

Town of Gorham New Hampshire

PUBLIC MEETING OF THE GORHAM BOARD OF SELECTMEN Gorham Town Hall Public Meeting Room 2nd Floor Monday, November 8, 2021 6:00 p.m.

SELECTMEN PRESENT: Michael Waddell; Judy LeBlanc; and Adam White.

STAFF MEMBERS PRESENT: Denise Vallee, Town Manager; Ann Marie Demers, Town Clerk and Deputy Tax Collector; Cindy Cole, Tax Collector and Deputy Town Clerk; and Philip Cloutier, Fire Chief.

OTHERS PRESENT: Edith Tucker, Reporter, Berlin Sun; Paul Robitaille, Planning Board Chair; Victoria Hill, Planning Board Secretary; Michelle Lutz Assessing Clerk; and Meag Poirier, resident.

OTHERS PRESENT VIRTUALLY: Ken Gordon, CEO, Coos County Family Health Services; Michael Peterson, President/CEO, Androscoggin Valley Hospital; and Tara Bamford, Planning Consultant.

1) Public Session Call to Order - 6:00 p.m.

Chairperson Waddell called the public session to order at 6:03 p.m.

2) New Business

a. Announce Action, if Any Taken in Non-Public Session

None.

b. Introduction of Tax Collector and Town Clerk

Ann Marie Demers introduced herself as the new Town Clerk and Deputy Tax Collector. Cindy Cole introduced herself as the new Tax Collector and Deputy Town Clerk. Discussion was had regarding their efforts to learn from Grace LaPierre since she will be retiring at the end of the year, as well as their current and proposed office hours.

c. Review of Fire/EMS Department Website Page, Upcoming Projects

Chief Philip Cloutier walked the Board through the Fire/EMS Department webpage. Discussion was had regarding the Explorer program. Chief Cloutier went over upcoming projects. Discussion was had regarding the maintenance on the fire ponds on Sites Number 1 through 3 in Stony Brook.

Discussion was had regarding the off-road vehicle upgrade, as well as the need for water rescue equipment. Further discussion was had regarding the status of getting cell phone coverage out in Pinkham Notch.

d. Town Code - Revised Figures

This item was not discussed at this meeting.

e. COVID-19 - Mask Mandate

Ken Gordon and Michael Peterson appeared virtually to discuss the need for the COVID-19 Mask Mandate. They went over the current health stats, including vaccination rates, with regards to COVID-19. They went over the rationale behind continuing the mask mandate.

Discussion was had regarding the pros and cons of extending the mask mandate and what impacts it has with neighboring town mandates.

MOTION: Selectman LeBlanc moved to extend the mask mandate to terminate on November 22, 2021. It was seconded by Selectman White.

Discussion was had regarding the current numbers of COVID-19-positive people, as well as the mortality rate, due to COVID-19.

Selectman LeBlanc: Aye

Selectman White: Aye

Chairperson Waddell: Aye

The motion carried. (3-0-0).

f. Short-Term Rentals - Consultant Recommendation

Chairperson Waddell provided background regarding the Board's efforts to adopt an Ordinance to assist in regulating short-term rentals in Gorham, as permitted by the Zoning Ordinance that was just passed. He continued to state that the Board of Selectmen cannot enforce the Ordinance, and that it is in the purview of the Planning Board to provide oversight.

Tara Bamford went over the Zoning changes. She discussed the information she distributed regarding what surrounding towns do in regard to short-term rentals and steps that the Town of Gorham should take with regards to enforcement. Discussion was had regarding the presentation and the desire to not overregulate short-term rentals. Further discussion was had regarding the fact that the homeowners on the list are not actually residents of the Town and whose obligation it is to make repairs and maintain the home if they do not live in the Town.

Chairperson Waddell inquired of the other Selectmen if they would be willing to consider an Ordinance that would address social aspects of short-term rentals. Discussion was had as to what this Ordinance would cover and that, as long as it wasn't overbroad and unreasonable, it should be considered. Further discussion was had regarding topics of concern, as it relates to short-term rentals.

Meag Poirier, a resident of Gorham, shared her experiences and concerns with short-term rentals. Discussion was had regarding the need for a contact person for issues that are non-emergency related and who is to be held accountable when concerns arise. Further discussion was had regarding the fact that the Board's role tonight is not to alter the Ordinance that has already been approved, but rather to set up enforcement mechanisms.

Victoria Hill commended Ms. Bamford and Ms. Poirier regarding their presentations. She provided background regarding her research on short-term rentals. She expressed her concerns regarding the lack of registration with the State. She went on to share her experiences and concerns with short-term rentals,

as a resident of the Town. Discussion was had regarding the remedies that residents can pursue to address their concerns.

Michelle shared her experiences and concerns with short-term rentals, including the lack of regulation. Paul Robitaille commended the presenters on the discussion. He noted that, while this is a good first step, it's going to need continuous tweaking as other issues come to light. He spoke about the differences between the Board of Selectmen and the Planning Board, when it comes to addressing concerns relating to this topic. He voiced his main concern as being regulation of the short-term rentals to still allow long-term residents to cohabitate with the renters in Gorham.

Ms. Tucker inquired regarding what 120 days encompasses. Chairperson Waddell responded that it's 120 daily rentals. Discussion was had regarding reporting obligations and the challenges faced with them.

Denise Vallee indicated that the reason that this topic was on the Agenda was to discuss a fee for the application for short-term rentals. Chairperson Waddell clarified that there has not been a consensus reached on whether the Board is willing to regulate the short-term rentals, thereby making the issue of the fee on the application not ripe for discussion. Michelle clarified that there are two different Permits that are currently at-issue, a Zoning Permit and a Business Permit. Discussion was had regarding that there was no confusion and that the Zoning Permit needed to be finalized, which required the decision of whether or not there was a fee to be required from the Applicants. The Board decided that the standard fee of \$35 should be applied and that this form should be utilized by the Zoning Department immediately.

MOTION: Selectman White moved to commence researching and compiling information in regard to regulating short-term rentals. It was seconded by Selectman LeBlanc.

Selectman LeBlanc: Aye

Selectman White: Aye

Chairperson Waddell: Aye

The motion carried. (3-0-0).

Chairperson Waddell discussed next steps on the process. Discussion was had regarding the need for a public hearing on the issue. Chairperson Waddell requested this topic be added to the Agenda for the next meeting with a draft Ordinance for the Board to review, as well as whether fees will be assessed to collect the data necessary on the short-term rentals.

g. Personnel Policy

Ms. Vallee distributed the results from the inquiries to Legal Counsel regarding the Personnel Policy. Discussion was had regarding the amendments made to the verbiage in the Policies in question. The Board requested to be able to review and sign the final draft by November 22, 2021.

h. One-Night Liquor License Forms

Ms. Vallee went over what the form related to.

MOTION: Selectman LeBlanc moved to approve the One-Night Liquor License Forms, as presented, and authorized Michael Waddell to sign on behalf of the Board. It was seconded by Selectman White.

Selectman LeBlanc: Aye

Selectman White: Aye

Chairperson Waddell: Aye

The motion carried. (3-0-0).

i. Updated Electricity Supply Quote

Ms. Vallee indicated it hasn't changed much since the last meeting. She reminded the Board what was discussed at the previous meeting. Discussion was had regarding whether the Board should just keep monitoring the rates and choose to lock in at a future time. Based on the forecasted increase in natural gas prices over the next couple of years, which drive electricity rates, Chairman Waddell suggested to the Board that it would be a good idea to lock in a rate now.

MOTION: Selectman White moved to authorize Denise Vallee to lock the Town into the updated price of \$8.674 with Constellation for two years (2023 & 2024). It was seconded by Selectman LeBlanc.

Selectman LeBlanc: Aye

Selectman White: Aye

Chairperson Waddell: Aye

The motion carried. (3-0-0).

3) Old Business/Updates

Michelle indicated that she had the commitment printed for the taxes but she didn't have the Warrant for the Board to sign tonight because she ran into some issues regarding some items not being considered by the accounting system that she is utilizing. She requested of the Board if she could send the final Warrant to the Board via email once it was ready, for them to come in and sign, and that the tax bills would be out the door with a December 17, 2021 due date.

4) Public Comment: Those in attendance will have the opportunity for public comment of two (2) minute or less.

Ms. Edith Toker inquired regarding the short-term rental form in discussion and whether or not it includes a spot to indicate if the house is on a septic system and of what size.

5) Other Business

a. Approve Minutes of October 25, 2021 (Regular & Nonpublic Meeting) and October 28, 2021 (Regular Meeting).

MOTION: Selectman White moved to approve the Minutes of October 25, 2021, regular meeting and nonpublic meeting, and October 28, 2021, regular meeting, as presented. It was seconded by Selectman LeBlanc.

Selectman LeBlanc: Aye

Selectman White: Aye

Chairperson Waddell: Aye

The motion carried. (3-0-0).

b. Abatements, if needed

- Consolidated Communications of Northern New England Company LLC formerly known as FairPoint- \$248,957 for Tax Year 2020 - Cause is a BTLA Order issued regarding Tax Years 2013 through 2020.

c. Town Manager's Report

- **Libby Recreation Complex Ice Rink Donation Update**

Ms. Vallee indicated that the grass was taken out and the gravel was put in. She noted that the pavement was supposed to be put in last week, but she hasn't had a chance to check if it was completed. Ms. Tucker responded that it wasn't completed to-date.

Ms. Vallee added that the paint has been purchased. She stated that she anticipates all work to be completed on the pavement in the next couple of days, so the paint can be applied while the weather allows.

- **Recreation Tourism Academy - 10/28/21**

Ms. Vallee indicated that 19 people attended. She briefly went over the event and stated that there should be another meeting in the spring.

- Ms. Vallee indicated she received a letter from the Liquor Commission for Big Day Brewing, LLC, who has made an Application to the Division of Enforcement for a brewpub beverage/wine/liquor/cider license, and they are looking for a letter of approval or denial from the town.

MOTION: Selectman LeBlanc moved to authorize Denise Vallee to write a letter of approval for the brewpub beverage/wine/liquor/cider license for 20 Glen Road. It was seconded by Selectman White.

Selectman LeBlanc: Aye

Selectman White: Aye

Chairperson Waddell: Aye

The motion carried. (3-0-0).

- Ms. Vallee indicated that the Town has received more money on the LED light upgrade that was done for the Town Hall, the Fire Station, and the Public Works Garage. She noted that Eversource provided another \$6,000 more than originally promised and she is looking for upgrades that need to be completed in the Town. She noted that she spoke with Jeff Stewart about whether or not new LED lampposts going along the diagonal path could be installed in the park. Discussion was had regarding lighting projects that have been completed, and possible ones that could be completed.

d. Other

- Selectman White brought up the Public Works webpage calendar and inquired as to why recycling was not picked up and it doesn't state when pickup is supposed to occur, however the newspaper indicates that the next pickup day is Saturday, November 20th. He further inquired if that meant they were scheduling overtime to make up for the missed day. Discussion was had regarding the need to update the webpage.

Selectman White added that email addresses are not easy to find and/or are available on the website. Discussion was had regarding the need to have the emails available for residents to access.

6) **Non-Public Session**

Nonpublic Session under RSA 91-A:3, II(a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.*

MOTION: Selectman LeBlanc moved to enter into nonpublic session under RSA91-A3, II(a) and (e). It was seconded by Selectman White.

Selectman LeBlanc: Aye

Selectman White: Aye

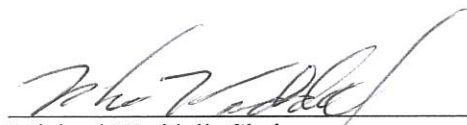
Chairperson Waddell: Aye

The motion carried. (3-0-0).

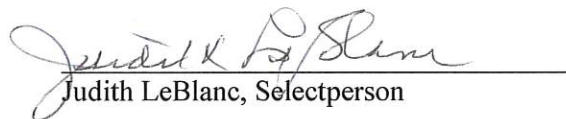
Respectfully Submitted,

Victoria O'Connor, Recording Secretary
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(603) 865-1255

Approved on November 22, 2021 by:



Michael Waddell, Chairman



Judith LeBlanc, Selectperson



Adam White, Selectman