Bethlehem Board of Selectmen

Meeting Minutes

February 1, 2021

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

Chairman Boisseau opened the meeting at 6:01pm and reminded people to leave their microphones on mute.

Positive of the week: Elves in town hall – Bethlehem Elementary School sent nice note Nicole McGrath helped BES with family baskets over the holidays. Look at letter to get details.

**Public Input**

**Chris McGrath** – Would town consider discounted dog registration for senior dogs?

**Noise Ordinance**

**Chairman Boisseau –** gave a recap of the previous hearing and a history of the ordinance. The proposed ordinance was discussed at 6 or more meetings in the last year and the board received input from the public and Chief DeMoranville. The current proposed ordinance was amended from an ordinance proposed by Chief Ho-Sing-Loy. Chairman Boisseau explained that it gives residents a tool to report unreasonable noise. The proposed ordinance is based on complaints received by the Bethlehem PD and the PD will not actively be looking for violators. Chairman Boisseau continued that the state laws are still in effect and they will be used for egregious issues that the PD feels appropriate. He stated that it was discussed whether this issue should be an ordinance passed by the board or if it should be voted on by the town, that decibel levels are hard to measure and not recommended, and that the planning board is looking into short term rentals and noise issues. Chairman Boisseau then opened the floor to public comments.

Public:

**Rita Farrell** voiced her concern about not measuring noise. Chairman Boisseau stated the noise is measured by the perception of the responding officer and it is up to the officer to make the determination. If the offender feels the officer’s assessment is not correct, they can take their case to court. Selectman Caplain added that it would be difficult to measure a one-time noise and there are many factors involved in measuring a noise to document it correctly. Ms. Farrell stated the current ordinance lists a 20ft measurement beyond the property line as being the measurement of a violation. Chairman Boisseau stated that they would not be amending the proposed ordinance tonight but it can be revisited in the future. The board will not add decibel levels.

**Harry Newell** – If the town uses state laws the state gets the fine, if they use a town ordinance the town gets the fines.

**Cheryl Jensen** – Ms. Jensen voiced her support of the proposed ordinance.

**Ian Dowling** – owner of Rek-lis Brewing Company – Mr. Dowling voiced some concerns he had regarding the ordinance. Mr. Dowling wanted clarification on the enforcement and penalties involved with the proposed ordinance. He is concerned that the officer does not need to hear the noise to confirm is and is concerned that a call will result in an instant fine. The board and Mr. Dowling discussed the proposed ordinance regarding its time frame, exemptions, and waivers for specific events.

**Donna Devlin** – Voiced her support of the ordinance and supported the board passing it as opposed to a town wide vote.

**Ian Dowling** – Mr. Dowling asked if the ordinance refers to specific planning zones in town. Selectman Boisseau stated that it covers all the planning zones in town.

**Harry Newell** – Mr. Newell asked about airbnb’s? Chairman Boisseau stated that they are a lot of the catalyst going forward with the ordinance. Gives local law enforcement something to use to enforce and protect people who live in town.

**Rita** **Farrell**– asked about the truck traffic from the proposed landfill in Dalton and the impact that would have on town noise. Chairman Boisseau stated that this is a separate issue not a part of the proposed ordinance discussion.

**Peter Roy** – stated there are state laws which regulate vehicle noise

**Veronica Morris** – voiced her approval for the ordinance after initially being against it. Ms. Morris brought an example of a nearby town with no ordinance that cannot retroactively enforce one against an offender. Ms. Morris believes the ordinance can help with potential future issues, but she feels the exemptions should cover more and the wording could use some tweaks.

**Cheryl Jensen** – feels board should vote on ordinance and not put it off again.

**Chris McGrath** – suggestion, vote it down tonight and come back with new rules. AirBnB – fines should be paid in 7 days not 48 hours –

**Nancy Strand** – agree that we should move forward with passing it and change in future if needed

**Allegra Wright** – support that ordinance should go forward but believes that it should go to the town to vote – believe everyone should have a voice

**Rita Farrell** – point of order – Arlington hotel sold a year ago, not to a religious group

**Chairman Boisseau** – sought additional public comments. None offered.

**Selectman Jensen** – made motion to adopt the Noise Ordinance as presented. Selectman Caplain – seconded – Chairman Boisseau further discussion? Selectman Moritz - many hours of discussion went into decision, not a light decision – roll call – all – motion passed.

**Chairman Boisseau** – Thanked all for attending – made a motion to close the public hearing on the Noise Ordinance – Selectman Jensen seconded – roll call – all – motion passed.

**Transfer Station Committee**

**Selectman Jensen – gave** explanation of an injunction filed to prevent NCES from expanding operations and the need for a plan if the injunction passes and NCES no longer accepts town waste. Selectman Jensen suggested the town prepare an emergency permit. Chairman Boisseau mad a motion to give the transfer station committee support of the board to seek out a permit for an emergency transfer station if NCES doesn’t accept waste. Selectman Moore seconded – roll call – all – motion passed.

**Tiny Pantry**

**April Hibberd** – Ms. Hibberd gave a background of the Tiny Pantry idea and an explanation of how it would work in town. The pantry would be available 24 hours a day,7 days a week. The board discussed the merits of the Tiny Pantry.

**Erin Talcott** – idea come from Facebook – successful in Littleton and would like to utilize pantry in town and make it more accessible.

**Chairman Boisseau** – opened the floor to public input.

**Rita Farrell** – voiced support of project.

**Veronica Morris** – a good Samaritan act at federal level that protects town from liability.

**Chris McGrath** – voiced support of project and offered assistance if needed.

**Chairman Boisseau** – asked about sanitation guidelines. Ms.Hibberd stated they will look into USDA guidelines and follow recommendations.

**Barry Zitser** – Mr. Zitser asked what the best way to support the ban was, money or food donations? Ms. Hibberd suggested reaching out to people in town that may need help as the current food pantry is full of food and there are funds to support the bank as well.

**Selectman Jensen** – made a motion to expand the current food pantry to include Little Free Pantry to be located near the town hall and administered by volunteers – Chairman Boisseau seconded – roll call – all – motion passed.

**Deliberative/Voting Postponement**

**Chairman Boisseau** – explained the board’s decision to delay the deliberative session and the town election day. The governors executive order #83 allows postponement. The board with Mary Lou Krambeer and Mary Jackson discussed the options available to the town. They discussed elected officials holding office until their replacements are voted in.

**Selectman Moritz** – made a motion to make deliberative Friday June 4th at 6pm at Profile HS, and town elections Tuesday July 12th at the town hall. Chairman Boisseau seconded – roll call - all – motion passed.

**Follow Up**

**Selectman Caplain** – the USDA grant for the solar project was awarded for the full amount, $165,000.

**Selectman Moritz** – The town received a request for a letter of support from Littleton selectman to support the WMCC campus expansion. The board discussed and offered their support.

**Selectman Mortiz -** made amotion to send letter of support for WMCC expansion in Littleton, Selectman Caplain seconded – roll call – all – motion passed.

**Other**

**Chairman Boisseau** – suggested to move to bi-weekly select board meeting schedule. The next would-be Feb 15th. The board discussed and all were in favor of moving to a bi-weekly schedule.

**Chairman Boisseau** – PD would like to purchase radio using capital fund to replace damaged radio.

**Selectman Moritz** made a motion to move forward with radio purchase for $1350.19 – Chairman Boisseau seconded – roll call – all – motion passed.

**Selectman Moore** – Bretzfelder - The winter programs are on hold with COVID but adding virtual events.

**Minutes (1/25/2021)**

**Chairman Boisseau** made a motion to accept minutes from 1/25/2021 – Selectman Moore seconded – roll call – all – motion passed

**At 8:21pm Chairman Boisseau moved to go into non-public session per RSA 91A:3 II for matters of reputation and employment. Selectman Moritz seconded – roll call – all – motioned carried.**

**Board discussed deed waivers with Mary Jackson – MM made motion to waive deed for all properties (listed in email) – LM seconded – roll call – all – motion passed.**

**Selectman Moritz made motion to approve pay raise for Earnest Patch from $10 to $12/hr and Danny Gerlack from $13 to $14/hr for completion of their EMT course. – Selectman Jensen seconded – roll call - all – passed.**

**Selectman Moore made a motion to hire Taylor Girard at $10/hr for the rec department as an after-school counsellor. – Chairman Boisseau seconded – roll call – all - passed.**

**Selectman Jensen – discussed legal issue regarding 2012 agreement with NCES.**

**At 8:42 Selectman Moritz made a motion to adjourn. Chairman Boisseau seconded – roll call – all – motion passed.**

Respectfully submitted,

Tim Fleury

Administrative Assistant