

MINUTES OF THE SELECT BOARD

Meeting

September 16, 2013

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Board members present: Chairman LaCourse and Selectman Cedarholm.

Others present: Larry Kindberg, Roger Rice, Bill Humm, Bob Smith, Rick Stevens, Sharon Taylor, Tom Seubert, Jane & Kevin Crawford, Judy & Frank Eitler, Amanda Przybylski, Ryan & Barbara Mountain, Alan & Tricia Finch, Mary Westfall, Joan Henry, Jeff & Judy Strong, Susan & John Roberts, Katrinka Pellecchia, Town Administrator Julie Glover and Town Secretary Denise Duval.

1. Chairman LaCourse calls the meeting to order at 6:00 pm; opens the floor for public comment.
2. Tom Seubert of 10 Sheppard Lane comments on 101 Stepping Stones Road aka Veteran Resort-Chapel. He has reviewed the zoning regulations specifically Article 16 regarding disposal of storage and waste material and wants to see this Article amended to protect the community. What does the public do to accomplish this? Ordinance change must be petitioned and voted on by legislative body per Chairman LaCourse.

Joan Henry of 51 Snell Road spoke about gun fire very near her property. She has called the police and they indicated that it was a shooting range near the power lines. This has been going on for 5 years. Mrs. Henry wants some clarification on what is going on over there. She has also contacted her State Rep. Chairman LaCourse asked the Town Administrator to look into this, have a discussion with the Chief of Police and then prepare a response. He asked her to contact Ms. Glover to make sure that it is on the agenda for next meeting so that she can be present for the result.

Kevin Crawford of 100 Stepping Stones Road thanks the town for all the hard work it has done specifically the Town Administrator. He is concerned about where all the material from Stepping Stones (Veterans Resort Chapel) has gone. He hopes it did not go to Packers Falls Road. Chairman LaCourse gives an update on 101 Stepping Stones Road. All the structures are gone and the owner is clear to get a building permit. The Town is still investigating, counsel is still involved and they will follow through.

Judy Eitler of 1 Sheep Road presented the Board with the following list of questions. 1. How many days has Mr. MacDonald been in violation of town laws/ordinance with regard to his occupancy of and unpermitted construction activities, campfires, etc. on his Stepping Stone building lot? What is the daily fine amount for such non-compliance? 2. Does the Town plan to collect these fines? 3. If Mr. MacDonald refuses to pay said fines, what recourse does the Town have? Can he be arrested? Can the Town put a lien on his Packers Falls Road property? 4. In light of the inordinate amount of time and money the Town has now spent dealing with Mr. MacDonald's defiance of the various laws, buildings codes and regulations, what is the estimated dollar amount we have spent on this problem at this point? 5. What has it cost the Town and taxpayers

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thus far in legal fees alone in dealing with Mr. MacDonald's defiance of Town rules and regulation? 6. Has Mr. MacDonald filed any legal action against the Town and if so, what? 7. What recourse does the Town, including its citizens, have in recouping legal fees in defending against his frivolous law suits? 8. If Mr. MacDonald does bring legal action against the Town and loses, can the Town file a counter suit against him to collect damages for legal fees? Can the Town put a lien on his property to collect damages? Chairman LaCourse will allow the Town Administrator and Counsel to work on answering these questions.

Tom Seubert is still waiting to hear back from the State Attorney General's Office re: Mr. MacDonald's Veteran's Chapel non-profit application.

3. Bob Smith, Planning Board Chairman discussed the process of revising the Master Plan with a targeted completion of 2015. Chairman LaCourse states that the Master Plan should combine activities of all committees, including the Town Center Committee. i.e. the Town Center Plan should be incorporated into the Master Plan. Mr. Smith's plan was to establish a sub-committee within the Planning Board to start the process in January 2014 rather than tie up the entire Planning Board on activities that are of long duration and request that various committees and commissions start compiling ideas. Selectman Cedarholm agrees that committees should be formed that will put together a chapter for the Master Plan and that the Town Center Committee would write a section for the Master Plan. Mr. Smith adds that an outline should be created so that there is some sort of consistency in the format. Mr. Smith asks the Board for input on who they think should be on a committee; Chairman LaCourse notes that we would definitely need to survey the public for their involvement. LaCourse suggests working with the Town Administrator to get an article on the website regarding the future of the Master Plan. Chairman Cedarholm points out that someone needs to look at each chapter for relevancy and accuracy.
4. Bill Humm, Conservation Commission Chairman and Don Quigley of 75 Turtle Pond Road and co-author of Management Plan adopted by the Board in August 2010 are here to speak on Maud Jones Forest and the Town's commitment to maintain the forest's certified tree farm status. Mr. Quigley proposes a wood harvest this winter of about 3-4 acres (last harvested in the 1980's.) The plan is to change to having trees of "uneven age", currently the parcel is not good for wildlife. Mr. Quigley points out that the approved plan divides the lot into 3 separate management units. The plan outlines 4 management activities for Unit 1 which consists of 17 acres: 1) Forest Products Management demonstration area; 2) Establish entrance and trail access along Route 155; 3) Create openings broadly beneficial to wildlife and regeneration; 4) Maintain and mark trail system and boundary lines.

There are two contracting options: hire a logging contractor; or hire a contractor to some of the work while retaining the timber and marketing the logs at the landing to log buyers. Under this scenario we could have some of the job done by "alternative operators" such as residents with horses and oxen or farm tractors.

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This method would maximize the educational opportunity by allowing residents to see several alternative harvesting systems in a public demonstration format. Bill Humm points out that they will need a driveway permit to gain entry from Route 155 at a cost of \$800. The Conservation Commission could cover this cost.

Chairman Humm informs the Board that there is a dilapidated barn that is barely standing on the property at the Lee 5 Corners Reserve. This came to his attention after he had organized the boy scouts to do some clearing in that area. Chairman Humm checked with Randy Stevens who referred him to his brother Rick Stevens about removing the barn. Mr. Rick Stevens agreed to remove it at no cost to the Town within the next few days. A stewardship plan was prepared in 2010 and the site evaluation stated that the barn has no historical significance and no special attributes to restore given its current condition. Selectman Cedarholm moved to have Rick Stevens take the barn down and take it away. Chairman LaCourse seconds. **Motion Carries.**

5. Chairman Larry Kindberg is requesting permission to allow the ORYA to install a 10' x 12' shed at Little River Park for the purpose of storing sports equipment and to allow the Recreation Commission to choose the location. Chairman Kindberg indicates that they want to move on this, however Town Administrator Julie Glover indicates that the ORYA wants to complete this in the spring. The shed will be pre-fabricated and provided by USA Shed. Selectman Cedarholm is concerned about the quality of this donated shed. Ms. Glover and Chairman Kindberg assure Selectman Cedarholm that they are nice sheds. Chairman LaCourse moves to approve the request to have ORYA purchase and install a 10'x12' shed at Little River Park at a location to be determined between them and Randy Stevens, with the condition that the Town be provided a key to access the shed. Selectman Cedarholm seconds. **Motion Carries.**
6. Town Administrator Julie Glover asks to move budget discussion to #10.
7. Peter Hoyt, Fire Chief, speaks on the proposal from Cary Brown of 11 Thornton Way to allow the use of a portion of his property for the installation of a cistern for the storage of water for fire suppression. Chief Hoyt needs to dig test pits to make sure that it is even possible to install the cistern where they want to put it. Ms. Glover points out the Town will need to draft an easement since we are only using a portion of the land and not acquiring it. Chairman LaCourse moves to table this issue until the Board receives further information.
8. Roger Rice, Transfer Station Manager, presents the first draft of the revisions to the "Guide to the Recycling & Transfer Station." Chairman LaCourse points to a couple of areas that need work, for example the reference to "special wastes" is questionable. Chairman LaCourse believes this language is too vague. Needs to have explanation or description available.

Mr. Rice also needs direction regarding the new Transfer Station stickers. They have spent just under \$1000 for the new ones. The old ones do not expire until the

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end of 2013. The Solid Waste Ordinance requires that the stickers are to be valid for 1 year but the Transfer Station has been buying stickers valid for 2 years. Selectman Cedarholm suggests to amend the Ordinance to say 2 years. Chairman LaCourse agrees and says once the revised Ordinance is complete it can go for a Town vote. Selectman Cedarholm asked if we needed a Town vote on this issue. Town Administrator Glover indicated that Towns under population of 10,000 can only adopt Ordinances by the legislative body. Therefore, the Board agreed to stay with the 2-year stickers and the Transfer Station will start dispensing new stickers on October 15, 2013.

Mr. Rice will provide the Board with a revised Solid Waste Ordinance at the next meeting. Chairman LaCourse asked for a written document first and then a PowerPoint presentation.

9. Katrinka Pellecchia, Library Building Committee Representative, gave a summary of activities regarding the August 29th Listening Session on Lee Hill entrance & Route 155 entrance to the building site and on the Construction Manager RFQ/RFP progress. Entering from Rte. 155 was preferred by the people at the session. The Committee has checked with the police and Randy with regards to the best entrance. Both said 155. Chief Hoyt stated that 155 would be best. Traffic was a big concern. Selectman Cedarholm asked if people thought there would be a sight-distance issue, as he is concerned and believes that the only place to put an entrance is near the crest of the hill. Ms. Pellecchia indicated that the committee has changed their plans from a long building to a more compact building. They will hold a Public Hearing on the building plan. The committee had 13 RFQ's for a Construction Manager to review and narrowed it down to 5. The interviews will be conducted on October 1st and 3rd and will be open to the public. Both interviews need to be video recorded according to Selectman Cedarholm.
10. Julie Glover, Town Administrator presents FY15 draft budget schedule that includes joint meetings with the ABC and BOS as well as Department Heads. The schedule includes all statutory budget deadlines. The Board agreed to have the first workshop on September 19, 2013 with the ABC at 7pm at the Public Safety Complex 2nd floor conference room. The Deliberative Session will be on Saturday, February 1, 2013 and the Ballot Session will be Tuesday, March 11, 2014. Chairman LaCourse moves to accept the FY15 budget schedule as presented by the Town Administrator. Selectman Cedarholm, seconds. **Motion Carries.**

Ms. Glover discusses the loam for stone swap request from Merrill Construction (materials at Little River Park.) It was suggested that Randy Stevens come in to discuss this issue. Selectman Cedarholm will recuse himself from this discussion, as he is working with Merrill Construction in Durham. Following a brief conversation the Board agrees that the Town should move forward with a Bid process to either sell the stone or trade for loam.

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Ms. Glover asks the Board if they would rather file another extension to submit the MS -1 and wait for the utility values from the State or use the existing values in order to make sure the Town gets into the queue for the tax rate setting. The Board agreed that the Town should submit with existing values.


Ms. Glover informs the Board that the Planning & Zoning Office needs a replacement photocopier. She has been negotiating an agreement with Seacoast Business Machines to provide P&Z a new machine, service agreement and remove the 2 old copiers. Chairman LaCourse moves to authorize the Town Administrator to execute the appropriate lease and maintenance agreements with Seacoast Business Machine, including non-appropriation clause, for a new, Sharp Photocopier to be located in the Planning & Zoning Office. Selectman Cedarholm, seconds. **Motion Carries.**


11. Chairman LaCourse asks for any miscellaneous or unfinished business. Chairman LaCourse received an email from Roger Rice regarding a wireless transmitter for the Transfer Station. The Town Administrator confirms that she has no knowledge of the issue. Chairman LaCourse pointed out that these issues should be brought up through the normal process and not sent directly to a selectman.
12. Chairman LaCourse moves to approve Consent Agenda as presented. Selectman Cedarholm seconds. **Motion Carries.**
13. Chairman LaCourse **motions** to accept minutes from regular meeting and Non Public meeting dated September 3, 2013. Selectman Cedarholm, seconds. **Motion Carries.**
14. Chairman LaCourse **moves** to go into a non-public meeting per RSA 91-A:3 II(d) Noble Farm Update. Selectman Cedarholm, seconds. **Motion Carries.**
15. The Board returns to public session at **8:10 pm** and Chairman LaCourse announces that the non-public minutes are to be sealed.
16. Chairman LaCourse **motions** to accept Manifest #5 and payroll ending September 1, 2013. Selectman Cedarholm, seconds. **Motions Carries.**
17. Chairman LaCourse motions to adjourn at **8:15 pm.**

Minutes transcribed by:

Denise Duval, Town Secretary

Minutes accepted by The Lee Select Board:


John R LaCourse, Chairman


Carole Dennis DAVID CEDAR HOLM