



TOWN OF HUDSON

Benson Park Committee

Harry Schibanoff, Chairman

Benjamin Nadeau, Selectmen Liaison



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Benson Park Committee Meeting Minutes May 2, 2013

1. Call to Order

The regular meeting of the Benson Park Committee was called to order by Chair H. Schibanoff at 7:00 p.m. May 2, 2013, Buxton Community Development Room, Town Hall, with the Pledge of Allegiance lead by A. Desrosiers

2. Attendance:

Vice Chair J. Barnes, A. Desrosiers, D. Empey, Selectman Liaison B. Nadeau, P. Nichols, Chair H. Schibanoff, N. Undercofler, Alternate R. Alio, D. Briand

Excused: C Gagnon, John Leone

R. Alio will be a voting member tonight for C. Gagnon

D. Briand will be a voting member for J. Leone

3. Public Input

None

4. Presentations

A. Beth Baker – Old Shoe

No Show

B. Hudson Police Department

Chief Jason Lavoie, Captain Bill Avery, and Animal Control Supervisor Jana

McMillan requested this visit to have an open conversation concerning expectations from the Police Department with the Benson Park Committee. Chief J. Lavoie thought that a face to face meeting to answer questions concerning ordinances, safety issues, Police details for events, and other things that they can or cannot do at the Park could be productive. One of the issues Chief J. Lavoie mentioned was locking the park at night and opening it in the am. Before he touched on this issue he said he had breakfast with Ex Governor John Lynch and he mentioned how beautiful Benson Park was and how happy he was for the passing of the Senior Center/Cable TV building that will be built on the property. Ex Governor J. Lynch is amazed at how beautiful this park has become due to volunteer efforts. Chief J. Lavoie said his roots and love for the park stem from his grandfather working there many years ago and it brings a smile to everyone's face when they look down into the park and see the amount of visitor cars. Chief J. Lavoie stated that there has been some criminal/mischief in the area (i.e. etching on the sidewalk at the 9/11 Memorial, painting at the Gorilla House, the playground was just covered with toilet paper and, Portable toilets had been tipped over). Unfortunately things will happen and he would like to answer committee questions and concerns

about what the Police Department can and cannot do. Chair H. Schibanoff asked if we could discuss hours for the park because there seems to be some conflict with the Police Department. The Benson Park Committee agreed to hours of operation and the Police Department wants it open. Chief J. Lavoie said he did not object to the hours just the locks on the gates. This discussion went on with P. Nichols, R. Alio, and D. Empey voicing some of their objections to the gates being left open. Chief J. Lavoie did say that some calls his department received were where visitors locked in the park. This was when the subject of locking the gates came up. He said some nights it would be impossible to lock the gates at a given time because of a busy schedule but they would do the best that they can. When asked about the calls the Police Department receive about the park, they said the majority of calls were lost and found items (i.e. cell phones, iPods, jewelry, cameras, etc.) When asked about the patrols through the park, Chief J. Lavoie stated that all shifts have this on their schedule. Chief J. Lavoie said that there are two (2) hunting cameras in the park that were purchased through the Police Department Budget and can be moved around if need be. Chair H. Schibanoff asked in what instance would we call the Police Department and Chief J. Lavoie said that if someone was being destructive or hostile that call should be made. Most people have cameras or phone cameras so a quick picture would capture the destruction or hostility. Chair H. Schibanoff asked for a vote to leave the park open:

Yes Votes: Chair H. Schibanoff, Vice Chair J. Barnes, and D. Briand

No Votes: D. Empey, R. Alio, N. Undercofler, A. Desrosiers, P. Nichols

Chair H. Schibanoff suggested we move to rules for the park. He seems to think that not many people read the rules and is at a loss as to what can be done about this. Can the Police Department be of help in this area? Chief J. Lavoie said this was a touchy area and hopefully the committee can get voluntary compliance with the rules. There has been talk in the past about Ordinances being created for these rules but he does not have the staffing to put people in the park full time to enforce them. Chief J. Lavoie explained that with an Ordinance you could take that person to Court and there are some rules that would not make it feasible to do this. If someone were engaged in Public Drinking, setting off Fire works, hunting, etc. the Police expect to be called. Captain B. Avery said that another thing in their favor is Criminal Trespass. This is a Town Park and if someone is misbehaving they can be given two choices, comply with the rules or not be allowed back in the park. They could be given a years suspension from using the park. This park is like a business: no one has a right to be in the park, (i.e. no one has a right to go to a restaurant) it is a privilege to go to the park or restaurant. This is how they can use the Criminal Trespass action. D. Empey asked about someone coming into the park with a picnic lunch and a few beers. Captain B. Avery said there is an Ordinance that no alcohol containers are allowed in Public places. Chair H. Schibanoff asked about horseback riding in the park. Chief J. Lavoie said that Animal Control Supervisor J. McMillan could speak on this. He said that Selectman R. Coutu sent an email to the Police Department on this subject and it is allowed in some State Parks. Benson Park is a Town Park and in order to have horses, a path that is vehicle width would have to be constructed and the only area where room is available for horses is bordering near or on wetlands. Animal Control Supervisor J. McMillan said she has been on the trail where there was an incident of horseback riding and she found no trace of

this. She understood that there was an issue of one isolated time that horses were seen. Animal Control Supervisor J. McMillan said it does not seem to be realistic to make an Ordinance at this time; however, they could fall back on the Criminal Trespass if it should happen again. Chief J. Lavoie said if someone was horseback riding in the park Animal Control Supervisor J. McMillan should be called and she would handle this. She spends a lot of time at the park and tries to educate people about the rules. Chief J. Lavoie said his Department spends a lot of time doing the same thing and they find out this works very well. R. Alio also asked if 'No Metal Detector Use' be added to the rules, due to some of the ground being dug up. Captain Avery said that there are some parks that prohibit this. Discussion followed with many pros and cons to this hobby. Chair H. Schibanoff tabled this until a later meeting. Another issue Chair H. Schibanoff spoke about was the Old Shoe. This is not very strong and it is extremely fragile and children are climbing and sliding on it. Signs were posted and torn down. Chief J. Lavoie said he was unaware of this and would let his department know that when going by the park if they saw a child climbing on the Shoe to go in and speak to them. D. Empey asked Selectman Liaison B. Nadeau the status of the signs that were to be made for the Shoe. Selectman Liaison B. Nadeau said he was waiting until all the rules were set. Everything is in place to have them made ASAP. Another issue Chair H. Schibanoff mentioned was the Easter Egg Hunt held on park grounds. There were so many at this event that the parking lot was overflowing and cars were parked up and down the hill at the entrance. When the event was over, cars were having a hard time maneuvering out of the driveway onto Kimball Hill Road going right or left. A suggestion by the committee was that a detail, Police or other, be available to help direct traffic at large events. Chief J. Lavoie said that there should be someone to alleviate the congestion on Kimball Hill Road, and this could be the CB Patrol or someone from the Police Department. Some communication from the group running the event would be helpful. Mention was made about the Fishing Derby and the committee left the arrangements up to the sponsors of the event. It is not known at this time if contact has been made with the Police Department. Discussion about the Fishing Derby followed. Chair H. Schibanoff said there was talk of banning Smoking in the Park and he wanted Chief J. Lavoie's opinion on that. Chief J. Lavoie said he did not have the staff to control a non-smoking ban in the park. He said we could post signs and hope people would comply but it would be impossible to control. P. Nichols thanked the Police Department for there explanation and clarification of all issues. D. Empey thanked the Police Department with the direction they are taking with animal control. He went on to say he is in agreement with their approach on this subject. Animal Control Supervisor J. McMillan has worked tirelessly in an effort to educate and explain rules to visitors with animals or anyone needing information, not just looking for violations. Selectman Liaison B. Nadeau said that Animal Control Supervisor J. McMillan has some signs she would like to place at the regular entrance and handicap entrance. This sign shows the leash length and pick up after your dog. This sign was more visual and can be attached to the fence or a post. This seemed more productive than just on the rules sign. Selectman Liaison B. Nadeau asked if the committee was all set with the rules and shoe sign at this time. N. Undercofler has one issue with a small child walking a dog on a leash and was wondering if there was a town ordinance prohibiting small children walking dogs un-supervised by a parent. Selectman Liaison B. Nadeau said he did not think there was an Ordinance for this.

Chief J. Lavoie said he would defer to Animal Control Supervisor J. McMillan because she has read up on most things relating to animals. He thought that age limits were only confined to the Dog Park. D. Empey spoke to N. Undercofler's concerns about small children walking dogs and he said it seemed to be an isolated instance which Animal Control Supervisor J. McMillan handled. Adding to the list of rules will be a turn off for people and they will not read them. Chair Selectman R. Maddox said sometime you can't Legislate common sense. He went to the park today because he was not sure Selectman Liaison B. Nadeau would make this meeting. He met with Animal Control Supervisor J. McMillan and some of the issues she is facing. Many of the people know her and help her with plate numbers, etc. so she can follow up. He also observed some small children throwing rocks in the Alligator pond. He said we pay a lot of money to remove rocks from this pond and the mother stopped the children. Chair Selectman R. Maddox said that an Ordinance for everything would be impossible to implement and he sees that the Police Department and Animal Control Supervisor J. McMillan are doing their best to protect the park. Animal Control Supervisor J. McMillan has noted a few young children in the dog park and when she explained the rules they left. She has not had any issues with anyone not complying with rules when they were told about them. N. Undercofler asked her if she had said that whoever was controlling the leash should be of a certain age. She answered that there was no specific age, just that they should be capable of controlling the dog. Animal Control Supervisor J. McMillan said if it was someone she could educate, copy the license number, this is the route she will take to prevent someone from getting hurt. Chair H. Schibanoff asked Selectman Liaison B. Nadeau if a vote should be taken on the sign. He believes that Town Ordinances could also be added to these signs. Cost of the signs plus shipping is around \$64. He thought ordering two (2) of these signs and putting them at both major entrances would be sufficient. Animal Control Supervisor J. McMillan said she originally requested Four (4) signs, but if she could only have two (2) she would like one at the Main Gate and the trail that starts at the corner of the dog park because this is where the most offences occur.

D. Empey made a Motion to appropriate not more than \$400 for four (4) signs with leash and waste (and one (1) strictly waste, to be paid for by the Dog Park funds) to be placed at the Main Gate, (by the Kiosk), the Handicap Gate (entrance to Historical area), Post 1, at bottom of hill (after the dog park), and Central Street, (across from Burger King. The strictly waste sign will be posted at the dog park.

A. Desrosiers second the Motion

All in favor – Motion Carries

Chief J. Lavoie, Captain B. Avery, and Animal Control Supervisor J. McMillan thanked the committee for their time.

Five Minutes recess called at 8:32 PM.

Meeting reconvened at 8:48

5. Approval of Minutes

A. Minutes of April 4, 2013

N. Undercofler made a Motion to accept Minutes

D. Empey Second the Motion

All in favor-Motion Carries

6. Old Business

A. Review of last meeting

Chair H. Schibanoff said the last meeting was held at the park for a review of what needs to be done this spring and summer. Chair Selectman R. Maddox has a few questions he would like to ask the committee. One of the issues at the last meeting was use of the Grant Funds. Chair Selectman R. Maddox said it was getting near the season where budget funds would run out and he is trying to stay in front of some of the utility issues and how they would get paid for. He has a copy from Town Engineering of some of the buildings at the park. He wants the committee thoughts of when they would like to put utility's in the park and where so that this could be formalized for cost analysis. P. Nichols asked where would this project start and Chair Selectman R. Maddox was under the impression some sewer pipe had been purchased, nothing for water or anything else. He spoke with someone from the Elephant Barn/Museum, and they would like the sewage to the right of the barn doors. The Train Station is still not settled yet and the Office Building needs to be planned for sewage and water, etc. Chair Selectman R. Maddox would like to know how to get from point A to point B and also bring water to the Gorilla House and he heard the committee had \$11,753 in the operating budget. Vice Chair J. Barnes told Chair Selectman R. Maddox that some of this money is earmarked for portable toilets, parking lot striping, signs and other misc. items. Chair Selectman R. Maddox he thought with the rest of the money the purchase of conduits for electricity, water pipe, etc. would be the next phase. He wanted to know when the Trails Grant would run out. D. Empey reported that June 30, 2013 was the date it would run out. He also stated that a decision should be agreed upon as to what should be done with this money. There are about seven (7) weeks left to use this money and it has already been extended. It will not be extended again, so the money has to be used before June 30, 2013. D. Empey thought that the routing of water, sewer, and electric lines was complete. Test borings were done in the past for sewer only, and he thought that the rest of the utilities would follow fairly close. Chair Selectman R. Maddox said there is a distance that has to be between these utilities. D. Empey does not see how these trenches could be dug, utilities laid down and paving over same could be done before June 30th. Chair Selectman R. Maddox said he believed that if a purchase order was cut by June 30th we are covered. We do not have to spend the money, just have a purchase order. With discussion, D. Empey stated that this money had been slated to pave Benson Boulevard as far as the Gorilla House. More discussion followed about how much paving could be done, how many utilities could be planned for the park with the money available. Chair Selectman R. Maddox said if this was to be done it would have to go to D.O.T. and this is never done in a hurry. He is here to get a drawing to bring to Concord of our plan and if we cut a purchase order we can save the Trails Grant money. P. Nichols asked if a trench was going to be cut in the Historic Area, would an Architect (she was corrected) Archeologists be needed to supervise this dig? Chair Selectman R. Maddox said yes and he saw a price of \$3,700 to observe this. Chair H. Schibanoff mentioned that this was an old price and it could have gone up. Chair Selectman R. Maddox also asked if there was a plan to rip up the path along Swan Lake where the tree roots are causing problems. D. Empey said if the committee

has to revert to an alternate plan, this is an area that will be looked at along with the road on the top side of the 9/11 Memorial.

Chair H. Schibanoff asked the committee to look at the list that C. Gagnon put together after the walk-around the park. P. Nichols was not at that meeting and wanted to know why the fence at the bottom of the hill from where the Red Barn used to be should be removed. D. Empey explained that the brush, growth, etc. could be removed and the road repaved. When the Train Station is moved, the hope is that fill from this will be used to cover the rocks going down this hill. Discussion followed about alternatives to this. Selectman Liaison B. Nadeau said it might be a better use of our Trails money to not worry about the utilities and paving at this time and do the front of Swan Pond to clear a hazard. He thought it would be in our best interest to take care of some of the projects we now have and not tie up our resources. Chair H. Schibanoff thought this was a good idea. There is a problem with tree roots along the front of Swan Lake and instead of waiting for D.O.T. approval; we should take care of what we can do now. Vice Chair J. Barnes also agreed with taking care of the projects we have now. D. Empey said this Trail Money was taken out of his hands over a year and a half ago. It was to be used for utilities and paving when the Railroad Station was moved. This was thought to be further along than what it was. There is no guess on when this project will be done. D. Empey asked Selectman Liaison B. Nadeau if he could get prices for RAP and Asphalt paving from K. Burns, Road Agent, and the exact money left over from the Trail Grant. He wants to know how many feet of paving he has to play with. D. Empey said that if a clean-up was held on May 11, the committee could walk around and decide where the best use of the paving should be and how the money should be spent. He thought this would be the most logical thing to do. Chair H. Schibanoff identified a few items on the list that he thought should be Town projects. It was agreed that the following project be given to K. Burns, Road Agent in the following priorities:

- **Clean up the Knoll behind the Chestnut Tree Sign**
- **Reassemble the wall on the other side of walkway on left of Shoe**
- **Clean the last of the junk trees and debris to fence behind A-Frame**

7. New Business

Other Business/Remarks by Committee Members

Empey asked if a clean-up will be scheduled for May 11, 2013. P. Nichols said that C. Gagnon called her and would be available for a clean-up on that date. She did not say what should be planned for that date. Chair H. Schibanoff said it was important to:

- 1. Clean the area near the entrance.**
- 2. Get rid of dead trees and snapped trees across the Chestnut Tree Sign**
- 3. Remove fence leading up to Shoe by Kathy and Jim's spot**
- 4. Clean up Trees by post 15**

Vice Chair J. Barnes gave an update on the Office Building Windows project. Town Engineer G. Webster put the paper work together for the Grant and it was submitted. There was one step that Vice Chair J. Barnes omitted and that was going before the BOS for approval for the Grant Application before submitting this to the State. The BOS granted approval and Vice Chair J. Barnes expects to hear something this summer with money being awarded sometime in the fall. If

awarded this money, he has to go before the BOS for permission to accept the money. Vice Chair J. Barnes will be working with the Building Committee on projects involving the Office, and prioritizing what has to be done over time. He plans to keep the BOS informed about what is going on so there will be no issues about the Office Building in the months to come.

Chair H. Schibanoff said we may have to have a **meeting on May 16, 2013** to clarify the Grant issues.

Next Clean-up date scheduled for May 11, 2013

9:00 AM – 2:00 PM

Adjournment: 9:26 pm

N. Undercofler made a Motion to adjourn

A. Desrosiers second the Motion

All in favor-Motion Carries