

Selectmen's Meeting Minutes

Monday, October 4, 2021

At the Selectmen's meeting held on Monday, October 4, 2021 at 6:30 p.m. the following people were in attendance: John Tholl and Shawn White.

Others in attendance: John Ross, Jr., Fire Chief, Edward Samson, Police Chief, Richard Harris, Scott Burns, Eric Dubreuil, Sondra Brekke, Bruce Brekke.

The Meeting was called to order by Shawn White at 6:30 p.m.

6:30 p.m. – Public Hearing – Shawn opened the public hearing at 6:30 p.m.

Pursuant to NH RSA 160-C:6 and NH RSA 106-B:10, the Board of Selectmen of the Town of Whitefield will hold a Public Hearing on the proposed Permissible Fireworks Ordinance, which includes a \$5 permit fee. Copies of the ordinance are available on the table and were available at the town office and on the town's website.

The Board has talked about having a fireworks ordinance to limit the fireworks that go on after hours all over town, all times of the year, and which are close to neighboring homes. This ordinance will assist to control what is going on.

Scott Burns asked why you can only buy the fireworks in New Hampshire? Shawn said that there are certain fireworks that are only allowed to be used by law in NH. There are several that are not permissible in NH, but can be purchased in other states. The ones not permissible by state law cannot be used.

Scott Burns thinks that 10:00 pm is too early. He thinks 11:00 would be better. It doesn't get dark until after 9:00 so you wouldn't even have an hour.

Eric Dubreuil asked if the police are going to become forensic investigators? Eric said he borders Bethlehem and the Bethlehem PD shooting range and there is shooting going on in Bethlehem all day and night that he hears from his property. What is going to protect him from that? John said he does not believe that is coming from Bethlehem. Eric said he may be out shooting coyotes at night. How do you know the difference between shooting and the fireworks? Shawn said that does not fall under this ordinance.

Chief Samson said that we are not looking to find people. We may have repeat offenders. We are trying to educate the public that they need to get a permit. Just trying to get things under control. Shawn said it is big problem in-town with fireworks going off all year round. John said we have had complaints of fireworks landing on neighboring properties. The town is not trying to be power hungry. We are just trying to get things under control. We have a lot of people

complaining, and it goes on all year. Maybe we make an amendment to have later times during the 4th of July holidays and New Year's.

Bruce Brekke said it seems that the problem is in the center of town. Can you limit the ordinance to that area? Scott said the PB has made a downtown district. There is a map showing what the village district is and what it is called. Can you use that?

Sondra said it sounds like we have a lot of fireworks going off downtown. Shawn said there is a lot of fireworks going off all around, including outside of the downtown area. Sondra said there are a lot of fireworks where she lives, between Forest Lake and Burns Lake. Half of Forest Lake is in Dalton so people in Dalton can do fireworks. She suggested if it is mainly due to the noise, isn't there laws that could address that. Shawn said there are a lot of towns in NH that don't allow fireworks at all. We don't want that. We want people to be able to do it, but it needs to have better control. Scott's point on the time is maybe something we can change.

Who will physically issue the permits and collect the fees? Fire Chief or his designee.

Chief Samson said this has been brought up several times since he has been Chief. He is not for over-regulation and over the years we have seen a continual problem with fireworks. The last couple of years for some reason it has increased exponentially. Ed said he agrees with the board's recommendation to look at something. He looked at what other towns have come up, and this is an in-between thing. This is not a noise ordinance. This is strictly a fireworks ordinance based on an ever-growing problem.

Bruce said he is not sure if it is a safety issue or a noise issue. What is there currently to address this issue? Chief Samson said that there is nothing now. We can use the disorderly conduct statute, but it has to be a repetitive offense. We have given 10pm during the week and 11pm on the weekends as a cut-off, but neighbors get upset when it is 9:00 pm at night and going on five days a week.

Bruce said he thought the language in the ordinance was strong – "It is the intent of the Town to promote an environment free from danger or excessive noise when unnecessarily jeopardizes the health and welfare of the citizens of the Town and degrades the quality of life in this community,...." Shawn said fireworks do affect a large amount of people, people with PTSD, military people, bothers people's pets. We are looking to try to keep it down to a certain time limit. It doesn't say you can't shoot off fireworks, it says you need to get a permit and follow the guidelines. Bruce said he looked at what other towns have, and what we have is exactly the same as Charlestown and Lincoln. Bruce said he found some other towns who are not so strict. You can be creative as you want. We should have some leeway around the holidays. Bruce said that some parts of it are over-reaching. John Ross, Fire Chief, said when there is fire danger with a red flag warning, we don't want fireworks happening. Right now as it is, we can't stop them. This will limit them from doing that.

Sondra Brekke asked why can't the permit be a little more flexible? What if you get a permit for Saturday and it rains and you have to have it another day? If you are going to buy fireworks, you are probably going to get them ahead of time, and if we can't store them then that is an issue. Could you consider this as a warrant for the town meeting? Shawn said probably not. Shawn agrees with the storage of fireworks should not be prohibited for small quantities. Intent of the ordinance was for large quantities. State law has a section on the storage of fireworks. Shawn thinks if we make a reference to the state law for storage that would address that concern.

John suggested looking at a rain date or a weekend that would give people more chance to use the permit. John said we don't want to be fireworks police. We want to be sure the fireworks are not creating a fire hazard.

Shawn said we will look to make some changes:

--Multiple day permit

--Changing certain dates for the hours being longer, January 1st and around July 4th

--Storage to read to follow the NH RSA on fireworks storage.

That is what we have heard tonight. Consider what Scott said about the in-town area, but we have had several out-of-town areas that have been a problem as well. Chief Samson said we tried to come up with an ordinance that was middle of the ground. Less restrictive the better. We want to address the larger concerns that continue to build.

Shawn said we will table this for tonight, rewrite it to address the issues brought up tonight, and look at it again.

Richard Harris attended the meeting to discuss the After-the-Fact Penalty he was assessed by the planning board. Dick said he feels that being a car dealer and mobile home dealer and a storage dealer, Dick is allowed to bring in mobile homes whenever he needs them and as far as he sees it he should be able to do the same with his containers. Dick's concern is he got an after-the-fact-penalty because he brought containers on his property on Route 3, and the Planning Board claims it is an after the fact because he put in an application for his new storage building and the containers after he brought the containers in. He said he only put in for the containers because of the new rules and regulation. Dick said he is a container dealer. He brings them in just like his mobile homes. They might set there for a week, a year, or six months.

If they are not for stock and trade, then they get taxed. He got fined \$500 and that is something he is a dealer for and he doesn't think it is fair.

John Tholl, who is the selectmen's representative to the planning board, said initially we were told they were stock and trade and then Dick said he is renting them. Dick said he did start renting them. Dick said he doesn't do it for his mobile homes. Jason, the assessor, comes around every spring. If they are hooked up, then he gets taxed for them.

Shawn asked Scott Burns, the chairman of the planning board, for his input. Scott said that when the trailers are brought in he does not come to a board for a new trailer because that is in his master plan. The containers were not in his master plan. Dick said he brings them everywhere. They are portable and go back and forth. When they are rented, they start to be taxable property.

John said initially they were told they were stock and trade. When he was trying to finalize the permit for the pad was when he said he is renting them. He has 13 or 14 rented down there. There are two locations for them. It is the same as when he brings in his mobile home. He doesn't have to go to the board to bring in a mobile home—not to bring it in as stock and trade. Shawn said as homeowner he needs a permit for a storage container before he can bring them in.

Shawn asked Scott if he would need a permit to bring a container on his property? Scott said he would. Dick said he doesn't believe you have to get a permit for a container that is only going to be on your property for a couple of weeks. Some people are renting these things for a period of time. Scott is not sure, but he can check on that. Dick said that if that is the way you are reading it, then it is a problem for a lot of people. They are a shed.

John said he doesn't feel if they are coming in for a short period of time that it is a planning board issue. Dick's containers were initially stock and trade, now all of a sudden they are rented. Dick said he has a mobile home park. He doesn't have a permit for these. The containers are no different than mobile homes. Once they are rented, they are storage sheds.

Shawn said he wants to get more information on this before he makes a decision on this. Shawn asked Dick to give us until October 25th, our next meeting.

John Tholl made a motion approve the Selectmen's Meeting Minutes of 9/27/2021. Shawn White second. All in favor, 2-0. Motion passes.

The meeting adjourned at 7:05 p.m.