

MINUTES OF THE SELECT BOARD MEETING

November 12, 2013

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

Others present: Fire Chief Hoyt, Capt. Scott Nemet, Peter MacDonald, Kevin and Jane Crawford, Larry Kindberg, Roger Rice, Linda Ahern, Katrinka Pellecchia, Tom Seubert, John Roberts, Paul & Annie Gasowski, Frank and Judy Eitler, Bill Humm, Bambi Miller, Town Treasurer Ben Genes, Town Administrator Julie Glover and Town Secretary Denise Duval.

1. Chairman LaCourse calls the meeting to order at 6:00 pm.
2. Chairman LaCourse opens the floor to public comment.

Tom Seubert of 10 Sheppard Lane begins by thanking TA Julie Glover for keeping him up to date on the sign issue and asks to be notified of any major meeting with the town attorney so that he may pass it on to the group. The “trash” at 465 Packer Falls Road was discussed at a series of meetings starting back in 2000. Mr. Seubert continues by reading excerpts from these Board of Selectmen meeting minutes regarding the issue at 465 Packer Falls Road. He asks the Board to look at the old meeting minutes.

Linda Ahern of 3 Fernald Lane wants to discuss an issue with the rumble strips on Route 125. She makes reference to two separate articles that she researched online from the Federal Highway Department regarding maintenance and noise concerns. Ms. Ahern says that the original strips were only supposed to be in the center line. Now she finds out that they are going to be installed in the shoulder as well. Right now there is no break in the rumble strip where one would enter her street. She thought that there would be a public meeting regarding adding the shoulder rumble strips before it was decided to do so. She believes that rumble strips give people a false sense of security when texting and driving. Ms. Ahern asks that the Town take a step back and look at the residential areas surrounding Route 125. There is further discussion regarding which type of rumble strips have been and will be installed. She believes that this subject needs further evaluation. Suggests cut outs in the strips in residential areas. One night she heard 27 cars cross the rumble strips. She hopes that the Board can assist her. Chairman LaCourse will have the TA look at her material and speak with the highway department about installing cuts in the rumble strips to cut down on the noise.

Peter Macdonald wants to let the Town of Lee know how proud he is that his “art work” at 465 Packer Falls Road is still making people talk after all this time.

3. Bill Humm refers to Ronald Kennard’s letter to the Board dated October 21, 2013, Mr. Kennard’s letter to himself dated November 2, 2013, and an arial view of the Stepping Stones Rd. property. Mr. Kennard is offering a conservation easement or to sell 40 acres of his property to the Town of Lee. The Conservation Commission has walked the property with Mr. Kennard and is enthusiastic about preserving this property. The Commission is recommending a Warrant Article for 2014 to purchase this property for \$172,000 plus expenses. Scott Heath appraised

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the land at \$171,000. To purchase the property outright would be \$443,000. The Land Acquisition Trust Fund balance is \$223,234 and the Land Use Change Trust Fund balance is \$316,736. There would be sufficient funds should something else come up later in the year. Mr. Humm believes this is a bargain for the Town. Selectman Cedarholm and Mr. Humm have a short discussion regarding the history of the property and existing trails. Chairman LaCourse asks what the vision for this property is. Mr. Humm indicates that the Commission sees low intensity use for walking or biking trails. There is a house on the right hand side. Mr. Kennard would want to carve out 2 acres around the house and barn for personal use. Maybe some time down the road the next owner might prefer to offer the house and 2 acres up for easement. Selectwoman Dennis would like a better sense of the overall plan. Mr. Humm indicates that the survey done of Lee residents as part of the Master Plan wanted to see 25% of Lee in conservation. Right now the Town of Lee owns 12,926 acres. Total protected land in Lee is 2782 or 21.5%. To be at 25% we would need to have 3232 acres under protection. Selectwoman Dennis asks how the Conservation Commission decides what land the Town should protect or preserve. Mr. Humm says that there are 4-5 conservation values. The more overlap the better. They also rely on willingness or interest by the property owner. Chairman LaCourse points out that this is a unique opportunity since the other side of this property is already under conservation easement. Selectwoman Dennis asks why purchase over easement. There are more options for usage if purchased than there would be with an easement and with an easement the Town would be obligated to monitor. One condition that Mr. Kennard has regarding his property is NO logging or clearing during his lifetime, not even selective clearing. Selectman Cedarholm asks if this land could be developed in the future. Mr. Humm says it is conceivable. Immediate access from the road has not yet been determined. Selectman Cedarholm would like to walk the property before he decides. TA Glover informs Chairman LaCourse that the Warrant Article would be due in January. Chairman LaCourse tables this item until the next meeting date after Selectman Cedarholm walks the property.

4. Roger Rice presents a revised Solid Waste Ordinance. Selectman Cedarholm asks Roger to change the amounts around in the fee table so it makes more sense. He also suggested using lbs. instead of #. Chairman LaCourse asks Roger to prepare a final document and make sure it is in the packet for the next meeting so that the Board will have time to review it. Roger closes with passing out the Transfer Station 10 Year Anniversary Flyer. Chairman LaCourse suggests that the Town Secretary put this in the E-Crier and on the website.
5. Chief Peter Hoyt and Captain Nemet present a financial plan for hiring a new full-time Firefighter/EMT employee. According to the Chief they are about \$5000 short in their calculations for this new full-time person. They think maybe they can pull from another regular line item and then enter it in the budget next year. The Chief mentions that they have not spent their full budget in several years. Selectwoman Dennis asks about the prior discussion regarding reducing the part-time position. That is no longer in the plan per the Chief. Selectwoman Dennis brings up the question regarding the need for a full-time fire chief. She believes that this needs to be more than a brief conversation. Chairman LaCourse agrees; however, points out that they need coverage now. Chairman LaCourse says that it

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should be made known that this position is contingent upon funding in next year's budget. Selectman Dennis points out that this does not sound attractive in addition to the fact that the Town will be spending money to train this person. Selectman Cedarholm asks how Peter Hoyt got the position as Chief. TA Glover states that the Town passed a Warrant Article giving the Board authority to appoint the fire chief, but here may have been language in that Article that the fire department can recommend. Chairman LaCourse moves to approve the Fire Department's request to hire an additional full-time firefighter/EMT at an hourly rate of \$18.00 per hour, funding to be paid entirely from the FY14 Fire Department budget except that ancillary personnel costs, (NHRS, FICA/Medi, medical insurance, etc.) to be funded through the Personnel Administration budget. Selectman Cedarholm seconds. Selectman Cedarholm suggests a friendly amendment to discuss this position being contingent upon the budget approval. (This amendment does not pass) All in favor. **Motion Carries.**

The Chief suggests scheduling a work session with the Board to discuss the administrative issues and the concerns that came out of the fire department report.

6. Larry Kindberg presents the Recreation Commission's request to install the ice skating rink at Town Field rather than Little River Park, which is where the disabled rink is located at this time. They are also requesting the funds to purchase a plastic liner for the ice skating rink. Selectman Cedarholm likes the idea of the Town Field but wonders where people would park. Mr. Kindberg says the school parking lot. TA Glover points out that we need to ask the ORCSD permission to park there. Selectwoman Dennis adds that the school uses that area for physical education during the day. The rink would be closer to Route 155 than back near the baseball diamond. Chairman LaCourse moves to approve the Recreation Commission's request to move the ice skating rink to Town Field contingent upon ORCSD approval to use this area for ice skating and parking in their lot. In addition the Commission may expend up to \$325 to purchase a liner for the ice skating rink. Selectwoman Dennis seconds. TA Glover points out that there is the owner of the rink who should be consulted. Chairman LaCourse adds a friendly amendment that this is also contingent upon the owner's approval to the rink being moved to Town Center. All in favor. **Motion Carries.**
7. TA Glover invites Treasurer Ben Genes to join in the discussion regarding setting the new tax rate since a good deal of it will relate to the Undesignated Fund Balance. Chairman LaCourse agrees. At this time there is \$3.1 million in the Undesignated Fund Balance according to TA Glover, as of June 30, 2013. This number does not include the \$191,000 from the property sale of Noble Farm. The Undesignated Fund Balance is in addition to operating cash. According to Mr. Genes, the Bookkeeper produces a cash flow chart that reveals \$14.8 million in revenue and \$13.9 million in expenses which nets \$900,000 or about 6% of the revenue. The school is 65% of the Town's total expenses; the Town Budget is 24% of the total expenses and the County bill is \$1.1 million. The school department agreed to the Town paying the same amount every month instead of an increased amount one month and a decreased amount the next month. Mr. Genes discusses the pros and cons to fluctuations in the tax rate. He agrees that the Fund Balance is too heavy right now. Based on the \$3.1 balance, Mr. Genes

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feels comfortable with a \$2.4 million fund balance and he is required to maintain \$1 million cash at all times. TA Glover points out that whether the Board applies money from the Fund Balance to reduce the tax rate or to pay Capital Improvements they both have the same effect which is to reduce the tax rate. TA Glover explains that if the Board applies \$500,000 from the fund balance plus \$20,000 to fund the Overlay the tax rate would drop from \$29.94 to \$28.15 and that maybe it would be a good idea to spread the reduction of the fund balance over 3-5 years. If \$175,000 was applied to tax rate, then the tax rate would be reduced by \$1. Mr. Genes would be amenable to designating funds to warrant articles instead. Selectman Cedarholm points out that this would only work if applied to warrant articles that were sure to pass otherwise it would end up in Fund Balance again. Mr. Genes states that the Town is financially solid. We operate on all our own money, no credit. TA Glover adds that Scott Marsh recommends that we set aside \$20,000 as an Overlay amount. The Fairpoint lawsuit is still pending; therefore, the Town needs to keep in mind that should we lose there will be a large cost associated with that. Chairman LaCourse moves to authorize the Town Administrator to forward to the Department of Revenue the "Template to Approximate Tax Rate 2013" reflecting an Overlay of \$20,000.00 and applying \$250,000 from the Undesignated Fund Balance in order to reduce the Tax Rate to approximately \$28.75/thousand. TA Glover points out that this will get the Town to a fund balance of \$2.7 million after adding the \$135,000 from Undesignated Fund Balance that was applied towards capital projects in last year's warrant. Selectwoman Dennis seconds. All in favor. **Motion Carries.**

8. TA Glover presents the revised Milestone Construction Manager Contract. TA Glover points out the changes and opens it up for comment. Selectman Cedarholm asks if anyone is present from Milestone. No response. TA Glover points out that Article #4 (referencing pre-construction fees) has been eliminated; and section of Article #10 was eliminated that referenced a cost for this contract. Mr. Lemay, President of Milestone Construction indicated to her that the number being produced for the bonding approval is a preliminary GMP. The fee is not fixed until after a successful bond vote in March. Selectman Cedarholm thinks that there should be someone there from Milestone to answer questions and discuss this contract. Katrinka Pellicchia and Anna Marie Gasowski come up to the front to address the Board. Chairman LaCourse asks if someone from Milestone can be present at the next meeting November 25th. Selectman Cedarholm announces that he will not be present for the next meeting. Chairman LaCourse advises Selectman Cedarholm to provide questions to be presented at the November 25th meeting. Selectman Cedarholm announces that he will likely vote against this contract in protest. Between the pace and the scale of this project, he does not see this as within the financial range of this Town and it's not the most critical project for this Town. He believes the Town Hall is in much worse shape at this time. Chairman LaCourse moves to table this item and have a Milestone representative at the next meeting scheduled for November 25th. Chairman LaCourse adds that the TA did a wonderful job going back and forth with Milestone getting our questions answered.

Captain Nemet is requesting tuition reimbursement. TA Glover points out that it is at the discretion of the Board to reimburse for tuition. Chief Hoyt states that he

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does have some training money in his budget; however, he does have four new firefighters to train this year. Captain Nemet indicates that he is looking to get his Associates Degree. The courses are \$600 each. He can only take 1 course at a time. Annually the cost would be approximately \$1800. Chairman LaCourse thinks it is a good idea for employees to further their education. Chairman LaCourse moves that the fire department pay out of their budget for one class at a time as long as a C or better is maintained and the Board will consider this on a semester basis. Selectwoman Dennis seconds. All in favor. **Motion Carries.** TA Glover adds that one Board member needs to write a letter of recommendation for Captain Nemet to attend the Local Government Leadership Program which should be free.

TA Glover informs the Board that there will be a gentle recommendation from the Auditors for the Town to create a formal cash receipt policy. She will be preparing a draft for the Board to review very soon.

TA Glover informs the Board that while at the NHMA Conference she had the opportunity to meet with Interware (EB2GOV) regarding setting up a payment system for both online and at the counter that can accept credit cards and/or checks for property taxes, motor vehicle registrations, dog licenses, building permits, etc. Interware is already our existing vendor. There will be no additional software costs and a minimal hardware cost for extra card reader at approximately \$100. All fees are borne by users. In 2008, pursuant to NH RSA 80:52-c the Town passed a Warrant Article to accept credit card payments and TA Glover is now asking the Board's permission to go ahead with online and credit card payments. TA Glover suggests starting with the Tax and Code Enforcement Offices. TA Glover could not address why this had not been done as of yet. Chairman LaCourse moves to authorize the TA to work with all departments that accept payments, but especially the Town Clerk/Tax Collection and Planning & Zoning Administrator to institute online payments and acceptance of credit cards both online and in-person, in accordance with the Warrant Article adopted in 2008 pursuant to NH RSA 80:52-c. TA Glover adds this should be active before the end of the year. Selectman Cedarholm seconds. All in favor. **Motion Carries.**

TA Glover announces the new recipient of the Boston Post Cane to be Pauline Cathcart. We will need one Board member to present the cane when it has returned from being engraved. We will work on a date in the near future.

9. Chairman LaCourse moves to accept the Consent Agenda as presented. Selectman Cedarholm seconds. All in favor. **Motion Carries.**
10. Chairman LaCourse moves to accept the Manifest #9 and Weeks Payroll ending November 10, 2013. Selectman Cedarholm seconds. All in favor. **Motion Carries.**
11. The Board signs the Minutes and Non-Public Minutes from October 28, 2013.

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12. Chairman LaCourse asks for any miscellaneous or unfinished business. Chairwoman Dennis shares that Karen Long has expressed an interest in serving on the ORCSD Budget Advisory Committee.
13. Chairman LaCourse moves to enter Non-Public Session per RSA 91-A:3 II (a) and 91A:3II (b) Transfer Station Hiring at 8:10 pm. Selectman Cedarholm seconds. **Motion Carries.** TA Glover enters the non-public with the Board.
14. Roger Rice enters the Non-Public session at 8:25pm.
15. The Board returns to public session at 8:45 pm and Chairman LaCourse announces that the non-public minutes are to be sealed.
16. Chairman LaCourse motions to adjourn at 8:47 pm. Selectman Cedarholm seconds. All in favor. **Motion Carries.**

Minutes transcribed by:

Denise Duval, Town Secretary

Minutes accepted by The Lee Select Board:



John R LaCourse, Chairman



Carole Dennis

David Cedarholm