

Bethlehem Board of Selectmen

Meeting Minutes

Bethlehem Selectmen Office

October 6, 2014

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

At 6:30 pm Chairperson Laleme opened the meeting.

Rita Farrell came before the Board to discuss the Planning Board ex-officio member. She passed out a definition of Liaison and referred to the liaison list that the Board of Selectmen have. Ms. Farrell said she thinks the liaison role should be to bring the info back to the Select Board and said she thinks it is a conflict with having someone be on both Select Board and Planning Board and gave an example about the Drag Strip and attorney/client privileged advice that was not disclosed to the Planning Board. Ms. Farrell said the law allows an administrative official to be the liaison and ex-officio member and suggests the Board do that because of issues that are coming up. Chairperson Laleme said the ex-officio member is not a liaison but a full voting member and that liaisons are for communication between the Board and Department Heads. Chairperson Laleme said the law also says the term should follow the term of the other term being held. Ms. Farrell said it is healthier to have change. Selectman Culver said they have changed it because Selectman Fiorentino and he have both the ex-officio member. Chairperson Laleme said she intends to ask the Board to designate her again. Ms. Farrell asked why legal advice was not disclosed and said she has heard that people think there is tension on the Planning Board because of Chairperson Laleme. Chairperson Laleme said she doesn't feel the tension on the Board at all. Ms. Farrell said the community feels the same thing. Selectman Culver asked Ms. Farrell how she was appointed to speak for those people. Ms. Farrell said she wasn't speaking for them but hears what they say. Ms. Farrell began talking about the drag strip issue and Selectman Glavac reminded Ms. Farrell what she was on the agenda for. Chairperson Laleme said because someone disagrees with her vote doesn't mean she is wrong but a difference of opinion. Selectman Glavac said being the ex-officio member makes her a full member. Selectman Glavac also said he stands by having Chairperson Laleme be the ex-officio member. Chairperson Laleme told Ms. Farrell that she knows she has a problem with her but the Planning Board can speak up if they have an issue with her. Chairperson Laleme said she always will say what she believes and will recuse herself if she feels she should. Ms. Farrell said Chairperson Laleme needs to let the Planning Board make their decision and said Chairperson Laleme is forcing the decisions made. Chairperson Laleme said all the Planning Board members are adults and can speak up.

The Board followed up on the noise ordinance from last week's meeting. There was discussion about who to report noise and odor complaints about the landfill to. They discussed that they go to DES

and/or the landfill but clarified by reading an email from Mr. Gildersleeve that the complaints go to the landfill. Chairperson Laleme showed a map that differentiated the zoning districts so District II could be seen for the noise ordinance. Ms. Farrell asked if the districts were grandfathered for what they were in 1994 when the noise ordinance passed. Chairperson Laleme said legal advice said it applies to District II and is not grandfathered. Ms. Farrell said DES has forms for noise and odor complaints but NCES just sends a note. Chairperson Laleme suggested she call Kevin Roy and ask to see the form and ask what the process is. Selectman Glavac asked how the ordinance would get enforced and Chairperson Laleme said there is no enforcement component in the ordinance. Selectman Glavac asked if District II was a campground now where you had to be quiet from 10pm to 7am. Chairperson Laleme said the Board should write a Warrant Article to repeal it. Selectman Glavac agreed.

The Board reviewed the bids for the baseball backup. There were 2 bids received for this: Quality Fencing Residential & Commercial for \$6,454.00 and Vermont Recreational Surfacing & Fencing, Inc. for \$5,287.00. Selectman Fiorentino moved to award the bid to Vermont Recreational Surfacing & Fencing, Inc. for \$5,287.00. Selectman Glavac seconded. Dick Robie said the fence on the eastern side is not high enough and said he has complained about that many times. He said he is concerned that a foul ball will end up hitting someone. Carried 4-1 (Chairperson Laleme opposed). Mr. Robie asked the Board if they would consider going higher on that side of the fence. He also said we are spending money on all these things that will hurt us. Chairperson Laleme said she would have Rhienna Miscio look into it.

The Board reviewed the Auction agreement. Rita Farrell asked if there could be restrictions on the use of the Cruft Corner lot when we sell it. Chairperson Laleme said she doesn't think the Board has the authority to do that. Selectman Culver read the Warrant Article that says when we sell it we need to recoup the expense of cleaning the site. There was discussion about other people who are owed money for that property and what expenses should be included in the minimum sale price. Selectman Culver said if it was up to the auctioneer there would not be any minimum bid amounts. Selectman Blanchard said we should add on all the expenses. The Board discussed tabling this until next week. Selectman Glavac said the Board should follow the auctioneer's suggestions and the reason why the Town hired them is because they are the experts and we should go with his recommended bids except for the Cruft Building lot. Selectman Glavac moved to accept minimum bids suggested by auctioneer on all properties except Cruft lot and have that minimum bid be the actual costs of cleaning up the site. Chairperson Laleme seconded. Julian Czarny said we produced a nice corner lot with taxpayer's dollars so a decent minimum bid should be set. Motion Failed 1-4 (Selectman Glavac in favor).

Selectman Culver moved to accept all of the minimum bids except Cruft lot so the Board can review the costs associated with the lot. Selectman Blanchard seconded. Selectman Glavac pointed out that the objective has always been to get the properties back on the tax roll a lot faster. He said we should get it going ASAP and the Warrant Article said to recoup cleanup costs. Selectman Glavac also said it should not be delayed any further. Selectman Culver said he wants to see the costs (taxes owed, clean up costs, interest, penalties, etc) first. Selectman Glavac said the minimum should only be the cleanup costs per Warrant Article and said the Board is doing this based on opinions and we need to go with recommendation of auctioneer. Jeanne Robillard said the property has sat for all this time so Board should take the time to do thoughtful organizing first and said the auctioneer doesn't have the Town's

best interest in mind. Ms. Robillard also told the Board they bought a 1 acre lot next to the highway garage for \$50,000.00 because of the highway mediation plan. Ms. Farrell asked if anyone approached the Board with interest in that property and that is wrong if they did. The Board explained they refer people to the auction information when people inquire. Carried 3-2 (Selectmen Glavac and Fiorentino opposed). The Board reviewed an abatement for US Forest Service because of an incorrect invoice. Chairperson Laleme moved to approve the abatement. Selectman Blanchard seconded. Carried 5-0.

The Board reviewed an assessing agreement addendum that would extend our current agreement and price until 12/31/2015. Chairperson Laleme moved to accept the agreement. Selectman Culver seconded. Carried 5-0.

Chairperson Laleme read a letter about Fire Chief Anderson being nominated for an Academy Award for 2014 for his dedication and commitment to the New Hampshire fire service training and education.

The Board reviewed the minutes from 09/29/14. Selectman Blanchard moved to approve the minutes as written. Selectman Fiorentino seconded. Carried 5-0.

Chairperson Laleme said we have received another legal bill that has put us over our legal budget. Chairperson Laleme suggested we tell Dept. Head's to spend only necessarily. Selectman Culver suggested the Board put a \$ limit on what they can spend and suggested \$500.00. Selectman Glavac agreed with the \$500.00 amount. Chairperson Laleme suggested no equipment or capital purchases. It was decided the Liaisons would talk to their Department Head's to let them know only necessary expenditures can be made. Chairperson Laleme said we can do that and keep an eye on it. Dick Robie asked which department is responsible for this. He was told it was legal.

Chairperson Laleme read an email from Joyce Menard (attached). Chairperson Laleme said any citizen has any right to criticize any elected official but she said she wanted to correct some factual issues. Chairperson Laleme said this Board has not been irate or had sharp reactions during meetings and feels it is personal interpretation. She said the schools have very high taxes, low student to teacher ratio's and said we have great schools but we pay for that. Chairperson Laleme said Bethlehem is not perceived as business friendly which effects the economic growth and said people that she talks to think the Town is on an upswing. Chairperson Laleme said there have been studies done that have shown there is not a health risk for those living in Bethlehem. She said the Board is aware of the noise and odor complaints and they need to be addressed by DES and that the Board cannot control odors and can't control where people choose to live. Chairperson Laleme said the Board supports Conservation said that Bethlehem has more land in Conservation than out. Chairperson Laleme said they support the environment and support the Conservation Commission, North Country Council, Ammonoosuc River Local Advisory Committee. She said just because you don't agree with the Board doesn't mean the Board is biased. Chairperson Laleme also said the Board makes decisions based on what they feel is best for the Town. She pointed out in 2009 the Chair of the Board brought up the topic of speaking out and Jeanne Robillard (Chair in 2009) said at a Select Board meeting that speaking is a privilege, not a right and that Ms. Robillard had obtained legal advice on this at that time. Chairperson Laleme said that people speaking out or being rude does not denote disrespect on the Boards part. Chairperson Laleme

said that most of the current Board members have been elected multiple times so they must be doing something right and said they are doing the best they can.

Selectman Culver said the schools cause the high taxes and that we have a lot of good services in the town including police, library, and the pool. They cost money but he said he feels the community is thriving and that there is a better sense of community. Selectman Culver said he thinks the community is recovering from the lawsuit with NCES and said past Boards did a lot of bickering and focusing on one subject. He said a lot of things were ignored and this Board is fixing that. Selectman Culver said all the current Board members except for Selectman Glavac were elected multiple times and said in 2012 the Town voted to settle the lawsuit. The Board is trying to move on from that and that the landfill is operating within any law/ordinance that they know of. He said the poor economic growth is because groups oppose businesses that have expressed interest in coming to Bethlehem and pointed out that the top 3 employers (Profile, Bethlehem Elementary School and the Town of Bethlehem) are paid for by taxpayers. He also said other businesses have tax breaks and we need to become more business friendly. Selectman Culver said since 2012 the Town has collected almost \$200,000.00 from sold tax deeded properties and almost a million dollars from lien properties. He ended by saying the Board is trying to move the town forward.

Selectman Fiorentino said the Board has done a lot for the Town and said we have great Department Head's and said people are attracted to Town and we need to keep them here.

Selectman Blanchard said he echo's what Chairperson Laleme, Selectmen Culver and Fiorentino said and also said he lives near the landfill and has experienced the noise and odor from the landfill but doesn't find it as invasive as Mrs. Menard suggested. He said as elected officials we are open to criticism and this Board has suffered slings and arrows but that he is not above that and wants to be held accountable by the taxpayers. He said they are mandated by the people who put them there to move the Town forward.

Selectman Glavac said there is no magic wand to lower the taxes and said we are not business friendly and it will take awhile to change that perception. He said we need to sell that (Cruft lot) to the business that wants to come in and doesn't think we can say which business should or should not be allowed.

Chairperson Laleme said she will write a response to Mrs. Menard and send her a copy of the minutes of this meeting.

Rita Farrell said people get upset with odors and noise and that creates anger and said that calls for compassion. Selectman Culver said he would like to have that part of the conversation with Ms. Menard. Ms. Farrell said she (Ms. Menard) is a much respected citizen of this town.

Ms. Farrell said she never sees Board members at WREN or Colonial events and there are a lot of businesses in town so we are not business unfriendly.

Jeanne Robillard brought up the Master Plan and said it is to bring community input on what they want their town to be and guides the Planning and Zoning Boards on Site Plans, rules and regulations. Ms.

Robillard said she is concerned with lack of action by the Board about rules that the Town wants and votes for and said there is no incentive for people to pay building permits or go through Site Plan Review process. She said it is a whole process and the Select Board is a part of it and said the Town is spending a lot of money on the Master Plan and if the Select Board doesn't want to enforce that what is the point.

At 8:48 Chairperson Laleme moved to go into non-public session per 91A for matters of personnel. Selectman Culver seconded. Chairperson Laleme did roll call with all members agreeing to go into non-public session.

The Board reviewed a request for an employee to work more hours. Chairperson Laleme moved to approve Dawn Ferringo working an additional 40 hours for the rest of the year (this is approx. 4 hours additional a week). Selectman Blanchard seconded. Carried 5-0.

At 8:55 Chairperson Laleme moved to come out of non-public session. Selectman Blanchard seconded. Carried 5-0.

At 8:55 Chairperson Laleme moved to adjourn. Selectman Blanchard seconded. Carried 5-0.

Respectfully submitted,

April Hibberd

Administrative Assistant