

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

Others present: Paul & Annamarie Gasowski, Larry Kindberg, Red and Judy MacDonald, Sandy Rowe, Treasurer Ben Genes, Deputy Clerk Rachel Deane, Administrative Assistance Robin Estee, Planning and Zoning Administrator Caren Rossi, Finance Officer Joanne Clancy, Town Administrator Julie Glover and Town Secretary Denise Duval.

1. Chairman Cedarholm calls the meeting to order at 6:00 pm.
2. Chairman Cedarholm opens up the meeting to public comment and reminds the audience of the guidelines. There is no public comment.
3. William Brown of 90 Mast Road speaks on behalf of his request to restore his merged lots. He has 2 lots and has been living there for 25 years. After he had a survey done he found out that the lots are in a strange configuration. He wants to go to the Planning and Zoning Boards to get a lot line adjustment. Right now he has 2 non-conforming lots that do not meet zoning requirements or set backs on the buildings. With a lot line adjustment he would be able to get at least one completely conforming lot and a 2nd lot that can be manageable. It cleans up a messy deed.

Selectwoman Dennis recuses herself from this discussion since she is a direct abutter to Mr. Brown.

TA Glover first reviews RSA 674:39-aa by reading section II. "Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

- a) The request is submitted to the governing body prior to December 31, 2016.
- b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden to show that any previous owner voluntarily merged his or her lots.

TA Glover states that there have been two cases brought to the NH Supreme Court that decided on the issue of merger of conduct. If the owner abandoned the lot line by conduct and treated the lots as one then that is not an involuntary merger. A leach field was placed behind the garage which is on the opposite lot from the house. Voluntary conduct is not necessarily informed conduct. It is at the discretion of the Board to accept or deny the request and an appeal would go to the ZBA. The Board reviews the plans.

Mr. Brown states that previously there was a cistern behind the garage. He replaced this with a leach field in the same place as where the cistern was.

Mr. Brown's intention is to do a line adjustment right down the middle of the property so it is basically two rectangles. A soil scientist has indicated that there are no wetlands on the property.

Selectman Bugbee asks that the Code Enforcement Officer to step forward to give her opinion. Selectman Bugbee asks if what Mr. Brown is proposing is correct regarding one lot would be conforming and one would not if he was allowed to restore the lots. Caren Rossi states if the Board were to allow Mr. Brown request to restore his lots, it would be nice. They like to clean up non-conforming lots whenever possible. Ms. Rossi states that Mr. Brown's plan would be great. The history of the ZBA has never been to grant a frontage variance; therefore, it would help if the Board granted his request to unmerge his lots. If a new lot line was drawn then everything including the house, garage, septic and well would be on one lot and then the other lot would start from scratch. DOT did approve a driveway permit. Zoning requires 250 feet of frontage on the same road. He would need to apply for a variance for the difference. They are undesirable as they stand.

Selectman Bugbee is ok with unmerging the lots. He likes the idea of cleaning up the non-conforming lots. Chairman Cedarholm agrees and moves to approve William Brown's request to restore his lots to their premerger status. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

4. Held until Deputy TC/TC Rachel Deane arrives.
5. Finance Officer Joanne Clancy hands out a chart which shows the history of the Fund Balance account since 2007. Treasurer Ben Genes states that they are still in the audit for fiscal year 14; therefore, they do not have an actual formal number for the fund balance. Once they have the audit number they would like to sit down with the Board as they did last year to discuss a comfortable amount to carry over to next year. FO Clancy states that the voters voted to fund the trust funds from the undesignated fund balance in the amount of \$282,000 in FY15 along with the new contingency fund in the amount of \$34,000. The auditors look at the fund balance as a value which includes uncollected taxes. The Treasurer does not see it this way. The Board should deduct \$400k from a free cash statement for uncollected taxes. FO Clancy states that the Town spends between \$4.7 - \$5.6 million dollars between September and December before we collect taxes in January. Mr. Genes states that he is very proud of the Town's financial management, pointing out Julie, Joanne and all the department heads. The Town has a very good reputation with vendors probably because we pay our bills on time.

TA Glover states that the Town recently collected \$75,000 in back taxes.

Chairman Cedarholm refers to the chart and asks why the fund balance has been so high the last few years. Mr. Genes states that before TA Glover came there was a lot of money left over from individual department budgets every year. Now the budgets are more in tune with what each department is actually spending. He is comfortable with the idea of sitting down and being in the position to discuss options instead of panicking. The fund balance should be used as a tool to help the Town's management. FO Clancy is happy where we are at now rather than a few years ago. If after the bills are paid there is money left over, an option would definitely be to give back to the tax payers.

Selectwoman Dennis appreciates their need to give the right figure. FO Clancy states that there will be approximately \$121,000 not spent from the Town's FY14 operating budgets appropriations. Mr. Genes states that the discipline around budgeting now is very tight. There are no longer these wild fluctuations that cause the spike in the fund balance. Selectwoman

Dennis does not think that we are going to be able to cut much more from the department budgets come this next year.

Chairman Cedarholm agrees that this discussion is slightly premature but he is satisfied.

Selectman Bugbee wants to know what that special number is, how much to retain in the fund balance. He had a conversation with the Town's auditors and they discussed three methods to determining that number. He believes that the fund balance is way too high and that the Town has over taxed the tax payers significantly. He wants to start giving it back on a regular basis and he would like the Board to have a conversation about how we do that. He would also like to see the money in the PDIP moved to someplace else. It is not making any interest where it is.

Ben Genes states that there are a lot of moving parts to running the Town and managing the treasury is only a small piece of it. The budgeting is in a much better place than it used to be. The fund balance is a tool to use, don't spend it all in one place.

FO Clancy believes that they will have a number from the auditors by early November. Selectman Bugbee would like the group to meet before they set the tax rate.

4. Rachel Deane announces that the Town Clerk's office will soon be offering credit card and debit card payment options along with online services. These services will be options. Tax payers will still be able to pay with cash and check. The credit cards accepted will be Master Card, Visa, Discover and American Express. The online services offered through the website will be credit card payments and ACH payments. Any renewals, dog licenses and vital records may be completed online. Most other transactions will still need to be completed in the Clerk's office. The Town of Atkinson would be the best comparison to what the Town of Lee will be offering. The resident will be paying the fees, not the Town. Sandy Rowe, Interware, states that they have about 111 Towns on E-Reg. It is designed to be a pay as you go system. The cost is 2.95% with a minimum of \$1.50. ACH is a flat fee of \$1.50. The Town gets one free card reader machine. The Clerk's office would be purchasing one other machine. Ms. Deane confirms that the Tax Collector and the Treasurer are the officials that execute the contracts.
6. Chief Dronsfield informs the Board that when the police department first became accredited back in 2008 they had to adhere to 101 standards. They then increased it to 170 standards. Now CALEA has changed the process again. The department is looking at a little over 400 standards to be accredited. Fees have also been substantially increased. The operating program that has been used for this process which is called CACE is now being replaced with a system called Power DMS. Again more costs. Chief Dronsfield states that he has tried to come up with a benefit to continuing with this process which will cost around \$20k every four years and the only benefit that he can see is that it is a feather in his cap as the CEO. He does not need that feather. He would rather see the money that would go into this go towards another person in the department and do more community service programs such as the neighborhood watch. They will do this if need be. It will also take Robin away from her daily duties at least 3 days per week. The line item that they have now would not support the cost of CALEA. The department will still operate as if they are accredited. They will need an accreditation manager. Chief Dronsfield has always been the accreditation manager. Chiefs are not accreditation managers. Again they will do it if they need to, but he does not see the benefit to the cost. Chief

Dronsfield states that they will operate just as professionally and proficiently whether they are accredited or not. The CALEA budget is \$4000. \$6500 a year is the new cost which does not include the man hours to maintain the records, etc.

Selectwoman Dennis asks how often do the standards change? Chief Dronsfield said it is unpredictable.

Reports will still be reviewed and policies will still remain in place. The department will be conducting business as usual. If they are out of the process, then they will not be adhering to any standards. There used to be State accreditation, but that has dissolved. CALEA appears to be more of a paperwork exercise and more of a money making business than anything else. Chief Dronsfield is looking for input from the Board on how they feel about this. How important is this to the Town. The credit from the insurance company for being accredited is only \$437.

Selectwoman Dennis asks if money was no object would the Chief want to be accredited. He said yes. If the money is there to do this, then he will put in for another person to allocate to this work. Depending on the year, it could actually be \$12,650 not \$6500. Every 3rd year when the assessors come in for the on-site, it is almost \$6000. Then there is a conference to attend. Chief Dronsfield says that CALEA will not allow the department to average out the payments over years. The Town is in the state of self-assessment for 3 years.

Chairman Cedarholm does not see the point in accreditation at this time. The police department will remain in self-assessment as far as CALEA is concerned.

9. Red MacDonald is present on behalf of the race track. Chairman Cedarholm gives a brief overview of what happened at the Ad Hoc Race Track Committee meeting at the race track on Tuesday, August 12th at 6pm regarding the driving school. All three Board members were present and watched a driving school training class demonstration from Bill Callen, Lee USA Speedway Manager. They discussed allowing a week trial period training program to happen sometime in October after notifying the area residents. Chairman Cedarholm does not think that anyone is going to hear this above the normal traffic on Route 125.

Selectwoman Dennis does not feel the need to notify the abutters. She feels that this public conversation is sufficient. It was not noisy at all. She is in support of the safe drivers' training school.

Selectman Bugbee thinks that notifying the abutters would be nice but he's not sure if a week is enough to allow for this training. He is in support of this endeavor.

Selectwoman Dennis believes that they were looking for time in September.

TA Glover reminded the Board that according to the ordinance the race track must end all operations by October 31st. Mr. MacDonald believes that 2 weeks would be sufficient as a trial period. They may want to do it in October if September works out well.

The Board decided on allowing for 10 days of drivers training sometime in the month of September and/or October.

Chairman Cedarholm moves to approve the Lee USA Speedway request to conduct training on car control skills at the Race Track for on and off road vehicles through a third party vendor (Absolute Vehicle Control) to military special forces, police and civilian personnel for a two week trial period to happen in either September or October. Selectman Bugbee, seconds. Lee USA Speedway to cover cost of sending out notification to immediate abutters. The Town is to supply abutters list to the Racetrack. All in favor. **Motion Carries.**

7. Larry Kindberg updates the Board on the Recreation's summer activities. Rocket Day was on July 12th with the Cub Scouts went well and there were about a dozen scouts there. Bike Safety Day was July 19th with between 12-14 attending. The swings are made to order so we are waiting on delivery. The slide plan is to build by volunteers when it is cooler. The handicap access materials have been obtained and Mr. Kindberg has to coordinate with Mr. Stevens on getting that done as well as working on the parking lot.

Mr. Kindberg thinks that the Town should install trash receptacles in LRP. He states that the carry out system is not working. Chairman Cedarholm says that would be a good discussion to have with Mr. Stevens. Mr. Kindberg thinks that there is \$85k in the CIP to build the pavilion. TA Glover clarifies that it is in the Recreation Trust Fund and there needs to be a warrant article in order to expend. This means spending could not happen until 2015. The pavilion plan is in the CIP master plan for 2016. Mr. Kindberg states that Don Quigley put away some lumber when they worked on the Maud Jones project to use for the pavilion beams. He needs to contact Mr. Quigley again and put together a warrant article for 2015.

Mr. Kindberg wants the Board to consider hiring a part-time Recreation Program Director. He wants someone to handle the details for the commission and possibly help out other committees and commissions. Chairman Cedarholm suggests this person help coordinate the fair as well. Selectwoman Dennis asks what the role of the Recreation Commission would be at that point if we hire a part-time person. Chairman Cedarholm suggests running programs that would help pay for this position. There was some discussion around how many months this position would work in a year and a possible hourly salary of \$15. Selectman Bugbee asks Mr. Kindberg to bring this topic up during budget discussions.

8. Before the Board makes a motion regarding the Southeast Watershed Alliance representative, Chairman Cedarholm briefly discusses a urine diversion program that he brought forward in Durham last year. According to studies, urine is a resource that should be captured and reused. Chairman Cedarholm is interested in bringing this forward through the Southeast Watershed Alliance. There are groups at the State level who are very interested in focusing on diverting from septic systems. The State has estimated that 29% of all the non-point nitrogen in the watershed is coming from septic systems. 200 families could divert a ton of nitrogen to farmers who are interested in participating. Selectwoman Dennis moves to designate Chairman Cedarholm as the Town of Lee's representative to the Southeast Watershed Alliance. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
9. This item was taken care of after item #6.

10. a) TA Glover gives the Board an update on the case between the Town and the Veteran Resort Chapel where the Town is seeking a temporary order for injunctive relief in Superior Court. On August 14th, the judge took everything under advisement and there should be a decision within the next week or so. At \$550 a day, the fine could be as much as \$27,000 plus attorney's fees on top of that figure. According to the attorneys, it went well. On another case, the Town was awarded attorney's fees. One of the other cases was thrown out since Mr. Macdonald received a building permit. The 2 other cases are in US District Court. That court put Mr. Macdonald on notice that a corporation cannot represent themselves in US District Court; therefore, if an attorney was not going to make an appearance on behalf of the Veteran's Village than the court was going to dismiss the cases. One of the timeframes have come and gone and as far as TA Glover knows, Mr. Macdonald has not retained counsel.
- b) TA Glover reminds the Board that if they would like to nominate someone to represent the Board during the NHMA Policy Conference on September 26th they should do it soon. Chairman Cedarholm recalls there were items that were significant and someone was going to forward information. Town Secretary states that at the prior meeting Selectwoman Dennis had asked Selectman Bugbee to email his items that he has specific concerns about and details on what he thought since he had direct contact with reviewing them. Selectman Bugbee states that he was not working on this.
- c) Selectwoman Dennis will not be available for the September 15th Select Board meeting.
- d) Scheduled a Workshop to finish the Personal Policy on September 22nd 5:30 – 7:30 pm.
11. Chairman Cedarholm moves to approve the Consent Agenda as presented. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
12. Selectman Bugbee would like his name added on #6 of the 8/4/14 Non-Public Minutes as being the Board member voted to go to meet with the Brickers, the Trustees and the LBC. Chairman Cedarholm moves to approve the BOS Public Meeting Minutes as amended and Non-Public Meeting Minutes from August 4, 2014. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
13. Chairman Cedarholm moves to approve the BOS Workshop Meeting Minutes from July 14, 2014. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
14. Chairman Cedarholm moves to approve the Manifest #29 and Weeks Payroll ending August 17, 2014. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
15. Selectman Bugbee announces that the ABC elected a new chairperson, Alice MacKinnon. They would like to meet with the BOS on Tuesdays or Wednesdays during the budget session.

The Library Building Committee is working on the plan revisions. They are down from 12,000 square feet to 10,000 square feet. Things are progressing.

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Selectwoman Dennis thanks Sharon Taylor for her years of service. She is moving on to Noble High School.

16. Chairman Cedarholm moves to adjourn at 8:30 pm. Selectman Bugbee, seconds. All in favor.
Motion Carries.

Minutes transcribed by:

Denise Duval, Town Secretary

9/2/14

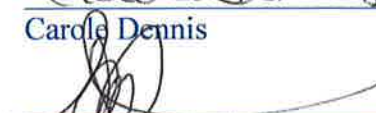
Minutes accepted by The Lee Select Board:



David Cedarholm, Chairman



Carole Dennis



Scott Bugbee