Bethlehem Board of Selectmen

 Meeting Minutes

September 14, 2020

Via Zoom – Chairman Boisseau, Selectman Moore, Selectman Moritz, Selectman Caplain, Selectman Jensen.

Chairman Boisseau opened the meeting at 6:00 and reminded people to leave their microphones on mute.

**PUBLIC INPUT**

Selectman Moore announced the appointment of David Nicholson to the grant committee. Him and Selectman Jensen will work together on that.

Dave Robinson – new resident in town and wonders how the Board verifies the safety of some buildings in town. He mentioned the Sherman Inn and said it doesn’t look like it meets commercial safety measures. Chairman Boisseau said the Health Officer (building inspector) does that and Selectman Jensen said the Fire Chief also is part of that.

Chris McGrath asked if the Board received his email and read it. They said they received it.

**Public Hearing for proposed Littering Ordinance** – Chairman Boisseau explained the purpose of the hearing and said they need to determine the fine amount because that hadn’t been determined yet. He said the wording changed from multiple offenses being a year from the offense instead of Jan 1 – Dec 31. Selectman Caplain said he likes the idea of having an up to $1000.00 fine so the police can fine accordingly based on offense. There was discussion about what the fine amount should be. They agreed on up to $1000.00 for first 2 offenses and $500.00 minimum for 3 or more. Rita Farrell said Casella said they would have locks on their totes, but they don’t have locks and if the bears get into it will they get fined. Chairman Boisseau gave the definition of litter. Mrs. Farrell asked if someone could look into whether Casella promised to have locks on the containers or not. Selectman Moritz said there is a bear ordinance. Selectman Moore said she believes the homeowner is responsible but will look into it. Jim Murphy – to Rita – had problems with bears and lost his trash can twice and modified his trash can to bear proof them. He offered to go help her bear proof hers. He offered to do that for anyone. He is concerned that the one-year time starts over and feels if they are repeatedly doing this it should not go back to year one. Chairman Boisseau said it would be a minimum of $500.00 after 2 offenses. Selectman Jensen said there will be discretion from the police and doesn’t believe there will be a fine every time a garbage tote is knocked over. Selectman Caplain said if they clean it up in a reasonable amount of time the police probably won’t do anything but if it is left for a long period of time it should be addressed. Chuck Phillips asked if this included dumping stuff on your own yard and mentioned multiple properties that have junk all over their yard. Selectman Moore said that is private property so can’t do anything unless it is a junkyard issue which is 3 unregistered vehicles or if it is a health issue. Selectman Jensen said he believes they should look into ways to deal with derelict properties. Chairman Boisseau said it would be worth bringing up at a future meeting. Harry Newell said there is a property maintenance ordinance that other towns use.

Stephanie Manners said her family just moved here, and she brings a bag to pick up trash when she walks her dog but is surprised by how little there is. She also said she has seen the house in disrepair on Main St. and wonders if they need help with it and would be willing to help.

**BRLF** – Rosa Flamingo’s applied for a façade grant for outside work that is all facing main street. Chairman Boisseau is in favor of using some of the funds for this. Selectman Moore said the committee recommends this. **Selectman Moritz moved to grant a façade grant to Rosa Flamingo’s for $5000.00. Selectman Caplain seconded. Roll call – all – motion carried.**

**Douglas Drive** – There has been concern brought up because the road would be used to access the landfill and the 2011 agreement says it shall not expand landfilling in Bethlehem. People are questioning if that is breaking that agreement. Chairman Boisseau said he feels it would need to be passed off to our attorney to get a legal opinion. Selectman Moore said they have submitted a wetlands application on the lots next to the road that are in Bethlehem. She said Douglas Drive is a private road and she doesn’t know how that works either. Selectman Jensen agrees with Selectman Moore and also wonders if they should look at change of use. Selectman Caplain agrees that it should be referred to legal. Andrea Bryant encouraged the Board to look at the entire zoning ordinance – District 3, change of use, Article 3, etc. Jon Swan thanked the Board for bringing this up and pleased they are taking it seriously. He asked if they would reach out to DES to see if they would delay their decision of stage VI due to possible violations of MOU of stage VI permit application. Rita Farrell asked why they need permission and asked if the steady stream of trucks using that road be a consideration. Chairman Boisseau said that isn’t part of this discussion. Mr. McGrath said about 7 years ago when Planning Board discussed this, they got legal advice and so did Select Board and they couldn’t do anything. Jeanne Robillard said it is an excellent idea for the board to do their due diligence and wants to remind the board that conservation commission commented, and DES was concerned about wetlands permit. The Board agreed to get legal advice.

Chairman Boisseau said many people have talked with him about **noise issues** including fireworks that disrupt their kids sleeping, upset dogs etc. Selectman Moritz said Chief Ho-Sing-Loy proposed one, but it was declined. She said she wouldn’t be opposed to it. She also said she thinks it should go to a town vote. Selectman Jensen said we have an old ordinance and asked what Chief DeMoranville thinks of that. Selectman Moritz said she doesn’t know what he thinks but said Chief Ho-Sing-Loy said it was not enforceable. Chairman Boisseau said he has heard from a lot of people that the noise is from fireworks. Selectman Moore wants to hear what people have to say. Nancy Fages has spent 15 summers here and has new neighbors that are gun enthusiasts and at 1am it is not okay. She is told by the police there is not a noise ordinance. Jim Murphy said he lives in an area of airbnb’s and does not appreciate the board thinking it is only a fireworks issue. He never had a problem before this summer. He said there were 12 people staying in the one house. He called the police because of the noise they were making. The police talked to them but as soon as the police left, they turned up their music. He is a former music teacher. He hears their music, swearing, yelling, etc. He said this town does nothing to prevent it. The police say they can go talk to them but there is no ordinance in town. He said they have the right to the enjoyment of their property. He also said this needs to be addressed. He said the out of state Airbnb owners need to be held accountable. He said they advertise an occupancy of 12 people but there is one bathroom. Selectman Moritz suggested he may be talking more about a need for an Airbnb regulatory ordinance. Chairman Boisseau said it has come up in the past and there has been an uptick in conversation about it this summer. He said it may be time to review ordinances. He explained an ordinance would have to be drafted then they would have 2 public hearings to get the wording correct and public input. Selectman Jensen said there are people that have substantial issues with noise and going through deliberative may leave people with serious concerns without a solution. He said he believes the Select Board should address this. Nancy Strand asked if there is some kind of disturbance of the peace law that can address issues like that. Ms. Strand said it isn’t so much about the noise but about disturbing the peace because what bothers one person may not bother another. Jim Martin said the ordinances are very vague in this town. He has grown up with guns, been in the military etc. but if someone is shooting guns at 6am or late at night that is wrong. There are rules to follow. Jolee Horvath said she lives on a residential road with a lot of kids and there are fireworks, dogs barking, guns, etc. She said she has been told the police can’t address it without an ordinance. She said it can’t wait until March because there are a lot of second homes, and they come to ski, and they do fireworks all year. She also said other people in her neighborhood have the same concerns. Mr. McGrath said he believes it should be a town vote. Mrs. Farrell said you can get a decibel level app on your phone. She also said there is an ordinance that says you can make noise 17 feet from your property line. Selectman Jensen said it passed in 1994 – 30 feet from property line. Mr. Martin said anyone can shoot on their property unless you are in town. Selectman Caplain thinks Selectman Moritz should talk with the Chief to give him some teeth to talk with the people who are setting off the fireworks, shooting the guns etc. Selectmen Moritz and Moore agree. Selectman Jensen and Chairman Boisseau agree but also think they should work towards an ordinance. Tabled.

**Internet in town building** – Chairman Boisseau asked due to zoom meetings do we need to update our internet. Selectman Moore said she has been frustrated about not being able to get the information from Profile to go forward with the wiring. She said there was a hold up because they couldn’t get multiple quotes from electricians. April will reach out to Spectrum to see if there is anything that can be done. Chairman Boisseau will talk with Profile School Board to see what they are using for their meetings and Selectman Moore with reach out to Gorham which Pam Sullivan recommended.

**Website Pictures** – Selectman Caplain said Sullivan has hired someone to take pictures for the website and a business has requested using the picture. Pam Sullivan suggested they could if they use the ***Just Be*** logo and have a link that goes back to our website. Ms. Sullivan said it is good because the website will get more views. The Board agreed it was a good idea. Ms. Sullivan said we should allow them to use the ***Just Be*** also to get it out there.

**OTHER**

Mary Polaski is donating backpacks and believes they could be sold for $10.00 and would like the money to benefit the fire and police. Selectman Moritz asked who is going to do this, track it etc. The Board discussed how they don’t think the employees should have to do it. Chairman Boisseau asked about leaving them in the town office and leave a donation jar. Mike Bruno suggested seeing if someone would purchase the backpacks and donate to the elementary school. The Board will look into and consider their options.

**Selectman Moritz moved to approve the minutes from 08/31/20. Selectman Caplain seconded. Roll call – all – motion carried.**

**At 8:27 Chairman Boisseau moved to go into non-public session per RSA 91A:3 II (a) (b) (c) (e) Personnel, Reputation & Legal. Selectman Moritz seconded. Roll call – all – motion carried.**

The Board discussed personnel issues. A memo will be sent out to Dept. Heads.

**Selectman Moore moved to hire Jen Walker as Deputy Tax Collector/Deputy Town Clerk at $15.00/hour. Selectman Moritz seconded. Roll call – all – motion carried**.

The Board discussed a legal issue and advice from the attorney.

**At 9:10 Chairman Boisseau moved to adjourn. Selectman Moore seconded. Roll call – all – motion carried.**

Respectfully submitted,

April Hibberd

Administrative Assistant