

**MINUTES OF SELECTMEN'S MEETING
TOWN OF GORHAM
MONDAY, November 5, 2012, 6:30 PM
GORHAM TOWN HALL**

Gorham Selectmen present: Chairman David Graham, Paul Robitaille, Bill Jackson

Also present: Robin L. Frost, Town Manager; Chad Miller, Director of EMS and Emergency Management; Don Provencher, Jeff Schall and Melissa Grima, Berlin Daily Sun

1. Call to Order: The meeting was called to order at 6:30 by Chairman Graham.

2. Appointments:

a) Chad Miller – Storm Recap: EMD Miller presented the Board with a slideshow presentation. He indicated that the lessons learned from Hurricane Irene created situational awareness for Hurricane Sandy. EMD Miller indicated that he started attending daily Homeland Security and Emergency Management briefings on October 25th, as well as e-mailed Town department heads daily with updates. An article was placed in the Berlin Daily Sun about preparedness. EMD Miller also worked with the Town department heads to make sure that equipment was checked and waterways/culverts clear of debris. A list was developed (in conjunction with AVH) of medically fragile residents who were “at risk” in the event of a power failure. EMD Miller went on to review the time line of events with regard to monitoring the rivers and taking the necessary measures needed to protect local residents’ safety. He went on to discuss expenses that have been tracked and are associated with the storm coverage as well as presented estimates to fix Spring Road, White Birch Lane and Stony Brook.

EMD Miller went on to discuss each problem area in length. There were concerns about the closing of Pinkham B Road because of the location of the Town’s communication equipment. Residents on the river side of White Birch Lane were evacuated. It was noted that Spring Road washed out a bit at the end of the road where culverts are located, which is a problem area for this road. EMD Miller went on to discuss Fred Circle. He indicated that it is now washed out quite significantly, stating that only gravel remains in the problem area. Lines have been drawn with paint on the bank so that monitoring can take place easily. He is concerned with this area because of the density of population. At this point in time, he feels that it is one of our most vulnerable areas and really needs to be looked at. Water/Broad Street had more erosion as well. Sandbags had to be placed along a portion of the river to help keep water from possibly flowing onto residential property. He stated that sandbags are simply a temporary fix and this area also needs to be looked at. It was further discussed that because the bags themselves break down over time, they will not be left out along the river bank but palletized and covered to assist in the alleviation of decay. It is hoped that the landowner where they had been left previously will continue to allow them to stay on their property. White Birch Lane’s rip rap proved to not be high enough along the bank, more stabilization will need to be installed. He also mentioned that a maintenance program should be in place for the walls that were built in this area. In the pictures presented, it clearly showed that some damage has been inflicted due to large rocks moving in the river when it is high. EMD Miller went on to discuss Bangor Street, Bell Street and Washington Street. It was noted that all three streets had the usual problem areas when heavy rain is experienced. He also noted that the bridge abutments for the railroad bridge seem to show erosion that should be looked at by the railroad. EMD Miller also

said that a tree that was down in the Peabody River up by White Birch Lane travelled down the river and is now resting against the Route 2 bridge abutments, and that NH DOT has been contacted with regard to getting it removed.

EMD Miller presented a list of expenses associated with the storm as well as projected costs of repairs for White Birch Lane, Stony Brook and Spring Road. If FEMA declares this storm as a Disaster Category B storm, the town can get reimbursement for 75% of expenses for preparation and work completed during the storm. EMD Miller indicated that the big picture should include standard operating procedure guidelines for flooding that needs to include benchmarks based on previous experiences; and that a three prong mitigation approach should be in tact to continue river stabilization projects, limit/suspend building in historical floodways and purchase properties in historical floodways. He also stated that the Town should reactivate a fire horn to assist with notifying the residents and make sure there is adequate shelter for the residents that may need to be evacuated, that would include a kitchen area as well as showers.

Chairman Graham thanked EMD Miller for the presentation and thorough reporting of the storm; and he was very impressed with the ways things were handled.

Selectman Robitaille indicated that he had listened to scanners and felt that things were taken well care of. Selectman Robitaille went on to ask EMD Miller what the status of Pine Mountain was, and EMD Miller indicated that he was not sure, other than the fact that one tower is down and that we have a temporary tower attached to the building up there. EMD Miller said that Police Chief Cyr has the lead on that project.

Selectman Jackson said that he received a copy of the preparations in advance and commended EMD Miller for a very thorough job. Selectman Jackson did ask whether or not Water Street's current breach is something new or from previous storms. Discussion went on regarding this issue and was decided that Water Street should definitely be included in the next FEMA meeting.

b) **Dennis Arguin** – River Concerns: Mr. Arguin informed the Board that he is very concerned about how much fill and debris Wally Corrigan continues to put on the peninsula and river which in turn seems to squeeze him out. While he does not want anyone to get in trouble, he feels that DES should take a look at what is going on. Discussion continued and the Board as well as TM Frost informed Mr. Arguin that DES had informed the Town that they had no jurisdiction in this matter and that the Town needed to speak directly to the landowner. Mr. Arguin informed all parties that he felt the continued filling was definitely going to continue to aggravate the issue. EMD Miller said that he would go back out and take a look at the area. TM Frost said that she would contact DES again and speak to Rick Treiss and Shane Csiki. Selectman Jackson said that he would like to see something in writing that indicates DES' response of "not their jurisdiction" on this matter. Selectman Jackson went on to ask EMD Miller whether or not the water was behind the railroad bridge abutment or not and asked that he takes pictures. Selectman Jackson stated that he would take them to his next North Country Council meeting to review the possible impending issue with them. Selectman Robitaille also asked Selectman Jackson to bring up the culvert at the end of Bell Street, as that does not seem to be adequate.

Selectman Jackson then spoke about the remapping from FEMA with regard to some possible future actions and that we should be looking at already known problem areas and indicated that new construction laws have changed that will help mitigate the issues with these areas. Selectman Jackson asked EMD Miller about the Pine Mountain Tower again and further discussion was made. In short,

Police Chief Cyr is looking into spreading out the costs of the climate control building that needs to be erected to house the equipment. Selectman Jackson asked for further clarification regarding the Verizon Tower and what they had agreed to at their Planning Board Meeting when the tower was approved, and he indicated he would like to see minutes from that meeting. Upon further discussion, it was believed that Verizon had agreed to allow the Town a spot on the tower itself but that the Town needed to furnish their own building. EMD Miller told the Board that he would follow up on the status of the building.

Mr. Arguin again voiced his concern to the Board that the Sunday before Sandy, Mr. Corrigan had a front end loader down at the river removing some fill, and Mr. Arguin heard Mr. Corrigan say that they were moving the material so that the Water Street area did not get flooded out. He is sincerely concerned for the safety of his home and family and hopes that the sandbags can stay down there for ready use. The Board informed Mr. Arguin that this has been ongoing for years and that we may be able to file a project with NRCS, but the bottom line is funding issues and the question remains "who" pays for the work on an issue that is being exacerbated. EMD Miller again informed Mr. Arguin that he will check on the sandbags and arrange to keep them covered.

3. New Business

a) Modularity from Federal Correctional Institute (FCI)-Berlin: TM Frost informed the Board that the FCI has modulars (pictures were presented to the Board), that were used as office space when being built, available at no cost. Further discussion was made that they would possibly make ideal offices for the Public Works garage, which would also help ease the safety concern. It was further discussed that the Recreation Department could use one for offices as well. Selectman Jackson voiced that he was concerned with the size and current space (Railroad Street) being used was not large enough to put one there. As the discussion went on it was mentioned that maybe the Rec Department office could be moved to another location, Libby's was mentioned. TM Frost informed the Board that she would move forward. TM Frost also indicated to the Board that FCI would like them moved off the property as soon as possible.

b) Delinquent Taxes and PILOT's: TM Frost informed the Board that the Town Clerk had been very busy the last few days in order to prepare for the elections and asked that this be moved to the next meeting.

c) Tax Rate Setting Update: TM Frost informed the Board that she hoped that the tax rate would be set by Wednesday afternoon. Selectman Jackson brought up the MS-1 that was prepared and the cover sheet attached. He indicated that he was concerned that it would behoove the Board to have a chance to look at it and discuss it before it is filed with the DRA in the future. TM Frost agreed that the Board of Selectmen should look at it, and it was an oversight because of the new system that is in place. Selectman Jackson indicated that while he could not be certain, he felt that maybe the error that was in the original filing would have been caught prior to its filing. While it did not change the bottom line, he just feels that procedurally the Board should see it prior to filing next time around.

d) Small Claims Complaint: TM Frost informed the Board that Robert Balon had filed a small claim against Chief Cyr for the two arrests made in 2009 on Mr. Balon. TM Frost informed the Board that the insurance company had been notified. Selectman Jackson indicated that at some point there has to be a reckoning with Mr. Balon on the amount of money he has cost the Town. TM Frost indicated that she was not even sure how the \$7,500 comes into play other than the fact that it is the maximum amount that can be filed in Small Claims Court. Selectman Jackson went on to reiterate that the Town's people

needed to know if our legal bills run high, the public should know why. Selectman Robitaille said that he would speak to legislative members regarding the matter. Selectman Graham asked about the “statute of limitation” law, and was told that it was four days before time would have run out for the statute.

e) Budget Review Dates: Discussion was made regarding budget review dates and was agreed as follows: at the regularly scheduled meeting of November 19th the Board will review a couple of departments then. An additional meeting was set for November 26th. The Board and TM Frost also agreed to meet on Monday, November 12th to review the Town of Shelburne Contract with Police Chief Cyr. TM Frost informed the Board that the material being reviewed would be given to them prior to the meeting so it can be reviewed. A further discussion took place to discuss the start time of the BOS meetings and was agreed upon that beginning immediately the meetings will begin at 6:00 PM versus 6:30 PM. It was agreed that the new time would be tried to see if it will work for all parties involved, and it was further agreed to notify the public of the change.

4. Old Business

a) Shelburne Police Contract Work Session Date: It was agreed that the meeting would be held on November 12th at 6:00 PM.

b) NRCS Projects Update: TM Frost informed the Board that all three projects are totally complete. The money from NRCS has been received and the property owners have been officially notified of this so they can make their payment to the Town. TM Frost indicated to the Board that a lien in the amount of \$40,000 had been placed on the Norgaard property, and told the Board that it is now bank owned.

c) Bullying Policy: TM Frost informed the Board that Brenda Keith, of Boutin & Altieri, is still working on it, and that she expects to hear from her in the next couple of days.

5. Public Comment

Don Provencher – Mr. Provencher thanked the Board for opening the floor and went on to explain while he doesn’t represent the Railroad, they know that he is always there for them. Mr. Provencher went on to explain that the Railroad could possibly play a significant role in assisting the Town. He indicated that Tom McKenna, Maintenance of Way Supervisor, may be able to provide a boxcar that could store the sand bags needed for the Town. He also indicated that the railroad does daily track inspection and is interested in making sure the tracks and bridges are safe.

Jeff Schall – Mr. Schall shared the amount of rain fall that he recorded at his home stating that he measured just over 8” between the two days.

6. Other Business

a) Town Manager’s Update: TM Frost reviewed the communications building on Pine Mountain noting that it was being looked into to have the costs distributed between the entities that will be utilizing the building.

TM Frost presented Appointment Certificates for two Ballot Clerks, Wayne Flynn and Suzette Corrigan, for signature and approval of the Board, after further discussion a **Motion was made by Selection Jackson to sign Certificates, seconded by Selectman Robitaille and was approved unanimously.**

TM Frost went on to discuss White Birch Lane and the erosion that took place during Hurricane Sandy. TM Frost informed the Board that for emergency repair, Category B, the Town would be responsible for 25%, which is anticipated to be approximately \$6,000. TM Frost informed the Board that she would contact Nelson Company to give the Town a price because they are the contractor that originally did the work in that area. TM Frost went on to inform the Board that the pricing would include bringing the rock all the way up to the top of the bank/slope. TM Frost then asked the Board for their approval to spend the 25% of the project cost from the River Maintenance Fund, **Selectman Jackson made a motion, seconded by Selectman Robitaille and was approved unanimously.**

TM Frost informed the Board that there will be a dedication of the Kiosk signs on November 13th, it will start in Berlin at 9:00 and move to Gorham at 10:00 AM. She went on to tell the Board that Denise will be speaking at the dedication on the importance of the Kiosk to the community. Selectman Jackson said that he could be there but would relinquish speaking to Denise. It was also noted that there will be a coffee reception at 10:40 in the Town Hall following the dedication. TM Frost said that the email conversion to Google Apps over the weekend seem to go off seamlessly. TM Frost spoke to the Board about an accident that had taken place that morning. Chief Cyr was headed to a meeting in Concord. When he was in Jefferson he encountered slippery road and hit both sets of guardrails and stopped near the Water Wheel parking lot. TM Frost indicated that damage was minimal and that it was the older unmarked car, and other than being shook up, Chief Cyr was okay.

b) Selectmen's Update: Selectmen Robitaille shared an invitation from the Randolph Conservation Commission on November 14th regarding Stopping the Sand Tar Reverse Flow of the Pipeline, after discussion, it was agreed that maybe the Code Enforcement Officer could go to represent the Town. Selectman Robitaille went on to bring to the Boards attention that he saw an ATV in the middle of the road on Route 2, and felt that this is a genuine concern and there should be something in place to help avoid future incidents. Selectman Robitaille told the Board that he went to the North Country Council planning meeting on November 1st and indicated that only 14 people showed up for the meeting, noting that he was the only representative from Gorham. Selectman Robitaille went on to discuss the North Country Council annual meeting, which included honoring George Bald and Governor Lynch, and felt that when the guest speakers spoke it went on to be a political rally for Republicans; TM Frost agreed. Discussion went on that a letter should be sent on behalf of the Board to NCC that would indicate the fact that the Board is not comfortable with this type of agenda during an annual meeting.

Selectman Jackson asked TM Frost about the letter regarding medical benefits and the rate increase. Selectman Jackson suggested that an RFP be done because of this 7.1% increase. TM Frost informed the Board that the School District is in the process of doing it and that the Town is in on their RFP. Discussion went on further to indicate that the Director of Finance and TM Frost should be involved with the School's proposal/request. TM Frost informed the Board that she would keep them updated on the

subject. Selectman Jackson went on to say that between the School and Town health insurance amounts to about \$4 in the tax rate. He went on to express his concern for the rising costs to the Town and feels that something should be done, maybe look at changing the policy for new hires in the future, to curtail costs.

Selectman Graham said that Selectman Robitaille had a letter and invitation for a Veterans' dinner at the Legion for Friday night that is sponsored by the Family Resource Center. He indicated that it is a very nice evening stating that it is the kids that cook, prepare this dinner. Selectman Robitaille would not be available to attend but Selectman Jackson felt that he would be able to attend.

The Board then discussed the Miss Berlin-Gorham event, and went on explain how well it was run and enjoyed the presentation. They felt the highlight of the presentation was the duet sung by the current Miss Berlin-Gorham and Outstanding Teen, Linda Montminy and Liz Thagorous. They were pleased with the outcome of the event.

c) Approval of Minutes (October 22, 2012): Selectman Jackson expressed concern about the portion of the previous minutes that indicated that he stated that Legislature had been passed, he wanted it clarified that the Legislature had been proposed, but was not sure if it had passed. Discussion went on and it was decided that the Minutes be approved as amended, **a Motion was made by Selectman Robitaille, seconded by Selectman Jackson, and was approved unanimously.**

d) Sign Manifests: It was noted that all manifests had been signed.

e) Sign Abatements: There were none to be signed.

7. Non-Public Session: At 8:50 PM, **Selectman Jackson made a motion to move into non-public session pursuant to RSA 91-a:3, II d, seconded by Selectman Robitaille, and was approved unanimously.**

8. Adjournment: At 9:00 PM, after convening the non-public session, **Selectman Jackson made a motion to adjourn, seconded by Selectman Robitaille, and was approved unanimously.**

REVIEWED AND APPROVED:

David Graham

Paul Robitaille

William H. Jackson