

SELECT BOARD MEETING MINUTES

September 29, 2014

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

Others present: Dawn Genes, Warren Hatch, Annamarie & Paul Gasowski, Katrinka Pellecchia, Barbara McNamee, Town Administrator Julie Glover.

1. Chairman Cedarholm calls the meeting to order at 6:00 pm.
2. Chairman Cedarholm opens the meeting up to public comment. There is none.
3. Michael Gamache and Nick Scouderi present an Oyster River Youth Association update. All sports are open to boys and girls, ages 3-18. They offer sports via camps and clinics as well as rec and travel divisions. Baseball is one of the big programs that hosts between 250-270 registrants, ages 5-high school ages including t-ball. Their fundraising efforts have been very successful. Their goal for basketball is to have 2 practices a week and 1 game. The football program started in 2009 with grades 3/4 and 5/6 and has grown to grades 7/8, who also play in the Seacoast Junior Football League. The hockey program has seen significant growth over the years. The program originally had 4 teams and now has 9 teams. Lacrosse is their fastest growing sport with nearing 200 players, up from 150 the previous year. They were extremely pleased with the LRP facility. Soccer is their largest program that runs year round and has over 530 registrants per year for kindergarten through 8th grade, not including travel. The travel program starts at 5th grade and is a cut-free program. The track & field program serves grade K-4 mainly but they provide options for grades 5th – 8th. In 2006 this program had 22 registrants and this past spring it had 93. 80% of the budget is raised through the program fees. They send out surveys to make sure that they are providing what the community members want.

Pictures are shown of Little River Park on the PowerPoint presentation.

They formed the first all-girls hockey team in 2013 and a new logo, a cat's head, has been implemented into all the new uniforms.

Chairman Cedarholm asks what futsal is. Nick explains that futsal is played with a denser, heavier soccer ball that started in Brazil and can be played on a paved surface.

They were able to host more events this past year. They recently started an annual soccer fest to kick off the soccer season at Tibbetts Field. This event draws up to 1000 people. There's even a dunk tank.

OYRA is non-profit, funded by the three towns, program fees, and fundraising.

The plan for LRP is Lacrosse in the spring and to cover some of the high schools teams during the construction if it happens. Mike states that there were not enough kids for Babe Ruth baseball to take place this past year. Nick says that after combining with Barrington there was enough to put together a team.

Selectwoman Dennis asks if there are scholarships available for children who are not able to afford the program fees and what is the process for that. Nick states that their scholarship

model is very similar to the “free or reduced lunch” program requirements. It uses the same income levels in order to determine how much to award an applicant.

4. Dawn Genes states that the Lamprey River Watershed Association is celebrating its 30th anniversary this past year. October 17th is the annual meeting and they would like to sell raffle tickets at the dinner. The Board has the executed Raffle & Tag Sale Permit request signed by Dawn Genes on behalf of the Lamprey River Watershed Association. Each raffle ticket is \$1 each or 6 for \$5. Ms. Genes provides a copy of the flier they will be handing out. Chairman Cedarholm moves to accept the Lamprey River Watershed Association’s request to sell tickets for a Raffle to benefit the Association, said Raffle to take place on October 17, 2014 from 6:00 – 9:00 pm at the Lee Grange Hall.
5. Katrinka Pellecchia informs the Board that a meeting took place yesterday between Scott Bugbee, Annie Gasowski, Laurel Cox and the Brickers; therefore, she would like to turn this discussion over to Scott or Annie since she was not there. Annie Gasowski states that they had a good meeting with Dan and Michelle Bricker who are anxious to let the Town know that they want to be as helpful as they can be in this situation. They also are letting the Town know that they have the intention to put their house on the market and they really are not willing to put restrictions on that property. They want to meet with NHDOT so that they can go through all the paperwork and really understand why this subdivided property is still under the 3 curb cut rule. The other issue of having a traffic study done is still open. They would like to receive an answer from the Board re: meeting with NHDOT. Selectman Bugbee states that they were a very nice couple who are amenable to working with the Town; however, they are not at all interested in placing a restriction on the property. They are hoping to move next July. Selectman Bugbee indicates that the order from the State does not make any sense. These are two separate properties, but the State references one property of record. He would second Annie’s request to move forward with finding out from the State what went wrong and finding out the process to either fixing it or appealing it. Chairman Cedarholm states that he had a conversation with Jim Hewitt from DOT earlier in the summer and he is clear that it is two lots. The issue is that it was subdivided without any discussion about a driveway. There is a historical issue that supersedes any subdivision of that property. Selectman Bugbee states that this group should pursue with NHDOT to appeal and/or understand how to move forward.

Selectwoman Dennis understands the Bricker’s standpoint and decision to not put restrictions on their property. She thinks it is a good idea to meet with NHDOT to get a full understanding of why they made the decision they have made up until this point or clarify whether in fact there has been something left out somewhere along the line and provide technical assistance as to why they made their decision and how the Library should move forward.

Chairman Cedarholm is not in favor of a driveway or library in that location.

Selectman Bugbee moves that the Board schedule a meeting with a representative from NHDOT and from the Library Community Center Building Committee to explore the issue with the driveway on the Bricker property off of Route 155 and explore appeal options or other options regarding that piece of property. Selectwoman Dennis, seconds.

The legal opinion has been put on hold at this point. Meeting with the DOT should come first.

Chairman Cedarholm would like to have the meeting take place here. Selectwoman Dennis thinks that it makes sense to have this meeting be during a public Select Board meeting.

Selectwoman Dennis states again that it is disturbing that the Town bought this piece of property without having an access. Katrinka Pellecchia remembers Dick Wellington stating that this property would make a good place for a possible new Library. She believes it was purchased for the purpose of having property close to the center of town to be used in the future. Chairman Cedarholm disagrees.

TA Glover will contact NHDOT and invite someone to the next Board meeting. Selectman Bugbee asks to call the vote, all were in favor. **Motion Carries.**

6. TA Glover reminds the Board that there was one item left over from the Personnel Policy discussion that still needed to be decided upon and that was Pay in Lieu of Vacation. TA Glover reads the current policy: "At the discretion of the Board of Selectmen employees with more than 10 years of service who receive at least 15 days of earned vacation per year may elect to work during one week of vacation and receive regular earnings as well as vacation pay. There is no other provision for an employee to cash in vacation pay in lieu of time off. Employees having vacation accruals must submit a request in writing to the Board of Selectmen through their department head. Vacation time may not be taken in advance of being earned."

This applies to everyone. Chairman Cedarholm asks if there are many other towns that do this. TA Glover did not have this information readily available. The Board discusses the budgeted figures. If everyone that qualifies decided to take advantage of this benefit it would cost \$15,000 in one year.

Warren Hatch speaks on his behalf. He states that this would affect him. He would lose vacation time. He uses it like a bonus since there are no bonuses in municipal government. Selectman Bugbee asks Warren to clarify his statements about vacation and losing it. Warren states that he earns 14 hours per month; therefore, he would have to take 2 days off per month in order to not lose time. He has maxed out on earned time; therefore, he can't earn anymore. He is never denied taking time off. Warren guesses that there are 4-5 employees that qualify for this benefit.

Selectman Bugbee believes that there is a philosophical problem. If the Town gives people time off to refresh themselves and reinvigorate themselves and they are not taking it then he is not in favor of continuing this.

Selectwoman Dennis states that her husband took advantage of this benefit; therefore, she is not going to say nobody else can, but she has an issue with making employees take vacation to care for a sick or injured in-law. This use of vacation time is not logical. Chairman Cedarholm believes it is important to reward employees who have been with the Town for an extended period of time. Municipal employees, although they may get good benefits, do not get paid very well. Chairman Cedarholm is in favor of keeping the current policy, but has an issue with the

excess budgeting amount ending up in the fund balance. If we were only to budget \$3500 then that would be acceptable. Selectwoman Dennis agrees. No vote necessary.

TA Glover informs the Board that a department head has an employee who uses chewing tobacco on duty and this department head would like to be able to tell this employee that he can't do that. The current policy is just a smoking policy. The proposed policy is the language that the Board received in the packet with the changes that Attorney Ricker (from Primex) has suggested. TA Glover is recommending that the Board adopt this new smoking policy so that the department head may have a different conversation with the employee. Selectman Bugbee asks what the objection is that the department head has for this employee doing this. TA Glover says that it's not seemly especially given the nature of the person's job which is in the police department. Selectman Bugbee thinks that this is a personal choice that someone makes. It's not like second hand smoke. He is not in favor of limiting their rights to do that. TA Glover makes clear that currently a police officer can use chewing tobacco while on duty and presumably speaking with the public. The proposed language comes from other Towns. TA Glover did not create this language. Selectwoman Dennis states that the police cars are Town property just as the building are. She believes that allowing this activity would be a poor message to send; we should encourage healthy habits. Chairman Cedarholm wants to hear from Chief Dronsfield regarding how chewing tobacco would inhibit a police officer's ability from doing their job. Selectwoman Dennis does not think this would be a good argument to make when people can smoke and do their work. Selectman Bugbee thinks that it should be cut off at "professional appearance" instead of limited behavior. Chairman Cedarholm references a possible RSA which prohibits spitting. The last thing that anyone wants to hear of is a police officer in pursuit being distracted due to spitting in a cup. Selectman Bugbee states that baseball players are switching to spitting coffee grounds. This would present the same spitting issue. Either way, Selectwoman Dennis, would suggest putting out a public message not condoning this behavior. The Board would like to see what other Towns have for policies at the next meeting.

The Board would like TA Glover to forward the Personnel Policy to the department heads and employees for their review and comments.

7. a) The Board gives TA Glover permission to send out the Environmental Site Assessment Phase I and II with Chairman Cedarholm's changes.
- b) Selectman Bugbee spoke with the Finance Officer regarding the Auditor RFP. They reviewed the schedule with regards to the financial software implementation and both agreed that the auditor change can be postponed another year. Adding an Auditor change on top of the amount of work that needs to get done with regards to the software implementation would be more than just overwhelming. Selectman Bugbee agrees that the Town should wait to change Auditors. Selectman Bugbee would like to do something for the Finance Officer monetarily after the implementation is complete. TA Glover points out that one of the things that this task will require is rewriting the chart of accounts. This task alone is a huge and needs to follow the DRA yet be unique to the Town of Lee. Chairman Cedarholm thanks Selectman Bugbee for all the work he has done with Finance Officer Clancy.

c) TA Glover states that Ms. Genes' recent inquiry regarding permits brought to her attention that under 31:91 ("The right to grant permits for soliciting funds for charitable purposes and for the sale of tags, flowers or other objects for charitable purposes shall be vested in the major and alderman of the city or the selectmen of towns") the local governing body has to approve the soliciting of funds. The first thing that came to TA Glover's mind was the Library Building Foundation which was created for the sole purpose of raising funds. According to NHMA, this group was supposed to obtain permission from the Board of Selectman. Any group selling raffle tickets needs to obtain permission from the Board to sell raffle tickets. This would include the Fire Association, VFW and Lee Fair. There is further discussion pertaining to 31:91, but Chairman Cedarholm suggested that it be ignored.

d) TA Glover presents the Board with the Delegation of Deposit Authority document for them to approve and sign, relative to the Town Clerk/Tax Collector accepting credit cards. Chairman Cedarholm moves to approve the Delegation of Deposit Authority dated 9-19-2014. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

8. Chairman Cedarholm moves to approve the Consent Agenda as presented. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
9. Chairman Cedarholm moves to accept the BOS Public Meeting Minutes dated September 15, 2014. Selectman Bugbee requests (under #11) to move the last sentence in this section up to the end of the first paragraph. Chairman Cedarholm moves to accept the BOS Public Meeting Minutes dated September 15, 2014 as amended. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
10. Selectman Bugbee requests change (within #2) LBC to LCCBC. Chairman Cedarholm moves to accept the BOS Public Meeting Minutes dated September 22, 2014 as amended. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
11. Chairman Cedarholm moves to accept the Manifest #6 and Weeks Payroll ending September 28, 2014. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**
12. Selectman Bugbee attended the NHMA Legislative Policy meeting on September 26th. All the policies passed except the ones that came from the floor. One was withdrawn, the counting of absentee ballots. The Governor signed something the week before that does not require waiting until 1:00 pm to count absentee ballots. There were 9 floor proposals. The one to modify 41:18 to read 'Each Town shall have a deputy town clerk appointed' failed. The one to modify 41:9-B5 to add officials elected to non-volunteer positions in a municipality regarding background checks failed. The one to see if the NHMA will support legislation to support municipal library budgets to appear as a separate warrant article on Town Meeting SB2 ballots failed. The one that passed increased the cost of a public project to \$75K before it requires obtaining a performance bond. The amendment of RSA 75:1 so that the last sentence will read "The Selectmen shall receive and consider all evidence that shall be submitted to them relative to the value of property and upon request include rental income and expenses, the value of which cannot be determined by personal exemption" failed. They also failed to pass legislation for a penalty, in the amount of 1% of the assessed value of the property, for failure to submit request for information relative to the value of property as described in RSA 75:1. Reimbursing

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municipalities for costs incurred for 91-A requests was passed. Changes to 96:74-41 to allow local option greater flexibilities, a landowner who has been through the process once for a building permit or residence does not have to go through it again. This one was submitted by Barrington and failed. RSA 12-E was slightly changed and passed.

Selectman Bugbee would like to have the department head evaluations and contract reviews on the October 13th agenda. More specifically, Caren, Randy, Roger, and Julie.

Selectman Bugbee reminds the Board that the clock has started ticking today with regards to the rights to exclusivity on the purchase of the Bricker property. The Board agrees to put this on the October 13th agenda.

Chairman Cedarholm would like to bring forward the RFP for a sound study that the Ad Hoc Race Track Committee Meeting has put together at the next meeting. The Race Track has had at least one training event thus far. They plan on having one or two more. They did not want to tell us ahead of time when they were going to be. They want to see if there are any complaints following the event(s).

Selectwoman Dennis states that the highway supervisor was concerned about installing the playground equipment this fall. Chairman Cedarholm states that he is actually a little frustrated as well. There has been a lack luster attendance at the rec meetings and the chair is out on a month long vacation. The Chair actually delegated another member the responsibility of getting the playground equipment installed.

Selectwoman Dennis questions Laurel Cox's position in relation to the Bricker negotiation. She does not belong to any committee, commission or board. Selectwoman Dennis expresses her concern with dealing with someone who is not in fact in an official position yet attending meetings between a Select Board member and town person. She is not assuming she is not capable; however, she needs to be in an official position if she wants to continue in this line of discussions. Selectman Bugbee states that Laurel Cox acknowledges that she does not hold an official position. She was there because she has a personal relationship with the Brickers.

Selectman Bugbee brings up a citizens complaint regarding the ZBA and hopes they can discuss at some point.

Selectman Bugbee feels out of touch with the department heads. The Board used to get updates in person then it reduced to emails and now they don't seem to get anything. He would like to hear about what is going on.

Selectwoman Dennis was under the impression that department heads were meeting regularly. TA Glover said they don't have a regular schedule but she can speak to the department heads and get back on a more regular meeting schedule. Selectwoman Dennis says that Caren Rossi was just here with an update, Randy Stevens sent a lengthy one a week ago and Chief Dronsfield sent one about 2 weeks ago. The Fire Chief was also just before the Board about a month ago. Roger Rice may be the only one that they haven't seen lately. A summary from the department head meeting notes would suffice.

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13. Selectman Bugbee motions to adjourn at 8:10 pm Chairman Cedarholm so moves. All in favor.
Motion Carries.

Minutes transcribed by:

Denise Duval, Town Secretary

10/13/14

Date

Minutes accepted by The Lee Select Board:



David Cedarholm, Chairman



Carole Dennis



Scott Bugbee