

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

Others present: Lisa Morin, Tom Loureiro, Katherine Canevari, Robert Watson, Chet Murch, Chris Buslovich, Lori La***, Dennis Chasteen, Kurt Aldag, Ken M*****, Beth Dugan, Katrinka Pellecchia, Margaret Dolan, Judy MacDonald, John MacDonald, Russ, McCurdy, Sheila McCurdy, Ann Marie Gasowski, Paul Gasowski, Paul Raiti, James Gardner, William Power, Cynthia Giguere-Unrein, Corrine George, Laura Scheibel, Irene Boisvert, M. Robin Collins, Amy Daskal, Dorn Cox, Laurel Cox, Andy Lelio, Linda Kahn, Bruce Larson, Town Secretary; Dawn Hayes.

1. Chairman LaCourse Called the Public Hearing to Order at 6:02 pm.
2. Bob Watson, of the Lee USA Speedway, presents the 2011 Application to Operate a Motor Vehicle Racetrack, including a schedule of events depicting 23 race dates. Mr. Watson states the speedway is taking a new direction and has reduced the number of divisions from six to four. He further states that he appreciates the concerns of citizens and expects this direction to shorten the program hours, with a finish time of 10:30 pm (contingent upon no rain delay or serious accident). They are experimenting with some new mufflers that have come out, Mr. Watson will return to the Board with his findings.

Selectman DeRocchi notes that with the reduced amount of divisions, the track should be looking at approximately 100 hours of racing time. Mr. Watson states they are allowed to run eight hours for each event, but would like to see the “regular” racing events start at 7:00 pm and finish at 10:00 pm, that is the goal.

Chairman LaCourse opens the floor for public comment. Andy Lelio asks Mr. Watson to explain a Test and Tune event. Mr. Watson states, during the off season drivers rebuild cars and motors and then test their equipment. He further states each division is allowed has a set time on the track (only 8 cars are allowed at a time, running from 5-8 minutes). Teams then go back and fine tune their equipment.

Chief Chet Murch explains that also during that time is when inspections are done on any new vehicles coming in. Mr. Watson agrees and further states, staff gets together during Test and Tune dates to run through safety codes.

Katherine Canervari asks how long of a day is Test and Tune. Mr. Watson states Test and Tunes are in the afternoons, a motor is never fired before noon and they normally go until 5:00 pm.

Andy Lelio states that abutters have told him, that a Test and Tune day is indistinguishable from a Race day. Mr. Lelio points out that on the license it states “no practice or tire testing dates are permitted”. Mr. Lelio asks why the Test and Tune dates don’t count as part of the 23 events.

Chief Chet Murch refers to section 17A of the Ordinance. Chairman LaCourse reads the section aloud.

Laura Scheibel asks, about the maximum number of rain dates allowed. Mr. Watson believes there is a rain date for each event (23). However, he further states that rain dates are usually lost, as they lose approximately \$6,000.

Beth Dugan asks what time would races run on a Sunday rain date. Mr. Watson states, normally practice at noon, start up at 2:00 pm and are done by 5:00 pm.

Kurt Aldag questions the October Test and Tune day, and that there are no Rain Dates for the Test and Tune dates, suggesting that these are really Race dates. Mr. Watson clarifies that the October Fest has 11 divisions that visit the speedway (during this time all other New England facilities are shut down) racers are invited to have one last event of the season, Friday of October is Test and Tune for drivers who are not geared for this track, they have to make changes to gears and carburetion. Saturday of October Fest is the qualifying day.

Bill Powers states, he is opposed to the Tuesday night race of July 12, 2011, as well as any weeknight racing. Mr. Powers asks what the town is doing about the past due taxes of the race track. Chairman LaCourse notes that it is being treated like anyone else who is in arrears with their taxes and that the Board of Selectmen take it very seriously.

Chief Chet Murch states, according to his research, there are six other businesses that are behind on taxes. He further states that the total of delinquent taxes, including residents, is \$1,266,257.68. Chief Murch further states, in the state of NH it is set up that after three years of unpaid taxes it goes to deed, in the meantime we are gaining interest. Just this year alone the interest is \$84,847. If taxes are not paid on time, after three years they will be deeded just like anyone else.

Kurt Aldag, regarding the unpaid taxes, he recalls in last year's Town Report there was \$3,970,000 in uncollected taxes. Mr. Aldag wants to know how we are doing in relation to that and how it gets to that amount. He would like further explanation of the interest collected and if we are paying interest to cover the uncollected revenue.

Town Administrator, Diane Guimond states that the town has never had to take a loan to cover uncollected taxes. Typically banks are paying uncollected taxes just prior to properties being deeded. The Board of Selectmen never waive interest, it sits on the rolls as anticipated revenue that is uncollected. Ms. Guimond further states, the Town of Lee consistently has a healthy fund balance and has been able to handle the uncollected revenue. The revenue is never really lost and continues to collect interest.

Mr. Aldag goes on to say that it seems unfair that a business could have up to three to not pay their taxes and further states that no one from the Town of Lee is employed by the track (all employment is outsourced).

Chairman LaCourse states that businesses and residents alike are able to hold back their taxes and not lose their property for up to three years if they are willing to pay the 18% interest. However, the Board of Selectmen are not interested in taking someone's property, but they will if they have to. Chairman LaCourse states that everyone is treated equally under the law.

Mr. Watson states that concession workers, Police, Fire, security workers and a maintenance worker are Lee residents that are employed by the speedway. (some of which have been employed for 7-8 years) Mr. Watson further explains that there are three corporations at the racetrack that require sanctions to operate the speedway (NASCAR).

Bruce Larson states that he is not a fan of noise but appreciates the good faith effort of the racetrack to cut down the length of races. Mr. Larson would like to speak to the issue of taxes and other areas of concern at another time, as this hearing is about dates and hours of operation of the track.

Russ McCurdy states that when you buy a house no realtor will say to you that you will not be able to dine on your porch. While he is not opposed to anyone's entertainment, it does impose on the unknown purchaser of a property. Mr. McCurdy inquires about what can be done to get the noise down.

Chairman LaCourse states that he has had conversations with the racetrack regarding noise reduction. Some items discussed were: PA system modifications, mufflers pointed down, and other ways to modify noise. The Ad hoc committee has been formed to work with the track and deal with some of these issues.

Laura Scheibel asks for clarification on the Act Tour, Modifieds, Pass Tour and October Fest, how they differ from the NASCAR weekly races, do they have a greater level of decibels permitted by the ordinance. Mr. Watson states that those are touring divisions that are special events, they are different kinds of cars, that are required to carry mufflers. Mr. Watson further states that he and Chief Murch took measurements last year on all those series and they do meet the 97 db that is required. Chairman LaCourse clarifies that these cars have bigger engines and do have more horsepower.

Bill Powers asks if there are any regulations on a Tuesday night race, if the track requested all Tuesday night racing would it be approved. Chairman LaCourse states if the track came next year and proposed all Tuesday night racing there would be another hearing and opportunity for discussion. Nights cannot be changed on a whim, every year they must come before the Board with a hearing.

Tom Loureiro asks about the testing that was done this year with the Chief. Mr. Watson states that readings were taken by the Chief and himself and offers to bring them to the next Ad hoc committee meeting.

Andy Lelio presents a power point, stating this is his own personal analysis of sound data from the speedway (attached to these minutes). Mr. Lelio refers to 42 measurements that were taken by the Lee Police Department. Mr. Lelio states that there were gross violations of the ordinance. Further, Mr. Lelio recommends the Board reject the 2011 racing schedule. Mr. Watson opposes the analysis, stating, it is totally false. Dennis Chasteen challenges these calculations, noting the inverse square law was applied incorrectly. Bruce Larson also disagrees with the analysis, stating it is fuzzy math, a good effort, but he disagrees with Mr. Lelio's calculations. Robin Collins states that the inverse square law should be applied to the gross energy units, not the decibels. Mr. Collins inquires about the ordinance and if it states the distant the measurement should be taken. Chairman LaCourse states, this is part of the issue that is being dealt with when interpreting the ordinance. Mr. Collins further states, these so called gross violations are a mute point, since the place of measurement is not specified.

Linda Kahn asks if the Selectmen would consider adjusting the schedule to disallow the Tuesday night race. Chairman LaCourse confirms that the track has raced on one Tuesday night for the past several years.

Dawn Hayes; Town Secretary accepts resident's letters into the record: Ann Wright, 10 Thornton Lane, Paul Raiti 45 Hobbs Road, Beth Dugan 24 Cartland Road, Laura Scheibel 62 North River Road, Edward Lacoursiere 18 Kelsey Road. Chairman LaCourse confirms the Board of Selectmen have read these letters.

Amy Daskal states if she plans an event at her home and a rain date coincides with her event, then she has to put up with the noise from the track.

Chairman LaCourse motions to approve the 2011 License to Operate a Motor Vehicle Race Track. Selectman Griswold, seconds. Chairman LaCourse invites discussion from the Board. Selectman DeRocchi state he has looked at this and the issue is not Saturday night racing this year, the schedule is typical of historical racing that has gone on, he sees no reason not to accept the schedule. Selectman Griswold agrees. Chairman LaCourse notes the Board is sensitive the track operating a business and is sensitive to the concerns of residents. He further states they will be sensitive to sticking to this schedule, should a change occur it will be put on the website. He expects the Ad hoc committee to move forward, looking at the ordinance to make it enforceable for Police and Fire, and to consider residents with respect to the noise issue.

The motion carries; all agree to approve the Lee USA Speedway's 2011 License to Operate a Motor Vehicle Race Track.

The Public Hearing is adjourned @ 7:10 pm.

4. Chairman LaCourse called the meeting to order at 7:11 pm.
5. Chief Chet Murch presents the invitation to for the generator. One sealed bid was received from Milton Cat of Hopkinton, NH. Chief Murch states the current generator does not operate the entire building and that there if no use of the elevator when the generator runs its test. Bid from Milton Cat is \$21,453. Chairman LaCourse inquires about the funds. Chief Murch notes, \$19,000 was encumbered for this use specifically. Chief Murch will make his recommendation regarding the purchase at a later date.
6. Chief Murch submits the Highway Safety Project Grant (for Radar Patrol) for the Chairman's signature.
7. Chief Murch presents the departmental update for the Joint Loss Committee. Chief Murch states, the committee has conducted the annual safety inspection for all town buildings (including the hobo shed). The committee investigated the injuries at the Transfer Station and then coordinated with the Local Government Center, a proper lifting class for all employees. Other activities include: fire extinguisher training, bike to work day, purchase and posting of seatbelt signs, and the pound for pound weight loss challenge.

The Committee's recommendation for the Hobo Shed includes a door off of the handicap ramp and a level ramp on the inside, to allow full access to the vault.

8. Chief Murch presents the departmental update for the Police Department. Chief Murch states they are currently up to full staff, but have been short handed over the last year. The Department was recognized by CALEA in 2008 and hopes to be re-recognized in October 2011.

Chief Murch reviews some of the activities being conducted by the department: vehicle lockouts, vacation house checks, child safety seat checks, prescription drug take back program, respond to calls from dogs to bank robberies, co-host Public Safety Day, child id/fingerprinting, assisting the food pantry and more.

Chief Murch states, the race track has also assisted the food pantry by raising over \$600, plus canned goods.

Selectman Griswold thanks the Department for their work.

9. Library Director; Lisa Morin presents a departmental update for the Lee Public Library. Ms. Morin reports the following statistics: circulation is up 3.38%, visitors are up 2.45%, youth program attendance is up 5.27%, adult program attendance is up 13.98%, public computer access is up 2.76% and wireless access is up 11.41%. Ms. Morin adds, the Library offers many programs: monthly book discussions, gardening programs, First Aid training, knitting workshops, school vacation week events, teddy bear tea party, story time, assistance with genealogy research, museum passes and more.

10. Margaret Dolan presents the Library Trustees departmental update. Ms. Dolan states the Trustees are dedicated to working toward the building of a new Library/Community Center. They are working on forming a foundation to enable them to accept donations towards the Community Center. Ms. Dolan states she is part of the Steering Committee. The Committee would like the Board's endorsement on a warrant article for \$100,000 to go into a new trust fund for the Library/Community Center. Ms. Dolan notes that this is not in the CIP.

Chairman LaCourse states the CIP was developed for long range planning and that the Board is not ready to make that decision at this time. Selectman Griswold states he is a support of the warrant article and agrees that it is a very important one. Chairman LaCourse states the Board will get back to the Trustees regarding their direction. Selectman DeRocchi states the only way for the town to voice their opinion on the project is to present the warrant article. Selectman Griswold notes the great effort on forming a 501c3.

Cynthia Giguere-Unrein states it was originally looked at to save 100k each year for five years and then bond at that point. Ms. Giguere-Unrein asks, if they should move forward or wait until after town meeting. They want to look for naming opportunities, bequests, fund raising, and donors. Ms. Giguere-Unrein states a unified front is needed.

Bruce Larson states the mission of the Library is changing, as the need in Lee is not a book depository, but with a population shifting towards retirement age, the Library/Community Center would provide a different type of facility. The types of services that can be provided in the future, cannot be provided out of the current facility. Mr. Larson suggests a presentation at the next town meeting to state the overall mission, being that, creating a Center for Lee. Further, Mr. Larson requests the support of the Select Board.

Chairman LaCourse agrees and suggests that the Trustees put the warrant together. Selectman Griswold recommends working with Bob Smith (not present) to add it to the CIP.

11. Community Planning Coordinator; Laurel Cox requests the Board add a mileage reimbursement line item of \$400 to her budget. Selectman DeRocchi states the town has established a policy to try and eliminate paying mileage and using private vehicles, when a town vehicle is available. Ms. Cox notes, it is 3.35 miles from her house to pick up a town vehicle and that most of her long treks are to Manchester, Concord and Rochester. Ms. Cox further states, it is an extra 7 miles plus the time, as her office is out of her home. Chairman LaCourse states, the Board will take this under consideration, after looking at the details of the budget.
12. Dorn Cox of the Energy Committee, presents the contract from Jeffrey Taylor & Associates for the Board's signature. Chairman LaCourse recommends the Town Administrator review the SDES contract and return to the Board with a recommendation. Ms. Guimond publically thanks Mr. Cox for his patience over the last few months.

13. Town Administrator; Diane Guimond advises the Board that the Department of Revenue has set the equalization rate for 2010, at 121%.
14. Town Administrator; Diane Guimond submits a data sheet of recent statistical update bids. KRT bid \$72,000, CNHA bid \$64,800, Cross Country \$60,000, MRI bid \$60,000, Avitar bid \$57,900, Granite Hill bid \$47,500 and CNP bid \$43,600. Selectman DeRocchi is concerned with the low bidder and their ability to defend their position at the BTLA. Ms. Guimond has discussed this with the current Assessor; MRI, they will be overseeing the statistical update work that is done.
15. Town Administrator; Diane Guimond reminds the Board, the deadline to register for re-election is January 28th. (Chairman LaCourse is up for re-election)
16. Town Administrator; Diane Guimond reports that the Advisory Budget Committee has requested a lot of research and information from Mr. Smith regarding the CIP. Ms. Guimond recommends the request be forwarded to Allan Dennis.
17. Town Administrator; Diane Guimond is recommending the Public Hearing for the Budget be scheduled sooner rather than later. Ms. Guimond reminds the Board, February 1st is the last day for Petition Warrant Articles. She recommends February 2nd for the Public Hearing.
18. Town Administrator; Diane Guimond reviews the second draft of warrant articles with the Board of Selectmen. Selectman DeRocchi requests the wording on the warrant article for Town Meeting be changed to "the Selectmen authorize the date, time and place for the annual Town Meeting"

Chairman LaCourse recommends both the Police and Fire Chief speak at Town Meeting regarding the Warrant article for completion of the 2nd floor of the Safety Complex.

The Board is opposed to the following Warrant articles: \$26,200 for Basketball/Volleyball Courts, \$400,000 for artificial turf at Little River Park, RSA 261 \$5 fee from motor vehicles for road improvement, Accrued Benefits Trust, and Land Acquisition Fund.

The Board supports the following Warrant articles: \$16,000 for Playground Equipment, \$35,000 for Town Buildings, \$15,000 for Fire Cisterns, \$40,000 for Fire Trucks, \$20,000 for the Transfer Station Equipment, \$70,000 Library Capital Reserve, \$10,000 Revaluation Capital Reserve fund, \$5,750 Conservation Commission, \$10,600 for Recreation, and \$25,000 ORYA.

The Board tables their decision on the following Warrant articles, Utilities, and \$35,000 Recreation Capital Reserve.

All Warrant articles are not in, the ones that are in are in draft format, and the Board awaits numbers from the Advisory Budget Committee.

19. Chairman LaCourse motions to enter into Non Public Session at 9:15pm. Selectmen Griswold, seconds. All agree. Non Public ends at 9:55 pm, the minutes are sealed.
20. After a discussion, Chairman LaCourse motions to accept the following names for fire road N7 – Birch Trail, multiple fire roads N-6 – Chadborne Road, Caldwell Road, and Gibb Road. The Board decides to table the naming of the Lee Hill Mobile Home Park.
21. Selectman Griswold suggests a hold be put on revising the Personal Policy Manual until after Town Meeting. Chairman LaCourse agrees, it can at least wait until the Board gets through the Budget. Selectman DeRocchi notes that most significant changes were made from LGC.
22. Chairman LaCourse motions to enter into a Non Public Session at 9:40 pm regarding personnel. Selectman DeRocchi, seconds. All agree. Non Public ends at 9:55 pm. The minutes are sealed.
23. Selectman DeRocchi states, Chief Murch is working on establishing a Non Profit organization started. The Fireman's Association is in discussion with the Police Chief to possibly join together to form the Lee Fire and Police Association. Selectman DeRocchi notes, it is a good idea to have a Non Profit organization for people to be able to donate to.
24. Town Administrator; Diane Guimond requests the Board's signature authorizing the expenditure to Strafford County.
25. Town Administrator; Diane Guimond advises the Board that inspections of the fire extinguishers is not in the operational budget. Chairman LaCourse suggest, someone from the Fire Department be trained to perform this duty. Ms. Guimond suggests adjusting another line item. Selectman DeRocchi notes, there is still the issue of repairing or removing the emergency lights. Selectman Griswold requests Chief Mike Blake attend the next meeting for clarification on some items.
26. Town Administrator; Diane Guimond reports, recent results of the Fire Department elections: Chief Blake was re-elected Fire Chief, Andrew Brennen was elected secretary and Julia Heincelman was elected to the Board of Engineers.
27. Town Administrator; Diane Guimond advises the Board, the Town of Lee will be receiving and extra \$25,000 for the Highway Block Grant , as a result of revenue from the state gas tax.
28. Town Administrator; Diane Guimond reminds the Board that the Comcast agreement has still not been signed. Selectman DeRocchi recommends leaving the contract as is. Ms. Guimond will contact the IT Director regarding the contract.

Approval of Minutes: Chairman LaCourse motions to accept the minutes of December 13, 2010. Selectman Griswold, seconds.

There being no further business, meeting was adjourned at 10.40 p.m.

Minutes transcribed by:

Dawn Hayes, Town Secretary

Minutes accepted by:

John R. LaCourse, Chairman

W. James Griswold

Frank J. DeRocchi
Lee Board of Selectmen