

SELECT BOARD MEETING MINUTES

November 20, 2017

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

Others present: Jim Morse, John and Anne Tappan, Brian Cisneros, Paul Gasowski, Town Administrator Julie Glover and Town Secretary Denise Duval.

1. Chairman LaCourse calls the meeting to order at 6:30 pm.
2. Chairman LaCourse opens the meeting up to public comment. There is none.
3. a) Jim Morse, ORCSD Superintendent, states that about 5 years ago when he became superintendent there was approximately \$4.5 million worth of back log of capital needs to the district. The biggest one was the high school heating system. They hired Siemens to regulate the heating system with a payback of less than 2 years. They had Siemens do an analysis on Mast Way, Moharimet and the Middle School. Siemens came back with other energy saving projects. They are currently in a lease purchase with Siemens which expires next school year. Now they are looking at additional capital needs such as lighting and windows. Dr. Morse states that he thinks he's been invited here today to talk about leasing vs. pay as you go. The advantage of leasing is that it is a legitimate alternative to bonding. He hands out a sheet showing a list of towns that he states has done this. He states that leasing allows you to do a lot of work upfront and then pay for it over time. The windows for the two elementary schools are going to cost \$1 million. The School Board will be voting on December 6th to add a 4 class room addition to the Mast Way School due to the enrollment increase. This will cost \$1 million as well. The leasing provides them the opportunity to get ahead of the capital needs by front loading those initiatives i.e. lighting, windows. The elected body votes on it and then a certain amount of the capital budget would be set aside to pay for the lease. The lease they are under right now is for 5 years. The lease that they did 5 years ago was for 2 years. The lease they are considering now could be 10 years. He states that the interest they will pay on a lease is less than that on a bond. They are anticipating a lease interest rate of about 2 ½%.

According to Mr. Morse windows do not come under an energy savings window, they just come under the window of you've got to replace them. He states that with this lease arrangement there is no risk to the town or to the school system. He says the leasing bank takes the responsibility. Siemens guarantees the savings as well as their work. They will make up any difference in savings that Siemens estimates and does not happen. This way gets a lot of project off the table per Mr. Morse. The school could go out and look at other vendors but Mr. Morse says that the policy of the school board allows them to stay with their preferred vendor so it doesn't make any sense to look at others. Selectman Brown asks if the voters would still participate in the approval of this. Mr. Morse says they do not because it is not a bond. It is a contract that the Board can approve. He refers to the list that he handed out and states that all of these towns do it this way. Chairman LaCourse asks what the amount of the present lease is. Mr. Morse says he can't remember the amounts of the previous leases. Chairman LaCourse clarifies that he is asking about the lease in question. Mr. Morse states that Siemens has come in with \$12 million worth of projects. They took the Middle School project immediately off the table and that was half of the projects. Their goal is to do life and safety issues first so they took windows and lighting off the list. The Board is discussing if they want to do a list how big will it be. The lighting and the windows are each about \$1 million and the duct work needs to be cleaned and the transformers need to be replaced. The 2 things that he thinks continue to stand

out are the windows and lights. The school wants to add 4 rooms onto Mast way school due to lack of space.

Selectman Bugbee asks TA Glover to discuss the RSA implications of this plan. TA Glover states DRA wants schools and municipalities to have these lease purchase agreements on individual warrant articles. RSA 33-7e is the governing statute for these purchase agreements and it mentions that the legislative body vote is a simple majority. If the payment is put into the operating budget that is a way to get the legislative body to approve it, DRA prefers that lease purchase agreements are put into warrant articles. DRA also recommends that every year there is a warrant article for the payment of the lease agreement. The statute leaves some wiggle room for not making it a separate warrant article, but if you put it through the operating budget it has to have a non-appropriation clause. Because if the contract does not have a non-appropriation clause then DRA considers it to be just like a bond, it's a loan, and you have to put it in a warrant article and you have to get a 3/5th approval. The DRA and the attorney at NHMA strongly recommend a warrant article. Selectman Bugbee would encourage the school board that they put this as a separate warrant article and not try to put it inside everything else. People are going to potentially miss it if it is in the operating budget and not out as a warrant article. He would hope that they would want this disclosed. This would be more transparent as a separate warrant article.

Paul Gasowski, Lamprey Lane, thinks that the Siemens packet should be posted on line where it can be easily found and read. It is a very important document. He is all for the track record of Siemens in the school district. He does not think it is desirable to tuck all of this into line items. He thinks it should be a healthy part of the public hearings on the school district budget and part of a larger discussion. There is no question that he supports sustainability and energy efficiency. He is going to point out that it would be in the proposal's favor to be extremely public with it and to show the baselines and improvements. He would like to see 2 things in this plan; where they are going to reduce the fossil fuel dependency and when Siemens shops these proposals with vendors are they shopping multiple vendors? Who is involved in choosing the vendors? Mr. Gasowski does support the proposal but the people need to see it fully exposed.

b) Despite NHDOT's report, the school thinks that the crossing is critical. Mr. Morse thinks it is critical to have a crosswalk there. Having a crosswalk there is a symbol and a warning to slow down. He disagrees with the DOT's report completely. Chairman LaCourse agrees. TA Glover states that she understands this letter to say that DOT is not going to put a crosswalk after they redo the road. If the crosswalk is wanted, then either the school or the town has to agree to maintain it. Mr. Morse suggests maintaining it with the town as a joint effort. Selectman Brown agrees; however, he thinks that they should go on record having disagreed with the State and send a letter. The Board asks the TA to draft a letter with Mr. Morse and send it out. Mr. Morse will get a cost together for doing the crosswalk.

4. TA Glover states the Town received the decision from the Strafford County Superior Court relative to the VRC vs. ZBA and the Court ruled very much in the Town's favor. There is an appeal period of 30 days from the date of notice and the appeal is made to the NH Supreme Court. The Town's Attorney is of the opinion that it will take 6 months to a year after the Supreme Court gets the appeal to when the Town gets the decision. The Board may want to consider putting out a statement. The Board has been provided a draft from the Attorney.

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Chairman LaCourse thinks they should read it into the record and send it to the newspapers. Selectman Bugbee suggests adding something relating to the Town is not holding him to a different standard than anyone else would have to follow. After it is with the Attorney, the Board agreed to send it to Union Leader, Foster's and Portsmouth Herald i.e. Seacoast online. The Board would like to see the decision and the statement in the E-Crier as well. The Attorney is also filing a Motion to Clarify in this case so it is clear as to the Town's next step.

TA Glover has spoken with the building inspector Bill Booth. He has completed his review of ADA compliance issues that need to be addressed within the Town. Mr. Booth is asking what his next step should be. The Board would like him to come report to them.

TA Glover asks the Board for permission to look into having air quality testing completed at Town Hall. The mold and the mildew smell is there every day now even in the cold weather. It is more consistent and stronger than it used to be. The Board thinks it is a proper move.

TA Glover asks for clarification on how the Board would like to solicit nominations for Volunteer of the Year. The Board agrees to ask all department heads, commissions and committees and have them write a small paragraph supporting their nomination. The Board asks the Town Secretary to check on the delivery time of the food to the grange for the dinner which does not start until 6.

5. Chairman LaCourse moves to accept the Consent Agenda as presented. Selectman Bugbee, seconds. All in favor. **Motion Carries.**
6. Chairman LaCourse moves to enter into Non-Public Session per NH RSA 91-A: 3 II (d) Church Property at approximately 7:16pm. Selectman Bugbee, seconds. Roll Call Vote. **All Agree following Roll Call Vote. Motion Carries.** The Board returns to public session at 7:40pm.
7. There is no motion to seal the non public meeting minutes.
8. Selectman Bugbee updates the Board on the Lamprey Trucking group. The truck is most likely going to be moved to Epping and Epping is going to take on some of the dispatching. The Epping Board is meeting tonight. The dispatching was going to go to Northwood, but they just let their TA go so that is tabled.

Chairman LaCourse asks if Bob Smith is presenting the CIP at the next ABC/BOS meeting. TA does not have an answer to that question as of yet.

Selectman Bugbee asks about the power and lines issue to Town Hall. The lines were sagging. TA called Eversource who is looking into it. John Tappan states that there is a hole in the building now.

Town Center Vision Committee is meeting tomorrow night at 6pm.

9. Chairman LaCourse moves to adjourn at 7:47pm. Selectman Bugbee, seconds. All in favor. **Motion Carries.**

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Minutes transcribed by:



Denise Duval, Town Secretary

12/4/17

Date

Minutes accepted by The Lee Select Board:



John LaCourse, Chairman



Cary Brown



Scott Bugbee

SELECT BOARD NON-PUBLIC MEETING MINUTES
November 20, 2017

Board members present: Chairman LaCourse, Selectman Brown and Selectman Bugbee
Others present: Town Administrator Julie Glover

1. Chairman LaCourse motions to enter into Non-Public Session at 7:17 pm per RSA 91-A: 3II (d). Selectman Bugbee, seconds. To consider the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. **Roll Call Vote to enter into nonpublic session. All Agree following Roll Call Vote.**
2. The Board has a discussion about the church property.
3. A Motion will not be made to seal the minutes back in public session.
4. Minutes recorded by Chairman LaCourse.


Minutes typed by:

Denise Duval, Town Secretary

Minutes accepted by Lee Select Board on 12/4/17.


Chairman John LaCourse


Selectman Cary Brown


Selectman Scott Bugbee