

MINUTES OF THE BOARD OF SELECTMEN

Meeting

September 17, 2012

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

Others present: Randy Stevens, Caren Rossi, Peter Hoyt, Phil Sanborn, Geoff Carlton, Anna Marie Gasowski, Town Administrator Julie Glover and Town Secretary Dawn Hayes.

1. Chairman LaCourse calls the meeting to order at 6:00 pm.
2. Chairman LaCourse motions to accept the Minutes of September 4, 2012. Selectman Cedarholm, seconds. **Motion Carries.**
3. Chairman LaCourse opens the floor for Public Comment. There is none.
4. Road Agent Randy Stevens discusses options regarding the repair of Clement Way (private road over which the Town has a right of way to access Rita Lane).

Selectman Cedarholm motions to pave the first 20 feet and do a saw cut where deemed necessary. Chairman LaCourse expands upon the motion to include paving up to Rita Ln. next year. A discussion ensues. There is no second. **Motion Fails.**

Selectman Cedarholm motions to install pavement on the apron, the first 20 ft and to budget for 2014 to pave the remaining existing paved area (approx 150 ft) and fill in the pot holes in the gravel section. Selectman Griswold, seconds. **Motion Carries.**

5. Emergency Management Director Caren Rossi presents the revised E 911 Ordinance. Ms. Rossi confirms Mr. Hart has review the ordinance and is happy to see that older signs will be grandfathered.

Chairman LaCourse motions to accept the revised E 911 Ordinance as presented by Emergency Management. Selectman Cedarholm, seconds. **Motion Carries.**

Ms. Rossi advises the Board that the street name (being considered for Randall Rd) Captain Smith Emerson was approved by E911.

Selectman Griswold motions to accept the new road name Cpt. Smith Emerson Road. Selectman Cedarholm, seconds. **Motion Carries.**

6. Chairman LaCourse motions to approve the letter to NH DES supporting the efforts of the Oyster Rivers Local Advisory Committee working with the Strafford Regional Planning Commission on a water protection grant and writing a river a management plan for the Oyster River. Selectman Griswold, seconds. **Motion Carries.**

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7. Selectman Cedarholm discusses his proposal for the Town Center Committee and recommends it be made up of at least 50% citizens (two of whom should reside in the Town Center) and 50% town staff/commission/committee members. Selectman Cedarholm suggests naming the committee the Village Center Committee; offers the following is a partial list of names of participants: Andy Lelio, Rob Cinq-Mars, Bill Payson, Chief Murch, and Paul Gasowski. Selectman Cedarholm is still looking for representation from the Library Trustees, the Heritage Commission.

Selectman Griswold requests a complete list of committee members for the next meeting.

Selectman Cedarholm agrees and explains the goals of the committee will be to create a text to be presented at a public hearing, then bring it to the Planning Board for incorporation into the Master Plan; develop a chapter that describes how municipal facilities function within the village center, how to enhance the private properties and encourage commerce in the village center.

Selectman Griswold requested that the different points of view of each proposed committee member be represented to the Board with the complete list of committee members.

8. Selectmen Cedarholm requests the memo regarding the transfer of funds be removed from the Consent Agenda.

Chairman LaCourse motions to accept the Consent Agenda, minus the memo regarding the transfer of funds. Selectman Cedarholm, seconds. **Motion Carries.**

9. Town Administrator Julie Glover reviews the memo regarding the transfer of funds and explains that there were changes to salary line items relative to the Police and Fire Departments. Regarding the Fire Dept, an employee had a reduction in hours due to NH retirement legislation and an associated salary reduction. Regarding the Police Dept, some employee promotions were not reflected in the individual salary lines, therefore requiring an adjustment.

Ms. Glover clarifies this transfer does not change the total budget that was appropriated, it just makes the necessary adjustments.

Selectman Griswold motions to execute the transfer of funds as indicated on the memo dated August 17, 2012 budget line adjustments. Chairman LaCourse, seconds. **Motion Carries.**

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10. Town Administrator Julie Glover reviews a timeline of Recreation Commission activities from 1958 to present day. Ms. Glover refers to RSA 35-B:1 which states what towns can and cannot do regarding recreation; any authority within this RSA rests solely with the governing body (the Board of Selectmen); authority must be granted to the Recreation Commission by the Board of Selectmen.

The Board discusses the responsibilities and authority of the Recreation Commission and the Board of Selectmen. Ms. Glover presents a spreadsheet (prepared by Recreation Commission member Dawn Genes) of appropriations for the Recreation Commission since 1997: is just over \$1,000,000.

Selectman Griswold request the Town Administrator research the amount on funds spent on acquiring conservation land through the Conservation Commission.

Chairman LaCourse reviews two motions to consider: move that the Board of Selectmen maintain all authority under NH RSA 35-B:1 and for the Board to make and enforce rules and regulation governing the use of all town-owned property, facilities and equipment and the conduct of persons thereon, including Little River Park; or move that the Board of Selectmen maintain all authority under NH RSA 35-B:1 including those expressly described in RSA 35-B:3, with the exception of operating recreation programs and activities, such as the annual fishing derby, and that the Board of Selectmen must approve all such programs and activities in advance, and that the Recreation Commission complete the purchase and installation of playground equipment at Little River Park, that has already been funded through two warrant articles, after presenting a plan for same to the Board.

Selectman Griswold states that the second motion would not include the building of a turf field, which he has stated his opposition to on record.

Ms. Glover advises the Board of a petition that has been submitted for the construction of an artificial turf field, with a number of conditions attached to it. Ms. Glover advises the document has been reviewed by Attorney Paul Sanderson of LGC, further she is waiting for a second legal opinion. Town Administrator explains when a petition is submitted more than 60 days before the next annual meeting, and there are more than 50 signatures, the Selectmen shall warn a special meeting to act upon any question specified in such application. Attorney Sanderson's opinion was that this requires a special meeting. Ms. Glover notes, the petition does not (in this year or FY 2014) ask for an appropriation. The petition states if funding can be obtained above and beyond the cost of the grass field, indicating the initial funding would come from somewhere else (presumably tax payer dollars). Ms. Glover reviews the details of the petition and summarizes the concerns of Attorney Sanderson and the appropriate actions that are now required by the town.

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Recreation Commission Chairman Phil Sanborn states that a special meeting may be just right for the town's people to come and state their will. Mr. Sanborn states as far as a motion regarding authority, as long as it is clear and fair, it will be good so that everyone knows.

Chairman LaCourse motions that the Board of Selectmen maintain all authority under NH RSA 35-B:1 including those expressly described in RSA 35-B:3, with the exception of operating recreation programs and activities, such as the annual fishing derby, and that the Board of Selectmen must approve all such programs and activities in advance, and that the Recreation Commission complete the purchase and installation of playground equipment at Little River Park, that has already been funded through two warrant articles, after presenting a plan for same to the Board. Selectman Cedarholm, seconds. **Motion Carries.**

11. Selectman Cedarholm asks Mr. Sanborn if it was the intent of the Petition to hold a special meeting. Mr. Sanborn states they assumed it was going to be addressed at the Deliberative Session in March.

Selectman Griswold notes having a special election has a cost attached to it. Ms. Glover advises that the special election (held last year regarding the property at 5 Mast Rd) cost approximately \$3,000.

Ms. Glover states Attorney Sanderson's opinion is that there is no provision in the law to *take the petition back*.

Chairman LaCourse requests the Town Administrator seek another legal opinion regarding the petition.

12. Town Administrator Julie Glover advises the Board that the Lee Little River Fair was a big success. The Fair Committee will be meeting next week for a debriefing and to discuss making a request to the Advisory Budget Committee and the Board of Selectman to help with funding and make it a town event.
13. Town Administrator Julie Glover advises the Board that she is still working on signage to warn against invasion plants for Durgin Preserve. NH DES has sent us 5ft metal signs that are being used elsewhere in the state. However, upon review of the NH DES signs, the Chairman of the Conservation Commission has some reservations about the metal signs. The Conservation Commission is looking into other types of signage that may be used.
14. Town Administrator Julie Glover advises the Board that the MS1 has been prepared by the Assessor and submits it for the Board's review. Ms. Glover reads the memo from Assessor Scott March; it states the report was generated from the assessing system utilizing the DRA draft utility values.

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Ms. Glover recommends funding the overlay account to accommodate the pending Fairpoint law suit. Ms. Glover adds Fairpoint has filed suit against approximately 140 municipalities around the state. Cases are being consolidated and towns are discussing joining together under one legal defense as they are all similar issues. Ms. Glover requests the authority to work with other municipalities to strategize and group together for representation. The Board agreed.

Selectman Cedarholm asks if the Durham well should be included as a utility on the MS1. Ms. Glover states the Town of Durham isn't a utility and would not be listed that way. Chairman LaCourse requests Ms. Glover research that matter, specifically if the Town of Durham is sent a tax bill.

Chairman LaCourse motions to accept the MS1 as prepared and presented. Selectman Cedarholm, seconds. **Motion Carries.**

15. Town Administrator Julie Glover advises the Board that the Heritage Commission is requesting permission to place a trail marker on the grassy section between the Town Hall parking lot and the Code Enforcement parking lot (marker #5 indicating the Lee Town Center). The Commission has been working on marking various areas throughout Lee and will be assembling a Heritage Trail map. She advises that the Commission plans on making a formal presentation to the Board sometime soon.

Selectman Cedarholm asks when did the name 'Town Center' start to be used; was the triangle area noted as the Lee Hill Village; is the name 'Town Center' historic? Selectman Cedarholm would like to hear from the Heritage Commission on the matter.

Selectman Griswold motions to approve the request and placement of the sign as presented. Selectman Cedarholm, seconds. **Motion Carries.**

16. Town Administrator Julie Glover advises the Board that Community Publications LLC has proposed that Lee and Barrington join together on an updated map. There is no cost to the town; it is funded by the businesses that will advertise on it. Barrington has agreed, but it will need to be put on hold until all of the road name changes for Lee are in place.

Chairman LaCourse motions to approve the Town Administrator enter into a contract with Community Publications LLC for mapping purposes. Selectman Cedarholm, seconds. **Motion Carries.**

17. Chairman LaCourse motions to approve the payroll expense report for pay date September 21, 2012 and for Manifest #6. Selectman Griswold, seconds. **Motion Carries.**

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18. Town Secretary Dawn Hayes submits a Veteran's Tax Credit application for the Board's signature.
19. Selectman Cedarholm updates the Board regarding a Planning Board discussion Pertaining to Noble Farm, they are not inclined to amend the ordinance to include mixed use, as it has hardly been tested. Selectman Cedarholm states the conversation was contentious with some contempt for the Board of Selectman for not doing enough to get someone to buy it.

Selectman Griswold states he would be very interested in talking to a developer that is interested, if any Planning Board members could suggest one, he will meet with them personally.

Selectman Cedarholm states some member of the Planning Board did not know the RFP was out there. Selectman Cedarholm suggests asking the Chair of the Planning Board to come in, as he was particularly peeved at the whole concept that the Planning Board consider amending the ordinance.

Selectman Griswold states there have been two RFP's with only one submittal, for \$1.

Selectman Cedarholm states that Mr. Crawford offered the town \$150,000. Selectman Griswold states there is \$650,000 in taxes; on 90 acres. Chairman LaCourse suggests inviting the Chairman of the Planning Board to the next meeting for an open discussion on the matter. Selectman Cedarholm agrees.

20. Chairman LaCourse suggests, as the race season is coming to an end, that the Race Track Committee meet with the Board of Selectman to discuss where it should go from here. Chairman LaCourse suggests the meeting take place after all racing for the season is complete.

Selectman Griswold asks what is the desired outcome of this meeting; will it determine penalty. Chairman LaCourse states, yes, as races are running now and we are collecting the data, but there should be open discussion to see where it should go. Chairman LaCourse notes, upon his review of the data, there has not been a lot above the 97 dB.

The Board has a brief discussion of data and collection of data; agrees to create a mini agenda with important discussion points for the meeting.

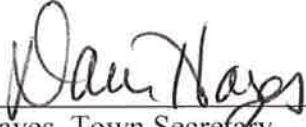
21. There being no further business, Chairman LaCourse motions to adjourn at 7:35 pm. Selectman Griswold, seconds. **Motion Carries.**

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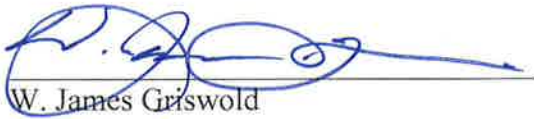
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Minutes transcribed by:


Dawn Hayes, Town Secretary

Minutes accepted by:


Chairman, John R. LaCourse


W. James Griswold

David Cedarholm
Lee Board of Selectmen