duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the Welfare Official's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence. No record, paper or document, which the claimant has requested to review but has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.
5. The Welfare Official (or duly authorized representative) shall have the right to examine at the fair hearing, all documents on which the claimant plans to rely at the fair hearing and may request a 24-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, he/she may reapply for assistance and file a written withdrawal of the fair hearing request.
6. The decision of the fair hearing officer must be based solely on the record, in light of these Guidelines. Evidence, both written and oral, which is admitted at the hearing, shall be the sole contents of the record. The fair hearing officer shall not review the case record or other materials prior to introduction at the hearing.
7. The parties may stipulate to any facts.
8. Any applicant may withdraw in writing, his/her request for a fair hearing at any time up to the time of the hearing. An applicant who fails to appear for any scheduled fair hearing shall be deemed to have withdrawn his request for such a hearing.
9. An applicant who believes he has good cause to request a continuance or postponement of a scheduled fair hearing shall contact the Welfare Official at the earliest possible time prior to the hearing. Upon good cause shown, the Welfare Official may reschedule such hearing, however, the applicant is entitled to only one (1) such postponement or continuance per fair hearing request. Good cause shall include, but not necessarily be limited to, demonstrated medical emergency

or other demonstrated unforeseen circumstances, which reasonably prevents the applicant from attending such scheduled hearing. An applicant shall provide documentation of such circumstances to the satisfaction of the Welfare Official no later than 72 hours after the request for postponement is made. If the applicant does not provide documentation of such circumstances to the Welfare Official within 72 hours, then the request shall be deemed withdrawn by the applicant.

#### 10. **Decisions**

- a. Fair hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing, setting forth the reasons for the decisions and the facts on which the fair hearing officer relied in reaching his/her decision. A copy of the decision shall be mailed or delivered in to the claimant and to the Welfare Official.
- b. Fair hearing decisions will be rendered on the basis of the officer's finding of fact, these Guidelines and state and federal law. The fair hearing decision shall set forth appropriate relief.
- c. The decision shall be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the municipality.
- d. The Welfare Official shall keep all fair hearing decisions on file in chronological order.
- e. None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse decision.

#### **XIV LIENS**

- A. Real Estate (RSA 165:28):** The law requires the Town of Lee to place a lien for Human Services assistance received on any real estate owned by an assisted person in all cases except for just cause. (This section does not authorize the placement of a lien on the real estate of legally liable relative, as defined by RSA 165:19).



The Welfare Official shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the municipality. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the municipality. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, the welfare officer shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the municipality must file written notice of the discharge of the lien with the County Registry of Deeds.

**B. Civil Judgments (RSA 165:8-a)**

1. The Town of Lee shall be entitled to a lien upon property passing under the terms of a will or an intestate succession, a property settlement or civil judgment of personal injuries (except workers' compensation) awarded any person granted assistance by the Town for the amount of assistance granted by the Town.
2. The Town of Lee shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or award of the property settlement or civil judgment. When the Welfare Official becomes aware of such a claim against a civil judgment he/she shall contact the attorney representing the recipient.
3. The lien shall take precedence over all other claims.

**XV RECOVERY OF ASSISTANCE**

The Welfare Official shall seek to recover money expended to assist eligible applicants. There shall be no delay, refusal to assist, reduction or termination of assistance while the Welfare Official is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover must be filed in a court within six (6) years after the expenditure. RSA 165:25

- A. Recovery from responsible relatives:** The amount of money spent by a municipality to assist a recipient who has a father,

mother, stepfather, stepmother, husband, wife, child (who is no longer a minor) of sufficient ability to also support the recipient, may be recovered from the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The Welfare Official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a recipient must be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines, shall not be delayed due to inability to contact possibly liable relatives. RSA 165:19

- B. Recovery from the Municipality of Residence:** The Welfare Official shall seek to recover from the municipality of residence the amount of money spent by the Town of Lee to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient must be given to the Welfare Official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20. (See RSA 165:20-a providing for arbitration of such disputes between communities.) RSA 165:20
- C. Recovery from Former Recipient's Income:** A former recipient who is returned to an income status after receiving assistance may be required to reimburse the Town for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20
- D. Recovery from State and Federal Sources:** The amount of money spent by the Town to support a recipient who has made initial application for SSI and has signed HHS FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and New Hampshire Department of Health and Human Services. Prescription expenses paid by the Town for applicants who have applied for Medicaid shall be recovered through the New Hampshire Department of Health and Human Services if and when the applicant is approved for medical coverage.
- E. Delayed State Claims:** For those recipients of general assistance deemed eligible for state assistance, New Hampshire Department of Health and Human Services shall reimburse the Town the

amount of general assistance as a result of delays in processing within the federally mandated time periods. Any claims for reimbursement shall be held until the end of the fiscal year and may be reimbursed on a pro-rated basis dependent upon the total claims filed per year. RSA 165:20-c. A form 340 "REQUEST FOR STATE REIMBURSEMENT" may be obtained from the New Hampshire Department of Health and Human Services for this purpose.

## **XVI APPLICATION OF RENTS PAID BY THE TOWN OF LEE**

- A. Whenever the owner of a property rented to a person receiving assistance from the Town of Lee is in arrears in tax payments to the Town, the Town may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. RSA 165:4-a
- B. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. RSA 165:4-a
- C. Procedure:
  - 1. The Welfare Official will issue a voucher on behalf of the tenant to the landlord for allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a.
  - 2. The Welfare Official will issue a duplicate voucher to the Tax Collector, which shall forward the voucher to the Bookkeeper for payment, who will issue a receipt of payment to the delinquent landlord.

Appendix A

**ALLOWABLE LEVELS OF ASSISTANCE PAYMENTS**  
For the Town of Lee

Established by vote of the Governing Body, date: \_\_\_\_\_

**Food Allowance**

Based on DHHS Maximum Food Stamp Allotments  
SR 12-25 Dated 10/12

Assistance Group Size	Maximum Food Stamp Allotment
1	\$189
2	\$347
3	\$497
4	\$632
5	\$750
6	\$900
7	\$995
8	\$1,137

For each additional person, add: \$142

**Personal Maintenance**

Assistance Group Size	Personal Maintenance/Mo.	Personal Maintenance/Wk.
1	\$40	\$10
2	\$73	\$18.50
3	\$105	\$26
4	\$134	\$33.50
5	\$159	\$40
6	\$190	\$48
7	\$210	\$52.50
8	\$240	\$60

The maximum amount allowed for a car payment is \$400 per month. This maximum allowable amount will be used when determining eligibility for general assistance.

## APPENDIX A

### FOOD/NON-FOOD

HOUSEHOLD SIZE	MONTHLY FOOD	MONTHLY NON-FOOD	WEEKLY FOOD	WEEKLY NON-FOOD	DAILY FOOD
1	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____
4	_____	_____	_____	_____	_____
5	_____	_____	_____	_____	_____
6	_____	_____	_____	_____	_____
7	_____	_____	_____	_____	_____
8	_____	_____	_____	_____	_____
(add each)	_____	_____	_____	_____	_____

### MONTHLY SHELTER ALLOWANCES

	1 BR	2 BR	3 BR	4 BR
_____	\$838.00	\$1,065_	\$1,459	\$1,523

**Heat**

Electric	_____	_____	_____	_____	_____
Oil	_____	_____	_____	_____	_____
Nat. Gas	_____	_____	_____	_____	_____
Bottled Gas	_____	_____	_____	_____	_____

(Top row is allowance for heated shelter. If unheated, add amounts indicated in "heat" columns to basic shelter cost in top row. Allowances MUST reflect actual housing market.)

BURIAL ALLOWANCE: \$750.00

TELEPHONE ALLOWANCE: \_\_\_\_\_

OTHER

(SPECIFY): \_\_\_\_\_

# Certification of Adoption General Assistance Guidelines

On \_\_\_\_\_, after duly-noticed meeting, the Board of Selectmen voted unanimously to **APPROVE and ADOPT** the Lee Human Services General Assistance Guidelines.

ON FILE

\_\_\_\_\_  
Date \_\_\_\_\_

ON FILE

\_\_\_\_\_  
Date \_\_\_\_\_

ON FILE

\_\_\_\_\_  
Date \_\_\_\_\_

ON FILE

\_\_\_\_\_, \_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

See Sealed copy on file with the  
TC/TX Office  
Or  
General Assistance Office

**TAX CREDIT/EXEMPTION  
APPLICATION RECOMMENDATION**

**To:** Select Board  
Town of Lee

**Date:** January 27, 2014

**From:** Scott Marsh, CNHA  
Municipal Resources  
Contract Assessors' Agents

**RE:** Veteran Tax Credit Application  
Tax Map 19 Lot 6-1600

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The above application and discharge paperwork has been provided and reviewed. Based on my review it appears that Cary Brown does qualify for the Veterans Tax Credit. As this is the case it is recommended that the application be approved for the 2014 tax year.

If there are any questions, please let me know.

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION  
**PERMANENT APPLICATION FOR PROPERTY TAX CREDIT/EXEMPTIONS**  
DUE DATE APRIL 15th PRECEDING THE SETTING OF THE TAX RATE  
CALL YOUR CITY/TOWN FOR INCOME AND ASSET LIMITS

There is a separate page of instructions (pages 3 & 4) that accompany this form. If you do not receive the instructions, please visit our web site at [www.revenue.nh.gov](http://www.revenue.nh.gov) or contact your city/town. Note: "CU Partner" stands for "Civil Union Partner".

<b>STEP 1 NAME AND ADDRESS</b>	PROPERTY OWNER'S LAST NAME	FIRST NAME	INITIAL
	Brown	CARY	S
	PROPERTY OWNER'S LAST NAME	FIRST NAME	INITIAL
	Brown	Annette	F
	MAILING ADDRESS		
	11 Thornton Lane		
CITY/TOWN	STATE	ZIP CODE	
Lee	N.H.	03861	
CITY/TOWN TAX MAP #	BLOCK #	LOT #	
ADDRESS OF PROPERTY			
11 Thornton Lane Lee, NH 03861			
<b>STEP 2 VETERANS' TAX CRED- ITS/EX- EMPTION</b>	1 Veteran's Name		
	Cary Brown		
	2 Date of Entry into Military Service		3 Date of Discharge/Release from Military Service
	10 JAN 61		19 Feb 65
	4 <input checked="" type="checkbox"/> Veteran <input checked="" type="checkbox"/> Veterans' Tax Credit		
	<input type="checkbox"/> Spouse/CU Partner <input type="checkbox"/> Credit for Service Connected Total and Permanent Disability		
	<input type="checkbox"/> Surviving Spouse/CU Partner <input type="checkbox"/> Credit for Surviving Spouse/CU Partner of Veteran Who Was Killed or Died on Active Duty		
	Veteran of Allied Country		
	5 Name of Allied Country Served in		6 Branch of Service
7 <input checked="" type="checkbox"/> US Citizen at time of entry into the Service 8 <input type="checkbox"/> Alien but Resident of NH at time of entry into the Service			
9 Does any other eligible Veteran own interest in this property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If YES, give name			
10 <input checked="" type="checkbox"/> Total Veteran Exemption <input type="checkbox"/> (a) Veteran <input type="checkbox"/> (b) Surviving Spouse/CU Partner of that Veteran			
<b>STEP 3 OTHER EXEMP- TIONS</b>	11 <input checked="" type="checkbox"/> Elderly Exemption Applicant's Date of Birth <u>9-11-42</u> Spouse/CU Partner's Date of Birth <u>13 Aug 45</u> Must be 65 years of age on or before April 1st of year for which exemption is claimed.		
	12 <input type="checkbox"/> Disabled Exemption <input type="checkbox"/> Solar Energy Systems Exemption		
	<input type="checkbox"/> Blind Exemption <input type="checkbox"/> Woodheating Energy Systems Exemption		
<input type="checkbox"/> Deaf Exemption <input type="checkbox"/> Wind-Powered Energy Systems Exemption			
<b>STEP 4 IMPROVE- MENTS</b>	13 <input type="checkbox"/> Improvements to Assist Persons with Disabilities <input type="checkbox"/> Improvements to Assist the Deaf		
<b>STEP 5 RESIDEN- CY</b>	14 <input checked="" type="checkbox"/> This is my primary residence		
	<input checked="" type="checkbox"/> NH Resident for one year preceding April 1st in the year in which the tax credit is claimed (Veterans' Credit)		
	<input type="checkbox"/> NH Resident for Five Consecutive Years preceding April 1st in the year the exemption is claimed (Disabled & Deaf Exemptions)		
<input type="checkbox"/> NH Resident for Three Consecutive Years preceding April 1st in the year the exemption is claimed (Elderly Exemption)			
<b>STEP 6 OWNER- SHIP</b>	15 Do you own 100% interest in this residence? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If NO, what percent (%) do you own? _____		
<b>STEP 7 SIGNA- TURES</b>	Under penalties of perjury, I hereby declare that the above statements are true.		
	SIGNATURE (IN INK) OF PROPERTY OWNER		DATE
Cary Brown		12-28-13	
SIGNATURE (IN INK) OF PROPERTY OWNER		DATE	
<b>WHEN TO FILE</b>	<p><b>Deadline:</b> Form PA-29 must be filed by April 15th preceding the setting of the tax rate. The assessing officials shall send written notice to the taxpayer of their decision by July 1st prior to the date of notice of tax. Failure of the assessing officials to respond shall constitute a denial of the application. Example: If you are applying for an exemption and/or credit off your 2008 property taxes, which are due no earlier than December 1, 2008, then you have until April 15th, 2008 to file this form. The assessing officials have until July 1st, to send notice of their decision. Failure of the assessing officials to respond shall constitute a denial of the application.</p> <p><b>A late response or a failure to respond by assessing officials does not extend the appeal period.</b></p> <p>Date of filing is when the completed application form is either hand delivered to the city/town, postmarked by the post office, or received by an overnight delivery service.</p>		
<b>APPEAL PROCE- DURE</b>	<p>If an application for a property tax exemption or tax credit is denied by the town/city, an applicant may appeal in writing on or before <b>September 1st</b> following the date of notice of tax under RSA 72:1-d to the New Hampshire Board of Tax and Land Appeals (BTLA) or to the Superior Court. Example: If you were denied an exemption from your 2008 property taxes, you have until September 1, 2009, to appeal.</p> <p>Forms for appealing to the BTLA may be obtained from the NH BTLA, 107 Pleasant Street, Concord, NH 03301, their web site at <a href="http://www.nh.gov/btla">www.nh.gov/btla</a> or by calling (603) 271-2578. Be sure to specify <b>EXEMPTION APPEAL</b>.</p>		

PROPERTY OWNER'S NAME

PROPERTY OWNER'S NAME

TAX MAP/LOT

19-6-1600



NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION  
**PERMANENT APPLICATION FOR PROPERTY TAX CREDIT/EXEMPTIONS**  
TO BE COMPLETED BY CITY/TOWN ASSESSING OFFICIALS

**MUNICIPAL AUTHORIZATION**

**VETERANS' TAX CREDIT**

CITY/TOWN TAX MAP #	BLOCK #	LOT #	Granted	Denied	Date
<input checked="" type="checkbox"/> Veterans' Tax Credit (\$50 minimum to \$500)		Amount \$ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Service Connected Total & Permanent Disability (\$700 minimum to \$2000)		Amount \$ _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Surviving Spouse of Veteran Who Was Killed or Who Died on Active Duty (\$700 minimum to \$2000)		Amount \$ _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Review Discharge Papers (Form DD214), Form # _____					
<input type="checkbox"/> Other Information _____					

**VETERANS' EXEMPTION**

			Granted	Denied	Date
<input type="checkbox"/> Total Exemption	<input type="checkbox"/> (a) Veteran	<input type="checkbox"/> (b) Surviving Spouse	<input type="checkbox"/>	<input type="checkbox"/>	_____

**APPLICABLE ELDERLY AND DISABLED EXEMPTION (OPTIONAL) INCOME AND ASSET LIMITS**

Income Limits	Disabled Exemption	Elderly Exemption	Elderly Exemption Per Age Category	
Single	\$ _____	\$ _____	65 - 74 years of age	\$ _____
Married	\$ _____	\$ _____	75 - 79 years of age	\$ _____
<b>Asset Limits</b>			80 + years of age	\$ _____
Single	\$ _____	\$ _____		
Married	\$ _____	\$ _____		

**OTHER EXEMPTIONS**

	Amount \$	Granted	Denied	Date
<input type="checkbox"/> Elderly Exemption	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Disabled Exemption	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Improvements to Assist the Deaf	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Improvements to Assist Persons with Disabilities	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Blind Exemption	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Deaf Exemption	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Solar Energy Systems Exemption	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Woodheating Energy Systems Exemption	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Wind-Powered Energy Systems Exemption	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

**A photocopy of this Form (Pages 1 & 2) or a Form PA-35 must be returned to the property owner after approval or denial before July 1st.**

The following documentation may be requested at the time of application in accordance with RSA 72:34, II:

- List of assets, value of each asset, net encumbrance and net value of each asset.
- \* Statement of applicant and spouse's income.
- \* Federal Income Tax Form.
- \* State Interest and Dividends Tax Form.
- \* Property Tax Inventory Form filed in any other town.

\* Documents are considered confidential and are returned to the applicant at the time a decision is made on the application.

Municipal Notes

Selectmen/Assessor(s) Printed Name	Signatures(s) of Approval (in ink)	Date



**TOWN OF DURHAM**  
15 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064 603/868-8065  
FAX 603/868-8033  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

RECEIVED  
JAN 30 2014  
TOWN OF LEE, NH  
SELECTMAN'S OFFICE

## **NOTICE OF PUBLIC HEARING** **Durham Planning Board**

A zoning amendment has been proposed that would affect all property in the Office Research/Light Industry (ORLI) and Multiunit Dwelling/Office Research (MUDOR) Zoning Districts. As a property owner in one (or both) of these districts, you are being notified that the Durham Planning Board will hold a **Public Hearing** on **Wednesday, February 12, 2014** in the Council Chambers of the Durham Town Hall, 15 Newmarket Road, Durham, NH, to consider the amendments as shown below. The meeting starts at 7:00 p.m. and the public hearing will commence sometime after that. The meeting agenda will be posted on the Town's website by the Friday prior to the meeting. Proposed amendments are as follows:

- 1) Change Single-Family Residential use in the Office Research Light Industry and Multiunit Dwelling Office Research Districts from a Conditional Use to Not Permitted;
- 2) Change Duplex-Residential use in the Office Research Light Industry and Multiunit Dwelling Office Research districts from a Conditional Use to Not Permitted;
- 3) Change Multi-Unit Residential use in the Office Research Light Industry and Multiunit Dwelling Office Research districts from a Conditional Use to Not Permitted; and
- 4) Change Mixed-Use with Residential use in the Multiunit Dwelling Office Research District from a Conditional Use to Not Permitted.

Copies of the proposed amendments are on file at the Durham Planning Office in the Durham Town Hall, as well as on the Durham Town website, [www.ci.durham.nh.us](http://www.ci.durham.nh.us). Please feel free to call (603) 868-8064 with any questions or comments.