

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

**February 4, 2013**

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

**Others present:** Dennis Hambucken, Phillip Stetson, Karen Tibbetts, Dave Tibbetts, Jim Twombly, Scott Marsh, Craig Wakefield, Geoff Jablonski, Jeff LaPierre, Joyce LaPierre, Tricia Jenkins, Al Porsche, John MacDonald, Judy MacDonald, Phil Sanborn, (\*) Sanborn, Town Administrator Julie Glover and Town Secretary Dawn Hayes.

1. Chairman LaCourse calls the meeting to order and opens the Public Hearing for the 2013 License to Operate a Race Track for Lee USA Speedway [at 6:00 pm](#).

Chairman LaCourse requests general comments from the public regarding the Race Track and the schedule. There is none.

John MacDonald, owner of the Lee USA Speedway reviews the proposed racing schedule, which is a similar to the 2013 schedule with the exception of the October Fest (scheduled for Oct 12 &13, 2013).

Chairman LaCourse addresses the public and again requests public comment. Fire Chief Peter Hoyt addresses the matter of a letter he received from the Speedway regarding safety services being obtained from a private provider. Chief Hoyt wants the Town of Lee Fire and Rescue to continue to provide those services. Mr. MacDonald said that he would work with the Fire Chief.

Chairman LaCourse closes the Public Hearing.

2. Chairman LaCourse motions to accept the minutes of January 22 and January 25, 2013. Selectman Cedarholm, seconds. **Motion Carries.**
3. Chairman LaCourse opens the floor for Public Comment (not associated with the Racetrack). There is none
4. Head Baseball Coach for Oyster River High School, Craig Walfield requests use of the field at Little River Park for the Junior Legion Baseball Program. Mr. Walfield explains that the Legion includes kids from Durham, Lee, Madbury and Newmarket ages 14-17; would like to use the field as their home field for the 2013 season; submits a schedule for the Board's review; states they will leave the field in playing condition after every game.

Town Administrator Julie Glover has contacted ORYA regarding the proposed schedule. The only conflict they see is in late June. Ms. Glover requests Mr. Walfield coordinate the schedule with ORYA, as they would be given first priority to use the field. Chairman LaCourse raises the issue of a fee; Ms. Glover advises the Board that there is a difference between the Junior Legion Baseball League and the Coastal NE Men's League as the Junior Legion League accommodates local kids that have aged out of the Oyster River Youth Programs.

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Recreation Commission Chair Phil Sanborn advises the Board that (the Junior Legion Baseball Program) is a good opportunity for the kids of Durham, Lee and Madbury as the ORYA doesn't have baseball at this level; they are excited to have the field used and to show it off.

Chairman LaCourse motions to approve the request for use of the baseball field at Little River Park as requested by Mr. Walfield for the Junior Legion Baseball League provided there is not a conflict with the ORYA Babe Ruth schedule and that the Legion help with the maintenance of the field. Selectman Cedarholm, seconds. **Motion Carries.**

Selectman Griswold requests pictures of the league playing at Little River Park and the schedule be posted on the website.

5. Assessing Agent Scott Marsh of Municipal Resources submits a memo and pictures of campers that appear to be permanent in nature. Mr. Marsh states he has completed a preliminary review (per the Board's request) and the data shows there are approximately 193 sites that meet the criteria to be taxable. Mr. Marsh estimates the total net assessment to be approximately \$900,000 (equal to \$27,000 in taxes; approximately \$140 per camper). Mr. Marsh requests direction from the Board regarding moving forward with assessing the campers and gathering/notifying owners.

Mr. Marsh reviews the guidelines to determine if a camper is a taxable structure: 1) Is intended to be permanent and not a temporary structure. 2) It is completely enclosed. 3) Is used as a dwelling, storehouse or shelter. 4) It is intended to remain stationary. Mr. Marsh adds the criteria is based on NH Supreme Court decisions and is supported by RSA 72:7.

Chairman LaCourse motions to approve the taxation of campers that meet the four part definition as determined by the town's assessing official Scott Marsh. Selectman Cedarholm, seconds. **Motion Carries.**

6. Chairman LaCourse motions to approve the payroll expense for pay date February 8, 2013. Selectman Griswold, seconds. **Motion Carries.**
7. Town Secretary Dawn Hayes submits two letters from residents regarding their opposition to racetrack expansion; excessive noise; the cost of certified mail to notify abutters of a Public Hearing. The letters are made part of the permanent record. Ms. Hayes adds that the racetrack does pay for each certified letter that is mailed; \$100 for the Public Hearing; plus the cost of advertising the hearing.
8. Chairman LaCourse motions to approve the Consent Agenda. Selectman Cedarholm, seconds. **Motion Carries.**

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9. Town Administrator Julie Glover discusses the Bricker House, the Purchase and Sales agreement of 2006 for the Bricker property; the right of exclusive negotiation on the house. Ms. Glover notes the Heritage Commission has advised: Mr. Bricker made verbal notification of his interest in selling the property. However, the agreement requires Mr. Bricker provide written notification to the town to start the process of negotiations.

Selectman Griswold notes an advantage to obtaining the property would assist in turning the triangle into a roundabout.

Selectman Cedarholm states it is difficult to discuss any of the homes (in that area) without consideration for the Town Center; anything that the town does to modify the triangle should include all the residents (around it); discussion about the historic value of the triangle should be considered; would a roundabout help or hinder pedestrian and bicycle traffic.

Ms. Glover advises the current assessed value is \$297,600 (approximately \$9,000 in tax revenue).

Heritage Commission Chair Patricia Jenkins advises the Board: if we wait for Mr. Bricker to submit notification in writing the 90 days clocks starts; she would like discussions to begin now to allow for more time. Ms. Jenkins notes the entrance way to the location of the Library/Community Center is in a bad place on the hill; the back of the Bricker House property could be used as a safer entrance.

Ms. Glover advises that the 90 days is a 'right of exclusive negotiation', from the time that the town receives it in writing from the Bricker's, they would be required to wait 90 days before listing the property for sale.

Chairman LaCourse recommends scheduling a Work Session to discuss the matter.

10. Town Administrator Julie Glover presents a draft of the Voter Information Edition of the Town Crier. The Board discusses how to distribute the information and agrees to send them to all residents, make copies available at public buildings and post it on the website.
11. Selectman Griswold opens a discussion regarding a Candidates Night for the three candidates running for Selectman. Town Administrator Glover states it cannot be an event run by the town. Selectman Cedarholm will see if he can find someone interested in organizing the event.

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12. Town Administrator Julie Glover advises the Board she has contacted Mr. Banks regarding his concern at the Deliberative Session regarding the MS6 form. Ms. Glover explains the MS6 form is provided by the State and the (\$.02 cents relating to Gravel Tax) was information from the State (not a typo in preparing of the budget).
13. Town Administrator Julie Glover advises the Board that the NE Coastal Baseball League is waiting for a response to their request to use the field at Little River Park every Sunday (April – October) for a fee of \$850.

The Board discussed the use of the field; the fee; the account the fee should be deposited to.

The Board requests the Town Administrator begin the process of developing policies to govern the use of the park.

14. Chairman LaCourse motions to accept the Manifest of January 20 – February 2, 2013. Selectman Cedarholm, seconds. **Motion Carries.**
15. Chairman LaCourse updates the Board on the most recent Race Track Ad Hoc Committee meeting. Chairman LaCourse advises the Board that the committee discussed fines for violations; requests the Town Administrator seek further information from the town's attorney regarding enforcement of the ordinance.

Selectman Griswold advises that the violations are dependent on the accuracy of the recordings; violations could be contingent on each mark over 97 dB, or each violation attached to a specific duration. Selectman Cedarholm sees violations being attached to specific heats.

The Race Track Ad Hoc Committee will meet again after Chairman LaCourse has received details from the attorney regarding enforcement.

16. Selectman Cedarholm discusses the drawings prepared by MSC for Little River Park; notes there are no drainage features indicated and there needs to be contours added to the plan. Selectman Cedarholm suggests the multipurpose playing field be moved north to south; the fields be reconfigured to accommodate two multi-purpose fields; there is plenty of room for another field in the back. Selectman Cedarholm would like to see the Little River Fair have the ability to expand out onto the fields.

Fire Chief Peter Hoyt addresses the Board concerning parking at Little River Park: what is there now just isn't enough. Selectman Cedarholm states, a remote parking area could be created. Town Administrator Julie Glover suggests shifting one field and adding centralized parking to accommodate games and parking for the Fair.

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17. Selectman Griswold discusses the state of the Library/Community Center fund raising; currently it is at risk if the Board of Selectmen doesn't give certainty and acknowledgement to the location being at the Bricker property; further refers to the warrant article that referred to the location.

Selectman Cedarholm adds the charge to form a town center; the Charette; the recommendations of Plan New Hampshire still need to move forward.

Both Selectman agree all of these things can happen in concert.

18. Selectman Cedarholm motions to accept the proposed 2013 race schedule as submitted by the Lee USA Speedway. Selectman Griswold, seconds. **Motion Carries.**
19. Chairman LaCourse motions to adjourn 7:39 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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W. James Griswold

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David Cedarholm

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