

Bethlehem Board of Selectmen

Meeting Minutes

Bethlehem Selectmen Office

July 07, 2014

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

Chairperson Laleme opened the meeting at 6:30pm.

Chairperson Laleme invited the Planning Board members up to the table. Dave Wiley said there was an email with legal advice and asked the Planning Board if they wanted to waive attorney client privilege and make it public. Mike Bruno moved to make the attorney advice public. Peter Roy seconded. Carried 5-0. Dave Wiley appointed Don Lavoie as full member for Alecia Loveless. Dave Wiley summarized the legal advice (copy attached) and said the Planning Board attorney said the Select Board holds the enforcing authority and there is no law that requires the Select Board to enforce. Chairperson Laleme said she is the ex-officio member of the Planning Board and is not directed by the Select Board on how to vote on Planning Board items. She said she knows the Planning Board discussed at their last meeting whether she was biased because of her family being involved with racing. Chairperson Laleme said she has family that races and that is where her interest is and that she is not biased. Chairperson Laleme said the Select Board has referred this issue to the attorney and they received a very lengthy response at 6:15 so the Board will need time to review the advice. Andrea Bryant said putting this project aside, regardless of project, she said the Planning Board feels the Select Board should either enforce it or have a discussion with the Planning Board about it because the Planning Board put a lot of work and thought in their decision. Chairperson Laleme said the entire Board was able to review all the documents in the packet that Dawn prepared for the Board. She also said the packet was very detailed and gave a lot of information for the Board to make their decision. Chairperson Laleme said there is an asphalt company that has the same access road that was never asked to come in for Site Plan Review for change of use. Chairperson Laleme also said it was on the agenda that the Select Board would be discussing the drag strip and no Planning Board members except Chris McGrath came. Dan Lavoie said he was the chairman of the Planning Board when it began and has been before the Planning Board for some time and said it always brings a big crowd when discussing it. He asked that the Select Board read the legal opinion and do some research. Mr. Lavoie also said the merits of the project should not be discussed and that the Planning Board has a duty to not form an opinion until application is filed. He also said Site Plan Review is not a big deal and has minimal cost. He requested the Select Board and Planning Board's meet again after the Select Board does their research and reads legal advice. Chairperson Laleme said it has been on the Planning Board agenda 6 times in the last year and there has been discussion about whether the Planning Board has jurisdiction or not. She also said the Select Board probably should have sent it to the attorney first and said we could meet with both Boards again in 2 weeks.

Selectman Fiorentino said on 09/25/13 LGC attorney Paul Sanderson told the Board they could not go out seeking work or requesting people to come before them, that they had to wait until the application is before them. Jeanne Robillard said applicants are required to come in for Site Plan Review and that is what the Planning Board wants enforced. She also said the requirement is the same for a ¼ mile road and a 100 square mile building. There was discussion about the process to waive Site Plan Review. Don Lavoie said the enforcement authority lies with the Select Board and that the Planning Board determined the project is Site Plan Review warranted so the Select Board needs to enforce per the change of use. He also said Site Plan Review is to determine if there is public impact from noise, dust, etc. and if the site is appropriate for the activity. Mr. Lavoie said the Planning Board may review the whole project to determine the impact on the ¼ mile road that is in Bethlehem and that services like police, fire, water can also be considered. Different residents of Bethlehem and surrounding towns expressed concern over the Drag Strip. Selectman Fiorentino said the Board just needs to know if we have the authority to enforce Site Plan Review or not. Pat Doughty said he was chair of the Planning Board for a year or so and there was lots of discussion about this. He said the law is vague because of the access road and the fact that he has other access points, whether he chooses to use them or not. Mr. Doughty said if there is another access the point is moot. There was discussion about whether this is regional impact or not. Rita Farrell asked for clarification on legal opinion from the Town attorney and why that is non-public and if it remains non-public if the Select Board doesn't waive the attorney/client privilege and why is it privileged if there is no likelihood of being sued at this point. At 7:24 Chris McGrath moved to adjourn the Planning Board meeting. Mike Bruno seconded. Carried 6-0.

Brett Jackson came before the Board. Chairperson Laleme said one bid was received for the sand bids. The Bid was from Bethlehem Earth Materials and was for \$6.75/yard with a bid amount of \$10,125.00. Chairperson Laleme moved to accept the bid. Selectman Fiorentino seconded. Carried 5-0.

Brett Jackson talked to the Board about purchasing a highway truck and how he has been looking at the dealerships for one with no luck. He said he found a 2006 Ford F150 super cab 4WD with 69,000 miles on it that is being sold privately. Mr. Jackson said he had Ricky Ray check it out. The price is \$12,000.00. The Board asked Mr. Jackson who is selling it and was told Josh Fisher. It was determined that nobody on the Board or Brett Jackson knew Josh Fisher. Mr. Jackson said this truck will replace the ranger. Selectman Blanchard moved to allow Brett Jackson to purchase the truck for \$12,000.00. Selectman Glavac seconded. Carried 5-0. Frank Claffey was asked how much is in the Capital Reserve for the highway truck and Mr. Claffey said 11,123.32 with \$10,000.00 to be added to that. Carried 5-0.

Brett Jackson discussed the speed limit on Maplewood Hill Road with the Board. He said it is currently 35MPH but wants it to be 25MPH. Selectman Blanchard moved to change the speed limit on Maplewood Hill Road to 25 MPH. Selectman Glavac seconded. There was discussion about who has the authority to change the speed limit and Mr. Jackson said the Board of Selectmen has the authority. There was discussion about why Mr. Jackson wanted to change the speed limit, if it was for the longevity of the road condition or not. Mr. Jackson said it was for safety. Carried 4-1 (Chairperson Laleme opposed).

Brett Jackson told the Board that he would like to put a weight limit on that road at some point also. Pat Doughty said if he does that he will lose the block grant funding.

The Board reviewed a request from the Conservation Commission to appoint Kevin Morse as an alternate to the Conservation Commission. Chairperson Laleme moved to appoint Kevin Morse as an alternate to the Conservation Commission. Selectman Blanchard seconded. There was discussion about if the position was posted. Cheryl Jensen said it wasn't but there is no limit to how many alternates they have. It will be put on the website. Cheryl Jensen will get a write up to April to post. Carried 4-1 (Selectman Culver opposed).

The Board reviewed the minutes from 06/27/14. Selectman Blanchard moved to approve the minutes. Selectman Glavac seconded. Carried 3-0 (Selectmen Laleme and Culver abstained).

The Board tabled the minutes from 06/30/14.

Chairperson Laleme read the public hearing notice for the hazard mitigation plan update that will be held on July 14, 2014.

The Board reviewed the yearly maintenance agreement with CAI Technologies. Chairperson Laleme moved to accept the contract for \$2,250.00. Selectman Blanchard seconded. The motion and second were withdrawn. This was tabled until next week.

Chairperson Laleme read a letter from a resident who was complimenting Brett Jackson on the maintenance on her road. Chairperson Laleme moved to put it in Brett Jackson's file. Selectman Fiorentino seconded. Carried 5-0.

Chairperson Laleme reviewed the changes that Rhienna Miscio wants to make to the no tolerance policy. Jennifer Donovan asked that the Board hold off on making changes to the policy at this point. She said she is meeting with the Board and thinks the Board should wait until after that meeting. The Board tabled this.

The Board discussed an email that Rita Farrell sent to April about some suggestion on the minutes from June 23<sup>rd</sup>. Chairperson Laleme said she will not have audience members correct or amend the minutes and that the Board has already approved the minutes. Chairperson Laleme said she could attach her email to this weeks minutes. Rita said she was ok with that and that it is healthy to have all input. Andrea Bryant asked if someone in the public has a concern, is that not reflected in the minutes and Selectman Culver said the minutes are generalized and Ms. Farrell is looking for more details. Ms. Farrell asked the Board if there is a reason why they don't audiotape the meeting. Chairperson Laleme said she feels the minutes have been adequate.

At 7:53 Chairperson Laleme moved to enter non-public session per RSA 91 –A, II (a) and (e). Selectman Fiorentino seconded. Chairperson Laleme did roll call with all members agreeing to go into non-public session.

The Board discussed Recreation parent concerns.

The Board discussed a tax payment issue. Selectman Fiorentino moved to accept the payment arrangement and have it paid within a year. Selectman Glavac seconded. Carried 5-0.

The Board discussed a letter that needed to be delivered to a resident without a mailing address. The Board would like it delivered by the sheriff's dept.

At 8:46 Selectman Blanchard moved to come out of non-public session. Selectman Fiorentino seconded. Carried 5-0.

The Board discussed a request from Apple Hill Campground to put their sign back up on the Cruft Building property. Chairperson Laleme said they need to wait until the legalities with the building are resolved. Selectman Blanchard seconded. Carried 5-0.

At 8:53 Chairperson Laleme moved to adjourn. Selectman Blanchard seconded. Carried 5-0.

Respectfully submitted,

April Hibberd

Administrative Assistant