

**POLE LICENSE PUBLIC HEARING &
SELECT BOARD MEETING MINUTES**

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Board members present: Chairman John R. LaCourse, Selectwoman Carole Dennis and Selectman David Cedarholm.

Others present: Caren Rossi, Bill Stevens, Peter MacDonald, Sgt. Tom Dronsfield, Roger Rice, Town Administrator Julie Glover and Town Secretary Denise Duval.

1. Chairman LaCourse calls the meeting to order at 6:00 pm.
2. Chairman LaCourse calls the **Pole License Hearing** to order at 6:00 pm and states we will now conduct a hearing on a Petition to universally amend the pole and conduit licenses. "The Board of Selectmen or their agent has issued for poles and conduits in the public rights-of-way, and agreements for use of the rights-of-way by gas and water companies to require payment of properly assessed property taxes and notify the Town of Lee additional attachers on the poles and conduits, as required by the New Hampshire law. The Board of Selectmen received the Petition on January 21, 2014 from Caren Rossi. I will not read the whole Petition out loud, because it is lengthy, but there are copies available here."

Chairman LaCourse asks Ms. Rossi if she would like to address the Board and explain why the licenses need to be amended.

Ms. Rossi thanks Chairman LaCourse and states that "the amendments proposed are in the public good because they would change the licenses to comply with the requirements of NH law by referencing the statutory scheme which authorizes the Town to tax entities with poles and conduit in the public rights-of-way and others using the rights-of-way. Additionally, the amendments would require the license holders and those with such agreements to notify the Town of additional attachers on the poles and conduits who have perhaps avoided taxation until now. Properly assessing property taxes against all entities using the public rights-of-way is required under the law and is in the public good."

Rossi further states that "the law of New Hampshire is clear at this time that licenses such as those held by PSNH, NH Electric Co-op, and Fairpoint are required by law to include a section requiring the licensee to pay properly assessed real and personal property taxes. Specifically, I point the Board to the cases of N.E. Tel. Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) ("Rochester I"), Verizon New England, Inc. v. City of Rochester, 151 N.H. 263 (2004) ("Rochester II"), N.E. Tel. Tel. Co. v. City of Rochester, 156 N.H. 624 (2007) ("Rochester III"). This requirement also covers others with agreements with the Town to use the right of way, such as gas or water companies."

"Additionally, RSA 72:23, I (b) currently requires that all leases or other agreements for the use or occupation of real property owned by the Town shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date."

"The law also requires that if the leasee or person using or occupying the property fails to pay the duly assessed real and personal property taxes on the due date, the tax collector must notify the Town and the Town must terminate the lease or agreement. RSA 72:23, I(c)."

"The Petition to the Board of Selectmen is to universally amend the licenses they have issued for conduits in the public right-of-way to include these requirements and the requirement for

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the licensee to notify the Town of additional attachers on the pole or conduit to confirm to the law. “

Chairman LaCourse asks if there is anyone else who would like to speak, any current license holder or any Lee citizen. If not, then the hearing is now officially closed per Chairman LaCourse.

TA Glover adds that counsel advised the Town to table any aqueduct or gas company discussions and just discuss the pole licenses.

Chairman LaCourse asks if there is a motion to grant the Petition to Amend Pole Licenses. Selectman Cedarholm so moves. Chairman LaCourse, seconds. All in favor. **Motion Carries.**

3. Chairman LaCourse opens the floor to public comment.

Peter Macdonald is requesting that the Board waive the property tax on 101 Stepping Stones Road based on the Veterans Resort Chapel being a registered non-profit church and therefore, tax exempt. Churches and non-profit are tax exempt according the law. Mr. Macdonald proceeds to talk about his experiences both in the Vietnam War and since he has returned home.

Chairman LaCourse takes it under advisement.

4. Chairman LaCourse announces that the Walter Cheney Land Swap agenda item has been pulled.
5. Chairman LaCourse announces that the Hayes Road Subdivision Road Naming agenda item has been pulled.
6. Chairman LaCourse announces that Elena Pascale will not be present and her agenda item has been pulled.
7. Carole Dennis is requesting the Board's approval for a sign to be put up in the community in honor of our volunteers, thanking them for their continued efforts. She suggested placing it over near the memorial but far enough away from the road. Selectman Cedarholm thinks that this is curious and does not understand it. Selectwoman Dennis did not only want to show appreciation but was hoping to capture the eye of a possible future volunteer. Selectman Cedarholm thinks that they should maybe do a fund raiser rather than use tax dollars to pay for the sign. Sgt. Dronsfield offered during this discussion that the Police Association would help with a donation towards this volunteer sign project. Chairman LaCourse moves to approve putting up a volunteer appreciation sign within the Town of Lee, as presented, funds raised to purchase and install said sign. Selectman Cedarholm, seconds. Selectwoman Dennis asks if there is a color preference for the sign. Selectman Cedarholm prefers the blue to the black sign. Chairman LaCourse points out that there is time to decide.
8. Roger Rice started using the Get Books program in 2007 at the Transfer Station. Now that they are no longer in business they need to agree on an alternative company. Mr. Rice discusses two other companies that are available. He ultimately believes they should pursue a company that will offer both 3 cents per lb. for books and 5 cents per lb. for clothing. Selectman Cedarholm

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would be willing to give Mr. Rice the authority to investigate and move on this issue. Chairman LaCourse moves to authorize the Transfer Station Manager to enter into an agreement with a company to place a book drop-off bin and clothing drop-off bin at the Transfer Station and to require that all proceeds be deposited into the Town's General Fund. Selectman Cedarholm, seconds. All in favor. **Motion Carries.**

Selectman Cedarholm moves to have Transfer Station Manager sign the Annual Facility Report to the DES. Chairman LaCourse, seconds. All in favor. **Motion Carries.**

9. TA Glover presents the General Assistance Guidelines to the Board for approval. TA points out the Town will continue to not provide aid to someone that is already receiving aid for total disability from the State, which is now an option due to recent changes in State law. Chairman LaCourse concurs. Also, the cost of a car payment is an expense that is factored into the need when determining a person's overall assistance. Chairman LaCourse moves to accept the Town of Lee's General Assistance Guidelines as presented. Selectman Cedarholm, seconds. All in favor. **Motion Carries.** TA Glover will provide a signature page at the next meeting for the Board to sign.

TA Glover presents the Board with a draft of the ORYA Memorandum of Understanding regarding field maintenance and scheduling. The responsibility of mowing and general maintenance will go to the ORYA. There is a bid out for the mowing. Chairman LaCourse tables this agreement at this time for further review. Fertilization will remain with the Town but with cooperation of ORYA and the Highway Dept. TA Glover points out that this is a pilot program and we can cancel this at any time if it is not working. TA Glover hopes this will be the start of a more collaborative effort between the ORYA and the Town of Lee. Selectman Cedarholm adds that we need to keep in mind that this is a general recreational playing field and not a competition level playing field. Randy Stevens has been keep apprised of these discussions and would continue to play a big part in how this plays out.

TA Glover has been asked by a few department heads to reinstitute monthly department head meetings. Minutes would be taken and distributed to the Board in place of weekly emails to the Board. This would move the Town towards a more collaborative effort of managing the Town. Chairman LaCourse is in favor. Selectwoman Dennis agrees that face-to-face meetings promote better collaboration. Selectman Cedarholm believes it promotes teambuilding and suggests alternating who facilitates the meeting. The Board agrees this is a good idea and to implement this procedure whenever the TA can arrange it.

TA Glover discusses a few Legislative topics that are coming up. There is a Gas Tax Hearing on 2/18/2014 to discuss the bill that would increase the road toll by 4 cents on July 1 and tie future increases to the Consumer Price Index. The 2nd topic is bill SB364 which proposes to increase pension benefits for NH Retirement System members hired after 1/1/12, the date the retirement reform measures enacted in 2011 took effect. The bill's cost to state and local governments would be \$81 million for fiscal years 2014 – 2018. This would mean that the Town would have to fund an additional retirement benefit for Group I employees and Group II police and firefighters. The Town should contact our Representatives to say "don't do this."

10. Chairman LaCourse will entertain a motion to accept the Consent Agenda as presented. Selectman Cedarholm so moved. Chairman LaCourse, seconds. All in favor. **Motion Carries.**

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11. Chairman LaCourse will entertain a motion to accept the public and noon-public Minutes from February 3, 2014. Selectwoman Dennis so moves. Selectman Cedarholm, seconds. All in favor. **Motion Carries.**

12. Chairman LaCourse moves to accept the Manifest #16 and Weeks Payroll ending February 16, 2014. Selectman Cedarholm, seconds. All in favor. **Motion Carries.**

13. Chairman LaCourse will respond to Peter Macdonald's request to waive his land use change tax under miscellaneous or unfinished business. Chairman LaCourse moves to deny this request and instructs the Town Administrator to write a letter to Mr. Macdonald indicating why. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**

14. Chairman LaCourse moves to enter Non-Public Session per RSA 91-A:3 II (a) to a discuss police department personnel issue at 7:00 pm. Selectwoman Dennis seconds. All in favor. **Motion Carries.** TA Glover enters into non-public prior to Sgt. Dronsfield. Sgt. Dronsfield enters into non-public at 7:30pm.

The Board returns to public session at 8:10 pm and Chairman LaCourse announces that the non-public minutes with Sgt. Dronsfield are to be sealed. Selectman Cedarholm, seconds. All in favor. **Motion Carries.**

Selectman Cedarholm announces that the Town of Lee has appointed Sgt. Dronsfield as the interim police chief beginning at 12:01 a.m. on March 1, 2014.

15. Chairman LaCourse motions to adjourn at **8:11 pm**. Selectwoman Dennis, 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