

**MINUTES OF SELECTMEN'S MEETING
TOWN OF GORHAM
MONDAY, MAY 19, 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; Carol Porter, Tax Collector; PJ Cyr, Police Chief

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

Prior to moving forward with appointments, Chairman Jackson moved the meeting to handle the OHRV issue.

2. Appointments:

a) Carol Porter, Tax Collector – Update on Tax Deeding Process: Chairman Jackson stated that he had a question with regard to documents not having dates on them. He indicated that he did not know which numbers are correct because of the absence of a date. Chairman Jackson stated that the Town received a number of applications of public assistance for the properties that are in danger of being deeded. He went on to say that under state law, it is private and will be discussed in non-public session. TC Porter wanted to give an update on notification. She stated that in many cases letters were returned to us unclaimed. TC Porter explained to the Board that she resent the notifications via regular mail, which shows that we made an attempt to notify them. Further discussion took place with regard to the addresses and notifications. TC Porter stated that John Grzesik called today regarding Daphne Witt and suggested that he will probably pay the two years. Further discussion took place with regard to the payments that had been made to date.

TC Porter stated that Friday May23rd is the drop dead date for payment for the tax deeding process. She will present deeds to the Board and the Board will then record the deed. She said that in order for her books to be cleared, the deeds will be ready at next selectmen's meeting. TC Porter stated that May 30th is impending lien date.

Chairman Jackson reiterated that the Town had received a number of applications to consider and that at the end of the meeting the Board will go into non-public session to discuss assistance applications and will make a determination later.

Kim Moulton stated that she sent an additional letter to the Town since her mother's passing, which states that she is looking for a 6 – 9 month extension to receive money from will and estate. Chairman Jackson stated that as a Board they will discuss the matters and will let homeowners know of their decision.

3. New Business

a) OHRV's on Jimtown Road and Crestwood Drive – New Correspondence: Chairman Jackson stated that a number of people corresponded by letter as we had given the option to do that. It was very helpful to get everybody's opinion. He stated that the Board appreciated all that showed up and gave input. Chairman Jackson stated that Howie Wemyss from Gorham Land Company is here tonight. Mr.

Wemyss stated that it was easier to speak about the situation here at the meeting than to email. He stated that he had just attended a meeting of the land partners of Gorham Land Company, and they discussed when E. Libby & Sons specifically set up restrictions on the deeds. He stated that Gorham Land Company apparently still owned the property adjacent to the street in which the Town and ATV Club is looking to have an easement on to access Crestwood Drive. Mr. Wemyss stated that they feel that we would need to follow the restrictions on the deed and not grant permission for ATV use on the property. He went on to discuss restriction number 4 of the restrictive covenants and made it clear that Gorham Land Company feels that ATV traffic should not be crossing that lot. Mr. Wemyss said that Gorham Land Company would not grant the property to the Town if it does not think that it can adhere to those restrictions.

Chairman Jackson asked for questions from the public.

Keith Roberge- Mr. Roberge stated that Mr. Wemyss' comments clarified the rules for operating on that property. He also asked that if Gorham Land Company owned the property, can the Town go back to get past years taxes. Further discussion took place regarding this matter.

TM Frost gave an update on the Town's request to the State to allow the town to access the Jimtown Road trail via Route 2. She stated that the state went out the week after our meeting and looked at the area, and do not have a problem with Jimtown Road. The State did look at Route 2, and at this time, they are not inclined to approve the use of Route 2 to connect to Jimtown Road. The State indicated that if the Town wants to connect via rail trail that option would be considered via a separate request and would need to do an additional public hearing.

Jay Guilmette – Mr. Guilmette asked who would make request to the State for that option. TM Frost stated that the Town needs to make the request.

Keith Roberge - Mr. Roberge asked if the Town would give individual taxpayers written permission to access Crestwood Drive down Brook Road so that the trail can be access from individual landowner's property (Jerry Marcou's property).

Mike Pike – Mr. Pike asked if there was any truth in the rumors about Moose Brook Campground opening their property to access trails. Chairman Jackson stated that the State Park does not have anything to do with the situation in front of us. Further discussion took place regarding this matter. Henry Sanschagrín stated that as far as the rumor of Moose Brook State Park allowing ATV access to the trail, the NH Bureau of Trails will open that trail for August 1, 2, and 3 for the Berlin ATV Festival.

Henry Sanschagrín also asked if someone explain the difference between the noise of an ATV, noise of a Harley Davidson, noise of an UPS truck or any other noise generated by other vehicles. There is no difference, between some Harley Davidson motorcycles and ATVs.

Ron Dagesse stated that the options being discussed are because the ATVers are bringing in money to this town, since that is the opening to the trailhead, put up a nice big fence in front of the homes to protect noise and adjacent homeowners along the rail trail to keep the noise level down.

Mike Pike stated that the difference between a Harley and an ATV is that it is an off road vehicle not an on road. Further discussion took place regarding the level of noise.

Patrick Sanschagrín stated that he lived on Crestwood Drive has seen a variety of methods of transportation in the neighborhood i.e., lawnmowers, golf carts etc. He feels that the Town should give ATVs access on rail trail. He feels that ATVs are no different than snowmobiles.

Audrey Albert stated that ATV traffic is very different than snowmobile traffic. At this time of the year windows are open she also said that she feels that the snow acts as insulation for the noise. Regardless, she stated that she does not hear snowmobiles as much as ATVs. Mrs. Albert also said that she is not sure if a fence would help with the dust.

Roger Guilmette stated that he thinks that the fence is a good idea will stop a lot of the noise and the dust.

Judy Leblanc stated that a lot of people use that as a walking trail and is concerned about safety.

Ron Dagesse wondered if the State would go along with the rail trail for residents use only.

Keith Roberge said that at the public meeting questions were asked with regard to the number of complaints received with regard to speed, noise and public urination but Chief Cyr was not available for the meeting and suggested because Chief Cyr is here tonight that he could clarify any complaints received.

Chief Cyr apologized for not making last meeting but wanted to clear up misinformation. He stated that he looked at the number of complaints from January 1, 2013 through the end of the season. The Police Department had received 15 complaints, varying from speed to noise to dust, but no urination complaint in the Crestwood Drive, Brook Road or Lancaster Road area.

At this time Chairman Jackson stopped further public discussion so the Board could discuss this matter. Selectman LaPierre said that she understand where everyone is coming from, however, nobody else in town was asked about all the streets individually. Selectman Schall stated that he is definitely sympathetic with the Crestwood Drive and mobile homes along the rail trail residents noting that this is a unique situation because this area has a dedicating parking lot and trail head parking. He understands the problems with dust and noise, this particular hearing got more negative response, and he likes the idea of a fence. Selectman Schall went on to say that he does not see approving any access, and that he agrees with Mr. Wemyss. Chairman Jackson stated that he had a tough time with this too noting that he was not an ATVer or snowmobiler. He stated that he went on a side-by-side, did not do a trail but traveled Main Street and it was fun. He went on to say that he is also sensitive to comments from the residents of Crestwood Drive. He feels that there are two situations going on here. First is the current location of the trail. He can understand a trailer unloading and making noise because the proximity is close to homes. He said that the Town needs to work with the State with some enforcement signage as to how to handle ATV unloading. While there is signage, it needs to be short and easy to read. Speed limit and speed enforcement needs to be in place and active. Chairman Jackson went on to state that the State is considering doing calcium and the local club applied for a grant to do ledge pack; the fact remains that it is a state trail. He said he personally feels the State needs to step up and take some action for not just the people that want to use the trail, but for the residents there. Signage needs to be clearer and the speed limit enforced. Chairman Jackson stated that SB232 changes speed limits on roads, trail junctions and parking lots, and needs to be enforced. Chairman Jackson would like to have TM Frost develop a letter strongly requesting enforcement of the area. Chairman Jackson stated that he would like to see a motion to request TM Frost to compose a strong letter to the NH Bureau of Trails

outlining actions that I have stated. Chairman Jackson would like a second letter to the Bureau of Trails as well as State Representatives requesting that they open access from the NH Moose Brook State Park so residents can access the trail system with their ATVs. He went on to say that, it is time for the State to step up instead of putting the onus on the Town. The State has told the Town that at this time they will not open the rail trail from Jimtown Road to the parking area. His feeling right now is to deny access on Crestwood Drive and to follow through with the two recommendations to the state.

Selectman LaPierre made a motion to have TM Frost prepare two letters to the State, one to request enforcement of the parking and unloading area on Route and the second to request the State for access through the NH Moose Brook State Park, seconded by Selectman Schall, the motion was open for discussion. Selectman Schall stated that strong signage needed to be in place at Moose Brook State Park indicating that the trail access is for local access only. He also said that maybe the State and local club can create a trail away from the check-in area. Further discussion took place regarding this matter. **With the motion on the floor, the Board voted – Jackson, AYE; Schall, AYE; LaPierre, AYE, the motion passed unanimously.**

Henry Sanschagrin said that as a club they tried to get money from the State and were denied. He said that if they were to get funds, they would put hard pack down the entire length of the rail trail.

b) Additions to Gorham Welcome Signs: Chairman Jackson asked TM Frost if she was able to come up with costs for the activity signs that the Town would like to add to the “welcome signs”. TM Frost stated that the NH State Prison will be able to do the signs. However, at this time she had not received the cost to build them. TM Frost stated that she had communicated with Bill Lambert of the State, via email and he said the State would prefer to not have anything else on welcome signs. However, he called and said that if the Town did install them the State would not do anything about it.

c) Abatement Recommendations: Town & Country Motor Inn had submitted their abatement request that their value indicates an entire appraisal amount but does not breakdown what the portion is for Gorham building. Rich Dorsett is suggesting that we deny because the appraisal does not give a complete breakdown of the buildings. **Selectman Schall made a motion to deny abatement request as recommended by KRT Appraisal, seconded by Selectman LaPierre, voted unanimously.**

Selectman Schall has recused himself from the next abatement because of it being his personal property. Rich Dorsett reviewed the appraisal for the Schall/Miller property, which came in at \$350,000. However, Mr. Dorsett stated that the appraisal did not look at garages and take into account the fact that there is living space above the detached garage. He recommended denying the request. Further discussion took place regarding this abatement request. **Selectman LaPierre made a motion to deny request as recommended by KRT Appraisal, seconded by Chairman Jackson, voted – LaPierre, Aye; Jackson, Nay. The Board takes no position.**

Selectman Schall reentered the meeting.

AC Lutz stated that one of the properties owned by P & L Cote Partnership has been sold and the new owners were under the assumption that the assessment value was for the trailer only, but, in fact, includes the cell tower. Once Chip Bean, the new owner, understood that value was for tower, he felt better about the assessed value. Mr. Bean will go back to look at his leases. Further discussion took place regarding this matter. **Selectman LaPierre made a motion to deny the request as recommended by KRT Appraisal, seconded by Selectman Schall, voted unanimously.**

AC Lutz stated that Rich Dorsett reviewed the abatement request for Raymond and Theresa McKenzie's property on Marois Avenue. Upon review of the records and property, Mr. Dorsett did in fact find discrepancies. He is recommending reducing the assessed value by \$2,200 to \$108,200. Further discussion took place regarding this matter. **Chairman Jackson made a motion to approve the request as recommended by KRT Appraisal, seconded by Selectman LaPierre, voted unanimously.**

AC Lutz stated that the Lukaszewski property at 7 Stony Brook Road was built and has significant structural issues, and the Lukaszewski's are in litigation with the contractor. Rich Dorsett reviewed the paperwork that was received, in the property file, and recommends adding an abnormal depreciation factor to the assessment. He suggests that the Town lowers the assessment value from \$260,000 to \$203,200. Further discussion took place and the AC Lutz stated that Mr. Dorsett did not actually look at the property in person. The Board agreed that assessor needs to look at property in person. **Chairman Jackson made a motion to lower the assessed value as recommended by KRT Appraisal, seconded Selectman LaPierre, voted – Schall, NAY; LaPierre, NAY; Jackson, NAY.**

AC Lutz stated that the layout of Ray and Terry Guay's is abnormal with regard to accessing the residential portion of the building, and additionally there were errors in some of the sketch labeling. Because of this, Rich Dorsett suggested reducing assessment value of \$283,100 to \$225,800. Further discussion took place and the Board requested to see the notes and sketches. **Selectman Schall made a motion to pass over the request until the notes and sketches can be reviewed by the Board, seconded by Selectman LaPierre, voted unanimously.**

AC Lutz stated that Rich Dorsett reviewed the abatement request of Carol Fish's property at 111 Glen Road. He stated he had reviewed the information provided by the homeowner. The matter is scheduled to go before the BTLA in August, therefore, he recommends denying the request at this time. AC Lutz also noted that this is the property sale that was used in setting the values in the Town. Further discussion took place regarding this matter. **Selectman Schall made a motion to deny the request as recommended by KRT Appraisal, seconded by Selectman LaPierre, voted Jackson – Aye, Schall – Nay, LaPierre - Aye.**

AC Lutz stated that Rich Dorsett reviewed the request for 2 Bangor Street. After his review, he noted that a deck was listed as a garage on the property card. Further discussion took place regarding this matter and the Board agreed that they would like more information on the matter. **Selectman Schall made a motion to pass over the request until further information can be reviewed by the Board, seconded by Selectman LaPierre, voted unanimously.**

4. Old Business

a) Overnight Truck Parking: Chairman Jackson opened by stating that at the Board's last meeting we had a good deal of discussion regarding Irving using the parking lot as overnight truck parking. He said that Ron Dagesse informed the Board that the town of Colebrook took some immediate action when they were faced with the same type of issue. TM Frost presented Irving's site plan that was in the property file. She said unfortunately that happened during a period where minutes are missing. The plan indicates future truck parking. Further discussion took place regarding the plans and minutes, and it was suggested that maybe York Land Services would have the minutes or more information that relate to the plans in question. The Board discussed when Irving requested to have diesel pumps allowed and installed. TM Frost said that Colebrook had an application for a truck stop; part of the condition was no overnight truck parking. She said that the stipulation was not after the fact but at the time of

application. Further discussion took place regarding this matter and it was agreed to check with York Land Services to see if they may have any minutes in their files, and to send a request to the Planning Board to re-open the file.

b) Security Update: TM Frost said that she has not received information from Pope Security as of yet and will put the matter back on the next meeting agenda.

c) Ambulance Transfer Report Follow-up: TM Frost presented information from EMD Miller that she received today but did not get a chance to look at it. The Board and TM Frost reviewed the information received from EMD Miller. It was noted that repairs needed to be made which partly due to the design issues of the ambulances. EMD Miller informed TM Frost that the lack of paramedics is when he is not in the office. EMD Miller said that the Town could probably resolve some of the availability issues if there was a bunkroom for people to sleep overnight in. Further discussion took place regarding this matter.

d) Multi-modal Route Easement: TM Frost stated that Howie Wemyss will get in touch with her after Gorham Land Company's next meeting with regard to the multi-modal route easement. She hopes to receive it for the next meeting.

e) Boston Post Cane Replica: TM Frost said that she asked FD Vallee about the Boston Post Cane, and she thought that AC Lutz had previously taken care of getting the canes. AC Lutz said that she would contact the town of Peterborough. Further discussion took place regarding this matter.

f) Community Survey: Chairman Jackson said that TM Frost gave the Board some other communities' surveys for ideas about creating a survey for Gorham. A lot of questions did not pertain to what our goals are, but there were some helpful for creating our own. Discussion took place regarding costs and estimated amount of households in the town. TM Frost stated that there is a little bit of extra money in the insurance budget line item, indicating that the money might be able to be taken from there. Further discussion took place regarding survey.

5. Public Comment

6. Other Business

a) Town Manager's Update: TM Frost stated that she received a call from Jim Michalik stating that the Gorham Community Learning Center received a \$220,000 grant for three years. TM Frost stated she also received an application for continuing to allow snowmobile/OHRV access over a corner of the Town Forest. She presented the documentation to the Board. She said that the approval had previously been renewed on an annual basis, however, this contract has the opportunity to renew for one year, five years or indefinitely. Further discussion took place regarding this matter. **Chairman Jackson made a motion to extend the policy for a five-year period, seconded by Selectman LaPierre, voted unanimously.**

b) Selectmen's Update: Selectmen LaPierre and Schall had no updates. Chairman Jackson stated that he would like to request/motion CEO John Scarinza to deal with signage issues. Further discussion took place regarding signs and sign permits. It was agreed that CEO Scarinza should use his judgment with regard to non-profits requesting permits. The Board also suggested that CEO Scarinza check with other

communities to see how they handle their sign permits. At this time, the Board is not giving further direction to CEO Scarinza other than to use his judgment and discretion.

c) Approval of Minutes (May 5, 2014 and May 12, 2014): Selectman Schall made motion to approve the Minutes of May 5th, seconded by Selectman LaPierre, the motion was open for discussion. Chairman Jackson asked that the minutes be changed to reflect that with regard to Mr. Holmes stating that he asked for a 10% cut across the board on expenses, Chairman Jackson informed Mr. Holmes that he made no such comment, other spelling errors were noted and asked to be corrected after floor discussion, **the Board voted unanimously to approve the minutes with the above noted changes. Chairman Jackson made a motion to accept the draft minutes of May 12, 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 8:44 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 9:20 pm. Jackson– Aye, Schall – Aye, LaPierre – Aye.

8. Adjournment: The meeting was adjourned at 9:21 PM.

REVIEWED AND APPROVED:

William H. Jackson

Jeff Schall

Grace LaPierre