

TOWN OF LEE, NEW HAMPSHIRE
Minutes of the 2010 Town Meeting
March 9, 2010 – March 11, 2010
(Corrected minutes due to scriber's error on typing of Amended Article 10)

The March 2010 Lee Town Meeting was called to order at 8:00 a.m. at the Lee Safety Complex by Moderator Janice Neill. Moderator Neill read the Town Warrant:

To the inhabitants of the Town of Lee, County of Strafford, State of New Hampshire, qualified to vote in Town affairs:

YOU ARE HEREBY NOTIFIED TO MEET AT THE LEE PUBLIC SAFETY
COMPLEX ON TUESDAY, THE NINTH OF MARCH, 2010, TO ACT ON THE
FOLLOWING SUBJECTS:

(Polls will open from 8:00 A.M. to 7:00 P.M.)

1. To choose all necessary Town Officers for the ensuing year.

Articles II through XXXVIII will be acted upon
at the Mast Way Elementary School on
Wednesday, March 10, 2010, at 6:30 P.M.

Officials present were Moderator Janice Neill; Assistant Moderator J. Phillip Stetson; Supervisors of the Checklist, Carla Corey, Clara Kustra, and Marian Kelsey; Town Clerk/Tax Collector, Linda R. Reinhold; Deputy Town Clerk/Tax Collector, Mary Blair.

Sworn in as Ballot Clerks were Patricia Jenkins, Jacqueline Neill, Judy Gaudet, Donna Eisenhard, Penelope Stetson, and Melvin Jenkins.

Moderator Neill closed the polls at 7:00 p.m. and the Lee Town Meeting was recessed to March 10, 2010 at the Mast Way School to act on Articles 2 through 38.

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Moderator Neill reconvened the March 2010 meeting on Wednesday, March 10, 2010, at 6:30 p.m.

Moderator Neill read the results of the school and Town elections that were held on Tuesday.

School Results:

SCHOOL MODERATOR

Richard Laughton 1378

SCHOOL BOARD

Krista Butts
Ann Wright

Article 3 passed with a majority vote of 1022.

Article 4 passed with a majority vote of 1095.

Article 5 defeated with a vote of 847.

Article 6 passed with a majority vote of 987.

Article 7 passed with a majority vote of 994.

Total votes cast 1767.

For the Town elections, there were 594 ballots cast.

SELECTMEN

For Three Years VOTE FOR NO MORE THAN ONE

W. JAMES GRISWOLD 276
RICHARD MILLER 258

SELECTMEN

For Two Years VOTE FOR NO MORE THAN ONE

MARTIN CASTLE 103
FRANK DEROCCHI 414

MODERATOR

For Two Years VOTE FOR NO MORE THAN ONE

JANICE NEILL 245
RICHARD H. WELLINGTON 272

SUPERVISOR OF THE CHECKLIST

For Six Years VOTE FOR NO MORE THAN ONE

CLARA KUSTRA 509

TREASURER

For Three Years VOTE FOR NO MORE THAN ONE

BENJAMIN R. GENES 469

TRUSTEE OF THE TRUST FUNDS

For Three Years VOTE FOR NO MORE THAN ONE

LIBRARY TRUSTEE

For Three Years VOTE FOR NO MORE THAN TWO

KATRINKA PELLECCCHIA 393

CYNTHIA GIGUERE-UNREIN 367

CEMETERY TRUSTEE

For Three Years VOTE FOR NO MORE THAN ONE

JANICE NEILL 270

SCOTT TURNBULL 185

ADVIORY BUDGET COMMITTEE

For Three Years VOTE FOR NO MORE THAN TWO

AMOS R. TOWNSEND 332

KAREN E. LONG 397

Moderator Neill stated that going forward, like her predecessor, she does not follow Robert’s Rules of Order. She would like to see courtesy, civility, consideration and common sense here this evening.

This is your opportunity to speak and address matters coming before the legislative body. Everyone who wishes to speak needs to wait to be recognized by the Moderator.

Moderator Neill asked if it is the will of the legislative body, once an article has been considered and acted upon, to not reconsider the article. By a majority vote once an article has been considered and acted upon, it will not be reconsidered.

David Miner lead the legislative body in the Pledge of Allegiance.

Selectman LaCourse spoke to the successes and challenges of the Town. He started by thanking the volunteers in the Town for all their efforts.

Old Mill Road Reserve, 91 acres that were several gravel pits that have been reclaimed, was turned back into a wildlife area and natural reserve. He wanted to thank Frank Reinhold who lead the charge in getting this project moving. The Town was able to capitalize on getting a lot of sand to sand the Town roads free of charge, which reduces

the operational budget. Also, the National Research Conservation Services Wetland Reserve Program spent \$4,750,000 to create a natural park that is also a recreational area that houses turtles, birds and red cedars.

Little River Park, another gravel pit, has seen a lot of work by Recreation Commission to bring recreation facilities to the Town. There has been a lot of volunteer work and lots of donations. It's an opportunity to have a Babe Ruth field, a walking area, and an opportunity, in the future, to tie into the Town Center.

The Town Center Committee has worked very hard to identify where the central building and rest of the town center should go. There was a Charrette that was done. They are actively trying to pursue where the library will be located and part of which would be a senior center or social gathering center. The Town is growing and changing faces, changing structure.

Commercial development in the Town is not dead. Wentworth Douglas has moved in, also Walgreens and on Route 4 there is possibly new development going on just West of MacDonald's.

The Board of Selectmen has heard the Town's issues with regards to information transfer. The IT Department and Department Heads work hard to bring detailed information to the Town website, e-crier and e-mail.

The Board of Selectmen has worked hard in keeping the tax rate down. Last year the rate actually went down a little by taking a chunk of money from the reserve account.

The Town has a good working Capital Improvements plan that continues to be modified. It has a good ten year layout.

This year the Board struggled to keep the Operating Budget somewhat flat. All department heads were asked to cut their budgets by 2% and they came on board.

Selectman LaCourse stated that he was proud to say that there is approximately 20% protected land from development in the Town.

Regarding the Recycling Center, other towns look at what Lee has and they are envious. What we have is a design that is functional. He also read somewhere along the line that the Town, at one time, generated enough recycled material to pay for our own tipping fees.

Selectman LaCourse also pay tribute to the Heritage Committee who are attempting to archive and protect the Town documents and artifacts inherited.

Agricultural Commission has worked hard to promote agriculture in the Town of Lee. The main thrust of the Master Plan was to remain as agricultural as much as possible.

There are many other Committees and Commissions in the Town that are doing excellent work and Selectman LaCourse thanked them for all their efforts.

On the challenging side, it is the typical things. The Town tries to maintain services while maintaining a viable tax base. And also, maintain and keep the forested areas, vistas, and agriculture for future generations.

Selectman LaCourse thanked Selectman Lombardo for standing up and filling out the term of Selectman.

Selectman Griswold stated that this year's Town Meeting will be done a little differently. He stated that there are two parts to the budget, the Operating Budget and the Capital Budget which includes all the rest of the Warrant Articles presented after the Operating Budget. The Capital Budget is where money is taken out and put into Trust Funds to buy large capital items needed for the Town, e.g., fire trucks, police cruisers, etc. Because these are large ticket items, the Town developed the Capital Improvements Plan so that the monies would be there when the needs arose.

After Selectman Griswold speaks, Bob Smith, who has been the primary architect of the CIP, will give a brief overview of what the plan looks like and how it interacts with the various warrants. The chief function of the CIP is to plan for large capital items. Among the largest considerations before the Town is the Town Center. This could become the largest piece of effort that the Town has in the next 20 years. Big dollars are at stake and big decisions to be made. A large number of people have worked very hard to develop an idea, a vision and develop the plans, in concept, of what something like this might look like, in concept, and the cost.

The Town is now at a crossroads, shifting from looking at this in a holistic sense and start thinking about things more specific. Because it comes out of a capital issue, the Board wanted to have as many people hear about this as possible. A public hearing was held on one of the worst weather nights of the year so very few attended. Because these decisions are so important and they have to be made in the next few year, Lisa Morin and the architect will talk about the Town Center tonight.

Selectman Griswold explained the budget process. Starting back in August of 2009, the Board of Selectmen asked the Department Heads to come in at 2% under budget. The Department Heads prepared their budgets in September and then the Advisory Budget Committee exhaustively reviewed everything and finished the end of December. A public hearing was held in January and then that budget went to the Selectmen where they looked at it from their perspective.

Selectman Griswold presented a slide grafting the budget being presented this year, contrasting it with last year's budget. Overall, there is a 2.1% increase. The good news, the Department Heads did reduce costs 2% or more. The bad news, there are increases which the Town has no control over. One is the retirement system and the other is health insurance.

The State of New Hampshire is in a bad budget situation. One of the devices they are using to help balance their budget is to devolve some of the costs for retirement down to the towns. This year they gave the towns a 5% increase over last year and next year will be another 5%.

Health insurance premiums are going up. The Town is in the “under 100 employee pool”, and for whatever reason, a lot more claims have been made and the insurance companies are raising the rates.

The Step Program is a new program. The Town of Lee uses the Step Program to give its employees raises and promotions. The Board of Selectmen do not have to give the Step, if times are tough they may decide not to give anything. However, after a lot of deliberation and debate, the Board voted to fund the Step Program this year.

Bob Smith, Chairman of the Capital Improvements Plan, stated the purpose of the CIP is a planning tool to help the Town and Selectmen in trying to determine where and what is the best end to spend the capital monies. It is intended to keep it as level as they can from year to year. They publish a six year plan, however, they continually look at a fifteen year plan of which he is going to present. They are trying to avoid surprises and spikes in the capital portion.

The real principle behind the CIP is to always work from Trust Funds. They have worked very hard to put plans behind all the trust funds and there by being able to look at the fifteen year window and maintain a level status from that. He stated that in reviewing the Warrant Articles being presented tonight, they found some errors in the writing of the Warrants. There are about four Articles that the wording is going to be changed from the floor. They were written “to raise and appropriate” when in reality, because it is capital, they should be “approved to expend from the Trust Fund”.

The CIP runs simultaneously to the Operating Budget. They meet no less than four times during this cycle with the Department Heads. Each year they pick on one or two departments, this year was two, and work extensively with them to work on the plans. This year they focused on large ticket items, so that is why they picked the Fire Department because they have the largest single items to be purchased and right behind them is Randy and the Highway Department. Working with those two departments, the CIP tried to level their expenses and needs.

Mr. Smith showed a slide of the fifteen year plan. He pointed out the over the fifteen years, spending is going down. Two things are causing that. One is the bond payments for the Safety Complex and the Recycle Center are in the CIP. As time goes on, and the Town pays for those bonds, they diminish each year. Secondly, as they look out in time, their vision gets a little less the further out it goes; the accuracy is less than what they would like it to be. However, the immediate six years are quite accurate.

Mr. Smith presented a graph comparing last year to this year and there is quite a discrepancy between them. The year to year comparison is taken directly from the summary page of the CIP. The bond payments are part of the CIP, the Trust Fund deposits (monies voted upon to approve to be deposited into the Trust Fund), and those departments and commission who do not have a Trust Fund associated with them.

Last year there were no capital expenditures as decided by the Selectmen. This year there is a delta between last year and this year of about \$51,000. Also, there are increased dollars that they are asking for the Trust Fund expenditures.

The Trust Fund for the Transfer Station is only about four years old. When the Transfer Station was opened, it had no capital monies to spend so they immediately started ramping them up at a very high rate in the first couple of years. This year is the last year, now it will peek out and in the following year will level back out. It is still on the increase now so that equipment can be replaced when needed.

The Fire Department comes down to two basic things. One, in working with them this year, the CIP asked them to take the fire trucks that were sitting in the bays and have a salesman come in and give them an estimate as to what it would cost to replace those trucks right now. The estimates came back higher than what the CIP had been planning on, so they adjusted the amount.

The other thing is the capital policy change relative to the dollar value that is called capital and the length of time. It had been \$5,000 and five years which was dropped to three years as the requirement for capital. This meant that the Fire Department had to put all their replacement of hose on that. Previous to this year, it had been in their expense budget, now it is in the Capital Budget.

The Highway Department is up slightly. First, when Randy submitted his plan four years ago, he had used an eight year window and they did not pick up on it. So this year all fifteen years are in and that has inflated a certain need. On top of that they are working towards replacing his trucks with new trucks as opposed to used truck, which he has done in the past. It is getting harder to find used trucks and is costing a significant amount to get them in service.

The Library Capital Reserve is an increase of about \$52,000 over previous request. That is primarily their portion of the Town Center Plan as it goes forward.

There will be two kinds of Warrant Articles presented tonight. Some will be to expend funds and others will be to raise and appropriate funds.

As a member of the Lee Town Center Committee, Lisa Morin presented an update since last year. A Town Center Study Report was done which is available online on the Town website and at the Lee Library. Also included, is a progress report of the Committee's activities since its inception. This evening they are presenting a condensed version of the report.

At this point, Ms. Morin indicated that the Town Center Study Report is conceptual. It is a preliminary look at what the possibilities are for a new library community center and a refurbished municipal complex in the future.

As a reminder and for those who are new to Town, the Town Center Committee was appointed by the Selectmen in the Spring of 2007 to study parcels of land located within a half mile radius of the Lee Hill area for future expansion of town facilities and services, including the Town Hall, Library and Recreation. From its inception, the Committee has had the big picture in mind. The Committee has met on an ongoing basis, looking at all the possible locations for the expansion and determining suitable building sites.

The consensus of the Committee was that the former Bricker Property was a suitable building site for a new Library/Community Center and the Town Hall could remain at the current Town Complex with the Town Hall and Library being refurbished for suitable office space.

Last year at Town Meeting, the town voted to appropriate \$55,000 to develop a preliminary site plan for the current municipal complex and proposed Library/Community Center. The handouts that were distributed detail how those funds have been expended so far.

Ms. Morin continued to explain sixteen architectural and engineering firms submitted RFQ's to work on the Town Center project. Three were chosen as finalists and the Committee finally chose Dennis Myers, P.A. to conduct the Town Center study.

Dennis Myers explained that a team of engineers and architects worked with the Committee. They interviewed many employees to find where space needs were, and what will be, over the next twenty years. The team reviewed all the needs and came up with a plan for the former Library to house the Town Administrator, Town Clerk/Tax Collector and Assessor. The old Town Hall will be used as meeting space; the garage will remain a garage; and the Annex would be renovated but continue to house Planning and Zoning.

A needs assessment was made for the Library and it was determined that a building of 12,000 square feet would be appropriate. There was a consensus that there ought to be a real relationship between the Library/Community Center and the more active recreation area, Little River Park. There is a proposed 40 space parking lot with a potential of an additional 40 spaces.

At this time, the budget for the project is \$5.45 million (\$3.85 million for the Library and \$1.6 million for the Town Center renovation).

Bob Smith spoke for the CIP Committee regarding the Town Center. He indicated they sent the figures presented to the Bond Bank asking for a 20 year bond. The response came back with a 5% interest rate which the CIP felt was not feasible. It is suggested to

start saving money for the project. Fund raising would be key and also, possible grants may be available.

The CIP Committee recommends to the Board of Selectmen that they re-commission the Town Center Committee to spend the next year putting a plan together and bring back to the next Town Meeting. He strongly recommends to start saving, then consider fund raising, then grants and then look towards the bonding.

The re-commissioned Town Center Committee would be the Town Center Capital Campaign Committee which would develop a planning time line and identify major objectives. Start setting aside funds and identify grant sources. Look at major donors; gift in kind donations; conduct major fund raising.

Selectman Griswold proceeded to Article 2.

OPERATING BUDGET

2. To see if the Town will vote to raise and appropriate the sum of three million, three hundred twenty-one thousand three hundred eighty-six dollars (\$3,321,386.00) for general municipal operations. (The Selectmen recommend this appropriation. Majority vote required.)

Executive (Select/Town Admin & Secretary)	\$ 107,663.00
Election & Registration	\$ 15,675.00
Financial Administration	\$ 110,619.00
Town Clerk/Tax Collector	\$ 75,584.00
Land Protection	\$ 20,143.00
Information Technology	\$ 114,459.00
Property Revaluation	\$ 44,750.00
Legal Expenses	\$ 15,000.00
Personnel Administration	\$ 642,845.00
Planning & Zoning	\$ 41,641.00
Government Buildings	\$ 116,511.00
Cemeteries	\$ 13,204.00
Other Insurance	\$ 70,597.00
Other Government	\$ 20,000.00
Police Department	\$ 479,568.00
Dispatch Center	\$ 17,065.00
Special Duty	\$ 75,000.00
Fire Department	\$ 213,409.00
Code Enforcement	\$ 58,483.00
Emergency Management	\$ 4,250.00
Highway Department	\$ 414,276.00
Transfer Station	\$ 175,702.00

David Cedarholm made a motion to change the order of warrant articles and consider articles 19, 20, 34, 35, 36, and 37 prior to considering article 4. Seconded by Bruce Larson.

Bruce Larson explained the reasons for moving these Articles forward. Points of clarification were asked by Fred Forrester and Cynthia Lazari. Wally Dennis and Nada Kaen commented on moving these Articles forward, as well as Bob Hart, David Cedarholm and Joseph Roy.

Charles MacClean stated that there is some confusion as to what Articles are being moved forward as there are 2 different lists of Warrant Articles distributed. Moderator Neill explained that the Warrant Articles as listed in the Town Report are not correct. The insert listing the Warrant Articles is the correct list to go by.

Bill Henze moved the question which would close off any further discussion. Geoff Carlton seconded. The motion to move the question was passed by majority vote.

The motion to move articles 19, 20, 34, 35, 36, and 37 was voted upon and passed.

YES 87 NO 72

Motion passed.

19. To see if the Town will vote to raise and appropriate the sum of sixty thousand dollars (\$60,000.00) to be added to the Library Maintenance Capital Reserve Fund established in 1998. (The Selectmen recommend this appropriation. Majority vote required.)

Article 19 moved by Bruce Larsen, seconded by Margaret Dolan.

Margaret Dolan spoke in favor of this Article and stated the reasons why. Adam Griffith expressed concerns on this Article.

Comments were made by Bruce Larsen, Margaret Dolan, Paul Gasowski, Tom Allen to clarify what the Town is actually voting on with this Article. David Cedarholm expressed concern on putting the Library ahead of the needs of the Town Hall. Lisa Morin explained why the order of construction meant the Library is built first.

Laurel Cox stated that in order to be awarded any grants, the state needs to see that the Town has demonstrated a clear commitment with a match to the grant.

Dick Wellington questioned the usage of the word "Maintenance". Lisa Morin stated that when the original Warrant Article was voted on in 1998, the fund was called Library Capital Reserve Fund. She is unclear as to when "Maintenance" was inserted.

Bill Henze made a motion to strike the word “Maintenance” from Article 19. Amended Article to read: **To see if the Town will vote to raise and appropriate the sum of sixty thousand dollars (\$60,000.00) to be added to the Library Capital Reserve Fund established in 1998.**

Geoff Carlton seconded. By a show of voter cards, motion passed by majority vote.

Bob Hart asked if there is a general maintenance fund and Diane Guimond answered. John Tappan explained the naming of some of the Trust Funds.

Bill Henze moved the question, Geoff Carlton seconded. By majority vote, the question was moved.

By show of voter cards, the motion to strike the word “Maintenance” from Article 19 passed by majority vote.

Wally Dennis asked how much money is currently in the fund. Lisa Morin stated approximately \$50,000.

ARTICLE 19 ADOPTED AS AMENDED.

Phil Sanborn made a few announcements on upcoming recreation events.

Geoff Carlton made a presentation on what the Recreation Commission has been working on at Little River Park.

20. To see if the Town will vote to raise and appropriate the sum of thirty thousand dollars (\$30,000.00) to be added to the Recreation Facilities Capital Reserve Fund previously established. (The Selectmen recommend this appropriation. Majority vote required.)

Article 20 moved by Phillip Sanborn, seconded by Roger Rice.

Wally Dennis asked who handles the insurance for all the projects that go on at Little River Park. Diane Guimond stated that any of the contractors who do work need to provide a certificate of insurance which names the Town as additional insured on the policy. The volunteers would be insured through the Town as long as they are affiliated with an active Town committee.

Wally indicated that he was asking if someone is using the Park for recreation, and they get hurt. Geoff Carlton stated that the state has changed RSA’s so that people are using these types of facilities at their own risk

Paul Gasowski asked how this interfaces with the CIP. Bob Smith commented that Little River Park is in the CIP and they track any donations given and in kind swaps.

David Cedarholm asked about the multipurpose field and if there is grant money to do these projects. He also asked how many ball players are there in Lee.

Steven Green moved the questions, Roger Rice seconded. By a show of voter cards, motion to move the question passed by majority vote.

ARTICLE 20 ADOPTED.

William Humm moves to discuss Articles 34 and 35 together and at completion of discussion, vote separately. Motion seconded by Loren Meeker. By a show of voter cards, motion passed by majority vote.

34. To see if the Town will vote to authorize the expenditure of the sum of up to four hundred eighty thousand and four hundred dollars (\$480,400.00) including transaction costs, to purchase and acquire a conservation easement on approximately 42 acres, more or less, of land at 52 Cartland Road, owned by the Dwight E. Barney Revocable Trust and the Sally W. Barney Revocable Trust, Dwight and Sally Barney Trustees, Map 20 Lots 5-0 and 8-0 and Map 18 Lot 7-0.

a) To authorize the withdrawal of ninety-six thousand dollars (\$96,000.00) from the Land Use Change Tax Fund.

b) And authorized the acceptance of a grant in the amount of three hundred and eighty-four thousand four hundred dollars (\$384,400.00) from the Transportation Enhancement Program of the New Hampshire Department of Transportation, owner donation, or other outside funding sources.

c) The appropriation is contingent upon the receipt of the enhancement program and outside funding.

(The Selectmen approve this appropriation. Majority vote required.)

Article 34 moved by William Humm, seconded by Loren Meeker.

Selectman Griswold stated that the Town of Lee will be competing to obtain the Transportation Enhancement Grant money.

Wally Dennis expressed concerns that every year properties are being placed in conservation easement and eventually the Town will run out of land to build on and the taxes will continue go up. Bill Humm stated that 20% of the land in Lee is in conservation easements.

Charlie McClain asked about restrictions on these conservation easements. Bill Humm informed that depending on where the funds come from will dictate the restrictions, if any.

Krista Butts asked if these properties were appraised. Bill Humm stated yes by professional appraisers. He explained that the value on a conservation easement represents the difference between the value if it were fully developed, according to the town ordinances, and the value of the property with all development opportunities taken away. The value of the conservation easement is the difference between the higher and the lower value.

Geoff Carlton expressed concerns as to whether test pits should be done to find out if the land is buildable. Leslie Martin expressed her concerns that the Town needs to back off purchasing conservation easements for a couple of years .

Comments were made by Fred Pulitzer, Anne Tappan, David Blezard, Sherri Griffith, Wendy Fogg, Wally Dennis and Paul Gasowski. Kurt Aldag spoke to his conversation easement he got last year. Linda Reinhold questioned if any or all of the property is buildable. Laurel Cox did not have the appraisal with her and was not able to answer the question. Steve Green queried what the balance of the funds will be if both easements are approved. Bill Humm confirmed \$125,000.

Geoff Carleton moved the question, seconded by Adam Griffith. Moderator Neill stated that because the discussion has not been completed on both Articles as voted on to be discussed together, in fairness to all, she will not entertain the motion.

Steve Frasier expressed concern in not having all the information on whether the property is buildable or not.

Adam Griffith and Anne Tappan made additional comments. David Blezard asked that the discussion move on to Article 35.

ARTICLE 34 ADOPTED.

35. To see if the Town will vote to authorize the expenditure of the sum of up to three hundred thousand dollars (\$300,000.00), including transaction costs, to purchase and acquire a conservation easement on approximately 26 acres, more or less, of land at 124 Wednesday Hill Road, owned by Roger and Marilyn Palmer, Map 29 Lot 5-0.

a) To authorize the withdrawal of One hundred and fifty thousand dollars (\$150,000.00) from the Land Acquisition Capital Reserve Fund.

b) And authorize the acceptance of one hundred fifty thousand dollars (\$150,000.00) from outside of town funding sources, such as the Lamprey River Advisory Committee, owner donation, new Hampshire Department of Environmental Services Aquatic Resource Mitigation Program, USDA/NRCS Farm and Ranch Land Protection Program or other outside funding sources.

c) The appropriation is contingent upon the receipt of outside funding.

(The Selectmen approve this appropriation. Majority vote required)

Article 35 moved by William Humm, seconded by Loren Meeker.

Brian Giles spoke in favor of the Palmer easement and strongly advocated the passage of this Article.

Jim Brady asked how many house lots on this property; Laurel Cox stated three.

David Meeker commented that the number of buildable lots is taken into consideration by the Appraiser.

Steve Green expressed his concerns; Winfield Bassage spoke on his concern of more houses; Paul Gasowski said that these properties are critical in the wildlife conservation.

Jacqueline Neill spoke in favor of the easement on the Palmer property. Bill Henze commented that the majority of the taxes paid go towards the school.

Geoff Carlton moved the question (Article 34 and 35), Roger Rice seconded. By a show of voter cards, motion to move Article 34 and 35 passed by majority vote.

ARTICLE 35 ADOPTED.

36. Petition Warrant Article:

To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), out State Senator, the Speaker of the House, and the Senate President. Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines “marriage”.

Article 36 moved by Rebecca Gifford, seconded by Kathy Bird.

Rebecca Gifford explained that this Article is only to give the citizens the opportunity to vote on the definition of marriage, not if they are in favor or against same sex marriage.

Nada Kaen spoke against this article.

David Cedarholm moved the question, seconded by Robert Hart. By a show of voter cards, motion passed by majority vote.

A written request of 5 voters, or more (present at meeting), for a secret ballot was submitted prior to the voice vote. A secret ballot was conducted.

ARTICLE 36 DEFEATED. YES 29 NO 114

37. Petition Warrant Article:

To see if the town will vote to raise and appropriate the sum of sixty thousand dollars \$60,000.) This will be used to percure aggregate from Hartman Enterprises from onsite processed material at so called “Little River Park”. Property is know as Lee Map # 20-02-0100; #20-02-0200; and #30-03-0000.

Article 37 moved by Phillip Sanborn, seconded by Frank DeRocchi.

Gail Grant and Steve Green commented. Paul Gasowski questioned if the Town engaged in a written contract with Hartman Enterprises. Diane Guimond stated that she has contacted Hartman for them to forward a copy of the contract. Geoff Carlton commented that the original contract had an incorrect amount on it and Hartman was going to correct and return. Mr. Gasowski expressed his concern on accountability.

Frank DeRocchi spoke in favor of the Article. David Blezard asked why the funds are being raised as opposed taken from existing funds. It was explained there is not enough money to do all projects.

Chuck Cox questioned why is artificial turf being installed versus regular turf. Phil Sanborn stated that a final decision on artificial turf has not been made.

David Blezard moved the question, Roger Rice seconded. By a show of voter cards, motion passed by majority vote.

ARTICLE 37 ADOPTED.

Selectman Lombardo made a motion to move Article 17 before Article 4. Motion seconded by Selectman Griswold. By a show of voter cards, motion passed by majority vote.

Karen Long made a motion to adjourn. Moderator Neill stated she would entertain the motion after Article 17.

17. To see if the Town will vote to raise and appropriate the sum of forty-five thousand dollars (\$45,000.00) to be added to the Transfer Station Equipment Capital Reserve Fund established in 2006. (The Selectmen recommend this appropriation. Majority vote required.)

Article 17 moved by Roger Rice, seconded by Selectman Griswold.

Bob Hart asked how much money is in the fund now. Roger Rice stated \$20,471.

ARTICLE 17 ADOPTED.

4. To see if the Town will vote to raise and appropriate the sum of forty-three thousand six hundred eighty dollars (\$43,680.00) for a Bobcat for the Transfer Station. (The Selectmen recommend this appropriation. Majority vote required.)

Article 4 moved by Roger Rice, seconded by Selectman LaCourse.

Roger Rice made a motion to amend Article 4 to read: ***To see if the Town will vote to purchase a Bobcat for the Transfer Station for the sum of forty-three thousand six hundred eighty dollars (\$43,680.00). The funding to purchase the Bobcat will come from the Transfer Station Equipment Capital Reserve Fund. (The Selectmen recommend this appropriation. Majority vote required.)*** Motion to amend seconded by Selectman Griswold.

By a show of voter cards, motion to amend passed by majority vote.

ARTICLE 4 ADOPTED AS AMENDED.

Karen Long made a motion to adjourn to March 11, 2010. Motion seconded by Eric Gibson. By a show of voter cards, motion passed by majority vote.

Moderator Neill declared the meeting adjourned at 11:45 p.m.

* * *

Moderator Neill reconvened the 2010 Annual Town Meeting at 6:30 p.m., Thursday, March 11, 2010.

5. To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000.00) for the purchase and installation of a new sprinkler system in the Safety Complex. The appropriation is contingent upon the receipt of a grant to offset 50% of the project. (The Selectmen recommend this appropriation. Majority vote required.)

Article 5 moved by Selectman Lombardo, seconded by Selectman Griswold.

Selectman Lombardo made a motion to amend Article 5 to read: **“To see if the Town will vote to raise and appropriate the sum of *two hundred eighty-eight thousand dollars (\$288,000.00)* for the purchase and installation of a new sprinkler system in the Safety Complex. The appropriation is contingent upon the receipt of a grant to offset 93% of the project, *resulting in a net cost to the Town of twenty thousand dollars (\$20,000)*. Selectman Griswold seconded the motion.**

Jim Banks asked if the money includes a larger engine generator set. Mike Blake stated that there is a fire pump separate from the fire department building. Arthur Wasiewski asked if the building was built to code without the sprinkler system. Answer was yes.

Bob Smith made a motion to amend the amendment to Article 5 to read: “To see if the Town will vote to raise and appropriate the sum of two hundred eighty-eight thousand dollars (\$288,000.00) for the purchase and installation of a new sprinkler system in the Safety Complex. The appropriation is contingent upon the receipt of a grant to offset 93% of the project, resulting in a net cost to the Town of twenty thousand dollars (\$20,000) *to be withdrawn from the Town Building Trust Fund.* (The Selectmen recommend this appropriation. Majority vote required.) Selectman Griswold seconded the motion.

By a show of voter cards, the motion to amend the amendment passed.

ARTICLE 5 ADOPTED AS AMENDED.

6. To see if the Town will vote to raise and appropriate the sum of eighteen thousand three hundred sixty-five dollars (\$18,365.00) for the purchase and installation of a storage unit to be used by the Heritage Commission to store the town’s artifacts and for the Town Clerk/ Tax Collector to be used for storage of town records. (The Selectmen recommend this appropriation. Majority vote required.)

Article 6 moved by Patricia Jenkins, seconded by John LaCourse.

Patricia Jenkins made a motion to amend Article 6 to read: **To see if the Town will vote to purchase and install a storage unit to be used by the Heritage Commission to store the town's artifacts and for the Town Clerk/Tax Collector to be use for storage of town records. The sum of eighteen thousand three hundred sixty-five dollars (\$18,365.00) to purchase and install the storage unit will come from the Town Building/New Building Capital Reserve Fund.** Selectman LaCourse seconded the motion.

Bob Hart questioned what would happen if the Hobo shed (place where the unit will be stored) burns. Richard Wellington explained the unit is steel clad to protect against fire.

Marianne Banks asked if any other committees could store their records in the unit.

Marianne Banks made a motion to amend the amendment to read: **To see if the Town will vote to purchase and install a storage unit in the sum of eighteen thousand three hundred sixty-five dollars (\$18,365.00) to be used by the Heritage Commission to store the Town's artifacts and for the Town Clerk/Tax Collector and any town records, if space is available. This money to be withdrawn from the Town Building/New Building Capital Reserve Fund.** Jackie Neill seconded.

Comments were made by Dave Cedarholm, Linda Reinhold, Sherri Griffith, and Jay Hilyard. Wallace Dennis asked what the requirements are for storage and Pat Jenkins read RSA 41:59 Care & Preservation of Records.

By a show of voter cards, motion to amend passed by majority vote.

By a show of voter cards, motion to amend the amendment passed by majority vote.

ARTICLE 6 ADOPTED AS AMENDED.

7. To see if the Town will vote to raise and appropriate the sum of fifty-eight thousand two hundred forty dollars (\$58,240.00) for the purchase of a new Fire Utility Truck. (The Selectmen recommend this appropriation. Majority vote required.)

Article 7 moved by Selectman Lombardo, seconded by Selectman Griswold.

Selectman Lombardo made a motion to amend Article 7 to read: **To see if the Town will vote to purchase a new Fire Utility Truck for the sum of fifty-eight thousand two hundred forty dollars (\$58,240.00). The funding to purchase the Fire Utility Truck will come from the fire Truck/Equipment Capital Reserve Fund.**

Motion seconded by Selectman Griswold.

Mike Blake, Fire Chief, indicated that he has worked with the CIP committee to try to smooth out spikes of buying vehicles. Leslie Martin asked to be updated on the fire vehicles the Town has. Mike responded the Town has a Ford F350 Fire Utility Truck, a 10 wheel International Tanker, an American Engine, an International Engine, an International Rescue Truck and a hand me down police cruiser.

Adam Griffith asked about the specific needs of the new Fire Utility Truck versus the current Utility Truck.

Paul Gasowski moved the question. Robert Hart seconded.

By a show of voter cards, motion to amend passed by majority vote.

ARTICLE 7 ADOPTED AS AMENDED.

8. To see if the Town will vote to raise and appropriate the sum of five thousand two hundred fifty dollars (\$5,250.00) for the first year annual premium of a three year commitment to purchase Accident & Health Coverage from Provident Insurance Company for the employees of the Fire Department. If approved the annual premium over the next three years will be in the operating budget over the next three years. (The Selectmen approve this appropriation. Majority vote required.)

Article 8 moved by Selectman Lombardo, seconded by Selectman Griswold.

Mike Blake explained the added benefits of this policy for the firefighters.

Dick Wellington questioned if the Town voted not to fund the policy next year would that be an issue. Mike Blake commented that if the Town has a lean year and could not fulfill the last two years, it can do that without penalty.

Frank DeRocchi spoke in favor of this Article.

Linda Reinhold asked if this policy was put out to bid and was Provident Insurance Company the best quote. Mike stated that it was put out to bid and he does have two other quotes but this is the only company that does this because it is strictly for the firefighter community.

Jim Banks questioned verbiage as to whether the Article should read “over the next three years will be in the operating budget over the next three years” or should it read “next *two*” years..

Wally Dennis makes a motion to amend Article 8 to read: **To see if the Town will vote to raise and appropriate the sum of five thousand two hundred fifty dollars (\$5,250.00) for the first year annual premium of a three year commitment to purchase Accident & Health Coverage from Provident Insurance Company for the employees of the Fire Department. If approved, the annual premium over *the subsequent two* years will be in the operating budget over the next *two* years.**
Seconded by Karen Long.

By a show of voter cards, motion to amend passed by majority vote.

ARTICLE 8 ADOPTED AS AMENDED.

9. To see if the Town will vote to raise and appropriate the sum of sixteen thousand six hundred forty dollars (\$16,640.00) for the purchase and installation of playground equipment at Little River Park. (The Selectmen recommend the appropriation. Majority vote required.)

Article 9 moved by Phillip Sanborn, seconded by Selectman Griswold.

Phillip Sanborn made a motion to amend Article 8 to read: ***To see if the Town will vote for the purchase and installation of playground equipment at Little River Park for the sum of sixteen thousand six hundred forty dollars (\$16,640.00). The funding for the purchase and installation of playground equipment will come from the Recreation Facilities Capital Reserve Fund.*** Motion seconded by Selectman Griswold.

David Minor and Lisa Morin spoke in favor of this Article.

By a show of voter cards, motion to amend passed by majority vote.

ARTICLE 9 ADOPTED AS AMENDED.

10. To see if the Town will vote to change the Town Bridge Capital Reserve Fund established in March 2002 under provisions of RSA35:1-c for the purpose of repairing and maintaining town bridges to include the replacement of town bridges and to appoint the Board of Selectmen as agents to expend until rescind. If this article fails article 11 is null and void. (The Selectmen recommend this warrant article. Two-thirds majority vote required.)

Article 10 moved by Randy Stevens, seconded by Selectman Griswold.

A discussion ensued regarding the name and type of fund. John Tappan explained that Reserve Funds, by definition, are expendable. Trust Funds can be expendable or non-expendable. Dick Wellington expressed concern of not including "Expendable" in the name of the Fund.

John Tappan made a motion to amend Article 10 to see if the Town will vote to change the Town Bridge *Non-Capital Reserve Fund* established in March 2002 under provisions of RSA 35:1-c for the purpose of repairing and maintaining town bridges to *the Town Bridge Expendable Capital Reserve Fund* and to include the replacement of town bridges and to appoint the Board of Selectmen as agents of the Town to expend this fund. If this article fails article 11 is null and void. Scott Bugbee seconded.

By a show of voter cards, motion to amend passed by majority vote.

Amended Article 10: To see if the Town will vote to change the *Town Bridge Non-Capital Reserve Fund* established in March 2002 under provisions of RSA 35:1-c for the purpose of repairing and maintaining town bridges to *the Town Bridge Expendable Capital Reserve Fund* and to include the replacement of town bridges, and to appoint the Board of Selectmen as agents of the town to expend this fund. If this article fails Article 11 is null and void.

ARTICLE 10 ADOPTED AS AMENDED (2/3 Majority vote).

Yes	84	No	0
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11. To see if the Town will vote to authorize the expenditure of one million seven hundred thousand dollars (\$1,700,000.00) to be used for the purpose of replacing the High Road Bridge over the North River. Three hundred forty thousand dollars (\$340,000.00) will come from the Town Bridge Capital Reserve Fund established in 2002. This is contingent upon the town receiving one million three hundred sixty thousand dollars (\$1,360,000.00) or 80% replacement cost of the bridge from the New Hampshire Department of Transportation. If article 10 fails this article is null and void. (The Selectmen recommend this appropriation. Majority vote required.)

Article 11 moved by Randy Stevens, seconded by Selectman Griswold.

Randy stated that there have been a couple of public hearings on this and a lot of the area residence in the High Road area expressed that they want to keep the bridge they have as is. Because of these concerns, the decision was to bring it to Town Meeting and present to the governing body for a vote.

Dave Cedarholm asked if the bridge is going to six feet higher, how much higher will the road be. Randy commented that the west side will be six feet higher with the bridge blending into the road and on the east side will be a dip, like it is now. This is all subject to change, though. Mr. Cedarholm also asked if the historians have looked at this and Randy stated yes, and they have no issues with replacing the bridge.

Bob Hart asked if the name of the fund needed to be changed. The answer was that it does not.

ARTICLE 11 ADOPTED.

12. To see if the Town will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000.00) to be added to the Town Building/New Building Capital Reserve Fund previously established in 1989. (The Selectmen recommend this appropriation. Majority vote required.)

Article 12 moved by Selectman Lombardo, seconded by Selectman Griswold.

Town Administrator Guimond commented on the use of the funds in the Capital Reserve Fund.

Bob Hart asked about recent renovations to town offices.

ARTICLE 12 ADOPTED.

13. To see if the Town will vote to raise and appropriate the sum of seventy thousand dollars (\$70,000.00) to be added to the Town Bridge Capital Reserve Fund previously established in 2002. (The Selectmen recommend this appropriation. Majority vote required.)

Article 13 moved by Randy Stevens, seconded by Selectman Griswold.

ARTICLE 13 ADOPTED.

14. To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000.00) to be added to the Highway Equipment Capital Reserve Fund previously established in 1978. The Board of Selectmen were appointed as agents to expend in 2002. (The Selectmen recommend this appropriation. Majority vote required.)

Article 14 moved by Randy Stevens, seconded by Selectman Griswold.

ARTICLE 14 ADOPTED.

15. To see if the Town will vote to raise and appropriate the sum of eight thousand dollars (\$8,000.00) to be added to the Fire Ponds/Cisterns Expenditure Trust Fund for the repair and replacement of fire ponds and cisterns previously established in 2005. (The Selectmen recommend this appropriation. Majority vote required.)

Article 15 moved by Selectman Lombardo, seconded by Selectman Griswold.

Fire Chief Blake commented on the fire ponds and cisterns.

ARTICLE 15 ADOPTED.

16. To see if the Town will vote to raise and appropriate the sum of thirty thousand dollars (\$30,000.00) to be added to the Fire Truck/Equipment Capital Reserve Fund established in 1958. (The Selectmen recommend this appropriation. Majority vote required.)

Article 16 moved by Selectman Lombardo, seconded by Selectman Griswold.

Fire Chief Blake made comments. Bob Hart asked if the Selectmen need to be made agents for this fund. Selectman Lombardo explained that purchasing a fire truck would be anticipated far enough in advance that it would be voted on at Town Meeting and therefore no need for appointed agents.

ARTICLE 16 ADOPTED.

18. To see if the Town will vote to appropriate the sum of forty-five thousand dollars (\$45,000.00) to be added to the Accrued Benefits Expendable Trust Fund established in 1992 with the Board of Selectmen appointed as agents to expend. This sum is to come from the unreserved fund balance and no amount to be raised from taxation. (The Selectmen recommend this appropriation. Majority vote required.)

Article 18 moved by Selectman Lombardo, seconded by Selectman Griswold.

Town Administrator Guimond addressed this Article. She explained that the exposure to the Town should two or three employees leave tomorrow there would not be funds to cover the amount owed to them.

Adam Griffith asked what has changed to warrant the increase in this request (last year was \$12,000). Administrator Guimond explained that there has not been enough in this Trust and the Selectmen decided to put more in to cover the liability.

ARTICLE 18 ADOPTED.

21. To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000.00) to be added to the Fire Building Maintenance Expendable Trust Fund for the completion of the second floor of the Safety Complex established in 1995. (The Selectmen recommend this appropriation. Majority vote required.)

23. To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000.00) to be added to the Revaluation Capital Reserve Fund established in 1994. (The Selectmen recommend this appropriation. Majority vote required.)

Article 23 moved by Selectman Lombardo, seconded by Selectman Griswold.

Town Administrator Guimond spoke to this Article.

ARTICLE 23 ADOPTED.

24. To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the following funds: Fire Pond & Cisterns Expendable Trust Fund; Town Building/New Building Capital Reserve Fund; Transfer Station Equipment Capital Reserve Fund; and Fire Building Capital Reserve Fund. (The Selectmen recommend this appropriation. Majority vote required.)

Article 24 moved by Selectman Lombardo, seconded by Selectman Griswold.

Steve Green and Richard Wellington commented.

Richard Wellington moved the question. By a show of voter cards, motion passed by majority vote.

ARTICLE 24 ADOPTED.

25. To see if the Town will vote to raise and appropriate the sum of nine thousand, eight hundred forty-three dollars (\$9,843.00) for the McGregor Memorial Ambulance Corps (MAC). (The Selectmen recommend this appropriation. Majority vote required.)

Article 25 moved by Selectman LaCourse, seconded by Selectman Griswold.

Arthur Wasiewski and Sherri Griffith commented.

ARTICLE 25 ADOPTED.

26. To see if the Town will vote to raise and appropriate the sum of five thousand and three dollars (\$5,003.00) for Strafford Regional Planning Commission. (The Selectmen recommend this appropriation. Majority vote required.)

Article 26 moved by Selectman LaCourse, seconded by Selectman Griswold.

ARTICLE 26 ADOPTED.

27. To see if the Town will vote to raise and appropriate the sum of seven thousand, one hundred dollars (\$7,100.00) for the Conservation Commission. (The Selectmen recommend this appropriation. Majority vote required.)

Article 27 moved by William Humm, seconded by Selectman Griswold.

ARTICLE 27 ADOPTED.

28. To see if the Town will vote to raise and appropriate the sum of two thousand, six hundred dollars (\$2,600.00) for the Town of Lee Heritage Commission. (The Selectmen recommend this appropriation. Majority vote required.)

Article 28 moved by Patricia Jenkins, seconded by Selectman Griswold.

ARTICLE 28 ADOPTED.

29. To see if the Town will vote to raise and appropriate the sum of ten thousand, six hundred fifty dollars (\$10,650.00) for the Town of Lee Recreation Commission. (The Selectmen recommend this appropriation. Majority vote required.)

Article 29 moved by Phillip Sanborn, seconded by Selectman Griswold.

ARTICLE 29 ADOPTED.

30. To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000.00) for the Oyster River Youth Association. (The Selectmen recommend this appropriation. Majority vote required.)

Article 30 moved by Benjamin Genes, seconded by Selectman Griswold.

Paul Gasowski suggested that next year at budget time the Lee Recreation Commission present a timeline of anticipated hiring of a part time recreation director and also give a glimpse of what services ORYA would cover versus the services Lee Recreation would cover.

ARTICLE 30 ADOPTED.

31. To see if the Town will vote to raise and appropriate the sum of three thousand dollars (\$3,000.00) for the Town of Lee Agriculture Commission. (The Selectmen recommend this appropriation. Majority vote required.)

Article 31 moved by Eric Sawtelle, seconded by Selectman Griswold.

Eric Sawtelle made a motion to amend Article 31 to read: “To see if the Town will vote to raise and appropriate the sum of three thousand dollars (\$3,000.00) for the Town of Lee *Agricultural* Commission. Selectman Griswold seconded.

By a show of voter cards, motion to amend passed by majority vote.

ARTICLE 31 ADOPTED AS AMENDED.

32. To see if the Town will vote to raise and appropriate the sum of two thousand dollars (\$2,000.00) for the Energy Committee to explore renewable energy systems. (The Selectmen recommend this appropriation. Majority vote required.)

Article 32 moved by Dorn Cox, seconded by Selectman Griswold.

ARTICLE 32 ADOPTED.

33. To see if the Town will vote to raise and appropriate the sum of twelve thousand, three hundred seventy-one dollars (12,371.00) for the agencies listed below:

Avis Goodwin Community Health Center	\$ 2,000.00
Stafford County community Action	\$ 1,500.00
Sexual Assault Support Services	\$ 1,775.00
Lamprey Health Care	\$ 2,600.00
My Friend’s Place	\$ 500.00
CASA	\$ 500.00
AIDS Response Seacoast	\$ 700.00
American Red Cross	\$ 800.00
Girls on the Run	\$ 500.00
Strafford County Homemakers	\$ 996.00
Homeless Center for Strafford County	\$ 500.00
Total	\$12,371.00

(The Selectmen recommend this appropriation. Majority vote required.)

Article 33 moved by Selectman LaCourse, seconded by Selectman Griswold.

ARTICLE 33 ADOPTED.

38. To transact any other business which may legally come before this meeting.

Krista Butts respectfully requested that next year have someone who is qualified to do so, review the warrant articles prior to the Town Meeting to recommend legal wording for the Articles so that the time at the Meeting would be used more efficiently.

Wendy Fogg reminded everyone that the Town has a list server that was put in place to keep the townspeople informed. In the last power outage, Durham put out information for the residents on their list serve and Lee did not until the end of the week. She and Donna Eisenhard are going to work on coming up with ways to make the communication better.

Selectman LaCourse thanked Moderator Neill for her great job.

Loren Meeker made a motion to adjourn, seconded by William Henze.

By a show of voter cards, motion to adjourn passed by majority vote.

Moderator Neill adjourned the 2010 Town Meeting at 10:20 p.m.

Respectfully submitted,

Linda R. Reinhold
Town Clerk