

SELECT BOARD MEETING MINUTES

January 30, 2017

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Board members present: Chairman Bugbee, Selectman LaCourse and Selectman Brown

Others present: Larry Kindberg, Jay Hilyard, John and Anne Tappan, Paul and Annie Gasowski, Caren Rossi, Bill Booth, Jim Morse, Sue Caswell, Bill Humm, Maria Barth, Chief Tom Dronsfield, Chief Scott Nemet, Town Administrator Julie Glover and Town Secretary Denise Duval.

1. Chairman Bugbee calls the meeting to order at 6:30 pm.
2. Chairman Bugbee opens the meeting up to public comment.

Paul Gasowski, Lamprey Lane, wants to speak on Select Board office hours. He thanks TA Glover for bringing this to the public. He was present at the meeting when it was recently discussed. He thinks that it is a good idea to always try to improve communications with the public. Having Select Board hours raises this to another level. The Board is a body of three and when two convene it constitutes a meeting. He's not quite sure how they are going to manage Select Board hours. He was under the impression that this was a request that came from Select Board member Brown and that he was going to staff the office during the set hours. As a body of three they make decisions as a Board and it is important that decisions are presented to the public as a Board. They are entitled to their own individual opinions but Board decisions are Board decisions and a challenge to running office hours will be for whoever the person is present to address public concerns as a Board member, take notes and report back to the Board. Mr. Gasowski adds that one of the worst scenarios would be to use this as a platform for personal opinion. He suggests revisiting the email subject and maybe having a correspondence section on the agenda where they can take opinion from the public and share it with the Board. It is all valuable information. He gives a word of cautious support and a quick reminder of their responsibility to try to be a Board of three.

Selectman Brown is concerned with the outcome of the legal action against the VRC should we win the battle and it would mean a possible eviction of the 3 homeless veterans that occupy the structures at the VRC. Since it is the middle of the winter time, should they be able to evict he is concerned with not knowing the disposition of these veterans. He is wondering if there is something they can do relative to maybe getting someone from the Legion or the VFW to first confirm they are veterans and then see if they can assist with a plan where they would go should they get evicted. Selectman Brown does not think that the Town of Lee wants to be responsible for just turning 3 veterans out into the cold without a plan.

TA Glover gives a short synopsis on the subject. The VRC does not yet have permits to have residential units other than the single family home on the Stepping Stones property. There is one shed on a foundation and a tiny home on a trailer. To the best of her knowledge there are two somewhat part-time individuals living in the mobile tiny home and living in the shed. Neither of these structures have been properly inspected or permitted. There are concerns with how they are heated. There is a court date on March 27th for the zoning matter. As a practical matter, TA Glover states that nothing will happen to those individuals probably until the March 27th court date. If the Board wanted something to happen sooner then there is a possibility the attorneys could get before a judge. Caren Rossi states that the letter that she served Mr. Macdonald with last week gave him until today to have the people vacate the property. If they did not, then the letter stated the Town would enforce the settlement agreement that he signed.

Mr. Macdonald informed Ms. Rossi that he would not follow the settlement agreement. The next step according to Ms. Rossi, would be to file a violation with the court tomorrow. TA Glover asks the Board should the Town proceed with the court date on March 27th to take up the zoning issue and also the settlement agreement that he is in violation of by having people live in the sheds when he specifically said he would not do that? In addition does the Board want the Town to take action any sooner than March 27th? Chairman Bugbee asks for clarification on the map/drawing that Ms. Rossi handed out to the Board of the property. The gentleman who lives in the tiny home is heating the structure with an unpermitted propane heater. TA Glover points out that there is a permitted inspected single family home on the site that could accommodate up to 4 non-related individuals and there is only one person living in there. Selectman Brown says that Mr. Macdonald's response to that is that the 3 male veterans that are living outside the house do not want to live in a barracks situation. They want their own space. The town's attorney would like to present both issues on March 27th. Chairman Bugbee wants to file a violation tomorrow. Fire Chief Nemet states that he cannot go onto the property to inspect without Mr. Macdonald's approval. He can with the Board's approval and with getting the Fire Marshall's office involved. Selectman LaCourse wants to give the Fire Chief's permission to move forward on this because of safety reasons and combine this with the issue being heard on March 27th. TA Glover clarifies that the Board agrees to move forward with the violation of the settlement agreement and combining this issue with the zoning hearing on March 27th. The Board agrees.

3. Dr. James Morse, Superintendent, is here to talk about the ORCSD and the budget. He states that the proposed 17-18 ORCSD budget reflects the priorities of the adopted District Strategic Plan. The proposed budget will include all completed negotiation agreements and health insurance costs and will not exceed an overall impact of 3.25%. Currently they are receiving \$1.6 million in tuition dollars and all of it is being applied to the towns. The middle school is 80 years old. The school board will be proposing consideration of a new middle school in the near future. At no cost to the district, they will be adding Chinese instruction to the middle and high schools. They are also looking to expand Spanish and French down to the six grade also at no cost. Start times have changed in the middle and high schools in the morning by 45 minutes. That will cost the District at the most \$75,000 and is in this budget. The final two goals for School Board approval are to develop and approve a K-12 Trauma Action Plan and complete the Competency Plan and present recommended progress report format.

Dr. Morse reviews a list of District highlights. The current enrollment by school as of October 1st is Mast Way 320, Moharimet 373, Middle School 656 and the HS 766. He presents the Districts 5 year projected enrollment provided by the Long Range Planning Committee. There is data showing enrollment for each town from 2012-2016. Dr. Morse goes over the five major drivers for the increases which are the following: the negotiated agreement with the teachers for \$527,076 (a 3% increase), the 14.1% increase in health insurance for over \$690,000, NH retirement for \$290,000, the track bond for \$150,000 and unique SPED costs +/- \$250,000. Dr. Morse explains that one way the Board mitigates these increase is by offering a retirement incentive. The Board offered eligible employees \$20,000 to retire early and the Board would replace that person with someone for less money. 15 employees chose this option and the Board supported the Administration's recommendation to not fill 3 positions.

Dr. Morse states that before any adjustment the budget increase would be 4.7%, the highest increase in 6 years. Over the course of the last three years, the voters have allowed the school to put money away in case of an emergency. They will use \$643,759 from that line to offset this increase and reduce to impact down to 3.14%. The estimated FY18 tax impact to the three towns is Durham \$.80; Lee \$.66 and Madbury \$-.14. The remaining slides are the five Warrant Articles.

With regards to bullying, the School interjects very quickly once it is brought into the school. These situations are addressed immediately and firmly within the confines of Board policy and the law.

The maximum tuition students allowed in the contract is 200 students but Mr. Morse's prediction is it will settle between 150-175. They expect 144 Barrington kids next year. Culturally, academically and socially the tuition kids have blended well.

The Board has kept the staffing to what the need is so as to not have to lay off in two years.

The \$643,759 being used to reduce the increase to the budget is only about 30% of the money that is in that line.

The new planned start time will be 8:20 am and the end time will be 3:05 pm. This extends the school day by 30 minutes. The remaining 10 minutes will be made up during the school day.

The School transports about 1500 of the 2100 kids. The plan is to route the buses accordingly. They know that the seniors and Barrington kids are not going to be at the bus stops. Structurally the morning will look the same. The afternoon is where the big change will be. The afternoon will have K-12 runs. They will no longer separate them in the afternoon. The Board is committed to a 45 minute bus ride length in total. This will all be a continued discussion at the next meeting.

4. a) TA Glover gives a Powder Major update. The Forest Society notified her last Thursday that they had secured all the funds necessary to make the conveyance and the closing date is scheduled for February 15th. There is a check in the manifest but there is more time needed to review and finalize the documents. The Forest Society is aware that this will not happen until the next meeting date of February 13th.
- b) TA Glover presents the Board with the unanticipated revenue check from the Health Trust for the Wellness Coordinator Denise Duval to use towards campaigns within the Town's Wellness Program. Chairman Bugbee moves to accept the \$500.00 received from the Health Trust for the Wellness Program, funds to be spent on campaigns within the Wellness Program and grant Lee Town employees' permission to participate in campaigns within the Health Trust Wellness Program as presented by the Wellness Coordinator throughout the 2017 calendar year. Selectman LaCourse, seconds. All in favor. **Motion Carries.**
- c) TA Glover presents the Board with a draft of the next year's Memorandum of Understanding (MOU) with ORYA. TA Glover and Randy Stevens met at the request of the ORYA Director to go over the MOU and most of the changes are at the request of ORYA. Randy Stevens is

happy with the break down now of who is going to be responsible for the seeding and mowing of the field. The changes to the mowing responsibility were a mutual decision between Mr. Stevens and ORYA. At this time, she is asking for questions or comments. TA Glover has a concern with ORCSD being added into the contract. This new contract affords them the same rights to the use of our fields as the ORYA does. There were a few issues with the ORCSD's use last year. This contract outlines a program such that the ORCSD is not charged a fee for using our fields and facilities, but we have to pay to use theirs.

Larry Kindberg, Chair of Rec Commission, states that he would like his commission to weigh in on this and have a seat at the table once and for all. Chairman Bugbee says that the Rec Commission can take a look at it at their next meeting which is next Tuesday. This contract with ORYA expires April 28, 2017. The Board does not have an issue with the Rec Commission to review the agreement and comment. Larry Kindberg will bring this MOU to the commission and bring a recommendation back to the Select Board. Chairman Bugbee asks TA Glover to find out why ORCSD was added to the contract and report back. TA Glover points out that the start date for use of the fields is determined by the highway supervisor.

d) TA Glover informs the Board that the Strafford Regional Planning Commission is meeting at the PSC on Monday, February 6th at 10:00 am to discuss the 10 year plan. TA Glover, Caren Rossi and both Chiefs plan on attending. Chairman Bugbee indicates that he will be there.

e) TA Glover reviews the updated PowerPoint presentation for the Deliberative Session with the Board. There is a link on the website for the public to see the Zoning and Building Regulation changes, the proposed Budget, Warrant Articles and the proposed Racetrack Ordinance changes. Selectman LaCourse asks for a notification to be sent out via the E-Crier for all of these things as well. TA Glover reminds the Board that there will be a Public Hearing on the Warrant Article to Rescind SB2 on February 27th at the PSC. Hard copies of the proposed Budget will be handed out at the Deliberative Session. The Board and the TA review what individual department slides they would like to see for the Deliberative Session.

Selectman LaCourse asks why the Board decided not to take money from the Unassigned Fund Balance to pay for some of the Warrant Articles. He asks TA Glover for the balance in this account. TA indicates that the auditor's report states that there is \$2,338,788.00 in the Unassigned Fund Balance; however, the Board used \$160,000 to lower the tax rate which leaves \$2,178,788.00. Selectman LaCourse would like to use some of the Fund Balance to pay for some of the Articles. Last year all of the Warrant Articles came out of the Fund Balance with the exception of the Operating Budget. The only way to do that at this point is at the Deliberative Session. Selectman Brown asks what the balance should be in the Fund Balance. Chairman Bugbee says that this Board has never decided what amount it is comfortable with in the Unassigned Fund Balance. Selectman LaCourse is comfortable with the high teens. He would like to pay some of them; not necessarily all of them. TA Glover points out that the DRA recommends a range of 8-17% of the operating expenses. Does this mean the town's operating budget or all of the money that we have to pay out in a year? This is a difference of \$14 million vs. \$4 million. Chairman Bugbee is comfortable with \$1.5 million. The uncollected tax amount is approximately \$400,000. TA Glover points out that it is a good thing to have a Fund Balance that is on the higher end if you are looking to go out to acquire a bond. Right now the Town of Lee is at about 15.5%. Chairman Bugbee says that the taxpayer is going to get

sticker shock in the fall as the tax rate stands now. He suggests that when the Board sets the tax rate in the fall they use the money at that particular time to address the tax rate.

Chairman Bugbee suggests bringing in the Treasurer and the Finance Officer at this time to discuss the Fund Balance.

Selectman LaCourse asks how they drive down the Fund Balance because they are collecting too much revenue and then dumping back in the Fund. TA Glover points that where they are right now is not excessive and the Treasurer is required to keep \$1 million available at all times to pay the bills.

Selectman Brown asks if the Board could use the Fund Balance to pay for a new building or renovations when the time comes. Both Chairman Bugbee and Selectman LaCourse indicate that they could but Selectman LaCourse says he is against this. There is a discussion about the ADA issues that will need to be addressed no matter what is the outcome with regards to what to do next with Town Hall or the Library. Selectman Bugbee states that a new building is the way to go. Chairman Bugbee states that someone could come in and file a lawsuit against the Town of Lee because the buildings are not in compliance and there would be nothing the Town could do about it. He would rather have the Town do it on its own time and not the courts time.

Chairman Bugbee asks to invite the Treasurer Ben Genes and the Finance Officer to the next meeting on 2/13 to discuss what the Fund Balance should be. If not this meeting the next. He also asks to get the uncollected tax total number. Selectman LaCourse asks for the history of what has been paid towards the tax rate over the last 10 years or so. Chairman Bugbee has the spreadsheet on this.

f) TA Glover presents the Board with an additional agreement from AG Architects for Repairs and ADA/Code Improvements that are above and beyond the contract that was already signed. Chairman Bugbee moves to expend \$2900.00 from the Town Building Capital Reserve Fund to pay for the additional services from AG Architects for the Town Center Buildings. Selectman LaCourse, seconds. All in favor. **Motion Carries.**

5. Chairman Bugbee moves to accept the Consent Agenda as presented. Selectman LaCourse, seconds. All in favor. **Motion Carries.**
6. Chairman Bugbee moves to accept the Public and Non Public Meeting Minutes from January 17, 2017. Selectman LaCourse, seconds. All in favor. **Motion Carries.**
7. Chairman Bugbee moves to accept the Public Meeting Minutes from January 23, 2017. Selectman LaCourse, seconds. All in favor. **Motion Carries.**
8. Chairman Bugbee moves to accept the Manifest #15 and Weeks Payroll Ending January 29, 2017. Selectman Brown, seconds. All in favor. **Motion Carries.**
9. Chairman Bugbee moves to enter into Non-Public Session per NH RSA 91-A: 3 II (a) & (e) at 8:20 pm. Selectman LaCourse, seconds. Roll Call Vote. **All Agree following Roll Call Vote. Motion Carries.** The Board returns to public session at 8:42 pm.

10. Chairman Bugbee moves to seal one of the non public items dealing with a legal correspondence. Selectman LaCourse, seconds. Roll Call Vote. **All Agree following Roll Call Vote. Motion Carries.**

11. The Board wants to take part in the interviewing and hiring of the part-time assistant to the Town Clerk. The Board wants the TA to take part in the process as well. It is being advertised in the Foster's, the NHMA website, the E-Crier and at the Transfer Station. The deadline for applicants is Feb. 15. Selectman Brown says that the Town Clerk could narrow the list down and then the TA could participate in the interview process with the Town Clerk.

Todd Biery's rate change went from \$20.20 to \$21.00 per hour. There is no change in rank mentioned. Chairman Bugbee asks the TA to confirm whether there is a change in rank also.

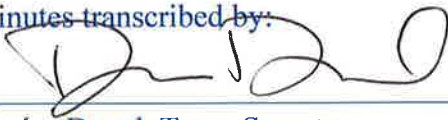
Chairman Bugbee asks what is the next step in the audit process. Various legal letters need to exchange hands. The Board wants the auditors to come to an upcoming meeting.

The Board goes through the Warrant Articles to determine who will be reading what article.

Chairman Bugbee gives a quick update on Facilities Committee. They have eliminated the Bannister building as an option and are preparing for the next public presentation on February 22nd. They will have costs to present at this public presentation.

12. Chairman Bugbee moves to adjourn at 8:57 pm. Selectman Brown, seconds. All in favor. **Motion Carries.**

Minutes transcribed by:



Denise Duval, Town Secretary

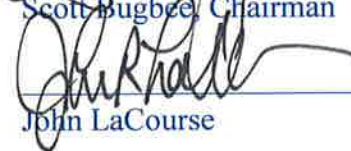
2/14/17

Date

Minutes accepted by The Lee Select Board:



Scott Bugbee, Chairman



John LaCourse



Cary Brown