

MINUTES OF THE SELECT BOARD MEETING

October 14, 2013

PAGE 1

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

Others present: Fire Chief Hoyt, Peter MacDonald, Jim Morse, Alice MacKinnon, Frank DeRocchi, Kevin Crawford, Zach Smith, Katrinka Pellicchia, Tom Seubert, Leslie Martin, Jeff and Judy Strong, Susan Roberts, Paul and Annamarie Gasowski, Maria Barth, ORCSD School Board, Dr. James Morse, ORCSD School Superintendent, 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. Kevin Crawford of 100 Stepping Stones Road asks who wrote the letter giving Mr. MacDonald permission to leave the sign on his house. Town Administrator Julie Glover informs him that it was the Planning Administrator Caren Rossi. Kevin goes on to say that the sign does not meet regulations and yet it has not been removed. There is not an exception in the regulations. Mr. Crawford says he "only heard about the letter" that was sent to Mr. MacDonald. He has not seen it. Chairman LaCourse says that Mr. Crawford must petition the Zoning Board regarding the sign. TA Glover confirms with Mr. Crawford that he has not read the letter. TA Glover adds that Ms. Rossi conferred with the Town's Attorney and presumably acted under their instruction. Chairman LaCourse reiterated Mr. Crawford's need to petition the Zoning Board about the sign if he feels he needs to.

Maria Barth wants to publicly thank the Town of Lee and its Fire Department for responding to the fire at her house.

Tom Seubert of 10 Sheppard Lane wants to stand up with Kevin Crawford in regards to 101 Stepping Stones Road. Mr. Seubert wonders why he only hears from the Chairman and would like to hear from the other two Board members. Chairman LaCourse says that the public should address the Chair; however, any other Board Member may speak at any time. Mr. Seubert says he will be back in two weeks to hear from the other two Board members. Selectman Cedarholm briefly comments on the situation by stating that we need to proceed cautiously and be aware of everyone's rights.

TA Glover adds that Ms. Rossi forwarded a photo from today of the siding going up.

Leslie Martin asks if she or anyone can make a comment on things that come up later on during the meeting and not just during public comment. Chairman LaCourse explains that he can recognize anyone he chooses during the meeting.

Peter MacDonald comments on his situation at Stepping Stones Road. He says he received a letter and signed it. Anyone can read it that wants to. The sign on his property is a temporary construction sign and can be there during construction. Mr. MacDonald wants people to talk to him if they have an issue. He is abiding by the law. He accuses the Town of Lee of not supporting homeless veterans. He

states that if the people in this Town want things to move faster than they should come over and help him. His goal is to help homeless veterans. He says if we could all work together it would be a better world. Fighting him is costing everyone money.

Kevin Crawford states unequivocally that he does not believe that anyone in the Town of Lee is against veterans. The issue is that what Peter MacDonald wants to do is not allowed in the zoning regulations.

No further public comment on this topic per Chairman LaCourse.

3. Chairman LaCourse moves to the Public Hearing on Acceptance of Hazard Mitigation Grant in the amount of \$8053.46 from the NH Department of Homeland Security and Emergency Management/FEMA for costs incurred during the February 8-10, 2013 Snowstorm "Nemo" and expenditure of same. Frank DeRocchi, Director of Emergency Management Commission requests that \$2000 of this grant money be applied to purchasing and maintaining a Satellite Internet Connection. Chairman LaCourse moves to accept the Hazard Mitigation Grant in the amount of \$8053.46 and to utilize up to \$2000 for the purpose of acquiring a Satellite Internet System for the Emergency Operation Center. Costs to include initial installation, monthly lease, maintenance and internet service for FY2014. Selectman Cedarholm seconds. **Motion Carries.**
4. Dr. James Morse is here to communicate information regarding three topics. 1. Tuition. 2. Redistricting. 3. Adopt Goals for Strategic Plan on 10-23-2013.
 1. The high school capacity study shows that it has 300 seats that it can sell for tuition. The School Board has a policy that allows 18-22 students per class and the capacity based on that policy is 915 kids. Currently the school is at 610 kids and sells 70 seats to Barrington. Now they are looking at selling those extra seats to generate a revenue stream to alleviate some tax burdens. Deerfield is out, as they have signed with Concord. Newmarket and Barrington have been offered 250 seats at \$14,500 per student which would be approximately \$3.6 million of which 25% would go towards tax payer relief. Concerns are the school gets too big too fast. They are in the process of building transition plans. This plan would take effect in 2015. On November 20th the Board will be deciding on Newmarket or Barrington. Then the Town that is tuitioning in students will have the opportunity to vote on its acceptance. Dr. Morse believes that they will have to close a building and lay off teachers if they do not bring in more students. Mr. John Roberts asks why the enrollment is dropping. Dr. Morse says that both demographics (in Maine, NH and VT) and the fact that there has been a dramatic drop in birth rate have affected the decrease in enrollment. Mr. Roberts asks if the taxes will go down if the school enrollment goes down. Dr. Morse says that a healthy school system affects the local economy and property values. The school programs would suffer if the classrooms were to decrease according to Dr. Morse. Chairman LaCourse asks about the price being offered. Dr. Morse says it is a market driven number not a tax driven number. Chairman LaCourse asks about how the breakdown of students will work. Newmarket's high school is

closing in 2015 so all 254 children would be coming over. Barrington already has 70 students coming here so their growth of 250 students would be over time. Selectwoman Dennis asks if they will be bringing teachers over with the students. Dr. Morse says that they would not have to worry about Barrington because they do not have a high school. As far as Newmarket is concerned, they will offer the teachers an interview, but are not making any guarantees. Selectman Cedarholm confirms that bus transportation is left to the individual town. Peg Dolan, 11 Lamprey Lane, asks what percentage of special education students are at each school. Dr. Morse indicates that Oyster River is at 16%, Newmarket is 16% and Barrington is at 20%.

2. Next issue is elementary school redistricting due to the imbalance of kids at the two schools, Moharimet and Mast Way. Moharimet opened with 400 students this year and Mast Way opened with 200 students. This causes problems with distributing resources. Need to figure out how to equalize enrollment so we are using them wisely. At this time we have 2 portable classrooms at Moharimet which is an unnecessary cost. There is a need to either reroute buses or repurpose the schools. For example, Mast Way could be K-2 and Moharimet could be 3-5. The meeting on next Wednesday will discuss this. Dr. Morse does not see moving away from an elementary model. Selectwoman Dennis asks if there is a benefit to one over the other. Dr. Morse believes there is a benefit to repurposing, but it is the least popular choice.
3. The last issue for the October 23rd meeting is that the Board will receive broad goals for the Strategic Plan.
5. Building Committee Chairwoman Katrinka Pellecchia updates the Board on the interviews with the five Construction Managers on October 1st and 3rd. After thorough review and careful consideration the Committee recommends Milestone. Architect Zachary Smith, opens it up for the Board to present questions. Paul Gasowski first comments on how Milestone rose above the rest. Points out a few of their past accomplishments and believes that they would serve the Town well. Ms. Pellecchia points out that they already have established relationships with local contractors having had a working relationship with UNH. Mr. Gasowski adds that they will continue to work with the Town of Lee at no cost until they have an agreement. Selectman Cedarholm asks what the selection criteria were for the construction manager interviews. Mr. Gasowski explains that they had a matrix and scoring system pertaining to particular issues and questions. Zachary Smith explains that the RFQ went out first asking for qualifications. They received 13. Then they used the scoring matrix to narrow it down to 5 and sent out the RFP. Selectmen Cedarholm asks about the GMP (guaranteed maximum price.) Zach Smith explains that with the GM at the table, the numbers will be run every week. That makes the GMP more accurate. There will be a 10% design and 10% construction contingency. Selectman Cedarholm questions what the project is. The Town has not seen the plans, how much it will cost, etc. Ms. Pellecchia and Paul Gasowski point out that the plan and design has changed after public comments.

Leslie Martin is on the Library Building Committee. Her questions are how do we enter a contract when we do not have the money yet and who would sign this contract? She is wondering who has the authority to sign this agreement with the construction company. TA Glover answers that authority goes to whomever the Board authorizes to act on its behalf. At this point the construction company is not charging anything before the Bond passes; therefore, there is no risk. Ms. Martin is concerned about signing an agreement before the Town knows what is going on. She believes that we need to make this more visible before we move forward. We need to ask the community what they want. Things have changed since 2006-2007. Ms. Martin does not think we have clearly defined what it is we want. She is worried about committing to something that spends money now. TA Glover explains why one would hire a Construction Manager. It is a benefit to have a CM on the team early on to keep the project on budget and on time. The contract signed now is a pre-design contract with no fee attached. When the GMP is developed and the Bond passes, the contract's final number is still negotiated at that time. Change orders are when you add things that are not included in the original plan. Selectman Cedarholm is concerned with the pace of this project. The final design needs to be ready by December 1st which only gives us 6 weeks to get it in front of the public and agree upon a final plan. The original plan was to save some, raise some and borrow some. The original plan was to raise \$800k and save \$500k. Ms. Pellicchia points out that the vote in March is authority to bond a set limit. This would give them the time and flexibility to request the bond in 2015. Selectman Cedarholm indicates that he has attended most of the public sessions and he did not believe that public opinion was being addressed or taken into consideration. Mr. Gasowski guarantees that the public will be well informed on what the building will look like and how much the building will cost far enough in advance of March. The number that they would present to the Town will be the GMP. Milestone's fee is 3½ % of the GMP. Chairman LaCourse states that we need a CM in order to keep forward progression. Chairman LaCourse **moves** to accept the recommendation of the Library Building Committee and authorizes the Library Trustees to execute a Construction Management contract with Milestone Construction as presented. Selectwoman Dennis seconds. Selectman Cedarholm is not comfortable letting the Trustees execute this contract. Chairman LaCourse would entertain a motion to amend. Selectman Cedarholm **moves** to accept the recommendation of the Library Building Committee, execute a Construction Management contract with Milestone Construction and authorize the TA to review the contract with legal counsel and present to the Board of Selectman for approval at the 10/28/13 meeting. Chairman LaCourse accepts as friendly amendment. **Motion Carries Unanimously.**

6. Frank DeRocchi announced that after upgrading the Fireman's Monument, the Lee Fireman's Association will be re-dedicating the Monument this Saturday at 10am. Mr. DeRocchi thanked Randy Stevens and the highway department for all their efforts.
7. Frank DeRocchi gives a Code Red status update. Currently the Town has 1527 users. The EOC purged out 400 users, 468 have signed up online, 279 emails that could be used along with 241 text messages.

Frank DeRocchi asks if he is still the Emergency Management Director – the Board responds in the affirmative. He then asks why he has not received payment this month for his EMD stipend. TA Glover states that there is a check for him included in the manifest being approved tonight. Chairman LaCourse pointed out that his pay is prorated for the time period that he was not available.

8. Frank DeRocchi believes that this was the best fair so far. The venue was great and no one complained about parking. Mr. DeRocchi pointed out that it worked out well having the Town sponsor the fair. Instead of the money going into his personal account, Mr. DeRocchi asks if proceeds from the fair could be put into a Trust or a Revolving Fund. TA Glover suggested a Town Trust created by a Warrant Article.
9. Frank DeRocchi believes in the concept of SB2 but wants to discuss how SB2 does not work. The Town has difficulty addressing a web-based approach to information and publicity. The bundling of the warrant items took away an individual's ability to vote for specific things. The ability to change the wording in a warrant article is no longer available. Selectman Cedarholm points out that you cannot change the intent of a warrant article even when it was Town Meeting. Chairman LaCourse points out that most of the "bundling" was for standard items. Selectman Cedarholm points out that the "bundling" was an experiment. Big items should stay separate. Lastly according to Mr. DeRocchi, the Library sign should say Proposed Site and not Future Home. The Town has not voted on it yet.
10. Selectwoman Dennis wants to discuss using the funds left over from WA8-2013 (Multi-Purpose Field) to build a Pavilion at Little River Park. She asks TA Glover for an update on what is available for funds. TA Glover indicates that there is \$72,471 in the Recreation Trust Fund and the amount left over from the \$80,000 Warrant Article to build a Multi-Purpose field is \$19,655. If the Board decided to go forward with the Pavilion and/or other projects at Little River Park, then there would be no tax effect. The Board can transfer the money from this WA because it is not a Special WA and was not designated from the Recreation Trust Fund for the purpose of a certain project. The Rec Trust Fund needs a WA to expend because there is no one declared as an agent to expend. Selectwoman Dennis points out the benefits to having a Pavilion at Little River Park. The park could also use handicapped parking closer to the fields. Selectwoman Dennis really wants to move forward and finish this project. Selectman Cedarholm brings up the Master Plan subject. He has many questions on the next steps to take and thinks that we need the Master Plan completed before we spend more money on this project. There are only 3 members on the Rec Commission and Chairman Kindberg is unavailable for at least a month. TA Glover points out that since we are approaching the end of October it seems unlikely that this project could be completed this year. The Board has until June 30th to transfer or spend the \$19,655. Selectwoman Dennis states that Randy Stevens (Highway Supervisor) wanted the erosion issue to be part of the discussion to think about in the spring. There is nothing to do before the winter. Chairman LaCourse motions to Table this Pavilion discussion until the Board receives the Master Plan from the Recreation Commission.

11. TA Glover informs the Board that she and the Town Secretary met with Jim Banks regarding the Christmas lights in the Town Triangle. He informed us that it is not consistent with the electrical code to keep the lights on the tree year round. We have three choices: 1. No lights 2. Take the lights off every year, or 3. Ignore the code. Chairman LaCourse suggested leaving the lights on (year round.) Selectman Cedarholm thinks that we could prolong the life of these expensive lights if we take them down every year. Chairman LaCourse states that the Board will decide on how to handle the lights at a later time; however in the meantime the Board agrees to buy the lights out of the 4199 General Government account. The Board decides on colored lights on the tree.

Selectman Cedarholm moves to authorize the Town Administrator to represent the Select Board at the closing for the sale of the property known as Noble Farm and to execute the necessary documents on behalf of the Select Board. Chairman LaCourse seconds. **Motion Carries.**

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

13. Chairman LaCourse moves to accept the Minutes and Non Public Minutes from September 30, 2013. Selectman Cedarholm seconds. **Motion Carries.**

14. Chairman LaCourse moves to accept the Manifest #7 and Weeks Payroll Ending October 13, 2013. Selectwoman Dennis seconds. **Motion Carries.**

15. Chairman LaCourse asks for any miscellaneous or unfinished business. No miscellaneous or unfinished business.

16. Chairman LaCourse moves to enter Non-Public Session RSA 91-A:3II (d), (c) and (a) at 8:55pm. Selectman Cedarholm seconds. **Motion Carries.**
The Board returns to public session at **10:15 pm** and Chairman LaCourse announces that all three non-public minutes are to be sealed.

17. Chairman LaCourse motions to adjourn at 10:25 pm.

Minutes transcribed by:

Denise Duval, Town Secretary

Minutes accepted by The Lee Select Board:

John R LaCourse, Chairman

Carole Dennis

David Cedarholm