Bethlehem Board of Selectmen

Meeting Minutes

May 10, 2021

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

Chairman Boisseau recited the attached statement regarding virtual meetings. – Roll call – all present

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

**Public Input**

**Barry Zitser –** congratulated the Bethlehem Conservation Commission for the town cleanup event –great turnout and number of cleanup bags – Friendship House will be opening soon and providing needed service, our community understands need for mental health facilities.

**Water Spring Rehab Request**

**Bridget McKee –** Bent Fork Farm on Maple Street – spring box on town property, unused – looking to access spring on town property and connect it to existing above ground line.

The board discussed legal and liability concerns. Selectman Jensen voiced concern that town would be setting a precedent for businesses using water from a town resource. The board decided to reach out to the town insurance company to determine the town’s exposure and to keep any agreements on a year-to-year basis. Ms. McKee made it clear she isn’t asking for exclusive rights to the spring.

**Sullivan Creative – marketing update**

**Pam Sullivan** - Ms. Sullivan gave an update to the marketing process. Sullivan Creative is moving into the second phase of the plan, paid social media content and monthly newsletter creation to drive users to the town’s website. Ms. Sullivan asked the public to please reach out directly to Sullivan Creative if there are any issues they find with the website, instead of posting on social media. Ms. Sullivan cleared up some of the terminology she used for the public in the meeting.

**Board Response to NCES Letter of Deficiency**

**Chairman Boisseau** read a statement approved by the town’s legal representative.

“On April 23, the NH Department of Environmental Services issued a Letter of Deficiency to North Country Environmental Services, which operates the landfill. The state cited a “failure to operate only within the permitted vertical and lateral limits of the landfill.”

The state said that in one area the waste was about 16 feet higher than allowed. The state told NCES that it should “immediately cease placing waste outside the vertical limits of the landfill, and promptly relocate waste to areas within the permitted vertical and lateral limits of the landfill.”

A week later NCES responded to the state’s Letter of Deficiency. NCES disagreed with the state. It said “there is nothing in the rules of Stage V permit conditions that prohibit transitory placement of waste above what will eventually be the final limits of waste.” NCES also told the state that over time the waste would settle at the rate of 1 and one-half to two feet per year. NCES said when the landfill closes sometime in 2027 the height will be reduced by about 10 feet.

The select board then asked the town attorney to review the documents as well as the 2012 agreement with NCES. The select board wanted to know whether there was a violation of the 2012 agreement with NCES. The town’s lawyer concluded that he did not see any violations of the 2012 agreement.

 Here’s why: The 2012 settlement does have a height limit of 1,483 feet. But it also says that is for a “final and capped elevation.” And the landfill is not at its final and capped elevation. That happens when the landfill is closed.

The state has taken the position that NCES has an absolute limit for height even during operation – that is before the closing. NCES takes the position that the limit only applies to the final capped height. Currently, our legal counsel's recommendation is that the town does not have a role to play in this and we should let the state and NCES work this out. When the landfill is closed – if it is higher than the 1,483 feet in the settlement – then the select board would have the right to take an enforcement action.”

**Rita Farrell –** Ms. Farrell gave her opinion on the NCES letter of deficiency and respectfully asked the town to reach out to NHDES to check to see if the town should be involved.

**Andrea Bryant** – Ms. Bryant suggested the board talk to the zoning attorney for a second opinion.

MM – understand frustration – clearly states closed and capped height in agreement – CJ – settlement from 2012 – NCES violation of permit, not agreement –

**Veronica Morris** – not town’s fight at this moment – up to state regulators.

**Barry Zitser** – read DES letter to NCES and NCES response – sounds like still a fluid situation and DES still needs to address NCES response – attorney statement sounds reasonable as a matter of contract – up to DES to enforce ruling.

Selectman Moritz – thanked Chairman Boisseau for concise and detailed fact-based comment.

**Candidate’s Night – setting the date.**

**Mary Lou Krambeer** – proposing June 30th or July 6th – Chairman Boisseau – 30th - may be long weekend over 4th of July – Selectman Jensen – voting on July 13th – board agrees on June 30th for candidate’s night.

**Revolving Loan Fund Request**

**Chairman Boisseau** – White Mountain Transmission requesting – committee recommends helping with loan –

**Selectman Caplain** – makes motion to approve request -Chairman Boisseau – second – roll call - all – motion passed.

**Other**

**Selectman Caplain** – 2 items for follow up – DOT on PMR traffic – Selectman Caplain has made a number of calls and still trying to connect – Irving trash – Chief DeMoranville went over that day - trash has been cleaned up.

Selectman Jensen – The town applied for an economic grant for $30k roughly a month ago and has been accepted to move ahead in the application process. Spectrum has reached out regarding newly available federal funds to improve broadband access in Bethlehem. Selectman Jensen asked if the town should reach out to more providers as well. Chairman Boisseau agrees we should reach out to more entities and Selectman Caplain thanked Selectman Jensen for his hard work in applying for the grant.

**Selectman Moore** – trash issue at Irving much improved – dumpster trashed cleaned up and no trash currently. Roadside cleanup – thanked all participants – 42 bags and mini fridge just in her truck, many more bags picked up and returned - great turnout – Selectman Jensen – at last count more than 140 bags were collected.

**Tim Fleury** – Mr. Fleury presented concrete repsairs that are needed at the town pool. Quote not to exceed $8480.00 provided by local masonry contractor. Only contractor to take job and return calls.

Chairman Boisseau – makes motion to approve pool repairs – Selectman Moritz seconded – roll call - all – motion passed.

**Minutes (4/26/2021)**

**Selectman Moore makes motion to accept the minutes from 4/26/2021– Selectman Caplain seconded – roll call – Selectmen Moore, Caplain and Jensen approve – Chairman Boisseau and Selectman Moritz abstain due to absence.**

**At 7:08 pm Chairman Boisseau made a motion to go to Non-public Session per RSA 91A-3 II (personnel, reputation) – Selectman Moritz seconded - roll call – all – motion passed.**

**Selectmen Moritz – motion to hire Rebecca Hucksoll for the fire department @ $12.00/hr – Selectman Jensen second roll call – all – motion passed.**

**Board discussed statement to eviction notice if needed.**

**Board discussed town personnel, health officer and building inspector position.**

**At 7:38 pm Selectman Boisseau made a motion to adjourn. Chairman Moritz seconded – roll call – all Chairman Boisseau, Selectman Moritz, Selectman Caplain, Selectman Jensen – motion passed.**

Respectfully submitted,

Tim Fleury

Administrative Assistant

A Checklist To Ensure Meetings Are Compliant With The Right-to- Know Law During The State Of Emergency

As Chair of the Bethlehem Board of Selectmen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor’s Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

1. *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing Zoom for this electronic meeting. All members of the select board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #646 558 8656, Meeting ID: 210 605 342 and Password: 087588, or by clicking on the following website address:

<https://zoom.us/j/210605342?pwd=RlMyRVNKUWZIZk1wdFFYaWJFZ2dKdz09>

1. *Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Town of Bethlehem at www.bethlehemnh.org.

1. *Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody has a problem, please email Tim Fleury at: admin@bethlehemnh.org

1. *Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let’s start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to- Know law.

1 Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting comply with the Right-to-Know law and any applicable due process requirements. In certain circumstances, a regular business meeting of a public body may be conducted utilizing audio-only technology. If you have any questions about the appropriateness of the technology utilized to conduct your meeting, please consult your agency counsel or the Attorney General’s Office.