

MINUTES OF THE BOARD OF SELECTMEN
Meeting

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Board members present: Chairman LaCourse, Selectman Griswold and Selectman Cedarholm.

Others present: Phil Stetson, Jane Sanders, Bob Watson, Joe Hannon, Larry Kindberg, Andy Lelio, Sharon Taylor, Robert, Smith, Sarge Legard, Hannah Legard, Rachel Legard, Belinda Gleason, Richard Gleason, Lynn Hersom, Richard Hersom, Carol Evans, Cynthia Giguere-Urein, Bill Humm, Paul Gasowski, AnnaMarie Gasowski, Katrinka Pellecchia, Linda Kahn, Peg Dolan, Dawn Genes, Brian Penley, Mike Flemming, Town Administrator Julie Glover and town Secretary Dawn Hayes.

1. Chairman LaCourse calls the meeting to order at 6:00 pm.
2. Selectman Cedarholm motions to accept the Minutes of October 29, 2012. Selectman Griswold, seconds. **Motion Carries.**
3. Chairman LaCourse opens the floor for Public Comment.

Resident Belinda Gleason advises the Board of a recent noise issue regarding shooting coming from a nearby property. Ms. Gleason states she had contacted the Police and reporting the shooting, which lasted from 1:30 pm until 4:00 pm. Ms. Gleason states her rights of peace and quiet are not being protected as the Lee noise ordinance does not address this. Ms. Gleason explains the State noise regulation does address this. Ms. Gleason further states, she was told by the Police – if she continued to call the Police she would be arrested for harassment.

Lynn Hersom advises the Board that she was visiting in Lee and heard loud gun shooting; thinks it was a semi automatic weapon, not target practice. Ms. Hersom states the Police would not do anything for Ms. Gleason. Ms. Hersom states the noise was coming from the Accu Cut property on Mitchell Rd.

Resident Jane Sanders agrees that the rapid-fire gun noise was excessive and lasted all afternoon.

The Board agrees to look into the matter of the ordinance and will request the Chief of Police (not present) look into it as well and report back to the Board.

4. Bob Watson of Lee USA Speedway provides the Board with the documentation supporting the recent ZBA decision to allow outdoor sports shows, auctions and a driving school. Mr. Watson states the driving school would operate during the week, one or two times per month during June, July and August; the class would take place in the morning with the driving in the afternoon from 1:00 pm – 4:30 pm. Mr. Watson states the training car is a full bodied race car that accommodates a student and trainer, is highly muffled, has rev limiters, equipped with a kill switch for the engine and has all the safety gear.

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Mr. Watson describes the outdoor sports shows: there would be a spring show geared towards boats/trailers/campers/motorcycles; a show in the fall geared towards winter sports such as ice fishing/snowmobiling/campers. Mr. Watson states there would be no noise generated from the shows (just some background music or some light PA system use), as there would be no course set up – just a show that would run over a Saturday and Sunday.

Mr. Watson states they have been approached by a company in Bow that auctions heavy equipment and construction equipment – they were interested in having an auction at the speedway. Mr. Watson advises it would be a one day event with a day to set up and take down; there would be use of a megaphone.

Town Administrator Julie Glover states the ZBA has authority over the use of the track in general as it is already a non conforming use; if proposed uses are non conforming they need to go to the ZBA. The Board of Selectman has different authority under the Race Track Ordinance; if there is a proposal for any other use than those currently spelled out in section 17 of the ordinance, the Selectmen control those uses. Ms. Glover asks what the difference is between the driving school and the race car education and safety testing that had previously been approved. Ms. Glover states in March 2006 there was a warrant article that removed the ‘automotive’ and left it as ‘flea market’. Additionally in Sept 2006 the ZBA granted the exception to allow flea markets – not restricted to automotive flea markets.

Selectman Cedarholm asks why wouldn't it be put to the voter's in a warrant article? Selectman Griswold states, it is part of their business plan and disagreed with putting the matter to voters; the auctions and outdoor shows are fine but the driving school should be looked at more carefully. Chairman LaCourse agrees the auctions and outdoor shows present an opportunity for the track to do something other than racing. Chairman LaCourse questions the difference between an education school and a testing school vs. an open track teaching drivers to drive better. Selectman Griswold asks if the school is to learn how to become a good race car driver. Mr. Watson, agrees and explains that the training is very controlled. Selectman Griswold suggests operating a driver safety school for the average citizen. Selectman Cedarholm states that the issue of traffic should be considered when planning these events.

Chairman LaCourse motions to approve only the following uses at this time: an outdoor sports show and auctions as depicted in the ZBA's documentation. Selectman Cedarholm, seconds. **Motion Carries.**

Chairman LaCourse tables the consideration of the testing and safety school until further review.

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5. Dave Garvey addresses the Board regarding the development of Noble Farm. Mr. Garvey states he would like to enter into discussion with the Board about the development of the property, now that the zoning is in place. Chairman

LaCourse states the board is open to discussion and suggestions and recommends the Town Administrator organize a Work Session to discuss the matter.

6. Library Trustees Anna Marie Gasowski, Katrinka Pellecchia, Cynthia Giguere-Urein and Peg Dolan are present to discuss the Library/Community Center.

Additionally, Carol Evans, Chair of the Library Community Center Foundation explains the purpose of the foundation, which is to raise funds toward the construction of a new Public Library/Community Center. Ms. Evans notes the goal is \$850,000 and presents a timeline of progress working towards the Library/Community Center.

Ms. Gasowski advises the Board that attendance at library programs is up and the demand for space is increasing; they will be looking to expand the operational hours of the library to extend programs in Lee.

Selectman Cedarholm advises that the Town Center Committee will be looking at how everything in the town center will interact with the municipal buildings, the private residences and the commercial buildings in the area. Selectman Cedarholm notes there should be more discussion about where the Library/Community Center should go.

Katrinka Pellecchia states there was a lot of time and consideration, including public hearings regarding the location, including an area near the Transfer Station, the Stevens field and the Bricker property. Ms. Pellecchia states, the Bricker property was the best.

Peg Dolan states the committee visited and considered so many different sites, she doesn't think it should be rehashed.

Carol Evans notes the committee strives to be transparent and inclusive for every issue that they address. To help achieve this they are forming a website and will prepare a town wide mailing explaining the clear intent and process for moving forward with the Library/Community Center.

Selectman Griswold urges the new Town Center Committee to work with the Library/Community Center Foundation; notes much work has been done and it should continue moving forward especially the fund raising aspect.

Selectman Cedarholm states the goal of the Town Center Committee is to develop a set of goals for the town center (within an eight month time frame);

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to define the public, private and commercial needs of the town center and how it can work together.

Cynthia Giguere-Urein does not agree with spending eight more months rehashing what has already gone on since 2004; is concerned about not moving forward. Ms. Giguere-Urein notes that there was much time and effort discussing all the criteria and the Bricker property and is concerned about 'location' being looked at again.

Selectman Cedarholm agrees the committee should proceed as if the Library/Community Center will be located on the Bricker property; the discussion with the Town Center Committee should include: how does that location work; is it the best place; how does it work with Little River Park and connect with the town center.

Katrinka Pellecchia states two committees have already reaffirmed the Bricker property location to be the best; notes \$50,000 was spent during the process.

Bob Smith states he participated on the committee for two years, during which ten properties were considered. Mr. Smith notes after consideration of all criteria, it came down to one property that the town already owns – the Bricker property.

Paul Gasowski reiterates the comments of Mr. Smith; notes the town has weighed in on this several times. Mr. Gasowski discusses the drawings (prepared by architect and facilitator Dennis Mires and presented to the town at the deliberative session) that were the basis for the town voting on \$200,000 in warrant articles to move this project along. Ms. Gasowski cautions against disputing the process that is already underway.

Cynthia Giguere-Urein advises the Board that she has 12 architect students at UNH working on conceptual designs for the façade of the new facility and hopes to have drawings by the end of the semester.

Selectman Cedarholm states the Town Center Committee is not about the Library/Community Center – it is about the town center; notes some of the concerns that came out of the Listening Sessions were how the municipal buildings connect and how can we make it flow better. Selectman Cedarholm adds the location of the Library/Community Center is a small piece of the whole charge of the Town Center Committee.

7. Planning Board Chair, Bob Smith discusses the Noble Farm property; doesn't feel at this time a zoning change would be appropriate until they know what the use might be. Mr. Smith adds the needs of the abutters should be kept in mind.

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Selectman Griswold is concerned that the development of Noble Farm won't pan out; advises that there needs to be a plan 'B'.

Mr. Smith states the feeling of the Planning Board is that the RFP was for a developer to come in and make a proposal; the property was never listed for sale as a commercial property. Mr. Smith states it should be listed; a variance could be made based on the purchaser.

Selectman Griswold states he is looking forward to working with Mr. Garvey and his proposal; reiterates that if it doesn't work out, we need to come up with something else. Selectman Griswold adds, he has spoken with commercial real estate brokers and there is not a lot of interest.

Selectman Cedarholm states that in August he asked the Planning Board about adding the residential to the property. Mr. Smith states, that is where we started, a subcommittee spent over a year developing a concept and came forward with a residential plan; it was decided that is not what should be done in the Town of Lee so it was removed. Mr. Smith adds, the abutters are under the impression there will not be residential development of Noble Farm.

8. The Race Track Ad Hoc Committee gathers for discussion (Andy Lelio, Bob Watson, Peter Hoyt, Linda Kahn). Chairman LaCourse advises, the committee will review the dB data gathered from Lee USA Speedway during the 2012 racing season; the committee will be looking for dB levels that exceed 97 dB's. Mr. Watson notes, readings were taken on the side of route 125 and states the data does not reflect that there may have been traffic going by (particularly a motorcycle that could have dB that reach over 100). Chairman LaCourse notes the August 17th race showed several hits above the 97 dB level. Mr. Watson states, August 17th was the date of the Super Modifieds, they were actually rained out that evening and due to wet conditions there were no cars on the racetrack at the time of the reading. Chairman LaCourse states, he doesn't see major events of crossing over the line for long periods of time; remarks that this year has been a time for the track to reduce noise as much as possible, there has been a great reduction and the data is supportive of that.

Andy Lelio states in looking at the data, the weekly races are 100% below the criteria level; the only ones that were questionable were a couple of the special/touring races. Mr. Lelio states, he thought about it and researched the Town Meeting of 23 years ago. Mr. Lelio reads from the minutes of Town Meeting of 1989 quoting Selectman Dennis: "track has become more of an issue in the last two years than in the preceding thirty-three years;" "the reason is that the new automobiles are noisier and the new track owner is running more races in an effort to operate a competitive business. He would like to operate the biggest and nicest track in New England and to bring in cars such as those on the Canadian/American tour;" "These are expensive,

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high powered, noisy cars. It is hoped, that the proposed regulations will be a step towards controlling the operations at the speedway”.

Mr. Lelio states that one of his concerns was that they would be too strict and over limit track operations; he thinks as a committee they did a good job of instituting measurement standards that were focused on the races that Section 21A was originally written for.

Mr. Watson notes, during the October Fest six cars were sent home as they came without mufflers.

Selectman Griswold states he supports the track and their right to make a living. However, regarding violations, as some data peaks over the 97 dB where to you draw the line; August 17th showed a fair amount of time that was over, this needs to be thought about. Mr. Watson states that reading was thunder. Selectman Griswold disagrees, noting the data presented was after the rain.

Chairman LaCourse reviews Section 21A and Section 22 of the Racetrack Ordinance, noting that if there are “any” violations- any needs to be defined. Selectman Griswold states, it is very important to come to a resolution as to what is a violation and what is not. Chairman LaCourse advises the committee looking at what other tracks do; to be responsible to the citizens of Lee we need to come up with some sort of a reaction.

Mr. Watson asks when the track provides fireworks they will exceed the dB’s, what happens in that case. Chairman LaCourse states he doesn’t feel the fireworks would be considered as part of the racing dB activity.

Mr. Lelio states in looking at the data from August 17th (the ISMA Supers) you can see that there is a problem there, moving forward there should be sound mitigation techniques in play for the next ISMA Super race. Mr. Watson states, NE Dragway has codes to follow as well, however there are special events that are exempt; how these adjustments are made is something the committee should look at.

Chairman LaCourse recommends the Race Track Ad Hoc Committee regroup to discuss the issues on the table; the Town Administrator will set a meeting date/time.

Mr. Lelio states an exemption would be helpful for the track, but it doesn’t support the ordinance as it was established; if an exemption is applied to a race – it will be a really loud race; he does not believe the deliberative body would support the passing of exemptions.

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Brian Penley of Fox Garrison Rd advises the Board that he operates a home business utilizing the phone: although he is a fan, the amount of dB levels during the week for a driving school would be concerning to him.

9. Recreation Commission Dawn Genes presents a draft master plan for the Recreation Commission. Ms. Genes notes the vote at the end of the month will determine the direction of Little River Park. Ms. Genes explains the many programs offered by Oyster River Youth Association; noting traditional recreation department activities have been lacking as the focus has been on Little River Park. Ms. Genes states there is a need for volunteers to help with landscaping, rain gardens and playground (installation/design).

Selectman Cedarholm asks for the plan that Phil Sanborn (not present) was talking about. Ms. Genes states the map is with the Nottingham resident Lauren Chase Rowell who prepared the big map that will eventually become a map of the park. Ms. Genes notes, Ms. Rowell has been hired to do the rain garden plan, the park map and the playground design.

The Town Administrator refers to the plan that Mr. Sanborn had previously mentioned, noting the statement 'the park has been engineered'. Ms. Genes states the MSC drawing was just for site layout. The Town Administrator asks if the playground equipment that has already been purchased but not yet installed – is it waiting to be installed pending the plan in the spring. Ms. Genes states she does not think any work will be done before spring. Ms. Glover asks if a contract exists for the work Ms. Rowell is doing. Ms. Genes states that an outline of her scope of work has been signed off on by the Recreation Commission. Ms. Glover requests a copy be submitted to the Board of Selectmen.

Selectman Griswold ask if the playground equipment (that is not yet installed at Little River Park) is winterized. Ms. Genes states the additional slides are outdoor equipment and she doesn't believe they will deteriorate. Ms. Genes notes there was a great volunteer that was leading the charge with the playground equipment, however he has moved away. Ms. Glover refers to the warrant article for phase III of playground equipment and asks if that equipment has been ordered and received. Ms. Genes states Geoff Carlton (not present) would be a better person to answer that, but adds in her opinion they have purchased all that is going to be purchased.

Selectmen Griswold acknowledges that there is a vote at the end of the month that will determine some things, but asks if there are any plans Ms. Genes could discuss regardless of the outcome of the vote. Ms. Genes states regular trash pick-up should be discussed, as it is not a volunteer job. Chairman LaCourse defines a "plan for the park", a vision for Little River Park; the impact and needs of the town; the structural issues; maintenance; use of town employees. Chairman LaCourse requests, after the vote on the turf he will be looking for a time line for the master plan.

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Selectman Cedarholm requests having a discussion about the possible addition of Larry Kindberg to the Recreation Commission. Selectman Griswold states he would like to hold off on appointing new members at this time. Chairman LaCourse agrees.

10. Resident Mike Fleming addresses the Board regarding his recent road name change. Mr. Fleming suggests 'Woody Lane'. The Town Administrator advises that the name has been approved by Emergency Management, Police and Fire Departments. Selectman Griswold motions to accept the name Woody Lane for the road now known as Buzzell Lane. Selectman Cedarholm, seconds. **Motion Carries.** Chairman LaCourse adds, the town will pay for the sign.
11. Selectman Cedarholm discusses the Town Center Committee membership; he is interested in getting the committee started and appoint a chair person as well as add some at large residents – as soon as possible.
12. Chairman LaCourse motions to accept the Consent Agenda. Selectman Griswold, seconds. **Motion Carries.** Chairman LaCourse comments on the letter from Welfare Director Dawn Marie Jarrell regarding shared services for coverage. Chairman LaCourse agrees this is a good idea, and thanks Ms. Jarrell (not present) for setting up the arrangement.
13. The Town Administrator discusses the electric bill for Little River Park. PSNH needs to know who will be responsible for the bill, Ms. Glover advises – this should be discussed. Ms. Glover advises that the Recreation Commission has proposed in their operating budget \$1,200 for electrical at Little River Park. The current bill is \$61.84, the Town Administrator notes she will cover this bill as the Recreation Commission has budgeted for future.
14. The Town Administrator advises the Board that the Recreation Commission voted to approve that the American Legion Jr. Division use of Little River Park as their home field for 2013; the Commission also approved the use of the Little River Park Baseball field for the UNH Baseball Team for a one time use, charging them a fee of \$100. Additionally, NE Coastal Baseball has used the field at Little River Park for two years and has been charged \$850 per year. Ms. Glover notes on September 17th the Board voted to restrict the Recreation Commission from making contracts for the use of recreational facilities. Ms. Glover suggests the Board offer clarity regarding the restrictions. Chairman LaCourse states the original purpose of the restriction is to Not Rent the Field out until it is brought in front of the Board of Selectmen for a full discussion. Chairman LaCourse requests the Town Administrator write a letter to the Recreation Commission clarifying the issue. Selectman Griswold states it is imperative that contractual agreements be brought to the Board. Selectman Cedarholm advises a fee schedule should be established.

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15. The Town Administrator advises the Board of a citizen's request to revisit the idea of accepting emails from citizens to weigh in on particular matters requiring public input. Chairman LaCourse advises the last time this was discussed, it was decided a hard copy would be required to deter from 'rubber stamp' type of emails that are written by one person and forwarded on to the next; one that is type written and handed in has more validity. Chairman LaCourse adds, that still stands. Selectman Griswold agrees. Selectman Cedarholm asks if this applies to a request (as in a 91A request). The Town Administrator states it would be for gathering public input.
16. The Town Administrator discusses the disposition of the 2007 Crown Vic that had been used by the Police Department over the summer for special duty work. The Police Chief has advised the Town Administrator that they no longer have a need for that particular cruiser. Ms. Glover adds, in her opinion there isn't a need for a 'town car' as the expense for maintaining it wouldn't save money vs. mileage on the few occasions that employees submit for reimbursement. Chairman LaCourse motions to not utilize the vehicle for use as a town vehicle, to instruct the Town Administrator to dispose of the vehicle via a sealed bid process. Selectman Griswold, seconds. **Motion Carries.**
17. The Town Administrator discusses a recent Right to Know request. Ms. Glover has responded to the request and has asked for clarification on some items. Ms. Glover has coordinated with Back Bay Networks to assist in gathering information for Mr. Dembowitz. Ms. Glover clarifies RSA 91A states that the town has five business days to comply with the request and if we cannot produce all of the information within the five days – the response is 'we are working on your request' or 'can you provide clarification on certain items' and to provide an estimated time frame of when we expect to have all of the information that has been requested. Mr. Dembowitz has also asked for a copy of the Town Administrator's job description and the employment agreement, which has been sent to him via email. Ms. Glover describes the details of the request.
18. The Town Administrator advises the Board the Community Planning Coordinator Laurel Cox has submitted her resignation; Ms. Cox (not present) has agreed to work with the town through the end of the year to ensure a smooth transition.
19. Chairman LaCourse motions to accept the payroll expense for pay date November 16, 2012. Selectman Cedarholm, seconds. **Motion Carries.** Chairman LaCourse motions to accept Manifest #10. Selectman Cedarholm, seconds. **Motion Carries.**
20. Chairman LaCourse motions to enter into a Non Public Session per RSA 91-A:3II at 8:45 pm for the Town Administrator's contract review. Present in Non Public Chairman LaCourse, Selectman Griswold, Selectman Cedarholm, Town Administrator Julie Glover. Non Public ends at 10:00 pm.

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21. Town Administrator reviews upcoming meeting dates. Due to a scheduling conflict, the Board agrees to move their budget work session to Tuesday, December 18th. (6:00 pm at the Public Safety Complex)
22. Selectman Griswold discusses the inability for the Board to express their opinion regarding the artificial turf petition. Ms. Glover advises, because there are no funds attached to the petition the printed Ballot cannot include: "The Board does not approve." Selectman Griswold asks how the Board may proceed with expressing their displeasure. Ms. Glover advises that a Board member may speak to the newspaper and be interviewed on the matter.
23. The Town Secretary forwards the Consent Agenda items for the Board's signature.
24. The Board discusses the matter of the rapid gun fire complaint; request the Chief of Police come to the next meeting for a follow up discussion.
25. Chairman LaCourse motions to adjourn 10:20 pm. Selectman Cedarholm, seconds. **Motion Carries.**

Minutes transcribed by:

Dawn Hayes, Town Secretary

Minutes accepted by:

Chairman, John R. LaCourse

W. James Griswold

David Cedarholm

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