

Bethlehem Board of Selectmen
Meeting Minutes
Bethlehem Selectmen Office
April 13, 2015

Present: Selectman Laleme, Selectman Blanchard, Selectman Staples, Chairman Culver (arrived at 6:50).

Selectman Laleme (acting as Chairperson in the absence of Chairman Culver and Vice-Chair Glavac) opened the meeting at 6:00pm, read the public hearing notice ***Pursuant to RSA 231:161-163, the Bethlehem Board of Selectmen shall hold a public hearing in conjunction with their regularly scheduled meeting on Monday April 13, 2015 at 6:00pm, at 2155 Main Street, Bethlehem, NH in the meeting room on the 3rd floor, relative to hearing a petition received from Mary Jackson, Tax Collector, said petition seeking to amend all previously issued pole licenses and authorize town representatives to condition all new pole licensing applications on these amendments*** and opened the public hearing. Mary Jackson came before the Board to explain that the purpose of seeking an amendment to existing pole licenses is to ensure that all of Town's license grants meet current statutory requirements as to language regarding consent to taxation. She also said the Town also wishes to establish its intent to condition future licenses to the extent allowable under law, including conditioning licenses on the Town's being provided timely and accurate information from pole owners and users on poles, conduit, and right of way usage. There was discussion about whether the poles would be changing height or having new users. Mrs. Jackson said there is no change in the height and said there may be new users but she isn't aware of any. She said it is just changing our language for tax purposes. Selectman Laleme moved to accept the amendment proposed by Mary Jackson. Selectman Blanchard seconded. Carried 3-0.

Selectman Laleme reviewed a request from the Conservation Commission to appoint Donna Devlin Young to fill an unexpired portion of a three-year term that runs from April 2014 to April 2017 and also to recommend two volunteers, Nicole McGrath and Joyce Menard, to each serve as Alternates to the Commission for three-year terms that run from April 2015 to April 2018. Selectman Blanchard moved to accept the nominations. Selectman Staples seconded. Selectman Laleme asked Cheryl Jensen how they determine which alternate to appoint. Cheryl said she believes it is their policy to alternate. Carried 3-0.

The Board reviewed a website quote from Larcom Studios. This was tabled.

The Board reviewed abatements.

Selectman Laleme moved to grant an abatement due to assessing value to Merrick Pratt for \$1,066.72. Selectman Blanchard seconded. Carried 3-0.

Selectman Laleme moved to grant an abatement to N.C. Community Development Center for \$1,781.97. Selectman Staples seconded. Carried 3-0.

Selectman Blanchard moved that in keeping with recommendation from assessor to deny an abatement for Dale and Debra Sollars. Selectman Staples seconded. Carried 3-0.

Selectman Blanchard moved that in keeping with recommendation from assessor to deny an abatement for VMO Inc.. Selectman Staples seconded. Carried 3-0.

Selectman Blanchard moved that in keeping with recommendation from assessor to deny an abatement for Christopher and Carol VaJames. Selectman Laleme seconded. Carried 3-0.

Selectman Blanchard moved that in keeping with recommendation from assessor to deny an abatement for Cindy Fitzgerald. Selectman Staples seconded. Carried 3-0.

At 6:19 Chairperson Laleme read the public hearing notice ***Pursuant to RSA 80:52-c (Electronic Payment) the Bethlehem Board of Selectmen shall hold a public hearing in conjunction with their regularly scheduled meeting on Monday April 13, 2015 at 6:15pm, at 2155 Main Street, Bethlehem, NH in the meeting room on the 3rd floor, relative to creating an ordinance to accept payments by credit card for taxes, car registrations and other fees*** and opened the hearing. Mary Jackson explained the purpose of this is to accept payments by credit cards and ACH for taxes, car registrations and other fees. She said there is a consumer fee charged by the credit card company and the town will charge \$1.50 to cover costs for copies, mailing receipts, etc. Mrs. Jackson said there will not be a swiper at the counter at this point so if someone wants to pay by credit card they can only do it online. Mrs. Jackson said there will be no cost to the town. Selectman Laleme moved to accept the electronic payments ordinance. Selectman Staples seconded. Carried 3-0.

The Board tabled the discussion about the changes to the employee handbook until the next meeting.

Public input:

Rita Farrell said there was a meeting when the Board went into non-public session for impending litigation but said the information is public information. Selectman Laleme read ***RSA 91-a:3, II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*** and explained that until the claim has been settled they discuss it in non-public session. Mrs. Farrell asked to have available what is public information regarding that.

Rita Farrell said she wanted to correct some incorrect information she gave at a former meeting. She said she referred to regulation # 1104 but the correct # is 1005.01. Ms. Farrell said NCES said they were held to higher standard than any other landfill in regards to odor and said the odor complaints are documented and they receive the most complaints. She also said when NCES comes before the Board with information people should be allowed to question them.

Mrs. Farrell asked the Board about a lot on Main Street that was clear cut. Selectman Blanchard said it is his understanding that someone is building a house on that lot. Mrs. Farrell asked if they needed permission to cut and she was told there is an application process for it. Selectman Laleme said it is their own property and they can do what they want with it if it is within the zoning laws.

Mr. Gadwah came before the Board with Dan Tucker, attorney Jody Hodgdon, and Dr. Bishop to discuss his property that has the water spring on it. Mr. Gadwah told the Board that he has owned it for approx. 30 years and in 1989 the Town's main water line froze so ½ the town got water from the spring. He said he was paying taxes at the time and went to the Select Board at that time (Dan Tucker, Jack Anderson, and Howard Keach) and they agreed he shouldn't have to pay taxes for that property. Selectman Laleme said she understands what he is saying but said abatements are done on a yearly basis and said the Dept. of Revenue said the Board cannot abate the taxes because it needs to meet state laws. Selectman Laleme said our legal advice cited a case law from 1992 that states abatements can only be granted for disproportionate taxes or due to inability to pay. She also said the Dept. of Revenue and LGC both advised that we can't just abate this anymore, it is not legal. Selectman Laleme said the letter signed in 1990 by the Selectmen was signed in good faith but said past Boards can't commit a future board to an abatement. Dan Tucker said it was not an abatement but a discretionary easement current use. Selectman Laleme said this was not put in Current Use. The Board was told that RSA 79c allows for a smaller parcel to be put in current use if there is a benefit to the community. Selectman Laleme said the Board would look into this. Attorney Hodgdon said the Dept. of Revenue is frequently overturned on these and said Mr. Gadwah has complied with all the terms of the agreement of the letter from the Select Board from 1990. Selectman Laleme pointed out that the letter states the Board was giving Mr. Gadwah an abatement not current use or a discretionary easement. Attorney Hodgdon said the letter is a contract between the Town and Mr. Gadwah. Selectman Laleme said one Board can't commit another Board. There was discussion that the deadline for applying for Current Use is on April 15th. Dr. Bishop said the water spring is a community benefit and said the other day 23 people stopped in less than 2 hours. The Board will research the discretionary easement.

Chairman Culver arrived (6:50pm).

Chairman Culver said he reviewed the quote for a laptop for April and said he wants to check Staples for a price comparison.

The Board discussed a letter from the Trustee's about the account to monitor the Prospect St. landfill and said in 1999 \$4000.00 was taken out of principal instead of interest and questioned if that was ok. It was determined that was ok but then questioned if the account would eventually have a shortage so should the amount be put in the yearly budget. There was a also a question of how long will the Town have to continue testing and DES said they have 30 year plans but indicated we will probably have to test indefinitely. This will be discussed again after the entire Board has an opportunity to read all the documents.

Chief Ho-Sing-Loy came before the Board to request permission to purchase 3 sets of spike strips for the cruisers. He said they cost \$1200.00 for all three but with the 50/50 grant the Town's portion is \$600.00

and he said he would like to take that from the Capital Reserve for Police Equipment. Selectman Blanchard moved to approve grant and go forward with the purchase and take from the Police Equipment Capital Reserve fund. Selectman Laleme seconded. There was discussion about what a spike strip is. Carried 4-0.

At 7:00 Chairman Culver moved to go into non-public session per 91A for matters of personnel, reputation, and impending litigation. Chairman Culver did roll call with all members agreeing to go into non-public session.

The Board discussed personnel.

Selectman Blanchard moved to approve the police salary increases for 3 officers. Selectman Staples seconded. Carried 4-0.

The Board discussed a deeded property.

The Board discussed impending litigation.

Selectman Blanchard moved to seal the minutes of the non-public session that discussed impending litigation because it is determined that divulgence of this information likely would render a proposed action ineffective. Selectman Laleme seconded. Chairman Culver did roll call with all members agreeing to seal that portion of the non-public minutes.

At 8:00pm Chairman Culver moved to come out of non-public session. Selectman Laleme seconded. Carried 4-0.

At 8:00pm Selectman Blanchard moved to adjourn. Selectman Staples seconded. Carried 4-0.

Respectfully submitted,
April Hibberd
Administrative Assistant