

HUDSON, NH BOARD OF SELECTMEN
Minutes of the April 28, 2009 Meeting

1. **CALL TO ORDER** by Vice-Chairman Massey at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Assistant Town Administrator Mark Pearson.

3. **ATTENDANCE**

Selectmen: Ken Massey, Shawn Jasper, Rick Maddox and Ben Nadeau, with Roger Coutu arriving at 8:25 p.m.

Staff: Mark Pearson, Assistant Town Administrator; Priscilla Boisvert, Executive Assistant; about 14 citizens

Vice Chairman Massey said Chairman Coutu was being honored by Grange #11 as Citizen of the Year, so he would be late.

4. **PUBLIC INPUT**

Proclamation in Recognition of Town of Hudson, NH Volunteers

Vice Chairman Massey said this was always a happy time of the year for the Selectmen, who get to acknowledge the service and countless hours that folks in town provide as volunteers on the various boards, commissions and committees. In recognition of that, the Board has designated May 3 – 9 as Volunteer Recognition Week and a plaque will hang in Town Hall for the next year. As part of that celebration, there will be an Ice Cream Social on Thursday night on May 7 at 7:00 at the Community Center and all of the volunteers are invited, along with a guest. He thanked the volunteers for all the work they do, which makes the town a lot nicer and without their help, it would be very difficult to get work in town done.

He asked if anyone wanted to address the Board on any topic, other than on the public hearing item that would be taken up later in the meeting. There was no one.

5. **NOMINATIONS & APPOINTMENTS**

- A. **Benson's Committee** (1 Selectman [Jasper], plus 8 members--3 terms to expire 12/31/11; 3 terms to expire 12/31/10; 2 terms to expire 12/31/09)

James Barnes (interviewed 4/14/09)
Peter Beaupré (interviewed 4/27 by Selectmen Jasper and Nadeau)
Jerry Desrosiers (interviewed 4/14/09)
Ken Dickinson (interviewed 4/14/09)
Robert Fulton (interviewed 4/14/09)
Martha J. Lee (interviewed 4/14/09)
Kenneth R. Matthews (interviewed 4/14/09)
Patricia A. Nichols (interviewed 4/14/09)

David Reidt, 43 Overlook Circle, said he was the evening manager at Hannaford's and Peter Beaupre was his boss. Both of them spoke to Connie Owen about applying to a town committee. He wanted to give back some of his time to the town. Selectman Nadeau asked if he could make the Monday night meetings. Mr. Reidt said yes, he has cleared it with the store manager.

Sandra Rumbaugh (interviewed 4/14/09)

Ron Routhier, 11 Adam Drive, said he grew up in Nashua, went in the service and when he got out, moved to Nashua in 1992. When he was at Old Home Days or Harvest Fest, he spoke with members of the Conservation Commission because they had a little display set up and he liked what they did, so he wanted to get involved. Selectman Maddox asked if he's ever attended a Conservation Commission meeting or watched it on television. Mr. Routhier said no. Selectman Maddox said this board doesn't just hold meetings, they are very involved in walks and things. Mr. Routhier said that was why he wanted to get involved.

Harry A. Schibanoff (interviewed 4/14/09)

Motion by Selectman Maddox, seconded by Selectman Jasper, to appoint James Barnes, Sandra Rumbaugh and Harry Schibanoff to the Benson's Committee, to the terms that expire 12/31/11.

Selectman Maddox said he's been on the Planning Board with Mr. Barnes for a number of years and is very knowledgeable in planning and has a keen interest in botany. Mr. Rumbaugh is on the Conservation Commission and Mr. Schibanoff seems to have a great financial background—and the Board is familiar with all three people.

Selectman Jasper agreed with Selectman Maddox, saying he wanted to make a statement in general about the Benson's Committee. The Board has been criticized again for not just reappointing everyone that was on the old Benson's Committee. That committee's mission was fulfilled in acquiring the property and that's why, originally, there

were no terms. It was expected to be less than three years, but it turned out to be more like eight years that people were appointed. Other than judges in the state, nobody else has a lifetime appointment. The Selectmen have to stand for reelection every three years, as does everyone on every board and commission. If anyone feels anyone on the Benson's Committee was slighted by the Board members, they are not just automatically re-nominated; they need to understand and think about the fact that every single person that sits on every single board and commission in this town has to reapply at the end of their term. This is appropriate and they have reached out, either individually or through this forum, to let people know the Board was looking for them to apply. If they did not, that was their decision and they may have interest in serving on subcommittees. It's an unfair criticism because most people in town would not like to see the Board appointing people without knowing they are interested, or to have them appoint people until they decided that it was time for them to move on.

Vote: Motion carried 4-0.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to appoint Gerry Derosiers, Martha Lee and Ken Dickinson to the Benson's Committee to the terms expiring on December 31, 2010.

Selectman Jasper said Ken Dickinson has been a member of the Benson's Committee for a long time and he endorsed this appointment, but for the record, because he made some comments last time relative to another project, but it needs to be clearly stated that there will be no financial gain for anyone on the committee, that no one who is sitting on the committee will be given contracts to do any work on the Benson's project. He hoped the Board would agree because he didn't want that to become an issue later. There was some concern that there might be some expectation on the part of Mr. Dickinson that he would be able to apply for contract work on Benson's, but that wouldn't be appropriate for anyone sitting on the committee.

Vote: Motion Carried 4-0.

Vice Chairman Massey said before he takes the next vote, he'd like to hear from either Selectman Jasper or Selectman Nadeau on Mr. Beaupre. Selectman Jasper said when the e-mails were going back and forth, the talk was about the Recycling Committee and he didn't go back to see if Mr. Beaupre had applied for anything else and Mr. Beaupre didn't bring it up, talking only about recycling.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint Pat Nichols to the Benson's Committee, term to expire 12/31/09.

Selectman Maddox said this person was relatively new and hasn't been involved yet. She was interested in the Seniors and in a number of different areas and has marketing experience.

Vote: Motion carried 4-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to appoint Ken Matthews to the Benson's Committee, term to expire 12/31/09.

Selectman Jasper said Mr. Matthews is the only other current member of the Benson's Committee who reapplied.

Vote: Motion carried 4-0.

B. Cable Committee (2 members, terms to expire 12/31/09 and 12/31/10)

Donald Mannion (left voice mail and e-mail messages, but no response.)

C. Conservation Commission (1 Alternate, term to expire 12/31/09)

Ron Routhier (interviewed under Benson's Committee)

Motion by Selectman Jasper, seconded by Selectman Maddox, to appoint Ron Routhier as Alternate to the Conservation Commission, term to expire 12/31/09, carried 4-0.

D. Recycling Committee (2 Members, terms to expire 12/31/09 and 12/31/10)

Peter Beaupré (interviewed 4/27 by Selectmen Jasper and Nadeau)

Lisza Elliot (interviewed 4/14/09)

David Reidt (interviewed under Benson's Committee)

Selectman said last night, the Recycling Committee talked about these three candidates and asked if one of these people could be made an Alternate to the committee, i.e., creating an alternate's position. All three applicants are enthusiastic recyclers and are excited about getting involved. The committee would like to have them all appointed.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to appoint Peter Beaupre to the Recycling Committee, term to expire 12/31/10 and Lisza Elliot to the term to expire 12/31/09, carried 4-0.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to appoint David Reidt as Alternate to the Recycling Committee, term to expire 12/31/09.

Selectman Jasper heard a rumor there might be a pending resignation from the Recycling Committee. Selectman Nadeau said he hadn't heard that, but if that's the case, the Alternate can move up.

Vote: Motion carried 4-0.

F. Zoning Board of Adjustment (1 Alternate, term to expire 12/31/11)

6. CONSENT ITEMS

Selectman Jasper removed C-4 and, at the request of the Vice Chairman, removed C-2 and 3.

Motion by Selectman Nadeau, seconded by Selectman Jasper, approve the Consent Items A, B, C-1, D & E, as noted or appropriate, carried 4-0.

A. Assessing Items

- 1) 2008 Abatement Application, Map 248/Lot 1-8, w/recommendation to deny.
- 2) 2008 Abatement Application, Map 177/Lot 5-110, w/recommendation to deny.
- 3) 2008 Abatement Application, Map 165/Lot 141-323, w/recommendation to approve.
- 4) Multiple Tax Exemptions and Credits for 2009 Tax Year:
 - a) Veterans Credit to Map 177/Lot 005-011; Map 230/Lot 022-014; Map 158/Lot 001-004; Map 177/Lot 005-023; Map 167/Lot 004; Map 165/Lot 141-512.
 - b) Elderly Exemptions to Map 165/Lot 141-512; Map 156/Lot 008-017; Map 182/Lot 117.
 - c) Disabled Exemption to Map 197/Lot 112; Map 167/Lot 032; Map 190/Lot 130.

B. Water/Sewer Items

Sewer Abatement Application, Ref. No. S-09-07, S-UTL-09-19, M/L 216-001-000, Acct. #4841, \$62.42, w/recommendation to grant.

C. Licenses & Permits

- 1) Request by Nashua Seniors to hold a fundraiser at SAM's Club on May 7 and 8, 2009
- 2) **Application for Dance Halls & Entertainment Places of Assembly--John McCafferty, 11 Tracey Lane**

Vice Chairman Massey said he intends to support this, but he wanted to make sure that the record shows that the Chief of Police has given Mr. McCafferty a copy of Chapter 185 of the Town Code. Mr. McCafferty confirmed that yes, he had a copy.

Motion to approve the application for Dance Halls and Entertainment Places of Assembly by John E. McCafferty at 11 Tracey Lane by Selectman Jasper, seconded by Selectman Nadeau.

Selectman Maddox noted that the Zoning Administrator signed off on it, so he assumed it was an existing business that has that same type of... so there is a site plan and all, and that has been cleared up. Someone answered in the affirmative.

Vote: Motion carried 4-0.

- 3) **Request to hold a fundraiser by Jennifer E. Ferraro on Friday, May 1 at Johnny's Pizzeria, Bar & Grill at 11 Tracey Lane on behalf of Avon Walk for Breast Cancer**

Vice Chairman Massey said he pulled this one out in case the previous one didn't pass.

Motion to approve the request by Selectman Jasper, seconded by Selectman Nadeau, carried 4-0.

- 4) **Hudson Speedway License**

Motion to approve by Selectman Jasper, seconded by Selectman Nadeau.

Selectman Jasper said at the end of last season, the races went well past their scheduled time. The races scheduled for June 7, 14 and 21 are a five and a half hour period of racing. All the other times are five hours

and 45 minutes, and the reason for the extra 15 minutes was in case something went wrong. The intent is the races end at 5:30 and 10:30. They were given a 15-minute leeway, but they have been pushing the envelope on that time, bringing them up to 10:45. That's a Sunday night and people are trying to sleep because they need to get to work. If he hears those race cars going at 10:46, he will be calling the police again. The last time, they pretty much told the police, "tough; we're going to race until we're done and we'll pay the fine." If this continues, he will be looking to amend this ordinance in the future to back the times up if they don't respect the intent of the end time.

Vote: Motion carried 4-0.

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Workshop on April 7, 2009
- 2) Minutes of the Board of Selectmen's Meeting of April 14, 2009

E. Calendar

4/30 Steve Williams' Farewell Dinner
5/04 6:30 School Board in BOS Mtg. Rm.
5/05 7:00 Board of Selectmen in BOS Mtg. Rm.
5/06 7:00 Planning Board in CD Mtg. Rm.
5/07 6:30 Recreation Department @ Oakwood Facility
5/07 7:00 Ice Cream Social for Volunteers @ Community Center
5/11 7:00 Conservation Commission in CD Mtg. Rm.
5/11 7:00 Republican Committee in BOS Mtg. Rm.
5/12 7:00 Board of Selectmen in BOS Mtg. Rm.
5/13 7:00 Planning Board in CD Mtg. Rm.
5/14 5:30 Sewer Utility Committee in BOS Mtg. Rm.
5/14 7:30 Zoning Board of Adjustment in CD Mtg. Rm.
5/18 6:00 Recycling Committee in CD Mtg. Rm.
5/18 6:30 School Board in BOS Mtg. Rm.
5/19 7:00 Cable Utility Committee in BOS Mtg. Rm.
5/20 5:00 Water Utility Committee in BOS Mtg. Rm.
5/20 7:00 Library Trustees in BOS Mtg. Rm.
5/20 7:00 Hudson Seniors in CD Mtg. Rm.
5/21 9:00 – 10:00 a.m. Citizens' Hour w/Matt Lahey from Senator Gregg's Office
5/21 7:30 Budget Committee Meeting in BOS Mtg. Rm.
5/25 Memorial Day Holiday – Town Hall closed
5/26 7:00 Board of Selectmen in BOS Mtg. Rm.
5/27 7:00 Planning Board in CD Mtg. Rm.
5/28 3:00 Trustees of the Trust Funds in CD Mtg. Rm.
5/28 7:30 Zoning Board of Adjustment in CD Mtg. Rm.

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on April 14, 2009

- ▶ Motion by Selectman Jasper, seconded by Selectman Massey, to seal the nonpublic minutes carried 5-0.
- ▶ Motion to adjourn at 11:15 p.m. by Selectman Massey, seconded by Selectman Jasper, carried 5-0.

B. Second Public Hearing on Ordinance 09-01, Restricting Use of Motorized Vehicles on Town Property

The first public hearing on this issue was held on April 14. Tonight will be the second required public hearing and the Board will vote on this at its meeting on May 12.

Vice Chairman Massey gavelled the public hearing opened at 7:29 p.m.

Kevin Montgomery, 42-A Barretts Hill Road, said there are already existing trails on town property and he didn't see what harm was being done. It's not like ball parks are being ripped up. He could understand the town getting upset about that. Snowmobiles and motorized vehicles aren't doing any real damage. Guys used to fly airplanes out at Benson's and would cut the fields with their tractors and it would be beautiful, but then [the town] put an end to that, too. It's at the point where there has to be a fine line somewhere. He's seen elderly guys that can't walk any more on four wheelers out in the woods, and he'd hate to see that end. It's not just young kids ripping everything up. The town should have designated spots for people, but to end it and give people tickets and possibly arrest people who are just trying to have a good time and not causing trouble... if cops see someone doing something wrong, they are going to address it. As far as people crossing into trails that have already existed for years, no one is complaining about them, he didn't see why there'd be a problem. That's his biggest concern, and then to pay with taxpayers' money to try to crack down on these innocent people who are not doing anything wrong but riding trails that are already there. It's a fine line for the town. The paper talks about injuries, but people could get hurt ice skating, skateboarding or just walking on the trails by slipping and falling. If the town is worried about that, the town should have an ordinance

saying if you drive an ATV in the town of Hudson, if you get hurt, it's your own fault. That's the way it should be. Nobody should be responsible for that except for themselves and as long as those machines are registered and are not doing any damage to something, like trails that are not already in existence, he didn't see why the town should push the issue, especially with snowmobiles. The guys with the airplanes were not doing any harm, but then signs went up at Benson's and they got kicked out. It's a shame to see that's what the town has become.

Selectman Massey didn't think flying airplanes would meet this ordinance; it didn't rise to the level of what they were talking about. Mr. Montgomery said they did get kicked out of there. Selectman Jasper said that's because the state was doing work on Benson's, but the airplane people are now using the old landfill. They maintain a strip up there and make an annual donation in appreciation of its use, so they are using town property. Mr. Montgomery said it used to be nice to go in and watch them fly the planes. He was told it was the town that put up signs to keep everyone out. They could argue all night about this, but in truth, there are a lot of good people that ride ATV's and if they are causing a problem, he can understand the police addressing that, but if they're not doing anything wrong and they're legally registered and not upsetting anybody or driving on land that is clearly posted, most of the trails are existing, even the ones in the town forest. There are trails here and there and nobody really goes off the beaten path, but pretty much stay on the trails that are there. The town doesn't want them, but the truth is they're there. Even if there is an ordinance against them, people will still go out. The only people they will keep out are the guys that don't want the hassles or get in trouble. They'll be scared to go out because they don't want to get in trouble with the police. They're taking the freedom away from the good people. For the most part, snowmobiles aren't doing any damage.

Barb Doyle, 12 Stoney Lane, said she was present on behalf of her family and were against shutting down any land. They ride snowmobiles and her husband and kids have dirt bikes. They are usually up north and rarely ride in Hudson. They belong to a snowmobile club in Vermont and in Hudson. They've been here 21 years and have paid dues. They ride as a family with kids and grandparents. Why is this happening? There's always a few people who cause problems, but what prompted shutting down town land? It's a shame. They live by Robinson Pond and her kids ride dirt bikes in her yard and they ride snowmobiles in their yard. If you go down to the pond with a snowmobile you can't come off by the beach because it's town land. Is that true? She didn't understand the restrictions. There are always people who cause problems, but that's with anything. There are sport bikes that fly down Stoney Lane at 70 MPH in summer weather, and that's a bigger safety issue than people on dirt bikes, the few people who are riding. Her kids have done it forever. They've taken safety courses and there are responsible people out there with snowmobiles are dirt bikes. Most of them ride other places. In Derry, they can ride the railroad beds and go forever. They go up north with the snowmobiles, where there is better riding and you can go further, but they can't go on Robinson Pond on snowmobiles at Christmastime when they're home over Christmas vacation. It just seems very wrong and she wondered what prompted it, what issues have caused this and what other options were instead of shutting it all down.

Vice Chairman Massey said they'd get to that when they decide whether or not to adopt the ordinance.

Ms. Doyle said it just seems wrong. She grew up in Massachusetts and has lived here for 21 years. This is New Hampshire, where there is open land. It's not nearly as rural as it used to be. She is lucky to have neighbors next door and across the street that also have four wheelers and dirt bikes. Her kids ride dirt bikes in her yard, but they should be stuck riding in her yard. They should be able to ride somewhere else without getting into trouble for it. They are registered and insured and they've gone through the courses and this doesn't seem like the right thing to do in this town.

Jake Nazarian, 9 Belknap Terrace, thanked Mr. Pearson for spending time with him a little earlier to clarify a couple of things. There is already a state law that says it's illegal to ride on town property and asked if that was correct. Mr. Pearson said there's a state law that says in order to ride an OHRV on someone else's property, such as the town of Hudson, you would need written permission from the town. Mr. Nazarian said in the past, the town hasn't given that, so there is already a law that says they are not supposed to be riding on town property. He speculated there was a system of fines that went along with that. He didn't understand why a town ordinance was needed to enforce a state law. Why doesn't the state law work well enough the way that it is? People have been riding on these trails for a long time, and nobody has enforced the state law that says they're not supposed to be riding on the property without landowner permission. The only difference between the state law and the ordinance is that now there will be a larger fine, and since it is a town ordinance, that fine would go to the town instead of the state. The amount is totally and completely ridiculous. If a kid gets caught riding his dirt bike where he shouldn't be, and he wasn't proposing their kids should be doing that, but if they are, then it's going to cost their parents \$100 the first time, \$250 the second time, and \$1,000 the third time? That seems like overkill to him. He didn't think the fines needed to be that big, but that speaks to his first point. If there already is a state law in place, and it hasn't been enforced, why all of a sudden do they need a town ordinance and how is the enforcement then going to change? He didn't see anything in the ordinance in terms of enforcement. He rides through town a lot and has landowner permission to ride from where he is and on to their property. He's actually knocked on people's doors and asked for permission to ride on their property. He doesn't run any after market pipes; all of their machines are completely stock. One landowner told him he was the first person that asked if they could ride on his property. There isn't anything in the ordinance that deals with enforcement and the fines are totally out of whack because the parents are now going to be responsible—not that they shouldn't be—for up to \$1,000 or having to go get their child out of jail. That's a bit excessive and he asked the Board to reconsider what has been proposed and work something out in terms of enforcement. It seems like there

is a snowmobile club in town that they sponsor or support when they buy their OHRV things, but he didn't see any town club or anything like that to enforce any of the dirt bikes or the quads that are going. Maybe they could look at possible putting together a club that might be able to help enforce some of these rules. If there was a club out there, maybe, and got the word out, maybe people would be more happy to comply with that. Maybe they should offer up some town land that people could ride on. He knows that's going to spark a huge problem and he understands there is already a state law about that, so he's not sure how that can be changed. His points are enforcement if there is already a state law, and secondly, the fines are just astronomical and not in line with anything else. People speeding in town is a \$50 or \$100 fine. This is talking about fining a 16 year old kid \$1,000 the third time he's riding his dirt bike. He's not saying kids should be riding around without parents knowing what's going on, but \$1,000 is ridiculous. He asked the Board to reconsider the motion and perhaps include some language that speaks to enforcement. Again, do they need a town ordinance to support a state law, and where are those fine monies going to go? Are they creating an ordinance just to create more dollars? Those are some of his questions.

Robin Nazarian, 4 Gambia Street, said most of the kids who ride dirt bikes and snowmobiles are probably geared up and trained to ride vehicles, as her son is. They are taught safety and she thinks they see more accidents from a skateboard park than from kids that are properly trained on how to ride these vehicles. She wanted the Board to think about that.

Jacob Nazarian, 4 Gambia Street and 9-1/2 Belknap, said he goes dirt biking, and has landowner permission, but has to cross, he thinks, Old Derry Road and wished he could still cross there because he really has fun.

Bill Miller, 50 Griffin Road, said his wife and her family have owned property at the farm where he lives now for over 130 years and if it wasn't for the professionalism of the Hudson Police Department in helping them as private landowners from keeping motorized vehicles off of the property, they would have sold out a long time ago and made it into a housing development so they could do whatever they wanted with the property. There is no greater hot button issue for them, as a family, than this issue. He thinks an ordinance that would enable there to be a public area, owned by the town or some public entity, to enable dirt bikes, four wheelers, or whatever, to go on the property, it would be fine. His concern about this ordinance is that by prohibiting and focusing on town property, they are going to only put more pressure against private landowners. They've had dozens, if not hundreds, of trespassers, kids to adults. The first thing they say is they didn't see a posted sign. Regrettably for them, the law is they need land owner permission to be on their property; they don't need to do anything other than to express their displeasure. Of those trespassers, probably not even five of them ever listened to what was suggested. One time there were 13 individuals on four wheelers in their back yard. They've had four wheelers in their driveway and has interrupted family activities, awakened them at night, etc. He praised the Police Department for enforcing the laws, as they stand, but it's still impossible to prevent the activities from taking place. They've found fires started on their property, they've had items stolen, they've found beer cans and trash numerous times. That's not to say people in Hudson do need a place to use their vehicles they'd like to use, but the reality is that by having any laws, they're only as good as the enforcement of them. Another point is the nature of the activity is not inherently wrong. He can recall being asked only one time for permission to be on their property. This morning, he chased two young gentlemen, but didn't catch them, but it was another police report. It's understandable that with school vacation week, they need a place to let go, but where are the parents? There are power lines going through their property and when he confronts them, they always tell him that's public access—and he didn't know where they get that. First of all, they get ripped off by the power company to take their property by eminent domain, and then trespassers destroy the property by ruts and erosion. The grass has been crushed on their hay fields from four wheelers. It's just a different era, but it isn't right. It's an affront to how they'd like to keep their property.

Dan Dubowick, 223 Derry Street, said he talked to seven or eight board members of the Hudson Snowmen and they all told him there was nowhere to ride in Hudson and they didn't care and if someone didn't like it, don't send them any money. After that, what he figured they should do is probably open their own club in Hudson and they could deal with the town and see what the Selectmen want to do. He'd be open to doing that, if the Selectman wanted that. Several other people would be interested, also.

Greg Niamin, 22 Ridgcrest Drive, said he rides with his kids. They have a ball and they like it. It would stink if he couldn't do it any more.

Conrad Gauthier, 113 Barretts Hill Road, dropped off a letter, which Chairman Massey read into the record.

I am writing in objection to the proposed ordinance banning ATVs and snowmobiles from town owned property. There are many residents of Hudson who own OHRVs including skimobiles and there are currently no opportunities for them here in the town of Hudson. I think the Selectmen's time would be better spent opening up town land for multiple uses, including OHRVs and snowmobiles. If deed restrictions exist on certain portions of land conveyed to Hudson, then any proposed ordinance should pertain to those lands only. Thank you.

Kevin Montgomery, 42-A Barretts Hill Road, said he agreed with Mr. Miller, but not everyone is like that [the people who trespass on his property], and he didn't blame him one bit.

Diane Holt, 13 Stoney Lane, was there to support her neighbors and wasn't planning to say anything. She doesn't even own an OHRV or a snowmobile. She has lived here all her life and they used to ride snowmobiles all over town. They always had permission from people and always rode where they were supposed to ride. They never started fires and never did anything they weren't supposed to do. There were four wheelers, three wheelers, dirt bikers—they all got along and respected landowners' rights, but the town property is town property. They all respected it. She rode with her dad and her mom. Nobody ever gave them a hard time. She thinks it is sad to see that the town she grew up in is now becoming Big Brother or no, you can't do this; no, you can't do that. Sure, there should be regulations and obviously, you don't want anyone driving across your lawn, but kids have got to have something to do. If families are going out and having a good time on their sleds or dirt bikes, they should let them. Find a place to let them to do it, if that's what it comes to. Over-regulating things is just making a big mess for nothing.

There being no further speakers, Vice Chairman Massey closed the hearing at 7:54 p.m. The Board will take this up as an agenda item at their meeting on May 12 and, therefore, would take no further action tonight.

Selectman Maddox thought it would be a good idea for Mr. Pearson, who wrote most of this, could put together some answers to some of the questions that they heard tonight. He didn't see anything in the ordinance about people going to jail, so he was curious about that comment. Also, where the monies go. He thought the police were the ones who drove forward, that they didn't have enough teeth in the existing state law and that's why it became a town ordinance. Some of those answers would be helpful so the Board could answer some of the concerns. The people sitting in the room probably aren't the problem. As with all things, it's probably that 3%, or whatever it is, that caused the problems. He'd like to hear from the Police Department that they are satisfied that this will give them the tools they need to be able to deal with it. There's a gentleman who wishes to volunteer. Is there a town parcel that would be suitable for this? They should have some answers to some of these questions. If the citizens took the time to come in to make their voices heard, the Board should address some of their questions.

Selectman Jasper agreed with Selectman Maddox and asked that Mr. Pearson provide the Board with a copy of the state law that pertains to this so they can have a clear reference point.

Selectman Maddox said the purpose of this ordinance was not to make money. That was never the intent. If your kid gets caught three times, it's going to be \$1,000. He hoped they would have learned after the second time. The intent of this is not to make money; it's to put teeth into something because, according to his memory, the Police Department had a problem with the existing state law. He hoped they could balance out some of this.

C. Impact Fees for Clement Road Reconstruction (deferred from April 14, 2009)

Assistant Town Administrator Mark Pearson said at the Board's April 14th meeting, the Board requested more information concerning the Planning Board minutes and the development agreements for the accounts that were proposed to spend money on Clement Road. The packet contained information from the Town Planner, who assisted in putting things together. It's a pretty comprehensive packet, but he believed it was what the Board was looking for. It includes the minutes leading up to the developer's agreements on what the impact fees were designed and collected for, for offsite improvements in the Clement Road area.

Selectman Maddox referred to Page 12. He was always under the impression, having sat on the Planning Board through this, that the \$75,000 that they gave as a contribution... it's not a CAP fee, it's a contribution... was to be used to improve access from Constitution Drive. Paving Clement Road is not improving access, so he hoped the monies that is in there on the other monies, possibly, but to hold the \$75,000, since it's not subject, as he understands it, to the six years, because it's a contribution, it's not a CAP fee, that they would have those monies available if and when, at some point, the town has the ability to do something to alleviate traffic coming out of Constitution Drive.

Mr. Pearson said in response to Selectman Maddox's comments, the Town Planner put together the backup information to the backup information, which involved the page Selectman Maddox was referring to. That was an agreement having to do with Unicorn Park and he included that in there as a reference to show what precipitated the future impact fees that they are being asked to expend. The language is clear about what the original \$75,000 from Unicorn Park was designed to do. However, the developer's agreements for the accounts on the front page were also collected by the Planning Board as offsite fees, specific to that whole concept of improving access to Constitution Drive from Route 111. The point is that Page 12 is just a reference; they are not trying to say that means anything other than that \$75,000 was where the whole collection of fees started for the Constitution area.

Selectman Jasper said he was slightly confused in that everything in the packet talks about \$75,000 but the cover sheet talks about \$50,000 plus interest. He asked if the \$50,000 was part of the \$75,000. Mr. Pearson said that \$75,000 was an original amount that was Unicorn Park that started the whole collection of fees for offsite improvements for that area. Subsequently, other businesses came into the area and they contributed offsite improvement monies for that same purpose. Selectman Massey said the \$50,000 was explained on page 2, items 2, 3 and 5 on page 3. Selectman Jasper said that just references offsite improvements, but doesn't say anything about a different access.

Mr. Pearson said the original \$75,000 was collected and after a period of time, prior to a six year timeframe, about \$35,000 was used to improve Clement Road from Constitution to Park. There is a balance in that account, plus any accrued interest. There is a whole other discussion that goes on about the balance of that money, but for tonight's purpose, staff has recommended the use of the \$50,000 which is exclusive of the original \$75,000 to move forward with reconstruction and making roadway improvements from Route 111 to Constitution Drive on Clement Road.

Selectman Maddox said, again, there is a problem out there and they know it's out there, so the Planning Board got the \$75,000 and some of it was spent to do that improvement to Park Avenue because that was the only monies and that's where they took it out of. What they are going to end up with, they are just augmenting the town-wide paving through these impact fees. He is just concerned that somewhere down the road, they are not going to have the monies they need if something was to come available to be able to get access out of Constitution another way, or a study to do the justification or whatever. They won't have those monies. That's what he thought the original \$75,000 was to be used for, forgetting that somehow or other they took \$37,000 of it. Again, that convoluted thing about the Planning Board not being asked and it was paved over, whatever. He guessed he was just concerned this is nothing more than just supplementing town-wide paving and, again, if and when the time comes that they have another opportunity, they are not going to have monies there to do anything with the access to Constitution.

Selectman Jasper disagreed about it being nothing more than augmenting town-wide paving because the road is going to be widened and other improvements are going to be made. He has never been a proponent about getting into Constitution Drive through the private property. That road is not very good leading up to there, having driven it many times, responding to box alarms. It's very curvy and a bad road and would take a considerable amount of money, even if they could gain permission to do that. He would question why any property owner would want to make that a public way. That leads them to the point of running up against the clock in having to return the money. This is an appropriate use of the funds. In looking at the 2004, 2005 minutes, they tell him they are rapidly reaching that seven year limit, with nothing on the horizon to make them believe that anything is going to happen in the next two years before they'd have to start turning the money back. As a courtesy, he moved to defer this to tonight, but he saw nothing in the packet to indicate the monies were not for offsite improvements specific to Clement Road to 111, so he was in support of this.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to approve the use of impact fees totaling \$50,000 plus interest, from account 2050-184 for improvements to Clement Road, carried 3-1. Selectman Maddox voted in opposition.

8. NEW BUSINESS

A. Request by Hudson School Board to release School Impact Fees

Motion by Selectman Maddox, seconded by Selectman Jasper, to release the school impact fees to the Hudson School District, in accordance with the terms and conditions stated in the memorandum from Normand Sanborn, Business Administrator for the Hudson School Board, dated April 15, 2009, as recommended by the Town Planner on behalf of the Planning Board.

Selectman Maddox said this came before the Planning Board and they were in favor of this. It has been a long time coming. It's \$1.2 million that the Planning Board, through impact fees for the schools, has collected. There were an awful lot of lawyers talking to lawyers and bonds people and whatever, but this directly impacts the taxpayers and this is one of the things that the impact fee was collecting--\$3,800 per residential unit and this is just a great thing they can hopefully release this to the School Board, which will reduce down the principle and when they refinance the bonds, will get even a lower rate, so they are saying it could be anticipated a \$1.8 million savings over the 10 years of the bond, so this is a win-win for everybody. As a final note, he did ask, since they gave them \$1.2 million, would they please come to the CIP meetings. Vice Chairman Massey said the newly-appointed School Board member has been appointed to the CIP.

Vote: Motion carried 4-0.

B. Request to Release a Property Lien

Motion by Selectman Jasper, seconded by Selectman Nadeau, to deny the release the support provided lien filed in 1974 on 6 Pine Road and forgive the amount due of \$1,160.17.

Selectman Jasper said the town provided this relief in good faith and the taxpayers were assured that they would receive their money back, with interest, which is only 6% and even though it was not the current property owner who received the relief, that lien goes with the property. It would be inappropriate for the Board to forgive that.

Selectman Maddox asked if there was something filed, how it could not have been caught by a title search. Selectman Nadeau said it was. Selectman Maddox noticed that the current owner was a family member of the one who received the help. An agreement was made to pay this back and he didn't see why they should allow someone

20 years later to say they didn't want to pay it. It's a terrible precedent. If they were to forgive this, it's a case where no good deed goes unpunished.

Vote: Motion carried 4-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Motion by Selectman Nadeau, seconded by Selectman Jasper, to approve the request for fundraising activities by Hudson Kiwanis on May 2 at SAM's Club, carried 4-0.

Selectman Maddox hoped the Assistant Town Administrator would bring to the Chairman the fact that they've kind of fallen off the wagon in holding workshops. He hoped they'd get back on track with trying to deal with the departments on a non-issue item which comes before them at a meeting, to have a longer discussion with the departments. To that end, he hoped if not for the next meeting, then the following one, they ask the Sewer and Water Utilities to come in and talk to the Board. There are a number of issues that are coming before those groups that, ultimately, will end up before the Board and he'd like to have a dialogue with them prior, rather than wait to the last minute. He saw in the paper where Nashua is looking to do continued expending of monies with their combined overflow program. How will that impact Hudson? They've seen stuff with Nashua versus Pennichuck and where that is going. Hudson is one user as it pertains to that commission or board of water that Selectman Massey sits on. Selectman Massey said not any more. Selectman Maddox said but they were considered as one, rather than 6,000, so he'd like some dialogue with both of those, as well as to go over some of the procedures as to how they will go about collecting, shutting off waters, and things of that nature that will come to the Board, at some point. Maybe they could have a dialogue at some workshop, something they can put on future agendas.

Selectman Jasper didn't have anything.

Selectman Coutu was not present at this time.

Selectman Massey said Selectman Maddox's idea was a good idea. All Board members have a copy of the water disconnect policy that they adopted in March 2008. Given some of the Sturm and Drang (storm and stress) that occurred earlier this month, he thought it was appropriate that everyone sees and reviews and the process. They did meet with the Finance Director, the Town Administrator, the Assistant Town Administrator and Water Utility Clerk to review the policy and it was followed pretty much the way it was written. They made one suggestion on the mailings, which would be to stamp all of the letters, "Important. Please read," even though it is a different colored paper.

►Hudson Grange #11 is honoring Selectman Roger Coutu tonight as Man of the Year this evening. Also being honored with an award is Helen Cheyne, Administrative Aide in the Fire Department for saving the town money by keeping a watchful eye on invoices and billings for the department and Jana McMillan, Animal Control Supervisor, for rescuing an elderly woman who had a stroke.

►Friday night is the VFW Awards Banquet, and Jennifer Riel is being recognized, as well as Ed Shiebler, retired Call Firefighter, and from the Police Department, Officer Patrick Broderick.

►The annual American Legion Memorial Day Parade is on May 25 at 2:00 p.m., from Hannaford parking lot, stopping at Library Park for a brief ceremony, and then on to the American Legion. If any of the Selectmen plan to participate, let Priscilla know and she will RSVP for the Board members.

►Relative to police business, the status of the new hire, there are 151 non-certified personnel that sent in applications to take the written exam; 115 took the exam; 85 passed. Of those 85 who were eligible to take the physical exam, 58 passed; three were given an alternate date for various reasons; 26 failed and two did not report for the physical exam. There were 18 certified officers who sent in applications and all they are required to do is take the physical exam. Of those 18, 11 took the exam, seven passed, four failed and there were seven no-shows. There were a total of 65 people who were eligible to fill out an employment application and of those 65 individuals, they received 52 applications, as of April 20, so they are going forward with the interview process with 52 out of the original total of 169 applicants.

►The subject that's on everybody's mind this month, April is dog registration month and this Thursday is the deadline for everybody out there to register their dogs. As of today, approximately 2,000 dogs have been registered. There's approximately 1,000 – 1,200 that are unregistered. Sometime in mid-May, the Town Clerk will send a letter informing all owners of unregistered dogs that they may be in violation of RSA 466:14. In June, by state statute, by that same RSA, the Town Clerk is require to submit to the Board of Selectmen, a list of all unregistered dogs. If the Board approves that list, then the Town Clerk will send a civil forfeiture registered letter to those owners and they have 15 days to pay the civil forfeiture fee of \$25, plus the registration of the dogs and the cost of mailing. If they fail to pay that forfeiture fee within the 15 days after the letter is sent, then they will be sent a summons to appear in Nashua District Court. He recalled that last year, there were probably a small number of people that actually wound up going to Nashua District Court. In all those cases, they did a plea bargain with them. If they agreed to pay what they owed last year and agreed to pay on time this year, then the court-imposed fine would be waived. Those folks have until April 30th to pay this year's dog registering. The bottom line is you have approximately six months from the time the tags are first available to when you can wind up with this penalties being imposed. He urged all

owners of dogs who have yet to register their dogs to please come down to the Town Clerk's Office. They will be open on Thursday night if you're working during the daytime. He'd appreciate it if people would do that.

Selectman Jasper congratulated Selectman Nadeau and his wife, Jen, on the birth of their son. He has it on good authority that, while the baby is waking up for regular feedings, Selectman Nadeau is sleeping soundly through the night.

►He learned from the Fire Chief that the money from the Feds for the reimbursement for the 75% for the ice storms has been received, so they're in good shape in terms of getting that money.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Nadeau, to enter nonpublic session under 91-A:3 II (b) The hiring of any person as a public employee; (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, carried 5-0 by roll call vote.

Vice Chairman Massey said the Board was entering nonpublic session at 8:25 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. Nonpublic session was terminated at 8:42 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox, to seal the minutes of the nonpublic session carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Coutu, to hire Kate Giaquinto as a student intern in the Community Development Department at \$12 per hour commencing May 10, 2009 and terminating on August 21, 2009, carried 5-0.

11. ADJOURNMENT

Motion by Selectman Maddox, seconded by Selectman Coutu, to adjourn at 8:45 p.m. carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant.

HUDSON BOARD OF SELECTMEN

Roger E. Coutu, Chairman

Kenneth J. Massey, Vice-Chairman

Shawn N. Jasper, Selectman

Richard J. Maddox, Vice-Chairman

Benjamin J. Nadeau, Chairman