

**MINUTES OF SELECTMEN'S MEETING  
TOWN OF GORHAM  
MONDAY, MAY 6, 2013, 6:00 PM  
GORHAM TOWN HALL**

Gorham Selectmen present: Bill Jackson, Paul Robitaille, Jeff Schall

Also present: Robin L. Frost, Town Manager; Dennis Arguin, Steve Gauthier, Jay Holmes, Dennis Therrien, Don Provencher; Deb Thornblad, Berlin Daily Sun

**1. Call to Order:** The meeting was called to order at 6:00 by Selectman Robitaille.

Prior to the first appointment, the Board and TM Frost discussed the results of the RFP for the Town's Property and Liability Insurance. TM Frost informed the Board that Primex came in at a price of \$60,624 for one year if we re-enroll, while LGC came in at \$86,255 for one year. Both TM Frost and FD Vallee are recommending that the Town renew with Primex as they offer a cap on the annual increase in the amount of seven percent if the Town re-enrolls for three years. After further discussion, **Selectman Jackson made a motion that the Board appoint Chairman Robitaille to sign on behalf of the Town, seconded by Selectman Schall, voted unanimously.** Selectman Jackson asked TM Frost how the exposure had been for the last few years, and TM Frost indicated the department heads had been very good at taking advantage of the seminars that Primex has been offering. TM Frost went on to inform the Board that there had been a couple of twisted ankles, but that none of those incidents were related to snow and ice. **Selectman Schall made a motion to sign into the Primex contract and authorize Chairman Robitaille to sign on behalf of the Town, seconded by Selectman Jackson, voted unanimously.** **Selectman Jackson made a motion to hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex) to enter into its Property & Liability Contribution Assurance Program (CAP) as of the date of the adoption on this resolution, and to be contractually bound to all of the terms and conditions of Primex risk management pool membership during the term of the Property & Liability Contribution Assurance Program (CAP). The coverage provided by Primex in each year of membership shall be as then set forth in the Coverage Documents of Primex, and further authorize Chairman Robitaille to sign on behalf of the Board and Town, seconded by Selectman Schall, voted unanimously.**

**2. Appointments:**

**a) Chad Miller, EMS Director:** EMS Director Miller presented a proclamation to observe May 19 thru May 25 as EMS week. EMS Director Miller went on to inform the Board that the department will be holding a Teddy Bear Clinic with younger students. After further discussion, **Selectman Jackson made a motion that the Board issue a proclamation to celebrate May 19 thru May 25 as EMS Week in Gorham, seconded by Selectman Schall, voted unanimously.**

**3. New Business:**

**a) Third Street Road Project (with Water and Sewer):** TM Frost informed the Board that PW Director Holmes would like to take care of the Third Street project with the Water & Sewer Department. The Water & Sewer Department is looking to do maintenance work to water lines and extension, noting that Public Works would like to repair the area that has had drainage problems in the past. TM Frost informed the Board the PW Director Holmes has presented an estimate of \$10,000 to do the repairs, noting that this amount does not include any outside help if needed. TM Frost went on to inform the Board that PW Director Holmes does have the money included in his budget and would like to move forward with the project. TM Frost informed the Board that PW and the Water & Sewer Departments will do the paving work together.

#### 4. Old Business

**a) Sansoucy Contract:** TM Frost informed the Board that the contract had been changed for the work to be completed by September 25th so the Town could get the necessary information in to DRA. **Selectman Jackson made a motion that we enter into the contract with George Sansoucy, PE for the work that is outlined in the assessing contract, the floor opened for discussion:** Selectman Schall stated that he felt like there should be another way to get this work completed, noting that it was a lot of money; he is having a hard time with approving the contract but did not see an alternative. Selectman Jackson noted that the Town has \$31,000,000 in property values that need expertise. Selectman Robitaille noted that the Town needs to stay on it. After further discussion, **Selectman Schall seconded the motion, voted as follows: Chairman Robitaille – Aye; Selectman Schall – Nay; Selectman Jackson – Aye.**

**b) North Country Council Transportation Advisory Committee Representative:** Selectman Jackson informed the Board that he would make it easy and represent the Board for the NCC. Chairman Robitaille explained that the NCC holds its meeting during the day usually between the hours of 2:00pm to 5:00pm, noting that both he and Selectman Schall worked during those hours and therefore, that is why it is easier for Selectman Jackson to represent the Town on the NCC Advisory Committee.

**c) Delinquent Taxes:** TM Frost placed packets in the Selectmen folders for their review that included the outstanding taxes as well as the tax maps with the properties highlighted. Selectman Jackson informed the Board and TM Frost that he had gone through the list, noted that some of the outstanding balances noted on the list that TM Frost prepared versus what TC Porter presented were lower, and asked why. TM Frost thought that it may be a typing error on her behalf. Further discussion took place regarding John Gleason's properties and Harold Munce's properties. Selectman Jackson went on to express his concern regarding the number of properties on the list that are in the Gateway Trailer Park. Selectman Jackson went on to say that historically the Town will work with Gateway to clear up outstanding taxes, taking our lumps, and then the Town will have to go on to wait for the next cycle to happen. Further discussion took place regarding what options there might be for those particular properties. TM Frost informed the Board that she has been in contact with the Town's attorneys Boutin and Altieri, and said that they will be forwarding information on the process. The Board and TM Frost went on to discuss the waiting period and other outstanding properties. Selectman Robitaille stated that at one time, there was a list of outstanding tax properties left for the public to look at on the bulletin board in the front hallway. Further discussion took place regarding NH State Law. TM Frost discussed with the Board that in order for a homeowner to redeem their property after deeding they must pay all back taxes, interest and fees plus and a 15% penalty. TM Frost went on to say that if the Town sells the property for something more than the balance, the homeowner will receive the excess funds. TM Frost went on to say that, this is not a moneymaker for the Town. Further discussion took place regarding the list of outstanding property taxes.

**d) Town Manager Contract:** Selectman Jackson took the floor by stating that the contract was discussed only briefly, at the last meeting because of the budgetary news/discussion, which was not good. Selectman Jackson went on to say that, he still had concerns regarding the budgetary matters and the Town committing for a long term, and feels that the Town should not get tied down. Selectman Jackson went on to inform the Board and TM Frost that he took the liberty to type up another contract with revisions. Selectman Jackson went on to explain that he changed the contract from three years to a one-year contract, dated June 1, 2013 thru May 31, 2014. In Section 3 Selectman Jackson informed the Board that he revised the notifications time limit from 45 days to 30 days. Selectman Jackson went on to say that, he did not touch Sections 4-10. Selectman Jackson indicated that in Section 11 he removed the portion that related to Professional Development, as those items are budgetary items. Selectman Jackson went on to ask his fellow Board members to sign a one-year contract to get this behind them for the time being. Selectman Schall indicated that he was okay with eliminating the

Professional Development item, as it should be part of the budget. Selectman Schall went on to say that he would like to compromise and suggest a two-year contract rather than the one or three year contract. Chairman Robitaille informed the Board that he felt TM Frost has been doing a good job at using her discretion when she uses money for development, and went on to say that whether or not it is in the contract is a moot point. Chairman Robitaille went on to say that, he was good with a two-year contract term. Selectman Jackson expressed the fact that he was not at all pleased with the over expenditures and went on to say that some overages were at a very serious level. Selectman Jackson also mentioned that while some may have been out of TM Frost's control he was not "hunky dory" with the situation. **Selectman Jackson made a motion to enter into a one-year contract with Robin Frost as Town Manager, since the motion was not seconded, no action was taken. Selectman Schall made a motion to take the existing contract, make it a two-year contract, and modify Section 11 to remove the Professional Development items, seconded by Chairman Robitaille, voted as follows: Selectman Jackson – Nay; Selectman Schall – Aye; Chairman Robitaille – Aye.** TM Frost thanked the Board for their time, and informed them that she would get the contract ready for their signatures.

**5. Public Comment:** Jay Holmes congratulated TM Frost on her contract. Mr. Holmes went on to say that, he disagreed with Chairman Robitaille stating that spending is out of control and that the Town needs to cut losses and cut expenses. Mr. Holmes went on to say that Selectman really need to make sure that they work on making the Town of Gorham a destination, like Berlin, not just a through way. Mr. Holmes went on to say that he felt the Selectman need to get behind allowing ATVers, who have a valid driver's license, access to the Main Street businesses. Mr. Holmes expressed his concern that if the Selectmen do not get behind this, the local businesses will be losing revenues in an already failing economy. Mr. Holmes said that, he has spoken with regard to economic growth and how Conway became designated as the Mount Washington Valley, and went on to say that Gorham needs to grow and try to become a designated area, like Upper Mount Washington Valley. Mr. Holmes expressed concern that while we may have been able to rely on manufacturing to sustain, the Town needs to move forward with becoming a destination Town. In short, Mr. Holmes asked the Board to make a public motion that is in support of the allowing ATVs to access the local businesses, and to focus on positive growth.

Dennis Arguin asked the Board and TM Frost if the appointment with the NH DES had been scheduled yet. TM Frost told Mr. Arguin that no specific date had been set yet, but thought it would be during the week of Memorial Day. TM Frost also told Mr. Arguin that the State would be meeting with him separately. Mr. Arguin then asked TM Frost if the sand bags that had been taken would be replaced. TM Frost told Mr. Arguin that she would check into and let him know.

Dennis Therrien said that what Mr. Holmes said makes sense, but is concerned about seeing ATVs everywhere. Mr. Therrien also expressed that only licensed drivers should be able to operate ATVs on public roads.

Selectman Jackson informed the public that the Board is in favor of what Jay is saying, but that they have been waiting on further information from the State.

## **6. Other Business:**

**a) Town Manager's Update:** TM Frost informed the Board that in anticipation of the upcoming tax deeding, both Rick Eichler and John Scarinza went to look at the Currier property. TM Frost went on to say that Mr. Scarinza is looking at environmental issues with NH DES. TM Frost also informed the Board that she is working with the Attorney with regard to personal property. TM Frost looked to the Board for direction regarding the two open positions within the Town, one police officer and one part-time cemetery worker; noting that both positions have been advertised and interviews have taken place. TM Frost told the Board that she felt it was

important to keep these two positions, but in light of the budgetary issues, she was looking for direction from the Board. The Board and TM Frost discussed both positions. Selectman Jackson is also concerned about the budget, but would like to know what the effect on the Police Department is without the position. Selectman Jackson went on to say that, he was in favor of filling in the position but would like to have the facts of what not having the position is doing to the force. Selectman Schall stated that he would like to see the department running with fewer officers and is a proponent to reduce the force. Selectman Schall went on to say that, he questions whether we need a force that is our size, and would like to look at a reduction. However, Selectman Schall did say that the Town would need to look at whether or not this could be done and still have coverage. Chairman Robitaille expressed his concern for not having the position, stating he has seen what happens, people get burned out. Chairman Robitaille informed the Board that he would tend to be in favor of the position, citing his concern regarding 24-hour police protection. Further discussion took place regarding the budgetary issues and the positions that TM Frost brought forth for discussion. Selectman Jackson suggested that TM Frost hold a series of public meetings that deal with each department singularly to review with the Town's people. After further discussion it was agreed to charge TM Frost with the task of asking the Town's people what they would like to see, laying out the costs of the Town's operation as well as giving the public an idea of what it would cost them to outsource some services.

**b) Selectmen's Updates:** Selectman Jackson stated that he had received an updated copy of the NH Municipality Knowing the Territory, and said that he wanted to make sure that Selectman Schall has a copy of it. Selectman Schall stated that he did have a copy. Selectman Jackson asked TM Frost if she knew what the conditions of the Town's forest signs were, stating that he was concerned that they may be in bad condition. TM Frost informed Selectman Jackson that she would ask PW Director Holmes to look into it. Selectman Jackson also asked TM Frost if she could speak to Skip Sansoucy regarding the value of the multi-modal route. Selectman Jackson asked if he could please get a letter or addendum from Mr. Sansoucy stating what the value of the land within the route is. Selectman Schall questioned the Board and TM Frost about the signage for the ATV trail that is accessible off of the Route 2 parking lot. Selectman Schall stated that he has received complaints/concerns from people that ATVs have been seen heading in the opposite direction than is allowed. Selectman Robitaille congratulated the local Scout Troop for how great the aluminum can collection structure on Railroad Street looks after being cleaned up. Selectman Robitaille also mentioned how good of a job that Fred Corrigan does on taking care of the park.

**c) Approval of Minutes (April 22, 2013):** Selectman Jackson brought forth a list of changes for the minutes, stating that the minutes are not only for our use but also as important for future use if somebody wants to know how items were handled. Selectman Jackson went on to say that, the person reading minutes needs to be able to have an understanding of what took place at the meetings. Selectman Jackson and the Board reviewed his requested changes and it was agreed to have the minutes changed to include his requests and would be voted on at the next meeting. **Selectman Jackson made a motion to amend the minutes and further approve them with the amendments, seconded by Selectman Schall, voted unanimously.**

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

**e) Sign Abatements and Exemptions (if necessary):** There were no abatements presented.

**7. Non-Public Session:** There was no need for non-public session

Selectman Jackson said that he had one other item for discussion that he had forgotten to present earlier. Selectman Jackson went on to say that he had been looking at how the State of Maine handles noise ordinances

with regard to Jake Brake usage and found the following information that he thought needed to be discussed and thought about: "The Noise Control Act of 1972 (now codified at 42 U.S.C. § 4917) authorizes the Environmental Protection Agency (EPA) to promulgate uniform national noise emission regulations for motor carriers engaged in interstate commerce. The federal statute expressly prohibits the states and their political subdivisions (including municipalities) from adopting or enforcing noise standards applicable to any motor carrier engaged in interstate commerce unless the standards are identical to the federal standards (see §4917 (c) (1). Therefore, unless the noise standards in an engine-braking ordinance are identical to the federal standards, the ordinance is unenforceable as applied to motor carriers engaged in interstate commerce."

**8. Adjournment: The meeting was adjourned at 7:41 PM.**

**REVIEWED AND APPROVED:**

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**Paul Robitaille**

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**William H. Jackson**

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**Jeff Schall**