

**MINUTES OF SELECTMAN'S MEETING
TOWN OF GORHAM
MONDAY, APRIL 3, 2017 6:00 PM
TOWN HALL CONFERENCE ROOM**

Gorham Selectman present: Terry Oliver, Patrick Lefebvre, Mike Waddell

Also present: Robin Frost, Town Manager; PJ Cyr, Chief of Police; Michelle Lutz; Kirstan Knowlton, Berlin Daily Sun; Judy LeBlanc; Diane Bouthot; Sue Demers; Robert Demers; Doug Gralenski; Jeff Schall; Adam White; Mary White; Chief Peter Morency; Deputy Chief Dan Buteau; Jennifer Cloutier; Arthur Perry; John Scarinza; Richard McClure; Sarah Blais

1. Call to Order: The meeting was called to order by Chairman Oliver at 6:02 pm. Chairman Oliver advised those present that the meeting was being video and audio recorded.

2. Appointments:

a) Appalachian Trail Community Application- Jeff Schall advised the Board that they have been working for numerous years to put together an application for Gorham to be designated an Appalachian Trail Community. Schall advised the application is pretty much ready to go. The designation would allow Gorham to be included on the ATC maps and website, the town would receive placards to put on our welcome signs. Schall advised that he has letters of support from the area trail clubs, congressional representatives, and the US Forest Service, and he has been around to local businesses with information packets asking for their support for the application. Schall is requesting a letter of support from the town to include with the application. Selectman Lefebvre asked if it was mostly about being able to advertise, and Schall responded that businesses could fill out forms to be included on the website, and that it would be exposure for the town, as it is a big hiking community and would promote hiking as part of our economy. Selectman Waddell advised that Governor Sununu also wrote a letter supporting the application. Schall advised that Jeff Woodburn is also going to do the same.

On a motion by Selectman Waddell to support the application for Gorham to be designated an Appalachian Trail Community, seconded by Selectman Oliver, the Board voted unanimously in favor.

3. New Business:

a) Date for Recreation Department Public Hearing – The Board chose May 15 at 6:00 pm as the date for the Recreation Department Public Hearing. Selectman Lefebvre suggested that people with concerns be encouraged to attend. Selectman Waddell suggested that Jeff Stewart put together a list of questions that he would like answers to, since not many showed up for the focus groups that he held. TM Frost hopes that the public meeting will generate more input.

b) Determine Police/Dispatch Services Study Committee Members – Selectman Waddell stated that they needed to come up with an independent group, and Selectman Lefebvre again stated that he would like to see a Board member on the committee, too, along with the Town Manager. Lefebvre suggested a few more possible members, including Dennis Wade, Tobey Reichert, and Mike Cote. Lefebvre again stated that members should not be from Randolph or Shelburne, as the concern is that they may also be possibly looking for services for their own community. The Board agreed that the committee should be made up of five members. Waddell felt that the committee should be 5 independent members, with the Town Manager and Police Chief as resources, who would also attend the meetings. Waddell suggested that the committee would come up with ideas, which would be

approved by the Board, and then we would ask Berlin what the cost for the services would be. Waddell felt that we cannot ask for a cost now, when we don't really know yet what we are looking for. Waddell suggested that Peter Gagnon would be a qualified committee member, as he has handled the teacher's contract negotiations and has a law degree. Chairman Oliver also stated that he would like to see the Town Manager on the committee. Waddell stated that with the Town Manager on the committee, and the Chief as a resource, that would leave four slots to fill.

Selectman Lefebvre made a motion that the committee would be comprised of the Town Manager and 4 open slots for a total of five members. The motion was seconded by Selectman Waddell.

Adam White requested to speak before the vote was taken, which was granted by Chairman Oliver. White stated that his first concern was that once the vote was taken, it was too late for public input. White stated that the make-up of the committee is huge. White agreed with the Board that the Chief should not be on the committee, as it would be hard for him to be unbiased, but also feels that the Town Manager would be just as biased, as whatever happens, it affects the people who are under her watch. White felt that the last committee she was on, concerning the fire department, was directed the way she wanted, and that she should be a resource, the same as the Chief. Selectman Lefebvre responded by saying that it would not just be the Town Manager's decision, the committee would report to the Board, and then the information would be given to the people. White shared the concern that the decisions are sometimes slanted before the people get to say anything. Chairman Oliver and Selectman Lefebvre stated that the proposals would be in writing and would be what everyone had agreed upon. Rich McClure stated that he would like to see a five person committee made up of taxpayers, with TM Frost and Chief Cyr as resources. McClure asked how we are getting the names, as if they are coming from the Chief, they may be biased. McClure suggested that the town put something out there looking for people to be members of the committee. McClure stated that nobody has asked him or any of the Berlin officers who reside in Gorham, and that we are throwing names out without even knowing who is interested. Lefebvre stated that he would not be opposed to seeing who is interested and is willing to give the time. Doug Gralenski also spoke, stating that if the Town Manager has the ultimate decision, there is no value in having her on the committee, as she is too intimately involved. Gralenski stated that he would be interested in serving on the committee. Diane Bouthot shared that she felt the committee should not only look at a contract for hire, but also look at regionalizing. Bouthot suggested that a contract for hire is riskier than attempting to regionalize. Sue Demers shared her opinion that it is very important that the members of the committee be taxpayers in Gorham. Demers stated that she would also be interested in serving on the committee. Demers also suggested that the committee should be looking at police and dispatch at separate entities, both looked at by the same committee. Mary White spoke, and advised that she had sent an email to all of the Board members following the work session. White stated that she felt the Town Manager should not be part of the research and study, as people on the committee can steer the end results to what they want, and the committee needs to be neutral. Arthur Perry stated that he agreed with Mary, and requested that the Town Manager explain why she feels Gerry Marcou would be biased. TM Frost responded by saying that she said he was not unbiased. Selectman Waddell stated that with the feedback, the committee should not include the Selectmen, the Town Manager, or the Chief. Waddell stated that he felt strongly that the committee makeup lean toward people with emergency services experience, as that is what we are studying. Waddell advised that he will vote against adding the Town Manager to the committee. Selectman Lefebvre stated that he felt McClure was right and that we need to see who is interested, and hopefully they will get people from law enforcement who are educated on what they will be researching. Judy Leblanc suggested that the Board wait for the public meeting to decide who is on the committee.

Selectman Lefebvre rescinded his motion that the committee be comprised of the Town Manager and 4 other members. Selectman Waddell rescinded his second on the motion. Chairman Oliver declared the motion dead.

Bob Demers asked how the Board would decide who is on the committee, especially if they have more than five people interested. Waddell suggested making a list of candidates and each Board member numbering them in order of choice. The lowest number would be the first member, the second lowest score the second member, and so forth. Waddell stated that they cannot do it by secret ballot and the merits of each individual should not be discussed at the meeting.

c) Date for Police/Dispatch Services Study Public Hearing –

On a motion by Selectman Lefebvre, seconded by Selectman Waddell, the Board voted unanimously to set the date for the Public Hearing as May 15 at 6:00 pm.

Doug Gralenski asked if attendance would be mandatory at the public hearing for those interested in serving on the committee. Selectman Lefebvre advised that a letter of intent would be sufficient. Mary White suggested that it be advertised on more than the town website, as not everyone checks that consistently. Selectman Waddell suggested that it be advertised in the paper, and Chairman Oliver stated it would be on the website and in the paper. Kirstan Knowlton asked when the letters of intent would be due, and Chairman Oliver advised by May 8.

Chief Morency spoke and thanked the town for the opportunity for the town to possibly cut costs and provide service in a better way. Morency advised it may improve training, the ability to apply for grants, and use resources. Morency advised he would like the opportunity to sit down with the committee to find out what the needs of the town are, as each community has its own specific needs and wants, and he would like to understand exactly what those are.

d) Housing Standards Procedure – TM Frost advised that she met with John Scarinza about the proposed Housing Standards ordinance. Frost advised that they are looking to follow Section 48-A:14, minimum standards, in the ordinance and add as the Board sees fit. Frost and Scarinza are looking for a recommendation from the Board as to who the enforcing body would be. There are a few options that would be appropriate for the town; a board of three members including the fire chief and health officer, or just the code enforcement officer with the Board of Selectman for any appeals. Selectman Lefebvre asked if there would be a public hearing on the ordinance and TM Frost advised only after the draft is done. Selectman Lefebvre advised he has no problem with just the code enforcement officer being in charge of enforcement. Selectman Waddell asked if there is a problem and an order is issued and is appealed, does it get stayed until a decision is made. TM Frost advised that it would until the Board either affirmed or revoked the order. Waddell asked if there would be recourse to Superior Court, and TM Frost advised there would be on both sides. Bob Demers advised that Berlin has a building inspector who charges each time he returns to check on problems. Adam White stated that the person in charge of enforcement would have to be sure the complaint is not a personal vendetta and that it is verifiable. Sue Demers shared that sometimes a neighbor is a little messier than the others, but that it is not a safety concern. Selectman Waddell agreed that John Scarinza could enforce the ordinance, with the Board available for appeals. TM Frost advised that 48-A:2 states that complaints can be made for unhealthy, hazardous, or dilapidated conditions. Frost advised that no motion was needed and she and Scarinza will continue to put the ordinance together.

4. Old Business/Updates:

a) Fairpoint Poles in Cascade – TM Frost advised there is no update. Eversource has moved all of their lines off of the old poles.

b) First Impressions Program – TM Frost advised that the application has been sent in and we should hear back by early to mid-May. Selectman Waddell stated that although it is a pretty report, he is not in favor of spending the money or dedicating the time for this type of information. Selectman Lefebvre suggested that we leave the application and see what happens, and make a final decision if we are chosen to participate.

c) Eversource Dam/Dike Update – TM Frost gave the Board a copy of the agreement that has been drawn up by Eversource concerning the storage of snow on their land. Frost advised that she has given Buddy Holmes the agreement to look over, and his concerns were with the snow height allowed and the use of dumb body trucks, which is how they get the snow there. Selectman Waddell had several concerns with the agreement, including number 4 on the second page, which states that the snow cannot be stored higher than eight feet. Other concerns were number 9 on page 3, stating that dump body trucks will not be used. Waddell suggested that any agreements should also be sent to the Water and Sewer Department as a matter of courtesy to look over, as they have a vested interest. Waddell asked if the attorney has looked at the agreement yet and TM Frost advised he has not, not until it is finalized. Waddell asked if the town has requested to purchase the land and Frost advised that we have not. Selectman Lefebvre advised that the town was hoping that Eversource would grant the right of way, so that the town would not have to spend the money to buy the land. Waddell advised that if you read the notes on the map, there is no way for the snow to fit on the spot that they have set aside. Waddell questioned the language at the beginning, stating that it is “not recorded herewith”, and TM Frost advised that the agreement is recorded, just not the map. Waddell was also concerned about number 9, stating that piles cannot be placed within a certain radius of utility poles and structures, and number 10, which says they are not giving permission to use any land which other parties already have an easement for. Waddell suggested that the attorney should look over number 13, stating that the agreement is in accordance with FERC Project 2288-004, and find out what those provisions are. Waddell pointed out a typo in number 14, in which the word way needs to be added. Waddell was also concerned with number 15, stating that the town would be responsible for any permits or approval and any taxes levied on it. Waddell also suggested that if they don’t want snow, they won’t want the fill or compost piles, since the town may not be able to guarantee they are clean. Waddell pointed out Note #1 on the map provided, which states that the purpose of the plan is to show a suitable area for snow storage within the existing power line easement, and that no snow storage activity is to take place on Eversource fee property. Waddell stated that if Eversource does not allow the snow storage, we will have to find another location to store the snow. We will also have to find another location for the fill. TM Frost advised that the agreement was for the snow only, and that there is nothing on the fill or compost piles yet. Frost reminded Waddell that Eversource will not be sold in August, bids are due in August. Waddell stated that there should be a sense of urgency and Lefebvre replied that we cannot just call and tell them to do it now. Waddell suggested that the snow removal should be looked at with all of the other concerns, too, not piecemeal. He also suggested that the land has no real value to Eversource and the town should consider purchasing the property.

On a motion by Selectman Waddell, seconded by Selectman Lefebvre, the Board voted unanimously to have the town manager communicate with Eversource concerning under what conditions they may sell the land to the town.

d) Trails Committee – Selectman Lefebvre advised that the meeting was postponed until next Monday.

e) Stony Brook Roads Project – TM Frost advised there is nothing new to report.

f) Spring Road Project Update – TM Frost advised that she has received an electronic copy of the engineering study, which needs to be approved by the Board before submitting to DOT.

Selectman Lefebvre made a motion, seconded by Selectman Waddell, to approve the engineering study to send to DOT.

Selectman Waddell asked about the 30' right of way that abutters will lose during this project. Waddell stated that the abutters have not been communicated with and requested that TM Frost do this. TM Frost advised that Chris will contact them to set up a meeting.

The Board voted unanimously to approve the engineering study to send to DOT.

5. Public Comment:

Jeff Schall asked about the dry hydrants in the Stony Brook development and who is supposed to maintain them in the winter. Schall stated that there are three, one on Mt Carter Drive, one of Clay Brook Road, and one on Marion's Way. Selectman Lefebvre stated that he is not sure if the water source is adequate for winter use. TM Frost advised that this is usually taken care of in the subdivision process, and she will check the plans. Adam White stated that the developer is usually responsible. Selectman Waddell suggested that if all three were approved as part of the subdivision, the town should look to gain property rights and an attorney may need to be contacted.

Jeff Schall also asked about the list of recent sales kept by the assessing office. Schall stated that it has not been updated since 2014. TM Frost will check into this.

6. Other Business:

a) Town Manager's Update – TM Frost advised that in response to Selectman Lefebvre's comments at the last meeting about committee's roles and responsibilities, she contacted NHMA about on-site training. They do provide it at the cost of \$475. It was suggested that other communities also be invited to attend and share the cost. TM Frost will look to set this up at the end of May or beginning of June.

b) Selectmen's Updates – Selectman Lefebvre asked again about the lease for the mill land that the Cascade Playground is on. Lefebvre suggested letting Jeff Stewart know that the mill is willing to lease the land again, since the Board had approved the playground equipment a while ago.

Selectman Lefebvre asked about the exposed cellar hole on Main Street. TM Frost advised that 155B allows the town to send an order to the property owners to have the hole filled in. Lefebvre also mentioned a few apartment buildings in town that are possibly vacant and a hazard, one being across from Mary's Pizza in Cascade Flats. Lefebvre suggested that the buildings be looked at and at least secured.

Selectman Waddell asked about the livestream videos of the meetings and if the contract is a done deal. Waddell asked that the Board consider using Youtube next year instead of paying for the service.

Selectman Waddell asked about the Randolph dispatch meeting. TM Frost advised that it only lasted 10-15 minutes and the wording was changed on the contract per their request. Frost advised that they understand they will be charged for calls from their residents or when someone complains about trash. Frost advised that they will work on calls made that should be billed to the County.

Selectman Waddell asked about the ambulance contracts and if they were signed for this year. TM Frost advised there were no issues and will be signed soon.

Selectman Waddell asked about the Munce properties. TM Frost advised they will be available this month to do whatever the Board decides. It was suggested it be added to the agenda to discuss. The Board suggested May 1 for a date, as the next meeting will start in Berlin to discuss the Eversource divestiture.

Selectman Waddell mentioned that Bill Jackson has still not been paid for taking minutes for one of the Budget Committee Meetings. TM Frost will check with Denise Vallee to be sure this gets done.

Selectman Lefebvre asked if they could review which Boards and Committees they sit on and which were mandatory for a Selectmen to sit on and which were not.

Selectman Lefebvre stated that he wanted to explain how meetings were set and run, as Select board meetings are considered public because the public can attend, but not necessarily to speak. Lefebvre stated it is up to the Chairperson to dictate who may speak.

Selectman Oliver asked about the railroad crossing at Cascade and who is responsible for posting it. TM Frost stated that DOT was responsible for putting up the sign, until then vehicles still have to stop.

c) Approval of Minutes (March 20, 2017) - Selectman Waddell asked about the minutes from the non-public sessions and why they are not included in the public meeting minutes. TM Frost advised that she does the minutes from the non-public sessions and will bring them to the next meeting. Frost advised the minutes are very brief, as the discussion is not included. Frost advised they are separate from the regular meeting minutes. Waddell requested that it be stated what they are going to discuss in non-public session when making the motion to go to non-public.

The continuation of the live stream video during the non-public session at the last meeting was discussed. Selectman Waddell advised that the portion of the video with the non-public session had been deleted from the website and he felt that it should have been left there. TM Frost advised that she requested that the portion be removed and that the written minutes are considered the record of the meeting and the video is not.

Selectman Waddell requested copies of the correspondence that is public or non-public reference the Eversource divestiture. TM Frost advised most is in electronic form and she can forward the emails. Waddell asked how the Board was receiving all of the information in reference to the case now and Frost advised they were getting the information in discussions with the council in Berlin.

Waddell asked if he needed to be brought up to date on any 91A issues in the town, the Munce properties, the Chapman initiative, any ongoing personnel issues, or pending lawsuits. TM Frost advised there were no issues.

On a motion by Selectman Waddell, seconded by Chairman Oliver, the Board unanimously voted to approve the minutes from March 20, with the amendments of Waddell's appointment to the Town Forest Committee and TM Frost's agreement to print the Appalachian Trail application and put in the Selectman's packets.

Approval of Minutes (March 29, 2017) - On a motion by Selectman Waddell, seconded by Selectman Lefebvre, the Board unanimously approved the minutes of March 29, 2017, as presented.

TM Frost presented the Board with appointments to the ZBA to approve and sign.

On a motion by Selectman Lefebvre, seconded by Chairman Oliver, the Board voted unanimously to appoint Rick Eichler to the ZBA for 1 year, and Tom Dyar to the ZBA for 3 years. All members of the Board signed the appointments.

Selectman Waddell asked TM Frost if the minutes of the non-public sessions could also be posted on the website once approved. TM Frost advised they would be.

Sue Demers asked how much the ambulance contracts for Shelburne and Randolph were this year. TM Frost advised she would get the exact figures to Demers, but it was about \$20,000 for Shelburne, and \$13-14,000 for Randolph.

d) Sign Manifest; Abatements and Exemptions (if necessary) –

There were no abatements.

7. Non-public Session: RSA 91-A:3, IIa

On a motion by Selectman Waddell, seconded by Chairman Oliver, the Board unanimously voted by roll call to move to non-public session at 8:35 pm to discuss the case of Balon vs The Town of Gorham. Lefebvre – Aye, Oliver - Aye, Waddell – Aye.

On a motion by Selectman Waddell, seconded by Chairman Oliver, the Board voted unanimously by roll call to come out of non-public session at 8:46 pm. Lefebvre – Aye, Oliver – Aye, Waddell - Aye.

8. Adjournment: On a motion by Chairman Oliver, seconded by Selectman Lefebvre, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 8:47 pm.

REVIEWED AND APPROVED:

Terry Oliver

Patrick Lefebvre

Michael Waddell