

Bethlehem Board of Selectmen

Meeting Minutes

Bethlehem Town Building Meeting Room

April 29, 2013

Present: Chairman Blanchard, Selectman Culver, Selectman Fiorentino, Selectman Laleme, Selectman Glavac.

Chairman Blanchard opened the meeting at 6:40. Chairman Blanchard asked for Willis Stevens and Dan Benoit to come before the Board. They were not at the meeting.

Chairman Blanchard opened the hearing for the noise ordinance. Numerous abutters expressed concern with the ordinance saying they feel it is too much and will cause a lot of problems.

Chief Ho-Sing-Loy said there haven't been a lot of calls recently for noise complaints because one of the problem areas had been Cedarcroft which has burned and is vacant. He said there is one complaint that is coming in consistently. The chief said he wasn't proposing this ordinance, he tried bringing this forward 2 years ago unsuccessfully and now a citizen is bringing it forward. He said his only role is that he gave the citizen a copy of the one he proposed previously.

Cheryl Jensen asked if this was another tool that would give the police the option of issuing a fine without giving someone a court record. She read a statement from Andrea Bryant who is supporting the ordinance.

Chris Jensen asked if the police officers would be patrolling for noise or just responding to complaints. The Chief said they would respond to complaints as they do now. He explained that an officer has to respond to every complaint whether or not we have the ordinance.

Dick Robie, Laura Morse, Pat Doughty, John Kimball, Ted Reed, and Brad Presby all voiced their opposition of the ordinance.

Peter Roy said per RSA they have to respond anyways and doesn't believe we need the ordinance in addition to the state law.

Jeanne Robillard said she supports the ordinance but not necessarily this one which she thinks is overkill but feels it is a good idea to have something.

Lon Weston said he believes the fine is excessive and believes warnings should be issued first. He also said he doesn't think the Board has the authority to vote an ordinance in, he said he feels it needs to be on the ballot. Lon also said he feels the Sunday concerts at the Gazebo are too loud. The Chief said the \$1000.00 fine is up to \$1000.00 if it is taken to court. Selectman Culver said the Board has the authority to pass the ordinance.

Pat Doughty said the Board should ask for it to be petitioned at town meeting time.

Laura Morse asked how it would be determined if the noise is a nuisance or not as that would differ with different people and different noises. Chief Ho-Sing-Loy read the state statute on disturbing the peace.

Peter Roy said he felt the ordinance is easy on the violators and said we shouldn't make it easy on the violator.

Selectman Fiorentino said this is not being proposed by the Select Board. They are just bringing it forward at the request of a citizen and this hearing is for the public's input. Chairman Blanchard said they have to have another hearing on this. At 7:25 Chairman Blanchard closed the public hearing.

Chairman Blanchard said they have an estimate to clean up 2323 Main Street which includes boarding up the windows, paint to paint the boards, rollers, screw, nails, 48 hours of labor at \$8.00 an hour. The total estimate is \$761.00.

Selectman Culver expressed concern about making sure the town does it correctly and legally. He said he doesn't believe the Town can clean up the property if they do not own it. Selectman Laleme said she believes we can do it after issuing an administrative warrant. She said we could call LGC to ask. Selectman Laleme said she thinks it is a benefit to have the fireman do the work.

There were questions on why the owner can't be charged with cleaning it up or forced to clean it up. There was discussion about the Zoning Ordinance saying burned or abandoned buildings have to be removed or cleaned up within a year. Chairman Blanchard moved on the day after the anniversary date of the fire (May 23rd) the Town will go in and clean up the property and board up the windows. Selectman Glavac seconded. Selectman Laleme read from the ordinance Article 4 section D. Carried 5-0.

Selectman Culver announced the 2012 tax lien amount of \$335,881.34.

Chairman Blanchard said he received the 3<sup>rd</sup> quote for the flag pole light and it was less than the other 2. The quote was from Gensamer Electric and the quote is for \$1389.00. There was discussion about how the light will need to be from the ground pointing up at the flag. The Board reviewed the ordinance about lighting and read that it can shine up as long as it doesn't shine past buildings etc. Selectman Culver moved to accept quote from Gensamer Electric for \$1,389.00. Selectman Laleme seconded. Carried 5-0.

The Board reviewed the minutes from 04/08/13 and 04/15/13.

Chairman Blanchard moved to approve the minutes from 04/08/13 as written. Selectman Culver seconded. Carried 5-0.

Chairman Blanchard moved to accept the minutes from 04/15/13 as written. Selectman Fiorentino seconded. Carried 4-0 (Selectman Culver abstained).

Chairman Blanchard read a letter from the Town of Sugar Hill regarding transmission lines. Selectman Laleme said she asked the Planning Board if Mr. Piffath had been to the Planning Board about the use of his building on Main Street and there is no evidence that he did go to the Planning Board. The Board will have Stan go out and talk to him about what he needs to do.

Selectman Laleme said that the Town plows West Forest Lake Road but it is actually a state road. She said there was an agreement from years ago that the Town would plow it. Selectman Laleme said it is a hardship on the Town's equipment because of the condition of the road and she would like to write a letter to the commissioner in Concord saying it is a burden to us and tell them to take over the road again. Brett said the Town has 8 miles of dirt road and our roads are in much better condition than that road. Chairman Blanchard told Sandy to contact the commissioner either by phone call or letter.

Chairman Blanchard said he received an email from a taxpayer about a fee for \$18.00 that he didn't feel he should pay. The taxpayer said it is a fee for a certified lien notice and he is complaining that he didn't get a courtesy letter like other people did. Selectman Laleme said the Board has received legal advice to be consistent with each taxpayer on waiving fees. Chairman Blanchard said he will tell the taxpayer that he needs to pay the fee.

Chairman Blanchard announced the tax rate for last year in answer to a question from the previous meeting and had a copy to give out if anyone wanted it.

Dick Robie suggested contacting Ray Burton about the state road situation. Selectman Laleme said she copied him on the letter she drafted to the commissioner but that she could also call him.

Julian asked if the Town will continue to try to collect the debt owed on 2323 Main Street even if the Town deeds it or sells it. Selectman Culver said the RSA's don't allow for that, when we sell the property that is our redemption.

Julian asked if a copy of the flag pole bid would be available in the office. He was told yes. Julian also said he hoped the new fire training building on Trudeau Road would observe the light ordinance. Pat Doughty said the building has little lighting; that the lighting will come from the apparatus.

At 8:10 Chairman Blanchard moved to go into non-public session per 91a for matters of personnel. Selectman Culver seconded. Chairman Blanchard did roll call with all members agreeing to go into non-public session.

The Board discussed a new employee at the Country Club.

The Board discussed personnel issues.

At 8:30 Chairman Blanchard moved to come out of non-public session. Selectman Culver seconded. Carried 5-0.

The Board discussed the bid for the pool. Martin will talk with the pool committee to clarify that the Board has to accept and award bids.

The Board discussed having a work session next week.

At 8:45 Selectman Laleme moved to adjourn. Chairman Blanchard seconded. Carried 5-0.

Respectfully submitted,

April Hibberd

Administrative Assistant