

MINUTES OF SELECTMEN'S MEETING
TOWN OF GORHAM
MONDAY, October 24, 2011, 6:30 pm
TOWN HALL CONFERENCE ROOM

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

Also present: Robin L. Frost, Town Manager; Chad Miller, EMD

Don Provencher; Dennis Arguin; Ben Murphy; Ron Estes; Merrill Santy; Mark & Sandy Tilton; Dick Orsillo; Alex Lapera; Jay Poulin, HEB Engineers; Mike Harrington, NRCS; Ed Hansalik, NRCS; Jim Woodman; Lenny Knowles; and others.

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

2. Appointments:

b) White Birch Lane Update – Jay Poulin, PE – Mr. Poulin explained the work HEB Engineers is doing on White Birch Lane and Libby Field. He explained replacement of the berm at the south end of White Birch Lane. This berm was breached during TS Irene and caused the washout of the road. The two landowners on whose property the berm was constructed are being very cooperative and helpful with regard to approvals/authorizations and such. This protective measure will keep the road from washing out in a similar storm. Mr. Poulin went on to explain that stabilization of the bank at Libby Soccer Field is more costly than the White Birch Lane project because of the drop to the river. They plan to use tree outcroppings to slow down the flow. Access is a bit of an obstacle for this project.

It is Mr. Poulin's suggestion that the Town bid out these jobs separately. That way there is more flexibility in getting bids from different contractors and the projects might be able to be done simultaneously.

a) NRCS Presentation – Ed Hansalik, PE – Mr. Hansalik explained that he represents the Natural Resource Conservation Service (NRCS) of USDA. They have a program called the Emergency Watershed Protection (EWP) program. Several sites along the Peabody and Moose Rivers were reviewed as potential exigent sites under this program. It was determined after the review that there are three potential sites. White Birch Lane where the road was undermined near the north end, 115 Glen Road where the riverbank was washed away putting a home in danger, and Braeburn Village where the riverbank was also washed away putting several mobile homes in danger. The funding for these projects has not yet been approved, but they are hopeful that it will be. Mr. Hansalik talked briefly about the way the projects would be done; gabien baskets for bank stabilization, etc. He also mentioned that the Town would have to prove that they have land rights to any of the private properties on which they would be performing any work. He explained that the schedule of work would be much accelerated; meaning that once the contract was signed there would only be 10 days to complete the work. Mr. Hansalik stressed that EWP funding must be a last resort for assistance for these projects. If FEMA agrees to fund the public property damage, EWP will not cover it. He declined to say how much these projects would cost, but it appears that they are not insubstantial. TM Frost stated that FEMA was coming the following day to review projects with Town Officials. It was hopeful that they would be able to give us a determination

at that time. Mr. Hansalik and Mr. Harrington, also from NRCS, asked that we let them know as soon as a determination is made.

c) Dennis Arguin – Mr. Arguin, who lives at the end of Broadway Street, wanted to know what was happening with the property across the Moose River from his property. He has been concerned about excavating of materials from an area where the Moose River usually overflows to during high water. He feels that there has been some “damming” of that area to restrict the river from going where it should go if the river rises. He is also concerned about the dumping of asphalt and concrete at the riverbank. His concerns run to the Moose River and the Androscoggin. EMD Chad Miller explained that he has reviewed his concerns on the property in questions with several state agencies. NH DES, who would enforce any environmental violations, has indicated that the Moose River is not regulated, nor is it under the Comprehensive Shoreland Protection Act. Therefore, there are no violations that they can cite. Mr. Arguin was very surprised to hear that the activity does not constitute a violation. He then asked about sandbags, which were promised to them to build up the berm on the riverbank closest to their properties. EMD Miller stated that the sandbags were here and in the process of being filled. He went on to explain that it is not advisable to place the sandbags on the riverbank at this time, but the Town would leave a pallet of them covered with a tarp at the location so that they could be deployed as necessary. Mr. Murphy, whose property is at the end of Water Street, said the pallet could be left near his garage. EMD Miller also stated that he is researching the Town’s floodplain ordinance to see if it contains anything that would prohibit the activity along the Moose River near their properties.

Several residents of White Birch Lane were also on hand to express some concerns with the work that has not yet been done there. They feel that communication has not been forthcoming and the Town should have done more to keep them informed. Merrill Santy wondered why the Town had not yet cleaned up debris, although he mentioned that they had finally removed a pile of broken up asphalt from his property today. He was also concerned about other debris, such as the trees and brush obstructing the culvert. He mentioned that they have talked with an attorney, though he didn’t say what they recommended. TM Frost explained that she had used an email list provided to her by a resident of the road. She acknowledged that she should have communicated more frequently and that she should have had the debris picked up much sooner. Dick Orsillo said that since the river has changed so much and now is much more unpredictable, he would suggest that response to any significant rainfall be quicker and more urgently addressed. TM Frost agreed and stated that all of these comments were good points and they would address the concerns.

3. New Business:

a) Budget Review Schedule - TM Frost suggested dates to begin budget review with the Department Heads. It was determined that all Board members would be available on November 16 and 17 as well as the 21st. Selectman Graham also wanted to have the charities who petition the Town for funding come in to discuss their activities.

4. Old Business:

a) Tupick – Fourth Street - TM Frost gave the Board information regarding the taxes owed of the two lots in question; 16 and 18 Fourth Street. Currently the total owed on the property is \$6583.91, of which \$1617.62 is interest. If the Board were to waive the interest, the Tupicks would owe \$4966.29.

The Board considered the special circumstances with these properties, i.e. the previous owner lost the properties to the IRS and the taxes were abated in error, and then reinstated. However, the Tupicks received a letter from the Tax Collector that there were no taxes owed which was correct at that time since it was before the abatement error was discovered. Since the Tupicks relied on that information in purchasing the lots from the IRS, the Board feels there should be some kind of a compromise and waiving the interest seems to be appropriate. **On a motion by Selectman Robitaille, seconded by Selectman Graham, the Board voted unanimously to waive any interest on the properties located at 16 and 18 Fourth Street.**

b) Personnel Policy – TM Frost distributed copies of the personnel policy with proposed amendments. The changes were reviewed including The definition of full time employees and part time employees, a clarification of breaks and meals periods, adding Civil Rights Day as a vacation day, allowing vacation time rollover under special circumstances, addressing compensatory time, adding personal days, and clarifying sick leave uses. This item will be on the next agenda for discussion after the Board has a chance to review the document.

5. Public Comment: Don Provencher asked EMD/EMS Director Chad Miller about tone outs for medical calls. While admitting that there is occasionally a vacancy in on call personnel for a shift, the policy is that there should be no longer than 4 minutes before Berlin is toned out for an emergency call that is not staffed by Gorham.

6. Other Business:

a) Town Manager's Update: TM Frost reported that negotiations will begin on the Police Department CBA on November 4th.

TM Frost distributed scenarios for the Board to review before tax rate setting. One was using \$200k in undesignated fund balance to reduce taxes and this would put the tax rate at approximately \$26.12. The second scenario was to use no undesignated fund balance and the tax rate would be set at approximately \$26.77. If \$200k is used, this would bring the fund balance down to just under \$250k. This is not an acceptable level, TM Frost told the Board, and leaves the Town open to a potential dire funding situation in the event of an emergency. DRA recommends a much higher percentage of fund balance retainage. After discussion, **Selectman Robitaille moved to use nothing from undesignated fund balance in the tax rate calculation. The motion was seconded by Selectman Graham and voted unanimously by the Board.** All Board members agreed that this was done very reluctantly, but necessarily given the small amount of fund balance the Town currently has to retain

TM Frost reported that Jack Piattoni came to see her about getting Town approval for wagon rides some weekend this winter. TM Frost told him about the upcoming meeting next Tuesday regarding a winter celebration with family activities, and encouraged him to attend.

b) Selectmen's Reports: Selectman Robitaille was approached at the Firemen's Breakfast on Sunday about the road conditions on Evergreen and Hemlock Drives. The resident thought that there needed to be some repairs made at least in a couple of areas instead of waiting to complete the entire project.

Selectman Robitaille was also approached by a resident of Cascade Flats who was concerned about truck traffic still going through the Flats. This resident suggested placing a jersey barrier at the entrance to the Flats to make it so the trucks could not make that turn. All agreed that, at the least, better signage needs to be placed in that area. There was a short discussion about getting permission from the State for larger signs.

Selectman Robitaille also had a conversation with a constituent regarding the sidewalks on Exchange Street. He said they were never constructed correctly and the residents and business owners would like to see them replaced. It was mentioned that paving them would be easier to maintain, but there was concern that the residents and business owners wanted them to be brick. The DPW Director will be contacted for his review.

Selectman Graham asked about the North Country Council initiative regarding anti-idling. Selectman Robitaille stated that there is already an anti-idling policy in place in certain parts of Town. TM Frost also stated that there is an anti-idling policy for Town vehicles as well.

Selectmen Graham mentioned the meeting next Tuesday night at 6:30 in the upstairs conference room to see if there is any interest and begin discussions regarding organizing and promoting family winter activities in Gorham.

Selectman Graham stated that there were two recent presentations of awards which he feels the Selectmen should acknowledge by letter to the recipients. One is to the GCLC for the Excellence in Early Intervention Award they received and the other is the Lifetime Achievement Award presented to Chief Rick Eichler by the NH Police, Fire and EMS Foundation. TM Frost will prepare letters to both recipients for the Board to sign.

b) Approval of Minutes (October 11, 2011): On a motion by Selectman Robitaille, seconded by Chairman Oliver, the Board voted 2-0-1 (Graham abstained) to approve the minutes of both the regular session and the non-public session of the meeting of October 11, 2011.

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

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

7. Non-Public Session: RSA 91-A:3, II (a): There was no need to a non-public session.

8. Adjournment: The meeting was adjourned at 9:40 pm.

REVIEWED AND APPROVED:

Terry Oliver, Chairman

David Graham

Paul Robitaille