

MINUTES OF SELECTMEN'S MEETING
TOWN OF GORHAM
MONDAY, May 9, 2011, 6:30 pm
GORHAM TOWN HALL

Selectmen present: Terry Oliver, Chairman; David Graham; Paul Robitaille.

Also present: Robin L. Frost, Town Manager, Police Chief PJ Cyr

Don Provencher, Robert Balon, Ron Donato, Henry Sanschagrin, Jay Holmes, Mike Demers, Betty Fuller, Pam Eichler, Mr. and Mrs. Therrien, Craig Lyons, *Berlin Daily Sun*

1. Call to Order: The meeting was called to order at 6:33 PM by Chairman Oliver.

2. Appointments:

a) **Reuben Rajala – Gorham Historical Society:** Mr. Rajala and Tim Sappington were on hand to speak with the Selectmen about an abatement on the taxes for the train station for 2010. Mr. Rajala explained that the Historical Society runs on very little money and paying the taxes would take a large amount of their resources. He also explained that the paperwork was not filed last year and that was an oversight on their part. He stated that the paperwork has been done this year and would be filed timely. Selectman Graham thought maybe they were there to explain how they spend the appropriation from the Town every year, but this will be done at a later date. This meeting was only for the abatement request. It was left that TM Frost would provide further financial information to the Board and they would then decide on the application for abatement.

b) **Fred Gilman – Railroad Questions:** Mr. Gilman was not in attendance. TM Frost will contact him since it appears there is a miscommunication.

TM Frost asked the Chairman to recognize Mr. and Mrs. Therrien who were here to ask about the Town-owned lot abutting their property. The lot in question is at 26 Spruce Street. The Therriens are hoping to purchase this lot from the Town. TM Frost stated that all of the research on the procedure for this transaction has not yet been completed. It will be done and TM Frost will contact the Therriens and have them come back to a Board meeting in the future.

3. New Business:

a) **Budget Committee Meeting:** TM Frost informed the Board that there is a Budget Committee meeting on May 17th at 6:30 pm. This meeting will be to reorganize the Committee for the ensuing year.

4. Old Business:

a) **Noise Ordinance – Final Draft:** Chairman Oliver stated that the Board has reviewed the proposed ordinance several times and provided several opportunities for public comment. Therefore, tonight he is not allowing public comment on this subject at this time. He reminded the public in attendance that there is an item on the agenda for public comment a bit later in the meeting. Henry Sanschagrin objected to this and stated that he had some questions regarding the ordinance. Chairman Oliver said that he would not entertain any questions at this time. **On a motion by Selectman Robitaille,**

seconded by Selectman Graham, the Board unanimously voted to adopt and enact the Noise Ordinance as presented tonight in its final draft. The Board signed the ordinance.

b) EECBG – Energy Audit Award: TM Frost stated that she has reviewed the proposals and the lowest bid was Arbogast Energy Auditing at \$3065. This proposal was very thorough and all of the references were contacted. The references were all quite favorable. TM Frost recommended that the Board select Arbogast to perform the audit. **On a motion by Selectman Graham, seconded by Selectman Robitaille, the Board unanimously approved Arbogast Energy Auditing to perform the energy audit on the PW Garage.**

5. Public Comments: There were many comments about the Noise Ordinance which was voted in by the Board earlier in the meeting. Mr. Sanschagrín was concerned that there would be legal problems since what the Board approved was not what was presented at Town Meeting. It was explained that the Board could have enacted the ordinance without Town Meeting approval, but chose to get a sense for what the voters wanted. It was also explained that there were only two changes to the document since Town Meeting. There was a sentiment that this ordinance would pit neighbor against neighbor. Chief Cyr was present and explained how the officers would enforce the ordinance. He felt that it would be addressed on a case by case basis. When asked about the concerts on the common and activities such as that, he replied that these are permitted activities and therefore would have already been reviewed by Town officials. He felt that there might be a period of adjustment. Selectman Robitaille stated that this ordinance was put in place as a result of complaints that have been received over the years. There are state statutes which address most noise complaints, but enforcing those could result in disorderly conduct charges. This ordinance can be used as an interim step. Mr. Demers stated that he has never seen such a poorly written document. He is very concerned that this will allow anyone to bring complaints against anyone else. He has written many articles in his time in the military and he would never write anything like this.

Henry Sanschagrín asked when the website would be fixed so the information placed on it was posted more timely. He complained that agendas are not posted on the website before the meetings.

Jay Holmes spoke about the police agreement with Shelburne. He made several statements, of which some were correct, but some were not. Chief Cyr spoke to his comments and corrected certain statements. Chief Cyr agreed that since this was the first agreement of its type for the GPD, there are bound to be some things that crop up that may not be adequately addressed. These items would be fixed for any subsequent agreements.

Ron Donato spoke in favor of the Noise Ordinance. He stated that sometimes there are no other avenues with which to work with a neighbor.

6. Other Business:

a) Town Manager's Update: TM Frost presented the Board with an appointment form for Todd Lukaszewski as an Alternate Library Trustee. The Board expressed their desire to meet Mr. Lukaszewski before signing the paperwork. TM Frost will ask him to come to the next Board meeting.

TM Frost met with a representative from GoRail who is looking for Town Officials to write to their US Representatives and Senators opposing legislation to increase truck weight limits. The Board declined to lend their support to this effort.

The Board authorized Chairman Oliver to sign the Management Representation letter for the auditor.

There was a brief discussion about the fountain on the Common. Ron Donato said that he would work on a committee to get that repaired and in working order. TM Frost will follow up to see if others are interested as well.

b) Approval of Minutes (April 25, 2011, May 2, 2011): On a motion by Selectman Graham, seconded by Selectman Oliver, the Board approved the minutes for the meeting of April 25, 2011 as prepared by a vote of 2-0-1(Robitaille.) On a motion by Selectman Robitaille, seconded by Selectman Graham, the Board voted unanimously to approve the minutes of the work session of May 2, 2011.

c) Sign Manifest: The Board signed the manifest as prepared.

d) Sign Abatements (if necessary): There were no abatements to be signed.

7. Non-Public Session: RSA 91-A:3, II (a & c): On a motion by Selectman Robitaille, seconded by Selectman Graham, the Board voted unanimously by roll call to move into Non-Public Session at 8:05 pm. Robitaille –aye, Graham – aye, Oliver – aye.

On a motion by Selectmen Graham, seconded by Selectman Robitaille, the Board voted unanimously by roll call to return to public session at 8:54 pm. Robitaille –aye, Graham – aye, Oliver – aye.

8. Adjournment: The meeting was adjourned at 8:55 pm.

REVIEWED AND APPROVED:

Terry Oliver, Chairman

Paul Robitaille

David Graham