

**Board members present:** John R. LaCourse, Chairman; Selectman W. James Griswold and Selectman Lombardo.

**Others present:** Town Administrator; Diane L. Guimond, Corrine George, Linda Kahn, Richard Miller, Dorn Cox, Laurel Cox, Geoff Carlton, AnnMarie Gasowski, Paul Gasowski, Amos Townsend, Doree Townsend, Shelly Sandborn. Lisa Morin, Frank DeRocchi, Henry Brackett, Bruce Marshall, Judy MacDonald, Bill Henze, Cynthia Giguere-Unrein, Bill Tanguay, Bruce Marshall, Town Secretary; Dawn Hayes .

1. Chairman LaCourse called the meeting and Public Hearing to Order at 6:00 pm.
2. Town Administrator; Diane Guimond presents two Petition Warrant Articles. The first signed by twenty-five residents (certified by the Town Clerk); to see if the town will vote to approve the resolution to amend the New Hampshire Constitution to Define Marriage. The second signed by thirty-three residents; to see if the town will vote to raise and appropriate the sum of \$60,000 to be used for aggregate from Hartman Enterprises for Little River Park.

There being no comment from the public, Chairman LaCourse closes the Public Hearing at 6:05pm.

3. Dorn Cox of the Energy Committee presents an update. He states that House Bill #1554, Property Assessed Clean Energy has had its first hearing, but has not yet passed. Survey results regarding residential efficiency, showed interest in town action in building codes, the Berkeley Plan and Small Wind Energy. He is looking at long range energy concepts for the future Town Center. He has contacted some larger energy companies that would like to look at Lee for a possible renewable energy plant. The Committee expects to have more ideas next year at Town Meeting.
4. Lisa Morin; Librarian, follows up with a discussion from the recent Department Head Meeting regarding creating a Capital Reserve Fund with \$60,000 for the Town Center instead of putting those funds into the Library Capital Reserve Fund. Ms. Morin explains that some of the funds were going to be used to hire a professional fundraiser. She is concerned about not being able to accept donations.

Selectman Lombardo is concerned that if the funds aren't isolated, they may be used for something other than its original intention.

The Town Administrator states that the Town adopted RSA 3195B in 1994. The Town has the ability to accept gifts up to \$5,000. If it is over \$5,000, a public hearing would be required to accept the gift.

Selectman Lombardo states that donations could be specifically designated to the Library Fund.

The Town Administrator remarks that at the last Town Center Committee meeting it was presented; all three projects would come together as one unit, under one trust fund. During that meeting, members of the Recreation Commission, the Library and the Town Center Committee agreed that all three projects would work together as one group to avoid failure. Also discussed at the Town Center Committee meeting was to put up to \$200,000 per year for the next five years, into a Town Center Capital Reserve Fund. In hopes that a more reasonable bond amount would be required when the project came to fruition.

The Town Librarian remarks that they considered all of the projects that are needed for the Town Center. However, the architect recommended the Library focus on one area for fund raising purposes such as furnishings. The Library furnishings are estimated between \$250,000-\$300,000. This is the area they would like to focus their fundraising efforts.

Chairman LaCourse would not like to see the current warrant articles changed at this time. Fundraising efforts should not be competing with each other. More discussion is needed down the road.

Ms. Morin states the Library would still like to put money in their Capital Reserve Fund, noting that money cannot be taken out without a town vote. She also states that when the Library Capital Reserve Fund reaches \$100,000 it will be more powerful when trying to raise funds.

Selectman Lombardo states that the intention of funding the Town Center Capital Reserve fund was to show a good faith effort to start raising funds for the project. He states hiring a professional fund raiser at \$30,000 may not be necessary, as we have a grant writer on the town's payroll that may be able to do that function.

Selectman Griswold would like to leave the warrant article as is. He remarks that all three groups have to work together. He would like to see saving to build as opposed to borrowing to build.

Chairman LaCourse would like to leave the warrant article as is.

Ms. Morin remarks that she will touch base with Denis Mires to do the presentation at Town Meeting regarding the Town Center project.

Selectman Griswold would like to see Ms. Morin's participation in the presentation on some level.

5. Henry Brackett (speaking as a private citizen) reports the School Board has had a deliberative session. There are three people running for school board positions; Ann Wright of Lee, Krista Butts of Lee and Dave Taylor of Durham.

Mr. Brackett states, tuition this year is as follows; \$15,355 for elementary, \$16,241 for middle school and \$16,477 for high school students. Those figures

are used to calculate the rate for out of district students. Oyster River School District charges Barrington students \$12,500, not the full tuition rate. Barrington also sends students to Co-Brown Academy for \$12,600 per student. Most students in Barrington attend Dover High School.

He notes that currently happening in Durham, there is a challenge to the school district about where some supposed funds have gone. The amount they are being asked about is about \$540,000. A description of how the money was spent is a reasonable question. The school district is a separate governing entity. Mr. Brackett thinks that the school district will be coming forth to answer these questions, and that things should settle down.

6. Lisa Morin (speaking as a taxpayer) asks the Board to consider allowing candidates running for office to post a profile on the town's website outlining where they stand on current issues.

Selectman Griswold agrees to post his profile.

Chairman LaCourse thinks it's a good idea. He requests the Town Administrator contact candidates for submission of their profiles. We will then have the IT Director post them.

7. Chairman LaCourse invites Attorney Tanguay, Judy MacDonald and her attorney Bruce Marshall for a discussion regarding the 2010 Race Track License. He advises the public that, this is not a Public Hearing and no decision will be made tonight.

Selectman Griswold states there are persuasive arguments on both sides (to race on Fridays or to race on Saturdays). He would like to discuss the possibility of a compromise, such as one Saturday per month.

Chairman LaCourse refers to the town ordinance regarding Public Health and Welfare. He believes the track is a safe and efficient operation. He remarks that the 97 decibels has been written into the Ordinance. He questions where that measurement is taken from, at the property perimeter or beside the car.

Selectman Lombardo officially recuses himself. He offers opinion regarding the issue of loud speakers. He currently uses a specific speaker system that only reaches to the end of the grandstand. This system limits extra noise.

Chairman LaCourse asks Attorney Marshall if there is a possibility of bringing down the noise and of racing on one Saturday per month.

Attorney Marshall speaks on behalf of the MacDonald's regarding the Race Track. He states that the Race Track has done a lot for the community through an endless list of donations. They have never asked for anything from the town and have adhered to the Ordinance. He also states that noise is measured from the property line. The MacDonald's have not exceeded that noise level even at the vehicle. More than 800 residents of Lee enjoy free use the track every year. The

track request to race on Saturday's is mainly due to the current economy. The Friday traffic issues that occur on route 125, would be lessened if the track could race on Saturday's. Races would not take place on both weekend days. Sunday's would only be used for rain dates, in the event that a Saturday race was rained out. Mr. Marshall states that New England Dragway runs close to 150 to 170 dates per year. (Selectman Lombardo interjects; "that is not true") He further states Star Speedway operates upwards of 80 dates per year. Both operate far more than Lee USA Speedway. The MacDonald's have operated by far stricter guidelines than anyone else in the industry. To restrict their racing to Friday's is unreasonable. Attorney Marshall will consult with noise engineers and Mr. MacDonald regarding all of the comments. Attorney Marshall will propose to his client; cutting the number of rain dates, during peak summer months (June & July). He also remarks that splitting Friday and Saturday racing would seem problematic as far as advertising. They would like to avoid confusion in the schedule. He would also like to clarify that cars do not run at maximum decibel level continually. There are many periods in between races when the decibel level is quite less.

Chairman LaCourse remarks that the original track was dirt and that the cars ran without mufflers. He questions how the ordinance got to the current 97 decibel requirement. He requests Attorney Marshall bring forth any information regarding noise and acceptable decibel levels.

Attorney Marshall states that the town of Bow has participated in an elaborate noise study in both commercial and residential neighborhoods, near the Bow Power Plant. He has other information available and is happy to share it with the Board. He feels his client has met all the requirements of the ordinance. They also have a proven history of meeting all of the noise requirements of the ordinance. Attorney Marshall will consider all of the issues discussed, including the sound coming from the loud speakers with his client.

Town Administrator states that in reviewing the race dates that have been submitted (with the original license application and recently by Attorney Marshall) there are dates that conflict.

The Town Secretary submits both documents highlighting the discrepancies. Mrs. MacDonald will review and revise the document.

Attorney Tanguay recommends the Board review the revised schedule and all information submitted by Attorney Marshall, before holding an additional session where the public can comment on the new information.

Resident Paul Gasowski questions that sound may behave in such a manner that if it is measured at the exhaust it may be different than cumulative sound coming up from the area. He asks, "Has the average ambient sound level ever been measured in the town?"

Selectman Griswold recommends, to avoid confusion, measuring the sound level at the property line.

Resident Linda Kahn states that the car noise is more disturbing than the loud speaker noise and that the noise affects a lot of people, not just the ones around the track. She is not requesting that racing stop, but would like to keep it from happening on Saturdays.

Chairman LaCourse announces they will meet again on February 22, 2010 and review all of the information gathered.

8. Selectman Lombardo motions to enter into a Non Public session @ 7:45 pm, with Attorney Tanguay regarding a legal matter. Chairman LaCourse, seconds. The minutes are sealed.
9. Chairman LaCourse motions to enter into a Non Public Session with Fire Chief Mike Blake @ 8:15 pm, for a personnel matter. Selectman Lombardo, seconds. The minutes are sealed.
10. Chairman LaCourse reviews the cell phone application of James Brown. He requests Chief Blake come to the Board for discussion on the application.

**Approval of Minutes:** Chairman LaCourse motions to accept the minutes of February 4, 2010. Selectman Lombardo, seconds.

There being no further business, meeting was adjourned at 8:55 p.m.

Minutes transcribed by:

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Dawn Hayes, Town Secretary

Minutes accepted by:

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John R. LaCourse, Chairman

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W. James Griswold

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Joseph P. Lombardo  
Lee Board of Selectmen

