

## SELECT BOARD MEETING MINUTES

June 22, 2015

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Board members present: Chairwoman Dennis, Selectman Bugbee and Selectman LaCourse

Others present: Dwight and Sally Barney, Larry Kindberg, Bill Callen, Ron Pitkin, Cary Brown, Paul and Annie Gasowski, Anne Tappan, David Meeker, Caren Rossi, Chief Dronsfield, Randy Stevens, Peg Dolan, Chuck Cox, Deborah Schanda, Town Secretary Denise Duval and Town Administrator Julie Glover.

1. Chairwoman Dennis calls the meeting to order at 6:00 pm and asks if the Select Board accepts the Agenda as presented. It does.
2. Chairwoman Dennis opens the meeting up to public comment and reminds everyone to address the Board, not the audience and to please limit their comments to 3 minutes. There is none.
3. TA Glover presents the raffle permit request for Carla Wilson who is asking to sell raffle tickets at the Lee Library from July to August with the final drawing to take place at the Lee Fair on September 12, 2015. Chairwoman Dennis moves to approve the Raffle Permit for the Lee Public Library Community Center Foundation to hold raffle ticket sales at the Lee Library from July – August and ticket sales and final drawing at the Lee Fair on September 12, 2015. Selectman LaCourse, seconds. All in favor. **Motion Carries.**
4. Bill Callen reiterates that the Racetrack is interested in holding various 5k road races, possibly one per month. They are looking to raise money for local groups or charities such as camps. This is not meant to be heavy competitions. They previously submitted a map that showed how the traffic would flow in and out. These would occur on Saturdays or Sundays, not during the week. He describes the Color Run that might take place and that which is done in other NH communities. This proposal went before the ZBA on June 17<sup>th</sup>. The abutters were notified. There were no complaints. If the Select Board approves this, it will then go to the Planning Board where they will discuss noise issues. There will be no loud speakers. Selectman LaCourse asks what Mr. Callen thinks the population will be at these events. He estimates 200 would be a good size. He wants to keep this as a small, community-size effort. Caren Rossi confirms that if he receives approval tonight then he will go to the ZBA for the use. Then if that is approved he will go to the Planning Board to iron out any parking, traffic, lighting, hours of operation, noise. Sally Barney from 52 Cartland Road refers to the handouts and asks about the music along the course to keep participants pumped up and industrial strength back lights, visual effects and the massive post run celebration and music throughout the festival. Bill Callen states that he is well aware of the noise ordinances and is in no way looking to have such a huge event as the Color Run advertises. The Ad Hoc Race Track Committee along with the consultant just recently completed noise measurements on Friday night and will have those results available within 30 days. Ms. Rossi adds that the Planning Board will address noise if it gets that far.

Dwight Barney states that back a number of years ago the Town spent thousands of dollars discussing the issue of what was approved and not approved where this was a Race Track. The owner of the Race Track has spent thousands of dollars trying to expand. He recalls that the majority of the legal opinions were that it was an expansion of a non-conforming use if you do anything but race automobiles. The next item is noise. He asks who does one contact with regard to noise. The Chief says police department. Mr. Barney says if the Selectmen approve or

deny requests from the race track then shouldn't the Chair of the Select Board be the one to contact if there is a concern or an issue. TA Glover reads the Race Track Ordinance Section 17a "no use other than vehicular racing, race car education/ safety testing and automotive related flea markets shall be scheduled or sponsored at any vehicular race track within the Town of Lee without written approval of the Board of Selectmen of the Town of Lee NH". Ms. Rossi adds that the race track is in a residential zone. So if it is going to expand in any way which would be non-conforming unless it is houses, it has to go to the ZBA. Because it is a use other than a residential use in a residential zone; therefore, it would then have to go to the Planning Board. If someone violates a condition relating to planning or zoning, Ms. Rossi indicates that she should be called. However, if it is a noise violation then the Police should be called because there is a noise ordinance. Mr. Barney states that he believes that the elected leader of the Town should be the one that is contacted. Chairwoman Dennis says that he can call her if he wishes, he has her number. He says he did call her twice Friday night and he was unable to leave a message. He thinks says that is inappropriate. Chairwoman Dennis says he should check the number because she gets messages all day long. (It is later determined that Mr. Barney did not have Chairwoman Dennis' correct cell phone number.)

Chairwoman Dennis moves to grant Lee USA Speedway permission to host foot race-related events at the Race Track during the 2015 season and which are not race car related. Selectman LaCourse, seconds. All in favor. **Motion Carries.**

5. TA Glover presents the Board with the applications for the Town Center Committee for review. Chairwoman Dennis reads the applicants names: Brian Seeley, Lori Wright, Ron Pitkin, Deborah Schanda, Larry Kindberg, David Meeker, Paul Gasowski, Chuck Cox, Cary Brown and Janet Allen. Selectman LaCourse asks the TA to reiterate the Charge. TA Glover states that from memory the Charge calls for the Committee to examine existing Town buildings and to make recommendations to the use of those buildings on the assumption that municipal offices will be moved somewhere else along with the Library. Selectman LaCourse wants the Town Center Committee to look at moving the Town Offices to the 2<sup>nd</sup> floor of the Safety Complex. Selectman Bugbee asks to discuss the staff members who could serve on this committee as well. He would like to see a representative from each one of the departments that resides in each of these particular buildings to get their perspective. The TA will be the facilitator for the Town Center Committee. Caren Rossi will represent Planning and Zoning, Chief Dronsfield and Chief Nemet will represent the Safety Complex and the Library Trustees will designate someone from their group. Chairwoman Dennis moves to approve the following appointments to the Town Center Committee: Janet Allen, Cary Brown, Chuck Cox, Paul Gasowski, Larry Kindberg, David Meeker, Ron Pitkin, Deborah Schanda, Brian Seeley, Lori Wright, Caren Rossi, a Library Trustee, an Administrative Offices, Chief Dronsfield and Chief Nemet. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
6. Larry Kindberg states that they have paid for all the lumber for the slide structure and are just waiting for it to be delivered. He and Mark Kustra are going to build the slide structure probably next weekend. The plan is to utilize 2 of the slides which means they will have 4 slides left over. He does not foresee any use for the remaining slides in the future. Chairwoman Dennis states her disgust again with the fact that we bought all these slides and we're not going to use them and they have been sitting around for years. Mr. Kindberg's goal is to have the structure done by mid-July. He asks if the lumber may be delivered to his home. The Board is

ok with this. Mr. Kindberg states that the plan is simple and straightforward so there should not be a problem with getting this done.

Mr. Kindberg has a tentative completion date for the pavilion for the end of September. He states that Mark Kustra is checking with contractors with regards to getting quotes for the cement pad and construction. They will also be contacting Don Quigley with regards to the lumber. They are looking at having a crew come in to get it done. Mr. Kindberg thinks it is too large of a project to try to get volunteers to build it. Chairwoman Dennis stops him to allow the TA to discuss the bidding process. TA Glover states that any purchase or project that's valued over \$10,000 under the Town's current policy requires a formal sealed bid. In addition, under State law RSA 447:16 any project that's going to be valued over \$35,000 requires a labor and material bond from the contractor. The TA would also like to see contract language that the Town has been using to make sure that the Town is protected. The TA recommends that she work with Mark Kustra on putting the language together. The TA has a copy of the plans that the State uses to build similar structures and the State built one at the Great Bay Discovery Center that was 20 by 30 (no concrete slab) for approximately \$20,000. The discussion here has been to build a 30 by 60 structure. The bid could include two options one with a metal roof and one with an asphalt roof along with stone vs. concrete slab. Mr. Kindberg states that they wanted to get a feel for what the cost might be and then if they had to do a bidding process fine.

Selectman Bugbee asks if the wood from Maud Jones Forest that he mentioned is already cut. Mr. Kindberg says it is not, but that Don Quigley does not seem to think that it will be an issue. Selectman Bugbee states that this will be an issue because the wood would be green. The Board will leave it up to Mr. Quigley.

TA Glover thinks that Mr. Stevens might have money in the highway budget that could be used for the walking path at Little River Park. Mr. Stevens agrees.

The Board agrees to discuss the parking situation at Little River Park with Mr. Stevens at the next meeting.

7. Annie Gasowski informs that Board that the Trustees would like to start having alternates on the Library Board of Trustees which is allowed under RSA 202-A:10. At this time they have two that they are requesting approval of and they are Barbara McNamee and Cynthia vonOeyen. Chairwoman Dennis asks what the benefit would be to having alternates on the Library Board of Trustees. Peg Dolan states that it would give individuals the background that they would need if they decide to run for Trustee in the future. Annie adds that if there is a Trustee cannot attend a meeting the alternate can step in and can vote in their place. The alternates would attend all meetings. Chairwoman Dennis moves to appoint Barbara McNamee and Cynthia vonOeyen as alternate Library Trustees. Selectman Bugbee, seconds. All in favor.

**Motion Carries.**

8. a) TA Glover reminds the Board that at the last meeting the Board had approved waiving the insurance requirements for musicians entertaining at the Lee Fair. The request was also brought up to possibly waive the insurance requirements for vendors at the Fair other than food vendors. The TA was tasked with finding a set of criteria that would apply if the Board was to consider that. The TA wrote this into the application for the fair so that the vendors would have

it all when applying. These criteria were based on consultation with Primex. The language would be as follows: A waiver of the Insurance Requirement may be granted by the Town, in its sole discretion, if such a waiver is requested by the vendor and the following criteria are met: 1. No food or beverages will be served or sold 2. No motor vehicles or motorized equipment 3. No animals 4. No amusement rides or games. Caren Rossi states that if the insurance requirement is waived it will allowed for more local vendors to participate in the fair. According to Rossi, the people who do fairs consistently have insurance. There are no restrictions at the present time for who can vend at the fair. Chairwoman Dennis needs more time to consider this. Selectman LaCourse likes the idea of having more local vendors. Selectman Bugbee is not convinced one way or the other; however, he would be amenable to one year trial period. TA Glover reminds everyone that the reason why the Town does the Fair now is because one bad thing happened and the Grange no longer will do the Fair. Selectman LaCourse moves to Table. Chairwoman Dennis, seconds. All in favor. **Motion Carries.**

b) TA Glover reminds the Board that in March 2014 voters appropriated \$180,000 to purchase the Kennard property. \$8000 to be acquisition costs. In the last year and a half, the Conservation Commission has been negotiating with the assistance of the Town's attorney and the seller's attorney to come to terms on a Purchase and Sales Agreement; however, we have not yet arrived at an agreement that would be amenable to the seller and consistent with the Warrant Article. Therefore, if this is to continue the Board will need to encumber the funds for the purchase because the appropriation otherwise will expire June 30, 2015. The price is not the issue. How the Town would be able to use the property is the issue. Ann Tappan, Stepping Stones Road, believes that there is still an opening for discussion in getting the terms that both parties can agree to, but they need more time. TA Glover has the original Warrant Article to read:

To see if the Town will vote to raise and appropriate a sum not to exceed \$180,000 including transactions costs to purchase and acquire approximately 40 acres more or less of land at 164 Stepping Stones Road owed by Ronald William Kennard being a portion of Map 7 Lot 5. This conveyance to be made under such terms and conditions as the Selectmen determine to be in the best interest of the Town including but not limited to a deed restriction prohibiting the subdivision of the property to be acquired and a deed restriction prohibiting the use of the property for activities other than agriculture, forestry or other activities which maintain the property as open space and to authorize the withdrawal of the \$180,000 from the Land Use Change Tax Fund for this acquisition. No amount to be raised from general taxation.

TA Glover states that the issue they are having is that the way the Warrant Article was presented to the voters is fairly broad in the use of the property and so that is what they have not been able to come to an agreement on. The other concern is that the Town has spent approximately \$5000 to date and there was only \$8000 to spend on acquisition costs and there is still no Purchase & Sales Agreement. Ann Tappan offers using the David Allen Memorial Fund to pay for some of the costs. It has \$2391 in it and is specifically for land protection and open space issues. Selectman Bugbee states that this has been discussed for 15 months without an agreement; therefore, he thinks it is time to cut our losses and be done with this. He is not in favor of encumbering these funds. Ann Tappan believes there needs to be a durable, wise agreement and it is important to consider that a majority of voters did vote for protecting this piece of land – 58%. Ms. Tappan thinks it would be shortsighted to just stop here and not let

this go forward. Chairwoman Dennis asks what happened between the agreed upon language in December and now. TA Glover states that Mr. Kennard did not agree to that language. That is when new language prohibiting commercial uses came into play. Chairwoman Dennis asks if he will be able to sell easement to someone else. Ann Tappan says he will be hard pressed to find a land organization that will accept the terms of no commercial activities on the property. Selectman Bugbee is not in favor of making a motion. Selectman LaCourse agrees with Selectman Bugbee. The Board does not move to encumber the funds for the Kennard property. The purchase could go forward if Mr. Kennard agrees to the stipulations that were presented in December by 6/30/2015.

9. a) Discussed the Pavilion bid up in #6.

c) TA Glover informs the Board that the only request for encumbering funds was received from Mr. Stevens to encumber \$15,000 for paving. TA Glover states that we can secure the \$4,000 for the walking path materials by generating a purchase order with the vendor for the equipment rental by June 30th. The Board agrees to both.

TA Glover has identified some funds (less than \$10,000) left over in the IT budget to improve the video capabilities and upgrade the sound. Selectman LaCourse says it is a good use of funds.

b) TA Glover has a few budget transfers for the Board to approve. Chairwoman Dennis moves to transfer the amounts presented on Monday, June 22, 2015 from FY2015 budget line items. Selectman LaCourse, seconds. All in favor. Selectman Bugbee, opposes. **Motion Carries.**

TA Glover reminds the Board that FY16 budget items are still pending final discussions. This agenda item was inadvertently left off the printed Agenda for this week. Chairwoman Dennis would like to start with a discussion on whether or not the Board is moving with the COLA for the employees. Selectman LaCourse states that he would like to agree on both the COLA and the health insurance changes. Selectman Bugbee is in favor of giving a COLA but not 2%. He thinks that the give and take option is interesting. Chairwoman Dennis will not discuss the COLA. TA Glover clarifies that the Select Board is not looking for an exact match from the employees in terms of health insurance cost savings in exchange for a 2 or 1 % COLA. Once the budget has been adopted the Select Board does not have discretion over how the Library Trustees spend money for the Library. They may make a suggestion or recommendation. Selectman LaCourse asks how long they have to decide about the health insurance. TA Glover indicates that they have all the time in the world except the employees must receive a 60 day notice of a change in their health insurance. Selectman Bugbee moves that the Cost of Living Increase for the Town of Lee employees for the FY16 be at 1%. Selectman LaCourse, seconds. All in favor. Chairwoman Dennis abstains. **Motion Carries.**

Chairwoman Dennis states that the full-time Police Officer and full-time Firefighter position are still on the table for discussion. Chief Dronsfield reminds the Board that he is using his overtime budget which is about \$10,000 to help fund this position. Selectman Bugbee states the Town voted on this and they voted for it so he believes that the Board should move forward on these two positions. Selectman LaCourse still has questions for the Fire Chief regarding the hours that the existing person is working. Chief Nemet indicates that the part-time person is

currently working 34 ½ and the increase will be for 5 ½. According to Chief Nemet they need the additional manpower. His overtime will run at about \$3000. Chairwoman Dennis asks how much will the 5 ½ hours cost the Town per year. TA Glover states approximately \$15,000 based on a single insurance plan. \$27,000 if it is a family insurance plan. While Chairwoman Dennis agrees that this was voted in, she feels that it would be irresponsible of her not to voice her concern over this cost. She does not believe that either Chief is indicating these positions are a want and not a need. She is struggling with both. She would like to see part-time positions for both departments. Chairwoman Dennis calls for a vote. All those in favor of the full-time Police Officer position moving forward as voted on: Selectman Bugbee and LaCourse vote in favor and Chairwoman Dennis is opposed. All those in favor of the part-time Fire Fighter position moving to full-time as voted on: Selectman Bugbee is in favor. Selectman LaCourse and Chairwoman Dennis are opposed. The Board agrees upon an additional part-time position and to give the Chief leeway in how many hours that will be. Selectman Bugbee would rather he have what the voters voted on but if he can find someone for a sufficient number of part-time hours then he is ok with that. Chief Nemet states that he will have to think about this. He will need to figure out how much time he will need to produce the best schedule for the department.

Selectman LaCourse wants to move forward on discussing the health insurance at the next meeting.

TA Glover has some information regarding the Market Place Insurance. It does appear that the Town would be able to participate in the Small Business Market Place because we have less than 50 employees who are full-time. If the Town did join; however, it would have to offer health insurance to employees working 30 hours whereas right now it's 40 hours. Under the Affordable Care Act, employees working 30 hours are considered full-time. The plans that are available in NH through the Market Place are significantly less expensive for the Town but the benefits are significantly reduced and significantly more expensive for the employees. It is not the recommendation of the TA to enter the Market Place.

Selectman LaCourse states that he wants to cut the grandfather status. He does not believe it is any longer fair. He also wants to see some form of co-payment. TA Glover recommends taking baby steps instead of making any drastic changes this year. Selectman Bugbee would like to lessen the burden on the employees especially during the first year since some people live pay check to pay check. The TA will prepare another spreadsheet that will show what it will cost those taken out of the grandfather status.

10. Chairwoman Dennis moves to accept the Consent Agenda as presented. Selectman Bugbee wants the Investment Policy taken out for discussion. He asks if this was changed at all from the one from last year. TA Glover made slight changes such as Board of Selectmen to Select Board, Bookkeeper to Finance Officer and on page 6 under Reporting changes to Annual or if requested. Selectman Bugbee refers to page 1 #4. He states that the Treasurer has about \$300,000 in PDIP funds and the Town is getting .01% interest. The policy says to attain market average return on investments taken into account risk, legal constraints and cash flow consideration. He does not believe that the Treasurer is following this policy. He wants to bring this to the Board's attention. People's United is getting .25% according to Selectman Bugbee. He thinks it is a disservice to the Town to keep the funds where they are. TA Glover points out that there isn't a problem with the policy. The Board would like to have the Treasurer come to

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the next meeting to discuss. Chairwoman puts the item back into the Consent Agenda and the vote is opened back up for acceptance. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

Selectman LaCourse and Chairwoman Dennis both agree that Caren Rossi was tremendous and outstanding tonight in providing a lot of good information.

- 11. Chairwoman Dennis moves to accept the Select Board Public and Non Public Meeting Minutes from June 8<sup>th</sup>. Selectman LaCourse, seconds. All in favor. **Motion Carries.**
- 12. Chairwoman Dennis moves to accept Manifest #25 with 2 exceptions which need justification from the corresponding department heads and Weeks Payroll Ending June 21, 2015. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
- 13. Chairwoman Dennis motions to adjourn at 7:35 pm. Selectman LaCourse, seconds. All in favor. **Motion Carries.**

Minutes transcribed by:

Minutes accepted by The Lee Select Board:

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Denise Duval, Town Secretary

  
\_\_\_\_\_  
Carole Dennis, Chairwoman

\_\_\_\_\_  
Date

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

  
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John LaCourse