

**MINUTES OF THE BOARD OF SELECTMEN'S REGULAR SESSION
OCTOBER 27, 2008 PAGE 1**

Board members present: W. James Griswold, Chairman and Frank W. Reinhold, Jr.

Others present: Diane L. Guimond, Town Administrator; Carla Corey, Supervisor of the Checklist; Suzanne DeRocchi, Welfare Officer; William Humm, Conservation Commission Chairman; Larry Kindberg; Caren Rossi, Planning & Zoning Secretary; Randy Stevens, Highway Supervisor; Sharon Meeker, Acting Chairman of the Lamprey River Advisory Committee; Robb Dix, Town Assessor and Donna F. Eisenhard, Recording Secretary.

1. Chairman Griswold called the meeting to order at 6:30 p.m.

The Non-Public Session scheduled was cancelled.

2. New Business:

A. Carla Corey, Supervisor of the Checklist, met with the Board to request permission to work at home on updating the checklist. Mrs. Corey stated she has a lot of voters to register with the state and this is done by giving each voter a number which is then scanned into the state computer. When asked why this could not be done in the town office, she stated the scanning part is very noisy as each time a voter is entered, it beeps. She said she has a huge amount of entries to make and this would be very distracting to the people in the office who are trying to do their work. She said she would be using her personal computer at home to link with the state in order to make the entries. Selectman Reinhold said because of town policy, working at home on your own computer is difficult plus you are not allowed to take the laptop home. After a brief discussion, because of the circumstances, the Board authorized Mrs. Corey to scan at home using her own computer.

B. Suzanne DeRocchi, Welfare Officer, met with the Board and tendered her written resignation as Welfare Officer, effective December 31, 2008. The Board thanked Mrs. DeRocchi for her many years of service. Mrs. DeRocchi stated she would like the transition to go as smoothly as possible and would assist in whatever way she could to make this happen.

C. Larry Kindberg met with the Board regarding the recent blasting at Little River Park. Mr. Kindberg stated he lives across from the blast area and was concerned about his well and foundation. He said he spoke with a representative from the blasting company named Roger McGraw and was assured they could blast right next to a foundation with no effect. After the blasting, Mr. Kindberg stated he went around his basement looking for cracks and found one 17 feet long on the floor and presented pictures of the cracks for the Board's review. M He said he immediately contacted Mr. McGraw and asked him to come and look at it. Mr. McGraw refused but took his information and said he would file a claim. He said he also asked for a copy of their insurance policy and this was declined. He said he then spoke with Town Administrator

Diane Guimond who told him to contact the state as they regulate blasting. He said, thus far, he has received no response. He said other neighbors may have damage as well. Chairman Griswold asked if he was sure about the cracks to which Mr. Kindberg said yes, they were not there before. Chairman Griswold said, by law, the blasting company has to have insurance and he is doing the right thing by pursuing this avenue. Selectman Reinhold said the subject of blasting has come up before and we learned the town has no control or input, it is a state issue so the Board could give no support. Mrs. Rossi stated the only requirement is the company must give 24 hours notice to the Police and Fire Departments. Chairman Griswold said the Board could sympathize but New Hampshire does not have "home rule", it is all delegated by the state. Both Chairman Griswold and Selectman Reinhold stated they would appreciate continued updates. Copies of the pictures presented by Mr. Kindberg become a permanent part of these minutes.

D. Planning & Zoning Secretary Caren Rossi met with the Board to update them regarding the recent perambulation of Town Boundaries. She stated every seven years the Selectmen or their representative have to perambulate the boundaries of Newmarket, Barrington, Epping, Durham, Nottingham and Madbury and this has not been done since 1995. She said she met with Mary Bonser and Peter Landry from Nottingham and did the Nottingham bounds but still need to do the other five. She stated Robert Moynihan and a group of his students GIS'd them and Mr. Moynihan has offered to help in the perambulation remaining. The Board agreed this was fine. Mrs. Rossi said Fred Schultz has applied for a building permit for a 20 x 40 equipment shed which will sit on easement land and the Board asked that permits on easement land always be brought before them before the permit is issued. Chairman Griswold stated he spoke with Mr. Schultz and it was noted Mr. Schultz spoke with Selectman Reinhold. Mrs. Rossi assured the Board the shed is nowhere near the "kettle hole" which is on that property and Conservation Commission Chairman Humm had no issues. The Board posed no objection to the permit being issued.

E. Sharon Meeker, Acting Chairman for Lamprey River Advisory Committee, met with the Board and stated each town can have four representatives on the committee and she was suggesting the name of Joachim Barth as Lee's fourth representative. She gave a brief talk on Mr. Barth's qualifications after which the Board stated they supported his nomination and signed his nomination form. A copy of the form becomes a permanent part of these minutes.

F. The position of Town Secretary was discussed. Town Administrator Guimond stated no advertisement for a replacement has gone out yet. She said accounting laws have changed as of 2007 and we now have to meet Gatsby standards. She said we can let the present Bookkeeper manage this or hire someone to do it. Currently, she said, the Bookkeeper is pressed to do the job within the 25 hours allotted and she would like to make this position full time. She said she is gathering information needed to present this at Town Meeting. Further discussion followed in which Chairman Griswold stated he did not believe voters would support an additional full-time person, given the times. Mrs. Eisenhard asked to speak and stated she felt, with things the way they are, that a full-time Bookkeeper was more important at this stage than a full-time Secretary. She said that she

and Jacki Neill could handle the Secretary position by job-sharing two days each (the office is closed to the public Thursdays) until such time as it is learned how everything will work with the new rules. After further discussion, the Board agreed they would take this under consideration.

3. Public Comment: None.

4. Old Business:

A. Highway Supervisor Randy Stevens met with the Board and presented a graph indicating the rise in costs for liquid asphalt for the Board's review. He also presented a picture of a cardboard template he made so he could make a plow frame from 1 ½ inch mild steel for the loader so it can take a plow. He stated it was cheaper to make one rather than purchase one. He updated the Board regarding bridges stating the state had been to Old Mill Road Bridge and put riprap under the abutment to protect it until it is repaired. He said he was comfortable with this. He said the hydraulic analysis was started on High Road Bridge and they are ready for the Snell Road Bridge. He presented a sheet with plow prices for the Board's review. He said the plow would be for the 1991 truck and he currently has three trucks and three plows but would like four trucks and four plows. A brief discussion followed on the merits of each brand. After discussion, the Board authorized Mr. Stevens to get the plow of choice from E. W. Sleeper. He updated the Board on his work for a space behind the highway garage for storage of materials from the Old Mill Road property stating he marked off an area 60 feet off the dump road and less than 10 feet off the Nature Trail. He said it must be clear cut and stumped and made ready for use. Selectman Reinhold said we have exhausted all other choices for a stockpile and this was the most viable spot as they plan to store lots of material. Chairman Griswold said the stockpile will be ugly so we need to address this with plantings or a fence to try and mitigate this. Mr. Stevens said he has four stakes marking off the spot so the Board can look at it. The Board agreed to do a site walk. Regarding sand, Selectman Reinhold said he had been authorized previously by the Board to act on its behalf to get sand. He said he, Sue Hoey, Randy and Allan went to the Old Mill property and all agreed they could dig though the sand may need to be screened. Ms. Hoey promised a letter outlining what is needed such as a "silt fence," which Mr. Stevens said he could do. It was noted a 600 foot "silt fence" was recommended. Chairman Griswold stated they usually cost \$35 per 100 feet. The Board also agreed they need to authorize Mr. Stevens to purchase additional sand from Walter Cheney though unsure of what amount may be needed at the present time. Mr. Stevens said he would check on the fence and planned to leave a 4-foot berm anyway about 10 feet high and 4 feet wide to protect the river. A copy of Mr. Stevens plow estimate sheet becomes a permanent part of these minutes.

B. Town Assessor Robb Dix met with the Board to update them regarding the Miller amenities charge. Selectman Reinhold stated he agreed with what Mr. Dix had done. Mr. Dix said Mr. Miller said he should not be taxed the way we are doing it and should be assessed as a business, however, did not provide any information to back up his claim. Mr. Dix said he also spoke with George Hilgum, a highly respected appraiser

from the State, about this matter. The Board agreed that Mr. Dix should send a letter to Mr. Miller requesting information pertaining to operation as a business and if no response, we will assess as we will. Selectman Reinhold felt we did due diligence far beyond and we will give him an opportunity to respond and if he does not, assess him as done. The Board asked that the letter to Mr. Miller be sent certified. The Board also stated they supported Mr. Dix and never doubted what he did.

5. Town Commission & Committee Chairperson Comments: None.

6. Town Administrator:

Correspondence:

- A. Bernie Waugh, 9/26/08, re: response to legal question.
- B. Lee Conservation Commission, 9/23/08, copy of letter to Schultz regarding his conservation Easement.
- C. State of NH, Office of energy & Planning, Stewardship specialist Stephen Walker, 9/8/08. re: copy of letter to Lee Conservation Commission about Haunted Overload event at the Hutton Farm.
- D. Better Community Living Company, Owner William Miller, 8/28/08, re: questions on assessment of amenities.
- E. Assessor Robb Dix, 7/21/078, re: update on status concerning how mobile homes are valued.
- F. Lee Fire & Rescue department, found 10/15/08, re: numbering of 66 Lee Road.
- G. Lee Police Department, 7/2/08, problem with numbering of 66 Lee Road.
- H. BankNotes, received 10/24/08, re: banking opportunities.
- I. Local Government Center, received 10/24/08, re: 33rd Annual Municipal Law Lecture Series.
- J. United States Department of the Interior, dated 10/17/08, re: Land & Water Conservation Fund – hiking trails at Little River Park.
- K. National Multiple Sclerosis Society, dated 10/10/08, re: information about several laws recently passed in Legislature.
- L. Local Government Center, received 10/15/08, re: information about their insurance trusts.

M. Joint Loss Management Committee, dated 10/17/08, re: copies of letters to Transfer Station Manager, Library and Fire Department in regards to recent safety inspection.

Town Administrator Guimond informed the Board the school department met with Town Treasurer Jennifer Allen and Bookkeeper Joanne Clancy to discuss the fund balance as the school had to adjust the MS-5 report to the DRA so this delayed the setting of the new tax rate. The Board also discussed either a delay in making the next school payment or perhaps making a partial payment should funds get too low to pay the full amount. The Board agreed to take no action at this time and hope the bills go out and solve the problem. She presented an Appointment Slip for Christopher Buslovich, the new Information Technology person, as Emergency Management Director for Board signatures. It was noted that appointment slips require the person appointed to be a Lee resident and Mr. Buslovich lives in Lebanon, Maine. The Board asked that she confer with legal counsel regarding this matter. The Board discussed the alarms recently installed at the Transfer Station. Selectman Reinhold questioned authorization for this and why the amount was over what was originally proposed. Ms. Guimond reminded the Board that the Personnel Policy Phase II Committee will be having their second meeting this Wednesday. She noted that Police Chief Murch was not happy with the comparative towns used in the recent Wage & Benefits Survey done by the Local Government Center citing the 2001 MRI used different towns. Ms. Guimond informed the Board she only had one complaint regarding Pay As You Throw for trash. The Board asked about the delinquent taxes list in regards to trailers. Ms. Guimond stated she would review the lien list and report back to the Board. She said the new roof for the town hall will be done soon. She informed the Board two different people, Dan Daley and Theresa Roy, were asked to work on a design for the town seal. She presented a rough draft from Mr. Daley and said she has not heard from Ms. Roy to date. She presented a town coin minted for the bi-centennial, given to her from former Selectman Richard Wellington, which showed a ship on the back side and oxen pulling a mast down the Mast Road on the front for them to look at. It was previously learned that the town seal currently being used was never officially adopted. This will be presented at town meeting. Selectman Reinhold recommended she contact David Miner and ask him to submit a design as well. Selectman Reinhold volunteered to sign checks, if needed, in the absence of Chairman Griswold. Ms. Guimond presented updated Income & Expense Reports for the Board's review. The position of the Land Protection Administrator was discussed. It was noted she gets \$20 per hour and works a 20-hour week. Chairman Griswold stated this position, however, may be expiring. He said, perhaps, her job could be redefined to encompass commercial and/or industrial development instead. A discussion followed regarding development and business in the town. Ms. Guimond said Mrs. Cox recently asked for a laptop to use at home. Chairman Griswold said we are currently calling in all laptops in so this probably will not happen.

7. Town Secretary – review and approve manifests and minutes.

**MINUTES OF THE BOARD OF SELECTMEN'S REGULAR SESSION
OCTOBER 27, 2008 PAGE 6**

Selectman Reinhold made a motion to approve minutes from the September 22, 2008 Regular Session and September 29, 2008 Regular Session. Chairman Griswold seconded. Chairman Griswold called for a discussion. There being none, Chairman Griswold called for a vote. Motion passes.

Manifests presented were reviewed and approved:

#10	9/20/08	\$ 41,964.23
#11	9/27/08	\$ 60,227.85
#12	10/04/08	\$ 44,864.48
#13	10/11/08	\$901,708.90
#14	10/18/08	\$ 76,839.54
#15	10/25/08	\$ 94,639.40

8. There being no further business, meeting was adjourned at 9:46 p.m.

Minutes recorded by:

Donna F. Eisenhard, Recording Secretary

Minutes accepted by:

W. James Griswold, Chairman

Frank W. Reinhold, Jr.

John R. LaCourse
Lee Board of Selectmen