

Board members present: John R. LaCourse, Chairman; Frank W. Reinhold, Jr. and W. James Griswold.

Others present: Diane L. Guimond, Town Administrator; Robb Dix, Town assessor; Randy Stevens, Highway Supervisor; Chet Murch, Police chief; Laurel Cox, Land Protection Administrator; Henry Brackett, School Board member and Donna F. Eisenhard, Recording Secretary.

1. Chairman LaCourse opened the Work Session at 6:30 p.m.

A discussion followed regarding election of a new Chairman. Following this, Selectman Reinhold made a motion to elect John LaCourse as the new Chairman for 2009/2010. Chairman Griswold seconded. Chairman Griswold called for a discussion. There being none, Chairman Griswold called for a vote. Motion passes.

2. Town Assessor Robb Dix met with the Board to discuss an assessing matter and presented a handout for their review. He stated last summer, in preparation for the MS-1 report, he recalculated the data base to ensure all changes were finalized before compiling the MS-1. Unbeknownst to him, he activated a calculation in Avitar's system that changed some values. Because of this calculation, some values went up and some, down. He said some tax bills went out with values on the second bill different from the first bill. He said two taxpayers contacted him regarding this change and he told them he would investigate and bring the matter to the Board. He also spoke with Gary Roberge, owner of Avitar, whose software the town uses and was told the change pertained to amount of fixtures versus the bedroom/bathroom ratio on the assessment. He presented a list of the affected properties and said he was requesting the Board grant refunds on all values \$500 and up and leave the rest alone including those that went down. He said some increases, only went up \$100 and he saw no need to abate those. Town Administrator Guimond asked whose error it was. Mr. Dix said it was hard to tell who turned on the feature that precipitated the change. He said Mr. Roberge did come to the town hall and meet with him. He said, hopefully, it was gratis. Town Administrator Guimond stated no bill had been received. Mr. Dix said there is also another feature that allows negative depreciation so new construction people don't get penalized when they go beyond their base year, which he felt he turned off and that was indicated on the handout. He said the town has no ability to send out a bill because you were taxed too low and he was mainly concerned with the raised assessments. Since these increases were not intentional, he was asking that they be abated. Following this, Selectman Griswold made a motion to abate the tax amount on the raised assessments. Selectman Reinhold asked if Mr. Dix was confident the problem was corrected and will not happen again. Mr. Dix stated he was. He said he understood the fixture thing but it is not being applied to everyone so it is not fair. Selectman Reinhold then seconded the motion. Chairman LaCourse called for a discussion. There being none, Chairman LaCourse called for a vote. Motion passes. A copy of Mr. Dix handout becomes a permanent part of these minutes.

Mr. Dix said Philip Sr. and Gail Sanborn were filing a current use application asking for the recreational adjustment. Mr. Dix said to get the recreational discount you have to allow hunting, fishing, snowmobiling and such on your property. He said Mr. Sanborn said he allows all of those, including turkey hunting but he did not want to allow deer hunting because of a danger to his livestock. Mr. Dix said he researched and he can post if there is a danger to crops or livestock. He said he sees no problem with this but Mr. Sanborn can only post for No Deer Hunting. Land Protection Administrator Laurel Cox confirmed that the easement states he can post to protect livestock. Mr. Dix felt this was in the spirit of the regulation. Selectman Reinhold made a motion to allow the recreational adjustment with a stipulation Mr. Sanborn only be allowed to post for *No Deer Hunting*. Selectman Griswold seconded. Chairman LaCourse called for a discussion. There being none, Chairman LaCourse called for a vote. Motion passes.

Mr. Dix said that Ryan Fry was applying for current use on a parcel he recently purchased. This parcel had been undercurrent use previously with a Thomas Young who had subdivided the property and then some lots. This lot was purchased by Chris & Holly Knox and no longer qualified for current use so a penalty was assessed. Mr. Fry purchased the lot from them and now it will qualify as Mr. Fry owns several parcels next to it. Selectman Reinhold made a motion to grant current use on this parcel. Selectman Griswold seconded. Chairman LaCourse called for a discussion. There being none, Chairman LaCourse called for a vote. Motion passes.

Mr. Dix informed the Board we have received our Equalized Valuation from DRA. As of April 1, 2008 our ratio was 105.6. In 2007 it was 102.7. This means that our assessments are about 5 ½ % high compared to the market, on average. From 2007 to 2008 the market in Lee declined approximately 3% according to this statistic. He said until the sales ratio is over 10 and the COD over 20, the town is o.k. He said the only problem is mobile homes which are dropping in value faster than residential homes. He said this is something he needs to look at later. Town Administrator Guimond said her only concern is people seem to be happier with a lower assessment and a higher tax rate. Mr. Dix said we also need to talk about a statistical update.

3. Highway Supervisor Randy Stevens met with the Board and presented plans for the repairs to the High Road Bridge. To quote "The Town's consultant (Quantum Construction Consultants) has finished the Engineering Study and the Hydrologic & Hydraulic Report for the High Road Bridge. These studies and reports have been reviewed by me and the Bridge Committee. They now have to go to the DOT for approval before quantum can do the final design. The DOT is paying 80% of the project so they have the final say on the design and construction of the bridge. Quantum looked at several options to eliminate the flooding at the bridge and surrounding roadway and determined that the only way to eliminate the flooding problem was to raise the bridge and roadway by 5 ½ feet and to increase the length of the bridge from 30 to 45 feet. In order to preserve the Sycamore trees and not intrude on the Wetlands, a retaining wall will have to be built along both sides of the road on the easterly side of the bridge. Consequently, there will be a lot more guard rail, 700 feet which includes both sides, then is now presently there. The bridge would be concrete slabs with gravel over that and then

asphalt over that. He said there will not be any hump which is there presently but all one grade. There is a slight possibility that the town would qualify for stimulus funds for 100% of the construction cost of the new bridge, estimated to be around 1.35 million with \$175,000 being the town's share. The DOT is looking for projects that are ready to go out to bid and we are not there yet, however, the town is going to pursue the possibility as long as there is a chance we could qualify." He indicated on the plan all the details to the Board. Chairman LaCourse said we have to move forward and get this sent to the DOT. Mr. Stevens said he did not see any better plan than this. Selectman Reinhold asked if he was looking at Alternative #2 which was the best but most expensive. Mr. Stevens said he was. Selectman Reinhold made a motion to choose Alternative #2. Selectman Griswold seconded. Chairman LaCourse called for a discussion. There being none, Chairman LaCourse called for a vote. Motion passes. Selectman Reinhold asked Mr. Stevens to get the necessary paperwork to the DOT ASAP. He also asked that information be put on the website and copies of the plan be available in the Code Enforcement office as well. He also asked that the minutes from the Public Hearing be placed on the website too.

Mr. Stevens informed the Board he knocked down a lamppost that was in the town's right of way when he was plowing snow. He said the owner was not happy. Town Administrator Guimond asked if the owner wanted it repaired. Mr. Stevens said he informed the owner he would bring this matter before the Board. After further discussion, the Board agreed they are not responsible for item placed in the town's right of way, which is 12 to 19 feet off the pavement on most roads (depending on the road) and to put information about the right of way on the e-crier and website. Mr. Stevens said he would get the number of the RSA that backs this up. When asked if the town ought to send some money and make known we are not responsible for stuff in the right of way in the future, Selectman Reinhold said let's not set a precedent. If it is in the right of way, we are not responsible. It was urged that the notice get out right away.

Mr. Stevens informed the Board he is moving his office from the Highway Garage into the Highway Annex and is currently working on connecting the phone and computer.

Mr. Stevens informed the Board he is currently doing truck inspections.

Mr. Stevens said a meeting with Sue Hoey regarding the Old Mill Road property has been scheduled for March 19th at 8:30 a.m. An engineer will be there to talk to us. It was agreed that only Mr. Stevens, Mr. Dennis and Selectman Reinhold need to attend.

Regarding the Seth Peters matter, Selectman Reinhold stated he received a letter from the town attorney and our ownership is from the center of the road. He said Mr. Peters is in dispute and wants to settle for 60-40. He said the town is not in a good negotiating position and we must move on. He said the town would only get 13,000 worth of product and a lengthy legal battle would nullify any gain and recommended a 50-50 split as a settlement with the stipulation we authorize a third party to monitor the removal such as an engineer or surveyor. He said his feeling is we should haul our share off by June 1st. Selectman Reinhold said he would like to tell the attorney a 50-50

split and have both attorneys there and accomplish a settlement. He said he would like the town to control the event. He said Mr. Peters would be using his excavator but needs monitoring. Selectman Griswold asked if Mr. Peters would split the gravel and the fees. Mr. Stevens said Civil Consultants might be willing to send an engineer. Following this, Selectman Griswold made a motion to authorize selectman Reinhold to have the attorney strike a deal with Mr. Peters for a 50-50 settlement on material and a 50-50 settlement on fees ASAP. Chairman Lacourse seconded. Chairman LaCourse called for a discussion. There being none, Chairman LaCourse called for a vote. Motion passes.

4. Police Chief Chet Murch met with the Board and presented a handout entitled Lee Police department – March 17, 2009 and a spread sheet on the elevator bids for the Board's review. Chief Murch stated with the recent vote at Town meeting in favor of installing the elevator at the Public safety Complex, he met with the lowest bidder, Pine State Elevator, and learned this bid was for only the elevator, no electrical or construction work. He said that was why it was so low compared to the others. He said \$96,000 was approved at Town Meeting and he would like to recommend Englewood Construction Corporation who would do a complete installation for \$96,712. He stated he was here to ask the Board to officially award this project to one on the contractors who provided bids and to authorize him to contact them to get this project moving. Selectman Reinhold made a motion to approve Englewood Construction Corporation as vendor for the installation of an elevator in the Public Safety Complex. Selectman Griswold seconded. Chairman LaCourse called for a discussion. There being none, Chairman LaCourse called for a vote. Motion passes. Chief Murch asked how the Board wanted to proceed. He said it takes eight weeks to order the elevator and get ready for July 1st when we can legally spend the money. He said we need to determine interior and colors. Selectman Reinhold said the Board would like a presentation on what they are to do and the timeline to do it and when they determine that, call a meeting, at which they would like Code Enforcement Officer Dennis present, to do the presentation.

Chief Murch noted that voting went well at the safety complex, however, a resident fell at the polls on a small patch of ice. The area was sanded and she was checked by the Fire Department, as requested, and declined treatment, stating she was sore but o.k. Her eye glasses were bent and broken in the fall. He said he recently learned she needed new frames estimated to cost about \$180.00. He asked if the town would pay for the new frames. After a brief discussion in which Selectman Reinhold stated they would only do that if she signed a complete release, providing the town attorney says it is all right insofar as release of liability.

Chief Murch said, that in recent months, the President reinstated the Cops Grant. This Grant is used to hire new or to rehire laid off police officers with no local match requirement for three years. During the three years, payment of current entry level salary and benefits packages is included. He said back in 2003 he requested the town go from six full-time officers and thirteen part-time to seven full-time officers, doing away with the thirteen part-time. He said this worked well to standardize policies and procedures and reduce liability. This Grant would allow us to hire an additional officer, get them trained and on duty prior to the year 2012 when Lee would need to pick up the cost. He

said he would like the Board to think about this but would like to apply for the Grant. He said the town would be under no obligation to accept the Grant. He said he foresees needing another officer in 2013 although he feels the town will never see more than ten full-time officers ever. He said eight officers would reduce overtime and there is quite a bit to do so it would not be wasted. Chairman LaCourse said this was prudent and proactive and if we get it and don't want it, we can refuse. Henry Brackett said he supports Chief Murch but what if there is a different Board in the future and to please keep in mind legacy costs.

Selectman Reinhold said finishing the upstairs of the Safety Complex is on the table and conversation continues so he asked Chief Murch for him and Chief Blake to keep in conversation regarding this matter. He also reminded him that Town Offices may need to move to the Safety Complex temporarily **if** the Town center Study indicates the town hall and old library can be refurbished into office space. He said he wanted this on the table and to know how he and Chief Blake felt. A copy of Chief Murch's handout becomes a permanent part of these minutes as well as a copy of the elevator spreadsheet.

5. Henry Brackett met with the Board and told them he was successful in being elected to the School Board. He said as a representative from Lee, the door was always open. He said he wants to be very open in approach, communicative and as transparent as allowed by law. He stated he also wants accountability. He invited the Board, as a School Board member, to visit the meetings and speak about issues paramount to the town.

6. Selectman Reinhold said he would like to talk about Work Sessions. He said he felt these were for the Board to do their business and, although people were welcome to come, they are, traditionally not allowed to talk. Selectman Griswold said the Board would also like to decide who comes and speaks and prefers a one-page description and outline. Chairman Lacourse said he really wants to have people come but wants them to get right to the point. Selectman Reinhold said he was anxious that they be strategy meetings so the Board can decide main goals. Following this, Town Administrator Guimond was directed to come up with a rotation list for each board, commission and committee, as a change of venue, for coming before the Board.

7. Selectman Reinhold stated Mark Beliveau should be asked to voluntarily resign from the Planning Board, he is unable to attend most meetings, and then the Board should formally ask him to approach the Checklist Supervisors and offer his services as Moderator to replace Dale Swanson. He said would then be three vacancies on the Planning Board.

8. The Board signed Appointment Slips for Erick Sawtelle, Paul Gasowski, Richard Babcock, David Miner, Laura Gund, Dwight Barney and Wendy Snow Fogg as members of the Agriculture Commission and Scott Kemp, Thomas McCabe, Jacqueline McCabe, David Allen and Charles Cox as ALTERNATE members.

The Board signed Appointment Slips for Sharon Meeker and Bambi Miller as members of the Energy Committee.

The Board signed an Appointment Slip for Robert Smith as a member of the Planning Board. Selectman Griswold made a motion to not reappoint Dwight Barney as a member of the Planning Board. Selectman Reinhold seconded. Chairman LaCourse called for a discussion. There being none, Chairman LaCourse called for a vote. Motion passes.

The Board approved a vacation request for the Code Enforcement Officer.

The Board approved a Veteran's Exemption for PID#01-04-0800 – Gregory Haidaczuk.

The Board approved two Elderly Exemptions.

The Board approved a current use application for Lee Farmworks, LLC and another for Philip Sr. & Gail Sanborn, adding the recreational adjustment to their current use land category.

9. The Board discussed PAYT (Pay As You Throw). Selectman Griswold said he favors no PAYT but rather penalizing non-recyclers with fines. He said we would need to have a Public Hearing for PAYT or it will not go over well. Chairman LaCourse said a lot of people feel we are doing great and getting awards for recycling so why go to PAYT. Town Administrator Guimond said we never implemented fines so there are no consequences for non-recycling. Selectman Griswold suggested we investigate a town that does recycle and still has PAYT and then he might accept. Town Administrator Guimond said she would contact the Local Government Center to see what she could learn.

10. The Board reviewed a letter from Transfer Station Manager Roger Rice pertaining to the disposal of dead animals at the dump. He said, the current Solid Waste Ordinance adopted October 13, 2003, states on Page 2, *Types of Waste Not Accepted, #5 - Dead Animals* (see "Exceptions") *Which refers to a former 1972 Ordinance that allows dead animals to be disposed of at the dump if the owner has no other option. He said the State of New Hampshire Department of Environmental Services says no dead animals may be disposed of at dumps. The owner may bury the animal on their own property, dispose of it at a designated Pet Cemetery or have it cremated. He asked that we amend the current ordinance to indicate that..

11. Town Administrator Guimond informed the Board she received a fax from Lee USA Speedway requesting some date changes. They want to change the Saturday, April 11th Test & Tune to Friday, October 23rd rain date so they would be running Friday, Saturday and Sunday that weekend. The Board approved this change.

The racetrack also asked to change June 22nd, which is a Monday, to Friday, September 4th. The Board did not approve this change and noted the date appears to be incorrect as they do not run on Tuesdays. A review of the schedule submitted seemed to

indicate some discrepancies and an additional event that is over the 23 events allowed. This matter will be discussed at the next Selectmen's meeting.

12. Recording Secretary Donna Eisenhard informed the Board she received an e-mail from Historical Society President Phyllis White about resident William Payson reenacting the battle of Wheelwright Pond sometime this year in town and seeking the Board's support. After a brief discussion, the Board asked that Mrs. White be contacted to ascertain more information about this plan. Selectman Reinhold noted we do not even know where they plan on holding it, town or private property.

13. **Non-Public Session:** Selectman Reinhold made a motion to enter into Non-Public Session for personnel matters. Selectman Griswold seconded. Chairman LaCourse polled for a vote: Reinhold-aye: Griswold-aye. LaCourse-aye. Motion passes. The Board entered into Non-Public Session at 8:48 p.m. The Board exited Non-Public Session at 9:14 p.m. and re-entered the Regular Session.

14. There being no further business, Chairman LaCourse closed the Work Session at 9:15 p.m.

Minutes recorded by:

Donna F. Eisenhard, Recording Secretary

Minutes accepted by:

John R. Lacourse, Chairman

W. James Griswold

Frank W. Reinhold, Jr.
Lee Board of Selectmen