

**MINUTES OF THE BOARD OF SELECTMEN**  
**Meeting**

**November 26, 2012**

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**Board members present:** Chairman LaCourse and Selectman Cedarholm.

**Others present:** Frank DeRocchi, Ann Wright, Caren Rossi, Roger Rice, Andy Lelio, Jane Sanders, Paul Gasowski, Bill Pearce, Susette, Dave Young, Bill Humm, Cary Brown, Elaine Smith, John Hubbard, Dick Weyrick, Paul Caruccio, Elizabeth Hellard, Town Administrator Julie Glover and town Secretary Dawn Hayes.

1. Chairman LaCourse calls the meeting to order and opens the Public Information Session at 6:00 pm.
2. Emergency Management Deputy Caren Rossi gives a brief statement of the ongoing process regarding E911 recommendations for renumbering and renaming roads to assist emergency responders.

Resident Paul Caruccio of 11 Duff Thompson Lane explains the layout of his neighborhood and the concerns of residents regarding documents that will need to be changed due to an address change.

Ms. Rossi explains there are no fees associated with many of the items to be changed such as passports, drivers licenses, vehicle registration and bills; advises the need for consistency in numbering with even numbers on the right side and odd on the left.

Mr. Caruccio asks if there are any costs associated with making the change and does the individual have to absorb them. Chairman LaCourse states yes.

Resident Susette Milnor of 6 Owl Lane has no problem with the change but asks for clarification on the logic of the changes.

Captain Scott Nemet explains the number should be adjusted based on the location of the driveway; the small marker noting Owl Lane should be bigger.

Resident Elaine Smith of 153 Stepping Stones Road asks how her unit will be numbered. Ms. Rossi advises, the units at 153 will now be lettered (a, b, c, d).

Resident Cary Brown of 11 Thornton Lane explains his house is clearly marked, is the only house in the center and thinks the change is just for change's sake.

Town Secretary reads letter submitted by Residents Bill Henze and Gail Grant of Wednesday Hill Road stating there is little reason for the proposed change.

Chairman LaCourse advises the public no decisions will be made tonight; the Public Hearing and the vote on the proposed changes is scheduled for December 10<sup>th</sup>.

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3. Chairman LaCourse opens the floor for Public Comment.

Resident Andy Lelio advises the Board of his concerns regarding the Lee USA Speedway's request to operate a driving school. Mr. Lelio states there is no instance in the history of the Board of Selectmen taking this issue upon themselves to approve or disapprove such a request. Mr. Lelio further states this issue has come up in the past (2006 and 2008) and the voters were allowed to decide. Mr. Lelio asks the Board to consider that; urges the Lee Speedway to submit a petition warrant article that clearly spells out the specifics of a race car driving school.

Resident Paul Gasowski speaks to the Board regarding the character of Lee and the vision to preserve the working landscape of Lee, as stated in the town's Master Plan. Mr. Gasowski notes the proposed artificial turf has a number of aspects that are flawed. Mr. Gasowski believes nothing should happen at Little River Park until a vision and a master plan are approved. Mr. Gasowski states the current proposal for turf is flawed in a number of ways: it doesn't adhere to a vision, there are hidden costs, there are potential liabilities, the proposal is very ill defined, hidden administrative and maintenance burdens, operational ambiguity; it is out of character of a working landscape of Lee. Mr. Gasowski states we aren't ready for this proposal, encourages a NO vote on Thursday; get on with the business of defining a master plan for the park.

Mr. Gasowski speaks about the issue of a driving school at the track. Mr. Gasowski states we are not ready to vote on this; suggests the Board request that the track submit an articulated plan that documents how they would like to do this; to spell out the proposal and include the schedule; to have the Ad Hoc Committee review the proposal, as the current information is very incomplete.

4. Transfer Station Manager Roger Rice present two policies: one for the Transfer Station and one for the Swap Shop. Chairman LaCourse asks how it will be regulated so that the same person doesn't continually come in to take something from the Transfer Station. Mr. Rice states there is a good feel for who comes in and takes what; they will start to put pressure on somebody if it appears that they were taking more than their share or that they might be selling it. Chairman LaCourse asks about the procedure when people want papers for mulching, specifically does anyone go into the bins besides the staff. Mr. Rice states they have to go around, they just go in to get enough material for newspapers particularly and they try to have no machinery running when people come in to get newspapers. Chairman LaCourse is concerned about the liability issue. Selectman Cedarholm remarks about the signage "No Patrons Beyond this Point". Chairman LaCourse requests the Town Administrator look into the liability issue associated with this.

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Chairman LaCourse tables the matter for further review of the Selectmen, to be voted on at the next meeting.

5. Police Chief Murch addresses the Board for follow up on a recent noise (gun fire) complaint. Chief Murch advises the Board that the complaint came from Ms. Gleason who has called in 9 prior noise complaints about the same residence. Chief Murch states that each time there is a complaint the officers go out there; and have had Fish & Game look into complaints to ensure the shooting was legal. Chief Murch advises the Board that every time officers go out there they are respectful and very professional; and do not ignore her (Ms. Gleason) issue.

Selectman Cedarholm asks Chief Murch if the three hours of automatic gun fire noise that was previously described by Ms. Gleason was accurate. Chief Murch states, it was not three hours; the first call came in at 3:00 pm and at 4:30 pm he stopped firing.

Resident Beverly Bain advises the Board that she is hearing continual gun fire along the Lamprey River. However, she was too embarrassed to call about it. Ms. Bain states she was too afraid to take her dog out.

Chief Murch encourages Ms. Bain to call so that it can be looked into; notes that the regulation is 300 feet or within a compact area (which is 6 houses within 300 feet of each other), but not on your own property.

Chief Hoyt suggests that the noise could have been the cannon that was shot to keep the birds out of the grain during the harvest.

Resident Dave Young hears target shooting and automatic gunfire; has done target shooting on the Brady property.

Resident Elizabeth Hellard asks if target shooting is permitted 12 months out of the year. Chairman LaCourse responds, there is no season for target shooting.

Resident Jane Sanders speaks about the gun fire on October 21<sup>st</sup>. Ms. Sanders heard the shots and the shooting started long before 3:00 pm (she started hearing it around 1:00 pm), when she walked her dog at 4:00 pm she could still hear the shooting.

Chairman LaCourse reiterates the Chief's request for residents to call.

Selectman Cedarholm notes that the noise ordinance states it shall be unlawful to make or continue any excessive unnecessary loud noise; asks the Chief when would gunfire be considered excessive and unnecessary. Chief Murch responds, it's on a case by case basis; it can be shut down if the officer finds it to be unreasonable or if a second caller calls.

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6. Emergency Management Director Frank DeRocchi presents the Board with information regarding the Code Red system. Mr. DeRocchi notes during the recent hurricane both internet and channel 13 were lost and they could not communicate with the public. The Code Red system can be launched from a cell phone and would allow communication with citizens concerning road information and elderly checks; it has a cell phone app that would give a missing child report or road closure report. Mr. DeRocchi states the cost is between \$4,000 and \$6,000 annually; training would need to be provided to its users. Mr. DeRocchi advises the Board of the other NH towns that are using the Code Red system.

Chairman LaCourse requests Mr. DeRocchi look into it and have further discussions with Police, Fire and EOC; tables the matter for further review. Chairman LaCourse requests the Town Administrator consider putting the funds for the system somewhere in the budget. The Town Administrator recommends putting it in the EOC operating budget as a line item.

7. Conservation Commission Chairman Bill Humm updates the Board on the Joe Ford property that was left to the town. The executor of the Estate, Bill Pearce; Strafford Rivers Conservancy; the Town of Lee; and the Audubon Society have worked out the language to the easement that language has to be approved by the Attorney General's Office. Mr. Humm states it is proposed that the Strafford Rivers Conservancy would hold the easement and will have their attorney do a final review; it will then be available for the attorneys representing the other parties for their review. Mr. Humm notes the Town is responsible for drafting the deed that would transfer the property to the Town subject to the easement (Attorney Tanguay is aware and willing to take care of it). Once the deed is drafted and easement is accepted by all parties, Mr. Humm will return to the Board for signature.

Executor of the estate Bill Pearce is concerned about the timing and hopes that the Attorney General's office can prepare the transfer documents in a timely manner. Mr. Pearce states the easement language is favorable to Joe's intent.

8. Conservation Commission Chairman Bill Humm updates the Board on the Ath-Mor Dairy Farm on Lee Hook Rd; there is a purchase and sales agreement on the property and is scheduled to close by December 31<sup>st</sup>. Mr. Humm states a conservation easement is being prepared which will be held by the Protection for the Society of NH Forests. The buyers have requested the Town consider holding an executory interest in the easement. Mr. Humm states this will not require any action or any cost to the Town, but Town would be written into the easement as having back-up responsibilities if the Forest Society for some reason would fail to carry out their responsibilities (which would be unlikely).

Chairman LaCourse suggests moving forward. Selectman Cedarholm agrees, but requests more information on the property.

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Bill Humm states it is approximately 85 acres, is currently being rented by the future buyers and has 100 cows on the property with the intent to run it as a dairy operation (with which they have experience).

Selectman Cedarholm states the Board can make itself available to sign the documents. Chairman LaCourse agrees.

9. Chairman LaCourse opens a discussion regarding the Lee USA Speedway request for a driving school. Town Administrator Julie Glover states she spoke with Mr. Watson and Ms. MacDonald of the Speedway and suggested that if the Board is going to decide on a racing school – a detailed proposal would need to be submitted providing information relative to how this driving school would operate; if it is going to be put to a warrant article more detailed information would need to be provided in order for the voters to make an informed decision.

Chairman LaCourse advises much more information is needed and suggests the Town Administrator continue discussions with the Speedway; continue gathering information. Chairman LaCourse feels a driving school is an expansion of racing; the Board has full authority to look at driving schools and flea markets, but feels this should go back to the voters. Chairman LaCourse suggests moving a warrant article forward to make an informed decision.

Selectman Cedarholm would like the track owners to be able to run a profitable business, to enable them to do that with limited expansion makes sense. Selectman Cedarholm adds, a driving school has the ability to be as noisy as Rt. 125, and each time this type of proposal has come forward it has been presented to the voters. Selectman Cedarholm further notes if it can fit in the neighborhood without disturbing folks, it would be good.

Chairman LaCourse states the 97dB was established for racing, we can look at what level other driving schools run at – some are as low as 80dB. Chairman LaCourse motions to have the Town Administrator work with the track to gather more information, reconstitute the Ad Hoc Committee to meet in January, get some warrant language together. Selectman Cedarholm, seconds. **Motion Carries.**

10. Chairman LaCourse motions to enter into a Non Public Session at 7:35 pm per RSA 91A: 3II (d). Selectman Cedarholm, seconds. **Motion Carries.** Present in Non Public: Chairman LaCourse, Selectman Cedarholm, Town Administrator Julie Glover, Bill Humm and Dick Weyrick. Non Public ends at 8:00 pm.
11. Chairman LaCourse motions to accept the Consent Agenda as presented. Selectman Cedarholm, seconds. **Motion Carries.**

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12. Town Administrator Julie Glover presents the Board with a quote to replace the dormer windows at Town Hall. Selectman Cedarholm requests more detailed information regarding the type of windows and the warranty.

Chairman LaCourse motions to table the matter until further information is submitted. Selectman Cedarholm, seconds. **Motion Carries.**

13. The Town Administrator advises the Board that she has notified the resident on Campground Rd that the Town would like to replace the granite boundary marker on her property. The resident has responded stating she does not want the marker replaced and that the town has no legal authority to do so. Ms. Glover requests direction from the Board regarding seeking a legal opinion on the matter. The Town Administrator suggests if the marker cannot be replaced to house it with the Historical Society so that it doesn't get lost. Chairman LaCourse requests the Town Administrator meet with Bob Moynihan and return to the Board with the information. Selectman Cedarholm feels the granite bound should be replaced.

14. Town Administrator Julie Glover states there was a 2% retainage on the work to complete the second floor of the Public Safety Complex; the one year warranty has passed. The Code Officer and Police Chief have no issues with the work and recommends releasing the \$2,724.

Chairman LaCourse motion to approve the release of the retainage funds and authorize payment to Mr. Murch in the amount of \$2,724 to be paid from the general government #4199 account. Selectman Cedarholm, seconds. **Motion Carries.**

15. Town Administrator Julie Glover presents the Chairman with a Highway Safety Grant (submitted by the Chief of Police) for signature.

16. Town Administrator Julie Glover presents a copy of the agreement with landscape designer Lauren Chase Rowell. The date of the agreement is August 21<sup>st</sup> which is prior to the Boards definitive vote on September 17<sup>th</sup> – that the Recreation Commission has no authority to enter into contracts.

Chairman LaCourse asks if there have been any other contractual issues. The Town Administrator notes they were discussed at the last meeting: Recreation Commission entered into an agreement regarding use of the baseball field.

Chairman LaCourse requests the Town Administrator address a letter to the Recreation Commission reminding them of the vote of the Board - they cannot do any contracts without direct permission of the Board.

17. Town Administrator Julie Glover advises the Board that she has received another Right to Know request from Mr. Dembowitz; she has forwarded to the attorney today for direction on how to respond. Ms. Glover states part of Mr.

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Dembowiz request is concerning the trailer at Little River Park (that matter was discussed at a public meeting). Ms. Glover revisits the matter publicly – the trailer is privately owned, the Town does not have a key, presumably it contains some items that are Town-owned. At the last meeting the Board recommended we find a way to get the trailer off of Town property due to a liability issue.

Chairman LaCourse motions to instruct the Town Administrator write a letter to the Recreation Commission to identify any Town property that is associated with the trailer; items are to be removed and placed in proper storage and have the privately owned trailer removed within 30 days of the letter. Selectman Cedarholm, seconds. **Motion Carries.**

18. Chairman LaCourse motions to accept Manifest #11. Selectman Cedarholm, seconds. **Motion Carries.** Chairman LaCourse motions to accept the Payroll Expense Report for pay date November 30, 2012. Selectman Cedarholm, seconds. **Motion Carries.**
19. Chairman LaCourse motions to enter into a Non Public Session at 8:23 pm per RSA 91A:3 II(a). Selectman Cedarholm, seconds. **Motion Carries.** Present in Non Public: Chairman LaCourse and Selectman Cedarholm. Non Public ends at 8:40 pm.
20. Chairman LaCourse requests the Town Administrator follow up with Caren Rossi regarding the renumbering of 63 Wednesday Hill Road.
21. Chairman LaCourse motions to adjourn **8:45 pm.** Selectman Cedarholm, seconds. **Motion Carries.**

Minutes transcribed by:

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Dawn Hayes, Town Secretary

Minutes accepted by:

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Chairman, John R. LaCourse

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David Cedarholm

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