

**MINUTES OF SELECTMEN'S MEETING  
TOWN OF GORHAM  
MONDAY, APRIL 21, 2014, 6:00 PM  
GORHAM TOWN HALL**

Gorham Selectmen present: Jeff Schall, Bill Jackson, Grace LaPierre

Also present: Robin Frost, Town Manager; Michelle Lutz, Assessing Clerk; Kirsten Lukasak, Berlin Daily Sun; PJ Cyr, Chief of Police; Jay Holmes, Henry Sanschagrin, Carol Porter, Tax Collector

**1. Call to Order:** The meeting was called to order at 6:00 pm by Chairman Jackson

**2. Appointments:**

**a) Kim Moulton – Tax Map u6, Parcel 27:** Ms. Moulton came in to see the Board with regard to her home currently in danger of being taken by the Town for taxes owed since 2006. She explained that no one knew better than her regarding this matter. Ms. Moulton has been in poor health for a number of years and is currently on disability. She stated that she is currently in a lawsuit for a brain bleed from a fall. She anticipates getting a settlement in December 2014 or January 2015 and plans to pay off her taxes at that point in time, and she will put her home up for sale. Further discussion took place regarding her health issues and impending lawsuit. The Board asked TC Porter how much money is outstanding on Ms. Moulton's taxes, and she informed the Board that the total is approximately \$38,000, but that the amount owed to stop the tax deed process is \$22,116. Chairman Jackson asked why Ms. Moulton had not come in to the Town to seek help or inquire about the taxes. Ms. Moulton stated that she was not comfortable with airing her personal health information. Ms. Moulton said that last winter her mother said that she would help her with her taxes; however, right now she is not coherent and is unable to do that. Selectman LaPierre stated that while Tax Collector for the Town she had spoken with Ms. Moulton on several occasions and she always said that the Town can come get her house. Selectman LaPierre stated that she never made an effort to pay taxes. Further discussion took place regarding the outstanding taxes. Chairman Jackson stated that the Board will gather as much information as possible and would make a decision on this matter. It will be placed on the May 5 agenda for their formal decision. Chairman Jackson also asked TM Frost to forward an assistance form to Ms. Moulton so it can be filled out so that a decision can be made. Chairman Jackson informed Ms. Moulton that while the Board will consider her request, it does not mean that the Board will not still move forward with the tax deed process, and noted that it is unfair to the taxpayers that have paid their taxes.

**b) Carol Porter, Town Clerk/Tax Collector – Tax Deeding:** TC Porter informed the Board that May 23 is the target date for preparing tax deeds. She stated that all of the necessary notices for the taxpayers, linked owners and mortgage companies went out on April 19, with a May 23<sup>rd</sup> due date. Chairman Jackson asked how many mailings went out. TC Porter said that approximately 35. TC Porter stated that the 2013 tax lien notices would be going out within the next week, and stated that there are approximately 130 notices. She also said that she anticipates that approximately 30% of those notices will be paid prior to the lien going into effect. TC Porter said that the necessary notices have even gone out to those property owners that are in bankruptcy stating that puts the Town in line to be first when the bankruptcy proceedings are dropped. Further discussion took place regarding the lien and tax deed notices. TC Porter also informed the Board that the Town Clerk office is now officially registering boats. She stated that you do not have to be a resident of

the town to register a boat. The Town office can register any boat that will float in New Hampshire waters.

### 3. New Business

**a) Temporary Pole Attachment License (PSNH):** Public Service Company of NH (PSNH) has had an agreement with the Town for several years. This agreement started when banners were being placed on the poles. The Town assists PSNH in making sure that the poles are not billboards and keeps the town looking clean. The Board and TM Frost reviewed the proposed agreement for signature. Chairman Jackson asked TM Frost to update page one of the Appendix for the Board's signature. TM Frost stated that she would update it and give back to the Board.

**b) County "Utility Valuation Defense" Fund:** Chairman Jackson stated that at the suggestion of the Town's Assessor Skip Sansoucy, the Town request assistance from Coos County for attorney's fees for the Town to defend the utilities valuation. At the August 14, 2013 Coos County Commissioners' meeting, the Commissioners agreed to give the Town of Gorham \$10,000 for legal defense of the Portland Pipeline Utility abatement case. Chairman Jackson went on to say that this funding is not to be confused with the article in the Berlin Daily Sun where the City of Berlin requested monies for the Great Lakes Hydro abatement case. Chairman Jackson stated that he had received a call from Coos County Sheriff Gerry Marcou asking why the Town had not requested the money from the County as the funding option would be expiring soon. He went on to read a letter that he wrote on behalf of the Town and Board requesting that money from Coos County. The letter read as follows:

Addressed to Jennifer A. Fish, County Administrator

Dear Jennifer,

I received a call from Gerry Marcou this morning after Commissioner Grenier had mentioned that the Town of Gorham had never applied for the funding voted on at the August 14, 2013 meeting of the Coos County Commission. I have reviewed the minutes of that meeting which I have attached and made part of this letter.

Please consider this letter as a request for the release of the funds noted as Utility Valuation Defense in the amount of \$10,000 for the Town of Gorham. Robert Upton is the Town of Gorham's attorney in this case and will be appearing before the N.H. Supreme Court this month.

The Gorham Board of Selectmen appreciates the Commission's understanding of the valuation stake that we all have in these utility cases. Your financial support of the Town of Gorham will assist our defense of those values for our taxpayers.

Again on behalf of the Town of Gorham and its Board of Selectmen, thank you for your support and encouragement.

For the Board of Selectmen

William H. Jackson, Chairman  
Jeff Schall, Selectman  
Grace LaPierre, Selectman

Chairman Jackson read this letter so that it would officially be entered into the public records so everyone knew that the request had been made. TM Frost stated that she wanted to clarify Chairman Jackson's email to Selectmen Schall and LaPierre, which stated that "As a Board we have asked several times for these funds to be applied for."; TM Frost noted that she has gone through the Board's minutes, and cannot find anything stating that the funds be requested, nor does she recall the request being made. Further discussion took place regarding this matter.

**c) Signs for Hiking, ATV's, Walking, Snowmobiles (State of NH):** Chairman Jackson presented copies of signs that he was referring to at a previous meeting that indicated the activities available in Gorham. The signs are 18" x 20", and while it may sound big, when driving by it should be a reasonable size to see. TM Frost stated that she had emailed Bill Lambert with the State and has not heard back from him. The Board and TM Frost discussed the placement of the signs, noting that they may be able to be placed on the Welcome to Gorham signs. Further discussion took place regarding this matter.

#### **4. Old Business**

**a) DES Land Resource Management File #2013-00957 (1 Memory Lane) (Corrigan):** Chairman Jackson stated that DES inspected property at map U18 lot 1 in May of 2013, in August 2013 DES sent a letter of deficiency to Wally Corrigan citing RSA 482-A. TM Frost had contacted DES to check on this matter and DES then issued a letter in March 2014. Mr. Corrigan had not responded to Item #1, in which he needed to have a licensed engineer inspect the rip-rap area. This work may impact the areas further down the river toward the Androscoggin. Chairman Jackson asked TM Frost if she had heard anything further on this matter. TM Frost stated that she had attempted to reach Jeff Blecharczyk of the DES; she hopes to hear from him this week. Further discussion took place regarding this matter.

**b) Update on Supreme Court Proceeding for Portland Pipe Line:** TM Frost stated that she attended the proceeding and that the Town's attorney Rob Upton went first and that Attorney Upton highlighted a couple of important points. After that the Court fired questions at Attorney Upton. TM Frost stated that it was very evident that the briefs were studied prior to the proceeding. Further discussion took place regarding the proceeding.

Chief Cyr asked if the Court has a deadline for making a decision on the case. TM Frost stated that they do not but it is hoped that the Town will hear by the end of June.

**c) Verizon Lease:** Chairman Jackson stated that he had reviewed the Lease and has questions that focus on three areas. Regarding Section 1, he wondered if the valuation and property tax took into consideration that there is Town property located there. TM Frost stated that she would expect that Skip Sansoucy would adjust the property valuation for any Town owned property. Section 13 states that Licensee agrees to relocate Licensee's equipment in the event that the Licensor deems it necessary to use the space for Licensor, subsidiary, partner or affiliated entity's own purpose. The site of such relocation shall be by mutual agreement in writing between the Licensor and Licensee. In the event the Licensor and Licensee cannot agree upon the site for relocation, the Licensor shall have the right to terminate this Agreement. TM Frost said that she had heard back from their attorney, and Attorney Sabeau will make that section more palatable. She said that is very generic section and is intended to allow movement of the antenna on the tower if another cellular company

wants to be placed on the tower. Section 18 covers maintenance of Licensee's equipment and the requirement of 48-hour notice. Chairman Jackson stated that he felt the paragraph did not define clearly working on the tower versus the generator. TM Frost said that Attorney Sabean has spoken with Verizon's attorney and he seemed okay with the Town requesting changes. She also said that Attorney Sabean felt that she could soften those three items to satisfy all parties involved. Further discussion took place regarding this Lease.

**d) Security Update Costs:** Chairman Jackson stated that the Board had seen the proposals and feels that additional buttons are needed for TM Frost and FD Vallee. Chief Cyr stated that he needs to get the master code for the panel so additional buttons can be added within the building. TM Frost stated that she is still waiting on a breakdown from Pope Security for the cost of additional buttons as well as the highway department installation. Further discussion took place regarding this matter and it was decided to place it on the May 5<sup>th</sup> agenda.

**e) Gorham Land Company – Land on Lancaster Road and Multi Modal:** Chairman Jackson asked if there was any progress on the Gorham Land Company Lancaster Road land and the Multi Modal property. TM Frost stated that the Easement Deed for the Multi Modal property is ready for Howie Wemyss to sign. As far as the Quitclaim Deed for the Lancaster Road property, Gorham Land has a Board meeting within the next few weeks and Mr. Wemyss should have an answer at that time. Further discussion took place regarding this matter.

**f) Boston Post Cane:** TM Frost stated that the office is starting to get calls of interest in providing information on our elderly residents. Further discussion took place.

## 5. Public Comment

Chief Cyr asked the Board about Stony Brook, Railroad Street and Cascade Flats and whether there is a ten-year plan in place to address the condition of those streets. He wondered if the Town has a plan that identifies issues and prioritizes work that needs to be completed. Further discussion took place regarding the condition of some of the Town's streets as well as the possibility at looking at bonding a project to get the work completed. The Board further spoke about the Stony Brook area and wondered if it wouldn't be better to simply remove the asphalt and go back to a gravel road until such time as the road can be properly fixed. Further discussion took place and the Board asked TM Frost to have PWD Holmes look at what may be done temporarily for Stony Brook and well as prepare a plan for future work.

Henry Sanschagrín asked the Board about the public hearing. The Board informed him that it was scheduled for May 5<sup>th</sup> at 6:00 pm in the auditorium. Mr. Sanschagrín stated that the State and Department of Safety will be looking at Jimtown Road on the Wednesday following the public hearing. Discussion took place regarding the placement of the connector trail from the Route 2 trail parking to Jimtown Road.

## 6. Other Business

**a) Town Manager's Update:** TM Frost presented corrected appointment certificates for Keith Roberge and Lenwood Knowles for the Zoning Board of Adjustment, noting that the first original appointment certificates did not spell out that their positions are as alternates versus full members. The Board members signed the corrected certificates.

TM Frost presented the Board with a list of Deputy Fire Wardens for fire permits. Selectman Schall asked if they couldn't be requested on line. Further discussion took place regarding this matter.

TM Frost told the Board that the ZBA needs two regular members, and have three residents that have applied; Sue Whitehouse, Steve Roy (who has previously been a Budget Committee member) and Rick Eichler. Chairman Jackson asked if Rick Eichler has any direct involvement with building inspection and TM Frost told him he only deals with fire code issues. The Board and TM Frost discussed the fact that it is difficult to get new people involved with Town boards and thought that maybe the Selectmen should think about new faces for the ZBA. After further discussion **Chairman Jackson made a motion to appoint Steve Roy for the three-year ZBA position and to appoint Rick Eichler for the one-year ZBA position, seconded by Selectman LaPierre, voted unanimously.** While the Board did not reappoint Sue Whitehouse, they asked TM Frost to send her a letter thanking her for your time on the ZBA; and would like to ask Mrs. Whitehouse if she would be interested in serving on another Board, like the Budget Committee or Planning Board.

TM Frost informed the Board that KRT Appraisal sent back a decision on the Fournier abatement request. Based on the appraisal information presented to the KRT Appraisal did not give good comparable information, and they are staying with the original assessed value. Further discussion took place, **a motion was made by Selectman LaPierre to deny the abatement request and to go along with KRT Appraisal recommendation, seconded by Chairman Jackson, voted unanimously.**

Chairman Jackson asked TM Frost if she had received more information from EMD Miller with regard to the spreadsheet and reasons for transfer requests were refused. TM Frost stated that she had not received the information as of yet, but she would remind him that the Board is still looking for the information.

TM Frost stated that the Flea Market on the Common is all set to being Sunday, May 11. The Flea Markets are every other Sunday.

TM Frost said that she received a proposal from Will O'Brien for a Wildlife Garden where the Town's Airport sign is. Further discussion took place.

TM Frost presented the Board with copies of a Senate Bill that has been passed and moved to the House that has an appropriation to Towns for damage caused by Hurricanes Irene and Sandy. She stated that this if passed, the Town will receive a little over \$100,000.

TM Frost informed the Board that she received a new proposal for fencing from School Superintendant Paul Bousquet. She said that the poles will be set in sleeves so the fence can be taken down. She will put this matter on the next Agenda.

Chairman Jackson asked TM Frost if there is any movement on the Town Garage roof. TM Frost stated that she has not heard back from Dave Laurin.

Chairman Jackson also wanted to let TM Frost know that the March Revenues/Expense report has still not been received. TM Frost said that she thought that was because FD Vallee had been on vacation.

**b) Selectmen's Update:** Selectman Schall stated that he had been out with PWD Holmes to look at street lights, and that they would be going back out on Thursday to look at the balance. Further discussion took place regarding the street lights.

Selectman Schall, as the Planning Board representative, asked the Board how they should be dealing with the signs that have been abandoned. He asked if they could make a ruling on how to handle the situation. Further discussion took place regarding this matter and how the Ordinance states the handling of the matter. Some of the signs that the Board spoke about include the Wilfred Sign, Shell Sign and Kentucky Fried Chicken sign. The Board feels that the sign owners should fix or be fined. The Board also expressed a concern regarding the number of signs at Berlin City, noting that they feel like Berlin City is getting a little carried away. The Board also discussed the extra signage on the carriage corrals at Walmart. The Board suggests sending a letter to enforce the amount of signage allowed. Selectman Schall stated that the balance of information he needs discussed has to be in non-public session.

**c) Approval of Minutes (April 7, 2014):** Chairman Jackson stated that he had one concern regarding the minutes of the April 7, 2014 meeting. He said that in the portion of minutes that review the Report of the 1<sup>st</sup> Meeting of Public Safety Development Committee, he wanted to clarify that that the purpose of the committee is to develop a basis for the contracts. Further discussion took place and **Selectman Schall made a motion to approve the Minutes of April 7 with the changes, seconded by Selectman LaPierre, voted unanimously.**

**d) Sign Manifest:** All manifests were signed.

**e) Sign Abatements and Exemptions (if necessary):** There were none presented.

**7. Non-Public Session: RSA 91-a:3, II a-e: On a motion by Chairman Jackson, seconded by Selectman LaPierre, the Board voted unanimously by roll call to move into non-public session at 8:38 pm under the provisions of RSA 91-A:3,II(e). Jackson – Aye, Schall – Aye, LaPierre – Aye.**

**On a motion by Chairman Jackson, seconded by Selectman Schall, the Board voted unanimously by roll call to come out of non-public session at 9:00 pm. Jackson– Aye, Schall – Aye, LaPierre – Aye.**

**8. Adjournment:** The meeting was adjourned at 9:01 PM.

**REVIEWED AND APPROVED:**

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**William H. Jackson**

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**Jeff Schall**

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**Grace LaPierre**