

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

**Others present:** Town Administrator; Diane L. Guimond, Eric Fiegenbaum, Tom Lee, Laura Weit-Marcum, Dawn Genes, Sharon Meeker, Laura Scheibel, Bill Humm, Bambi Miller, Jackie Neill, Dick Weyrick, Andy Lelio, Eileen Miller, Bob Watson, Janet Wall, Tricia Jenkins, Caren Rossi, Linda Reinhold, Allan Dennis, Sue Hoey, Bud Finnemore, Jamey Watkins, James Watkins Jr, Chris Buslovich, Town Secretary; Dawn Hayes.

1. Chairman LaCourse Called the meeting to Order at 6:00 pm.
2. Cemetery Trustee; Jackie Neill presents a cemetery deed for the Boards signature. Two Lots were sold to Marianne Titterington.
3. Eric Fiegenbaum; Oyster River Watershed Association presents the Oyster River's nomination for the State Rivers Management and Protection Program. The presentation is intended to address the Boards concerns and clarify issues from the initial meeting requesting nomination. Mr. Fiegenbaum reviews the Comprehensive Shoreland Protection Act. He further explains that Lee has a Shoreland Ordinance and a Wet Soils Ordinance. Mr. Fiegenbaum submits an environmental fact sheet that includes rules regarding; activities for dams and encroachments, water quality/quantity, waste disposal, fertilizer, pesticides, recreation, building, and buffer removal. (map, fact sheet, and summary of standards submitted for the record)

Tom Lee; Oyster River Watershed Association presents a map of shoreline protected areas. Mr. Lee explains the benefits of participating in the River Management Protection Plan; communication with a local advisory committee, a river management plan approved by each town and additional protection through RMPP regulations. Mr. Lee states; the town already has strict regulations about development in the shore land area, however the enhanced communication between towns and a more holistic view of the river and how to take care of it, are some benefits from the RMPP.

Selectman Griswold questions the restrictions on fertilizer, if there is enough protection already and the variance system. He is further concerned about placing another layer of regulation on land that is privately owned.

Laura Weit-Marcum; Acting Rivers Coordinator for DES explains; limestone is allowed, sludge and septic is not allowed within 250 ft, low phosphorus and slow release nitrogen is not allowed within 25 ft, all other fertilizers are not allowed within 25 ft. Ms. Weit-Marcum further explains the process of applying for variances and what may qualify for an exemption. She also states there are currently 16 rivers in the program.

Chairman LaCourse requests input from Allan Dennis; Code Enforcement/Planning/Zoning.

After reviewing the development potential through the corridor, Mr. Dennis supports the program. He states our ordinance is more restrictive, but we don't have any regulations on fertilizers. Mr. Dennis further states, we have a total prohibition of structures within a 100 ft of the shore land. Mr. Dennis concludes; we have to work together on the areas that are already designated shore land protected.

Selectman DeRocchi expresses concerns regarding; how the regulations will affect us 5-10 years from now and the impact on privately owned land, recreation vehicle restrictions and expansion of a water system in the future. Selectman DeRocchi supports the education of land owners as opposed to restrictions being put on land owners.

Eric Fiegenbaum states that the state process has to go through public hearings with public comment. The state has designed the program to gain local support and they don't want to dictate the things that local towns want to do.

Chairman LaCourse advises that more thought and discussion within the Board is needed before a final decision is made. Mr. Fiegenbaum states the deadline for a letter of support is August 31, 2010.

4. Dawn Genes presents the nomination of the remaining segments of the Lamprey River for the River Management Protection Plan. Ms. Genes states that the Lamprey River watershed is the largest watershed that feeds into Great Bay. Currently only 12 miles of the Lamprey is in the RMPP, the main branch of the river is 47 miles long. Ms. Genes states that it is important to also include the North Branch River, the Pawtuckaway River, the North River, the Piscassic River and the Little River as well. The entire watershed must be considered to improve the water quality going into Great Bay.

Ms. Genes states there is a lot of land conservation going on throughout the watershed. Ms. Genes shares a map depicting the area around the Lamprey River, ranked highest in wildlife habitat by ecological condition (2006). Ms. Genes notes the Lamprey River is one of distinction. It is one of two rivers that feed into Great Bay that are seeing an increase in river herring returns.

Ms. Genes reviews some concerns in the watershed; low ph, low oxygen, road salt, too much nitrogen and flooding. Outreach throughout the watershed has included public meetings, mailings to abutters, press releases and exposure on Public Access TV. Twelve of the fourteen towns have already sent letters of support. The town of Raymond has decided to remain neutral. Ms. Genes states letters of support must be submitted by September 14, 2010. (maps and letter of support submitted for the record)

Selectman DeRocchi requests further explanation regarding the decision made by the Town of Raymond. He reiterates that he is concerned with land owner rights.

Laura Weit-Marcum states; at the meeting in the Town of Raymond there was a lot of discussion about the RMPP and if it would prohibit future water withdrawals for expansion of public drinking water. Some members of the Board had reservations, but did not want to prohibit the nomination if other towns wanted to support it. The Town of Raymond then decided to stay neutral.

Janet Wall states that she understands the Board has concerns, but is in support of the nomination.

Laura Weit-Marcum explains that she understands the concerns of land owner's rights. The process works by forming a committee to include land owners, realtors, and The Marine Trade Association creating a diverse group. They then develop the recommendations. Ms. Weit-Marcum states; it is a shared resource and the purpose behind the Shoreland Protection Act is to protect the shared resource for all folks who use the river.

Selectman DeRocchi explains; his 50 x 100 ft property is on water and is being taxed because of it. In looking at the map showing the setbacks and restrictions, he has no problem with them. Selectmen DeRocchi further states; it is not balanced, if there are going to be restrictions than the taxation shouldn't quite be so bad. He states he is adhering to the rules, but has lost some rights to do some things. He is concerned that his property restricted, without being compensated for it.

Chairman LaCourse thanks everyone for their input and information. He advises the Board will not make a decision tonight, as there is a lot of information to review.

5. Bob Watson; Lee USA Speedway requests to exercise a rain date for Sunday September 12, 2010, should the rain date of September 11, 2010 also get rained out. Mr. Watson states they are very concerned with this event in particular, since there are so many Police and Fire personal from all over the state who will be participating in the memorial ceremony.

Resident Andy Lelio encourages the Board to disallow this rain date, and requests sticking to the schedule that was approved and published in April.

Resident Laura Scheibel states that the noise in her front yard has always been excessive, but has been quieter this year than in previous years. Ms. Scheibel states commemorating September 11<sup>th</sup> is a time to be quiet. She references the Selectmen's Minutes of July 26<sup>th</sup>, it states Lee USA Speedway would like to run that last race of their season on September 11<sup>th</sup>.

Mr. Watson clarifies that the last NASCAR-Winston Racing is September 11<sup>th</sup>, which is followed by the October Fest. Mr. Watson states; the October Fest has run for the past 21 years.

Town Administrator; Diane Guimond offers some recent history to clarify the issue. Ms. Guimond states; on July 26<sup>th</sup> the Lee USA Speedway came before the Board stating they had been rained out on four occasions (two in April and two in July), they were requesting a rain date of July 31<sup>st</sup>, which the Board denied. They also requested the rain date of September 11<sup>th</sup>, for the race of September 10<sup>th</sup>, which was already on their schedule. On July 27<sup>th</sup> the approval of the September 11<sup>th</sup> rain date was posted on the website to notify residents.

Chairman LaCourse motions to approve the request of Lee USA Speedway for the rain date of September 12, 2010. Selectmen DeRocchi, seconds. All agree.

Selectmen Griswold acknowledges the residents and their concerns and will consider the issue of sticking to the schedule for the future. Selectmen DeRocchi states; he is conscious of the towns people working with the schedule of the track, the setting of dates and needing knowing when the races are going to occur.

Mr. Watson states; he understand the public concerns, they are trying their best at the speedway, they have gone to an FM transmitter, they are encouraging fans to bring headsets, they have modified the volume control on the speaker system, they don't let any race cars out there that don't have mufflers (enforcing that issue), they know the concerns about the noise and they are trying to address them.

Chairman LaCourse asks Mr. Watson if he has reviewed the Noise Study proposal that was recently sent to him. Mr. Watson states he did not receive it, but would be glad to look at it. Chairman LaCourse states he will get it to him and further explains that there is a cost associated with the study of \$28,000. Chairman LaCourse states that this is a considerable amount, but the Board is interested in proceeding. Chairman LaCourse reminds Mr. Watson that the town currently holds a cash bond that could be used. Chairman LaCourse invites Mr. Watson to attend the Selectmen's Work Session on August 31<sup>st</sup> after reviewing the proposal.

6. Patricia Jenkins of the Heritage Commission presents an example of a sign to be used for a self guided tour. The Code Enforcement Officer is in agreement with the sign. The tour will consist of 25 sites, it will start at the Town Hall and go out from there. The Board is in full agreement of the design.
7. IT Director; Chris Buslovich discusses the franchise agreement with Comcast. Mr. Buslovich advises the Board that the franchise cable fees are only applied to cable TV, not internet or phone. (per the Federal Cable Act)

Selectmen DeRocchi wants to be 100% sure that they revenue stream from the franchise fees, is just limited to cable TV.

Mr. Buslovich offers highlights from the agreement; putting a line in the Safety Complex to feed to the TV station (if/when meetings are filmed, there is currently no way to transmit them) (cost about \$20,000).

Mr. Buslovich explains; the franchise fee is not part of the profit, if we impose a 5% fee, it's a separate charge passed on to the subscriber. The line cost to be installed can be either a franchise related fee, which can be billed separately from the franchise fee or the town could take it out of the franchise fee.

Selectman DeRocchi asks if this is all negotiable with the cable company. Mr. Buslovich states; whatever we do we are going to pay for and that we have no leverage. Selectman DeRocchi requests the Mr. Buslovich look at some of the other places with franchise fees and see if they are not negotiable. Mr. Buslovich states the only thing that is negotiable is the % of the fee. Mr. Buslovich clarifies a common misunderstanding; that a franchise fee agreement doesn't lock residents into only having Comcast (if FairPoint comes into town, people can use them).

8. Selectman Griswold addresses some concerns of Mr. Buslovich regarding responsibility and the chain of command when approving postings for the website. The posting of items from the Oyster River Alumni and the Oyster River Youth Association are questioned.

Selectman Griswold recommends Mr. Buslovich post school district items. Chairman LaCourse recommends any items from the alumni association be approved by the Town Administrator. Mr. Chairman further states that postings are not for profit making, but for information transfer.

Diane Guimond; Town Administrator recommends she and Mr. Buslovich keep talking, as items that are questionable will continue to come in.

9. Selectman Griswold addresses accepting credit card payments in the Town Clerk/Tax Collectors Office. Mr. Buslovich is assisting the Tax Collector supporting the IT part of the process.
10. Selectman Griswold addresses the IT Director regarding tracking cell phone minutes on town issued cell phones. Mr. Buslovich states that unless there is a big influx in cost, that it wouldn't be tracked. He further states that everyone is on a business plan where minutes are pooled.

Selectman DeRocchi is concerned that even though all minutes are pooled, is there still abuse of the town issued phones, even though it doesn't reflect in the bill, is it still being looked at. Mr. Buslovich states that the policy that is currently in place; if anyone incurs any additional cost to the town, they would be responsible.

Chairman LaCourse requests Mr. Buslovich look into the number of minutes that are being pooled and the number of texts, and email the results to the Town Administrator and the Board.

Resident Andy Lelio requests the ability to listen to Selectmen's Minutes without purchasing a CD. Chairman LaCourse requests Mr. Buslovich look into the matter and email the Board with suggestions.

11. Chairman LaCourse motions to enter into a Non Public session at 8:00 pm, with the Town Clerk/Tax Collector regarding a personnel matter. Selectmen DeRocchi, seconds. All agree. Non Public ends at 8:50 pm, the minutes are sealed.
12. Selectman DeRocchi opens the sealed bids for the 2004 Ford Crown Victoria. Chairman LaCourse reviews the bids; Asian Auto bid \$1,232.12, Tri State Auto bid \$753.00 and Chicago Motors bid \$407.00. Selectman DeRocchi motions to accept the bid from Asian Auto \$1,232.12. Selectman Griswold, seconds. All agree.
13. Selectman DeRocchi motions to enter into a Non Public session regarding contract negotiations. Selectman Griswold, seconds. All agree. Non Public ends at 9:10 pm, the minutes are sealed.
14. Caren Rossi; Planning/Zoning Secretary presents and opens a sealed bid for a Fire Pond. Jamco Excavators bid \$37,869. Chairman LaCourse motions to accept bid from Jamco Excavators for \$37,869. Selectman DeRocchi, seconds. All agree.
15. Allan Dennis; Code Enforcement officer reports; state law regarding windmills, they cannot be prohibited. Mr. Dennis states the Office of Energy and Planning has a model ordinance, it is suggested that towns adopt it. Mr. Dennis will review it with the Planning Board.
16. Selectman Griswold addresses the issue of the use of the Town Car pertaining to the Town Clerk/Tax Collector. Chairman LaCourse motions to make the Town Clerk/Tax Collector exempt from using the Town Car and the policy associated with the use of the Town Car. Chairman LaCourse further motions that the exemption will be reviewed every year on this anniversary date. Selectman Griswold, seconds. All agree.
17. Selectman Griswold addresses the chain of command for the staff in the Town Clerk/Tax Collector's office. Judy Gaudet will remain the Assistant, Mary Blair will be the Deputy Town Clerk Tax Collector. Chairman LaCourse requests that the record reflect that the Assistant and the Deputy report to the Town Clerk/Tax Collector.  
  
Chairman LaCourse motions to provide retro-active pay for the Deputy Town Clerk/Tax Collector back to July 1, 2010, to include the 3% step program, as long as the Town Clerk/Tax Collector stays within her budget. Selectman Griswold, seconds. All agree.
18. Diane Guimond; Town Administrator reports that she has contacted the school, they expect to have the state reports on time for September 1, 2010.
19. Selectmen Griswold discusses the matter of record storage. Chairman LaCourse notes that once the elevator is operational, the second floor of the safety complex can be used for record storage.

- Chairman LaCourse directs the Town Administrator to inform all Committees, Commissions and Department Heads that the Board of Selectmen is providing space on the second floor of the Safety Complex for the storage of all town records that are not already stored on town property.
20. Town Secretary; Dawn Hayes submits vacation requests for Randy Stevens and Allan Dennis for the Boards signature.
  21. Town Secretary; Dawn Hayes submits an Affidavit of Existing Participant form for the Police Department for the Boards signature.
  22. Diane Guimond; Town Administrator reminds the Board that the Personnel Policy and Procedure Manual needs to be formally adopted prior to the presentation to Department Heads on September 15, 2010.

**Approval of Minutes:** Chairman LaCourse motions to accept the minutes of July 20, 2010 and August 17, 2010. Selectman DeRocchi, seconds.

There being no further business, meeting was adjourned at 10:20 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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Frank J. DeRocchi

Lee Board of Selectmen