

Town of Gorham
Board of Selectmen
October 29, 2018

Members Present: Michael Waddell (Chairman), Judith Leblanc, Adam White

Members of the Public: Interim Town Manager Mitchell Berkowitz, John Scarinza, Richard Devoid, Tim Bradstreet, Theresa & Ron McCauley, David Potter, Roger & Debbie Covill, Tobey & Danielle Reichert, James & Linda Reichert, David & Melinda Carlson, Bill Phelan, Dian Bouthot, Sandy Lemire, Abby Evankow, Mary White, Paul Stream, Richard Prince, Les Glover, Jeremiah Hawkins, PJ Cyr and Austin Holmes Jr.

Call to order: The meeting was called to order at 6:06 by Chairman Waddell

Public Hearing on Snow Storage - Chairman Waddell began the public hearing with a presentation in hopes to explain to everyone in attendance how this project started and where it now stands. This project started back in 2013 when the government ordered PSNH to divest itself of its generating assets which would end up selling off the dam and its lands behind the Public Works garage to the highest bidder. This was accomplished and the land is now owned by Hull Energy. Mr. Waddell brought his concerns to the then Board of Selectmen in 2015 to make them aware that the Town was at risk as some of the towns drainage, snow storage, debris pile, compost pile etc would end up on land of another. Though that hadn't been a problem with PSNH, it could become one with another owner. This fell on deaf ears until the summer of 2017 and in July 2017 the then Board of Selectmen agreed to purchase 6 ½ acres of land that would encompass the area of the compost pile, debris pile and snow storage area for \$17,500. Though there hadn't been any issues with the snow storage area previously, during the course of the sale, the Eversource Engineers visited the site and they did not want to have any dump trucks under their power lines. By that time it was late 2017 and Eversource agreed that they would give the Town a contract that would allow it to go on for the 2017-2018 winter only. However, the contract stated "Gorham acknowledges and agrees that the placement of snow within the Eversource ROW will not involve the use of dump body trucks, and that movement of snow within the easement will be accomplished by pushing and not by lifting". There is approximately 35' from the edge of the existing debris pile to the easement area. That would have been the only area the Town could have legally placed snow using dump body trucks. The contract also states that "Gorham and Eversource agree to use their best efforts to cooperate in said joint use and Gorham acknowledges and agrees to confine snow storage to the Eversource ROW areas located northwesterly of Powerhouse Road as shown on the plan and further acknowledges and agrees to maintain snow piles at a level no higher than 8' above existing ground grade level within the Eversource ROW". However for the last 40 years the Town has been pushing snow at times up to 25' high and sometimes 10' – 15' high under the power lines. Eversource has put new poles in to raise the lines to 45'. The contract further states that "Gorham acknowledges and agrees to refrain from placing snow piles anywhere within a 25' radius of all utility poles, structures, guys, guy anchors, etc within the Eversource ROW, to refrain from placing snow within a 20' wide area centered around either pole line, and to at all times maintain unobstructed travel ways with a 15' minimum width wherever needed for the purpose of accessing all utility poles, structures, guys, guy anchors, etc by Eversource contractors..." This means that this would reduce the amount of snow the Town can store by reducing the height, creating 50' circles around each utility pole on two circuits that run through the ROW and creating 2-20' wide roads that go from the blacktop all the way up and over the hill. This would leave the town with very little area to store snow. Chairman Waddell referred to a handout that had been provided by some of the abutters to the property as an ambush as the figures had not been presented to the Board of Selectmen prior to the meeting for them to review. Recently Chairman Waddell has had discussions with Eversource that have been fruitful and would allow the town to store a significant amount of snow but not as much as was previously stored. To compensate for that, as of November 1, the Town Garage will temporarily no longer accept compost, brush, or inert debris and the Town is currently working to get rid of the debris and inert debris piles to create more area available to store snow. There are also negotiations happening with several people to store snow offsite and take the debris piles. The last resort will be to dump snow in Promenade Field and the Libby Recreation Area parking lot. This new contract with Eversource contains an area approximately 150' across and 450' in length but is only good for this year so the Town needs to look for a long term solution. Another issue is that there is a vernal pool that has developed at the end of the debris pile that DES says is extra

sensitive and the Town cannot disturb it and that the Town must also keep at least a 100' buffer from the pool which makes most of the area unusable. Because of that, the Town is currently working with DES to come up with a plan to get rid of the vernal pool. Due to the vernal pool and the designation of the vernal pool by DES as extra sensitive, the engineers suggested using an area that would have pushed the snow dump to within 20' of the abutters along Main Street. Those property owners complained and the Board listened and agreed to look for another area to store snow. John Scarinza explained that he was asked by the Board of Selectmen to look for areas to store snow offsite. This area would need to be approximately 1 – 2 acres, relatively level with easy access to the downtown, large enough for trucks to drive in, dump snow and drive back out and something that wouldn't be used from December 1st through mid-May and able to accommodate the snow melt. He has spoken to one land owner that has agreed, for this year, to lease an area that is a little more than 1 acre and that will require some minor changes which should be able to be accomplished by the Town crew and that meets the needs of those hauling the snow. A proposed contract is being worked out. A second owner has agreed to enter into discussions if a backup plan is needed. This is a short term solution only. Interim TM Berkowitz performed a historical review in order to begin to develop costs to be able to make some comparisons. On average the Town has 13 snow events and hauls approximately 1925 truckloads of snow with an estimated trucking cost of \$30,250. This, combined with the cost of public works employee overtime, additional fuel and maintenance on Town vehicles brings the estimated cost to \$45,128 - \$60,000. Looking toward long term use solution means that the town is looking to develop a 1.55 acre snow storage area, possible offsite mitigation of the vernal pool, development of a surface/sub-surface drainage plan, attempt to preserve a balance of the Town owned land as a butter, reorganize the connex containers, develop a seasonal option for brush/leaves, remove the inert debris pile and no longer accept that type of debris. This will require residents to take their debris to the AVRRDD during the winter. This is a temporary solution at this point. Tim Bradstreet, whose back yard floods every spring, is concerned that filling in the vernal pool will push more water onto his property. Chairman Waddell assured him that the engineering firm will take that into account. Helen Beausejoir asked if the Town was not using the rest of the area would the Town sell it to the abutters. Chairman Waddell felt this was premature and would wait for the engineers and DES before making that decision. Diane Bouthot questioned if the \$7,000 amount currently budgeted for leasing offsite snow storage areas would be sufficient to cover both sites. Tobey Reichert questioned how close the Town would be to their property at the northern end of the storage area which will be about 20' for a very short distance. However, once the survey was done, the Board would be sure to include the Reicherts to keep them informed. Chairman Waddell cautioned that if this plan doesn't work as a long term solution, the town has limited choices and will either end up using Libby Recreation complex parking lot and Promenade field to store snow or don't pick up snow like they normally do. Based on reactions from residents when snow wasn't picked up 1 day after a storm last year, the board intends to continue picking snow up as they do now if possible. Linda Reichert questioned what the summer usage would be of the land if the vernal pool was filled and the area used for snow storage. The board will begin looking at use of the entire Public Works area. Tim Bradstreet questioned if the Town was considering turning the property into a transfer station. Chairman Waddell said that the board is now looking at not doing curb side pickup and the possibility of creating a transfer station. Ron McCauley felt that the board had lied at a previous meeting when they said that they were not looking at using the site as a transfer station. When the question was originally asked, the board was not looking at that but now is. Tobey Reichert would like to see a buffer larger than 20' from Woodland Park if the Town does develop that land as a full transfer station to mitigate a loss of property value. One problem is that the Public Works office cannot see what is happening at the debris pile which is part of the reason the inert debris pile managed to get to the size it is now. The board would like to see debris etc dropped near the office and then be moved by public works employees to its final destination. Tim Bradstreet questioned if the Town would consider moving the public works department to another area of the towns 4000 acres outside of the residential area. This is not something the board is currently looking at as the cost could exceed 2 – 3 million dollars to move, however if a warrant appears to move the public works department, the Board of selectmen will deal with it along with the cost. Tobey questioned if the board has considered approaching the land owners that they have spoken to for temporary snow storage to see if they would consider selling them 2 acres of land. This is something the board will look into. Tim Bradstreet questioned why Eversource won't allow the town to store snow where we have stored it for all these years. The issue is that the FERC has set new guidelines about what happens near its power lines due to risk factors. The only reason Eversource has agreed to work with the town temporarily is because of its safety record around those lines. Tobey Reichert questioned if Eversource would consider moving the lines. At this point they are not interested in discussing that. The public hearing was closed at 7:32 and the board recessed.

The board reassembled and the meeting was again called to order at 7:44 by Chairman Waddell and the board continued with their agenda.

Abatelements: Portland Pipeline – This is the last of a 3 year settlement agreement. On a motion from Adam White with a second from Judy Leblanc, the board voted to approve the abatement and signed it.

New Business: ITM Berkowitz informed the board that the town’s usual law firm of Boutin Altieri has been split into two different law practices, Boutin Law PLLC or Altieri & Fiorello, and the board needed to decide whether to stay with Boutin Law PLLC, go with Altieri & Fiorello or receive all their files and go to a new firm altogether. On a motion from Judy Leblanc with a second from Adam White, the board voted to stay with Boutin Law PLLC and further to authorize Chairman Waddell to sign an agreement with them.

Old Business –

- 1) Spring Road – This project is still moving along but may not be completed in 2018 and may need to be completed in the spring of 2019.
- 2) FEMA – NRCS is still working in the Peabody River. ITM Berkowitz visited the site and will be contacting NRCS regarding the rock placement to be sure it does not create a problem that will need to be addressed further down the road.

Public Comment – Mary White questioned when Alpine Street would be paved. Rough grade was completed today and the first layer will be done tomorrow. Final layer will depend on air temp and dry pavement.

Selectmens Update – None

Minutes of October 15, 2018 - On a motion from Judy Leblanc with a second from Adam White, the board voted to approve the minutes with corrections.

Minutes of October 22, 2018 Non Public Session – Judy Leblanc made a motion to approve the non-public minutes as amended by Chairman Waddell which received a second from Adam White. All members voted in favor.

Town Managers Update –

- 1) ITM Berkowitz informed the board of a RSA 91A request that had been received from an individual regarding some code issues which Assessing Clerk Lutz and ITM Berkowitz are working on.
- 2) ITM Berkowitz received a request from North Country Council regarding resubmitting the Rt 16 project to the State and asking for the Towns support. With the boards approval, ITM Berkowitz will submit a letter of support to North Country Council.
- 3) The town has received a hearing notice from BTLA for Northway Bank v Town of Gorham to be held on January 8, 2019
- 4) ITM Berkowitz presented the board with the Coos County Treasurers tax warrant of \$1,292,172 due by December 17, 2018

On a motion from Judy Leblanc with a second from Adam White, the board voted to enter into non-public session under RSA 91A:3:2:B at 8:04.

Respectfully submitted,

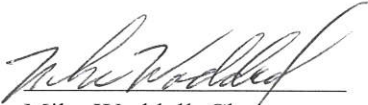


Michelle M. Lutz


August 27, 2018

October

Minutes were reviewed and approved by the Select Board at the November 13, 2018 meeting.


Mike Waddell, Chair


Judy LeBlanc


Adam White