

## SELECT BOARD MEETING MINUTES

February 3, 2015

PAGE 1

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

Others present: Caren Rossi, Roger Rice, Patricia Jenkins, Laura Gund, Chief Nemet, Town Secretary Denise Duval and Town Administrator Julie Glover.

1. Selectwoman Dennis calls the meeting to order at 6:05 pm.
2. Selectwoman Dennis opens the meeting up to public comment. There is none.
3. Pat Jenkins and Laura Gund are present to discuss the update from UNH regarding the future of the Burleigh Demeritt House. The University has stated that it has no academic, administrative or residential need that would justify such a renovation. However, the University has agreed to initiate a few temporary measures to protect the main house and kitchen and seal the cellar entrance. They will clean the interior of animal waste and repair the damaged shingles on the main roof. They will wrap the outside surface with TYVEC and cover that with wire mesh. UNH suggests a mutual deadline of June 30, 2018 be established by which time the Lee Heritage Commission or other groups will have a plan and funding in hand for the restoration of the house or at least the permanent stabilization and preservation of the house in its current location. UNH has agreed to place the house on the NH Register of Historic Places. This will allow access to LCHIP funding if available. The Heritage Commission is looking for the Board's opinion and direction. Because of the Organic Dairy Farm, the University is limited in what they can do with the house. It has been ten years since the Heritage Commission began this battle over preserving this historic house that is owned by the University. Selectwoman Dennis presumes that any changes made to that property could affect their certification as an Organic Dairy Farm. Ms. Jenkins informs the Board that this house has been on the 7 To Save list for many years now. This is the 3<sup>rd</sup> local historic building that is in jeopardy of not being saved. One was in Durham that is gone now and the other is in Madbury that is on its way out. Selectwoman Dennis asks how UNH got ownership of the property to begin with. Ms. Gund states that UNH originally purchased the property from Norm and Dorothy Demeritt with the understanding that UNH would take care of the property, but they have not. There is a question as to how long the agreement was supposed to last, but the understanding was certainly there. Apparently there are monies in an account that should be being used to take care of this property but they are not. Ms. Jenkins asks the Board for recommendations. Ms. Gund asks for a letter from the Board stating their recommendations. Selectwoman Dennis states that she is not opposed to a letter, but she would want them to ask their Commission how long they intend to go at this. She adds that UNH owes this property and have the right to decide what they want or not want to do with it. The Heritage Commission needs to decide how long they want to continue with this. The Board appreciates their effort. Selectman Bugbee suggests that they discuss this matter at the next Heritage Commission meeting.
4. Scott Nemet is present to ask the Board to approve the 2014 Emergency Operations Plan for the Town of Lee. The first plan was created in 2005. It was updated in 2008 and now again in 2014. Chairman Cedarholm moves to approve the 2014 Town of Lee Emergency Operations Plan. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
5. Caren Rossi is asking for the Board's permission to increase the building permit fees. Currently it is \$20 for a base fee up to \$2000 worth of construction and then \$3 per thousand thereafter.

Neither she nor Allan Dennis can recall the last time these fees were adjusted. They would like to see the fees increased to a \$50 base permit fee up to \$2000 and then \$5 per thousand after that. Other towns are across the spectrum. She and Allan think that these fee amounts are the most common. Last year fees would have increased the revenue by \$2500. Chairman Cedarholm requests that the word "barn" be added to the building permit instead of the term outbuilding. Ms. Rossi suggests adding the question "Will animals be housed in the structure?" to the building permit form. This would be for information only since the setbacks are the same for any structure as of 5 years ago. They will review the fees every year or two from now on. This will be effective tomorrow 2/4/15. Chairman Cedarholm moves to increase the building permit fee to a base fee of \$50.00 up to the first \$2000 estimated cost of construction and an additional \$5.00 per thousand thereafter. Selectman Bugbee, seconds. All in favor. Selectwoman Dennis, abstains. **Motion Carries.**

6. Roger Rice hands out a 'Proposal' that he wrote and gave to Bob Munger and Jill Nooney back on 8/1/14 which reads in part "I have recently pictured a tall beautiful metal artwork in the corner of the garden....Would you both consider tackling such a project?" Before Mr. Rice knew it, the 14 foot tall metal art sculpture was completed and now he is asking that the Board accept this proposed commission of art from Jill Nooney to be installed on a concrete pad in the front of the Transfer Station. Mr. Rice adds it would need a fence to keep people from touching and climbing on it. He suggests using an old rusty chain that Ms. Nooney has offered up as well. Chairman Cedarholm agrees that a fence is critical due to the sharp, jagged edges that stick out. Selectwoman Dennis does not recall this discussion last August. She asks Mr. Rice if he came to the Board before sending out this Proposal. Mr. Rice states no. Selectwoman Dennis points out that when she proposed the volunteer sign she came to the Board and asked what everyone's thoughts were. She did not just send a letter out or just propose something. She says to Mr. Rice that in the future he should come to the Board to discuss such an idea. Mr. Rice says in his mind he was afraid the Board would ask questions and he did not know the answers. Selectwoman Dennis states that if he did not have the necessary information to begin with than she is not sure why he sent out the request for proposal at all. Mr. Rice says that he didn't have information to bring to the Board. Selectwoman Dennis states that he did not bring it to the Board at all. That is the concern. Chairman Cedarholm agrees with Selectwoman Dennis. It is a fantastic sculpture, but it would have been best to bring to the Board first. Mr. Rice also acknowledges that they don't know how to transport it to the Transfer Station as it is 14' tall; it may have to be cut into pieces first. Selectwoman Dennis agrees that it is a great piece of art; however, cutting it may upset the artist. She should definitely have a say in something like that. The pad is going to have to be quite substantial in addition to installing a stable, secure and solid fence to keep people off of the structure. Selectwoman Dennis has an issue with the taxpayers having to pay for anything towards this endeavor. Now that the piece is complete, it places the Board in a difficult position. It is equally as difficult to not accept a piece of art from an artist who made it for our Town. Chairman Cedarholm is having similar issues. Selectman Bugbee asks the Town Administrator if she could check with Primex regarding their thoughts around liability. He believes that this particular piece of art has some educational value for the kids. A pad with a fence is going to cost more than \$200 which is what Roger submitted as a cost. Selectman Bugbee ask Roger to find out how much this will actually cost and suggests that maybe someone can donate their time and materials to install it. Chairman Cedarholm would like to express thanks to Jill and Bob for this donation. Unfortunately they are struggling with how to safely place it so it does not create a liability for the Town and it doesn't cost the

taxpayers. Selectwoman Dennis suggests a possible fundraising community project to raise the money to pay for the installation of this piece of art. Chairman Cedarholm requests that a proposal for the fence be presented to the Board.

7. The appointment of a Lee Town representative to the Lamprey Solid Waste Committee is discussed by the Board. It is a 3 year appointment and Roger Rice is interested in continuing on this committee. TA Glover reminds the Board that when a similar situation presented itself recently, the Board decided that the position needed to be advertised for 2 weeks before an appointment was made. TA Glover asks how others Towns are represented on this Committee. Roger Rice indicates that there are 3 transfer station managers, 2 or 3 selectmen, 2 town administrators and no general public individuals. TA Glover points out that this Cooperative is still held to 91-A, but she does not know where the minutes are maintained. There does not seem to be a website and her office has not seen minutes in years. Roger Rice indicates that he has heard from Valerie Kemp who admits being behind in the minutes but is working on them. TA Glover asks if this is the organization that had an issue with running short on money to pay for their trucks. Apparently it is, but no one can report definitively as to what happened. Chairman Cedarholm asks if Lee uses their truck. Roger Rice says yes as of 'pick a number three years ago'. Before that we used Waste Management. At first it was a good deal, but now not so much since the fees have been raised to pay for the back payments on the truck. Roger Rice states that the Cooperative is very 'Johnny on the spot' when we need them. Mr. Rice's term is not up until March; therefore, the consensus is to advertise for a few weeks and go from there. Selectwoman Dennis requests more information on LRC such as minutes, money issue this past year and costs compared to Waste Management. Selectman Bugbee has been going to these meetings with Roger and indicates that the audit for LRC is old. In other words, there is no completed audit. TA Glover explains that the way the Cooperative works is that each municipality within the Cooperative appoints a Director and that makes up the Cooperative; therefore, there is no 'they;' "we are they." The TA is curious if there is any discussion among the other members about these issues. The Town pays user fees to the Cooperative. The 10 year contract with LRC ends in 2016. This would be the time to start a discussion regarding what we want to do next. Selectwoman Dennis suggests contacting the Executive Director in order to get some of this information that they are looking for. She has concerns that the Cooperative is not operating as a business when in fact that is what 'we' are. The TA will make a formal request of the Executor Director who is the Town Administrator in Stratham for their Minutes for the past year, the latest approved audit and an explanation as to how they corrected the truck problem last year. Did they actually raise the fees to cover the cost of the truck?
8. a) The TA's understanding from the last Board meeting was that for FY16 the Moderator's stipend was going to be increased to \$200 per event, but that an event was defined as an election and/or deliberative session. Apparently the Moderator may not be interpreting an event to be the same based on a recent request for reimbursement for attending the moderator's class. The TA is asking the Board for further clarification. Selectman Bugbee states that he does not remember agreeing to classes being defined as an event in addition to the fact that this reimbursement is not supposed to start until July 1, 2015. The Board agrees that going to classes, conferences or workshops are not Town events; therefore, reimbursement for attending is not an option. They may submit for mileage.

b) TA Glover informs the Board that 2 proposals were received for the Records Room Renovations RFP. Excel Construction submitted the lowest bid. TA Glover reads RSA 41:59 Preservation of Public Records, Books and Documents of Towns. "The selectmen shall cause all books of public record belonging to the town to be well and strongly bound, and all papers and documents to be filed and arranged in an orderly manner convenient for reference and examination, and shall provide suitable fireproof safes or other means for their care and preservation, all at the expense of the town."

As reluctant as the Board is to spend any money, they understand that the town is not meeting even the statutory minimum when it comes to preserving its records; therefore, the Board agrees to enter into a contract with Excel Construction to include a 2 hours fire rating as opposed to a fireproof rating. Chairman Cedarholm moves to accept the proposal from Excel Construction for the base bid and alternate #1 in the amount of \$13,070 to convert a room on the 2<sup>nd</sup> floor of the Public Safety Complex in order to be used for Municipal Records Storage. Funds to be withdrawn from the Town Buildings Capital Reserve Fund. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**

The Board would like to identify what records are going to be put into this records room. The Town Reports and all documents in the vault and annex will definitely move into this room. Very few documents may be scanned. The TA provides a list of original documents that need to be kept forever.

Selectwoman Dennis has a separate concern regarding the use of the room above Town Hall more specifically, the outside stairs leading up to the 2<sup>nd</sup> floor. Both the TA and Town Secretary have made numerous requests that those commissions not use the outside stairs but to no avail. If the Board is in agreement that that staircase should only be used as an emergency egress than the TA will have a lock but on the door so entering the door from the outside would no longer be an option. There is no decision made regarding this matter at this time.

c) TA Glover moves on to photocopier fees which at this time are \$1 per page at Town Hall. Sometimes there is confusion as to whether to charge or not for a particular document. TA Glover suggests if it is a legitimate town record to simply not charge and maybe establish a page limit. There is a back and forth discussion with various ideas. Selectman Bugbee says make it free or leave it the way it is. He further states that the Supreme Court has decided that anything between 50 cents and a dollar is a reasonable amount to charge for a copy. Chairman Cedarholm thinks that 25 cents is reasonable. Selectwoman Dennis and Chairman Cedarholm agree to charge 25 cents per copy effective 2/4/15.

d) TA Glover has an invoice from DF Richard in the amount of \$935.01 to convert the gas line at the PSC and asks the Board if there was a discussion as to where this money was to come from. After some discussion, there is a recollection of using account 4199.

9. Chairman Cedarholm moves to accept the Consent Agenda as presented. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
10. Chairman Cedarholm moves to accept the Non-Public Meeting Minutes dated January 5, 2015. Selectman Bugbee writes in small change on the bottom of page 4 making \$2-300,000 to read \$200,000-\$300,000. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

11. Chairman Cedarholm moves to accept the Manifest #15 and Weeks Payroll ending February 1, 2015. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
12. Chairman Cedarholm announces that the Southeast Watershed Alliance quarterly meeting will be taking place here in Lee tomorrow night at the PSC at 5:30 pm.

Selectwoman Dennis would like to discuss the deliberative session either tonight or at a future meeting and she would like the Board to consider meeting with the CIP Planning Committee and Department Heads to take a look at the CIP for each department because as a planning tool it should be as efficient as possible. Chairman Cedarholm states that in many other towns there is a Select Board Rep on the CIP Committee. He thinks that there is a disconnect between the development of the CIP and the Board of Selectmen. Bob Smith himself has asked for more direction from the Board. Selectman Bugbee states that there are two ways to do a CIP. One is the Planning Board and the other is a CIP Committee. He asks which one does Lee has. Chairman Cedarholm states that Lee has a CIP Committee formed out of the Planning Board. The RSA allows it to happen either way. In Durham the Town Administrator and the Business Manager put the CIP together after each department head compile their own report on what they have and need. Each report gets evaluated every year. Selectman Bugbee wants to see the re-valuation fund and the accrued benefits in the CIP. He sees the CIP as a financial planning tool. These two things need to be included.

Selectwoman Dennis was troubled that the employees felt that they needed to surprise the Board at the Deliberative Session for a cost of living increase. This tells her that there is a communication gap that is really unfortunate and is hopefully something they can solve. Chairman Cedarholm states that if a 2% COLA had been presented to the Board during the budget discussion that they very likely would have made different decisions during the budget discussion. He is disappointed that the staff did not make it clear that this is something that they really want. There were places that a compromise was possible so that everyone got something and they wouldn't have been surprised later. Chairman Cedarholm indicates that the budget increase is fiscally irresponsible and he will be voting against the operating budget. He adds that the Deliberative Session is not the time or place to do business. The employees should have come to the budget hearings to talk to the Board about a COLA. TA Glover states that not all staff or department heads are in support of the COLA and it is the Board's budget, the Board controls the budget and the bottom line. She is not suggesting that it would be morally or politically correct, but the Board is under no obligation to give the employees the 2% COLA. The Board could choose not to spend the money and it rolls back into the Unassigned Fund Balance.

Selectwoman Dennis says that she cannot speak to a COLA because her husband is a part-time employee or rather she cannot vote. She states that it is customary for employees to go to employers and request an increase. She was troubled that some employees felt that this was the only way to get that accomplished was to surprise them at the deliberative session. She agrees with Chairman Cedarholm that they should have come to budget meetings to bring this forward. She thinks that this is a serious communication gap and this is a shared responsibility

**SELECT BOARD MEETING MINUTES**

**February 3, 2015**

**PAGE 6**

between the Board and the employees. Selectwoman Dennis states that she looked into the historical piece of this and she sees that part of the confusion is that in past years the Town Administrator, the ABC or a Board member has come forward to make this discussion happen. She believes that the primary responsibility lies with the Board to have this discussion. She thinks we need to have a system or plan to evaluate a COLA every year. Selectwoman Dennis is sorry this happened and hopes it never happens again.

Selectwoman Dennis and Selectman Bugbee would like to see evaluations and merit increases implemented at some point in the future. COLA is not a merit increase; it is to keep employees in line with the cost of living.

- 13. Chairman Cedarholm motions to adjourn at 8:34 pm. Selectwoman Dennis, seconds. All in favor. **Motion Carries.**

Minutes transcribed by:


\_\_\_\_\_  
Denise Duval, Town Secretary

3/2/15

\_\_\_\_\_  
Date

Minutes accepted by The Lee Select Board:

  
\_\_\_\_\_  
David Cedarholm, Chairman

  
\_\_\_\_\_  
Carole Dennis

  
\_\_\_\_\_  
Scott Bugbee