

**MINUTES OF SELECTMAN'S MEETING
TOWN OF GORHAM
MONDAY APRIL 2, 2018, 6:00 PM
TOWN HALL CONFERENCE ROOM**

GORHAM SELECTMEN PRESENT: MIKE WADDELL, JUDY LEBLANC, PAT LEFEBVRE

ALSO PRESENT: Town Manager Robin Frost, Edith Tucker-Berlin Daily Sun, Diane Bouthot, Ronald Donato, Mary White, Ray Bergeron, several others

1. CALL TO ORDER: Chairman Waddell called the meeting to order at 6:12

Consultation with Town Counsel

2. APPOINTMENTS:

3. NEW BUSINESS:

a) Lawsuit – Harry Stearns, et al v. Town of Gorham, et al- Chairman Waddell told those in attendance that the town had been served with a lawsuit but that legal counsel had not had a chance to review it, or to communicate with the State of New Hampshire. Chairman Waddell said the Board of Selectmen would not take a position on it until they had a chance to “see what the lay of the land is.” Chairman Waddell advised he would prefer not to take extended comment on the issue as it would serve no purpose at this time. Chairman Waddell said that once the select board knew how they were going to respond he would make sure the public stayed informed. Chairman Waddell suggested those on both sides of the issue pick a spokesperson and those comments would then become part of the public record. Selectman Lefebvre advised that the selectmen could not interact on the comments made. Town Manager Frost said that written comments were always welcome and were preferred. It was discussed that a public hearing would be held when more was known about the situation. Ray Bergeron stressed the importance of the economic factor involved. Mary White asked if they had any sort of time frame for when a public hearing would take place. Town Manager Frost answered they would take guidance from town counsel about any meetings that would be held.

a) NBRC Grant Opportunity- Town Manager Frost explained the NBRC Grant was the Northern Border Regional Commission grant and that it was time to apply for the 2018 Economic and Infrastructure Development Investment Program. Town Manager Frost read the project description the town would be applying for. Town Manager Frost explained they were applying

for \$250,000 and the town's match would be \$65,185. Town Manager Frost advised this was a letter of interest, not the actual grant, and that the grant was due May 11. Chairman Waddell questioned where the \$65,000 would be taken from. Town Manager Frost advised a lot of it would be "in-kind" where the town would be able to do a lot of the work tearing up the old sidewalk to get ready for the new construction-that the town would be able to charge that to the \$65,000 as well.

b) Goal Setting – April 9th- Town Manager Frost reminded the selectmen to complete the paperwork she had provided them before April 9th. Chairman Waddell requested a word document for that. Chairman Waddell requested a copy of the North Country Council's assessment of the sidewalks. Town Manager Frost advised she put it together and would email it.

c) Master Plan Presentation-April 9th- Town Manager Frost advised she would confirm the time.

d) Library Trustee Alternate Appointment-

Chairman Waddell made a motion to appoint Nichole Eastman. The motion was seconded by Selectman LeBlanc. The board voted unanimously to appoint Nichole Eastman Library Trustee Alternate.

e) Forest Fire Warden Appointments-

Selectman Lefebvre made a motion to accept the list of appointees as given to the select board. The motion was seconded by Selectman LeBlanc. The board voted unanimously to accept the list of appointments for Forest Fire Wardens.

f) Monthly Department Head Reports- Chairman Waddell requested a monthly financial report from all the department heads, stating that it can be in writing and not an in-person report. Chairman Waddell also requested a monthly report on something the department heads have done to improve the web page. Selectman Lefebvre expressed concern about the licensing fees in regard to how many people have access to make changes. Selectman LeBlanc suggested those who do not have access could make a list to have someone update the website.

4. Old Business/Updates:

a) Fire Ponds in Stony Brook- Town Manager Frost directed the selectmen to a letter from Fire Chief James Watkins explaining where he is in the process and that they will begin fixing the pond when the weather warms up.

b) Spring Road Bridge/Culvert Project- Town Manager Frost advised they have pre-construction approval from DOT, the easements are being worked on, but the town does not have confirmation that they own the road. The town attorney is going to review it and if the town doesn't own the road, which is what is suspected, the town will find out how they can quickly take ownership of the road.

c) 2018 Roads and Sidewalk Plan- Town Manager Frost advised the process was started for the sidewalks. Town Manager Frost met with Water and Sewer Superintendent Jeff Tennis, Public Works Director Buddy Holmes, and Eric Grenier of HEB Engineers and it appears for this year more investigation is needed on sub-surface material on a few of the roads, which will be scheduled. Town Manager Frost explained that PWD Holmes has a list of seven roads that will most likely need to be rebuilt. Water and Sewer is working on Alpine Street to Palmer, along with Pleasant Street, which will be resurfaced by Public Works at the same time.

d) FEMA Projects October 2017 Storm Event:

i. Stony Brook Road- Town Manager Frost said the town should be getting reimbursed for the emergency repairs that were done.

e) Loader Repair/Lease- Town Manager Frost passed out a memo from PWD Holmes regarding the old loader and the repairs that were needed, and that the town would get a trade in value of \$40,000, if purchasing a new loader. Chairman Waddell asked the board if they were interested in getting a quote for repairing the machine. Selectman LeBlanc was in favor of getting a quote to have it repaired. Selectman Lefebvre pointed out the cost to repair the cab and for new tires was \$35,000 and it did not increase the trade in value. Chairman Waddell was in favor of putting specifications out for three different quotes. Chairman Waddell inquired if the town could get a straight cash no trade-in price. Town Manager Frost advised she would wait to request that as the town had gone back and forth. Chairman Waddell asked what was going on and Town Manager Frost advised PWD Holmes was getting new quotes and at this point was just waiting for one more. Chairman Waddell requested the board be ready to make a decision on the loader by April 30, 2018.

F) Snow Storage at Town Garage- Town Manager Frost advised they were looking at identifying the match for the other conservation land to make application to DES for filling in the wetlands. The information would be sent to Brad Sullivan at CMA and the town would meet with CMA

before applying to DES. Chairman Waddell suggested that PWD Holmes monitor the situation to see how much water backs up this Spring.

5. Public Comment:

Mary White asked if there was any kind of guarantee on the parts to rebuild the loader or any warranty on rebuilt parts. Selectman LeBlanc advised that would be included in the quote.

Ron Donato expressed his frustration at the tax rate, the department heads who don't live in town and the tax rates where they live, and the bill for \$40,000 for the street light project. Chairman Waddell explained the savings the town would recoup after two years using the LED lights. Donato also questioned why Selectman Lefebvre didn't seem in favor of repairing the loader and why the equipment wasn't cleaned immediately after use. Selectman LeBlanc told him the select board would look into it.

Someone questioned who would be representing the town on the ATV lawsuit. Town Manager Frost explained there may be co-counsel between general counsel and what Primex would take care of.

Someone questioned the age of the loader and whether it could be fixed. Selectman Lefebvre advised the loader was 18 years old, had 5000 hours on it, and was not bought by the town in new condition. Selectman Lefebvre also brought up that Selectman Waddell had said the loader could not be saved without the cab being replaced and it was not fixable. Adam White advised that in his experience, in this day and age, cabs cannot be repaired due to rollover protection systems.

Mary White voiced concern over snow machines using the sidewalks and the damage it causes when there is not a lot of snow cover. Town Manager Frost advised limiting snow machine use has been discussed. Selectman Lefebvre suggested following the state's trail closure guidelines.

6. Other Business:

a) Town Manager's Update- Town Manager Frost went to public works at their request and discussed what they had read in the paper with regard to the police contract. Town Manager Frost advised they were in the process of revising the town personnel policy and that their concerns would be taken into consideration. Selectman Waddell questioned if the town code would be looked at. Town Manager Frost advised it would.

Town Manager Frost discussed legislative policy process through NHMA and that she had been asked to sit on the General Administration and Governance Committee. Meetings would be once a week from April 8th through May 25th and possibly twice a week in the beginning. Chairman Waddell said that with everything going on this spring, he would rather have her here. Selectmen LeBlanc expressed concern that Town Manager Frost would be going to these meetings on the town's dime. Town Manager Frost advised she would tell them she would not be able to participate.

Town Manager Frost requested that their office hours mirror the town clerk's office hours of 8:30-4:30 stating that they have very few people come in between 8:00 and 8:30 and over the last couple weeks, only one person came in between 4:30 and 5:00. The board agreed to change the hours.

b) Selectmen's Updates-

Selectman Lefebvre requested that the board attend another seminar through NHMA regarding what the objectives and goals of the different positions of the board and other town positions should be. Town Manager Frost went over dates that the seminar is being held. Selectman LeBlanc requested a list of dates and locations.

Selectman LeBlanc advised Mary White that she researched the grant information that she sent her and the library was not eligible. Town Manager Frost advised the library is aware of that grant and they are applying for it.

Chairman Waddell met with the Water Commission and discussed land to be used for mitigation. The Commission did not have any problems with what was discussed and the next step would be having CMA figure out what would be best for the town. Chairman Waddell also gave the selectman information on what the school board was working on.

Selectman Lefebvre advised they needed to meet with town counsel in reference to the town manager's contract. Chairman Waddell stated it would be discussed during non-public.

c) Approval of Minutes (March 19, 2018)- Selectman Lefebvre made a motion to accept the public and non-public minutes from March 19, 2018. The motion was seconded by Selectman LeBlanc. The board voted to accept the minutes.

Selectman Lefebvre made a motion to accept the non-public minutes from March 5, 2018. Chairman Waddell seconded the motion. Selectman Lefebvre-aye. Chairman Waddell-aye. Selectman LeBlanc-abstained. The board voted to accept the minutes.

d) Sign Manifest; Abatements and Exemptions (if necessary)- There were none.

Chairman Waddell asked if there were any other comments or questions. Chief Cyr advised that he put out an internal posting to fill the position of prosecutor due to Lt. Woodworth's resignation and that Michael Turgeon expressed interest in being the prosecutor for the town. Chief Cyr also advised the police department wanted to reinstitute the DARE program. Patrick Riendeau has expressed interest in becoming the DARE officer. Tina Binette has signed a memorandum of agreement that time at school would be allotted for the DARE program. Selectman Lefebvre questioned if there was enough overtime in the police budget to cover the required training. Chief Cyr advised he would work around it by covering those officer's shifts. Selectman LeBlanc questioned if there was any grant money for DARE. Chief Cyr said he would find out. Chief Cyr also advised that he spoke with Dave Backler about a version of a school resource officer to go into the school. Selectman Lefebvre questioned if scheduling would allow for the patrol officer teaching DARE to be taken off the street to teach the class. Chief Cyr said they could work around it.

Chairman Waddell requested a motion to go into non-public per RSA 91-a:3,II

At 7:35 pm, Selectman LeBlanc made a motion to go into non-public session per 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 meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(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. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

Seconded by Selectman Lefebvre. The Board voted unanimously by roll call vote on the motion. LeBlanc – Aye, Lefebvre – Aye, Waddell – Aye.

At 8:30 pm, Selectman Lefebvre made a motion, seconded by Selectman LeBlanc, to come out of non-public session. The Board voted unanimously by roll call in favor of the motion.

LeBlanc – Aye, Lefebvre – Aye, Waddell – Aye.

A motion by Selectman Lefebvre, seconded by Selectman LeBlanc, to seal the minutes of the non-public session failed by a vote of 1-2 (LeBlanc, Waddell).

No decisions were made during or as a result of non-public session.

As there was no further business to discuss, the meeting was adjourned at 8:35 pm.

**Reviewed and approved:
Gorham Board of Selectmen**

Michael Waddell, Chairman

Patrick Lefebvre

Judith LeBlanc