

HUDSON BOARD OF SELECTMEN

Minutes of the January 27, 2000 Meeting

(Rescheduled from January 25, due to a snowstorm.)

1. **CALL TO ORDER** by Chairman E. Lorraine Madison
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Shawn N. Jasper

3. ATTENDANCE

Selectmen: E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury & Terry Stewart

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Richard Gendron, Chief of Police; Kevin Burns, Road Agent; Lt. Dave Morin, Fire Department; Coleman Kelly; Howard Dilworth; Terry McLarky; Richard Maddox; Michelle Champion; Linda Walkley-Kipnes; Julie Mehegan, SUN

4. PUBLIC INPUT

Chairman Madison praised and thanked the Cable Committee, specifically Chairman, Coleman Kelly, who spearheaded the effort to televise the Selectmen's meetings. She commended them for their tireless efforts, recognizing the fact that they have put many behind-the-scenes hours into bringing this project to fruition.

Thomas McDonough, who had signed up to speak to the Board about trash pickup complaints, was not present. (His phone number is unlisted, so he was unable to be contacted that the meeting was postponed until the 27th.)

Michele Champion of the Conservation Commission addressed the Board about Warrant Article 30 (Establishing a Capital Reserve Fund under RSA 35:1 to acquire land/development rights/conservation easements and to appropriate \$108,200 (being the unappropriated fund balance as of January 11, 2000) from the Land Use Change Tax to be placed into said Fund). She thought it was unusual that a separate committee would take money that is specifically designated for land use preservation. She referred to a statute concerning current use taxation, which states they can establish a conservation fund and take a percentage or certain dollar amount of that land use change tax and put it into a conservation fund, creating a permanent pool of money that can be used at any time for land preservation purposes. She discussed this with Marjorie Swope, Chairman of the NH Association for Conservation Commission, who provided a list of what other communities do. Nashua and Londonderry put 100% of the land use change tax into a conservation fund; several communities take only 50%; some have a dollar amount; etc. She wondered why Article 30 was written and if the Selectmen would support amending that to put it into a permanent fund. This year, the Land Preservation Committee scrambled to try to find property at year end to spend it on. Now they're going to put it in a fund that will lapse in one more year. If they find something next month, they will have to wait until next year's Town Meeting to vote on it. Within that time, a property may sell, just like the Friary land did. A conservation fund is more sensible because they can accumulate money over the years, and if something significant becomes available, the money will be available. It can also be used as a matching fund through a state or federal program. Selectman Jasper said the information about an alternate method was new to him, so he'd have to look at the statute, but the fund they are proposing to put the money in is a permanent capital reserve account, not a lapsing fund.

Chairman Madison said the article was forwarded to the attorney, who approved the wording. It can be amended, but it will have to be done at Town Meeting. Ms. Champion said that was her intention, but she wanted to let the Selectmen know in advance. She thinks a Land Preservation Committee is a great idea. She worked last year to identify properties for preservation at state level. The conservation fund already has about \$60,000 in it and this amount could be added. At the suggestion of Chairman Madison, it was decided that Ms. Champion and Selectman Jasper, who brought forth Article 30, would work together on a possible amendment.

Selectman Seabury didn't understand why Article 30 was even created because of the money in the conservation fund for that type of thing. Selectman Jasper said he wasn't familiar with the conservation fund, so he thinks he was working on a parallel with others. They have to be very cautious of putting money in a fund that a non-elected board would have the authority to expend. Any time they go forward with something that calls for the Board of Selectmen to expend, they don't have much success in getting it passed.

5. CORRESPONDENCE

A. From: Richard Gendron, Chief of Police

Re: Two Sign Ordinances; Police Cruisers

Refer to: New Business

B. From: Kevin Burns, Road Agent

Re: Snow and Ice Removal Plan

Refer to: New Business

C. From: Hudson Firefighters' Relief Association

Re: Request for Waiver of Fee at Lions Hall

Refer to: New Business

D. From: Coleman Kelly, Cable Committee Chairman

Re: Cable Franchise Extension

Refer to: New Business

E. From: Jim Michaud, Assessor

Re: Veteran's Tax Credit Applications

Refer to: New Business

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to receive Items A-E, with appropriate referral carried unanimously.

1. OLD BUSINESS

Town Warrant

A. Designation of Selectmen to speak on the Articles

Chairman Madison said Atty. Buckley has advised the Selectmen to be prepared to answer questions about the Zoning articles, even though they cannot be amended. Town Administrator Sharon thought the Attorney was referring to discussions in homes and coffee shops, not particularly Town Meeting. Selectman Jasper said Zoning Articles have *never* been discussed at Town Meeting and he didn't know why they should be now. Chairman Madison agreed, saying she was surprised with the legal opinion.

Article 14--Wage and Benefits Increase for Town Clerk/Tax Collector (RC)

Article 15--Trustees of the Trust Funds Bookkeeper Increase (SNJ)

Article 16--Wages and Benefits Increases for Non-Union Personnel (ELM)

Article 17--Wage and Benefits Increase for Library Employees (TS)

Article 18--Town Operating Budget (BOS)

Article 19--Lowell Road Widening (BOS)

Article 20--Property Appraiser Position (SNJ)

Article 21--Two Police Officers Positions (TS)

Article 22--Civilian Prosecutor Position (TS)

Article 23--Three Firefighter/EMT-I Positions (RC)

Article 24--Town Civil Engineer (SNJ)

Article 25--Part-Time Community Cable Broadcast Position (SNJ)

Article 26--Ambulance Capital Reserve Account (RC)

Article 27--Establishing a Vehicle Replacement Capital Reserve Account for Fire Apparatus (RC)

Article 28--Establishing a Capital Reserve Fund for Purchase of NHDOT Land south of Alvirne High School (ELM/BOS)

Article 29--Capital Reserve for the Benson Property (RC/BOS)

Article 30--Capital Reserve Fund for Purchase of Open Space for Conservation Purposes (SNJ)

Article 31--Speed Awareness Trailer for Police Department (TS)

Article 32--Recision of Article 34 of the 1993 Annual Town Meeting (ELM)

Article 33--Acceptance of Portion of Gambia Street (AS)

Article 34--Amendment to the Blasting Ordinance in the Hudson Town Code (RC)

Article 35--Petitioned Article--Purchase of Property for Library Expansion

Article 36--Petitioned Article--Tree Ordinance

There was some concern expressed that Selectman Seabury didn't have as many articles to speak on as the other Selectmen, but Selectman Seabury did not object to that.

B. Recommended/Not Recommended Designation on Tree Ordinance

Chairman Madison said the Selectmen signed this petition because they thought it was a wonderful thing, but when it went to the attorney, the actual ordinance wasn't attached. Town Administrator Sharon said it was a petition that was forwarded to the attorney in the exact manner it was received. Chairman Madison said it is "not recommended" by the Selectmen because the text of the document isn't included, but the person who submitted it understands she can amend it at Town Meeting to include the necessary verbiage.

C. Designation of Selectman to post the Warrant

Chairman Madison volunteered to post the Warrant.

1. NEW BUSINESS

A. Ordinances

1) Ordinance 00-01, Amending Chapter 317 of the Town Code, authorizing the installation of Stop Signs on Madison Drive and Washington Street, heading east, intersecting Greeley Street

1. Ordinance 00-02, Amending Chapter 317 of the Town Code, authorizing the installation of No Parking Signs on both sides of Executive Drive and Flagstone Drive, west from Lowell Road for 300 feet

Chairman Madison opened the Public Hearing at 7:50 p.m.

Road Agent Kevin Burns said several police officers thought that Stop Signs were missing, but since there was no ordinance supporting them, they could not be erected and that is the reason for 00-01. The Highway Safety Committee unanimously agreed that Stop Signs were needed.

There being no further comments, the Chairman closed the hearing at 7:52 p.m.

Selectman Jasper asked about 00-02. Mr. Burns said exiting both of these streets are dedicated right and left hand turn lanes, which leaves one lane going in. A lot of tractor-trailer traffic goes into the Industrial park. On Flagstone Drive, there are no shoulders for the tractor-trailers to park on, so they use the right hand turn lane going into Dunkin Donuts. Cars stack up behind them thinking the tractor trailer is going to take a right hand turn, and it's slowing traffic on Lowell Road. When tractor trailers park there, they activate the loop detectors, so the traffic lights think people are waiting to get out onto Lowell Road, so it stops the flow on the main road. The business on the corner has been using the street for overflow parking and now that there are right and left hand turn lanes going in, there is no room for tractor-trailers to make the swing when cars are parked there, so they are hung up at the intersection, causing delays on Lowell Road. The vote for the signs was unanimous by the Highway Safety Committee.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to adopt Ordinances 00-01 and

00-02 carried unanimously.

B. Police Cruisers Bid Package

Chairman Madison recognized Police Chief Richard Gendron, who said the department was replacing five vehicles in its fleet. This year, General Motors has come out with a mid-size sedan, a Chevy Impala, a little smaller overall than the Crown Vic. They are looking to purchase two mid-size cruisers and three full-size, trading in three Fords and two 96 Chevys. They received two bids for the mid-size Chevys from Wyman Chevrolet (State bid) and MacMulkin Chevrolet. The price per vehicle, including trade-ins, from Wyman is \$15,848 and \$14,361 from MacMulkin. Chief Gendron recommended MacMulkin. They received bids from Irwin Motors and Grappone Ford for three full-size sedans. The price, including trade-ins, from Irwin is \$15,588 per unit and from Grappone, \$15,645 per unit. The Chief recommended Grappone because of their good track record with other Town vehicles.

Selectman Seabury asked if the cages would fit in the smaller cruisers. Chief Gendron said he planned to give the smaller cars to the Sergeants because they don't have a cage in their vehicles and this way, they can evaluate the cars' performance. Selectman Jasper asked how much money was in the budget for cars. Chief Gendron said 125 was budgeted. Last year, they had to use some of that money to convert cruisers, so there's about 108 left, more than enough to cover this request. Selectman Jasper asked what was requested this year. Chief Gendron said he requests the same amount each year. Selectman Jasper asked if they needed to budget so much, given what they are getting in trades. Chief Gendron said they don't know what the trades will bring in from year to year. Chevys hold their value better than Fords. Selectman Charbonneau asked if the vehicles were used around the clock. Chief Gendron said some are. During off hours, they schedule vehicles for service. A Sergeant's car is used 24/7. The cars they trade in have about 80,000 miles.

(Start Tape 1, Second Side)

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to award the bid for two Chevy Impalas to MacMulkin Chevrolet in an amount of \$28,722 carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Jasper, to award the bid for three Crown Vic Fords to Grappone Ford in an amount of \$46,935 carried unanimously.

C. Snow and Ice Removal Plan

Chairman Madison recognized Road Agent Kevin Burns, who said this plan formalizes what his department has been doing right along. If the Town is faced with a lawsuit for their snowplowing actions during a storm, written procedures would be the first line of defense. It will also help clear up the 'squeaky-wheel policy' when residents complain. Chairman Madison thought this was an excellent idea and asked if the Board had any questions. There was no response.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adopt the Winter Operations Snow and Ice Removal Policy, effective 1/27/00 carried unanimously.

A. Request for Waiver of Fee at Lions Hall by Hudson Firefighters Relief Association

Chairman Madison recognized Lt. Dave Morin, who was making the request on behalf of the Hudson Firefighters Relief Association, then asked the Town Administrator what the policy was on requests like this. Mr. Sharon said this was a non-profit group and asked Lt. Morin to outline it for the Board. Lt. Morin said the Relief Association consists of everyone in the department and it's an organization that supports firefighters in time of need. Money is obtained by fundraising activities. They would like to hold a Buff Day, geared toward fire service people. From 10:00 - 3:00, they will have all different types of firefighter-related vendors at the hall, displays of fire apparatus and equipment, and all kinds of demonstrations, including one by the Fire Marshal's dog. From 5:00 - 7:00, they will hold a spaghetti supper. The Chief, his Assistant, the Deputies and Fire Marshall have volunteered to cook. The Deputy Chief from Methuen has a great slide show presentation, which they can hopefully arrange for. Selectman Seabury asked if they were going to charge admission. Lt. Morin said they are considering charging the vendors \$25 per day and a small fee for the spaghetti dinner, which will include the slide show presentation. Selectman Jasper said he was a member of the Association and would, therefore, abstain.

Motion by Selectman Stewart to approve the request and waive the fee, seconded by Selectman Seabury, carried 4-0. Selectman Jasper abstained.

E. Cable Committee Items**1. Renewal of Cable Franchise**

Chairman Madison recognized Cable Committee Chairman Coleman Kelly, who recommended that the Board renew the franchise extension with Adelphia, suggesting that Adelphia sign the agreement first.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to extend the cable television franchise through April 7, 2000 and that it not be signed by the Board of Selectmen until it has been signed by Adelphia, carried unanimously.

2. Televising Town Meeting

Selectman Jasper said they often assume that Town Meeting is going to be televised and he wanted the Board to formally ask the Cable Committee if they would, in fact, televise Town Meeting. Mr. Kelly said yes, they would. Mr. Sharon said sometime between now and Town Meeting, he'd like to talk to Coleman about the logistics for the Selectmen or Department Heads to discuss warrant articles, but not necessarily in meeting form. Coleman said yes, he could arrange for "fireside chats."

3) Hearings in Concord

Selectman Stewart asked if Coleman attended the hearing in Concord on Tuesday. Coleman said yes, in spite of the snowstorm. It was crowded with lobbyists. There is going to be a workshop continuation by the full committee next week, which he expects will be better attended. He would like to attend. Chairman Madison thought it would be good if he did.

F. Assessing Items

Veteran's Tax Credit Applications (Map 24, Lot 39, Sublot 14 and Map 02, Lot 01, Sublot 03)

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant, as recommended by the Assessor, carried unanimously.

G. Primary Coverage, February 1, 2000

Chairman Madison reminded everyone that February 1st is NH Primary Day, from 7:00 a.m. to 8:00 p.m. Selectmen Madison, Jasper and Stewart will be there for the 7:00 a.m. opening and the other Selectmen will be there later and through the closing.

A. School Board Use of BOS Meeting Room on a Regular Basis

Chairman Madison recognized Selectman Jasper, who said having their meetings televised was a wonderful opportunity for the citizens of the Town of Hudson to see how they operate. At this time, they don't have the capability to televise the School Board meetings, but having them televised is equally important as the Selectmen's meetings. Selectman Seabury wondered if that would conflict with any other meetings because the room is used quite a bit. Selectman Jasper has checked the calendar and there are other venues for conflicting meetings. The Selectmen's meeting room should be offered to the School Board if they care to avail themselves of it

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board of Selectmen extend an invitation to the School Board to use the meeting rooms on their regularly scheduled meeting nights so they may be televised carried unanimously.

Chairman Madison said the offer will be extended to the School Board.

1. OTHER BUSINESS**A. Street Acceptances**

Selectman Stewart said last night Bear Path and Jump Lane went before the Planning Board to be forwarded to the Selectmen for approval. Since there were so many problems related to a previous street acceptance in the same development, she wanted to make sure the Road Agent reviewed them. Kevin Burns said he has and has already submitted his recommendation for acceptance.

B. Dinner Engagements

Chairman Madison said the NRPC Dinner is February 16 at Anheuser-Busch and on February 17 is the regional dinner at Silo's Steak House in Merrimack. She said she will be attending and if anyone else plans to attend, to let Priscilla know.

1. LICENSES AND PERMITS

Request for an Outdoor Gathering Permit by the Hudson Kiwanis Club to hold a Fishing Derby on 2/13/00 at Robinson Pond

Motion by Selectman Jasper, seconded by Selectman Charbonneau to grant, provided the NH Fish and Game evaluate the condition of the ice prior to the event, carried unanimously.

2. ACCEPTANCE OF MINUTES

Minutes of the BOS Meeting of January 11, 2000

Motion by Selectman Jasper, seconded by Selectman Stewart, to accept as presented and refer to file carried unanimously.

3. COMMITTEE ANNOUNCEMENTS

Jan 26 -- 1st day to file for Candidacy (thru Feb 4)

Jan 26 7:00 Planning Board in P/Z Meeting Room

Jan 26 7:00 Visioning Committee in BOS Meeting Room

Jan 27 7:30 ZBA in P/Z Meeting Room

Jan 29 Chamber of Commerce's Annual Dinner

Jan 31 Last Day to post the Warrant

Feb 1 Primary Day, 7 a.m. - 8 p.m.

Feb 2 7:00 Planning Board Workshop in P/Z Meeting Room

Feb 5 9:00 a.m. Deliberative Session of Town Meeting at Memorial School

Feb 7 7:30 BOS Meeting in BOS Meeting Room

4. LIAISON REPORTS

Budget Committee -- Selectman Jasper said his comments relate to the public hearing when he was seated as the Board's representative and they spoke on Lowell Road, a project which the Budget Committee did not recommend. At that time, the School Board representative voted "no" on the project. Selectman Jasper had asked her if that was the position of the School Board and her answer was yes, that it was, and that, in fact, the School Board had voted on all the Warrant Articles proposed by the Board of Selectmen. After the meeting, he spoke with the School Board representative and told her he was puzzled on the vote on Lowell Road and her remark to him was, "I think you know why, Shawn. You know how politics works." He took that the only way anyone could, that that was retribution for the Board of Selectmen's position on the new school issue. Since that time, he has spoken with the Chairman of the School Board, who told him that no votes were taken by the School Board on any of the Selectmen's Warrant Articles and there was no discussion on Lowell Road. If, in fact, he owes the School Board an apology for his comments that were printed in the paper, he thinks that needs to take place after the representative from the School Board to the Budget Committee explains why she misinformed the people in attendance at that meeting and represented to everyone there that was the position of the School Board. Once that occurs, he will be happy to apologize to the School Board.

5. REMARKS BY THE SELECTMEN

Chairman E. Lorraine Madison said she was at the public hearing on the Town budget when the Budget Committee voted not to recommend the widening of Lowell Road. It was stated that they did not think it was in the best interest of Hudson, they thought the traffic would be reduced over the years and they had any number of reasons why they didn't want the Lowell Road project to proceed. However, the Budget Committee's role is to analyze the expenditures of the various Town departments and districts and they are to vote intelligently on budgetary problems which might be given sufficient information to determine the annual amount necessary to properly manage Town affairs. The people who voted against widening Lowell Road were voting for the wrong reasons. The project is 80% state-funded, with the rest coming from surplus. She couldn't understand how anyone could not recommend widening Lowell Road as it will have to be done in

years to come. It will be in the Town's interest to approve it while they can get State funding.

Selectman Ann Seabury said the Chairman took the words right out of her mouth. In the past, she was adamantly against a five-lane road in order to keep the area rural--but she is not brain dead. She realizes that traffic has increased and they can't deny the right of the people to use their land--unlike some members of the Budget Committee thinks when a member had said, "If we don't widen the road, maybe the businesses will close up and leave Town." She has "come around," and although she doesn't like it or want it, if a road will be paid for without impacting the Town, she does not understand why people don't vote for it. This is a multi-million dollar project that will have zip/zero impact on the tax rate. She is reeling from the Budget Committee's vote not to recommend the project. She doesn't know how the Budget Committee can deny Town residents the right to operate on a safe highway. State and Federal funds, developer impact fees and surplus money will pay for the road. It's hard to figure out what the Budget Committee's problem is. Some Budget members didn't like the road design, but it's something they have to do if they want the people to be able to travel safely. Other members don't want to use the surplus and she tried to understand why. She figured it was because they probably want to put it toward the school. A new commercial park is going in on Lowell Road, which will add more traffic. She hoped the voters were intelligent enough to realize they have to widen Lowell Road. It's been said there's no such thing as a free lunch but, in this case, there might be, so they should take advantage of it while it's available.

Selectman Seabury commented on the excellent Lowell Road fact sheet and she hoped copies would be available at Town Meeting. Chairman Madison said that was prepared for staff, but perhaps another one could be prepared for Town Meeting.

Selectman Terry Stewart thanked the DPW for the great job they did during the last snow storm.

Selectman Rhona Charbonneau said people are not considering the safety issues on Lowell Road. With it being so congested, how would emergency vehicles get through if there was an emergency in that area? If this isn't voted in, it's going to cost the Town millions because, eventually, it will have to be done.

(Start Tape 2, Side A)

She said Governor Bush will be at Alvirne at 2:30 on the 30th and hoped the people will come to meet him.

Selectman Shawn N. Jasper said he wanted to reiterate what the Chairman said earlier in the meeting, thanking the Cable Committee for their work. People sit at home and watch television and don't think about how it gets to them. In this case, if it wasn't for Coleman Kelly and his volunteers, this meeting or Town Meeting, wouldn't be seen. He hoped that when people vote on the part-time Cable staff person, they realize that this is all done with volunteers--and an awful lot is asked of these volunteers. Hopefully, others will join them because a half dozen people can't continue like this. Getting this project up and running has been a full-time job for Coleman in the last few months. He and the committee have done a tremendous amount of work. Selectman Seabury added that when she came by Town Hall one night around midnight, she met Coleman, who was just leaving after having been here laying a rug.

Chairman E. Lorraine Madison said Town Meeting is February 5 at 9:00 and hoped everyone understood that the articles voted on at the March 14th meeting is what is approved at the deliberative session. While people can watch it at home, they can't change the articles. They have to be at the meeting in order to vote on an amendment. They can't do that sitting at home. Everyone who is able to attend Town Meeting should make an extra effort to do so. Town Reports are now available in several different locations, including at the polling places.

6. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee; (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body; (d) the acquisition, sale or lease of property; and (e) pending claims/litigation carried 5-0 by roll call vote.

Nonpublic Session was entered into at 8:35 p.m. and was terminated at 9:50 p.m.

Motion by Selectman Seabury, seconded by Selectman Stewart, to seal the Nonpublic Minutes carried unanimously.

7. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Seabury, to adjourn at 9:52 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

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