

Board members present: John R. LaCourse, Chairman; and Selectman Lombardo.

Others present: Town Administrator; Diane L. Guimond, Jerry Collins, Andy Lelio, Dorn Cox, Laurel Cox, Peter Watson, Judy MacDonald, Caren Rossi, Tom Loureiro, Clay Mitchell, Mike Blake, Linda Kahn, Corinne George, Margaret Demopolis, Peter Landry, Susan Mattioni, Patricia Jenkins, Bill Carter, Paul Spencer, Irene Boisvert, Paul Gasowski, Sarge Legard, John MacDonald, Chris Buslovich, Chet Murch, Town Secretary; Dawn Hayes.

1. Chairman LaCourse Opened the Public Hearing at 6:00 pm.
2. Peter Watson (not employed by the speedway) reads a letter submitted by Bob Watson (current General Manager of the Lee USA Speedway). The letter states Mr. Bob Watson is unable to travel to the hearing due to health restrictions from his doctor. He further states; they anticipate the upcoming season for the race track to be unstable. They request to move the race program from Friday nights to Saturday to stay afloat in these difficult economic times, they see more families being able to attend on Saturdays, and races will be able to start and end earlier if they ran on Saturdays.

Mr. Watson submits signatures from local businesses *supporting* the Saturday races; John Schier (CarWorks), Mark Davis (Patuckaway), John Wetherbee (John's Auto), Jim Davey (S&J Transportation), Alan LaPointe (Alan's Diesel Service), Dana Ellsworth (Mobil), Sherri Day (Dunkin Donuts), Patrick Kane (Market Basket). Their petition states; that while the Speedway is in operation, businesses benefit directly from the patrons, they support the decision to move race night to Saturday, the racetrack has always increased business volume especially during their two day events, Friday nights pose a traffic challenge, and the change will help bring new customers and business into the area.

Letters *supporting* Saturday racing were submitted for the record from residents; Wendy Fogg, Charlene Charpentier, John Clark, Phillip Stetson, David Tibbetts, Fred Marshey, MaryAnn Robinson, Kenneth Brown, Clinton MacGown, Clyde Fogg, Paul Spencer, Donna MacGown, Clark Couse, Donna Longworth, Kim Pitkin, Steven Longworth, Matthew Card, and Peter Harmon.

Letters *opposing* Saturday racing were submitted for the record from residents; Amy Daskal, N. Dennis Chasteen/Loretta H. Lavac, and Ann Wright.

Peter Watson reports, from 2001-2008 Friday nights have not been profitable. He notes that although there are many restrictions in the current Race Track Ordinance, it does not prohibit Saturday racing. Mr. Watson asks the Chief of Police; Chet Murch if the traffic is heavier on Friday night than on Saturday. The Chief states that during the summer, Friday nights are more traveled than Saturday.

Margaret Demopolis of Durham, questions the number of races that listed on the application.

Judy MacDonald of Lee, states they are permitted 3 test & tunes and 23 race events. In the past they have not made the 23 allowable race dates due to rainouts, a few other dates have been listed.

Irene Boisvert of Demeritt Ave, questions the start and finish times if races were changed to Saturdays. She is concerned about what the traffic impact would be.

Mr. Watson states; the gates would open at 2:00 pm, start engines at 4:00 pm and end no later than 10:00 pm. If he were running the track, that would be the schedule he would put out.

Peter Landry of Mill Pond Road, question how the change will make it better for the community. If the business expands will the blinking light be changed, is there enough parking, and has the DOT been contacted?

Mr. Watson states; they have a couple of races that bring approximately 4000 people and everything runs smoothly. All safety precautions are based on a full house even when they don't have it.

Chairman LaCourse notes the track is inspected by the Police Chief, Fire Chief and the Code Enforcement Officer. The State inspects the track as well.

Corrine George of Tamarack Road, her children enjoy the track every weekend. She is concerned that the races will be changed to Saturday and the amount of times the motors will be running. She asks for clarification on starting a race, having a rain storm move in and then continuing the next day. She praises the community but states her property value is affected, as well as the use of their yard. She would like racing to remain on Fridays.

Mr. Watson states; that they make every effort to finish the race, as it is too expensive to return to the track the next day. There would not be a time when some racing is complete that they would return on Sunday to finish a race.

Chairman LaCourse clarifies the issue referencing the ordinance, "an event shall be considered complete when five heat races or feature races have been complete, which ever comes first."

Andy Lelio of Hobbs Road, asks if the license goes on the warrant after tonight. He states that when he moved here he never imagined that the track would be an issue. He opposes racing in the middle of the weekend on a regular basis.

Chairman LaCourse explains; this is a hearing regarding the dates the track is requesting for their license. When all the information is gathered and reviewed with the absent Selectmen it will be reviewed and then a decision will be made. Chairman LaCourse will accept more letters of opinion until the decision is made.

Tom Loureiro of Thornton Lane, questions the amount of property taxes being paid by the race track. He wants the Selectmen to really consider the economic

impact. The benefit of the race track owners is being weighed against the property owners. He feels Saturday racing is taking over the heart of the weekend. He agrees with the other resident about the effect on property values.

Linda Kahn of Tamarack Road, reads from a print out from the Tax Collectors Office, the bill amount for 2008 is \$35,520.42, the bill amount for the first half of 2009 is \$16,543 and the bill amount for the second half of 2009 is \$16,155. Currently as of Jan 2, 2010 the total amount due is \$74,039.55, which has not been paid.

Judy MacDonald states; they do make payments.

Jerry Collins of West Mill Pond Road, is opposed to Saturday night racing. He feels the amendment that was made to the license last year was a disservice to the citizens of Lee. He has lived here for 25 years, he states the racing has always been on Friday nights and requests it not to change. He feels there is no financial gain to Lee for Saturday night races.

Linda Kahn states; she wants the Selectmen to look out for the town, the parcel that is owned by the race track should not be put above everyone else, she has read the ordinance; it clearly gives the Selectmen the right to insure the Public Health and Welfare. (R & R on the weekends). She feels the race track is about dollars and that one business should not take away from everyone.

Margaret Demopolis of Durham states even though she doesn't live in Lee she is tremendously affected by the race track. It affects the quality of life in her household when she can't go out and BBQ on a Friday night.

John MacDonald owner of the speedway since 1986, he speaks regarding the ordinance. Prior to the ordinance being written in 1988 he was permitted to run races until 2:00 am, Saturday night racing was also permitted. The ordinance has been the same for 23 years. He has always abided by the ordinance and is only asking to switch races to Saturday nights. He employs 60 people, many are from Lee, plus the Police and Fire departments. He can only operate 8 hrs a day, 23 times per year. He is trying to make a living. Last year it rained 22 out of 23 times races were scheduled. He still had to pay employees, fire and police and taxes. He has always obeyed the noise ordinance and has put mufflers on cars. He feels they have done everything the town has asked of him.

Judy MacDonald states; she spoke to 2 people at CarWorks who live near by the track. They told her they have been here for years, they did not even know what goes on at the track and that it has never bothered them.

Paul Spencer of North Side Road, feels the noise from route 125 is not any quieter than the noise from the track. It will help the track to be able to race on Saturday. It feels it is unfair to the track to limit the use of their property.

Paul Gasowski of Lamprey Lane requests; clarification of the amount of taxes that are due from the track. He would like to know if he is entitled to an abatement for the noise. He does not feel the town should make any adjustment to the schedule.

Diane Guimond recommends that he contact the assessor for details.

Chairman LaCourse closes the Public Hearing at 7:10 pm. He advises the public; once all the material is reviewed with the other Selectmen, the response will be posted on the E-crier.

3. Bert West reviews the issue of the boiler at the Safety Complex. He describes the breakdown as "sudden and catastrophic". He has had two other boiler manufacturers in to determine if it could be repaired. It cannot.

Mr. West recommends and submits a proposal for a Commercial Boderus boiler system for \$18,500. The system includes two oil boilers, using most of the existing controls, factoring in 20% add to accommodate the expansion of upstairs, with a life span of 25 years plus.

A special hearing will be scheduled to authorize use of funds for this emergency.

Chief Chet Murch recommends the Board override the bidding policy based on this emergency. Currently the Safety Complex is without hot water and is being heated by rented generators at a cost of \$1,250 per week.

Selectman Lombardo points out that the Safety Complex is listed as an emergency shelter and cannot be without water. He motions to forego the bid process and proceed with the replacement of the boiler.

Chairman LaCourse, seconds.

Chief Mike Blake offers to temporarily fund the boiler from his budget until funds are approved.

4. Clay Mitchell of SDES Group, has evaluated the safety complex to determine grant eligibility for the Regional Green House Gas Initiative program. Unfortunately we would have less of a chance of being approved for this grant since we are replacing the current heating system. However, getting part of the system covered by the grant may be a possibility.

Mr. Mitchell describes the operation co-generation units. He states they come in several sizes. A residential size unit would cost approximately \$25,000.

Laurel Cox states the units describe in the grant application were two co-generation systems, \$60,000 each. She states there is also the possibility of applying for a solar grant for \$110,000.

Selectmen Lombardo inquires about applying for the grant for a supplemental system.

Mr. Mitchell states it poses much more of a challenge preparing a grant application for a supplemental system. He mentions there is the possibility of leasing a skid based systems. He is not aware of the cost of such units.

Chairman LaCourse states the Safety Complex must get up and running as soon as possible. He returns to the motion made by Selectmen Lombardo to over ride the existing policy and grant the approval to move forward with the system proposed by Bert West. The Board agrees. Mr. West is given the go ahead to proceed.

5. Chairman LaCourse motions to enter into a Non Public session with resident Bill Carter. Selectmen Lombardo, seconds. Non Public is sealed.
6. Patricia Jenkins of the Heritage Commission presents details on the proposed storage vault. The Board requested clarification on size, delivery, set up, ventilation and hooking it up to the alarm system.
7. Chris Buslovich IT Director is present to discuss the security cameras in the Town Hall. Chairman LaCourse clarifies the camera in the Town Hall should be focused on the front door only. Mr. Buslovich states it can be moved to the pole. However, moving it to the pole will only give a small shot of the front door, which is not optimal. He further states the camera in the back hall is in the best location that it can be for coverage of the back door.

Chief Chet Murch would like to see the camera covering as much of the area as possible. He states we have cameras for the most exposure possible and feels only focusing on the door is "handcuffing our selves". He further states that from a security standpoint, the cameras are for the safety of our employees, the more the better.

Town Administrator; Diane Guimond advises the under the right to know law the town must have a policy regarding the security cameras and the digital tapes.

Chief Chet Murch requests any documentation the attorney has provided regarding this issue. He advises that videos are kept for 30 days at the Police Department. He is also concerned that when the camera is moved to the pole, that the work of the Town Secretary is not visible.

Chairman LaCourse would like to know when the camera is up and running in its new location. The Board would like to view it and make it available to anyone else who would like to view it. They agree that 30 days of recording will become part of the policy.

Mr. Buslovich states he can move the camera this week.

8. Town Administrator; Diane Guimond presents a letter to the Board from Bill Humm to K. Allen Brooks, Chief Environmental Protection Bureau regarding the Hutton's.
9. Town Administrator; Diane Guimond states the Town Warrant will be ready for signature on Wednesday morning.
10. Town Administrator; Diane Guimond presents a letter from Brian Giles of the Lamprey River Advisory Committee requesting sponsoring their program.
11. Town Administrator; Diane Guimond presents a letter to the Department of Transportation regarding the width of the High Road Bridge and recommendations from Randy Stevens of the Highway Department.
12. Town Administrator; Diane Guimond the new policies for Mileage reimbursement and Town Vehicles are still pending.
13. Chairman LaCourse reviews the budget and the warrant articles. Regarding Selectman Lombardo's absence at the last meeting, Chairman LaCourse would like to revisit implementation of the step program. After review of the bottom line of the budget and noting that some employees did not receive raises last year, he feels the employees of the town work hard and that 1.5% seems a bit unreasonable. He does not feel the full 3% step will impact the budget that much.

Selectman Lombardo agrees employees are important, good employees are a good investment and the Town must take care of its employees.

Selectman Lombardo motions to move the 1.5% increase to the full 3% step program. Chairman LaCourse, seconds.

14. The Board discusses the budget in detail and reviews of all warrant articles. Selectman Lombardo motions to remove warrant article #9 for \$62,000 for aggregate for the Recreation Commission. Chairman LaCourse, seconds.

Selectman Lombardo notes that last year many departments made sacrifices at budget time, including Police, Fire, Highway and the Transfer Station. The Board feels this Recreation project can be put off at this time.

15. Selectman Lombardo fully supports the warrant article for \$5,250 for the accidental health coverage for Fire Fighters.

Chairman Lacourse states; per OSHA regulations, Fire Fighters are at the greatest risk for getting hurt on the job. He also supports this warrant article.

16. Town Secretary presents abatements from the assessor for the Board's signature.

17. **Approval of Minutes:** Chairman LaCourse motions to accept the minutes of January 19, 2010.

There being no further business, meeting was adjourned at 9:20 p.m.

Minutes transcribed by:

Dawn Hayes, Town Secretary

Minutes accepted by:

John R. LaCourse, Chairman

W. James Griswold

Joseph P. Lombardo
Lee Board of Selectmen