

HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 26, 2008 Meeting

1. **CALL TO ORDER** by Chairman Jasper at 7:00 p.m. in the Selectmen's Meeting Room at Hudson Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Rick Maddox.
3. **ATTENDANCE**
Selectmen: Shawn Jasper, Ben Nadeau, Ken Massey and Rick Maddox. (Selectman Robinson was absent.)
Staff/Others: Steve Malizia, Town Administrator; Sean Sullivan, Director of Community Development; Richard Gendron, Chief of Police; Lisa Nute, IT Director; Tom Tollefson, HLN
4. **PUBLIC INPUT** (There wasn't any.)
5. **NOMINATIONS & APPOINTMENTS** (will be taken up Monday, March 10)
6. **CONSENT ITEMS**
Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve the consent items, as noted or appropriate, carried 5-0.
 - A. **Assessing Items**
 - 1) 2007 Abatement Application (13 Pinehurst St) w/recommendation to approve.
 - 2) Veteran Tax Credit (25 Oblate Dr & 2 Pond View Dr); Elderly Exemption (16 Nevens St, 3 Rhona St, 34 Krystal Dr); w/recommendation to grant.
 - B. **Water/Sewer Items**
New Sewer Utility policy, Extension of Sewer System Outside of Sewer District, as recommended by the Sewer Utility Cmt.
 - C. **Licenses & Permits**
 - D. **Acceptance of Minutes**
Minutes of the February 12, 2008 Meeting
 - E. **Calendar**

2/27 7:00 Planning Board in CD Mtg. Rm.	3/18 7:00 Cable Committee in BOS Mtg. Rm.
2/28 1:00 Trustees Trust Funds in BOS Mtg. Rm.	3/18 Noon-7 Red Cross Blood Dr at Community Ctr
2/28 7:30 ZBA in CD Mtg. Rm.	3/19 5:00 Water Utility in BOS Mtg. Rm.
3/04 7:00 Bd of Selectmen Wkshp in BOS Mtg. Rm.	3/19 7:00 Library Trustees in BOS Mtg. Rm.
3/05 7:00 Planning Board in CD Mtg. Rm.	3/19 7:00 Senior Council on Aging in CD Mtg. Rm.
3/10 7:00 Board of Selectmen in BOS Mtg. Rm.	3/20 7:30 Budget Committee in BOS Mtg. Rm.
3/10 7:00 Conservation Cmsn in CD Mtg. Rm.	3/24 7:00 Green Team in CD Mtg. Rm.
3/11 7 am-8 pm Voting at Community Center	3/25 7:00 Board of Selectmen in BOS Mtg. Rm.
3/12 7:00 Planning Board in CD Mtg. Rm.	3/26 7:00 Planning Board in CD Mtg. Rm.
3/13 5:30 Sewer Utility in BOS Mtg. Rm.	3/27 7:30 ZBA in CD Mtg. Rm.
3/13 6:30 Recreation Committee--Oakwood Facility	3/31 7:00 Recycling Committee in BOS Mtg. Rm.
3/13 7:30 ZBA in CD Mtg. Rm.	
7. **OLD BUSINESS**
 - A. **Votes taken after Nonpublic Session on February 12, 2008:**
Motion by Selectman Maddox, seconded by Selectman Nadeau, to hire John Tastula as Fire Dispatcher, a non-exempt position, effective 3/2/08, and in accordance with IAFF Local 3154 contract, with an hourly rate of \$13.95, then to Step 1 at the completion of probation, carried 5-0.
Motion to adjourn at 9:37 pm by Selectman Maddox, seconded by Selectman Robinson, carried 4-1. Selectman Massey was opposed.
 - B. **Petition for Eminent Domain taking, 60 & 64 Lowell Road**
Chairman Jasper stated this item was recessed on February 12 to tonight, at the request of Community Development Director Sean Sullivan, who was speaking on behalf of the owner of the property, who was unable to be present that evening. He recognized Sean Sullivan, Director of Community Development, prior to opening the public hearing. Mr. Sullivan said Joanne Fryer from CLD was present, as well, who has been the engineering consultant on this project. Mr. Sullivan said the proposed Lowell Road sidewalk improvement project currently consists of approximately 2,000 linear feet of 5-6½ feet of sidewalk improvements from Winn Avenue to Birch Street. The width of the sidewalk varies, depending on existing conditions in the vicinity of the improvements. The majority of the sidewalk improvements are proposed on the east side of Lowell Road. As part of this project, driveway and roadway crosswalks will receive enhanced definition and appropriate pedestrian access ramps will be constructed. The sidewalk project currently terminates at Birch Street where a new pedestrian crossing signal will be installed to allow for signalized pedestrian crossing of Lowell Road. Minor site improvements are proposed for the corner of Lowell Road and Birch Street, such that the crosswalk landing and pedestrian signal structure can be accommodated. Guardrail improvements are also proposed south of Birch Street to address safety standards where

sidewalk modifications are planned. Some sidewalk improvements are planned on private properties, requiring permanent and temporary easements. Most easements have been acquired with on-going efforts to obtain three remaining easements, with verbals on two of those. The project also includes enhanced or replaced travel lane, striping for the length of the project and approximately 500' of full-width pavement overlay. He spoke with Selectman Maddox earlier today relative to a cost estimate he got from CLD just prior to the Board's last meeting with the current project cost estimate of \$405,000. (He distributed a handout to the Board.) He said the document shows the current project cost estimate of \$405,000; a transportation enhancement grant through NHDOT of \$275,000 with a local town match remaining at \$130,000. The 3A corridor currently has a balance of \$311,048. That account had been previously authorized by the Board as a revenue source for this project, but at that time, the cost of the project in terms of local match was much less. He went through the sidewalk accounts today with the Town Administrator and they were able to identify seven accounts where monies have been collected by and through the Planning Board from the private sector for sidewalk construction. Those accounts total \$64,735 which would remain an additional funding source for the Board to consider.

Ms. Fryer said she was going to give a brief technical (and visual) presentation on the plan and would answer any questions. The sidewalk, in general, is at least five feet wide. It will have a raised vertical granite curbing along the street to separate the sidewalk from the traveled way. There are some areas where the sidewalk is wider to account for existing conditions and to allow for some vehicle overhangs where parking lots are adjacent to the sidewalk from some of the existing businesses. They have certain areas where the sidewalk is specified as concrete. A majority of it is bituminous pavement in order to keep the cost down, but there is concrete specified in certain locations adjacent to businesses in order to make their entrances feasible for entering and exiting the properties. There are several pedestrian crossings of streets. Lowell Road will receive a striped crosswalk across the road at the intersection of Birch Street and there will be a pedestrian signal there to allow for safe pedestrian crossing of that roadway. Both Roosevelt and County Road will receive striped crosswalks and then Birch Street. In addition, the commercial driveways will have painted crosswalks with ADA accessible pedestrian ramps. There is a certain slope that goes with the ramp, as well as detectable warning surfaces, which were recently installed at the Sunoco station. They are yellow squares with bumps on them so people who are eyesight impaired will realize when they are crossing a street. Chairman Jasper said, although that information is helpful for the general public, the eminent domain taking was on 60 & 64 Lowell Road, so he asked Ms. Fryer to focus on those parcels and why this action is necessary.

Ms. Fryer said the two parcels are located between Roosevelt Avenue and County Road. In order to secure funding from the Transportation Enhancement Grant from NHDOT, you do need to provide a complete section of sidewalk. The grant requirements from federal highway do not allow you to construct a sidewalk with gaps in it, and that's why they need to create a continuous sidewalk, from one end to the other, so a sidewalk is needed across 60 & 64 Lowell Road. There are two things done there that are different from the other properties. (Visual used to explain the differences.) Chairman Jasper asked her how many linear feet they were taking and the width to come up with the approximate square footage of the taking.

Ms. Fryer said the permanent total square footage for 60 Lowell Road is 587 sq. ft. and at 64 Lowell Road, it's 491 sq. ft. The temporary easement, which is the area they need to construct it, is an additional 573 sq. ft. for 60 Lowell Road and 680 sq. ft. for 64 Lowell Road. Chairman Jasper asked what the estimated time of the interruption or the construction. Ms. Fryer said the total construction of the project is two to two and half months. They will start with excavating and preparing the surface, then install the granite curbing and then install the sidewalk, so it would happen in stages. She expected, at each property, there would be a few days in each of those sections that the parcel would be disturbed. The contractor is required to maintain access to every property throughout the construction. If the contractor is going to be in front of someone's parcel, they would need to be in contact with that property owner and coordinate with them, such as with deliveries, to make sure they can facilitate that property owner or customer having access. That's written into the contract specifications.

Selectman Maddox asked why there wasn't raised curbing at County Road since that's a dangerous intersection. Ms. Fryer said there is a small island five foot square at the corner, (again using the visual). Selectman Maddox said that didn't make sense to him. Chairman Jasper said that's not what this was about.

Ms. Fryer said, in terms of the right of way, the town is in the process of completing the easement negotiations. The right of way acquisitions are required to conform to the Uniform Relocation Act of 1970. Property owners who are interested in their rights can contact the NH DOT Bureau of Right of Way or log on to the NH DOT web site and they have right of way manuals that explain property owners' rights and the process. Chairman Jasper said in this process, they've reached the point of an eminent domain taking. Ms. Fryer said the whole process is following the Uniform Relocation Act, from beginning to end, and the eminent domain is part of that, as well.

Chairman Jasper opened the public hearing at 7:19 p.m. and asked if anyone in the audience wished to speak on this.

Bill and Sue Jordan, 12 Tacoma Circle, Nashua, said this eminent domain has changed significantly than when it started some two years ago. He has heard things about a raised sidewalk when he was told it was going to be a stamped sidewalk. This might look good on paper, but his building is 13' from Lowell Road. He is a mechanic; he puts cars in and out for a living. You can't back a vehicle completely out of his shop before being almost in Lowell Road. The proposed five feet, which was explained to him a long time ago, is impossible to be safe at any speed. If they are doing this because they have a grant, and they have to continue the sidewalk, he'd ask the Board to please think about the safety, if they're putting it in for safety. You could not back out of his garage until you could see down Lowell Road towards Hudson House before you're already in it, so you'd have already hit somebody. He is the only one pulling out at this time, but if he had an employee, that worries him because they start backing out, working at a repair shop and assume it's free passage. Thirteen feet is not safe.

Chairman Jasper said the purpose of this hearing is to talk about the taking, not about the project, which has been planned for some time. Engineers have looked at this in terms of safety. They are trying to make a bad situation somewhat better. People are already walking down the street; it's not like there is no pedestrian traffic there. The raised area is on the corner, so it's not in front of the bays. Mr. Jordan said this is the first time he's been invited. He's talked about this at great length with one of the Selectmen and with Mr. Sullivan for two years. He's given his input; they told him they were going to do this, that and the other thing—it's either going to be settled or not—and here they are. Chairman Jasper said there has been voluminous correspondence between Mr. Jordan, the attorneys and the town. Tonight is a public hearing, but the public is always welcome to attend a Selectmen's meeting. Mr. Jordan said he was trying to express his concerns, and the Chairman said they were past that. Chairman Jasper said essentially, they are. They have an approved project that's moving forward.

Selectman Maddox said he met with Mr. Jordan better than two years ago to try to resolve this and to do something other than eminent domain, but all they heard with nothing. He (Mr. Jordan) just hoped the town would go away. The town had to go to eminent domain to get this done, or lose the funding. The price has probably gone up \$50,000 in the last two years. It's a safety issue and that's why they want to get this done. They have a grant of over \$200,000 and they'd like to be able to utilize it. Mr. Sullivan has had numerous conversations with Mr. Jordan, who kept coming up with things to delay the program. Mr. Jordan said the only thing he came up with was it wasn't safe. County Road and where he parks his truck isn't safe, forget backing up out of his shop. Some 10-year old kid on a skateboard on a sidewalk would have a false sense of security, thinking everything's fine because he's on a sidewalk, and he's backing out a 19' Suburban and he doesn't even see him until his rear wheel is well into what is still his property, the proposed sidewalk, and he hits him. It's not safe. Selectman Maddox said that could happen today. Chairman Jasper said if Mr. Jordan is afraid of hitting somebody, he needs to have a spotter when he's backing vehicles out of his garage because the reality is this project is going to happen—and people are already walking out there. Mr. Jordan said there isn't a business in town that has a garage 13' from Lowell Road, the Daniel Webster Highway of Hudson. It's unsafe and he wanted the Selectmen to give it a little consideration, which he has been doing for two years. Chairman Jasper said there is nothing that can be done. The town is trying to accommodate him (Mr. Jordan) to allow him to continue to run his business there by having the sidewalks that are not raised. He didn't know what more Mr. Jordan expects from the town. This has been an on-going project for some five years. Selectman Maddox said no, 10 years. It started well before most of them were on the Board. Mr. Jordan guessed, then, he didn't slow it down much because he's been talking to the town for only a couple of years. He told them he didn't like it; it's too close. It's not safe. They (the town) wouldn't let someone get a certificate of occupancy for a garage that close to the road, but they want to push the road closer to him and impact him, not being able to use the front of his property. He paid a lot of money for those two properties and they made no concessions to him on what he can do with his property.

Chairman Jasper said a site plan tells someone what they can or cannot do on their property, not the Board of Selectmen. Mr. Jordan said when they take 60' and close him off, it makes it difficult—impossible—to back a vehicle out. You cannot back a vehicle out and park in his parking lot without going into Lowell Road. There's not a business in Hudson that they'd allow that to happen to. They wouldn't even have a turnaround like that, but they want him to be able to conduct business on a daily basis, crossing traffic and coming into his garage. Chairman Jasper said Mr. Jordan is the one who bought that property there. Mr. Jordan said he bought it a long time ago. Chairman Jasper said Lowell Road hasn't changed since making it three lanes in '84 or '85 and now they are putting in sidewalks, not bringing the road closer. The road is actually being narrowed in that area so, in fact, the roadway is actually a little further away from his building, but there is a delineated area for people to walk—and people are working there now. They are trying to have a project that is, overall, more safe. Mr. Jordan didn't believe it is. His granite marker is already in Lowell Road, and they want to keep pushing him further in. Chairman Jasper said that opinion may or may not be valid, but this has been engineered, designed and approved and this project is moving forward. Mr. Jordan said it's not safe at all and they want to sit back because they've got a couple hundred thousand dollars in funding for a sidewalk and look him in the eye and tell him they're OK with the safety on County Road to Roosevelt Ave from his day to day business, which is 13' from the road. Chairman Jasper said if Mr. Jordan is concerned his is going to be running into pedestrians, he has to take the precautions because once there is a marked sidewalk there, and he is traveling over that sidewalk, he needs to take the extra precautions, whether that be to put signs out there on either side, alerting pedestrians of backing vehicles, or having a spotter, it is Mr. Jordan's responsibility—and it is today, as well. It's his job to make sure he doesn't run over people. Mr. Jordan said the town was trying to take his land. He is not putting pedestrians in jeopardy by conducting business. The Board is by moving it closer to his building. It's easy to see it's not safe. As far as compensation, he got a 60-70 page appraisal, a complete waste of paper, but they are talking about linear feet. It's like 150-160 feet of Lowell Road that's in front of his buildings and they want 60', so he didn't know what that square footage is, but he bought a 12' driveway easement on the back of 60 Lowell Road so his tenants could get in there for \$50,000 and the town sends him, after months of careful thought, and somebody paying whatever they did for this appraisal, they think 160 some odd feet by 60' is worth \$6,000. He is insulted. He paid \$50,000 for a driveway easement on C Street, which is a dead-end road, so his tenants could access the driveway. The town wants the whole thing he has, all of Lowell Road, 60' and they say it's his responsibility to make it safe? Chairman Jasper said he had said Mr. Jordan needs to be responsible for the safe operation of his vehicles, and if that means putting signs out or having a spotter, he needs to do that. That is his responsibility and the difference between taking five feet of frontage and purchasing a right of way is an entirely different ball of wax.

Selectman Massey said the town has spent money to do an assessment of value of that easement. Mr. Jordan has the right to hire his own assessor and if they come back with a number that is greater than the town's, then a compromise is negotiated or they go to court and the judge decides the fair value. Mr. Jordan is not required to accept the \$6,000 offer. Mr. Jordan said he knew that. They've been doing a lot of negotiating over the past two years, but this is the first time he was invited here to discuss his concerns, other than an informal conversation at his shop with Mr. Maddox. He and Mr. Sullivan have had at least a dozen conversations on a continuous basis, with Mr. Sullivan telling him what they'd agree to, and Mr. Jordan actually

agreeing to a majority of it, if he bothered to waste his time to read the town attorney's letter to him that has about 15 points in it and he agrees to 12 of 15, two of which he didn't even know what they were all about, but the town has already made proposals to him. He agreed to them, with some changes on two of them. He left the conversation thinking this should work, but a month later he gets a letter, or Sean calls him and says no, we're not going to let you get your dealer's license, which people who have been at 64 Lowell Road... and he has a picture hanging in his office since '46, when it was a Gulf station and they sold used cars there and Lester Johnson, who is at Jok's Auto sold used cars there, Dumont Auto Sales, and now the town is saying Bill Jordan can't sell cars there when everybody else before him could. He asked Sean to sign the dealer application so he could change his use of the property. He's getting older and can't bend wrenches forever, so he asked for a dealer's license. He is bonded, but Mr. Sullivan came back and said they didn't want him to have an unlimited amount; he might turn into Nashua Subaru. Mr. Jordan said he wasn't going to do that.

Chairman Jasper was getting a little aggravated in that Mr. Jordan first talked about safety but the property has a site plan, so it is clear there is no sale of autos on it, so whatever grandfathering may have been there at one time was gone long before Mr. Jordan purchased the property. He knew he could not sell vehicles there. The Selectmen do not over-ride or make deals that vacates decisions made by the Planning Board—and Mr. Jordan also talked about what he wanted that had nothing to do with safety, but with allowing him to do something that was not allowed by the site plan. That is what ended the negotiations. Mr. Jordan said he didn't know half of what the Chairman just said to be true. He said the Chairman said he (Mr. Jordan) knew the site plan didn't allow the sale of automobiles. When he got there, it was a used car lot--LJ's Auto Sales. It was a used car lot when he got there, so how could the Chairman possibly say he knew it when he got there? He didn't. He was asking the town to change the use of his property, if they are going to take frontage away. He can't fix cars and bring them in and out on a constant basis without impeding his business or the value of his property. It wasn't him jumping from safety. Why can't they change things where both parties get appeased? He wasn't going to barter the price of his land.

Chairman Jasper said #3, existing use (on the plan), "automotive repair and two family residence." Mr. Jordan said he didn't have a copy of that. Chairman Jasper said if Mr. Jordan bought the property... (talking over each other)... "sale and display of vehicles for sale is not permitted. The business use shall be limited to automotive repair only." That was a note on the plan. If Mr. Jordan didn't know that when he bought it, he is sorry. That was February 6, 1997. Selectman Maddox said they've tried... Mr. Jordan interrupted to say that was 60 Lowell Road, not 64. Chairman Jasper said it talks about both. It talks about... Mr. Jordan said 60 Lowell Road is the duplex and that one truck shop he has next to it, but 64 Lowell Road is his main shop with his office, showroom and two bays. 64 Lowell Road is where the used car lots have always been.

Selectman Nadeau said #1 says the purpose of the plan is to show as built for the existing garage and the two family house, with related parking. Mr. Jordan said that's 60 Lowell Road, not 64. This site plan was generated because Don Dumont built a garage without a permit on 60 Lowell Road. It has nothing to do with 64--and the town fought with him for years. There is a stack of papers between Lester Johnson, the town, Don Dumont, J & D Realty and that garage at 60 Lowell Road.

Selectman Maddox said this is a case of safety. The sidewalk needs to go in. People are walking in front of that building today. If there is a sidewalk there or not, he (Mr. Jordan) is still going to have to watch out for pedestrians. Mr. Jordan said he would, but the pedestrian wouldn't see him. Most vehicles are longer than 13 feet. Selectman Maddox said with or without the sidewalk, it's the same problem. Mr. Jordan said no, he still has five feet to negotiate. People are going to be right up his tailpipe. The Town Administrator was there a year or so ago when he asked if they'd care to back a vehicle out of his shop. Mr. Malizia said he was there, but didn't accept the challenge. Mr. Jordan said if they are all concerned about safety, tell him this is feasible and then hope nothing bad happens. It's not going to work.

Chairman Jasper said Mr. Jordan is pretending no one is walking along the road there today. This is not going to increase pedestrian traffic. Nobody is suddenly going to start walking there because a sidewalk is there. Mr. Jordan said he is not living in a fantasy land. He works there every day and he grew up in this town just like the Chairman did. He was telling them what the reality is and anybody that says it isn't is naïve. He suggested asking the Chief of Police to go down there and back a vehicle out and say that it's safe. County Road is unsafe at any speed. Accidents happen right in front of his truck every week. A sidewalk there will give a false sense of security to people who walk up and down the road.

Chairman Jasper said he has already outlined what Mr. Jordan's responsibility is, if he is concerned about safety. Mr. Jordan said he knows what his responsibility is. He hasn't impacted this town one bit and now they are taking his land. Maybe it's (the town's) responsibility, as well. In fair conscience, they need to be OK with this. Chairman Jasper said the sale and display of vehicles on the corner lot is not going to make anything more safe and that's why they did not entertain that.

Selectman Maddox said CLD designed the sidewalk and intersection to meet certain engineering standards. Ms. Fryer said when the sidewalk was designed, they held the edge of the existing roadway with the back of the sidewalk and extended the sidewalk towards the roadway and moved the roadway over. Mr. Jordan asked her to repeat that because he didn't understand what she had said. Ms. Fryer said in front of Mr. Jordan's building, he said he had 13' from the building to the edge of the roadway. The engineers maintained that 13', started the sidewalk there and went five feet the other way, so Mr. Jordan still has 13' from the building to the back of the sidewalk. There will be five feet. They are going to restripe the roadway, moving the roadway away from Mr. Jordan's building. He will still have the same distance. Mr. Jordan asked why they were even there because his marker is 13' from his building. If they don't want any of his land, he is glad and he will leave. The sidewalk is on Lowell Road, but he didn't think that was what she meant. Ms. Fryer said the marker is not actually on the corner of his property. Mr. Jordan said yes, it was; a 4 x 4 piece of granite right on the corner of County and the driveway of his rental house, 64-R. Right there and it's on the opposite side of the white line people drive on. That's where his marker is.

Ms. Fryer said it's on the street side, so they are purchasing the piece of property from that to the back of the sidewalk which will line up with the edge of the shoulder. Mr. Jordan said they are talking about taking it from the granite from the road to his building. That's still taking 60" of his frontage from Lowell Road to Roosevelt Ave. Ms. Fryer said right now, there is a shoulder on Lowell Road. Mr. Jordan said he didn't know what that meant. Ms. Fryer asked if a pedestrian was walking on Lowell Road, where would they be walking? Mr. Jordan said, "You got me because there's no sidewalk on either side and there's no raised anything. Lowell Road is there. There is a white line that comes around County, goes down Lowell Road, and here I am." Ms. Fryer said the pedestrian would be walking on the right hand side of the white line, so they maintained where the edge of the roadway is and the white line that is on one side of his pin will now be on the opposite side of the pin. Mr. Jordan said in roundabout terms, it's still taking 60" from where it is now. Ms. Fryer said it's not going to be 60". (Both individuals moved to the visual and continued a discussion.)

Mr. Jordan said everyone has changed everything since the last time they talked because even if they ever did get to the point where he agreed to this, which he is not, she (Ms. Fryer) already concedes to the fact they aren't putting raised anywhere, not even in front of 60 Lowell Road which, to him, would create nothing but a water backup problem. They want to bring a 7" or 5" high raised sidewalk, forming a peninsula in his parking lot, for some unknown reason. How would he get rid of the snow and if it is there, he would run over it and create all kinds of damage. They (the town) said OK and stamped the whole thing. That's what they proposed to him. The whole thing and he didn't agree to that. Now, they are going to have a raised and handicapped area coming up County Road, which is going to create problems and in front of 60-1/2 Lowell Road, they are going to raise it again. He didn't want the town to take the land because he didn't think it was safe. Even if they (the town) offered him the dealer license, he wouldn't take it now. Just leave it the way it is and they'll fight. They (the town) didn't want to come to any agreements with him; they told him they didn't want to hear any of his suggestions. This is the first time in two years he was invited down here.

Chairman Jasper said the Board didn't invite him; this was a public hearing. Mr. Jordan said he had to be invited in order to take his land. At some point, they have to look him in the eye and say they are taking his land. That's why he was here. Shutting him off and telling him this isn't the time for this and they've already gone by this and they've already got the money... Chairman Jasper said Mr. Jordan was told that numerous times in writing. The volume of paperwork that has gone back and forth is incredible. They were left with no choice.

Selectman Maddox said that's what he was going to say. The town tried for two years, but they weren't getting anywhere. There is a safety issue there today. They can't throw away a 10-year project's work for Mr. Jordan's perception of a problem. He was voting to move forward with eminent domain. Mr. Jordan could debate the price, but this is moving forward. Mr. Jordan said he knew they were going ahead anyway. He thought they were asking him in tonight to discuss it with him. Mr. Sullivan has made several deals to him, which were agreeable, in term, and then they (the Board) is saying they've done nothing but blow smoke. He's had about six deals with Mr. Sullivan that were fine with him. They were changing things around and two weeks later... Selectman Maddox said he (Mr. Jordan) wanted to be indemnified for any accidents and liabilities on that sidewalk, which the town can't grant. That can't be done. Mr. Jordan requested things the town cannot do. Mr. Jordan said he knew that and they went by that one. (Talking over each other.) Chairman Jasper said there was never a deal that both parties agreed to. Mr. Jordan said they don't have a deal. He doesn't want the dealer's license; he could care less. He's thinking about the future of that property that he invested a lot of money in. When he turns that over to somebody else, they need to have the ability to make money, and that is a retail lot, and that was a used car lot since before anybody in the room was driving because he has a picture from 1940, unless somebody was driving before then. He can't do that now.

Chairman Jasper asked Mr. Sullivan what the current zoning was, and if it allowed for the display and sale of automobiles. Mr. Sullivan said it is a business zoned district and the use would be permitted in the zone, subject to site plan approval. Chairman Jasper said when you have a use and it lapses, there is not a continual use. It loses its grandfathering and then it needs to go before the Planning Board. Mr. Jordan said he understood where they were coming from. They've made up their mind. They've ordered him off every time he tried to come up with a different argument about this thing. They've made up their mind, so vote for eminent domain and they will go to court and discuss the value of what they are taking away from his property. They are limiting the use of his property that he paid retail money for. Chairman Jasper said they have done nothing to limit... Mr. Jordan interrupted to say yes, they did and they will, as soon as they take 60" of it. He's 13' from Lowell Road. Who, in their right mind, is going to come and rent that place from him when the town is 13' from his garage door? There isn't anybody in town that the Planning Board, or anybody else, would allow to operate a business that close to the road. The only other extreme he can even think of in this town, which is buffoonery, is on Belknap Road, that house on Melendy that's right on the road. It's dangerous. Would you put a sidewalk in front of that house? Chairman Jasper said that is the problem, but they are not making that situation... Mr. Jordan interrupted to say they were making this one worse. Chairman Jasper said they are actually making it better because the actual roadway becomes farther away from his lot than it is today. Mr. Jordan said if Dunkin' Donuts wanted to go in there, they'd want to have a certain amount of stacking cars before it backs up into the road. There's a number, but he didn't know what it is because he's not a big businessman, but if they are asking him to operate a business or sub-lease it to somebody else down the way, and he's getting 13', he can't even park his truck. Chairman Jasper said if 13' is what he has today... Mr. Jordan said he has 18' today. Chairman Jasper didn't believe they were taking 5' all the way. (Talking over each other.) Mr. Jordan said every inch is a big deal to him; he paid \$1 million for the place. They were telling him a wheelbarrow of dirt on the front of Lowell Road is the same value as a wheelbarrow of dirt on C Street; that's what they told him in that appraisal. Chairman Jasper said they don't have an opinion on the value. The Board is not an expert on appraising, so the Selectmen hire people to appraise. He understands where Mr. Jordan is coming from on that appraisal, but that's what the appraisal showed—and there is a process. Mr. Jordan can have his own appraisal. He heard the frontage was over 130'. Mr. Jordan said it's like 150. (Talking over each other.) Chairman

Jasper said the square footage they were taking was slightly over 1,000 so that's not 5' because 5' times 100 would be 5,000 sq. ft. Selectman Maddox said 500. Selectman Massey said it was about 600'. Chairman Jasper said he stood corrected. Mr. Jordan thought that was wrong. He asked what the exact square-footage figure was. (Talking back and forth and over each other.) Mr. Jordan said it's well more than 500 sq. ft. Chairman Jasper said two lots, if it's 150' of frontage... Mr. Jordan said frontage was everything to him. They're not asking him to give 5' in the back where it's a dead-end road and nobody is using it. They are asking for everything. They are demanding everything and giving nothing.

Selectman Maddox said they were following a procedure. Chairman Jasper said when Ms. Fryer was describing what happened, it seemed as if there was a possibility they were already encroaching within the property. Ms. Fryer said the existing roadway already encroaches into the property. Chairman Jasper asked by how much. Mr. Jordan said quite a bit; she (Ms. Fryer) must have the exact numbers. Ms. Fryer said not with her, but she could get it. (Talking over each other.) Chairman Jasper said that's part of the problem; they're already encroaching, so they are compensating for something that happened 20 some-odd years ago. He heard it say they are going to be further away from the building when they are done, which leads him to believe they are already encroaching about as much as they are taking. Ms. Fryer said right. She asked how far the pin was from his building. Mr. Jordan said he's not the engineer and why they were looking to her for technical guidance. He knows his marker is on the other side of the white line. That tells him it is in the road. Chairman Jasper said if his marker was in the road... Mr. Jordan said it's on the other side of the white line. Chairman Jasper said they recognize that's the boundary line. They are coming back from that and are taking the land they are already using because she said they are not going to be actually encroaching into... Ms. Fryer said right. The face of the new sidewalk should be one foot in front of the property bound, so if they start with the bound marker where it is now, and go one foot into the street, that's where the face of the sidewalk would be on the street side and the road is being moved that way and it goes five feet back from that point. Mr. Jordan said that's what he's been saying the whole time. (Talking over each other.) ...the closest part to his building is going to be five feet. They are taking five feet. Ms. Fryer said no. (Talking over each other.) The permanent easement goes to one foot behind the sidewalk, so it would be five feet from the bound marker to the back of the sidewalk, so the taking is five feet... Mr. Jordan said he hoped everyone was very clear on that because he was very confused. He didn't think she was making herself very clear. For somebody who is taking his land by eminent domain, she certainly didn't have the answers for his questions. She didn't know where his boundary line is; at one time she says 12" to the left of it, they're going to start the face of the sidewalk. He has to assume that is the road side, and then they want five feet from that, so that's 48" in layman's terms. Why don't they just come out and say that? When they said they are really not taking that, they are encroaching already. He didn't understand.

Ms. Fryer said she apologized for not being clear. Currently, the roadway already encroaches into Mr. Jordan's property and asked if that was correct. Mr. Jordan believed so; parts of it on County Road. On County only; on the corner of County and 64 are, he believed, the most northern point of County Road, his marker is there. Lowell Road, he didn't know. They'd have to get a surveyor out there, find out where the crow flies on that one. Ms. Fryer said that information has been done and apologized for not having that information with her to provide to him in a way for him to understand. Mr. Jordan said they are taking his land; he would think they would have everything needed to answer all the questions that may or may not come up. Where are they starting the land? Just tonight, the big surprise to him about the raised sidewalk. That was totally nothing he agreed on with Sean. Chairman Jasper said they have no agreement. Mr. Jordan agreed. Tonight's proposal wasn't even what he was told they would do, so they've changed it. Selectman Maddox looked him right in the eye and told him that there would be nothing raised on 60 or 64 Lowell Road. (talking over each other).

Selectman Massey called for a point of order as the Chairman was gaveling order. Selectman Massey said they were there to discuss an eminent domain issue, not to negotiate terms and conditions. All of this conversation, while it is interesting, isn't the purpose of this hearing. He reminded the Chairman they were in a public hearing on an eminent domain taking. Chairman Jasper said it's important to determine what is actually being taken. That's a critical part of an eminent domain hearing, so those questions are relevant to actually understand what they are using today, versus what they are going to be taking, sounds like that is a huge part of this discussion. He didn't have a clear understanding and it doesn't appear that anyone does. Selectman Massey recommended asking CLD to do an as-current conditions and a proposed taking, so they have two clear drawings that show exactly what the metes and bounds are for the current and proposed. Chairman Jasper agreed. Mr. Jordan said he appreciated the fact that the Chairman acknowledged the fact it was unclear what was being taken.

Selectman Maddox disagreed; the metes and bounds on the sidewalk easement are clearly laid out in the document before them--Map 198/Lot 28. Ms. Fryer agreed. Selectman Massey said the language was there, but not a picture. Ms. Fryer said there was an easement plan that shows the taking in the full set of plans that was submitted to the town. Chairman Jasper said he didn't have a problem understanding what they were taking, but with what they are already using, what they took 20 years ago--the difference between what's there today and what would be there tomorrow. That is important to understand.

Mr. Jordan said he didn't follow Selectman Maddox when he said it was laid out pretty clearly. Selectman Maddox said the documents clearly state the metes and bounds and what is being taken. Chairman Jasper asked if it shows what is existing today. Can they tell where the edge of the pavement is today? Ms. Fryer said there is no edge of pavement because it continues right up to the face of the building. Chairman Jasper said they could clearly tell what the town laid down versus what was laid down by the property owner. Mr. Jordan said it looked to him like this was a surprise to Mr. Maddox. (Talking over each other.) Selectman Maddox said to show on the drawing what was being taken. Ms. Fryer said the square footage is what was noted before and the total width averages... at one end it's 4' and the end closest to County Road is 3.5'. Chairman Jasper said she apparently couldn't tell him how much of that is actual new taking. Ms. Fryer said that was not clear from the existing conditions plan because the survey was done by edge of pavement, and although there is a delineation between what

is paved and maintained by the town and what is paved and maintained by the property owner, it is not delineated on the survey plan. Chairman Jasper asked if she understood what they wanted to understand. Ms. Fryer said yes, and apologized that she could not provide an accurate location of that tonight. Chairman Jasper said he no longer understands exactly what it is they are doing to this property, and it's important to understand that.

Selectman Massey asked, if they were to go out there today, if they could do existing conditions. Ms. Fryer said they could, but that's not a typical thing a surveyor would do. It would show where the edge of between pavement and ground is, not road pavement and private property pavement. Selectman Massey said whoever put together the metes and bounds had to have based it on something. Ms. Fryer said the metes and bounds for the taking is based on the metes and bounds of the property; the property line. It has no bearing on where the building is or where the edge of the road is. It's where the pin is in the street. The metes and bounds are from that property line. Based on whether the area is occupied by the private property owner or the town currently in deed format, that is what is owned by the private property. Selectman Massey understood that where the pin is is where the current edge of property is, and that's the titled end of property. Ms. Fryer agreed. Selectman Massey said when he looks at the drawings, he sees that pin, and there is sidewalk to the inside towards the building from that pin and there's sidewalk on the outside of that pin. Ms. Fryer said that was correct. Selectman Massey said everything from the pin in is a taking and everything from the pin out is a non-taking. Ms. Fryer said yes.

Chairman Jasper said the question is where that pin is today in relationship to the edge of the pavement. What he is hearing is that it is already in the roadway, not even within the fog line (white line) area. Mr. Jordan asked if he meant on County Road, the most northern point of that. His granite marker is on the street side of it. Whether they consider that Lowell Road or County Road, or... Chairman Jasper said they know what they are taking for square footage, but they don't know how much of that the owner currently has available to his use. At the end of the day, how much difference is there? Clearly, the road is going to be further from the building. They all understand that. Mr. Jordan asked how far away, exactly. On the map thrown at him earlier, it was 12". Chairman Jasper said no, that was the sidewalk. Ms. Fryer said the roadway would be moved one or two feet away from the building. For some reason, the plan didn't show existing lines underneath the proposed lines.

Mr. Jordan asked if the Chairman was clear on that because he wasn't. He doesn't even know what they are taking now. Chairman Jasper didn't know if that necessarily stops this proceeding, but as they move forward in negotiations or a lawsuit, they need to be able to delineate the differences between the existing conditions and conditions when they finish. From what he is hearing, it is conceivable that the sidewalk may be entirely in what is Lowell Road today or it may be two feet closer to the building. Selectman Massey said it was pretty clear from the drawing the sidewalk is between 3-4' inside the pin. Chairman Jasper said they don't know how much they are inside the pin today. Selectman Massey said it doesn't matter. By the time they are finished, they will be encroaching on his property no more than 4'. (Selectman Massey conferred with Ms. Fryer.) Selectman Massey asked how far it was from the sidewalk to the building. Ms. Fryer said 14'. Chairman Jasper asked if that was the backside or the face. Selectman Massey said to the backside of the sidewalk. Ms. Fryer said the property line and the sidewalk would be a foot further, so the back of the sidewalk would be 15' from the face of the building. Selectman Maddox said then he's actually gained two feet. Mr. Jordan didn't think anyone had the numbers right. "You guys paid someone to come down and draw the sidewalk; I don't have to be an engineer to look at the ground where you drew with crayon and marked it all off and you're telling me now I guess, in essence, I'm gaining two feet." Selectman Massey didn't believe it was drawn with a surveyor's accuracy. Mr. Jordan said they did it with a surveyor's scope. It was clear to him then how much was coming off. Ms. Fryer asked if the back of that was 13' from the building. Mr. Jordan couldn't remember.

Chairman Jasper said as they move forward, they need to be clear on what the difference is. What is designed is what they need to do, but where that is remains to be determined. He closed the public hearing at 8:13 p.m. Selectman Maddox asked for a map from CLD of the two lots with an overlay showing what is there today and where the sidewalk will go. Ms. Fryer said she would get that.

Motion by Selectman Maddox, seconded by Selectman Massey, to adopt the resolution regarding the necessity to acquire land, carried 4-0.

8. **NEW BUSINESS**

A. **Liaison Reports**

Selectman Nadeau said last Saturday was Cabin Fever Day, with over 175 children, parents, etc. There were a lot of fun games and bounce houses. Friday, March 7 will be Movie Night at the Community Center. The Rec Committee is getting ready for the Selectmen's April workshop. They also want to know what their "mission" is. Steve has been working with a someone from the committee, but nobody can really figure it out. Chairman Jasper said it would be helpful if they knew what they were supposed to be doing. Selectman Nadeau said they found some Town Meeting minutes from the Barbara Hamilton era, but those were not very clear. They want to know if they should bring forth a mission statement like the Cable Committee did recently, or if they should be going a different way. Chairman Jasper said it would be helpful to have a draft of what they think it is they ought to be doing when they come in April, as a starting point. He added he seemed to see consensus on that. Selectman Massey said it would be helpful to the same structure as the Conservation Commission. They had three goals and a set of objectives for each of the goals, with timeframes. Selectman Nadeau said he'd get that out to them this week so they would be prepared for the April workshop.

Selectman Massey said with regard to the signalization project at the corner of Library and Central Streets, the preconstruction meeting is scheduled for the end of March with a planned start in early April.

Selectman Maddox said his items would be discussed under New Business and Other Business.

Selectman Jasper said last Thursday at 8:30, he, Steve and Jay Hodes were at DOT, meeting with Acting Commissioner Brillhart, someone from the Governor's Office, Nancy Mayville, their attorney, the Historic people and a couple of others, talking about Benson's. Atty. Hodes felt they made progress, but he wasn't sure they did. They agreed to meet in two more months to see where they are at. They have not yet delineated the historic district by metes and bounds, as they promised to do two years ago. They still haven't figured out what to do with the unregistered landfills, which they've supposed to do, and they are still on the issue of the historic structures using the Dept. of Interior guidelines, although the Dept. of Historic Preservation will refer some names to the town who deal with this and give the town some options for preservation. They said the town could do some things in the short term before going into a full blown restoration, but the town wasn't really interested in doing that. If they have to maintain the barn, they are interested in doing something that is relatively permanent and inexpensive, as opposed to a full restoration. The state is going to look at taking the Haselton Barn out of there. If they do, they need to reappraise, which would take another few months and might change the value. He stressed the point over and over that the state was asking the town to build a state park with town funds. The value isn't going to be affected by the buildings, per se, because nobody would ever buy that property to operate a state park. While the \$188,000 is compensation to the state, it's not like the town is having a private enclave for its citizens—everyone can use it, so it makes it a state park. It is very frustrating. If they wait for five more years, there won't be any buildings left to talk about. The roof is sliding off the Haselton Barn already. Selectman Maddox asked about the removal of the pile of material. Chairman Jasper said it should be removed shortly. As long as the state assumes liability for the landfills, the town doesn't care when they get taken care of.

All of the money from the Rodgers Brothers for the library will come in this year, so the town won't have to worry about work stoppage.

The workshop with the Fire Department, to talk about the facilities plan, will be in May.

B. Award of Bid for Police Cruisers

Police Chief Richard Gendron said they were back in the cycle of doing these in November because manufacturers stop making police vehicles in March to gear up for the following year. They advertised and sent out requests for bids to the two state bidders, Hilltop Chevrolet and Hillsborough Ford. MacMulkin Chevrolet asked for a bid package. Those three were the only bids received, with MacMulkin being the lowest. After trading in six vehicles for the six being purchased, the cost comes to \$90,631.70 and is actually less per cruiser than what they paid last year.

Chairman Jasper said last year they talked about making sure they worked with other departments to see if there was a need to keep any of those they were trading in. Mr. Malizia said they have either done so or will do so. Chief Gendron said Mr. Sullivan had expressed an interest in a sports utility vehicle, but he wasn't trading those in this year, but if he is going to do that, he'll have to put in a little more money. He is trading in 03 Impalas and 05 and 06 Crown Vic's. Mr. Malizia said he was going to check with Assessing to see if they wanted to trade in the Ford Escort for one of the trade-in vehicles. Chairman Jasper said in order for the Chief to not have budgetary problems, they need to be budgeting an amount at one place or another to make sure they can accomplish that. Selectman Massey asked for clarification. Chairman Jasper said the Chief budgets based on trading in cars and receiving cars; if they don't trade in one, they have to come up with the extra money someplace. In this case, there may be some play because the bids came in low.

Selectman Maddox said \$119,000 was budgeted and asked if that included the fit up of the vehicles. Chief Gendron said that's included on the recommendation—swap-over and graphics. Because vinyl is so expensive, it's about \$600-\$700. Selectman Maddox wanted to know the final cost of putting that cruiser on the road. Chief Gendron said it varies from vehicle to vehicle. Selectman Maddox asked if \$3,000 would be an estimate. Chief Gendron said at least that, plus graphics. Selectman Maddox said that (brings it up to) \$18,000. He checked with the police liaison because he was concerned that he (Chairman) gave them a challenge with the overtime and where they would be taking it and one of the places he'd have looked quickly at is vehicles, but Selectman Massey assured him from the Chief that he will meet his bottom line, so at this point, he can vote for these but, again, that was a concern he had. Even though it looks like they are \$26,000 under, by the time the vehicles are fit up, you've pretty much eaten up that whole line item.

Chairman Jasper said this is a line that's been budgeted at \$120,000 for as long as he can remember. Mr. Malizia concurred. Chief Gendron said they haven't budgeted from that number and they had other line items that covered graphics for the swap-overs, but those got cut, so they are actually doing it for less. One budget committee asked why this line couldn't be cut, to which the Chief responded that they already have cut it.

Selectman Nadeau asked what the mileage was on the trade ins, and if that's why they got such a good price. Chief Gendron said they've consistently tried to trade them at about 80,000. When they did the bids, the 06 Crown Vic's had 73,169; 79,000; 76,000; 05 Crown Vic, 76,382; 03 Impala, 78,112 and 78,000 but the new cars won't be in until May or June, so the mileage will be over that. Detectives and School Resource Officers are using them to keep the mileages down as much as possible.

Motion by Selectman Massey, seconded by Selectman Maddox, to award the bid for six 2008 Chevrolet Impala police package cruisers at the bid price of \$90,631.70 to the lowest bidder, MacMulkin Chevrolet of Nashua, as recommended by the Police Chief and Finance Director, carried 4-0.

Chairman Jasper declared a recess at 8:34 p.m.. The meeting resumed at 8:45 p.m.

C. Recommendation to sell Unused Equipment

Lisa Nute, Information Technology Manager, said they have a large format black and white copier that they no longer use because they upgraded to digital so it could be used with document imaging they are currently doing, being able to scan in big maps and printing in color. The black and white was initially going to be used by Highway, but it was not what they were expecting, so it is in storage. It would be good for another community who just wanted to copy 36" wide maps. She put out some feelers to see who might be interested and she checked with a vendor and with surplus equipment to see what it might be valued at. They were willing to give only \$200 for both the VAX and the copier, but Pelham is offering \$300 for the copier. Rather than sending it to auction and risk not being sold, and taking up storage space, she recommended selling it.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to sell an Oce 7050 copier with paper to the Town of Pelham for \$300, as recommended by the IT Director, carried 4-0.

D. Mileage Reimbursement Rate

Town Administrator Steve Malizia said the proposal was to raise the mileage reimbursement rate from .485 per mile to .505 as recommended by the IRS. This item is in the personnel policies and they'd like to stay somewhat current.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to amend the Personnel Policies, §VIII Training, §B, Travel, to increase the mileage reimbursement rate from \$0.485 per mile to \$0.505 per mile, effective March 1, 2008, carried 4-0.

E. \$100 Donation to the Police Department from the Nashua Emblem Club

Motion by Selectman Massey, seconded by Selectman Nadeau, to accept the donation from the Nashua Emblem Club, with the Board's thanks and appreciation, carried 4-0.

F. South Hudson Water Tank/Lifting of Temporary Water Connection Moratorium

Town Administrator Steve Malizia said one of the last acts of former Town Engineer Tom Sommers was to recommend lifting the water moratorium. The moratorium was predicated on the town completing three projects—1) Wason Road booster station, 2) River Road looping and 3) South Hudson water tank, and they are completed. Based on the ordinance, the Town Engineer has recommended lifting the water ban. The attorney has advised that all the Board has to do is vote to lift it.

Motion by Selectman Massey, seconded by Selectman Nadeau, that, according to Town Code 274-11 §D that Town Code 274-11, in its entirety, be rescinded, carried 4-0.

G. Vacancy on the Board of Selectmen

Town Administrator Steve Malizia said Selectman Robinson has tendered his resignation, effective February 29 and the Board is the appointing authority to appoint a member to serve until the next annual town election, March 09. In speaking with the Chairman and with the upcoming election, it would be prudent to do this now, in case one of the other Selectmen becomes Town Clerk, which would leave only three Selectmen. The proposal is to advertise the position, post it in this week's HLN, with candidates submitting their applications by next Tuesday for the Board to interview February 10. The ad is ready for Friday's HLN. It will also be posted in public buildings and on the internet.

Selectman Massey thought it would be appropriate for Selectman Robinson's resignation read into the record:

Dear Residents of Hudson: About one year ago, you, the residents, elected me to the position of Selectman for the town of Hudson. I wish to thank the residents of Hudson, who have supported me throughout the entire year, and I hope that I have fulfilled my pledge of working for the citizens of the town. Due to personal matters of the family, I will be tendering my resignation as Selectman for the town of Hudson, effective February 29, 2008. During this past year, I have been honored and privileged to work next to Chairman Jasper, Selectman Massey, Selectman Nadeau and Selectman Maddox. In addition to my associations with these fine gentlemen, I have truly appreciated the relationships/partnerships gained with the administrative staff, department heads and employees for the town of Hudson. Those who know me are aware that my wife of 25 years passed away from complications as a result of breast cancer a little over two years ago. As a parent, and now a single parent, I firmly believe that my first and foremost responsibility is to my three children. As a parent, I must be available to their needs and to their dreams. My availability to their needs has to be on their schedule and not my schedule. The position of Selectman is a position of incredible responsibility, leadership and time. Since the holidays, it has become increasingly evident to me that my leadership and time are needed in the family. Again, it has been an honor to serve the residents of Hudson as Selectman. I have been and will continue to be humbled by your trust. Thank you. Doug Robinson, Selectman.

Motion by Selectman Massey to accept Selectman Robinson's resignation, with deep regret, thanks and appreciation for his service, seconded by Selectman Nadeau, carried 4-0.

Selectman Massey thought they would accomplish their goal if the applications are due March 7 at noon, with interviews on March 10. If they wind up that night with a preferred candidate, they can make the appointment. If not, then they would make the appointment at the next meeting. Putting an ad in the paper on Friday with the deadline the following Monday is not good.

One individual who is out of town this week called him to say they'd like to apply. They won't be very happy if they come in on Monday and find out it's already too late. Chairman Jasper thought that was fine, but people who are interested are already aware of it. Selectman Nadeau asked if this would be posted on the web site and public buildings. Mr. Malizia said yes.

Motion by Selectman Massey, seconded by Selectman Nadeau, to post the position for the vacant Board of Selectmen position, with a deadline of Friday, March 7 at noon with interviews on Monday, March 10, 2008, carried 4-0.

H. Senter Farm Road

Chairman Jasper referred to the memo in the packet from Fire Deputy Rob Buxton, stating that Senter Farm Road would be an acceptable substitution of Mammoth Green. He thought, if the Board so authorized, he would send a letter to the owner, letting him know the Board's intent to name the road Senter Farm Road, in case he advertises and put street signs up. Selectman Nadeau said that sounded good. Chairman Jasper said if there was a consensus, he didn't think they needed a motion. If the owner had a problem with that, he could come in to discuss the issue with the Board.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau said he didn't have any.

Selectman Massey said he was a member of the LGC Government Affairs subcommittee, which meets about four times a year. At the last meeting, February 15, there was a legislative overview and he felt the Board, as a whole, should know about it. There are three areas that are going to be critical to the town in the upcoming legislative session. The first one is House Bill 1408, the Right to Know Law. The second is HB 1310, which is an assessing income stream property formula, hinging around the privacy and protection of the data or proprietary information for firms. There's two companion bills, Senate Bill 68 and House Bill 1469 that talks about mandatory safety issues being incorporated into the collective bargaining process, and there was a lot of conversations about section 28-A of the Constitution, unfunded mandates. The final one, which is still floating through, is House Bill 1127; they're still going to be looking at being able to have a collective bargaining unit less than 10. He believes where they may be going with it is that it would require legislative body approval. He didn't think anybody in the room was happy that bill was still there.

Selectman Massey said in talking with the Town Administrator, it's pretty clear the Highway budget is pretty close to the margins right now. They are over their line items on small and large equipment repairs, they are very close on gas and diesel, and their overtime is very close. It does appear that they are going to have to look at getting money for the Highway Department from another area of the budget. It's still his expectation that they should try to do it out of the contingency fund first, but there are two more predicted snowstorms, so they will do what they have to. He'd still like to sit down with Selectman Maddox and look at it again. Kevin is running a pretty tight ship, which he has been doing for years now, and this year is a 100-year snow event. Chairman Jasper said they keep records in Concord based on the snowfall and this year will surpass the all-time record that has been kept since the 1880's.

Selectman Maddox said he went to the Cable Utility meeting the other night. The committee needs to come to this Board with some ideas on a temporary studio, a storefront or an industrial space. They are racking up some money in their account, but before they go and build a building, they should know if there's going to be a use for it. To spend to build this function that doesn't get used doesn't make any sense, so he's hoping they can look into a rental space. If nobody is going to use access television, why build a building? This is one of those times they actually have a chance to do the planning in advance, see what works, see if there's a real need and then if there isn't, they don't need to spend, even though it's not taxpayer money, per se, it's something that's going to be maintained by the town and whatever so he thinks they need to start looking. It's not going to happen next week, but this is one of those rare chances where the Board gets to kind of, hopefully, look at needs before it becomes critical.

Another thing that was talked about was recordings that was an issue with this Board as far as how they eliminate some of the recorder needs by upgrading. They felt it's more a function of people, rather than the equipment, and to come up with guidelines for various boards that have microphones--how to interact with the microphones, to enunciate better, etc. At the Planning Board, they are famous for flipping papers and all you can hear is the rustling of paper, so they are going to be working towards that. If there's a way for them to record the meetings, store them electronically and be able to use that downstream, that makes a lot more sense. They can start off with some of the boards that don't visit court that much to see how it goes, to see what they need to improve. That's what he asked them to look at so, hopefully, the Board will get something from them in the near future of what they want to do.

Selectman Maddox believed the Chairman, as well, got a call from a resident off Old Derry Road in regards to what they are now calling Senter Farm Road. He went down to take a look at it, look at the water situation, so it's something they, as a town, are working on. One of the Town Engineer's last issues was to deal with some of that. As he was driving down Old Derry Road, he saw the Road Agent going the other way, so he decided to call him. As he was doing that, he saw Jess Forrence pushing a car down Old Derry Road. He asked Kevin why Jess was doing that. Kevin said he came upon a motorist with a young child that had broken down on Old Derry Road. He and Jess helped out the lady, got her car off the road and gave her a ride home. Sometimes what a big bad town does terrible things, it also does a lot of good things. That's something Kevin did naturally; he didn't even give it a second thought. He saw what needed to be done and did it—and it was 14° out. They did talk at length about Senter Farm. It's something, with the leaving of the Town Engineer, they're going to have this issue to go back and forth with CLD, if they are going to be the engineering firm for awhile and how that's going to go. They need to resolve issues with this development *now*, rather than later. It's something he will keep the Board apprised of but, again, with the leaving with the Town Engineer, there's a certain gap there that they need to have the Town Administrator kind of take over for awhile. Gary Webster is working on it, but just to have that continuous paper trail that, obviously, comes to bear at some point.

Accidents are called accidents for a reason; they happen accidentally, but their boxes have been filled quite often with a lot of these. They, as a town, need to step back and take a look at the causes of some of the accidents. In his company, they are graded into at fault, not at fault, and they need to take a look at if there is a problem of X, Y & Z. They've had 10 accidents in the last two months. Again, things happen. People are driving 24/7 in some departments, emergency situations, but what has changed from five years ago that they should be looking at before someone seriously gets hurt. He asked that, as a future item on their agenda, to take a look at the causes and what they could be doing to reduce the number of accidents. He'll get together with the Town Administrator to at least start the ball rolling. Selectman Massey said he had the same question, so he asked the Town Administrator about it. Two years ago, the Board was never seeing the reports until they changed the policy last year. They should look at it, but they should also look at how many accidents were there in previous years. He talked with the Town Engineer today and the retention basin at Senter Farm area is down. There are still some problems there and Gary Webster, the Civil Engineer, is doing everything he can to make sure they fix the problems.

Selectman Maddox said he has the luxury of driving all over New England for his job and it's a joy to come to Hudson. As much as people say the plowing has been worse this year, because there has been a lot of it, you can definitely see a difference from almost any community when you come into Hudson. He rode with those guys once and he didn't know how they do it. Just starting at that white, fluffy snow, coming at the windshield hours upon hours. He can see how mailboxes sometimes get hit. You definitely see a difference when you come into Hudson with the plowing and he appreciates that as soon as he makes the border, it's a much better place.

Selectman Jasper didn't want people to get the impression that the accidents were all the fault of the town employees because a good number of them were the fault of other drivers--people coming across the line, hitting plow trucks, backing into cruisers, etc.

The Right to Know Law changes are good, dealing primarily with electronic communication. They stayed away from the issues that were a concern to him last year. There are a number of very troubling bills dealing with negotiations and contracts, one having to do with binding arbitration, which looks like it is going to interim study, although even the sponsor would like to see it killed because it has gone so far afield. He thinks they want an opportunity to bring back their bill next year instead of having somebody studying it. There are some strange issues out there that are ultimately 28-A issues. Unfortunately, a lot of legislators don't seem to understand that it doesn't just apply to new issues. They should read the court decisions. 28-A deals with any new, modified, expanded expense that is passed down to a community, but that doesn't stop people from putting these issues forth and some of them are certainly a concern.

10. NONPUBLIC SESSION (none scheduled, none held)

11. ADJOURNMENT

Motion to adjourn at 9:15 p.m., by Selectman Maddox, seconded by Selectman Massey, carried 4-0.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

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