

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

Others present: Larry Kindberg, Will Stone, Richard & Belinda Gleason, Brian & Stephanie Fischer, Paul and Annamarie Gasowski, Barbara McNamee, Dick Weyrick, Judy MacDonald, Tommy & Jeanette Tombarello, Scott Marsh, Joe Lessard, Town Administrator Julie Glover and Town Secretary Denise Duval.

1. Chairman Cedarholm calls the meeting to order at 6:00 pm.
Chairman Cedarholm makes a motion to amend the Agenda to move #9 up to #4. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
2. Chairman Cedarholm opens the meeting up to public comment while reminding everyone of the protocol. Each comment should only be for 3 minutes.

Richard and Belinda Gleason of 6 Laurel Lane get up to speak. Mrs. Gleason states that they no longer want the Lee PD at their home. She says that they feel very uncomfortable, they don't feel safe, they don't feel like they're protected, and they don't feel like they are being served. Mr. Gleason states that they show up every time with an attitude. Mrs. Gleason states that they have asked them to take a look at the situation and they (the police) refused. She has been in front of the Select Board before about the noise and the gun fire. As citizens of Lee, they feel like they are not being served or protected. Ms. Gleason states that the PD is very biased against her and does not help her family. Mr. Gleason says they are going to go to higher authorities because they get nothing out of the Board or the PD. They have been told what steps to take. Mr. Gleason states that his wife has been black-balled by the police.

3. William Stone is an Eagle Scout candidate from Troup 154 who would like to do a project in the Maud Jones Forest which is not well marked or cut. He wants to clear and mark it. He and his Troop want to blaze the trail and place sticks and logs along the trails and put up signs. For example, a sign about the forest and various tree signs. Dick Weyrick states that this is a loop trail and where it begins and ends there are places to park on Garrity Road. Chairman Cedarholm moves to approve Mr. Stone's request to mark trails and erect signs in the Maud Jones Forest in accordance with the described Eagle Scout Service Project. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**

Dick Weyrick wants to inform the Board that the Harvesting Project that took place on Maud Jones property early this year has been completed. He believes it was well done and in such good condition. There is hardly any soil impact at all. They had two very well attended walks on the area and one was in conjunction with the horse logging.

9. Agenda item #9 is discussed here. Larry Kindberg presents the Board with a quote from the American Parks Company for the swings which include 3 handicap seating for \$6063.00. The second piece of equipment is the handicap digger for the sandpit called the Super Scoop from O'Brien and Sons. This cost is \$837. The third item is the cost for the construction of the unit to hold the slides. Tobin Farwell drew up plans for this and provided a cost estimate of \$1713 for materials including delivery. The total is \$8613 to be expended from the encumbered funds from WA18 – FY13. The remainder was to be used by Randy Stevens to purchase what is needed to build handicap paths. Chairman Cedarholm moves to approve giving the Recreation

Commission Chair authority to purchase the approved handicap accessible playground equipment and materials for LRP, assign volunteers to complete the work necessary to install the equipment at LRP and to authorize the Highway Department to purchase materials to construct handicap accessible paths. Selectwoman Dennis, seconds. All in favor. Motion Carries.

4. Barbara McNamee is present for the review of her Library Building Committee member application. Chairman Cedarholm moves to approve the following appointments to a 1 year term position to the Lee Library Community Center Building Committee: Barbara McNamee, Tom Dolan, Paul Gasowski, Chuck Cox, Zachary Smith, Lou Ann Griswold, Katrinka Pellecchia (Trustee Rep) and Sharon Taylor (ex-officio). Selectman Bugbee, seconds. All in favor. Selectman Bugbee and Selectwoman Dennis vote in favor. Chairman Cedarholm opposes. **Motion Carries.**
5. According to the TA, the decision was made in a previous meeting to have four community members on the Racetrack committee in addition to the Fire Chief, Police Chief, Select Board Rep and Lee Speedway Rep. Therefore after appointing these three community members tonight there would still be an opening for one more person. Bill Callen stepped forward to replace the prior Racetrack Manager. Chairman Cedarholm, the Select Board Rep, will send out an email with a few possible dates for the next meeting. Chairman Cedarholm moves to approve the following appointments to the Ad Hoc Racetrack Committee for a 1 year term: Cary Brown, Andy Lelio and Wayne Lehman, Bill Callen, Police Chief Tom Dronsfield, Fire Chief Scott Nemet and Select Board Representative Dave Cedarholm. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
6. Chief Dronsfield introduces Donald Laliberte "Frenchie" as the new full-time certified officer who used to work in Lee back in late 80's - early 90's. Don lives in Candia. For the past 20 years he has worked for Liberty Mutual Insurance as a commercial claims investigator. During this time he also worked part-time for Strafford PD to keep his certification up to date. He will start in Lee on July 1st.
7. Brian Fischer is here to give his opinion and some information on sound levels and meter readings relative to noise issues at the Lee USA Speedway. Mr. Fischer had a conversation with a spokesperson from one of the largest manufacturers of meters, Larson Davis, and can pass on this person's contact information if anyone would like to contact them. Mr. Fischer speaks quite a bit about the difference in meters and the problems that will surface if using insufficient equipment. He has been an expert witness in Maine and NH before retiring. He would recommend investing in a meter of good quality. Consultants can be very costly. Chairman Cedarholm asks Mr. Fischer if he would be interested in becoming a member of the ad hoc committee. He said he would be happy to help. Chairman Cedarholm was hoping to wrap this issue up this season. They are focusing on how best to measure and where on the property to measure from. Mr. Fischer does not think it would be cost effective to hire a third party at this time. It is very costly. Should try to get everyone to recognize the issue and correct it. He thinks that the measurements could be attained rather easily with the right equipment. Mr. Fischer could definitely help with this process. Chairman Cedarholm asks Mr. Fischer to fill out an application at Town Hall as soon as he can. He said that he would.

Attorney Shaheen questions Mr. Fischer's qualifications as a sound expert and is concerned with the Town's focus being on building cases against violators. Chairman Cedarholm states that the Town needs to resolve the issues surrounding supporting the noise ordinance.

Mr. Fischer states that he has worked with the racetrack before and has been to court 30-50 times to represent both sides, but he is here for providing education and his opinion. He has contact information for consultants if the Town chooses to go this route. Consultants such as this are very specialized and located in the Boston area.

8. Scott Marsh is present to answer questions regarding MRI's work for the Town. Selectman Bugbee starts with asking Mr. Marsh to talk about what he is actually doing for the Town at this time. Mr. Marsh states that in addition to the day-to-day things they do a quarterly review process which is where 25% of the properties are viewed each year to verify that the physical data that we have in the assessing system matches what is actually at the property. Selectman Bugbee asks what the state requirements are for assessing a town this particular size. Mr. Marsh states that the NH Constitution requires that the Town must take values at least once every 5 years. Department of Revenue also has an assessment review process that they utilize during that 5 year period where they come in and review all the statistical data as well as the processes that are utilized in assessing. To his knowledge there is no requirement to inspect a property; however, to maintain equitable assessments and to keep the property descriptions as accurate as possible, periodic review of them is the way to go especially with property taxes the way they are in New Hampshire and in Lee. It helps to maintain everyone paying their fair share. In 2006 there was a statistical update done which is where the re-evaluation company goes out and verifies the sales for the prior two years. By doing the quarterly reviews or cyclical reviews, it takes that step away so that you are basically just spreading out the cost of doing a full measure and list over a 5 year period of time. The 5th year they do the oversight of the re-evaluation which is done by an outside firm. In Mr. Marsh's opinion this is the most cost effective way of doing assessing and stabilizing the assessing budget over a period of time. Chairman Cedarholm is satisfied with MRI's work. Mr. Marsh says that they have very few refusals (to inspect property) from the Lee taxpayers. Chairman Cedarholm wants the public to know how well this arrangement is working out for the Town. In 2007 with Avitar Associates the assessing services cost the Town \$52,500. In 2009, it cost \$56,400 when the Town shared assessing with the Town of Durham. In 2010, part of the year was still with Durham and the rest was with MRI. In 2011 the assessing was solely with MRI and the cost went down to \$38,000. In 2012, it was \$37,000. In 2013, it was \$29,000 and in 2014 the Town contract is \$27,507. Mr. Marsh indicates that they were able to clean up appeals and now things have stabilized. TA Glover states that the Town has been setting aside money for the evaluation in 2016; therefore, there will not be a spike in costs. The effects of permit increases will be seen next year by MRI.

Selectman Bugbee asks Chairman Cedarholm if Alice McKinnon can ask questions of Mr. Marsh. Chairman Cedarholm allows it. Ms. McKinnon states "so that means we never have to do a reval. Just have to do updates." Mr. Marsh states that they are doing the data collection for a cyclical reval. MRI does not do the reval and they do not maintain the assessments at 100%. The Town does not have to do a full measure and list reval per Mr. Marsh. Since the taxes are

so high in NH, according to Mr. Marsh it is best to keep evaluations up to date as best as you can.

Joe Lessard states after 20% a year is done over 5 years essentially this equals a full re-evaluation. There is no constitutional or statutory requirement to inspect property. Out of 17 communities polled by the TA only 2 do not do cyclical reviews.

Selectman Bugbee summarizes what the assessors are saying: "When you go to the fifth year, the property you did in year one is four years old so when you're done the fifth year you are starting over with the property you looked at year one. Basically that property is getting looked at once every five years which meets the requirements."

9. Agenda item #9 was discussed in-between Agenda item #3-4.
10. a) TA Glover presents the Town's Investment Policy for review and approval. TA defers to the Treasurer for any questions the Board may have. There are no questions. Chairman Cedarholm moves to approve the Investment Policy as presented for FY2015. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

b)TA Glover presents the Encumbrance of Funds for the Highway Department for \$35,000 for completing the summer paving program and the Encumbrance of Funds for the Information Technology Fund in the amount of \$20,000 and the General Government fund in the amount of \$10,000 for the purchase of the new Municipal Financial Software & Training.

Chairman Cedarholm moves to approve encumbering \$35,000 (minus possible funds spent for shimming before the end of the fiscal year) from Fiscal Year 2013-14 and put towards the summer paving contract and encumber \$10,000 from budget item 4199 for other general government and \$20,000 from budget item 4151 for information technology. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**

c) TA Glover requests approval to Transfer Funds for unanticipated legal and building expenses plus some personnel matters during FY 2014. These transfers to include: moving \$15,000 from Assessing 4152 to Legal Expense 4153; Personnel Admin 4155 to Gov. Buildings 4194 and Code Enforcement 4540 to Planning & Zoning 4191. Chairman Cedarholm so moves. Selectwoman Dennis, seconds. Selectman Bugbee asks why this is being done. TA Glover explains that there are some accounts that are low in funds and others have an excess. Selectman Bugbee is worried about losing the ability to see that there was an excess in one line item or a deficiency in another line item. TA Glover points out that there is a paper trail this way. The transfer paperwork moves with the budget paperwork. She is not allowed to over expend in any line item. She just wants to do what is legal and what the Board is comfortable with. Selectman Bugbee wants to over expend a line rather than move money. The Board of Selectmen has absolute authority over transferring money. Chairman Cedarholm moves to acknowledge that budget items 4152 is under expended by \$15,000.00, 4155 is under expended by \$6000.00, 4540 is under expending by \$5000.00 and the Board allows those monies to cover over expenditures in the legal item of 4153 in the amount of \$15,000.00, in the government buildings item of 4194 in the amount of \$6000.00 and in the planning & zoning item of 4191 in the amount of \$5000.00. And if that is not legal the TA Glover has permission to transfer funds

from 4152, 4155, 4540 to 4153, 4194, 4191. Selectwoman Dennis, seconds. All in favor.
Motion Carries.

d) Chairman Cedarholm moves to approve Mr. Kennard's application for a Discretionary Preservation Easement on the two barns on his property for a ten year term and a 75% reduction in assessed value and to authorize the TA to work with Town Counsel and the property owner on drafting the easement document and to further require the property owner to complete the maintenance plan within 2 years from the date the easement is finalized. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

e) Chairman Cedarholm reads a statement regarding Peter Macdonald's application for a religious exemption for 101 Stepping Stone Road.

Mr. Macdonald, on behalf of Veteran's Resort Chapel, filed an application dated April 4, 2014 for a religious tax exemption for the property at 101 Stepping Stones Road. Veteran's Resort Chapel subsequently changed its name to Veteran's Village.

The property at 101 Stepping Stones Road is zoned for residential property and Mr. Macdonald has received a building permit for a single family home.

In response to the religious tax exemption application, the Selectmen, pursuant to RSA 72:23-c, voted in public meeting to authorize the Town's Administrator, Julie Glover, to request additional information from Mr. Macdonald to provide support for this request. This letter was sent and on May 13, 2014, the Town received Mr. Macdonald's responses to the Town's questions.

The Selectmen have thoroughly reviewed Mr. Macdonald's responses and conferred with town counsel about the law regarding religious tax exemptions.

Based upon this review, I move that:

The Board of Selectmen for the Town of Lee deny a religious tax exemption for Veterans Village's property at 101 Stepping Stones Road for the following reasons:

- 1) Mr. Macdonald on behalf of the Veterans Village has failed to prove that the property is directly used, owned and occupied for religious purposes because, among other factors, the facts show only that the use of the property is slight and negligible and because, at most, the facts show that the use of the property is for private worship only.
- 2) Mr. Macdonald has failed to prove that the Veteran's Village is a regularly recognized and constituted denomination, creed or sect.

Selectwoman Dennis, seconds. All in favor. Motion Carries.

f) TA Glover informs the Board that the Town of Lee was presented with an award by the NRRA for the Most Programs Thru NRRA in 2013. Roger Rice received this award at the most recent conference.

11. Chairman Cedarholm moves to approve the Consent Agenda as presented. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
12. Chairman Cedarholm moves to approve the meeting minutes from BOS and Library Building Committee Workshop on May 8, 2014. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
13. Chairman Cedarholm moves to approve the public BOS meeting minutes from May 27, 29104. Selectwoman Dennis, seconds. **Motion Carries.**
14. Chairman Cedarholm moves to approve the public BOS meeting minutes from June 9, 2014 as amended. Selectman Bugbee, seconds. **Motion Carries.**
15. Chairman Cedarholm moves to accept the Manifest #25 and week's payroll ending June 22, 2014. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
16. Selectwoman Dennis wants to share that the Senior Advisory Committee is now doing trail walks at Little River Park at 8:00am on Saturday mornings. Open to everyone including dogs.

Selectman Bugbee states that it is his understanding that the Board in the past has been supportive of pressuring UNH to do what they are supposed to do legally that they don't seem to be doing. He thinks at some point the Heritage Commission will ask the Board to reiterate their support to maintain the Burleigh-Demeritt Farm property according to the terms of the sale. Selectman Bugbee states that the property is in a terrible state. He hopes that the Board will continue to support the Heritage Commission on this subject.

Chairman Cedarholm had a conversation with Tobin Farwell regarding the AOT permit for LRP. He is reviewing those documents to help us do an analysis and detention pond design. This will be an agenda item for the next meeting.

17. Chairman Cedarholm moves to go into Non Public regarding RSA 91-A: 3 II (a) at 8:00 pm. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
18. Cedarholm motions to adjourn at 8:25 pm. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

SELECT BOARD MEETING MINUTES

June 23, 2014

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Minutes transcribed by:

Minutes accepted by The Lee Select Board:

Denise Duval, Town Secretary

7/14/14

David Cedarholm, Chairman

Carole Dennis

Carole Dennis



Scott Bugbee