

**HUDSON, NH, BOARD OF SELECTMEN  
Minutes of the February 13, 2001 Meeting**

Attorney-Client session from 7:00 – 7:30 p.m.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.

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2. **PLEDGE OF ALLEGIANCE**, led by Selectman Ann Seabury.

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3. **ATTENDANCE**

**Selectmen**: E. Lorraine Madison, Shawn N. Jasper (arr 7:50), Rhona Charbonneau, Ann Seabury & Terry Stewart

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**Staff/Others**: Paul Sharon, Town Admin; Priscilla Boisvert, Exec Asst; Richard Gendron, Chief of Police; Frank Carpentino, Fire Chief; Matt St. Laurent, Asst Fire Chief; Gary Rodgers, Dep Fire Chief; Ray Parker; Howard Dilworth; Jeff Emanuelson; Tom and Kevin Blinn; Bill Jobin; Micky Rudolph; Sean Sullivan, DCD; Curt Laffin; George Hall; Richard Maddox; Capt Ray Mello; Jana McMillan, Animal Control Officer; Bill Kress; David Alukonis; Lars Christiansen; Bernie Manor; Jay Heavisides; Ann, TEL; Sarah, Derry News; Len, HLN; Pierre, SUN

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4. **PUBLIC INPUT**

Ray Parker and Howard Dilworth, Jr., Call Fire Fighter retirees, were presented with plaques in recognition of over 20 years service each.

There was no response when Chairman Madison asked if anyone in the audience wished to address the Board.

5. **CORRESPONDENCE**

A. From: Richard Gendron, Chief of Police  
Re: Animal Control Facility  
Refer to: Old Business

B. From: Richard Gendron, Chief of Police  
Re: Authorization to Post Position  
Ordinance 01-01  
Refer to: New Business

C. From: Friends of Hudson Natural Resource (Visioning Group)  
Re: Merrimack River Trail Project  
Refer to: New Business

D. From: David Yates, Recreation Director  
Re: Acceptance of a Donation  
Refer to: New Business

E. From: Frank Carpentino, Fire Chief  
Re: Acceptance of a Donation  
Refer to: New Business

F. From: Sewer Utility Committee  
Re: Abatement Applications  
Sewer Acceptance  
Refer to: New Business

G. From: Tom Sommers, Sewer Utility Consultant  
Re: Sewer Hookup and Allocation Requests  
Refer to: New Business

H. From: Jim Michaud, Assessor  
Re: Various Assessing Items  
Refer to: New Business

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept the Correspondence with appropriate referral carried unanimously.

## 6. OLD BUSINESS

### A. Update on the new School

Chairman Madison recognized Bill Kress, Assistant Superintendent, who said there was a recent meeting with NH DOT, which included Paul Sharon and engineer Jay Hevisides, to talk about the Route 102 design. The Selectmen have talked about a future road that would connect to 3-A and access the elementary school. Then they talked about what was going to happen at the south end of the Alvirne parking lot and at the main entrance to Alvirne. The DOT wanted to know how the cars were going to access the parking lot, etc. Whatever they do on site will determine what the DOT recommends. They've talked with the Fire Department and CLD about this, as well. The School Board will support putting in a traffic light, but they were told that of the 13 warrants, only one is met. (Mr. Kress' presentation involved a plan that he would point to when he was talking about a certain location.) Their recommendation is to close the southerly exit from Alvirne. They will use the main entrance to Alvirne, which will be used for both entrance and exit, enhanced by the addition of an island to separate the cars coming in and going out. They also talked about two exit lanes, one heading north and one south. They talked about how they would access the new elementary school, which he indicated on the plan. Jay Hevisides interjected that there was some last-minute modifications that Mr. Kress wasn't privy to, which maintains two accesses to the new school.

Mr. Sharon asked if they weren't building in a lot of traffic conflicts. Mr. Hevisides said one of the concerns of the Planning Board was the flow of the high school traffic getting near the elementary school. Putting in a curve will get the high school traffic away without having them come up to the main intersection and then he explained bus traffic patterns. Chairman Madison's main concern was the young walkers trying to cross 102. Mr. Kress said they didn't want anyone to cross 102, but there would be walkers coming in from the back. Chairman Madison thought the safety of just one child was justification enough to put in a light. There will come a time when there is no adult or crossing guard to walk them across the street, and that's when there will be a disaster. If a traffic signal is there, kids could push the button to stop the traffic and get across the road. Mr. Kress agreed with her rationale, saying that they could appeal the decision. He and the School Board are incredulous that there isn't going to be a light there. Mr. Sharon said he indicated to the State that the Board of Selectmen absolutely wanted a light there. Chairman Madison said even the high school kids have a problem crossing 102. Kids living on Evergreen aren't going to hop a bus when they can just walk across the street. Selectman Jasper always felt there was a safety issue here. Many times the crossing guard has almost been hit. Perhaps the DOT should be talking with the crossing guards.

Mr. Kress said he didn't know how long the appeal process was going to be, but they needed to go out to bid in order to open in September. They will have the conduits put in, but that is the best they can do to still meet their deadline. Mr. Sharon said the length of the appeal process was ultimately up to the Commissioner. Chairman Madison thought the decision not to put in a traffic light should be appealed. She asked Representative Alukonis if he could do anything about it. Mr. Alukonis said if everyone wants a light, they will get a light, period, and that a call will be made tomorrow.

Mr. Kress said their next step will be the traffic impact study done to whatever design they come up with, then they will have to redo the report, then that would have to be submitted to DOT. If they get their blessing, they can go out to bid. Selectman Stewart asked, regarding the use of the driveway into the Alvirne parking lot, how they could guarantee a clear path for emergency access. Mr. Kress said when the access is reconfigured, they will re-stripe the parking lot. (He used the visual to explain what they planned to do.) Selectman Stewart had concerns about buses leaving at the same time some of the stragglers were leaving Alvirne parking lot. She was also concerned that kids will park at the elementary school instead of at Alvirne. Mr. Kress said that situation would be closely monitored. Selectman Jasper said the school can institute a policy saying that if someone goes where they don't belong, they lose their privilege to bring their car to school. Discussion continued, using the plan, pointing out where the sidewalk was going to go. Chairman Madison said when this was put on the ballot a long time ago, people did not want the elementary school next to the high school because of the mix of kids. Mr. Kress said generally, they are not being mixed, but there are programs where high school kids will come to the elementary school to do some programs and the sidewalk is there to allow that to happen. He said they were doing things as best as they can. Discussion continued.

Mr. Alukonis said this reconfiguration came up last night because of something he had said. Recognizing that some of the concerns they have from the Department of Transportation and some of the understandings they have had in the past, if they shut off the southern entrance/exit to Alvirne, he didn't want them to put in a surface road. It doesn't look good and the Planning Board probably wouldn't go for having an intersection 50' off the intersection of 102. Another thought was to have a road parallel to one that's already in place. He didn't want to see a small piece of land bisected with roads; this is Town land, not School District land. The other alternative from the School Board was to keep the access as an emergency access and improve the current in/out access for safety reasons. They are trying to come up with the best alternative so they don't have roads all over the place.

Selectman Charbonneau was concerned about walkers going through heavily wooded areas from the back. Mr. Kress said it's not wooded and they were going to put up a fence, a buffer and berms. Chairman Madison asked if this would be changed if they find out, down the road, that this isn't working. Mr. Kress said yes. Assuming the traffic light is not going to be there for two years, even though David has assured them that it is, thing may have to be changed. They will take the information to DOT, who will tell them what to do. He will continue to work with Paul and will come back to the Selectmen, if necessary.

**B. Benson's Committee**

Chairman Madison said the Board created a committee of seven, with one resident member. She has had requests to increase the membership and would like to see some of the newer, younger Town residents apply because the park is going to be part of Hudson's future.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to increase the Benson's Committee to nine, adding two more members from the community at large, carried unanimously.*

**C. Animal Control Facility**

Chairman Madison recognized Chief Gendron, who recognized Captain Ray Mello and Animal Control Officer Jana McMillan. Captain Mello said upon authorization to put the project out to bid, they sent out eight RFP's, but got back only one bid for double the available money. They called some of the firms who didn't submit a bid to find out why. One didn't have any animal control facility experience and a couple had problems getting architects. The construction industry is very busy and they'd have to pay the architects up front on a project they weren't sure they would get.

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He asked the Board how they should proceed. Chairman Madison thought they should wait until after the March 13 vote. If the article passes, they can move on to the next step. Selectman Jasper concurred. Mr. Sharon mentioned that one of the conditions that the Trustees of the Trust Funds imposed on the private money is that there has to be a plan that is represented by the group that put the private funds together. The committee that has been working with the Chief, Ray and Jana includes a principal person in that drive, whose sanction of this plan should suffice for the Trustees of the Trust Funds, and that is Angela Hurshman. Chairman Madison said she was a mover and shaker in raising the money. Captain Mello said Angela has attended every meeting from the beginning and understands the intent of the project. Selectman Jasper said the letter she had in the HLN last week addressed the critical criteria that the Trustees would need. The whole purpose of raising the money was to replace the facility the Town had, and that's what Angela states in her letter. If they still had the facility on Old Derry Road, that group probably wouldn't have gotten together to raise the money. Perhaps the next step should be to work with the Trustees to make sure they will release the money for this purpose, if the warrant article passes.

Chairman Madison thought they were getting ahead of themselves. The Police Chief, the attorney, a member of the Trustees, the Town Administrator and she talked about the warrant article and the Trustee agreed that the warrant article was sufficient for them to release the money. They need to wait to see if the article passes at Town Meeting and then they can move forward. Selectman Jasper said, given some of the controversy, it might be helpful to have an answer to the question. Mr. Sharon said the Trustees want to somehow be assured that what is being done fulfills the requirements of the original intent, so they want to see something they can judge. They need to be put on the spot to make a decision and the Chief and committee need to do that. Selectman Charbonneau said that there were several large contributors to the fund that they could contact. The VFW gave around \$5,000. Chairman Madison agreed, saying the Angela would know who the large contributors were.

Chairman Madison asked Mr. Sharon if he'd work with the committee and the Trustees to get an answer. Mr. Sharon said he would.

**7. NEW BUSINESS**

**A. Authorization to post for Position of Full-Time Communications Technician in Police Department**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the posting carried unanimously.*

**B. Public Hearing/Board Action on Ordinance O1-01 authorizing the installation of Stop Signs on Riverside, Riverview and Watersedge**

Chairman Madison opened the Public Hearing at 8:25 p.m. and asked if anyone wished to speak on this proposed ordinance that

is recommended by the Highway Safety Committee. There was no response, so she closed the hearing. Selectman Seabury asked for some background. Chief Gendron said the Highway Safety Committee received a petition signed by 17 neighborhood residents, indicating that since Riverview Avenue was extended to connect with Radcliff, there has been an increase in traffic. The Highway Safety Committee conducted a review and found that there is an increase in traffic. There is a stop sign on Watersedge, intersecting with Riverview. Adoption of this ordinance would authorize the addition of two more, which would control the whole intersection. The Committee's vote was unanimous.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to adopt 01-01 carried unanimously.*

**C. Merrimack River Trail Project**

Chairman Madison recognized Curt Laffin, who said he came before the Board in August to explain what the Friends of Natural Resources is--a group of volunteers who work with Town boards and commissions to try to make projects happen that involve natural resources. One of the projects they are working on with the Planning Board is the Merrimack River Trail and they need the Selectmen's input because it involves interacting with land owners. The NRPC completed a report for the Planning Board, in which they looked at the eight miles of Merrimack River shoreline in Hudson, looking at sections that showed a potential for trails or river access. The Industrial Park extends from Presstek down to the Sagamore Bridge. In looking at the project with the Planning Board, Conservation Commission and NRPC, there is a half-mile stretch from Atrium to Presstek, which is doable. They are anxious to get part of the trail on the ground to show how attractive it can be and get people down to the river. The next major hurdle is to talk to five different corporate land owners. The Town already has easements with Presstek and Southeast Container, but they have to get their input because the easements are general. Approaching the landowners is the next because if they aren't 'partners,' then nothing is going to happen. They were looking for the Selectmen's support for the whole project and specifically for this piece, Phase I. The Conservation Commission, Planning Board and Recreation Department support the project. He asked who should sign easements/agreements between the Town and the corporations to allow them to build the trail. The Conservation Commission has signed conservation easements with Southeast Container and some of the other companies, but those don't specify pedestrian access. Chairman Madison asked where they planned to have pedestrian access. Mr. Laffin said they were going to ask Atrium if they could have an access point in their parking lot. There are logical places to put access points at each end of the project. This trail can tie in with the walkway across Sagamore Bridge into Nashua. Selectman Jasper said the Selectmen should be the only board authorized to sign. As far as the administration, they have to find somebody that is willing to take on the responsibility. They can easily assign it, but unless someone is committed to doing it, it isn't going to do much good. The Conservation Commission would be the appropriate body, but they need input from them first. Chairman Madison agreed. Mr. Laffin said they would talk with the Conservation Commission to get their reaction.

*Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board of Selectmen supports the Merrimack Trail Project, that the Board of Selectmen be the only body designated to sign easement documents and that if the Conservation Commission is willing to administer the trail-related easements, they be so authorized carried unanimously.*

**D. Acceptance of \$415 Donation from Flash Photo Sports to the Recreation Department**

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept with thanks carried unanimously.*

**E. Acceptance of \$250 Donation from VAT to the Fire Department to put towards the Purchase of a Thermal Imaging Camera**

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept with thanks carried unanimously.*

**F. Sewer Abatement Applications**

- 1) **S-01-05** (Wal-Mart Stores)

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant, as recommended by the Sewer Utility Committee, carried unanimously.*

- 2) **S-01-06** (32 Robin Drive, 20 Jump Lane, 6 Clifton Street, 58 Lowell Road, Laurence Quebec)

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant, as recommended by the Sewer Utility Committee, carried unanimously.*

- 3) **S-01-07** (21 Flagstone Drive)

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to deny, as recommended by the Sewer Utility Committee, carried unanimously.*

**G. Sewer Acceptance (Westchester Court) (Map 23, Lots 17-4-12 through 17-4-25 and 17-4-28 through 17-4-33 [20 units])**

Chairman Madison said this is also known as Lexington Place II and is recommended by the Sewer Utility.

Motion by Selectman Stewart, seconded by Selectman Seabury, to accept. Selectman Jasper thought the Road Agent was supposed to sign off on these, but he didn't see anything that indicated he provided any input. He assumes that they are ok with it, but it is important to have that paper trail. Chairman Madison said they usually have a letter from Tom Sommers, but that wasn't with the submittal, either.

*Mr. Sharon suggested that the Board approve this, subject to the approval of the Highway Department and instruct the Sewer Utility Committee to change the form so that there is an added sign-off section for Highway. Selectman Jasper so moved, seconded by Selectman Charbonneau. He explained that it was an amendment to replace Selectman Seabury's motion. Motion carried unanimously.*

**H. Sewer Hookup and Allocation Requests**

- 1) **5 Grace Drive, Map 28, Lot 85**
- 2) **Farm House at Alvirne High School, Map 21, Lot 18**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to approve, as recommended by the Sewer Utility, carried unanimously.*

**I. Assessing Items**

**1) Land Use Change Tax Lien Request (Map 025/Lot 015/Sublots 001, 002, 68 Kimball Hill Road)**

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

*Motion by Selectman Jasper, seconded by Selectman Stewart, to reconsider.*

Selectman Jasper hoped they would be able to talk to the owners to see if this is something that has to be done at this time. This is the period of time that any money collected for current use is lost from the fund. If this can wait until July 1, then it can go into the fund for next year.

*Vote: Motion to reconsider carried unanimously.*

*Motion by Selectman Jasper, seconded by Selectman Stewart, to request of the owners whether or not they could wait until July 1<sup>st</sup> to have this released from current use and, if not, it should come back at the next meeting, carried unanimously.*

**2) Abatement Applications (St. Kathryn's Church, 4 Dracut Road, Map 008, Lot 051; Hudson School District, 190R Derry Road, Map 028, Lot 092, Sublot 001; Town of Hudson, 78 Webster Street, Map 054, Lot 003)**

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

**3) Abatement Application (14 Riverside Avenue, Map 48, Lot 30)**

Chairman Madison said she'd like to send this back to the Assessor for correction because the figure on the abatement is different from what is indicated on the cover memo.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to send this back to the Assessor for correction carried unanimously.*

**4) Veteran's Exemption Applications (35 Lexington Court, Map 023, Lot 017, Sublot 030; 10 Deer Run, Map 012, Lot 008, Sublot 005; 19 Pelham Road, Map 014, Sublot 018; 18 Meadowlark Drive, Map 029, Lot 033; 922 Fox Hollow Drive,**

Map 013, Lot 012, Sublot 922)

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

5) **Abatement Application** (8 High Pine Drive, Map 24, Lot 38-4)

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

6) **Elderly Exemption & Abatement Application** (277 Webster Street, Map 028, Lot 016)

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

7) **Abatement Application** (12 Alpine Avenue, Map 58, Lot 13)

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

8. **OTHER BUSINESS**

A. **Thank You Note from Ginette Bedard**

Selectman Seabury received a thank you note from the woman who had the problem with the cats next door to her, saying that it really should go to Paul. She is looking forward to a quiet spring and summer.

B. **Wednesday Afternoon Hours in the Department of Community Development**

Selectman Stewart asked how much longer the Community Development Department would be closed on Wednesday afternoons. Mr. Sullivan said he'd like to close at noon one more week. They've been able to get a lot of housecleaning done during that time. Chairman Madison said CDC would be closed one more week and then after that, they would be open full time.

C. **Delta Properties (asbestos issue)**

Selectman Jasper said the issue of Delta Properties came up at the Sewer Utility Committee meeting. In November of 1999, they said the land was supposed to be deeded "Friday," and at that time, he had stated that didn't see any reason not to take it. That's where it was left and it was supposed to have been taken that Friday of November '99, but apparently, it has not. Chairman Madison thought there was a serious asbestos problem there. Selectman Jasper said there is, but they are buying land for the library with asbestos on it and they are in the process of taking the Meadows property, which has asbestos. They've abated asbestos at Lions Hall. The owner had said there are three acres of useable property. If you cover asbestos over with loam, you can abate it fairly easily. Chairman Madison said that was Rodgers property and at one of their meetings, he asked when the Town was going to take his land. Mr. Sharon said there was action subsequent to that, where the Board decided not to take it. Chairman Madison said was sure that they weren't going to take it. She knows they didn't vote to take it that night. Selectman Jasper said they didn't take a vote; it would automatically happen.

Selectman Seabury said that's the bad friable asbestos up there. Chairman Madison said they talked about it and they didn't want that piece of property because of the serious problems. Selectman Jasper read from the Minutes, saying the land can be utilized, but it doesn't have a lot of value. He [the owner] was interested in putting a building on the land, but too many fees had accumulated. He wanted an abatement to wipe it clean and then build on it. Mr. Sharon said the problem is the Town becomes a Principal Responsible Party and it's the friable stuff. He said the Board decided they were going to keep hands off. Chairman Madison agreed. Selectman Seabury said Jeannie Caron was on WBZ because of that piece of property and she's got all of that information. Chairman Madison said the Board didn't want to get involved with this. Selectman Jasper said the last time the Board discussed it, Selectman Charbonneau said it would make a good ball field. The Minutes said Mike Reynolds was looking into Brownsfield grants. Continuing, Selectman Jasper said the land is sitting there and no one has done anything about it for 30 years. There's an opportunity for them to sell it for industrial use. There are three buildable acres that someone could put a building on. At this point, about \$90,000 in back taxes, fees and sewer bills have accumulated. They have a piece of property they should investigate. He's not 100% sure they should take it, but in '99, it was left that it was going to be deeded 'on Friday.'

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There is value there; it can be built on. Mr. Sharon wasn't sure it could. If a parcel is a hazardous waste site, which that is, he

didn't think they could parcel out three acres and sell it off. Selectman Jasper said it's not going to be any more hazardous if somebody uses part of it. They need to investigate this further. Chairman Madison didn't have a problem with investigating it, but she didn't want them to take ownership of the property. Selectman Charbonneau recalled that they had talked about getting grants to clean it up. Mr. Sharon thought Mike Reynolds was supposed to work with the property owner to see if he could take advantage of those grants, adding that now that Sean is on board, he would be looking into getting a grant writer, which would include Brownsfield grants. He cautioned the Board against taking the property by tax deed if they are going to inherit significant responsibilities. Chairman Madison asked Paul to check and see if anything was started on the Brownsfield grant. Mr. Sharon said he would.

Selectman Seabury didn't want to get a pig in a poke and talked about a piece of property on 111 that the EPA wouldn't let the owner build on, not even an innocuous farm stand. They put a covering on it and walked away, but you can't build on it because of the material underneath. Selectman Jasper said based on the Minutes, they should have deeded the property. Mr. Sharon said there was a determination made not to deed. Selectman Jasper said not according to the Minutes. Chairman Madison remembers talking about it and they didn't want any part of that property. Selectman Charbonneau said the Sewer Utility want this off their books and that's why they are pushing it. Selectman Seabury said someone buys a piece of property and all of a sudden it's the Town's fault because it's a bad piece of property. Selectman Jasper said at the time this was bought, asbestos was a wonderful thing to fill in your property with and then later, people found out that it wasn't a good thing. This is part of the assessment district and it has been assessed as if it were a buildable lot. One way or another, they need to take some action.

Selectman Seabury said they should go through the lawyer to find out the best way to do this so they don't have the responsibility for it. Mr. Sharon said it's a business decision. If they take the property they've got to weigh the costs they will incur even with a Brownsfield grant for the remediation of it. That's why towns don't take some properties. Selectman Jasper said it merits looking into, seeing what their options are. It can be fairly inexpensive to mitigate asbestos. They owe the taxpayers to look into it.

Mr. Sharon said there is a developer that is very active in and around that industrial park and he's looked at that property several times. He would jump on it if he thought he could turn a profit. Selectman Jasper said not if he's looking at it from the standpoint of having to pay all the back taxes. Discussion continued.

Chairman Madison said the owner of the property is a very astute businessman and there is a reason why he wants to let it go. They can look into it, but she does not want to take it by tax deed. The Minutes would have to be checked, including Nonpublic sessions. She is absolutely sure they decided not to take that land by tax deed because of the asbestos. Selectman Jasper said he'd expect to see the documentation at the next meeting. Chairman Madison said they wouldn't have a record if it was a discussion done in Nonpublic session. Selectman Jasper said a record of the decisions are always kept. Chairman Madison asked Selectman Jasper the date of the Minutes he was looking at. He said it was November 9, 1999 and the motion that was made that night was to deny the tax abatement. Chairman Madison asked if those tapes were still available. Ms. Boisvert said yes, the open session tapes are on file.

Mr. Sharon said they will try to do an assessment of exactly how bad it is, but they may well come back and ask for some environmental engineer to look at it, like GZA. Selectman Seabury asked why the Town should have to pay for it. Mr. Sharon said because of the decision they are trying to make whether or not to take it and remediate it. Selectman Jasper said sometimes you have to spend money to make money. They have a piece of property which can potentially go back on the tax roles with an industrial building. That is 100% positive revenue to the Town. If they can get that property back on the tax roles, they should do that, even if they have to spend some money to do it. They may find they can't build on three acres, but even if they have one buildable acre in the industrial zone, it's worth money. If they do nothing, it won't bring them in a nickel. If they spend \$200,000 and sell it for \$100,000 they start getting something on there that pays \$10,000 in taxes and it pays for itself in 10 years and after that it is tax positive. Mr. Sharon said they can't just cover the asbestos. Selectman Jasper said it didn't make any sense for it to be ok to be left there uncovered, but they couldn't cover it. Mr. Sharon said you're not supposed to disturb the friable type of asbestos, which is different from the sheet asbestos like at Lions Hall and the Library property. There are techniques for digging it up and removing it. Selectman Jasper said if it's just sitting there on top of the ground, that's not a good either. Something has to be done, even if it's telling the land owner he has a dangerous situation that needs to be cleaned up. This can't be allowed to sit forever. Mr. Sharon said they'll follow through on this and presumes that Sean will have Bill do a detailed preliminary check. If it looks like they will have to bring in GZA to do a detailed environmental analysis, which they should for a decision like this, they will come up with an estimate of what it will cost to remediate it. At that point, the Board may well say no, and then they will be back to where they are now. Selectman Jasper said he's hearing that they should do nothing. Selectman Seabury said it's covered, but it's close to the surface. Selectman Jasper said piling loam on top of something isn't disturbing it. Selectman Seabury said the lot is very steep. When Atlas Van Lines moved in there, the sheet asbestos was showing and they did have to cover up those sheets poking up through the soil.

Chairman Madison said at this time, they are just going to investigate it. Selectman Seabury asked if the Sewer Utility could pay for GZA since they are the ones that wants this off the books. Selectman Jasper said it would be reasonable to split it between

the Town and Sewer Utility. Chairman Madison said at this time, they aren't going to spend any money. Selectman Jasper agreed, saying they were just going to look into it at this time. Chairman Madison asked if it would come back at the next meeting. Mr. Sharon said they may not be able to get a reasonable assessment with all of the snow. Selectman Jasper agreed that this will probably have to wait. Chairman Madison said then as soon as it is feasible.

**D. Controversial Issues**

Selectman Jasper said he hasn't wanted to get into controversial things because he is tired of arguing, but then he realized that wasn't really doing the Town's business. They shouldn't let themselves get emotional about things when there are people involved that they either like or dislike. They ought to be looking at issues strictly as issues. He hoped everyone would try to do that.

**E. Attorneys' Bills**

Selectman Jasper said he has noticed, for the third month, that the attorneys that are no longer the Town's primary attorneys, are charging more on a monthly basis for cases which are over two years old than their general legal counsel is charging. The present firm has charged \$138,000 for the year and the other firm charged \$175,000. Some months ago, Selectman Stewart brought this up and the Board got into a controversy about it. The point that was trying to be made was that at some point, they would have been better off to have paid the new attorneys to come up to speed because of the big difference in the hourly rate. The last time this was discussed, he asked for somebody to come back and tell him why these attorneys were continuing to be on these old cases, why the new attorneys couldn't take it over. This month, they paid the new attorneys \$6,000 and the old attorneys, \$9,000. He would think it would be moving in the other direction, but it's not. They are paying more to the old attorneys than to the new ones. They need to take a hard look at where they are going with this.

Chairman Madison asked for the number of hours each attorney spent on each case, and what the cases were. Selectman Jasper said that was something he had requested of the Finance Department some months ago, but he hasn't pushed it because of their involvement in the budget. He's puzzled why the old attorneys have a category called General Matters with a \$32,000 charge. They shouldn't have any general matters. He didn't want an answer now and rather than argue back and forth, he thinks they should be concerned about this and take a long, hard look at it. Chairman Madison said they need to know what the cases are.

Selectman Charbonneau said maybe they should get their own attorney. Mr. Sharon said even if they did, they would have to farm a lot of it out. He thinks there was a major chunk of money paid for an arbitration case involving the Fire Department. There was also Shepherd's Hill. Selectman Jasper said he was concerned about the \$32,000 for general matters. They are paying 20% more to the old attorneys and this has been going on for two years. This may be a lesson learned for the future. They may be better off to let the new attorneys catch up on the files and take over. People swap attorneys all the time.

Selectman Seabury said they vote on attorneys every year, so they may have a new one next year. Mr. Sharon said the old attorneys have been working on big cases. Selectman Jasper said Paul was missing his point; it was a financial argument. Mr. Sharon said they wouldn't know in advance if it was more cost effective to bring the new attorneys up to speed on some of the cases, like Burns Hill. Selectman Jasper said they've invested the bulk of the money in Burns Hill in legal fees in the last two years. After a certain period of time, the advantage is frittered away. If some of these cases are going on for another year, it is time for the new attorneys to look at it and ask them how long it will take to come up to speed.

Chairman Madison asked Paul if any of the new cases have the same level of depth that the old ones do. Mr. Sharon didn't think so. They didn't have any idea Shepherd's Hill would be so long, or the Burns Hill case, or the Lowell Road right-of-way acquisition. Selectman Stewart said she had brought up the Lowell Road case way back because she felt that would have been a good one to turn over to Bossie, Kelley & Hodes because it was the start of a new phase. At that time, Paul had said that since the other firm had started it, they were going to keep it. Mr. Sharon said the Board made the decision to keep Donahue, Tucker & Ciandella on the cases they had started. Chairman Madison agreed. Selectman Stewart said it would have made sense to turn that case over to the new attorneys at that point.

Selectman Jasper said 20% of this month's \$9,000 bill is \$1,800. Perhaps some of the cases that are going to continue they could have the new attorneys look at to see if they could reasonably pick up. Chairman Madison said she heard everything Selectman Jasper was saying, but they are going out to bid for new attorneys pretty soon. They could take a look at things at that time. Selectman Jasper said he's not suggesting that they do anything other than an analysis of some of the cases and see where they are going. All of their legal stuff that started two years ago cost \$175,000 and all the stuff since then cost \$138,000. There should be bells and alarms going off. Mr. Sharon asked what he would change. Selectman Jasper said things two years old shouldn't be classified as a general matter. It should be under a specific case. Chairman Madison said there have been cases where the current attorneys have called the old firm to handle certain aspects of a case. But in any case, they need to look into it.

Selectman Jasper said the new attorneys give a detailed breakdown, but he couldn't find anything from the old attorneys that explained what was covered under General Matters. It's time they looked into it. Selectman Charbonneau agreed it should be clarified. Chairman Madison said she has looked at the bills every month and hasn't had any problems with them. Selectman Jasper challenged her to look at this month's bills, saying that after she goes through them, she could explain them to him. Selectman Seabury said all of the bills are itemized. Mr. Sharon tried to explain what to look at, saying they are detailed and volunteered to go over the bills with Selectman Jasper. Selectman Jasper said he couldn't find enough detail to make sense out of any of it.

Chairman Madison said he's made his point and suggested moving on.

**F. Town Policies and Procedures**

Selectman Jasper said they should do a better job of following policies. What happened three weeks ago is a concern to him. It is the responsibility of employees to know the policies and procedures. It's not the department head's place to have to remind them. Someone saying they didn't know what the policy is is no excuse for not following it. If they have a policy on posting, they should follow it. The Board has to take more responsibility in meeting the needs of the department heads, even if they have to come in for a 10-minute meeting during the week to make sure things are done the right way. They should expect everybody to be responsible for knowing the policies they work with. Chairman Madison said she didn't follow what he said. Mr. Sharon said he was talking about the Fire Department. Chairman Madison didn't know if he was talking about them or the Town Clerk's Office. Selectman Jasper said with the Town Clerk, they met on Saturday. In the cases where there is a certain need, the Board needs to meet, even if it's only three of them. Chairman Madison said they took care of that and said it wasn't going to occur any more and that everything would be posted and they'd get back to following the policy.

**G. Personnel Policies**

*Chairman Madison directed Paul to come in the first meeting of every month with a new personnel policy. one that's done. until they are done. Selectman Jasper so moved. seconded by Selectman Stewart. Chairman Madison asked Mr. Sharon if that was ok with him. He said yes. Chairman Madison called for a vote, which carried unanimously.*

**H. Authorization to Advertise for Vacant Position of Truck Driver/Laborer in the Highway Dept.**

*Motion by Selectman Jasper to authorize the posting, seconded by Selectman Stewart, carried unanimously.*

**9. LICENSES AND PERMITS**

**Request by Glenn Smeltzer to sell flowers for the Blushing Rose at Hudson True Value**

*Motion by Selectman Stewart, seconded by Selectman Jasper, to approve, subject to the renewed license being submitted to the Selectmen's Office prior to its expiration, as failure to do so will render this license invalid carried 4-1.* Selectman Charbonneau was opposed.

**10. ACCEPTANCE OF MINUTES**

**A. Minutes of the January 23, 2001 Meeting**

**B. Minutes of the February 3, 2001 Meeting**

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

**11. COMMITTEE ANNOUNCEMENTS**

2/14 7:00 Planning Board in P/Z  
2/15 7:30 Budget Committee in P/Z  
2/19 Presidents' Day Holiday—Town Hall Closed  
2/21 6:00 NRPC's Legislative Forum @ Anheuser Busch  
2/22 7:30 ZBA in P/Z Mtg. Rm.  
2/26 7:30 Conservation Commission in P/Z Mtg. Rm.  
2/27 7:30 BOS in BOS Mtg. Rm.

**12. REMARKS BY THE SELECTMEN**

**Selectmen Stewart** said she took the Police Chief up on his invitation to meet the new officers yesterday morning.

**Selectman Charbonneau** said the Representatives and Senators will have a tough year this year regarding taxes.

**Chairman Madison** wished everyone Happy Valentine's Day.

13. **NONPUBLIC SESSION**

*Motion by Selectman Jasper, seconded by Selectman Stewart to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues and (d) real estate issue carried 5-0 by roll call vote.*

- Nonpublic Session was entered into at 9:40 p.m. and was terminated at 10:00 p.m.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to seal the Minutes carried unanimously.*

- *Motion by Selectman Stewart, seconded by Selectman Charbonneau, that in the Department of Community Development, change the position of Receptionist to Secretary and create a secretarial pool of four carried unanimously.*

- *Mr. Sharon said the Board needs to be more specific; they need to appoint Julie Kennedy. Chairman Madison said in the previous motion, the position that they changed from Receptionist to Secretary is Julie Kennedy. Selectman Jasper so moved, adding at the appropriate pay grade. Selectman Charbonneau seconded the motion, which carried unanimously.*

14. **ADJOURNMENT**

*Motion to adjourn at 10:05 by Selectman Jasper, seconded by Selectman Stewart, carried unanimously.*

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant to the Board of Selectmen

**HUDSON BOARD OF SELECTMEN**

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**Chairman E. Lorraine Madison**

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**Rhona Charbonneau**

\_\_\_\_\_  
**Shawn N. Jasper**

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**Ann Seabury**

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**Terry Stewart**