

SELECT BOARD MEETING AGENDA

DATE: Tuesday, January 17, 2017 at 6:30 pm
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. Public Comment limited to 3 minutes.

1. Call meeting to Order – 6:30 pm
2. Public Comment
3. **FY18 2nd PUBLIC BUDGET HEARING**
4. Julie Glover, Town Administration
 - a. Review 2017 Warrant
 - b. Racetrack Ordinance – DRAFT
 - c. Miscellaneous
5. Scott Bugbee, 250th Celebration Committee Rep 250th Celebration Final Bell Ringing – Final Bell Ringing to end the Lee 250th Quincentennial Celebration.

6. Motion to accept the Consent Agenda as presented:

<u>SIGNATURES REQUIRED</u>	<u>INFORMATION ONLY</u>
Pay in Lieu of Request – Dronsfield	Pittsburg, NH Northern Pass Letter
Vachon, Clukay Control Deficiency Worksheets	
HHW Letter of Commitment	

Individual items may be removed by any Select Board member for separate discussion and vote.

7. Motion to accept the Public and Non Public Meeting Minutes from January 3, 2017.
8. Motion to accept Manifest #14 and Weeks Payroll Ending January 15, 2017.
9. Motion to enter into Non-Public Session – NH RSA 91-A:3 II (a) Personnel x2 **Roll Call Vote required**
(c) Tax abatement request
(e) Review draft ltr from Attorney re:VRC
10. Motion to seal the Non-Public Session Minutes (if necessary.) **Roll Call Vote required.**
11. Miscellaneous/Unfinished Business
12. Adjournment

Posted: Town Hall, Public Safety Complex, Public Library and on leenh.org on January 13, 2017

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.

2017 TOWN WARRANT
For the TOWN OF LEE, NEW HAMPSHIRE

FIRST SESSION: To the inhabitants of the Town of Lee, County of Strafford, State of New Hampshire, qualified to vote in Town Affairs, you are hereby notified to meet at the Mast Way School located on Mast Road, Lee at 9:00 a.m. on February 4, 2017. This session shall consist of explanation, discussion and deliberation of the Warrant Articles numbered X through X. Warrant Articles may be amended subject to the following limitations: (a) Warrant Articles whose wording is prescribed by law shall not be amended, and (b) Warrant Articles that are amended shall be placed on the official ballot for a final vote on the main motion as amended.

SECOND SESSION: To the inhabitants of the Town of Lee, County of Strafford, State of New Hampshire, qualified to vote in Town Affairs, you are hereby notified to meet at the Public Safety Complex, 20 George Bennett Road, Lee on March 14, 2017. The Polls will be open from 7:00 a.m. to 7:00 p.m.

ARTICLE 1

To choose all necessary Town Officers for the ensuing year:
(To be considered at the March 14, 2017 Ballot Voting)

ARTICLE 2 - XX

REVISIONS TO ZONING ORDINANCE

In the event that there shall be more than a single proposed amendment to an ordinance to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. ___ to the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed amendment)?"

ARTICLE X

To see if the town will vote to change the purpose of the Lee Library/Community Center Capital Reserve Fund from building a new Library and Community Center on Map Lot #02-01-01 to either renovating and expanding the existing Library building at its current location or building a new Library at a site to be determined and to change the fund name to the Lee Library Building Capital Reserve Fund and to appoint the Board of Selectmen as agent to expend. (2/3 vote required) Board of Selectmen approve or do not approve.

ARTICLE X

Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the Town of Lee on the 8th of March 2011, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law? A 3/5 majority of those voting on the question shall be required.

ARTICLE X
Racetrack Ordinance

ARTICLE X
Veterans Tax Credit

ARTICLE X

Shall the Town of Lee raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$XXXXXXXXXXXX. Should this article be defeated, the default budget shall be \$3,812,478, which is the same as last year, with certain adjustments required by previous action of the Select Board or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of one hundred seventy thousand dollars (\$170,000) to purchase a new Plow Truck and to authorize the withdrawal of that sum from the Highway Equipment Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of one hundred fifty-five thousand eight hundred and fifty dollars (\$155,850) to rebuild the Tuttle Road Culvert and to authorize the withdrawal of that sum from the Highway Road and Bridge Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of sixty-two thousand three hundred and forty dollars (\$62,340) to rebuild the fire ponds/dry hydrants on Tamarack Road and James Farm Road and to authorize the withdrawal of that sum from the Fire Cistern Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of one hundred fifty-thousand dollars (\$150,000) to be deposited into the Fire Equipment Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of sixty-thousand dollars (\$60,000) to be deposited into the Highway Dept. Road and Bridge Improvement Plan Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of fifty-five-thousand dollars (\$55,000) to be deposited into the Highway Equipment Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of thirty-five-thousand dollars (\$35,000) to be deposited into the Town Buildings Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be deposited into the Fire Ponds and Cisterns Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be deposited into the Internal Service Fund for Accrued Benefits. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of XXXXX dollars (\$XXXXX) to be deposited into the Revaluation Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

(The ABC did not recommend a deposit to this fund)

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of ten-thousand dollars (\$10,000) to be deposited into the Transfer Station Equipment Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of nineteen thousand four hundred fifty-nine dollars (\$19,459) for the purchase of a Radar Trailer w/ LED messaging display for the Police Department. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of eight thousand dollars (\$8,000) for a fireworks display to be held at the 2017 Lee Fair, with six thousand dollars (\$6,000) to be raised by general taxation and two-thousand dollars (\$2,000) to be funded by donations. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of seven thousand dollars (\$7,000) for the purpose of purchasing and installing trees, shrubs, flowers and/or other

landscaping items at Little River Park and to authorize the withdrawal of that sum from the Recreation Capital Reserve Fund created for that purpose. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to update and replace library furniture and to authorize the withdrawal of that sum from the Library Capital Reserve Fund for this purchase. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to establish a contingency fund for Fiscal Year 2018 for unanticipated expenses that may arise and further to raise and appropriate twenty thousand dollars (\$20,000) to go into the fund. This sum to come from the Unassigned Fund Balance and no amount to be raised from general taxation. Any appropriation left in the fund at the end of the year will lapse to the general fund. The governing body shall annually publish a detailed report of all expenditures from the fund. (Recommended by the Select Board) Majority vote required.

ARTICLE X

To see if the Town will vote to raise and appropriate the sum of 0-thousand dollars (\$0) to be deposited into the Recreation Facilities Capital Reserve Fund. (Recommended by the Select Board) Majority vote required.

(The Rec Com requested \$10K; the ABC voted not to recommend)

To transact any other business which may legally come before this meeting.

GIVEN UNDER OUR HANDS THIS XXth DAY OF JANUARY 2017

We certify and attest that on or before January 30, 2017, we posted a true and attested copy of the within Warrant at the place of meeting, and like copies at Town Hall, and delivered the original to the Town Clerk.

Scott Bugbee, Chairman

John R. LaCourse

Cary Brown

Select Board for the Town of Lee

State of New Hampshire, County of Strafford, Town of Lee

Personally appeared, Scott Bugbee, John R. LaCourse and Cary Brown who subscribed to the foregoing instrument before me, Denise Duval, Notary Public, this _____ day of January 2017.

Denise Duval, Notary Public

Julie Glover

From: Annie Gasowski <anniegasowski@gmail.com>
Sent: Thursday, January 12, 2017 8:32 AM
To: Julie Glover
Cc: Denise Duval; Scott Bugbee; Cary Brown; John Lacourse; Bruce Larson; Katrinka Pellecchia; Ruth Eifert; Peg Dolan; Donna Simpson; Cindy vonOeyen
Subject: Draft warrant article revision

Good morning:

At the Library Trustees meeting yesterday we discussed the changes, per NHMA attorney, that are needed in the language of the draft warrant article to repurpose the funds for the Lee Library/Community Center Capital Reserve Fund. The Trustees suggest the following wording and have included additional information which may be included for the Deliberative Session.

To see if the town will vote to change the purpose of the Lee Library/Community Center Capital Reserve Fund, from building a new Library and Community Center on Map Lot #02-01-01 to a fund whose purpose is to cover capital expenditures for the town's library building and to change the fund name to the Lee Library Building Capital Reserve Fund and to appoint the Board of Selectmen as agent to expend. (2/3 vote required)

Explanation:

Currently, the funds in this Capital Reserve Fund may only be spent on a new library community center built on the bluff overlooking Little River Park. A bond to build at that site was voted down in 2014. Changing the purpose of the fund would allow the town to either renovate and enlarge the current library building or to build a new building at a location of the town's choosing, not restricting it to one specific site.

Original Warrant Article, from the minutes of the 2011 Town Meeting:

To see if the town will vote to create a new Capital Reserve fund named the Lee Library/Community Center Capital Reserve Fund in accordance to RSA 35:1 and to appoint the Board of Selectmen as agent to expend for the purpose of building a new Library and Community Center. The new Library/Community Center is to be located on Map Lot #02-01-01.

Thank you for your assistance.

Annamarie Gasowski, Chair
Lee Public Library
Board of Trustees

Warrant Article petitions for Veterans Tax Credits
_____, New Hampshire

For Veterans tax credit:

“ Shall we adopt the provisions of RSA 72:28b, for an optional Veterans tax credit of _____, on residential property and replace the standard tax credit in its entirety?” This replaces RSA 72:28, II which required, specific “war time” service, only.

For the surviving spouses of those persons killed on active duty:

“ Shall we adopt the provisions of RSA 72:29-a, II, for an optional tax credit of _____, on the real and personal property of the surviving spouse of any person who was killed or died while on active duty in the Armed Forces of the United States or any of the Armed Forces of any of the governments associated with the United States in the wars, conflicts, or armed conflicts, or combat zones set forth in RSA72:28?”

For the permanently and totally disabled Veterans:

“ Shall we adopt the provisions of RSA 72:35, I-a, for an optional Veterans tax credit of _____, for; service-connected, total and permanent disabled Veterans, on residential property and replace the standard tax credit in its entirety?”

NAME (Print & Sign)

ADDRESS

TOWN OF LEE
FY18 PROPOSED BUDGET
JAN.17, 2017 PUBLIC HEARING

* Denotes change from 1/3/17 Public Hearing

Account	Description	FY 2016		FY 2017		FY2018		
		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	Selectmen
01.41301.111.00	BOS - Town Administrator Salary	70,053.60	70,053.60	73,754.11	33,157.66	73,752.00	73,752.00	73,752.00
01.41301.112.00	BOS - Town Secretary Wages	43,006.32	44,502.55	43,436.38	21,334.80	44,285.00	43,590.55	43,436.00
01.41301.122.00	BOS - Temporary Employee Wages	3,500.00	0.00	3,500.00	4,303.47	3,500.00	3,500.00	3,500.00
01.41301.130.00	BOS - Overtime	4,545.00	2,551.46	3,500.00	1,543.29	3,500.00	3,500.00	3,500.00
01.41301.142.00	BOS - Selectboard Salary	6,000.00	6,000.00	6,000.00	3,000.00	6,000.00	6,000.00	6,000.00
01.41301.550.00	BOS - Town Report	4,000.00	3,711.58	4,000.00	0.00	2,500.00	2,500.00	2,500.00
01.41301.582.00	BOS - Conference	200.00	25.00	200.00	0.00	200.00	200.00	200.00
	BOS	131,304.92	126,844.19	134,390.49	63,339.22	133,737.00	133,042.55	132,888.00
01.41401.142.00	Elections & Regis. - Moderator Salary	600.00	1,128.13	800.00	781.25	400.00	400.00	400.00
01.41401.143.00	Elections & Regis. - Supervisors of the Checklis	2,400.00	3,298.26	3,600.00	2,528.96	3,200.00	3,200.00	3,200.00
01.41401.143.01	Elections & Regis. - Ballot Clerks	2,000.00	1,262.84	2,500.00	1,520.71	1,600.00	1,600.00	1,600.00
01.41401.441.00	Elections & Regis. - Town Meeting Expense	750.00	300.00	400.00	0.00	400.00	400.00	400.00
01.41401.540.00	Elections & Regis. - Legal Notices	200.00	259.33	200.00	226.82	300.00	300.00	300.00
01.41401.550.00	Elections & Regtis. - Printing (Ballots)	3,000.00	2,929.40	4,000.00	2,020.21	3,000.00	3,000.00	3,000.00
01.41401.561.00	Elections & Registrations - Training	0.00	0.00	0.00	120.00	0.00	0.00	0.00
01.41401.581.00	Elections & Regis. - Mileage	50.00	52.11	50.00	0.00	50.00	50.00	50.00
01.41401.605.00	Elections & Regis. - Postage	100.00	0.48	100.00	0.00	50.00	50.00	50.00
01.41401.630.00	Elections & Regis. - Meals	700.00	450.29	800.00	108.99	600.00	600.00	600.00
	Elections & Reg	9,800.00	9,680.84	12,450.00	7,306.94	9,600.00	9,600.00	9,600.00
01.41411.114.00	TC/TC - Deputy Wages PT	17,470.13	21,415.71	18,411.00	9,871.21	23,470.00	23,064.49	23,922.08
01.41411.115.00	TC/TC - Assistant Wages PT	5,843.00	0.00	5,000.00	0.00	0.00	0.00	0.00
01.41411.141.00	TC/TC - Salary	48,634.71	48,634.71	49,122.00	22,939.88	48,635.00	49,121.00	49,121.00
01.41411.311.00	TC/TC - Lien Searches	1,500.00	357.49	2,200.00	0.00	2,000.00	2,000.00	2,000.00
01.41411.330.00	TC/TC - Telephone	400.00	26.87	400.00	0.00	300.00	300.00	300.00
01.41411.331.00	TC/TC - Software	0.00	0.00	7,812.00	7,891.00	7,900.00	7,900.00	7,900.00
01.41411.540.00	TC/TC - Legal Notices/Advertising	250.00	320.28	250.00	0.00	330.00	330.00	330.00
01.41411.560.00	TC/TC - Dues & Subscriptions	80.00	205.00	80.00	80.00	80.00	80.00	80.00
01.41411.561.00	TC/TC - Training	1,000.00	260.00	750.00	0.00	750.00	750.00	750.00
01.41411.581.00	TC/TC - Mileage	1,350.00	846.14	1,350.00	0.00	1,350.00	1,350.00	1,350.00
01.41411.582.00	TC/TC - Conference/Travel	250.00	603.33	250.00	216.25	250.00	250.00	250.00
01.41411.583.00	TC/TC - Registry Redemptions	500.00	231.46	500.00	26.00	500.00	500.00	500.00
01.41411.605.00	TC/TC - Postage	6,300.00	4,325.32	5,000.00	0.00	5,000.00	5,000.00	5,000.00
01.41411.610.00	TC/TC - Dog Tags	350.00	192.27	350.00	0.00	300.00	300.00	300.00
01.41411.611.00	TC/TC - Office Supplies	2,000.00	2,613.54	2,800.00	1,052.74	2,800.00	2,800.00	2,800.00
	TC/TC	85,927.84	80,032.12	94,275.00	42,077.08	93,665.00	93,745.49	94,603.08
01.41501.111.00	Fin. Admin. - Finance Officer Salary	48,480.00	48,480.00	48,965.00	22,866.89	49,450.00	48,965.00	48,965.00
01.41501.115.00	Fin. Admin. - Accounting Assistant Wages	0.00	0.00	0.00	0.00	14,976.00	14,976.00	14,976.00
01.41501.142.00	Fin. Admin. - Treasurer Salary PT	5,116.00	5,116.00	5,116.00	2,371.84	5,116.00	5,116.00	5,116.00
01.41501.321.00	Fin. Admin. - Professional Audit	14,000.00	12,950.00	14,000.00	5,911.53	12,000.00	12,000.00	12,000.00
01.41501.336.00	Fin. Admin. - Interest	0.00	0.00	0.00	36.97	0.00	0.00	0.00
01.41501.540.00	Fin. Admin. - Legal Notices/Advertising	1,800.00	1,475.99	1,000.00	779.78	1,500.00	1,500.00	1,500.00
01.41501.550.00	Fin. Admin. - Printing	2,000.00	2,166.10	2,000.00	0.00	2,000.00	2,000.00	2,000.00
01.41501.560.00	Fin. Admin. - Dues & Subscriptions	4,800.00	3,904.00	4,000.00	4,034.00	4,000.00	4,000.00	4,000.00
01.41501.561.00	Fin. Admin. - Training	2,000.00	1,195.03	0.00	2,464.70	500.00	500.00	500.00
01.41501.581.00	Fin. Admin. - Mileage	1,500.00	527.75	1,000.00	318.93	1,000.00	500.00	500.00
01.41501.582.00	Fin. Admin. - Conference/Travel	1,200.00	1,700.41	1,200.00	270.00	1,500.00	1,500.00	1,500.00
01.41501.605.00	Fin. Admin. - Postage/IT	3,000.00	2,880.56	2,000.00	3,332.91	2,500.00	2,500.00	2,500.00
01.41501.611.00	Fin. Admin. - Office Supplies	4,000.00	1,831.84	3,000.00	1,278.17	2,000.00	2,000.00	2,000.00
01.41501.612.00	Fin. Admin. - Kitchen Supplies	200.00	198.41	0.00	135.13	200.00	200.00	200.00
01.41501.640.00	Fin. Admin. - Reference Materials	0.00	142.00	200.00	0.00	200.00	200.00	200.00

TOWN OF LEE
FY18 PROPOSED BUDGET
JAN.17, 2017 PUBLIC HEARING

* Denotes change from 1/3/17 Public Hearing

Account	Description	FY 2016		FY 2017		FY2018		
		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	Selectmen
01.41501.750.00	Fin. Admin. - New Equipment	500.00	302.99	500.00	0.00	500.00	500.00	500.00
	Financial Administration	88,596.00	82,871.08	82,981.00	43,800.85	97,442.00	96,457.00	96,457.00
01.41502.330.01	Fin. Admin. - Telephone - Landlines	1,200.00	1,509.41	1,800.00	581.32	1,600.00	1,600.00	1,600.00
01.41502.331.00	Fin. Admin. - Computer Software	1,000.00	23.88	1,000.00	0.00	500.00	500.00	500.00
01.41502.332.00	Fin. Admin. - Computer Services	38,500.00	34,831.62	35,000.00	16,264.05	35,000.00	35,000.00	35,000.00
01.41502.333.00	Fin. Admin. - PEG Access	1,000.00	0.00	500.00	0.00	500.00	500.00	500.00
01.41502.334.00	Fin. Admin. - Software Support Services	24,500.00	26,577.00	15,400.00	17,427.43	15,000.00	15,000.00	15,000.00
01.41502.341.00	Fin. Admin. - Printer/Copier/Fax Lease Agreement	8,200.00	8,244.05	8,200.00	3,418.02	5,500.00	5,500.00	5,500.00
01.41502.342.00	Fin. Admin. - Alarms	1,500.00	1,885.00	1,500.00	2,008.00	1,500.00	1,500.00	1,500.00
01.41502.430.00	Fin. Admin. - M & R	2,500.00	1,227.88	2,500.00	0.00	2,000.00	2,000.00	2,000.00
01.41502.561.00	Fin. Admin. - Training	0.00	0.00	2,000.00	71.78	2,000.00	2,000.00	2,000.00
01.41502.750.00	Fin. Admin. - Computer Hardware (New Equipment)	3,000.00	2,774.08	11,000.00	130.75	3,000.00	3,000.00	3,000.00
	IT	81,400.00	77,072.92	78,900.00	39,901.35	66,600.00	66,600.00	66,600.00
01.41521.320.00	Assessing - Assessing Firms	30,000.00	27,600.00	31,200.00	15,750.00	31,200.00	31,200.00	31,200.00
01.41521.581.00	Assessing - Mileage	600.00	448.73	500.00	132.84	500.00	500.00	500.00
	Assessing	30,600.00	28,048.73	31,700.00	15,882.84	31,700.00	31,700.00	31,700.00
01.41531.000.00	Legal Expense - General	17,000.00	8,801.64	20,000.00	236.25	10,000.00	10,000.00	10,000.00
01.41531.000.01	Legal Expense - P & Z	0.00	0.00	0.00	0.00	0.00	0.00	0.00 *
01.41531.000.02	Legal Expense - Fairpoint	0.00	2,093.24	5,000.00	1,042.04	5,000.00	5,000.00	5,000.00 *
	Legal	17,000.00	10,894.88	25,000.00	1,278.29	15,000.00	15,000.00	15,000.00
01.41551.190.00	Personnel Admin. - Bonus	19,306.33	13,975.83	0.00	0.00	0.00	0.00	0.00
01.41551.191.00	Personnel Admin. - Pay in Lieu of Vacation	5,000.00	4,476.40	15,288.00	846.80	15,000.00	15,000.00	15,000.00
01.41551.211.00	Personnel Admin. - Health Insurance	455,380.00	372,054.00	403,000.00	179,803.10	359,000.00	359,000.00	359,000.00
01.41551.211.01	FSA - through Health Trust	0.00	414.25	0.00	165.00	690.00	690.00	690.00
01.41551.215.00	Personnel Admin. - Health Insurance Buy Out	4,000.00	11,650.62	7,634.00	5,640.13	17,000.00	17,000.00	17,000.00
01.41551.216.00	Personnel Admin. - Dental Insurance	0.00	21,888.00	24,000.00	1,029.65	20,700.00	20,700.00	20,700.00
01.41551.220.00	Personnel Admin. - SS	59,721.30	50,964.00	55,550.00	28,473.20	62,000.00	62,000.00	62,000.00
01.41551.225.00	Personnel Admin. - MC	22,492.70	19,299.00	21,210.00	10,197.34	22,000.00	22,000.00	22,000.00
01.41551.230.00	Personnel Admin. - Retirement - Group I	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01.41551.230.01	Personnel Admin. - Retirement - Group I	70,498.00	62,253.00	65,650.00	36,384.34	72,000.00	72,000.00	72,000.00
01.41551.230.02	Personnel Admin. - Retirement - Group II Police	143,332.90	117,656.00	132,310.00	50,018.99	132,000.00	132,000.00	132,000.00
01.41551.230.03	Personnel Admin. - Retirement - Group II Fire	0.00	29,524.00	30,300.00	14,796.87	33,000.00	33,000.00	33,000.00
01.41551.250.00	Personnel Admin. - Unemployment	4,007.00	4,143.96	4,500.00	3,067.00	4,500.00	4,500.00	4,500.00
01.41551.260.00	Personnel Admin. - Worker's Compensation	43,343.00	43,736.00	44,000.00	10,928.00	39,200.00	39,200.00	39,200.00
01.41551.299.00	Personnel Admin. - Fire Accident & Health Ins.	5,461.00	5,461.00	5,461.00	5,461.00	5,461.00	5,461.00	5,461.00
01.41551.415.00	Personnel Admin. - Background Check	0.00	0.00	200.00	316.00	300.00	300.00	300.00
01.41551.615.00	Personnel Admin. - Special Awards/Flowers	500.00	523.21	500.00	275.00	500.00	500.00	500.00
01.41551.630.00	Personnel Admin. - Food/Meetings	500.00	0.00	250.00	0.00	250.00	250.00	250.00
	Personnel Admin	833,542.23	758,019.27	809,853.00	347,402.42	783,601.00	783,601.00	783,601.00
01.41911.112.00	P & Z - Administrator Wages	50,689.88	51,420.70	51,197.00	23,779.95	51,079.52	51,393.41	51,196.50
01.41911.130.00	P & Z - Overtime	3,535.00	393.13	1,000.00	1,033.10	1,500.00	1,500.00	1,500.00
01.41911.330.01	P & Z - Telephone - Landline	1,600.00	677.88	800.00	413.02	880.00	880.00	880.00
01.41911.330.03	P & Z - Telephone - Cell Phone Reimbursement	0.00	720.00	720.00	0.00	720.00	720.00	720.00
01.41911.331.00	P & Z - Software	0.00	0.00	1,185.00	1,257.00	1,185.00	1,185.00	1,185.00
01.41911.332.00	P & Z - Outside Consulting	1,050.00	175.00	1,050.00	0.00	1,050.00	1,050.00	1,050.00
01.41911.350.00	P & Z - Legal Expense	30,000.00	13,940.83	30,000.00	4,323.32	25,000.00	25,000.00	25,000.00
01.41911.430.00	P & Z - Vehicle M & R	850.00	1,415.51	2,000.00	815.26	850.00	850.00	850.00

TOWN OF LEE
 FY18 PROPOSED BUDGET
 JAN.17, 2017 PUBLIC HEARING

* Denotes change from 1/3/17 Public Hearing

Account	Description	FY 2016		FY 2017		FY2018		
		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	Selectmen
01.41911.444.00	P & Z - Equipment Lease	2,500.00	3,002.15	2,650.00	902.28	3,200.00	3,200.00	3,200.00
01.41911.501.00	P & Z - Strafford County Regional Planning	5,020.03	5,020.03	5,025.05	5,025.05	5,075.30	5,075.30	5,075.30
01.41911.502.00	P & Z - Recording Fees	50.00	3.00	50.00	0.00	50.00	50.00	50.00
01.41911.540.00	P & Z - Legal Notices & Advertising	5,400.00	6,027.61	4,500.00	8,288.06	6,300.00	6,300.00	6,300.00
01.41911.560.00	P & Z - Dues & Subscriptions	400.00	35.00	400.00	75.00	400.00	400.00	400.00
01.41911.561.00	P & Z - Training	1,000.00	130.00	1,000.00	522.50	1,000.00	1,000.00	1,000.00
01.41911.581.00	P & Z - Mileage	100.00	0.00	100.00	0.00	100.00	100.00	100.00
01.41911.605.00	P & Z - Postage	1,900.00	493.74	1,700.00	0.00	1,700.00	1,700.00	1,700.00
01.41911.611.00	P & Z - Office Supplies	1,100.00	1,065.98	1,100.00	1,124.81	1,100.00	1,100.00	1,100.00
01.41911.621.00	P & Z - Heat	0.00	66.25	0.00	0.00	0.00	0.00	0.00
01.41911.622.00	P & Z - Electricity	1,250.00	774.43	1,250.00	493.53	1,250.00	1,250.00	1,250.00
01.41911.626.00	P & Z - Gas/Oil Vehicle	950.00	290.52	950.00	116.66	950.00	950.00	950.00
01.41911.640.00	P & Z - Resource Materials	250.00	334.96	250.00	58.00	250.00	250.00	250.00
01.41911.750.00	P & Z - New Equipment	300.00	0.00	300.00	472.49	300.00	300.00	300.00
	P&Z	107,944.91	85,986.72	107,227.05	48,700.03	103,939.82	104,253.71	104,056.80
01.41941.112.00	Govt. Buildings - Maintenance Wages FT	38,784.97	39,145.44	39,173.00	18,321.96	30,000.00	30,000.00	30,000.00
01.41941.115.00	Govt. Buildings - Maintenance Wages PT	12,625.00	10,833.17	12,752.00	6,531.30	23,634.00	23,634.00	23,634.00
01.41941.130.00	Govt. Buildings - Overtime	808.00	279.80	800.00	0.00	0.00	0.00	0.00
01.41941.330.03	Govt. Buildings - Telephone - Cell Phone Reimbt	360.00	360.00	360.00	90.00	360.00	360.00	720.00 *
01.41941.424.00	Govt. Buildings - Landscape	500.00	442.29	500.00	81.79	500.00	500.00	500.00
01.41941.430.00	Govt. Buildings - M & R	15,000.00	18,905.71	17,000.00	7,164.30	20,000.00	20,000.00	20,000.00
01.41941.441.00	Govt. Buildings - Uniforms	300.00	249.49	300.00	122.33	400.00	400.00	400.00
01.41941.581.00	Govt. Buildings - Mileage	500.00	417.97	500.00	68.04	500.00	500.00	500.00
01.41941.610.01	Govt. Buildings - Supplies	6,370.00	3,471.90	6,000.00	2,192.93	4,000.00	4,000.00	4,000.00
01.41941.610.02	Govt. Buildings - Supplies - Energy Committee	200.00	0.00	200.00	0.00	700.00	9,900.00	9,900.00
01.41941.610.03	Govt. Buildings - Supplies - Sustainability Comm	0.00	0.00	0.00	0.00	0.00	1,000.00	1,000.00
01.41941.613.01	Govt. Buildings - Water - Safety Complex	0.00	220.71	100.00	10.14	100.00	100.00	100.00
01.41941.613.02	Govt. Buildings - Bottled Water - Town Hall	800.00	130.74	800.00	25.35	200.00	200.00	200.00
01.41941.622.01	Govt. Buildings - Electricity - Caution Lights	0.00	690.12	720.00	292.02	720.00	720.00	720.00
01.41941.622.03	Govt. Buildings - Electricity - Tennis Court	0.00	347.71	360.00	145.52	360.00	360.00	360.00
01.41941.622.04	Govt. Buildings - Electricity - Town Hall	6,000.00	2,450.33	4,000.00	1,179.08	3,500.00	3,500.00	3,500.00
01.41941.622.05	Govt. Buildings - Electricity - Triangle - Holiday	0.00	88.96	150.00	35.00	150.00	150.00	150.00
01.41941.622.06	Govt. Buildings - Electricity - Vault	0.00	258.14	300.00	115.84	300.00	300.00	300.00
01.41941.623.00	Govt. Buildings - Heat - Town Hall Complex	6,000.00	4,093.04	4,000.00	788.21	4,000.00	4,000.00	4,000.00
01.41941.760.00	Govt. Buildings - JLSC	500.00	0.00	500.00	0.00	500.00	500.00	500.00
	Govt Buildings	88,747.97	82,385.52	88,515.00	37,163.81	89,924.00	100,124.00	100,484.00
01.41951.112.00	Cemetery - Labor	800.00	0.00	0.00	0.00	0.00	0.00	0.00
01.41951.114.00	Cemetery - Superintendent Salary	600.00	600.00	600.00	300.00	600.00	600.00	600.00
01.41951.430.00	Cemetery - M & R	4,500.00	5,965.96	5,400.00	150.00	0.00	0.00	0.00
01.41951.605.00	Cemetery - Postage	0.00	0.93	0.00	0.00	0.00	0.00	0.00
01.41951.610.00	Cemetery - Flags	414.00	612.96	0.00	0.00	0.00	0.00	0.00
01.41951.611.00	Cemetery - Office Supplies	800.00	78.51	0.00	0.00	0.00	0.00	0.00
01.41951.626.00	Cemetery - Gas/Oil/Fuel	0.00	47.52	0.00	0.00	0.00	0.00	0.00
01.41951.740.00	Cemetery - Capital Improvements, Fences, etc.	1,000.00	5,285.88	0.00	0.00	5,400.00	5,400.00	5,400.00
01.41951.753.00	Cemetery - Memorial Replacement	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00
	Cemetery	13,114.00	12,591.76	6,000.00	450.00	6,000.00	6,000.00	6,000.00
01.41961.000.00	Insurance - Property Liability	43,274.00	43,205.00	45,500.00	45,474.00	42,495.00	42,495.00	42,495.00
01.41991.000.00	Other General Government	0.00	0.00	30,000.00	10,673.69	0.00	40,000.00	40,000.00

TOWN OF LEE
FY18 PROPOSED BUDGET
JAN.17, 2017 PUBLIC HEARING

* Denotes change from 1/3/17 Public Hearing

Account	Description	FY 2016		FY 2017		FY2018		Selectmen
		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	
01.41991.111.00	Other Gen. Govt. - Retro, Increase	0.00	0.00	(21,902.80)	0.00	0.00	0.00	0.00
	Other General Government	0.00	0.00	8,097.20	10,673.69	0.00	40,000.00	40,000.00
01.42101.111.00	Police - Chief Salary	80,280.12	79,223.01	80,280.12	37,734.30	80,280.12	80,800.00	80,800.00
01.42101.112.01	Police - Sergeant Wages	56,939.76	9,268.93	99,964.80	0.00	56,376.00	0.00	0.00
01.42101.112.02	Police - Senior Patrol Wages	99,117.36	73,408.30	99,117.36	34,086.88	147,549.60	97,788.77	145,816.52 *
01.42101.112.03	Police - Patrol Wages	189,852.02	209,998.60	150,326.98	75,793.35	96,613.85	139,312.62	90,376.42 *
01.42101.112.04	Police - Secretary Wages	42,493.93	43,161.19	42,493.93	20,239.41	46,800.00	46,915.97	45,839.66
01.42101.112.05	Police - Officer Holiday Pay	14,569.40	11,782.80	14,569.40	7,045.28	14,569.40	14,569.40	14,210.88
01.42101.112.06	Police - Corporal	0.00	14,073.62	0.00	0.00	50,211.20	50,908.36	50,710.40
01.42101.112.07	Police - Prosecutor	0.00	10,863.00	0.00	24,027.51	0.00	0.00	0.00
01.42101.115.01	Police - PT Patrol Officer	0.00	1,056.00	0.00	15,072.80	34,944.00	33,612.80	33,612.80
01.42101.130.01	Police - Officer Overtime	17,246.10	18,961.61	17,246.10	8,009.39	20,000.00	20,000.00	20,000.00
01.42101.130.02	Police - Secretary Overtime	0.00	695.94	0.00	156.25	0.00	0.00	0.00
01.42101.320.00	Police - CALEA	4,000.00	0.00	0.00	0.00	0.00	0.00	0.00
01.42101.330.01	Police - Telephone - Landlines	4,250.00	2,012.04	5,625.60	847.62	5,625.60	5,625.60	5,625.60
01.42101.330.02	Police - Telephone - Cell Phones	0.00	3,018.12	0.00	1,120.71	0.00	0.00	0.00
01.42101.330.03	Police - Telephone - Cell Phone Reimbursemen	0.00	360.00	0.00	310.08	0.00	0.00	0.00
01.42101.335.00	Police - Evidence	300.00	522.79	300.00	406.41	300.00	300.00	300.00
01.42101.350.00	Police - Attorney	7,133.33	0.00	0.00	0.00	0.00	0.00	0.00
01.42101.431.00	Police - Vehicle Repair	13,500.00	12,616.40	13,500.00	12,317.59	13,500.00	13,500.00	13,500.00
01.42101.432.00	Police - Radio Repair	1,100.00	774.00	1,950.00	166.00	1,950.00	1,950.00	1,950.00
01.42101.441.00	Police - Uniforms	3,600.00	10,977.47	5,000.00	3,952.60	5,000.00	5,000.00	5,000.00
01.42101.444.00	Police - Lease Agreements/Contracts	12,800.00	11,165.25	13,500.00	2,420.97	16,412.64	16,412.64	16,412.64
01.42101.555.00	Police - Printing	1,500.00	57.66	1,000.00	227.40	1,000.00	1,000.00	1,000.00
01.42101.560.00	Police - Dues	500.00	100.00	500.00	0.00	500.00	500.00	500.00
01.42101.561.00	Police - Training	4,500.00	3,672.03	5,500.00	3,016.29	7,500.00	7,500.00	7,500.00
01.42101.611.00	Police - Supplies	2,500.00	4,008.12	3,500.00	657.90	3,500.00	3,500.00	3,500.00
01.42101.621.00	Police - Heat	8,000.00	3,664.78	8,000.00	611.67	8,000.00	8,000.00	8,000.00
01.42101.622.00	Police - Electricity	10,250.00	8,988.83	10,250.00	3,890.94	10,250.00	10,250.00	10,250.00
01.42101.626.00	Police - Gas/Oil/ Vehicles	27,000.00	16,454.18	27,000.00	11,395.88	27,000.00	27,000.00	27,000.00
01.42101.750.00	Police - New Equipment	7,000.00	25,428.43	43,200.00	40,097.28	43,200.00	43,200.00	43,200.00
	Police	608,432.02	576,313.10	642,824.29	303,604.51	691,082.41	627,646.16	625,104.92
01.42111.531.01	UNH Dispatch	10,000.00	8,445.00	8,445.00	8,445.00	8,445.00	8,445.00	8,445.00
01.42111.531.02	Strafford County Dispatch	6,712.00	6,711.70	6,712.00	0.00	10,407.00	10,407.00	10,407.00
	Dispatch	16,712.00	15,156.70	15,157.00	8,445.00	18,852.00	18,852.00	18,852.00
01.42151.500.00	Ambulance	20,179.00	20,179.00	18,516.00	18,516.00	19,776.00	19,776.00	19,776.00
01.42201.111.00	Fire - Chief Salary	57,570.00	58,068.27	65,691.00	28,106.13	70,012.80	70,000.00	70,000.00
01.42201.112.05	Fire -FT Lieutenant Wages	38,570.69	39,142.57	39,736.00	18,977.67	44,740.00	36,905.40	44,740.00
01.42201.112.07	Fire - FT FF Holiday Wages	3,030.00	0.00	3,030.00	0.00	3,030.00	3,030.00	3,030.00
01.42201.114.00	Fire - PT Deputy Salary	7,682.00	7,681.52	7,759.00	3,855.64	7,681.52	7,758.82	7,758.82
01.42201.115.05	Fire - PT FF Wages	30,498.00	29,205.99	31,419.00	13,196.95	101,644.96	101,644.96	101,644.96
01.42201.115.06	Fire - PT LT Wages	21,495.56	14,647.51	21,840.00	4,051.25	0.00	0.00	0.00
01.42201.116.05	Fire - On Call Lieutenant Wages	0.00	3,691.12	0.00	151.36	0.00	42,344.25	0.00
01.42201.116.06	Fire - On Call Firefighter Wages	47,470.00	29,873.42	47,470.00	20,757.53	47,470.00	0.00	47,470.00
01.42201.119.00	Fire - Night Shift Incentive	23,000.00	20,093.11	23,000.00	9,525.00	23,000.00	23,000.00	23,000.00
01.42201.130.00	Fire - Overtime	5,050.00	3,910.19	4,000.00	640.10	5,000.00	5,000.00	5,000.00
01.42201.230.00	Retirement	0.00	29,524.45	0.00	0.00	0.00	0.00	0.00

TOWN OF LEE
FY18 PROPOSED BUDGET
JAN.17, 2017 PUBLIC HEARING

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Account	Description	FY 2016		FY 2017		FY2018		
		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	Selectmen
01.42201.330.01	Fire - Telephone - Landlines	3,200.00	1,624.03	1,700.00	674.88	1,700.00	1,700.00	1,700.00
01.42201.431.01	Fire - Equipment M & R	8,500.00	9,269.14	8,500.00	717.32	9,500.00	9,500.00	9,500.00
01.42201.431.02	Fire - Vehicle Equipment M & R	8,000.00	10,299.06	8,000.00	9,003.38	10,000.00	10,000.00	10,000.00
01.42201.432.00	Fire - Radio Repair	3,000.00	2,931.15	3,000.00	101.94	3,000.00	3,000.00	3,000.00
01.42201.441.00	Fire - Uniforms	1,800.00	2,221.22	2,000.00	2,095.73	2,500.00	2,500.00	2,500.00
01.42201.444.00	Fire - Lease Agreements/Contracts	8,500.00	10,129.59	9,000.00	5,716.70	11,500.00	11,500.00	11,500.00
01.42201.555.01	Fire - Printing	100.00	105.50	50.00	0.00	50.00	50.00	50.00
01.42201.555.02	Fire - Fire Prevention Safety	500.00	0.00	500.00	290.00	500.00	500.00	500.00
01.42201.560.00	Fire - Dues/Subscriptions	6,000.00	5,735.50	6,000.00	1,924.00	6,000.00	6,000.00	6,000.00
01.42201.561.00	Fire - Training	10,000.00	12,111.93	10,000.00	3,217.99	10,000.00	10,000.00	10,000.00
01.42201.582.00	Fire - Conference/Travel	1,000.00	231.35	1,000.00	60.00	1,000.00	1,000.00	1,000.00
01.42201.605.00	Fire - Postage	50.00	18.35	50.00	0.00	50.00	50.00	50.00
01.42201.611.01	Fire - Office Supplies	2,000.00	1,110.25	2,000.00	793.46	1,500.00	1,500.00	1,500.00
01.42201.611.02	Fire - Supplies	1,000.00	1,978.19	1,000.00	559.26	1,000.00	1,000.00	1,000.00
01.42201.611.03	Fire - Medical Supplies	2,000.00	1,082.58	2,000.00	2,232.16	3,000.00	3,000.00	3,000.00
01.42201.613.00	Fire - Bottled Water	450.00	474.34	450.00	257.02	500.00	500.00	500.00
01.42201.621.00	Fire - Heat	8,000.00	3,664.77	8,000.00	611.66	8,000.00	8,000.00	8,000.00
01.42201.622.00	Fire - Electricity	10,250.00	8,988.80	10,250.00	3,890.83	10,250.00	10,250.00	10,250.00
01.42201.626.00	Fire - Gas/Oil/Fuel	2,500.00	1,195.08	2,500.00	535.64	1,500.00	1,500.00	1,500.00
01.42201.627.00	Fire - Diesel Fuel	8,000.00	6,884.23	8,000.00	2,558.04	7,500.00	7,500.00	7,500.00
01.42201.631.00	Fire - Special Events	500.00	216.00	500.00	515.48	500.00	500.00	500.00
01.42201.632.00	Fire - Personal Protective Equipment	20,000.00	22,425.29	20,000.00	6,133.66	20,000.00	20,000.00	20,000.00
01.42201.750.00	Fire - New Equipment	15,000.00	40,875.42	15,000.00	12,843.49	20,000.00	20,000.00	20,000.00
	Fire	354,716.25	379,409.92	363,445.00	153,994.27	432,129.28	419,233.43	432,193.78
01.42401.112.00	Code Enforce. - FT Building Inspector	0.00	0.00	0.00	0.00	49,920.00	25,306.56	0.00
01.42401.115.00	Code Enforce. - Building Inspector Wages	28,280.00	24,503.94	28,563.00	12,145.60	0.00	0.00	25,209.60
01.42401.130.00	Code Enforce. - Overtime	0.00	0.00	0.00	0.00	1,000.00	1,000.00	1,000.00
	Code Enforcement	28,280.00	24,503.94	28,563.00	12,145.60	50,920.00	26,306.56	26,209.60
01.42901.113.00	EOC - Assist. Emergency Management Director	500.00	1,500.00	1,000.00	0.00	1,000.00	1,000.00	1,000.00
01.42901.116.00	EOC - Assist. Emergency Management Wages	500.00	100.00	600.00	0.00	600.00	600.00	600.00
01.42901.220.00	EOC - SS	0.00	6.20	0.00	0.00	0.00	0.00	0.00
01.42901.225.00	EOC - MC	0.00	23.02	0.00	0.00	0.00	0.00	0.00
01.42901.611.00	EOC - Supplies	6,000.00	5,504.32	6,000.00	0.00	6,000.00	6,000.00	6,000.00
	EOC	7,000.00	7,133.54	7,600.00	0.00	7,600.00	7,600.00	7,600.00
01.43111.111.00	Highway - Road Agent Salary	63,136.84	63,136.84	63,769.00	29,780.25	63,136.84	63,768.00	63,768.00
01.43111.112.01	Highway - Road Agent Asst. Wages	43,583.64	44,498.08	44,020.00	21,288.91	43,932.16	44,202.12	44,032.77
01.43111.112.02	Highway - FT Wages	41,065.83	41,958.89	41,477.00	20,094.59	41,396.00	41,650.38	41,490.80
01.43111.112.03	Highway - Holiday Wages	4,040.00	0.00	4,040.00	0.00	1,280.00	1,280.00	1,280.00
01.43111.116.00	Highway - PT On Call Wages	6,565.00	4,227.29	7,000.00	2,193.99	9,000.00	9,000.00	9,000.00
01.43111.130.00	Highway - Overtime	9,090.00	3,661.73	9,090.00	1,212.02	9,090.00	9,090.00	9,090.00
01.43111.306.00	Highway - Miscellaneous/Engineering	6,000.00	598.96	5,500.00	637.43	5,500.00	5,500.00	5,500.00
01.43111.330.01	Highway - Telephone - Landlines	1,520.00	467.35	780.00	195.87	780.00	780.00	780.00
01.43111.330.02	Highway - Telephone - Cell Phone Reimburse	0.00	1,130.32	1,080.00	129.14	1,080.00	1,080.00	1,080.00
01.43111.414.00	Highway - Medical Drug Testing	750.00	576.00	750.00	95.00	750.00	750.00	750.00
01.43111.424.00	Highway - Parks & Grounds Maintenance	11,250.00	10,777.71	11,250.00	179.20	12,000.00	12,000.00	12,000.00
01.43111.430.00	Highway - Subcontracted Repairs	6,000.00	905.00	5,500.00	460.00	5,500.00	5,500.00	5,500.00
01.43111.431.01	Highway - Parts/In House Repairs	14,500.00	11,593.34	14,500.00	2,375.68	14,500.00	14,500.00	14,500.00
01.43111.431.02	Highway - Wear Edges (Plows & Equipment)	3,500.00	3,192.52	3,500.00	0.00	3,500.00	3,500.00	3,500.00
01.43111.431.03	Highway - Building M & R	2,500.00	1,880.08	2,500.00	0.00	3,000.00	3,000.00	3,000.00
01.43111.441.00	Highway - Uniforms	1,700.00	1,434.70	1,500.00	858.24	2,300.00	2,300.00	2,300.00

TOWN OF LEE
FY18 PROPOSED BUDGET
JAN.17, 2017 PUBLIC HEARING

* Denotes change from 1/3/17 Public Hearing

Account	Description	FY 2016		FY 2017		FY2018		
		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	Selectmen
01.43111.442.00	Highway - Rented and Hired Equipment	16,000.00	6,779.83	16,000.00	9,088.12	16,000.00	16,000.00	16,000.00
01.43111.450.00	Highway - Signs & Warning Devices	2,500.00	3,100.76	2,500.00	540.62	2,000.00	2,000.00	2,000.00
01.43111.451.00	Highway - Tires	2,500.00	1,355.96	2,500.00	0.00	2,500.00	2,500.00	2,500.00
01.43111.611.01	Highway - Office Supplies	250.00	170.14	250.00	60.99	250.00	250.00	250.00
01.43111.611.02	Highway - Supplies - Other	3,500.00	3,197.94	3,500.00	1,040.81	3,500.00	3,500.00	3,500.00
01.43111.621.00	Highway - Heat	6,500.00	2,013.89	5,967.00	0.00	5,000.00	5,000.00	5,000.00
01.43111.622.01	Highway - Electricity - Annex 0436214010	1,750.00	806.41	900.00	287.01	950.00	950.00	950.00
01.43111.622.02	Highway - Electricity - Salt Shed 0436214510	0.00	911.27	850.00	297.06	950.00	950.00	950.00
01.43111.626.00	Highway - Gas	5,935.00	3,238.15	5,940.00	953.04	5,940.00	5,940.00	5,940.00
01.43111.627.00	Highway - Diesel	17,625.00	4,681.76	15,000.00	2,843.22	13,750.00	13,750.00	13,750.00
01.43111.650.00	Highway - Paving & Asphalt Products	170,000.00	163,427.65	175,000.00	124,621.23	175,000.00	175,000.00	175,000.00
01.43111.651.00	Highway - Stone/Sand/Gravel	9,500.00	9,432.36	8,000.00	2,002.12	9,000.00	9,000.00	9,000.00
01.43111.652.00	Highway - Culverts/Guard Rails +	6,000.00	1,797.20	5,000.00	0.00	5,000.00	5,000.00	5,000.00
01.43111.653.00	Highway - Salt/Sand/Magnesium	26,500.00	13,208.01	28,000.00	0.00	28,000.00	28,000.00	28,000.00
01.43111.750.00	Highway - New Equipment/Tools	1,500.00	581.36	1,000.00	65.00	1,000.00	1,000.00	1,000.00
	Highway	485,261.31	404,741.50	486,663.00	221,299.54	485,585.00	486,740.50	486,411.57
01.43211.111.00	Transfer Station - Manager	48,388.49	48,388.49	48,872.00	22,823.63	48,871.88	48,872.00	48,872.00
01.43211.112.00	Transfer Station - FT Wages	33,770.99	35,337.68	37,815.00	17,584.65	37,814.40	37,959.84	37,814.40
01.43211.115.00	Transfer Station - PT Wages	36,526.17	35,790.18	37,875.00	18,557.25	40,000.00	40,000.00	40,000.00
01.43211.115.01	Transfer Station - PT Clerical Wages	100.00	0.00	100.00	0.00	100.00	100.00	100.00
01.43211.130.00	Transfer Station - Overtime	1,616.00	0.00	1,400.00	0.00	1,400.00	1,400.00	1,400.00
01.43211.306.00	Transfer Station - Engineering	100.00	0.00	100.00	0.00	100.00	100.00	100.00
01.43211.312.00	Transfer Station - Compliance	200.00	122.94	200.00	0.00	200.00	200.00	200.00
01.43211.330.01	Transfer Station - Telephone - Landlines	735.00	640.34	400.00	271.48	450.00	450.00	450.00
01.43211.330.03	Transfer Station - Telephone - Cell Phone Reim	0.00	360.00	400.00	150.00	360.00	360.00	360.00
01.43211.332.00	Transfer Station - Internet Provider	0.00	0.00	0.00	0.00	1,300.00	1,300.00	1,300.00
01.43211.421.01	Transfer Station - Recycling Expense	2,000.00	901.88	2,000.00	536.54	2,000.00	2,000.00	2,000.00
01.43211.421.02	Transfer Station - CFC Removal	200.00	0.00	200.00	0.00	200.00	200.00	200.00
01.43211.425.00	Transfer Station - Grounds Maintenance	2,500.00	2,767.25	2,000.00	393.77	2,000.00	2,000.00	2,000.00
01.43211.431.00	Transfer Station - Equipment M & R	7,000.00	5,534.82	7,000.00	6,676.42	7,000.00	7,000.00	7,000.00
01.43211.441.00	Transfer Station - Uniforms	1,500.00	2,087.93	1,500.00	716.32	2,200.00	2,200.00	2,200.00
01.43211.441.02	Transfer Station - Volunteer T Shirts	200.00	0.00	200.00	0.00	100.00	100.00	100.00
01.43211.445.00	Transfer Station - Porta Potty	700.00	575.99	700.00	356.00	725.00	725.00	725.00
01.43211.555.00	Transfer Station - Printing	1,450.00	1,008.00	450.00	0.00	1,450.00	1,450.00	1,450.00
01.43211.560.00	Transfer Station - Dues & Subscriptions	400.00	427.10	400.00	74.00	450.00	450.00	450.00
01.43211.561.00	Transfer Station - Training	1,600.00	1,077.00	1,000.00	400.00	900.00	900.00	900.00
01.43211.581.00	Transfer Station - Mileage	0.00	764.68	300.00	370.44	700.00	700.00	700.00
01.43211.582.00	Transfer Station - Conference & Travel	400.00	0.00	400.00	25.00	400.00	400.00	400.00
01.43211.605.00	Transfer Station - Postage	50.00	19.75	50.00	0.00	25.00	25.00	25.00
01.43211.611.00	Transfer Station - Office Supplies	1,800.00	466.69	1,500.00	216.76	1,000.00	1,000.00	1,000.00
01.43211.611.02	Transfer Station - Other	500.00	85.10	500.00	0.00	500.00	500.00	500.00
01.43211.612.00	Transfer Station - Kitchen Expense	0.00	334.15	100.00	271.50	500.00	500.00	500.00
01.43211.614.00	Transfer Station - Compost Bins & Pails	1,000.00	235.10	500.00	0.00	300.00	300.00	300.00
01.43211.615.00	Transfer Station - Volunteer Thanks	0.00	200.00	200.00	150.00	200.00	200.00	200.00
01.43211.621.00	Transfer Station - Heat	1,900.00	540.80	800.00	642.57	800.00	800.00	800.00
01.43211.622.01	Transfer Station - Electricity - TS Building 04362	9,000.00	5,864.73	9,000.00	1,364.61	6,000.00	6,000.00	6,000.00
01.43211.622.02	Transfer Station - Electricity - TS Building 16001	0.00	1,522.45	800.00	170.03	1,600.00	1,600.00	1,600.00
01.43211.622.03	Transfer Station - Electricity - Recycl. Center 60	0.00	2,224.77	700.00	649.98	2,400.00	2,400.00	2,400.00
01.43211.626.00	Transfer Station - Fuel	4,000.00	2,281.41	2,500.00	791.67	2,500.00	2,500.00	2,500.00
01.43211.750.01	Transfer Station - New Equipment	4,000.00	10,402.71	4,500.00	2,003.82	4,500.00	4,500.00	4,500.00
01.43211.750.02	Transfer Station - Safety Equipment	2,000.00	4,405.88	2,000.00	464.79	2,000.00	2,000.00	2,000.00
	Transfer Station	163,636.65	164,367.82	166,462.00	75,661.23	171,046.28	171,191.84	171,046.40

TOWN OF LEE
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* Denotes change from 1/3/17 Public Hearing

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		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	Selectmen
01.43241.421.01	Solid Waste Disposal - MSW & Bulky Waste	92,000.00	89,930.77	70,000.00	40,123.52	72,000.00	72,000.00	72,000.00
01.43241.421.02	Solid Waste Disposal - Tires	1,800.00	233.75	1,200.00	0.00	800.00	800.00	800.00
01.43241.421.03	Solid Waste Disposal - Hazardous Waste	3,500.00	2,487.74	2,250.00	1,989.24	2,500.00	2,500.00	2,500.00
01.43241.421.04	Solid Waste Disposal - Electronics	6,000.00	7,417.95	5,000.00	2,108.90	8,000.00	8,000.00	8,000.00
01.43241.421.05	Solid Waste Disposal - Waste Oil	3,000.00	150.00	1,000.00	0.00	500.00	500.00	500.00
01.43241.421.06	Solid Waste Disposal - Solid Waste Other	500.00	0.00	500.00	0.00	500.00	500.00	500.00
01.43241.421.07	Solid Waste Disposal - Construction & Demolition	9,000.00	9,606.89	9,000.00	3,179.38	10,000.00	10,000.00	10,000.00
01.43241.421.08	Solid Waste Disposal - Glass	3,000.00	0.00	3,000.00	615.90	3,000.00	3,000.00	3,000.00
01.43241.421.09	Solid Waste Disposal - Fluorocarbons CFC	500.00	0.00	300.00	0.00	200.00	200.00	200.00
01.43241.421.10	Solid Waste Disposal - Antifreeze	200.00	235.00	200.00	115.00	250.00	250.00	250.00
01.43241.421.11	Solid Waste Disposal - Brush Grinding	6,000.00	3,975.00	6,000.00	2,700.00	4,500.00	4,500.00	4,500.00
01.43241.421.12	Solid Waste Disposal - Lamprey Closure Costs	1,100.00	927.29	927.29	0.00	928.00	927.29	927.29
01.43241.421.13	Solid Waste Disposal - Propane	0.00	372.00	0.00	176.00	400.00	400.00	400.00
01.43241.425.00	Solid Waste Disposal - Hauling Costs	22,000.00	24,689.00	20,000.00	11,967.99	26,000.00	26,000.00	26,000.00
	Solid Waste Disposal	148,600.00	140,025.39	119,377.29	62,975.93	129,578.00	129,577.29	129,577.29
01.43311.411.00	So. East Watershed Alliance	0.00	0.00	0.00	0.00	200.00	200.00	200.00
01.44141.000.00	Animal Control	1,650.00	65.00	1,650.00	9.40	1,650.00	1,650.00	1,650.00
01.44151.000.01	Health - A Safe Place	2,000.00	2,000.00	0.00	0.00	0.00	0.00	0.00
01.44151.000.02	Health - AIDS Seacoast Response	700.00	700.00	700.00	700.00	700.00	700.00	700.00
01.44151.000.03	Health - American Red Cross	500.00	500.00	500.00	500.00	500.00	500.00	500.00
01.44151.000.04	Health - CASA	500.00	500.00	500.00	500.00	500.00	500.00	500.00
01.44151.000.05	Health - Child and Family Care Services	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
01.44151.000.06	Health - Community Action Partnership	1,500.00	1,500.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
01.44151.000.07	Health - Goodwin Community Health	5,020.00	5,020.00	5,563.00	5,563.00	2,993.00	2,993.00	2,993.00
01.44151.000.08	Health - Homemakers Health Services	124.80	124.80	885.60	885.60	707.59	707.59	707.59
01.44151.000.09	Health - Lamprey Health Care	3,296.00	3,296.00	3,200.00	3,200.00	3,200.00	3,200.00	3,200.00
01.44151.000.10	Health - Ready Rides	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
01.44151.000.11	Health - Sexual Assault Support Services	1,775.00	1,775.00	3,775.00	3,775.00	3,775.00	3,775.00	3,775.00
01.44151.000.13	Health - My Friend's Place	500.00	0.00	0.00	0.00	0.00	0.00	0.00
01.44151.000.14	Health - Homeless Shelter Strafford County	0.00	500.00	500.00	500.00	1,000.00	1,000.00	1,000.00
01.44151.000.15	Health - Big Brothers Big Sisters	0.00	0.00	0.00	0.00	1,200.00	0.00	0.00
	Health	18,415.80	18,415.80	20,123.60	20,123.60	19,075.59	17,875.59	17,875.59
01.44411.115.00	General Assistance - Welfare Officer Wages	5,000.00	4,570.38	10,000.00	2,220.00	5,000.00	5,000.00	5,000.00
01.44411.330.02	General Assistance - Telephone - Cell	600.00	594.39	600.00	227.52	600.00	600.00	600.00
01.44411.560.00	General Assistance - Dues & Subscriptions	0.00	79.13	100.00	30.00	100.00	100.00	100.00
	General Assistance	5,600.00	5,243.90	10,700.00	2,477.52	5,700.00	5,700.00	5,700.00
01.44421.801.01	General Assistance - Rent Assistance	14,200.00	5,123.00	12,000.00	10,640.00	20,000.00	20,000.00	20,000.00
01.44421.801.02	General Assistance - Electricity Assistance	1,200.00	970.38	1,200.00	1,048.19	2,000.00	2,000.00	2,000.00
01.44421.801.03	General Assistance - Heating Fuel Assistance	1,000.00	0.00	1,000.00	0.00	1,000.00	1,000.00	1,000.00
01.44421.801.04	General Assistance - Medical Supplies Assistan	500.00	0.00	250.00	0.00	250.00	250.00	250.00
01.44421.801.05	General Assistance - Food Assistance	600.00	0.00	500.00	0.00	500.00	500.00	500.00
01.44421.801.06	General Assistance - Funeral Assistance	0.00	750.00	0.00	1,500.00	750.00	750.00	750.00
	General Assistance	17,500.00	6,843.38	14,950.00	13,188.19	24,500.00	24,500.00	24,500.00
01.45201.000.01	Parks & Recreation - Oyster River Youth Associ	26,700.00	26,700.00	27,000.00	27,000.00	27,875.00	27,875.00	27,875.00
01.45201.000.02	Parks & Recreation - Recreation Events	3,500.00	1,431.29	6,800.00	0.00	6,900.00	6,900.00	6,900.00

TOWN OF LEE
FY18 PROPOSED BUDGET
JAN.17, 2017 PUBLIC HEARING

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01.45201.000.03	Parks & Recreation - Town Fair	0.00	0.00	2,500.00	2,500.00	0.00	0.00	0.00
01.45201.115.00	Parks & Rec. - PT Program Coordinator	0.00	0.00	0.00	0.00	15,000.00	0.00	0.00
01.45201.611.00	Parks & Recreation - Supplies	0.00	1,481.60	780.00	607.99	780.00	780.00	780.00
01.45201.611.01	Parks & Rec. - BB Grills for Pavillion	0.00	0.00	900.00	419.97	0.00	0.00	0.00
01.45201.622.00	Parks & Recreation - Electricity - D94316222 - L	600.00	899.15	850.00	693.48	1,000.00	1,000.00	1,000.00
	Parks & Recreation	30,800.00	30,512.04	38,830.00	31,221.44	51,555.00	36,555.00	36,555.00
01.45501.111.00	Library - Director Salary	55,608.18	54,538.79	56,109.00	26,226.95	58,388.59	56,164.00	56,108.00
01.45501.112.02	Library - Library Assistant FT	33,859.64	33,844.20	34,235.00	15,962.77	35,552.62	34,208.90	34,234.20
01.45501.115.02	Library - Youth Services Librarian PT	21,546.33	20,650.32	21,742.00	10,808.76	22,623.65	21,743.28	21,723.00
01.45501.115.03	Library - Assistant I	12,742.89	12,903.23	14,012.00	0.00	0.00	0.00	0.00
01.45501.115.04	Library - Assistant II	9,258.06	9,049.52	9,453.00	1,036.45	0.00	0.00	0.00
01.45501.115.05	Library - Substitute	1,500.00	931.73	1,500.00	173.98	1,500.00	1,500.00	1,500.00
01.45501.115.06	Library Technician I	0.00	0.00	0.00	3,027.83	14,523.60	9,167.89	8,650.20
01.45501.115.07	Library Technician II	0.00	0.00	0.00	6,312.46	9,720.76	13,970.32	13,970.32
01.45501.211.00	Library - Health	26,991.68	0.00	4,400.00	0.00	0.00	0.00	0.00
01.45501.216.00	Library - Dental Expense	0.00	193.44	838.26	0.00	0.00	0.00	0.00
01.45501.220.00	Library - SS	8,507.56	8,166.28	8,445.00	0.00	0.00	0.00	0.00
01.45501.225.00	Library - MC	1,982.85	1,909.85	1,975.00	0.00	0.00	0.00	0.00
01.45501.230.00	Library - Retirement	9,917.91	9,905.03	10,031.00	0.00	0.00	0.00	0.00
01.45501.260.00	Library - Workers Comp	500.00	0.00	500.00	0.00	0.00	0.00	0.00
01.45501.520.00	Library - Property Liability	1,787.00	0.00	1,800.00	0.00	0.00	0.00	0.00
01.45501.613.00	Library - Bottled Water	200.00	140.96	0.00	50.00	0.00	0.00	0.00
01.45501.621.00	Library - Heat	2,670.00	0.00	2,670.00	0.00	2,670.00	2,670.00	2,670.00
01.45501.622.00	Library - Electricity	4,200.00	0.00	0.00	0.00	0.00	0.00	0.00
01.45501.900.02	Library - Misc. to be Offset by Revenue	6,065.00	0.00	6,065.00	0.00	6,065.00	6,065.00	6,065.00
01.45501.999.00	Library - Trustees	40,355.00	50,642.50	41,350.00	20,625.00	42,400.00	42,400.00	42,400.00
	Library	237,692.10	202,875.85	215,125.26	84,224.20	193,444.22	187,889.39	187,320.72
01.45831.000.00	Patriotic Purposes	550.00	0.00	500.00	0.00	500.00	500.00	500.00
01.45891.000.02	Culture & Rec. - Heritage Commission	15,000.00	0.00	0.00	0.00	0.00	0.00	0.00
01.45891.000.03	Culture & Re. - Heritage - 250th	0.00	0.00	10,000.00	0.00	0.00	0.00	0.00
01.45891.001.01	Culture & Rec. - Agricultural Commission	1,500.00	0.00	1,000.00	0.00	0.00	0.00	0.00
01.46191.000.00	Conservation	4,050.00	0.00	5,300.00	0.00	0.00	5,300.00	5,300.00
	Commissions	20,550.00	0.00	16,300.00	0.00	0.00	5,300.00	5,300.00
01.47111.000.01	Bond Principal - Safety Complex	60,000.00	60,000.00	60,000.00	0.00	60,000.00	60,000.00	60,000.00
01.47111.000.02	Bond Principal - Transfer Station	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00
01.47211.000.01	Bond Interest - Safety Complex	18,555.00	18,555.00	16,260.00	0.00	13,890.00	13,890.00	13,890.00
01.47211.000.02	Bond Interest - Transfer Station	10,088.00	10,088.00	9,588.00	9,588.00	8,088.00	8,088.00	8,088.00
	Debt Service	118,643.00	118,643.00	115,848.00	39,588.00	111,978.00	111,978.00	111,978.00
		3,815,470.00	3,512,062.91	3,807,523.18	1,750,924.95	3,888,875.60	3,821,690.51	3,831,835.75
01.49011.000.02	Cap. Land Acqu. - Powder Major Purchase	0.00	0.00	155,000.00	0.00	0.00	0.00	0.00
01.49021.000.01	Cap. Exp. Vehicles & Machines	0.00	0.00	31,000.00	30,210.48	19,459.00	0.00	19,459.00
01.49161.000.01	Transfer to Accrued Benefits Trust	25,000.00	25,000.00	25,000.00	25,000.00	0.00	15,000.00	15,000.00

TOWN OF LEE
 FY18 PROPOSED BUDGET
 JAN.17, 2017 PUBLIC HEARING

* Denotes change from 1/3/17 Public Hearing

Account	Description	FY 2016		FY 2017		FY2018		Selectmen
		Final Budget	Pre-Audit Actuals	Adjusted Budget	YTD Actuals	Dept Head Request	IC Recommendation	
01.49161.000.03	Transfer to Fire Ponds & Cisterns Trust	20,000.00	20,000.00	20,000.00	20,000.00	25,000.00	25,000.00	25,000.00
01.49161.000.04	Transfer to Fire Truck Trust	70,000.00	70,000.00	120,000.00	120,000.00	150,000.00	150,000.00	150,000.00
01.49161.000.05	Transfer to Highway Equipment Trust	20,000.00	20,000.00	55,000.00	55,000.00	55,000.00	55,000.00	55,000.00
01.49161.000.10	Transfer to Recreation Facilities Trust	0.00	0.00	5,000.00	5,000.00	10,000.00	0.00	0.00
01.49161.000.11	Transfer to Revaluation Trust	10,000.00	10,000.00	10,000.00	11,100.00	0.00	0.00	0.00
01.49161.000.12	Transfer to Town Roads & Bridges Trust	40,000.00	40,000.00	80,000.00	84,740.00	60,000.00	60,000.00	60,000.00
01.49161.000.13	Transfer to Town/New Building Trust	0.00	0.00	35,000.00	35,000.00	35,000.00	35,000.00	35,000.00
01.49161.000.14	Transfer to Transfer Station Equipment Trust	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
	Capital Reserve Funds	195,000.00	195,000.00	360,000.00	365,840.00	345,000.00	350,000.00	350,000.00
01.50001.000.00	Paid from Contingency Fund	20,000.00	18,665.75	0.00	5,946.35	0.00	20,000.00	20,000.00
01.50002.000.00	Paid from Designated Fund Balance	0.00	12,460.66	0.00	0.00	0.00	0.00	0.00
01.51000.000.03	Fire Ponds & Cisterns CRF Expense	0.00	0.00	0.00	0.00	62,340.00	62,340.00	62,340.00
01.51000.000.04	Highway Equipment CRF Expense	0.00	0.00	0.00	0.00	170,000.00	170,000.00	170,000.00
01.51000.000.05	Highway Roads & Bridges CRF Expense	0.00	0.00	0.00	0.00	155,850.00	155,850.00	155,850.00
01.51000.000.10	Recreation Facilities CRF Expense	0.00	0.00	0.00	0.00	7,000.00	7,273.00	7,000.00
01.51000.000.11	Revaluation Fund CRF Expense	0.00	0.00	0.00	28,400.00	0.00	0.00	0.00
01.51000.000.12	Town Buildings CRF Expense	0.00	0.00	0.00	18,413.40	0.00	0.00	0.00
01.51000.000.14	Lee Library CRF Expense	0.00	0.00	0.00	0.00	5,000.00	5,715.00	5,000.00
01.51000.000.15	Lee Fair Trust Fund Expense WA	0.00	0.00	0.00	0.00	0.00	8,000.00	8,000.00
	CRF Expense	0.00	0.00	0.00	46,813.40	400,190.00	409,178.00	408,190.00

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:

Division: Any of the standard divisions that race at a racetrack on a regular basis during a Race Season, which may include Supermodified, Late Model Sportsman, Hobby Stock, Ironman and Pure Stock, or such other divisions as may be added for a particular Race Season.

Event: A series of racing contests and/or related vehicle activities that are held on the same calendar day which may include, but not be limited to: Practice Runs; Heats; Feature Races; and Special Activities; except that Test & Tune and activities that are allowed under Section 17 of this Ordinance shall not be counted towards determining the maximum allowable number of Events under Section 4 of this Ordinance.

Feature Race: A racing contest involving Vehicles in a Division to establish final Divisional results for an Event.

Heat: A preliminary racing contest involving Vehicles in a Division to establish starting order for a subsequent contest to be held during the same Event.

Meter: Shall have the meaning provided in Schedule A, Sound Monitoring Procedures.

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.

Practice Run: Any use of a racetrack by a Vehicle for performance testing, driver practice and training, or similar activity during an Event that includes Races.

Race: A racing contest involving multiple Vehicles in a Division, which may be either a Heat or a Feature Race.

Race Season: Shall have the meaning provided in Section 2 below.

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

Sound Measurement: A discrete sound reading captured by the Meter when operated in accordance with the Sound Monitoring Procedures provided in Schedule A.

Special Activity: A racing contest, demonstration or other Vehicle activity that does not constitute a Race as defined herein, including but not limited to Test and Tune activities. For the avoidance of doubt, a Special Activity may be a standalone Event that does not include Races or may be part of an Event that also includes Races.

Section 2: Motor vehicle racetracks may be open and may operate from April 1 through October 31 each year (each such time period, a "Race Season") 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 applicant's 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 racetrack shall be operated in a manner that constitutes a Violation, as defined in Subsection 21. C, below. In furtherance of this objective, all Events shall be monitored in accordance with the procedures provide in Schedule A, "Sound Monitoring Procedures".

B. Any person operating a motor vehicle racetrack shall allow Town officials, or their designated representatives, to conduct from time to time, at said person's 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.

C. A Violation shall be deemed to have occurred as follows:

- a. Feature Races: A Violation shall be deemed to have occurred if three separate Sound Measurements exceeding 97 db are recorded (as measured in accordance with this ordinance) during a Feature Race. For the avoidance of doubt, Sound Measurements taken during the Heats and Practice Runs that relate to and precede Feature Races during an Event will not be used to determine whether a Violation occurred during that Event.

- b. Special Activities: A Violation shall be deemed to have occurred if three separate Sound Measurements exceeding 97 db are recorded (as measured in accordance with this ordinance) within any consecutive ten-minute period during a Special Activity.

D. Penalties.

- a. Feature Races: During each Race Season and with respect to each Division, the first three (3) Violations resulting from Feature Races will result in warnings only, and no financial penalties will apply. A financial penalty of \$100 will be imposed on the racetrack with respect to the fourth (4th) Feature Race Violation and such penalty shall increase by an additional \$100 for each subsequent Violation (e.g., the fifth violation shall result in a \$200 penalty, the sixth violation shall result in a \$300 penalty, etc.).
- b. Special Activities: With respect to any Event involving Special Activities, the first two (2) Violations resulting from Special Activities will result in warnings only, and no financial penalties will apply. A financial penalty of \$100 will be imposed on the racetrack with respect to the third (3rd) Special Activity Violation and such penalty shall increase by an additional \$100 for each subsequent Violation (e.g., the fourth violation shall result in a \$200 penalty, the fifth violation shall result in a \$300 penalty, etc.).
- c. Annual Accumulation of Violations: For the avoidance of doubt, Violations from previous Race Seasons will not carry over into subsequent Race Seasons. Accordingly, at the beginning of each Race Season, the Speedway will be deemed to have no Violations.

Section 22: In addition to any penalties set forth explicitly herein, 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: _____

Scott Bugbee, Chairman

John R. LaCourse

Cary Brown

**Town of Lee
Board of Selectmen**

SCHEDULE A

Sound Monitoring Procedures

The following sound monitoring procedures are specific to the Lee USA Speedway. In the event additional racetrack facilities are developed in the Town of Lee, subject to the selection of a comparable monitoring location for such facility, the same procedures shall apply.

Monitoring Location

The monitoring station is located proximate to the Lee USA Speedway property line immediately to the south of the racetrack. Access to the monitoring location is via a footpath that begins on Route 125 immediately south of the chain-link fence marking the Speedway's eastern boundary.

A 21-foot-long telescoping pole has been set into the ground at the monitoring location. The Meter (as defined below) shall be attached to the top of this telescoping pole prior to full extension. Once the pole has been fully extended (a red line marked on the last telescoping section shall be used to confirm full extension), the Meter will be at an approximate elevation of 21 feet from the ground at this location.

Equipment and Maintenance of Equipment

Sound monitoring will be conducted using a data-logging sound level meter that meets or exceeds the International Electrotechnical Commission's (IEC) 61672 Class 2 standard (the "Meter"). That Meter will be calibrated by an International Standard for Organization (ISO) 17025-certified testing and calibration laboratory (as such standards may be amended or replaced from time to time). Such calibration will be conducted in accordance with the Meter manufacturer's specification and recommendations, no less frequently than once each calendar year.

Monitoring Methodology

The Meter shall be powered up and set in place on the monitoring pole, as described above, prior to the start of each Event and shall continue to collect sound data for the duration of the Event. Specifically, the following device settings will be used:

- Measuring Unit: equivalent continuous sound pressure level in dB (L_{eq})
- Frequency Weighting Network: "A" Weighting
- Time Weighting: Fast
- Datalogger Sampling Time Setting Range: Auto 1-second intervals

All monitoring data will be captured on a removable SD Card.

Review and Posting of Monitoring Results

The monitoring data will be reviewed by the Chief of Police or the Chief's delegate within two business days of the Event to determine whether any Violations occurred during the Event. The Speedway will be notified in writing within a reasonable period after the relevant Event if any Violations have been identified and whether such Violation results in a warning or the imposition of a fine. Monitoring data will be available in unedited form upon request for review by Lee residents and representatives of the Speedway.

DRAFT - 011717

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.~~

Division: Any of the standard divisions that race at a racetrack on a regular basis during a Race Season, which may include Supermodified, Late Model Sportsman, Hobby Stock, Ironman and Pure Stock, or such other divisions as may be added for a particular Race Season.

Event: A series of racing contests and/or related vehicle activities that are held on the same calendar day which may include, but not be limited to: Practice Runs; Heats; Feature Races; and Special Activities; except that Test & Tune and activities that are allowed under Section 17 of this Ordinance shall not be counted towards determining the maximum allowable number of Events under Section 4 of this Ordinance. ~~A series of racing contests and/or related Vehicle activities to be contained within a calendar day, to which may include, but not be limited to, practice Practice Runs, heat Heats, races and Feature races Races and Special Activities.~~

Feature Race: A racing contest involving Vehicles in a Division to establish final Divisional results for an Event.

Heat: A preliminary racing contest involving Vehicles in a Division to establish starting order for a subsequent contest to be held during the same Event.

Meter: Shall have the meaning provided in Schedule A, Sound Monitoring Procedures.

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.

Practice Run: Any use of a racetrack by a Vehicle for performance testing, driver practice and training, or similar activity during an Event that includes Races.

Race: A racing contest involving multiple Vehicles in a Division, which may be either a Heat or a Feature Race.

Race Season: Shall have the meaning provided in Section 2 below.

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

Sound Measurement: A discrete sound reading captured by the Meter when operated in accordance with the Sound Monitoring Procedures provided in Schedule A.

Special Activity: A racing contest, demonstration or other Vehicle activity that does not constitute a Race as defined herein, including but not limited to Test and Tune activities. For the avoidance of doubt, a Special Activity may be a standalone Event that does not include Races or may be part of an Event that also includes Races.

Section 2: Motor vehicle racetracks may be open and may operate from April 1 through October 31 each year (each such time period, a "Race Season") 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 racetrack shall be operated in a manner that constitutes a Violation, as defined in Subsection 21. C. below. In furtherance of this objective, all Events shall be monitored in accordance with the procedures provide in Schedule A, "Sound Monitoring Procedures".

~~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 person's

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.

C. A Violation shall be deemed to have occurred as follows:

- a. Feature Races: A Violation shall be deemed to have occurred if three separate Sound Measurements exceeding 97 db are recorded (as measured in accordance with this ordinance) during a Feature Race. For the avoidance of doubt, Sound Measurements taken during the Heats and Practice Runs that relate to and precede Feature Races during an Event will not be used to determine whether a Violation occurred during that Event.
- b. Special Activities: A Violation shall be deemed to have occurred if three separate Sound Measurements exceeding 97 db are recorded (as measured in accordance with this ordinance) within any consecutive ten-minute period during a Special Activity.

D. Penalties.

- a. Feature Races: During each Race Season and with respect to each Division, the first three (3) Violations resulting from Feature Races will result in warnings only, and no financial penalties will apply. A financial penalty of \$100 will be imposed on the racetrack with respect to the fourth (4th) Feature Race Violation and such penalty shall increase by an additional \$100 for each subsequent Violation (e.g., the fifth violation shall result in a \$200 penalty, the sixth violation shall result in a \$300 penalty, etc.).
- b. Special Activities: With respect to any Event involving Special Activities, the first two (2) Violations resulting from Special Activities will result in warnings only, and no financial penalties will apply. A financial penalty of \$100 will be imposed on the racetrack with respect to the third (3rd) Special Activity Violation and such penalty shall increase by an additional \$100 for each subsequent Violation (e.g., the fourth violation shall result in a \$200 penalty, the fifth violation shall result in a \$300 penalty, etc.).
- c. Annual Accumulation of Violations: For the avoidance of doubt, Violations from previous Race Seasons will not carry over into subsequent Race Seasons. Accordingly, at the beginning of each Race Season, the Speedway will be deemed to have no Violations.

Section 22: In addition to any penalties set forth explicitly herein, ~~Any~~ 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**

SCHEDULE A

Sound Monitoring Procedures

The following sound monitoring procedures are specific to the Lee USA Speedway. In the event additional racetrack facilities are developed in the Town of Lee, subject to the selection of a comparable monitoring location for such facility, the same procedures shall apply.

Monitoring Location

The monitoring station is located proximate to the Lee USA Speedway property line immediately to the south of the racetrack. Access to the monitoring location is via a footpath that begins on Route 125 immediately south of the chain-link fence marking the Speedway's eastern boundary.

A 21-foot-long telescoping pole has been set into the ground at the monitoring location. The Meter (as defined below) shall be attached to the top of this telescoping pole prior to full extension. Once the pole has been fully extended (a red line marked on the last telescoping section shall be used to confirm full extension), the Meter will be at an approximate elevation of 21 feet from the ground at this location.

Equipment and Maintenance of Equipment

Sound monitoring will be conducted using a data-logging sound level meter that meets or exceeds the International Electrotechnical Commission's (IEC) 61672 Class 2 standard (the "Meter"). That Meter will be calibrated by an International Standard for Organization (ISO) 17025-certified testing and calibration laboratory (as such standards may be amended or replaced from time to time). Such calibration will be conducted in accordance with the Meter manufacturer's specification and recommendations, no less frequently than once each calendar year.

Monitoring Methodology

The Meter shall be powered up and set in place on the monitoring pole, as described above, prior to the start of each Event and shall continue to collect sound data for the duration of the Event. Specifically, the following device settings will be used:

- Measuring Unit: equivalent continuous sound pressure level in dB (L_{eq})
- Frequency Weighting Network: "A" Weighting
- Time Weighting: Fast
- Datalogger Sampling Time Setting Range: Auto 1-second intervals

All monitoring data will be captured on a removable SD Card.

Review and Posting of Monitoring Results

The monitoring data will be reviewed by the Chief of Police or the Chief's delegate within two business days of the Event to determine whether any Violations occurred during the Event. The Speedway will be notified in writing within a reasonable period after the relevant Event if any Violations have been identified and whether such Violation results in a warning or the imposition of a fine. Monitoring data will be available in unedited form upon request for review by Lee residents and representatives of the Speedway.



TOWN of LEE, NEW HAMPSHIRE
7 Mast Road, Lee, New Hampshire 03861

Request for Payment in Lieu of Vacation Time

Date 1/5/17

Dear Board of Selectmen,

Per the "Personnel Policies and Procedures Manual for Town of Lee" which was adopted in 2014,
I Thomas C. Drenth respectfully request vacation pay in lieu of vacation time off
(EMPLOYEE NAME)

in the month of January 2017 in the amount of \$ 1,547.88.
(MONTH) (YR) (WEEKLY EARNINGS)

I have 312 hours/ _____ days of accrued vacation time.
(Vacation Hours) (Vacation Days)

I understand that the granting of this request is also contingent upon there being sufficient funds in the 4155-49 Account – Payment in Lieu of Vacation for this Fiscal Year.

[Signature]
Employee Signature

[Signature]
Department Head Signature

I have confirmed that this employee's date of hire is 4/18/2005 and, as of the date of this request, has more than ten (10) years of service with the Town of Lee and receives at least fifteen (15) days of earned vacation per year.

As of the date of this request, there is \$ 14,441.20 in the ~~4155-49~~ Account – Payment in Lieu of Vacation.

[Signature]
Town Administrator Signature

01.41551.191.00

* Town of Lee Personnel Policy: At the discretion of the Board of Selectmen, employees with more than ten (10) years of service who receive at least fifteen (15) days of earned vacation per year may elect to work during one (1) week of vacation and receive regular earnings as well as vacation pay. There is no other provision for an employee to cash in vacation for pay in lieu of time off. Employees having vacation accruals must submit a request in writing to the Board of Selectmen through their Department Head. Vacation time may not be taken in advance of being earned.

Chairman, Scott Bugbee

John R. LaCourse

Cary Brown

VACHON CLUKAY & COMPANY PC
control deficiency worksheet

Point No.

Governmental Unit:

Financial Statement Date:

Opinion Unit(s):

Workpaper Reference:

Completed by:

Date:

CONDITION:

CRITERIA
Required for
Yellow Book
Audit:

CAUSE OF CONDITON:

EFFECT OF CONDITION:

VACHON CLUKAY & COMPANY PC
control deficiency worksheet

RECOMMENDATION:

We recommend the Town's financial personnel review the adjustments proposed to eliminate the need for such entries in the future. Additionally, we recommend the Town reconcile the balance sheet accounts to the underlying supporting records on a monthly basis to detect any errors in a more timely manner.

CLIENT RESPONSE
Indicate name and title
of person discussed
with and date:

Joanne Clancy (Finance Officer)
Julie Glover (Town Administrator)

OTHER INFORMATION:

INITIAL EVALUATION AS TO TYPE OF POINT:

- Significant Deficiency
- Material Weakness
- Control Deficiency
- Deficiency related to Federal Award Program
- Other Matter

Point approved for communication? Yes No (Indicate why not)

Report Reference No:

By:

Date:

I hereby acknowledge that the above recommendations
have been discussed with Vachon Clukay & Company PC

Client Signature:

Job Title/Position:

Date:

VACHON CLUKAY & COMPANY PC
control deficiency worksheet

Point No.

Governmental Unit:

Financial Statement Date:

Opinion Unit(s):

Workpaper Reference:

Completed by:

Date:

CONDITION:

CRITERIA Required for Yellow Book Audit:

CAUSE OF CONDITION:

EFFECT OF CONDITION:

VACHON CLUKAY & COMPANY PC
control deficiency worksheet

RECOMMENDATION: We recommend the Town review its personnel records to ensure each individuals authorized rate of pay is documented and signed by the employee. In addition, whenever their are future adjustments to wages the Town should utilize a payroll status change form. The form should include the employees current rate of pay, new rate of pay, date of change, employee signature and signature of the Town Administrator or Chairman of the Board of Selectmen.

CLIENT RESPONSE
Indicate name and title of person discussed with and date:
Joanne Clancy (Finance Officer)
Julie Glover (Town Administrator)

OTHER INFORMATION:

INITIAL EVALUATION AS TO TYPE OF POINT:

- Significant Deficiency
- Control Deficiency
- Material Weakness
- Deficiency related to Federal Award Program
- Other Matter

Point approved for communication? Yes No (Indicate why not)

Report Reference No:

By: Date:

I hereby acknowledge that the above recommendations have been discussed with Vachon Clukay & Company PC Client Signature:

Job Title/Position : Date:

VACHON CLUKAY & COMPANY PC
control deficiency worksheet

Point No.

Governmental Unit:

Financial Statement Date:

Opinion Unit(s):

Workpaper Reference:

Completed by:

Date:

CONDITION: The bank reconciliation contained an adjustment to the activity clearing the bank during the month in order to get the reconciliation to agree with the balance recorded within Infinite Visions. Additionally the General Fund had a \$22,400 credit balance for Credit Card / ACH Clearing balances as a result of the daily activity not being reconciled appropriately.

CRITERIA
Required for
Yellow Book
Audit:

N/A

CAUSE OF CONDITION: The Town Clerk / Tax Collector's office accepts credit card and ACH payments which are recorded on the daily activity report but are closed in batches. The Finance Officer recorded the activity from the Town Clerk / Tax Collectors office on the day it occurred to the Credit Card / ACH Clearing account and completed a subsequent entry to record the transfer of cash to the bank account. The batches processed may contain 1-2 days of activity and when settled are deposited into the checking account. The Town Clerk / Tax Collector receives the settlement statements which identify the individual transactions being deposited into the bank account and did not provide them to the Finance Officer.

EFFECT OF CONDITION: Bank reconciliations prepared by the Finance Officer were not an accurate reflection of the Town's cash balance as deposits were not able to be reconciled, resulting in adjustments recorded to the bank statement activity, which were adjusted through the Credit Card / ACH Clearing account.

As a result of the above, we were required to spend additional time in assisting to reconstruct the year end bank reconciliation, which resulted in an adjustment to cash in the amount of \$26,000.

VACHON CLUKAY & COMPANY PC
control deficiency worksheet

RECOMMENDATION:

We recommend the Finance Officer receive the settlement statements from the Town Clerk / Tax Collector and record an adjustment from the Credit Card / ACH Clearing account to the cash account for the amount deposited. When reconciling the bank account the Finance Officer should obtain the daily activity reports for the last few days of the month from the Town Clerk / Tax Collector office and locate the individual transactions on the settlement statements for the first few days of the subsequent month to identify the ending balance in the Credit Card / ACH Clearing account.

CLIENT RESPONSE

Indicate name and title of person discussed with and date:

Joanne Clancy (Finance Officer)
Julie Glover (Town Administrator)

OTHER INFORMATION:

INITIAL EVALUATION AS TO TYPE OF POINT:

- Significant Deficiency
- Control Deficiency
- Material Weakness
- Deficiency related to Federal Award Program
- Other Matter

Point approved for communication? Yes No (Indicate why not)

Report Reference No:

By:

Date:

I hereby acknowledge that the above recommendations have been discussed with Vachon Clukay & Company PC

Client Signature:

Job Title/Position:

Date:

DOUGLAS W. STEELE II
Deputy City Manager
Community Services
d.steele@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6450
Fax: (603) 516-6463
www.dover.nh.gov

City of Dover, New Hampshire

COMMUNITY SERVICES DEPARTMENT

January 6, 2017

Town of Lee
Attn: Roger Rice
7 Mast Road
Lee, NH 03824

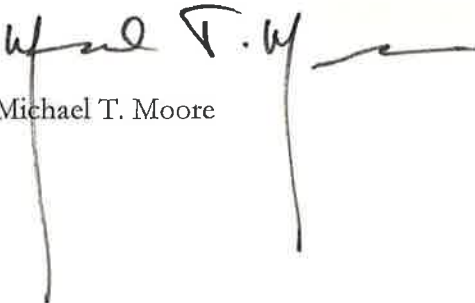
Dear Mr. Rice:

Enclosed, please find a Letter of Commitment relating to your communities intention to participate in Dover's fall HHW collection 2017. The application to the State is due February 1, 2017. Please send your signed Letter of Commitment back to me as soon as possible.

As in the past, the City of Dover will act as the "managing partner" for the collection. All activities with this collection should be coordinated through this office. August 26, 2017 has been selected as the *tentative* date for the collection.

Funding will come from each city/town based on population and State grant monies. Upon receipt of your commitment letter, the grant application will be submitted to the NH Department of Environmental Services for review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael T. Moore', is written over a vertical line that extends from the name below.

Michael T. Moore

HOUSEHOLD HAZARDOUS WASTE COLLECTION PROJECT

The community of Lee hereby commits to participate and cooperate with the community of Dover in a Household Hazardous Waste Collection Project on 8.26.17 ~~*(tentative)~~

The community hereby grants Dover the authority to represent the community in organizing the collection project.

The City / Town of Lee has appropriated \$ 2791.00 for the purpose of allowing all residents of the community access to the Household Hazardous Waste Collection Project.

Authorized Agent for Participating Community

Town of Lee
Community Name

Authorization Date



Pittsburg

NEW HAMPSHIRE

New Hampshire's Northernmost Town

December 20, 2016

TO: New Hampshire Boards of Selectmen
New Hampshire City Mayors and Governing Boards
New Hampshire Town Councils

FROM: Steve Ellis, Chair, Town of Pittsburg, Board of Selectmen

Steve



SUBJECT: Local Control of Municipal Roads

I write on behalf of the Boards of Selectmen in Pittsburg, Clarksville and Stewartstown, to share with you a concern we have about the legal control of municipal roads and how the established principle of home rule applies to the continued ability of municipalities to retain control over municipal roads. I also write to ask you to consider writing a letter to defend the principle of home rule as it relates to municipal roads.

Our concern arises over a claim by the region's largest electric utility (Eversource) that they have the right to appropriate municipal transportation rights of way without any consultation or approval from the municipal governing authority to build a high voltage electric transmission line within the right of way. In fact, RSA 231:161 (copy enclosed) clearly provides that municipal governing bodies have the exclusive authority to permit and license such uses of municipally owned rights of way. Eversource, the developer of the Northern Pass project, claims that the New Hampshire Site Evaluation Committee has the power to preempt this statute. Nothing in the statute authorizing the Site Evaluation Committee (RSA 162-H) sets aside the statutory provisions in RSA 231:161. Eversource lamely argues that a prior Supreme Court case with an entirely different set of facts supports their claim. An excerpt from the Northern Pass application to the SEC making this claim is enclosed. Follow this link to the Supreme Court decision cited by Northern Pass: <https://www.courtlistener.com/opinion/2111618/public-serv-co-v-town-of-hampton/>.

Our three towns have joined with a number of other intervenors in the Northern Pass docket at the SEC to ask the SEC to initiate a new docket to specifically address this dispute. Under SEC rules, any party can file a request for a declaratory ruling for the purpose of addressing matters within the SEC's jurisdiction. A copy of our filing made December 19 is enclosed for your review.

Whether one is for, against or agnostic on the issue of Northern Pass, it is the height of arrogance (not to mention against the law) for a large domestic utility partnering with a large foreign utility to commandeer for their exclusive financial benefit a municipal transportation corridor without the acquiescence of the municipality. In the six years since Northern Pass was first announced,

Town of Pittsburg | 1526 Main St | Pittsburg, NH 03592 | 603-538-6697 voice & fax

TownOffice@Pittsburg-NH.com www.Pittsburg-NH.com

Our Town is an Equal Opportunity Provider

project developers have never formally or informally asked our towns' permission to use town roads for their project. Their application to the SEC has a single blank license form for the locations within our three towns where they propose to bury their facility along more than 8 miles of municipally maintained roads. The Legislature has precluded Northern Pass from having access to eminent domain for the purpose of condemning private property for their project. However, RSA 231:167 provides that if a landowner has suffered damage as a result of the installation, the landowner may *apply to the Selectmen* to assess damages in the same manner as laying out a new road. In other words, the Town would be liable for the taking and responsible for paying the damages assessed, not Northern Pass. Northern Pass is thus shifting the burden of eminent domain – a power it does not possess - to the Towns, while arguing that the towns have no say in the matter.

This back-door condemnation of municipal roads must not be allowed to stand. I ask you to consider writing a letter to the SEC in support of our petition, opposing the Eversource attempt to secure through the back door what they cannot achieve through the front door. Please direct your comments to: Ms. Pamela Monroe, Administrator, NH Site Evaluation Committee, 21 Fruit Street, Concord, NH 03301. Or e-mail your comments to Pamela.Monroe@sec.nh.gov.

Thank you for your consideration of this request.

FROM PAGE 82-83 of NORTHERN PASS SEC APPLICATION,
Submitted October 19, 2015

(D) Crossing Local Highways

NPT seeks permission to install the Project, including conduit, cable, wires, poles, structures and devices across, over, under and along certain locally-maintained highways, including 71 aerial crossings and four underground roadway installation sections. The underground sections are identified by town and roadway. The SEC has exclusive authority to grant permission to an energy facility to utilize locally-maintained highways. In *Public Service Company of New Hampshire v. Town of Hampton*, 120 N.H. 68 (Jan. 31, 1980), the Court pointed out that the “declared purpose of RSA ch. 162-F [forerunner to RSA ch. 162-H] is to provide a resolution, in an ‘integrated fashion,’ of all issues involving the routing of transmission lines.” The Court found that the Town of Hampton could not regulate transmission lines associated with the Seabrook Nuclear Station, noting that the SEC protects the public health and safety of towns with respect to transmission lines covered by the siting statute. NPT has filed a request with the NHDOT to cross state-maintained highways and has included that request with the Application as required by RSA 162-H:7 and Site 301.03 (d). See Appendix 9.

RSA 162-H:16, IV provides that the SEC must find, among other things, that issuance of a certificate of site and facility will not have an unreasonable adverse effect on public health and safety. Utilities of all varieties, including power lines, have long been recognized as appropriate users of public highways, so long as the facilities do not conflict with the general public’s superior use. E.g., *McCaffrey v. Concord Electric Co.*, 80 N.H. 45, 46-47 (1921). In *King v. Town of Lyme*, 126 N.H. 279, 284 (1985), the Court affirmed that a utility’s use of a highway easement is appropriate since New Hampshire has never considered highway purposes to be limited to the transportation of movable vehicles, persons or property. The authority to erect electric transmission lines and underground cables in state and local highways is codified at RSA 231:160. The standard for locating poles, lines, and underground cables is set forth at RSA 231:168, which states that the lines “will not interfere with the safe, free and convenient use for public travel of the highway.” To further that process, the NHDOT has adopted certain standards, which are set forth in its *Utility Accommodation Manual* (“UAM”), dated February 24, 2010. This filing constitutes notice of these proposed crossings, associated pole placements and locations in accordance with the procedures set forth in the UAM Appendix G-3.1-2.

The New Hampshire Supreme Court has made it clear that the authority to license placement of power lines, poles and underground conduit within highways is regulatory in character and must be exercised in a non-exclusionary and reasonable manner. In *Rye v. Public Service Company of New Hampshire*, 130 N.H. 365 (1988), the Court found that a crossing application may be denied only for a public safety-based reason.

NPT seeks approval from the SEC to install its Project within, along, over, under and across locally-maintained highways. This request mirrors the approach followed, and the standards applied, in the request made to NHDOT for state-maintained highways. With respect to the underground highway installation sections in the towns of Clarksville and Stewartstown, NPT proposes that the SEC apply the NHDOT *Standard Specifications for Road and Bridge Construction* and the provisions, instructions, and regulations set forth in the NHDOT’s standard Excavation Permit. Furthermore, NPT proposes that the SEC condition approval of a certificate, to the extent necessary, on compliance with such standards. Accordingly, Project plans for aerial crossings and underground sections within highways are provided at the 30% design level, which is the commonly accepted level of detail for initial permit applications and consistent with NHDOT practice. See Appendix 9 and 10.

TITLE XX

TRANSPORTATION

CHAPTER 231

CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Lines of Telegraph and Other Companies in Highways

Section 231:161

231:161 Procedure. – Any such person, copartnership or corporation desiring to erect or install any such poles, structures, conduits, cables or wires in, under or across any such highway, shall secure a permit or license therefor in accordance with the following procedure:

I. Jurisdiction.

(a) Town Maintained Highways. Petitions for such permits or licenses concerning town maintained highways shall be addressed to the selectmen of the town in which such highway is located; and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint.

(b) City Maintained Highways. Petitions for such permits or licenses concerning city maintained highways shall be addressed to the board of mayor and aldermen or board of mayor and council of the city in which such highway is located and they shall exercise the powers and duties prescribed in this subdivision for selectmen; and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint.

(c) State Maintained Highways. Petitions for such permits or licenses concerning all class I and class III highways and state maintained portions of class II highways shall be addressed to the commissioner of transportation who shall have exclusive jurisdiction of the disposition of such petitions to the same effect as is provided for selectmen in other cases, and also shall have like jurisdiction for changing the terms of any such license or for assessing damages as provided herein. The commissioner shall also have the same authority as conferred upon the selectmen by RSA 231:163 to revoke or change the terms and conditions of any such license. The commissioner is hereby authorized to delegate all or any part of the powers conferred upon him by the provisions of this section to such agent or agents as he may duly appoint in writing; he shall cause such appointments to be recorded in the office of the secretary of state, who shall keep a record thereof.

(d) The word "selectmen" as used in the following paragraphs of this section shall be construed to include all those having jurisdiction over the issuance of permits or licenses under paragraph I hereof.

II. Permits. The petitioner may petition such selectmen to grant a permit for such poles, structures, conduits, cables or wires. If the public good requires, the selectmen shall grant a permit for erecting or installing and maintaining such poles, structures, conduits, cables or wires. Such permit shall designate and define in a general way the location of the poles, structures, conduits, cables or wires described in the petition therefor. Such permit shall be effective for such term as they may determine, but not exceeding one year from the date thereof, and may, upon petition, be extended for a further term not exceeding one year. A permit shall not be granted to replace an existing utility pole on any public highway unless such replacement pole is erected at least 20 feet from the surfaced edge or the edge of public easement therein, provided, however, that for good cause shown the selectmen may waive the 20-foot requirement.

III. Effect of Permit. Except as otherwise provided herein, the holder of such permit shall during the term thereof be entitled to have and exercise all the rights, privileges and immunities and shall be subject to all the duties and liabilities granted or imposed hereby upon the holder of a license hereunder.

IV. Licenses. The petitioner may petition such selectmen to grant a license for such poles, structures, conduits, cables or wires. If the public good requires, the selectmen shall grant a license for erecting and installing or maintaining the poles, structures, conduits, cables or wires described in the petition.

V. Provision of Licenses. The selectmen in such license shall designate and define the maximum and minimum length of poles, the maximum and minimum height of structures, the approximate location of such poles and structures and the minimum distance of wires above and of conduits and cables below the surface of the highway, and in their discretion the approximate distance of such poles from the edge of the traveled roadway or of the sidewalk, and may include reasonable requirements concerning the placement of reflectors thereon. Such designation and definition of location may be by reference to a map or plan filed with or attached to the petition or license.

VI. Effect of License. All licenses granted under the provisions hereof shall be retroactive to the date the petition therefor is filed. The word "license" as hereinafter used herein, except in RSA 231:164 shall be construed to include the word "permit". The holder of such a license, hereinafter referred to as licensee, shall thereupon and thereafter be entitled to exercise the same and to erect or install and maintain any such poles, structures, conduits, cables, and wires in approximately the location designated by such license and to place upon such poles and structures the necessary and proper guys, cross-arms, fixtures, transformers and other attachments and appurtenances which are required in the reasonable and proper operation of the business carried on by such licensee, together with as many wires and cables of proper size and description as such poles and structures are reasonably capable of supporting during their continuance in service; and to place in such underground conduits such number of ducts, wires and cables as they are designed to accommodate, and to supply and install in connection with such underground conduits and cables the necessary and proper manholes, drains, transformers and other accessories which may reasonably be required.

Source. 1881, 54:3, 4. PS 81:2. 1903, 81:1. PL 97:2. 1935, 100:1. 1937, 102:1. RL 113:2. 1943, 126:1. 1945, 188:1, part 24:2. RSA 254:3. 1959, 223:1, 2. 1981, 87:1. 1985, 402:6, I(b)(3).

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. _____

PETITION FOR DECLARATORY RULING

The Town of Bethlehem, Town of Bridgewater, Town of Bristol, Town of Clarksville, City of Concord, Town of Deerfield, Town of Easton, Town of Franconia, Town of Littleton, Town of New Hampton, Town of Northumberland, Town of Pembroke, Town of Pittsburg, Town of Plymouth, Town of Stewartstown, Town of Sugar Hill and Town of Whitefield, Town of Woodstock, the Ashland Water and Sewer Department, the Society for the Protection of New Hampshire Forests, and the Appalachian Mountain Club (the “Petitioners”), pursuant to New Hampshire Administrative Rule Site 203.01, respectfully petition the New Hampshire Site Evaluation Committee (the “SEC” or “Committee”) to issue a declaratory ruling stating that, pursuant to RSA 231:160 *et seq*, only municipalities have the authority to authorize or not authorize the erection, installation, or maintenance of electric power poles or structures or underground conduits or cable, or their respective attachments or appurtenances, on, across, or under locally maintained highways, regardless of whether the New Hampshire Department of Transportation (the “NHDOT”), the SEC, or other agencies have authority to permit or license other portions of any proposed facility. In support of this Petition, the Petitioners offer the following:

JURISDICTION AND STANDARDS

1. Pursuant to RSA 541-A:16, I(d), New Hampshire Administrative Rule Site 203.01 authorizes “[a]ny person [to] submit a petition for declaratory ruling from the committee

on matters within its jurisdiction.” A declaratory ruling is a ruling as to the “specific applicability of any statutory provision or any rule or order of the agency.” RSA 541-A:1, V. The SEC has 90 days from the time of submission to rule on the petition. N.H. Admin. Rule Site 203.02(b).

2. The Petitioners, especially the Petitioning Towns, have an interest in the management and regulation of activities along, and under, municipally maintained highways and rights of way, and in seeing that municipal authority is recognized. Further, the Forest Society holds conservation easements on land abutting and under municipally maintained highways, and has an interest in assuring that existing encumbrances are managed lawfully and not exceeded.

3. The following standards govern declaratory petitions. The SEC may not dismiss a petition that: (1) sets forth factual allegations that are definite and concrete; (2) does not involve a hypothetical situation or otherwise seek advice as to how the committee would decide a future case; (3) implicates the legal rights or responsibilities of the petitioner; and (4) is within the committee’s jurisdiction. *Id.* 203.03(c). The jurisdiction of the SEC is to evaluate and issue or deny a certificate of site and facility approval for certain energy generation and transmission projects. RSA 162-H.

BACKGROUND

4. The Petitioners request this ruling because resolution of this issue would impact their interests generally, and more particularly in Docket No. 2015-06 involving the Northern Pass project. While the Northern Pass project provides the impetus for this petition, the interpretation of the statute, issues raised, and relief sought are broader than a single project.

5. On October 19, 2015, Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively “Applicants”) submitted an Application to the SEC for a Certificate of Site and Facility (“Application”) to construct a 192-

mile transmission line (“Project”). As proposed, the Project would run through New Hampshire from the Canadian border in Pittsburg to Deerfield.

6. As part of the Project, Applicants propose to install conduit, cable, wires, poles, structures, and devices across, over, alongside, and under highways maintained by the following municipalities:¹ *Town of Pittsburg; Town of Clarksville; Town of Stewartstown; Town of Dummer; Town of Stark; Town of Northumberland; Town of Lancaster; Town of Dalton; Town of Bristol; City of Franklin; Town of Northfield; Town of Canterbury; City of Concord; Town of Pembroke; Town of Allenstown; and the Town of Deerfield*, including at least 71 aerial crossing and four underground roadway installation sections. Joint Appl. of N. Pass Transmission, LLC and Pub. Serv. Co. of N. H. d/b/a Eversource Energy for a Certificate of Site for the Construction of a 1,090 MW Electric Transmission Line 82 [hereinafter “Appl.”]; Appl. App. 10, at 3-5.

APPLICANTS’ POSITION

7. Applicants maintain that the “SEC has exclusive authority to grant permission to an energy facility to utilize locally-maintained highways.” Appl. 82.

8. Accordingly, Applicants seek “approval from the SEC to install its Project within, along, over, under and across locally-maintained highways.” *Id.* 83. Applicants claim this “request mirrors the approach followed, and the standards applied, in the request made to NHDOT for state-maintained highways.” Applicants propose that the SEC has authority to permit this portion of the installation and should do so by applying “the NHDOT *Standard Specifications for Road and Bridge Construction* and the provisions, instructions, and regulations set forth in the NHDOT’s standard Excavation Permit.” *Id.*

¹ Towns in italicized font are Petitioners here.

9. Applicants have not sought, obtained, or applied for a permit or license, in accordance with RSA 231:161, I(a), and (b), from any of the municipalities that maintain highways whose highways the Applicants would be use.

10. In subsection (d) of the Application, "OTHER REQUIRED APPLICATIONS AND PERMITS," Applicants do not reference any permits or licenses obtained from municipalities for the installation across, over, under and alongside locally maintained highways. *Id.* 17-21. Applicants have, however, submitted a blank NHDOT excavation permits within of the section of the Appendix 10 of the Application concerning underground plans of locally maintained highways. Appl. App. #10, Part B.

11. Applicants' apparent position is that municipalities do not have any permitting or licensing role regarding the utilization of municipally maintained highways, and that submitting 13 blank applications for NHDOT excavation permits to the SEC in an appendix satisfies a statutory requirement to seek licenses or permits from municipalities.

12. Applicants also state a "separate request for permits for the municipally maintained highways has been filed with the Site Evaluation Committee." Appl. App. #9, at 5. Upon careful review of the Application, it is unclear what this "separate request" is. The Application does not appear to include any document that constitutes a "separate request."

13. In their Application, Applicants cite *Public Service Company of New Hampshire v. Hampton*, 120 N.H. 68 (1980) as the primary authority for this position. Appl. 82. As discussed in the subsequent analysis section, this case does not apply because that *per curiam* decision was narrow when it was made and its holding has been eroded over time, and the facts of the case were completely different, namely that Hampton and other municipalities changed

their laws five years *after* a certificate of site and facility had been granted, and the applicant agreed with municipal requests to redesign the project.

14. Of note, in its November 13, 2015, letter notifying the SEC that its review of the Application was complete, the NHDOT stated that it “anticipates executing a Use and Occupancy Agreement for the entire project *within state-maintained* rights-of-way (ROW).” Letter from Victoria F. Sheehan, Commissioner, NHDOT, to Pamela G. Monroe, Administrator, NH SEC (Nov. 13, 2015) (emphasis added). Commissioner Sheehan did not opine on or issue any permits in regards to municipally maintained highways, and her letter indicated NHDOT’s anticipated permit would not include the portions of the project impacting municipally maintained rights of way. *Id.* Thus, NHDOT has impliedly acknowledged that it does not have the authority to issue any permits or licenses in regards to municipally maintained highways.

15. Similarly, the Applicants’ own conduct begs the question whether the Applicants are required to obtain municipal permits or licenses to use municipally maintained highways. In connection with performing borings to further the design of underground portions of the proposed Project, the Applicants obtained boring permits from the state to bore in state-maintained highways. However, Applicants did not obtain such permits from municipalities to bore in municipally maintained highways. Instead, Applicants paid thousands of dollars to abutting property owners for permission to bore into land near municipally maintained highways. *See* Affidavits of James Nuttall and Robert Brooks, attached as Exhibits 1 and 2.

ANALYSIS

16. Petitioners seek a declaratory ruling stating that the SEC does not have authority to grant the permits and licenses specified in RSA 231:161 for the installation of portions of utility infrastructure projects located across, over, under, and alongside locally maintained

highways. Therefore, the ruling should further state that applicants must obtain from municipal officers the permits and licenses required by RSA 231:160 *et seq.*

A. RSA 231:160 *et seq* Provides a Clear Statutory Scheme that Empowers Only Towns and Cities to Permit or License the Utilization of Town- or City-Maintained Highways

17. Applicants’ position that the SEC has exclusive authority is based on a reading of RSA 231:160 *et seq* that is at best inaccurate and that would result in the violation of clear statutory procedures. In its application, Applicants omit the portions of the statute that are directly on point, and then propose an ostensibly novel approach for the SEC to follow for approving the Applicants’ utilization of locally maintained highways—as if the Legislature had not already specified a clear procedure in that same statutory section cited.

18. RSA 231:160 states:

Telegraph, television, telephone, electric light and electric power poles and structures and underground conduits and cables, with their respective attachments and appurtenances may be erected, installed and maintained in any public highways and the necessary and proper wires and cables may be supported on such poles and structures or carried across or placed under any such highway by any person, copartnership or corporation *as provided in this subdivision and not otherwise.*

(emphasis added).

19. This statute demonstrates that the Legislature intended that the specific procedures for installing and maintaining electric transmission lines and their supporting structures on any public highway contained in RSA 231:160 *et seq* shall govern because the term “not otherwise” means that this authority shall not be subordinate to any other state statute or rule governing the same subject matter. *Id.*

20. RSA 231:160 *et seq* provides *different*—not *mirrored* as the Applicants claim—procedures that any person, co-partnership, or corporation desiring to erect or install any poles, structures, conduits, cables or wires across, over, under, and alongside any such highways that

are state-maintained, as opposed to highways that are town- or city-maintained, must follow.

RSA 231:161, I.

21. For state-maintained highways:

Petitions for such permits or licenses concerning all class I and class III highways and state maintained portions of class II highways shall be addressed to the commissioner of transportation who shall have exclusive jurisdiction of the disposition of such petitions to the same effect as is provided for selectmen in other cases, and also shall have like jurisdiction for changing the terms of any such license or for assessing damages as provided herein.

RSA 231:161, I(c).

22. For town-maintained highways:

Petitions for such permits or licenses concerning town maintained highways shall be addressed to the selectmen of the town in which such highway is located; and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint.

RSA 231:161, I(a).

23. For city-maintained highways:

Petitions for such permits or licenses concerning city maintained highways shall be addressed to the board of mayor and aldermen or board of mayor and council of the city in which such highway is located and they shall exercise the powers and duties prescribed in this subdivision for selectmen; and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint.

RSA 231:161, I(b).

24. The remaining subsections of RSA 231:161 govern the specifics of the permits and licenses, including their effect, effective life, required specifications, and the conditions for granting them. RSA 231:161, II-VII.

25. Most pertinently, all those entities having jurisdiction over the issuance of permits or licenses in this statutory section shall grant a permit or license if the “public good requires.” *Id.*²

26. Therefore, the SEC’s authority to issue or not issue a Certificate of Site and Facility for this Project does not extend so far as to supplant the authority of a municipality to issue or not issue a permit or license for the utilization of municipally maintained highways in accordance with RSA 231:160 *et seq.*³

27. This is unlike the roles that state agencies play regarding this Project, because RSA 162-H:7-a explicitly limits and defines those roles. RSA 162-H places no such limit on the authority RSA 231:160 *et seq* give to municipalities. Indeed, RSA 162-H is silent on this issue.

28. In practice, when an entity proposes to install utility infrastructure in accordance with RSA 231:160 *et seq*, a municipality generally issues two types of permits pursuant to RSA 231:161, most commonly in the form of letters of approval presented on official town or city letterhead. First, a municipality may issue such a permit for any installation that involves excavation of the locally maintained right-of-way. Second, municipalities may issue such a permit for installation that involves placing poles or supporting structures on, across, or alongside the right-of-way, i.e. no excavation. Furthermore, per the general authority granted in

² The evaluation of the “public good” has been adjudicated to be limited to determining whether the proposed utility use would impair other public uses. *Parker-Young Co. v. State of New Hampshire*, 83 N.H. 551, 555-57 (1929).

³ Municipal authority and the scope of highway easements are limited. With respect to municipal authority, RSA 231:168 provides, in part:

The location of poles and structures and of underground conduits and cables by the selectmen shall be made *so far as reasonably possible* so that the same and attachments and appurtenances thereto will not interfere with the safe, free and convenient use for public travel of the highway or of any private way leading therefrom to adjoining premises or with the use of such premises or any other similar property of another licensee.

(emphasis added). With respect to the scope of highways easements, RSA 231:167, which provides for the payment of damages when installation of a facility would harm a landowner, clearly implies that highway easements have limits.

the statute, some municipalities have more detailed and stringent permitting and licensing requirements for such projects. No matter the exact municipal protocol, all of these are designed to assure that the use of municipally maintained highways preserves public safety.

29. As a matter of law, however, the distinction between permits or licenses for installation involving excavation and installation not involving excavation is not relevant. The narrow issue presented in this petition concerns the authority of municipalities to issue or not issue permits or licenses per RSA 231:161 *et seq.*, which clearly encompasses both excavation and non-excavation installations. *See* RSA 231:160.

30. This reading of the law is consistent with the NHDOT's statement that it anticipates issuing a Use and Occupancy Agreement for the entire project *only* within state-maintained rights-of-way. Letter from Victoria F. Sheehan, Commissioner, NHDOT, to Pamela G. Monroe, Administrator, NH SEC (Nov. 13, 2015) (emphasis added).

B. New Hampshire Public Policy Favors Municipal Authority for Municipal Concerns

31. Although Applicants may view this statutory scheme as burdensome because it empowers many individual municipalities to exercise control over a state-wide project, this is precisely what the Legislature intended.

32. The law empowering municipalities to evaluate the public safety concerns in these circumstances is appropriate considering the severe and significant impacts that the Project would cause in connection to municipally maintained highways.

33. The installation of utility infrastructure across, over, under, or alongside municipally maintained highways could cause highway closures, traffic delays, engineering conflicts with respect to municipal infrastructure, damage to roadbeds, and many other issues.

34. Additionally, Applicants have admitted that construction of this project would require extended highway closures on at least Bear Rock Road, North Hill Road, and Old County Road in Clarksville and Stewartstown.

35. Moreover, this scheme is consistent with New Hampshire's strong public policy that municipalities have the authority to protect the health, safety, and financial sustainability of their own citizens. *See* RSA 31:39; RSA 41:9, 11; RSA 47:17, VII-VIII & XVIII. To deprive municipalities of their express statutory authority to evaluate the impacts of this Project would fly in the face of New Hampshire's well-regarded tradition of local governance.

36. After all, municipalities are in the best position to evaluate the impacts of the Project on the "safe, free and convenient use for public travel of the highway or of any private way leading therefrom" RSA 231:168; *Rye v. Pub. Serv. Co.*, 130 N.H. 365, 369 (1988) (quoting RSA 231:168).

C. *Public Service Company of New Hampshire v. Town of Hampton* Does Not Support Applicant's Position that SEC has Exclusive Authority to Permit Applicants to Utilize Locally Maintained Highways

37. Aside from omitting the unfavorable portions of a legislatively mandated procedure in an attempt to create their own procedure that is more amenable to their goals, Applicants also cite to the New Hampshire Supreme Court's decision in *Public Service Company of N.H. v. Hampton*, 120 N.H. 68 (1980) to support their position. In doing so, Applicants argue that *Hampton* supports their position that the SEC has exclusive authority to grant permission to an energy facility to utilize locally maintained highways for an electric transmission project.

38. It does not. The outdated, narrow, and *per curiam* holding of *Hampton* does not apply here because *Hampton* concerned the authority of municipalities pursuant to local regulations enacted years after the state actions at issue, and where the applicant had previously

agreed to modify its design as a result of consulting the municipalities. This issue, by contrast, involves municipalities empowered by a state statute that predates the proposed Project by decades, where the petitioning towns have reached no such agreement with the Applicants, where the certificate of site and facility has not yet been issued or denied, and in a legal context where *Hampton* cannot be read so broadly as to apply under these circumstances.

39. In *Hampton*, the plaintiff energy company sought an order declaring void, as applied to it, the votes of towns taken *five years after* the SEC approved the energy project at issue to adopt certain ordinances requiring all electric transmission lines over 69,000 volts to be buried underground. *Id.* at 69-70.

40. The trial court submitted two questions on interlocutory appeal:

1. Do the votes purportedly adopted by the defendant towns endowing them with any legal authority to interfere with the construction of overhead transmission lines associated with the Seabrook Project, in light of RSA 162-F F [the forerunner to RSA 162-H], the Certificate and the other permits held by the plaintiff?

2. Do the votes purportedly adopted by the defendant towns endowing them with any legal authority to interfere with the construction of overhead transmission lines by the plaintiff in connection with the Seabrook Project, in light of the requirements of the Zoning Enabling Act (RSA 31:60 et seq.) or other provisions of law relating to actions taken by Town Meetings?

Id.

41. The Court concluded the purpose of RSA 162-F *et seq.* was to “provide a resolution, in an ‘integrated fashion,’ of all issues involving the selection of sites and routing of associated transmission lines.” *Id.* at 70. It held that “[b]y enacting RSA ch. 162-F, the legislature has preempted any power that the defendant towns might have had with respect to transmission lines embraced by the statute, and the actions by the defendant towns with regard to transmission lines are of no effect.” *Id.* at 71.

42. This narrow holding is inapposite to the issue before the SEC on this petition. The issue in *Hampton* was whether municipal ordinances enacted *five* years after a state had approved a project were preempted by the state statute that provided for the project's prior approval. Here, the relevant law empowering municipalities is well-established state law, not a retroactive municipal ordinance. Neither the narrow holding nor the dicta of *Hampton* alters or amends the provisions of RSA 231:160 *et seq.*

43. Moreover, the if the *Hampton* case was as dispositive as the Applicants suggest, the SEC would not have had to entertain as much adjudication as it did in Docket No. 2012-01 (Antrim Wind Energy, LLC) focused on the question of whether the SEC preempted municipal subdivision authority. While the SEC did not reach that issue in its decision-making, the volume of pleadings and the SEC's deliberations suggest that the extent of SEC preemption of municipal authority is anything but well-settled.

D. RSA 162-H Does Not Override RSA 231:160 *et seq.*

44. RSA 162-H does not override RSA 231:160 *et seq.* or preempt the authority of a Board of Selectmen pursuant to it.

45. "Where reasonably possible, statutes should be construed as consistent with each other. When interpreting two statutes which deal with a similar subject matter, we will construe them so that they do not contradict each other, and so that they will lead to reasonable results and effectuate the legislative purpose of the statute. To the extent two statutes conflict, the more specific statute controls over the general statute." *State v. Cheney*, 165 N.H. 677, 682-83 (2013) (quotation marks and internal citations omitted).

46. The statutory schemes do not conflict. RSA Chapter 162-H does not contain an explicit statement to override the authority given to municipalities in RSA 231:160 *et seq.* Unlike

the roles of states agencies, which are explicitly limited by RSA 162-H:7-a, RSA Chapter 162-H does not restrict the permitting and licensing role of municipalities as it pertains to the utilization of locally maintained highways for electric transmission projects.

47. Applicants appear to take this same position because they follow the procedures of RSA 231:160 *et seq* when it comes to seeking licenses and permits from the DOT. Appl. at 82-84.

E. SEC Rules Anticipate the Interplay Between RSA 162-H and RSA 231:160 *et seq*.

48. The SEC rules anticipate the interplay between RSA 162-H and RSA 231:160 *et seq*.

49. New Hampshire Administrative. Rule Site 301.03(c)(6) requires an application for site certification to contain:

Evidence that the applicant has a *current* right, an option, or other legal basis to acquire the right, to construct, operate, and maintain the facility on, over, or under the site, in the form of:

- a. Ownership, ground lease, easement, or other contractual right or interest;
- b. A license, permit, easement, or other permission from a federal, state, or *local government* agency, or an application for such a license, permit, easement, or other permission from a state governmental agency that is included with the application; or ...

(emphasis added). This rule explicitly mentions licenses or permits issues by local government agencies.

50. Applicants have not submitted to the SEC any permits or licenses issued by any of the municipalities that operate locally maintained highways that the Project would utilize, as is required by RSA 231:161.

CONCLUSION

This Petition sets forth factual allegations that are definite and concrete, does not involve a hypothetical situation or otherwise seek advice as to how the Committee would decide a future case, implicates the legal rights and responsibilities of the Petitioners, and is within the Committee's jurisdiction.

Reading RSA 162-H, RSA 231:160 *et seq.*, and SEC Rule 301.03 together, there is a clear legislative intent that entities wishing to construct an electric transmission line (and its supporting structures) across, over, under, or alongside locally maintained highways must obtain the required licenses and permits from the Selectboard of the municipalities. The SEC does not have authority to grant said licenses and permits.

WHEREFORE, the Town of Bethlehem, Town of Bridgewater, Town of Bristol, Town of Clarksville, City of Concord, Town of Deerfield, Town of Easton, Town of Franconia, Town of Littleton, Town of New Hampton, Town of Northumberland, Town of Pembroke, Town of Pittsburg, Town of Plymouth, Town of Stewartstown, Town of Sugar Hill and Town of Whitefield, Town of Woodstock, the Ashland Water and Sewer Department, the Society for the Protection of New Hampshire Forests, and the Appalachian Mountain Club, respectfully request that the Committee issue a ruling declaring that pursuant to RSA 231:160 *et seq.*, only municipalities have the authority to authorize or not authorize the erection, installation, or maintenance of electric power poles or structures or underground conduits or cable, or their respective attachments or appurtenances, on, across, or under locally maintained highways, regardless of whether the New Hampshire Department of Transportation (the "NHDOT"), the SEC, or other agencies have authority to permit or license other portions of any proposed facility.

Respectfully Submitted,

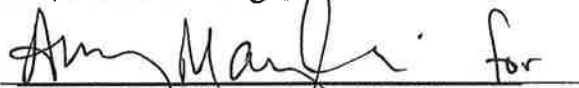
**TOWN OF BETHLEHEM, TOWN OF
BRISTOL, TOWN OF EASTON, TOWN OF
FRANCONIA, TOWN OF
NORTHUMBERLAND, TOWN OF
PLYMOUTH, TOWN OF SUGAR HILL AND
TOWN OF WHITEFIELD**

By their Attorneys,

Gardner, Fulton & Waugh, PLLC

Date: December 19, 2016

By:

 for

Christine Fillmore, Esq. (13851)
Gardner, Fulton & Waugh, PLLC
78 Bank Street Lebanon NH 03766- 1727
Tel. (603) 448-2221
Fax (603) 448-5949
cfillmore@townandcitylaw.com

**TOWN OF BRIDGEWATER, TOWN OF NEW
HAMPTON, TOWN OF WOODSTOCK,
TOWN OF LITTLETON, TOWN OF
PEMBROKE, TOWN OF DEERFIELD, AND
ASHLAND WATER AND SEWER
DEPARTMENT**

By their Attorneys
Mitchell Municipal Group, P.A.

Date: December 19, 2016

By:  for
Steven M. Whitley Esq. (17833)
25 Beacon Street East
Laconia, New Hampshire 03246
Telephone: (603) 524-3885
steven@mitchellmunigroup.com

CITY OF CONCORD

By its Attorney

Date: December 19, 2016

By: 

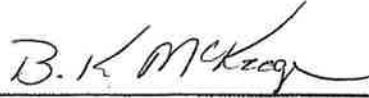
Danielle L. Pacik, Esq., (14924)
Deputy City Solicitor
41 Green Street
Concord, New Hampshire 03301
Telephone: (603) 225-8505
Facsimile: (603) 225-8558
dpacik@concordnh.gov

TOWN OF PITTSBURG

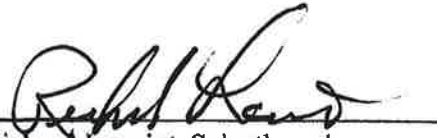
By its Selectboard



Stephen Ellis, Selectboard



Brendon McKeage, Selectboard



Richard Lapoint, Selectboard

TOWN OF STEWARTSTOWN

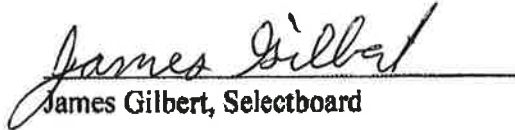
By its Selectboard

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Allen Coats, Selectboard

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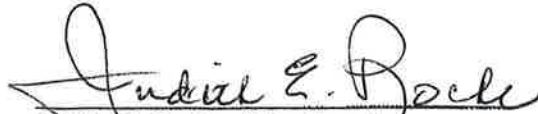
Hasen Burns, Selectboard

A handwritten signature in cursive script, appearing to read "James Gilbert", written over a horizontal line.


James Gilbert, Selectboard

TOWN OF CLARKSVILLE

By its Selectboard


Judith E. Roche, Selectboard


Ramon F. DeMaio, Selectboard


Melvin C. Purrington, Selectboard

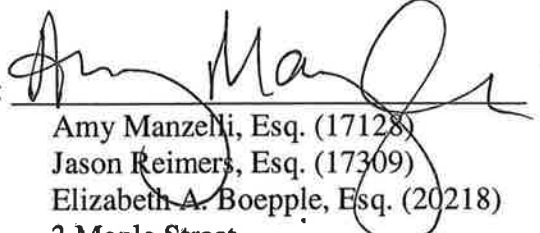
**SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS**

By its Attorneys,

BCM Environmental & Land Law, PLLC

Date: December 19, 2016

By:

A handwritten signature in black ink, appearing to read "Amy Manzelli", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Amy Manzelli, Esq. (17128)

Jason Reimers, Esq. (17309)

Elizabeth A. Boepple, Esq. (20218)

3 Maple Street

Concord, NH 03301

(603) 225-2585

manzelli@nhlandlaw.com

APPALACHIAN MOUNTAIN CLUB

By its Attorneys,

Drummond Woodsum & MacMahon

Date: December 19, 2016

By:

 for

William L. Plouffe, Esq (ME 2480)

84 Marginal Way, Suite 600

Portland, ME 04101-2480

Tel. (207) 772-1941

Fax: (207) 772-3627

wplouffe@dwmlaw.com

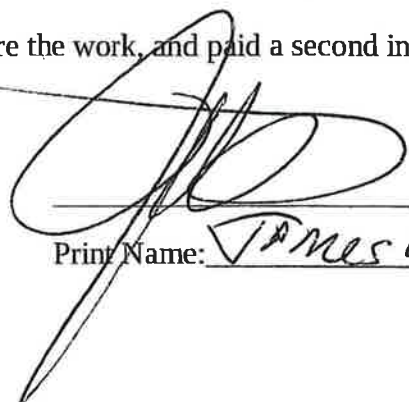
EXHIBIT 1

AFFIDAVIT OF JAMES NUTTALL

I, James Nuttall, being over the age of eighteen years and competent to testify to the matters contained herein, do state under oath that I do believe the following to be true and accurate to the best of my personal knowledge:

- 1. I reside at North Hill Road in Stewartstown, New Hampshire. My mailing address is Post Office Box 235, Colebrook, NH, 03576.
- 2. I have personal knowledge that in 2013 a representative of Northern Pass asked me if I would consent to allowing Northern Pass to conduct a geotechnical excavation on my land fronting North Hill Road. As I understand, my land goes to the centerline of North Hill Road. It is not clear to me whether the boring that was actually done on my land was within or outside of the Town's right of way over my land.
- 3. Mr. James Wagner, the representative of Northern Pass, offered me \$3,000 for permission to conduct one boring on my land. I was paid \$500 before the work, and paid a second installment of \$2,500 once the work was completed.

Dated: December 13, 2016



Print Name: JAMES W. NUTTALL

STATE OF NEW HAMPSHIRE

December 13, 2016

COOS, ss.

Personally appeared the above named James W Nuttall and gave oath that the foregoing affidavit is true and accurate to the best of his/her knowledge, information, and belief.

Before me,



Notary Public, State of New Hampshire

My Commission Expires:

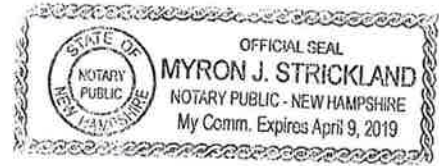


EXHIBIT 2

AFFIDAVIT OF ROBERT BROOKS

I, Robert Brooks, being over the age of eighteen years and competent to testify to the matters contained herein, do state under oath that I do believe the following to be true and accurate to the best of my personal knowledge:

1. I reside at 66 North Hill Road, Stewartstown, New Hampshire, 03576.
2. I have personal knowledge that in 2013 a representative of Northern Pass approached me about using my land on North Hill Road for the purpose of doing a geotechnical boring near North Hill Road on my land outside of the municipal road right of way.
3. Mr. Scott Mason, representing Northern Pass, offered me \$3,000 in exchange for doing one test boring excavation on my land. I told Mr. Mason that I would agree to allow Northern Pass to do the boring if Northern Pass would donate the \$3,000 to the North Hill Church, which is adjacent to my land. Mr. Mason initially said that Northern Pass could not make such an accommodation. I then indicated to Mr. Mason that I would not consent to Northern Pass doing the work on my land.
4. Mr. Mason later called back, and indicated that Northern Pass would consent to making a \$3,000 donation to the Church. NP made the contribution, and then did the excavation project on my land.

Dated: December 13, 2016


Print Name: Robert Brooks

STATE OF NEW HAMPSHIRE

December 13, 2016

COOS, ss.

Personally appeared the above named Robert Brooks and gave oath that the foregoing affidavit is true and accurate to the best of his/her knowledge, information, and belief.

Before me,



Notary Public, State of New Hampshire

My Commission Expires:

