

MINUTES OF THE SELECT BOARD

Meeting

April 15, 2013

PAGE 1

Board members present: Chairman LaCourse, Selectman Cedarholm and Selectwoman Dennis.

Others present: Larry Kindberg, Bill Humm, Patricia Jenkins, Shirley Walker, Ryan Mountain, Karl Jakobs, David Przybylski, Then Mayer, Martha Fuller Clark, Sharon Taylor, Katrinka Pellecchia, Carla Wilson, Kevin Crawford, Annamarie Gasowski, Paul Gasowski, Carol Evans, Randy Stevens, Leslie Martin, Kathleen Bird, Bruce Larson, Robin Jone, Andy Jones, Andy Lelio, Cynthia Unrein, Phil Ginsburg, Peter Hoyt, Chet Murch, Town Administrator Julie Glover and Town Secretary Dawn Hayes.

1. Chairman LaCourse called the meeting to order at 6:00 pm; opens the floor for public comment, there is none.
2. NH State Senator Martha Fuller-Clark addresses the Board noting she is representing district 21 (Portsmouth; Newington; Lee; Madbury; Durham; Newmarket; Newfields). Senator Fuller-Clark offers to assist Lee with any key issues regarding the state. Senator Fuller-Clark states currently all bills that have passed the Senate are being reviewed by the House; bills passed by the House are going to the Senate. Senator Fuller-Clark speaks about the gas tax bill and that it would return money to towns and cities (it has passed in the House, but is under intense scrutiny in the Senate). Senator Fuller-Clark encourages all to weigh in with legislators on SB152 (gambling in NH) (which has passed in the Senate). Senator Fuller-Clark states she has filed SB141 to create a set of policies and principals that help drive forward the grow-local, eat-local initiative. Senator Fuller-Clark advises she is working on an issue for homeless youth; there are 180 homeless youth in the City of Rochester.
3. Conservation Commission Chair Bill Humm presents a sign for Wheelwright Pond regarding: Aquatic Hitchhikers. Mr. Humm states the signage available from NH DES didn't work for our site: sign was too large and showed a vehicle backing a boat trailer into the water. Mr. Humm notes at Wheelwright Pond there is a trail to carry a canoe or kayak. Mr. Humm advises the Board the sign will be mounted on a post, on either side of the trail at Durgin Preserve.

Chief Murch states there are a lot of boats at the Forest Glen Campground; recommends asking if they would volunteer to post a sign there.

Selectman Cedarholm recommends the sign read Select Board. Mr. Humm agrees.

Mr. Humm addresses another signage matter at Wadleigh Falls. Mr. Humm reminds the Board that last year, the Lamprey River Advisory Committee had constructed a canoe launch with granite steps for getting canoes and kayaks into the river. Mr. Humm notes, upstream of the bridge a washed out dam has created a waterfall; requests two signs warning people of the falls. Mr. Humm states the NH DOT has not finalized their approval; it cannot be acted on just yet.

MINUTES OF THE SELECT BOARD
Meeting

April 15, 2013

PAGE 2

Chairman LaCourse motions to accept the sign as proposed (with the modification to the Select Board language), and to instruct the Road Agent to assist in the installation. Selectwoman Dennis, seconds. **Motion Carries.**

Chairman LaCourse tables the matter of the signage regarding the falls until there is more information and an agreement from DOT has been signed. Selectman Cedarholm, seconds. **Motion Carries.**

4. Resident Peter MacDonald advises the Board that Building Inspector Allan Dennis has proposed (and Mr. MacDonald has accepted it) – if he allowed the town to remove his art pile on Packers Falls Road, then they (Planning Board and site review committee) would see “Steppingstones Rd” in a totally different light. Mr. MacDonald stated he agreed to this because helping homeless veterans are more important than an art pile. Mr. MacDonald refers to an email regarding this proposal that was sent to the Town Administrator.

Town Administrator Julie Glover states she has forwarded the email to the Town’s Attorney for review. Chairman LaCourse advises Mr. MacDonald that when the attorney responds there can be a formal discussion on the matter.

Mr. MacDonald advises that Planning Board Member Kevin Crawford has forwarded a nasty letter to residents requesting fines be imposed on Mr. MacDonald because of the homeless veterans that he wants to house on Steppingstones Road. Mr. MacDonald requests the Select Board sanction Mr. Crawford from serving on town boards, as his actions are against the constitution. Mr. MacDonald advises the Board of his plans to put up a chapel at 101 Steppingstones Rd; two 8x16 shacks for homeless veterans to stay in. Mr. MacDonald states there are over 600 homeless veterans in NH; that it is our obligation to help these men and women. Mr. MacDonald adds that he wants to put compost toilets on the property; has been trying to get a building permit; the site review committee is trying to find ways to stop him from building; he is being delayed due to the town referring the matter to legal counsel. Mr. MacDonald states he is following the laws and the ordinances that support this.

Chairman LaCourse thanks Mr. MacDonald for advising the Board of his plans; will look into the matter of the composting toilets. Selectwoman Dennis recuses herself from the discussion, as her husband is involved in the matter.

5. Road Agent Randy Stevens discusses the electrical needs at Little River Park. Town Administrator Julie Glover states the electrical connection that is needed for the well at Little River Park will make the irrigation system automated. Ms. Glover recommends funding the project from Other General Government 4199 (balance \$47,000).

Resident Kevin Crawford addresses the Board and offers to donate labor for the electrical work.

MINUTES OF THE SELECT BOARD
Meeting

April 15, 2013

PAGE 3

Chairman LaCourse motions to approve the installation of electrical to the well at Little River Park at a cost not to exceed \$2,000, to be withdrawn from the 4199 General Government Account and to instruct the Road Agent and the Town Administrator to work with the Recreation Commission to accomplish the work in the Spring of 2013. Selectman Cedarholm, seconds. **Motion Carries.**

6. Road Agent Randy Stevens submits a bid sheet for Gravel; Center Line Striping; Catch Basin Cleaning. Mr. Stevens recommends Hartigan (low bidder) for Catch basin Cleaning; Industrial T L (low bidder) for Center Line Striping; Peter Kuegel Trucking for Gravel (with Brox as a backup).

Chairman LaCourse motions to award the Gravel; Striping; Catch Basin Cleaning as recommended by the Road Agent (and the vendors he has selected). Selectman Cedarholm, seconds. **Motion Carries.**

7. Road Agent Randy Stevens advises the Board that he has gathered information on new plow trucks: cost is \$160,000 - \$170,000; they use more fuel; more expensive to fix. Mr. Stevens states legally the money can be spent since it is in an expendable trust fund, however, he recommends putting the matter of purchasing a new plow truck to the voters. Town Administrator Julie Glover advises the Board of Selectmen is the agent to expend from that capital reserve trust fund.

Mr. Stevens advises there are truck demos and a state auction that he could attend to look for trucks; it could be put out to bid to see what is available.

Chairman LaCourse tables the matter and requests the Road Agent come back to the Board with more information.

8. Library Trustee Chair Anna Marie Gasowski states the Trustees and two of the Select Board members recently held a work session; drafted a charge for the Library Building Committee. Ms. Gasowski presents a list of action items for the Board to consider. Ms. Gasowski states the Trustees would like appoint all eight applicants that applied for a position on the Library Building Committee and also include: the Library Director; a Trustee Member; a Select Board Representative. Ms. Gasowski reviews a timeline of Trustee activity, beginning in 2004 with the Space Needs study.

Library Trustee Katrinka Pellecchia asks the Select Board reaffirm the location of the bluff overlooking Little River Park and states in 2007 the Town Center Committee determined that is was the best site; it was reaffirmed by the Town Center Steering Committee; in the past six years no one has come to the trustees stating problems with the site.

Library Trustee Cynthia Unrein speaks about the timeline of the project and the hope of coordinating the Ground Breaking with the town's 250th Celebration in

MINUTES OF THE SELECT BOARD
Meeting

April 15, 2013

PAGE 4

2016. Ms. Unrein advises that fund raising efforts have been stymied due to questions on the location (although the location has been voted on several times). Ms. Unrein notes the Trustees are hoping for reaffirmation of the site and the forming of the Building Committee so that it can move forward. Ms. Unrein states it is going to be a town building and it (the location) needs to be stated by the Select Board.

Chairman LaCourse wants to move forward (with the Library Building Committee) and notes the Town Center Committee can continue to look at how the town will be set up; agrees the bluff (overlooking Little River Park) is where the Library should go. Chairman LaCourse motions to approve the formation of a Library Building Committee to be composed of seven to eleven members, with a charge as recommended by the Library Trustees to oversee the design and construction of a new Library, which is to be built on the bluff overlooking Little River Park (aka the former Bricker property) and to appoint to the newly formed building committee members as presented. Selectwoman Dennis, seconds. Chairman LaCourse asks if there is any discussion.

Chair of the Lee Public Library Foundation Carol Evans describes the charge of the foundation: to raise approximately \$850,000 toward private donations toward the project; when approaching large donors it is important to be able to confirm the site; notes the foundation takes no position on the site.

Selectman Cedarholm states he is full support of the project and appreciates all the Town Center Committee and the Trustees have done. Selectman Cedarholm states he has questions relating this project to the town's Master Plan; is unsure as to the goals of the project; acknowledges the decision matrix that included Stevens Field but doesn't think it was given fair consideration; advises the Bricker's are interested in selling their home to the town, which is a new development to consider; the 2011 warrant article #25 establishing the capital reserve fund stated the location was to be at map/lot 02-01-01 (which is not the former Bricker lot). Selectman Cedarholm has requested the Board consult with an Attorney to discuss what the options are for correcting the error of the map/lot number (in that warrant article); requests that matter be resolved before the Building Committee works towards designing something for the Bricker property when the town actually voted to build the project on map 02 not map 20.

Katrinka Pellechia speaks about the warrant article and the intent of the voters.

Town Administrator Julie Glover state in 2009 the warrant article was clear about the location being the Bricker property; in 2011 two warrant articles were presented: the establishment of the capital reserve fund noting the map/lot as 02-01-01 (when it should have read 20-01-01) and to put \$100,000 into the fund that was created in the previous warrant article (video that was shown at the Town Meeting clearly showed and spoke about the Bricker property).

MINUTES OF THE SELECT BOARD
Meeting

April 15, 2013

PAGE 5

Selectman Cedarholm states the 2009 warrant article was not a vote to construct a building on the former Bricker property; it was a vote to do a preliminary design of something on that lot. Selectman Cedarholm acknowledges much discussion on warrant article #26 regarding the Bricker property, however that discussion happened after the vote on warrant article #25 where there was no mention of the name of the lot. Selectman Cedarholm notes the Department of Revenue Administration has advised the Town that it would take a vote of 2/3 to change the location.

Cynthia Unrein remarks, the matter being discussed is a typographical error; there was voter intent.

Library Trustee Bruce Larson states it is the responsibility of the Select Board to construct on town land; notes vote was not on the site but rather the money; the town does not vote on *where* a building is constructed, the Select Board does. Mr. Larson addresses several items: the Steven's field and the safety issues associated with active Fire and Police Departments (in close proximity); Conservation Commission advice regarding the bog next to Steven's field; three options to access the Bricker property; the Steven's field site is not wide enough for a community well; one of the Charette charges is to separate town services due to septic concerns (on the current Library/Town Hall lot); there is no clear cutting involved (at the site overlooking Little River Park). Mr. Larson reiterates, the Select Board makes the decision of where to put buildings.

Resident Paul Gasowski produced the video that was shown at the 2011 town meeting and states, it clearly (through graphic and audio) indicates that it was the Bricker site that was being discussed. Mr. Gasowski wants to move forward and advises that time, money and opportunity to seek funding is being wasted. Mr. Gasowski states what we will end up with will be good for all generations and it will be a gateway to the village that will allow people to recreate in all forms.

Selectman Cedarholm describes the conceptual plan from Dennis Mires showing a narrow tree buffer surrounding the proposed facility; notes the Charette did not conclude that the Bricker property was 'the' lot, it was the Town Center Committee that favored the Bricker lot; a low impact design could be implemented no matter what the site is; regarding safety – emergency responders exit from the opposite side of the safety complex and considering all the meetings that have occurred at the safety complex over the years and athletic activities at the Stevens Field there has never been a conflict between the public use these facilities and emergency vehicles coming or going.

Selectwoman Dennis states we can trust in the Conservation Commission to give guidance on the matter of clear cutting; it is not logical to think that the voters were voting on a map/lot # alone; all of the public meetings and presentations that have occurred up to this point all reference the Bricker property.

MINUTES OF THE SELECT BOARD
Meeting

April 15, 2013

PAGE 6

Chairman LaCourse echoes the comments of Selectwoman Dennis (that people knew where they wanted the Library to be) and adds his appreciation to Selectman Cedarholm's effort to bring areas of concern to light. Chairman LaCourse advises the motion is on the floor and moves the question.

Chairman LaCourse and Selectwoman Dennis both yea, Selectman Cedarholm nays. **Motion Carries.**

9. Senior Advisory Committee Co-Chair Sharon Taylor advises the Board that a member has recently resigned; requests the appointment of Jere Beckman to fill the unexpired term. Ms. Taylor advises that she will return on April 29th to update the Board on Senior Advisory Committee activities.

10. Police Chief Chet Murch presents a request for unpaid leave for Ms. Robin Estee (not present). Chief Murch notes under the current personnel policy unpaid leave may be granted by the Board with justification from the Department Head. Chief Murch states as of April 1st Ms. Estee has 40.5 vacation hours available, has two floating holidays and earns 14 vacation hours per month. Chief Murch states there is office coverage and the office will be open Monday through Friday 8:00 am – 4:00 pm. Chief Murch requests all time available including the floating holidays be exhausted before taking unpaid time.

Chairman LaCourse motions to approve the Police Chief's recommendation to allow the Police Department Administrative Assistant to take unpaid leave as presented. Selectwoman Dennis seconds. **Motion Carries.**

11. Chairman LaCourse motions to accept the minutes of April 1, 2013. Selectman Cedarholm seconds. **Motion Carries.**

12. Chairman LaCourse motions to accept the Consent Agenda as presented. Selectman Cedarholm seconds. **Motion Carries.**

13. Chairman LaCourse motions to enter into a Non Public session at 8:07 pm per RSA 91A-A:3II(c) (Tax Payment Agreements; Deeding of Properties; Current Use Tax Appeal). Selectman Cedarholm seconds. **Motion Carries.** Present in Non Public: Chairman LaCourse, Selectman Cedarholm, Selectwoman Dennis and Town Administrator Glover. Mr. & Mrs. Jones join Non Public at 8:15 pm. At 8:25 pm Mr. & Mrs. Jones depart and Chairman LaCourse motions to seal the minutes. Selectman Cedarholm seconds. **Motion Carries.**

- At 8:30 pm Mr. Ginsburg joins the Non Public Session. At 8:45 pm Mr. Ginsburg departs Non Public. At 9:20 pm Chairman LaCourse motions to end Non Public and seal the minutes. Selectman Cedarholm seconds. **Motion Carries.**

14. Town Administrator Julie Glover submits appointments for the Energy Committee for Dorn Cox; Sharon Meeker; Noel Jost-Coq; Chairman LaCourse

MINUTES OF THE SELECT BOARD

Meeting

April 15, 2013

PAGE 7

motions to appoint the Energy Committee members as presented. Selectman Cedarholm seconds. **Motion Carries.**

15. Town Administrator Julie Glover submits appointment for Jere Beckman to the Senior Advisory Committee. Chairman LaCourse motions to approve the appointment as presented. Selectman Cedarholm seconds. **Motion Carries.**
16. Town Administrator Julie Glover presents the appointments for the Library Building Committee and the appointments to the Advisory Budget Committee for the Board's signatures.
17. Town Administrator Julie Glover discusses the Babe Ruth field at Little River Park: concerns about protection for players on the 3rd and 1st base line. Mike Gamache of ORYA (not present) has submitted a sketch of recommended fencing (7ft high chain link). Ms. Glover submits a cost estimate from 125 Fence (\$2,250); explains should dugouts ever be put at the field the chain link fence would be appropriate to have in front of them.

Chairman LaCourse motions to approve the installation of chain link fence at Little River Park not to exceed \$2,250 to be withdrawn from account #4199 Other General Government; to instruct the Town Administrator to work with the Road Agent, the Recreation Commission, the Babe Ruth Officials and OYRA to accomplish the work in the spring of 2013. Selectman Cedarholm, seconds. **Motion Carries.**

18. Selectwoman Dennis advises that as liaison to the Recreation Commission, she requests that the Chair of the Recreation Commission communicate directly with her and she will bring that information forth to the Select Board for a discussion and a collaborative decision making process. Selectwoman Dennis submits an MSC map of Little River Park dated January 31, 2013. Both Chairman LaCourse and Selectman Cedarholm agree they have not seen this map and there have been no voted changes since the original map. Selectwoman Dennis states she has a bill from Mr. Carlton (former Recreation Commission Member) to the town of Lee (\$437.50 for storage of Recreation Commission equipment); a letter which he has requested be read at the public meeting. {Mr. Carlton's letter and bill are attached to these minutes and are part of the permanent record}

Town Administrator Julie Glover reminds the Board of the letter dated November 30, 2013 sent to Recreation Commission from the Select Board regarding the trailer at Little River Park; the request in that letter to remove the town's property by contacting the Road Agent to assist in the removal of such; to remove the trailer from Little River Park within 30 days. Ms. Glover notes, a hard copy of the letter was given to the Recreation Commission and a copy emailed to Phil Sanborn, Geoff Carlton, Dawn Genes and Dave Young. Additionally, Ms. Glover discusses the Recreation Commissions minutes of their December 3, 2013

MINUTES OF THE SELECT BOARD
Meeting

April 15, 2013

PAGE 8

meeting, where the letter and a plan to contact the Road Agent regarding removal of equipment is acknowledged.

Selectwoman Dennis recommends she communicate directly with Mr. Carlton to set up a date and time to remove everything from the trailer.

19. Town Administrator advises, the ORYA has requested the town assist with the cost of infield mix for the Mast Way ball field.

Chairman LaCourse suggests the Road Agent and Recreation Commission members volunteer to help spread the mix. Ms. Glover notes, this is practice is similar to past years.

20. Town Administrator Julie Glover advises the Board the approved meeting dates for the Board expire June 30, 2013. Ms. Glover presents a proposed meeting schedule that coordinates with the town's payroll schedule. Selectman Cedarholm requests scheduling meetings on the 2nd and 4th Monday's. Ms. Glover notes the 2nd and 4th Monday's won't always coincide with the payroll (which requires the Board's signature). Ms. Glover will lay out a calendar, include meeting and manifest dates and return to the Board.

21. Chairman LaCourse motions to approve the payroll expense for pay date April 19, 2013 and Manifest #21. Selectman Cedarholm, seconds. **Motion Carries.**

22. Chairman LaCourse motions to adjourn at 9:45 pm. Selectman Cedarholm, seconds. **Motion Carries.**

Minutes transcribed by:

| Dawn Hayes, Town Secretary

**MINUTES OF THE SELECT BOARD
Meeting**

April 15, 2013

PAGE 9

Minutes accepted by:

John R LaCourse, Chairman

Carole Dennis

David Cedarholm

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