

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

Others present: Town Administrator; Diane L. Guimond, Donna Eisenhard, Linda Kahn, Jay Hilyard, Judy MacDonald, John MacDonald, Attorney Bruce Marshall, Joe Lessard, Scott Marsh, Chris Buslovich, Linda Reinhold, Frank Reinhold, Carla Corey, Marain Kelsey, Lou Sansouci, Janice Neill, Randy Stevens, Town Secretary; Dawn Hayes.

1. Chairman LaCourse Called the meeting to Order at 6:00 pm.
2. Moderator; Janice Neill called the Special Town Meeting to order at 6:01 pm. Ms. Moderator presents town warrant article #1; to vote to see if the town will appoint the Board of Selectmen as agents to expend for the town bridges capital reserve fund. A majority vote is required.

Chairman LaCourse motions to see if the town will vote to appoint the Board of Selectmen as agents to expend for the town bridges capital reserve fund. Selectman Griswold, seconds. Chairman LaCourse describes the warrant.

There was no discussion from the floor. Those in favor, were unanimous. Those opposed, were none. Warrant article #1 has passed. Ms. Moderator closes meeting and adjourns, 6:04 pm.

3. Chairman LaCourse motions to enter into a Non Public session with resident Lou Sansouci. Selectman Griswold, seconds. Non Public ends at 6:20 pm. The minutes are sealed.
4. Selectman Griswold motions to enter into a Non Public session with Chris Buslovich regarding a personnel matter. Chairman LaCourse, seconds. Non Public ends at 8:00 pm. The minutes are sealed.
5. Chairman LaCourse calls forward Attorney Bruce Marshall and Mr. and Mrs. MacDonald of the Lee USA Speedway. Attorney Marshall presented information requested by the Board of Selectmen regarding the sound system, decibel levels, race and rain dates and noise reduction.

Attorney Marshall states; they have looked into the possibility of Bose sound system. Due to the cost (over \$22,000), the track cannot afford such a system. The current speaker system (Tweeter) designed to function on treble notes and does not have base notes. They will be adjusting the speakers facing down toward the track, away from surrounding neighborhoods and abutting properties.

An accurate schedule is submitted. There were clerical errors in the schedule that was submitted on December 9, 2009. The schedule includes 23 race events (20 Saturday's, 2 Sunday's, 1 Tuesday) and 23 rain dates.

Attorney Marshall addresses the issue of noise restriction stated in the ordinance. The ordinance states the vehicle must be equipped with a muffler that keeps the

noise below 97 decibels. He describes examples of sound decibels from the US Department of Labor. The sound pressure level decreases 6 decibels for each time the distance from the source is doubled. In comparing loudness and decibel levels; a normal conversation 3-5 ft away would be in the range of 60-70 decibels, a power lawn mower 3 ft away would be about 107 decibels. The state of NH statute Chapter 266:59a Motorcycle Noise Levels, does not permit a noise level more than 106 decibels when measured 20 inches from the exhaust pipe.

Attorney Marshall speaks about the noise level affecting the neighborhood to the south (Tamarack Rd). He submits an aerial map showing the forested area around the track. A Federal Highway study shows that a typical 200 feet of forested area will cut the loudness in half (not the decibels). However, having 70 decibels go through 200 feet of forest, it would sound like 60 decibels on the other side. He further states that the design of the track, the retaining wall, bleachers and vegetation at the track, along with the forest all helps to diminish the decibel levels.

Regarding the Boards request to investigate race cars being made quieter, Attorney Marshall states; it is not feasible given the nature of the operation and mechanics of the cars, as well as the cost of specialized mufflers. The speedway proposes to take additional decibel levels throughout the upcoming season. They would take them at the vehicle, inside the track and at various locations around the property line. They would volunteer the information to the Board to ensure confirmation of noise levels.

Attorney Marshall notes that when the speedway was started, it was a Saturday operation. It was in the 1980's when the owner's voluntarily switched it to Friday. At the time this was primarily not to compete with Star Speedway who ran on Saturday nights. Star Speedway is no longer a competition for drivers. Saturday nights are proven to be a better draw for both competitors and spectators alike.

A request has been made to the Department of Transportation (DOT has not responded) regarding the traffic counts on Route 125, specifically people headed north for summer camping trips on Saturdays vs. Fridays. In the opinion of Attorney Marshall (referencing his twelve years of experience as a Licensed Professional Engineer in highway building in NH), it would be safer for the public and emergency vehicles to get in and out of the track on a Saturday, as traffic would be heavier on Friday night on a typical summer weekend.

Changing the schedule to run races on Friday's is not feasible. Other tracks run on Friday's, competitors and fans need to be able to count on one specific night, it is better economically for marketing the fans and the drivers, thus they prefer to go back to the way the track originally operated on Saturday nights.

Attorney Marshall reminds the Board that the Lee USA Speedway has been operating since before the ordinance was in effect, annually they have over 800 Lee residents (which they consider supporters) attend races for free, 20 Lee residents are employed at the track and the MacDonald's have continually given to charities and town's in the area. They are not asking for any exception to the

ordinance and are willing to operate within the ordinance exactly the way it is written. They are willing to go the extra step of providing additional proof of monitoring sound, as well as adjusting sound the current sound system.

Attorney Marshall asks that the schedule be approved as submitted. There are 23 rain dates on it. The track has a history of only using a small fraction of those rain dates. The ordinance allows 23 race events. Even if rain dates are used, they will never exceed the 23 days of racing over the summer. He asks for the Board to consider all of the things he has spoken about.

Chairman LaCourse remarks; all things will be taken under consideration. He asks Attorney Marshall if the decibel levels increase when the engines are revved and the RPM's go up.

Attorney Marshall thinks that it will be higher than 97 decibels, but not a lot higher. Just as on Route 125, car traffic vs. an 18 wheeler; decibel levels would be a lot higher.

Selectman Griswold asks about the loudness vs. the decibels, specifically for residents on Tamarack Rd.

Attorney Marshall states that loudness is considered by the individual, their perception and opinion, thus legally speaking they have to mark sound by decibels.

Resident; Jay Hilyard asks if the town validates the decibel level at the track.

Chairman LaCourse will check with the Police Chief, but he believes it has been checked in the past.

Selectman Griswold requests the speedway submit a tentative schedule for the upcoming season of when and where monitoring of decibel levels will take place.

The speedway agrees to submit such a plan.

6. Assessors Joe Lessard and Scott Marsh present an informational sheet for residents with questions and answers regarding market values and property assessments. This document will be printed in the next Town Crier.

The assessors submit the Sales Ratio Survey Report indicating the DRA's actual ratio as of April 1, 2009, on average properties are being assessed at 114.4%.

7. Chairman LaCourse motions to enter into a Non Public session with the Town Assessors regarding a BTLA matter. Selectman Griswold, seconds. The minutes are sealed.
8. Chairman LaCourse opens the floor for Public Comment. Resident Linda Kahn asks; if prior emails regarding the Lee USA Speedway will be read at the next Public Hearing?

Chairman LaCourse notes that unless there are substantial changes in the race track license application, there will not be another Public Hearing.

Selectman Griswold remarks that emails are problematic, as we don't know where they are coming from. The Board has addressed the issue with the Town's Attorney; emails continue to be a problem in town government. The Public Hearing is at a specific time and place, by law, once the hearing has ended no more can come in. All emails that came in before the public hearing closed, we considered and read into the minutes.

Chairman LaCourse advises the Work Session scheduled for Tuesday March 2, 2010 will not be a Public Hearing. They will vote on the current Lee USA Speedway License application.

9. Chairman LaCourse moves the next meeting to March 2, 2010 and cancels the Public Hearing. (The Board agrees there is no substantial change in the application for the racetrack license.)

Selectman Griswold would like to open the March 2nd meeting for brief public comment. He would like to allow a few minutes for each person and no more than forty minutes total for discussion.

10. Town Secretary presents appointment slips for the Conservation Commission and Zoning Board, abatement requests and a vacation request for the Board's signature.
11. **Approval of Minutes:** Chairman LaCourse motions to accept the minutes of February 8, 2010. Selectman Lombardo, seconds.

There being no further business, meeting was adjourned at 10:00 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