

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the April 25, 2006 Meeting**

1. **CALL TO ORDER** by Chairman Richard J. Maddox at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall, 12 School Street.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Shawn N. Jasper.

3. **ATTENDANCE**

**Selectmen:** Richard J. Maddox, Shawn N. Jasper, Kenneth J. Massey, Kathleen R. MacLean and Benjamin J. Nadeau  
**Staff/Others:** Priscilla Boisvert, Executive Assistant; David Yates, Recreation Director; Police Lt. Bill Avery; Bob Haefner of the Conservation Commission; Toni Weller, Library Director; Library Trustees John Knowles (Chairman), Linda Kipnes, Arlene Creeden, David Jelly and Connie Owen; Ashley Smith of the TEL

4. **PUBLIC INPUT**

**Don LaForest, 6 Pine Road re. 8 Pine Road** – Mr. LaForest had signed up but he was not in attendance.

**John Knowles, Chairman of the Library Board of Trustees** had pressing personal matters to attend to and could not wait until this item came up at the end of the agenda. He read aloud the document that the Trustees had presented for the agenda, which discussed rationale for the sites for locating the library. He discussed why the Trustees felt the most viable site was on Route 102, near Alvirne, and hoped the Board would support that effort.

5. **NOMINATIONS & APPOINTMENTS**

6. **CONSENT ITEMS**

Selectman Jasper removed Item A-7 for separate consideration. *Motion by Selectman MacLean, seconded by Selectman Nadeau, to accept Consent Items, A (with the exception of #7), B-D, as noted or appropriate, carried unanimously.*

A. **Assessing Items**

- 1) Institutional Exemptions—Charitable (American Legion Post 43; Kiwanis Club of Hudson; Hudson Memorial VFW Post 5791; The PLUS Co), Religious (Hudson Congregation of Jehovah's Witnesses; New Life Christian Church; Roman Catholic Bishop of Manchester [St. Patrick's Cemetery and St. Casimir's Church and Cemetery]; Sisters of Presentation of Mary; First Baptist Church; Calvary Assembly of God; United Pentecostal Church and Parsonage; Hudson Community Church), and Watanick Grange w/recommendation to grant.
- 2) Charitable Exemption—Hitchcock Clinic, 321 Derry Road, w/recommendation to deny.
- 3) Current Use Lien Release, 31 Musquash Road, w/recommendation to approve.
- 4) Current Use Lien Release, 29 Musquash Road, w/recommendation to approve.
- 5) Current Use Lien Release, 3 Sandalwood Road, w/recommendation to approve.
- 6) Yield Tax Warrant and Certification of Yield Tax Assessed, Brox Industries, Map 140/Lot 001 and Map 141/Lot 001, w/recommendation to sign.
- 7) Gravel Tax Warrant--Brox Industries, (Map 140/Lot 001; Map 141/Lot s 001 & 003; Map 150/Lot 013; Map 141/Lot 004), Nash Family Investment Properties, (Map 122/Lot 002) w/recommendation to approve.

Selectman Jasper said there are multiple lots involved with Brox. Over the years, they have bought up neighboring property so they now come within 200' of Old Derry Road. His understanding of the gravel law being exempt from site plans is you have to be on your original parcel. If the Brox property is moving beyond what was grand-fathered, there ought to be some Town oversight in this. There was another gravel property involved, too, and they ought to be seeing if that is in compliance, as well. He was not suggesting they not approve this, but this is an issue they need to look at because gravel pits are continuously an issue in other towns. The Nash pit off of Old Derry Road went before the Planning Board back in the 80's and there was a site plan and a restoration plan, etc. If the Brox property has moved from their original property, and it looks that way because there are five different lots mentioned, then he is wondering why they allow that without site plan approval. He'd like an answer to those questions.

Selectman Massey said the Conservation Commission has requested a legal opinion for exactly these issues. They are concerned about the extent of the gravel excavation and the fact that some of this is going to involve operations in or near wetlands, so they have requested, through the Town Administrator, a legal opinion as to exactly the question that Selectman Jasper raised. How much say does the Town have in any of this expansion and/or activity, given the issue that's in the current tax code and the Town Code?

Chairman Maddox asked if there was a plan before the Conservation Commission that would have triggered this. Selectman Massey said there was, but the applicant did not come before the Commission. The reason they gave was that they were exempt from Town oversight. Selectman MacLean said she was at a Planning Board meeting where they were talking about that, so when she saw this on the agenda, she went to see the Assessor about it. She was told that what was on tonight's agenda was work that has already been done in the previous year. It's tax for the last year.

*Motion by Selectman Jasper, seconded by Selectman MacLean, to approve the Gravel Tax Warrant--Brox Industries, (Map 140/Lot 001; Map 141/Lot s 001 & 003; Map 150/Lot 013; Map 141/Lot 004), Nash Family Investment Properties, (Map 122/Lot 002) carried 5-0.*

Motion by Selectman Jasper, seconded by Selectman MacLean, to request the Town Administrator to report back to the Selectmen as to compliance with the site plan on one site and to provide the Board with the relevant copies of State law as to oversight over existing gravel operations, whether or not they can move into adjoining lots without site plan review, carried unanimously.

- 8) 2005 Abatement Application, 8 Executive Drive, w/recommendation to approve.
- 9) Veterans' Tax Credits (35 Sousa Blvd; 6 Connell St; 26 Robin Dr; 21 Roosevelt; 27 Bowes Cir), Elderly Exemptions (27 Bowes Cir; 101 Robinson Rd), Disabled Exemptions (2 Greenfield Dr; 31 Mobile Dr; 67 Schaefer Cir; 7 Gloria Ave; 3 Chapin St; 39 B St), w/recommendation to grant.

**B. Licenses and Permits**

- 1) Raffle Permit by the Hudson Senior Center Council on Aging for October 14, 2006 at 2:00 p.m. at the Hudson Community Center (Baskets)
- 2) Raffle Permit by the Alvirne Bronco Booster Club for November 4 at the Alvirne Gym from 6:00 – 9:00 p.m. (Turkeys, Gift Baskets, Gift Certificates)
- 3) Raffle Permit by the Alvirne HS Friends of Music for June 10, 2006 at 4:00 p.m. at the Hills House (Chili Chip & Dip set, Hotel Overnight Packages, assorted prizes)
- 4) Request by Nottingham West Lions Club to locate a banner (advertising a charity auction) at Veterans' Memorial Bridge from 4/22-4/29, forwarded to the Road Agent for coordination of placement.
- 5) Request by the Chief of Police to post signage at Veterans' Memorial Bridge, advertising the US Police Canine Association Field Trials June 3 & 4, forwarded to the Road Agent for coordination of placement.
- 6) Hudson Speedway Racing Permit (signed off on by appropriate staff)

**C. Acceptance of Minutes**

Minutes of the Board of Selectmen's Workshop Meeting of April 4, 2006

**D. Calendar**

Apr 26 7:00 Planning Board in CD Meeting Room  
Apr 27 7:00 CIP in BOS Meeting Room  
Apr 27 7:30 ZBA in CD Meeting Room  
Apr 27 7:00 Open Space Committee in Small Conference Room  
May 01 6:30 School Board in BOS Meeting Room  
May 02 7:00 Board of Selectmen Workshop in BOS Meeting Room  
May 03 7:00 Planning Board Workshop in CD Meeting Room  
May 04 7:00 CIP in CD Meeting Room  
May 05 Loyalty Day Dinner at the VFW  
May 08 7:00 Conservation Commission in BOS Meeting Room  
May 08 7:00 Friends of Hudson's Natural Resources in CD Meeting Room  
May 09 7:00 Board of Selectmen in BOS Meeting Room  
May 10 7:00 Planning Board in CD Meeting Room  
May 11 5:30 Sewer Utility Committee in CD Office Area  
May 11 6:30 Recreation Committee at the Rec Center  
May 11 7:00 CIP in BOS Meeting Room  
May 11 7:30 ZBA in CD Meeting Room  
May 13 8:00 a.m. Hudson Economic Development Conference @ Alvirne  
May 15 6:30 School Board in BOS Meeting Room  
May 16 7:00 Cable Utility Committee in BOS Meeting Room  
May 17 5:00 Water Utility Committee in BOS Meeting Room  
May 17 7:00 Library Trustees in BOS Meeting Room  
May 18 7:30 Budget Committee in BOS Meeting Room  
May 23 7:00 Board of Selectmen in BOS Meeting Room  
May 24 7:00 Planning Board in CD Meeting Room  
May 25 7:00 Open Space Committee in BOS Meeting Room  
May 25 7:30 ZBA in CD Meeting Room  
May 29 Memorial Day Holiday—Town Hall closed

**7. OLD BUSINESS**

**A. Votes taken in Open Session, following the Nonpublic Session on April 11, 2006**

Chairman Maddox read the following motions into the record, approved on April 11, 5-0:

- 1) Judd Vear hired as an engineering summer intern, effective May 21, 2006 through August 26, 2006, at a rate of \$13 per hour, as recommended by the Town Engineer.
- 2) Ashleigh Kreider hired as an engineering summer intern, effective May 21, 2006 through August 26, 2006, at a rate of \$12.50 per hour, as recommended by the Town Engineer.

**B. Offer by Bill Tate to donate a Grist Mill Stone in memory of Ann Seabury**

Selectman Jasper said last week, he had the opportunity to view the stone and found that it is very old, and very nice. It is not what he thought it would be. He expected that it would be flat on both sides, but this one is rounded, and it would make a perfect

fountain. It appears this stone was one that was turned by animals, as it had two holes, one on each side, to attach something to and manually turn the stone. It probably weighs 2,000 lbs., with a 6' diameter and probably dates back to the 1700's. He didn't think it belongs at Library Park, though, that perhaps Benson's was a better site. Mr. Tate wants to keep it until such time as the Town decides what they want to do with it. He likes the idea of a fountain, but he doesn't really care, as long as it's in memory of Mrs. Seabury and used in an appropriate manner.

Chairman Maddox didn't think Library Park was the appropriate place for it to be, either. Selectman Nadeau agreed. Selectman MacLean said Mr. Tate should be told thank you and to please hold the stone for them to keep him from selling it to the highest bidder. Chairman Maddox said Ms. McGrath wasn't able to be present tonight, but he thought they could do something that would tie in with her wanting to do something for Mrs. Seabury—some plan as to how a 2,000 lb., 6' wide fountain would be erected, placed, etc., and how it's going to be functionally done—a plan that is going to need some looking at. They could thank Mr. Tate for his donation and willingness to store it until such time as they have a home for it. Selectman Jasper so moved, seconded by Selectman Nadeau. Chairman Maddox thought Ms. McGrath should be copied on the letter.

Selectman Massey said he wanted to be on record, after reading the article in the HLN on the significance of why Library Park was so named, it would be inappropriate to change its name. They need to preserve the history of their Town and changing that would have the unintended consequences of losing the critical importance that the Hills had for the Town. They should also inform Ms. McGrath that the Board thinks she has a great idea, but Library Park is not the appropriate place. Selectman Jasper echoed those remarks, saying he made similar ones a couple of weeks ago. Additionally, he didn't think the Board had the legal right to change the name of something that was done by an act of Town Meeting. Chairman Maddox said they would tell Ms. McGrath her efforts will be appreciated at whatever location they decide upon, sometime down the road.

Vote: Motion carried unanimously.

(Start Tape 1-B)

C.

**Solid Waste Study Committee's Charge**

A copy of the SWSCOM's original charge was in the Board's packet--The Solid Waste Study Committee is charged with the study of issues related to solid waste management in the Town of Hudson, make recommendations to the administrative staff and Board of Selectmen, communicate with the public, and provide assistance to the municipal organization in the implementation of solid waste management activities. Committee consists of 4 members and 1 Selectman and meets as needed at Town Hall.

Chairman Maddox asked for the will of the body. Selectman MacLean said it seemed like the wording of the charge was still valid, in view of what they talked about at the last meeting. She spoke with Mr. Luszey the other day, and he thought he was no longer on the committee because it was disbanded. She thought he was still on it. The Board needs to let him know whether or not he is still on the committee, since his term didn't expire until the end of the year. Selectman Massey said the Solid Waste Study Committee was dissolved, so there are no committee members.

Selectman Jasper moved to reconstitute the committee, with the charge that was in place previously, and advertise for new members. Selectman Massey thought the Board reconstituted the committee at their last meeting. Selectman MacLean said they did. Chairman Maddox didn't think they formalized it with a motion, that they only talked about it. Selectman MacLean said yes, they did, and the Chairman had said, at that time, that they couldn't advertise for members until they knew what the charge was. That's why it's before them tonight. Selectman Jasper withdrew his motion.

Motion by Selectman Jasper, seconded by Selectman MacLean, that the charge of the committee be the same as it formerly was, carried 5-0.

Selectman Nadeau, the liaison, said he called the members who were on the committee when it was disbanded, and a couple of them are interested in reapplying. After it has been advertised, he will call them again to let them know it's back on the table.

Motion by Selectman Jasper, seconded by Selectman Nadeau, that for the four public members, two terms would expire December 31, 2007 and two terms would expire December 31, 2008, and thereafter, would be two-year terms, and to advertise for those four positions.

Selectman Massey asked why the committee, as originally constituted, did not include Road Agent Kevin Burns as the technical liaison, much like Tom Sommers is for the Water and Sewer Utilities. Selectman Massey wondered where this committee was going to go, once they have gone through the next iteration of the contract. Selectman Jasper said this should be an on-going effort because the solid waste needs in Town are going to continually evolve. The problem isn't going to be solved in six months, or even two years. He thought it was appropriate to set terms and reappoint people. Otherwise, there tends to be some confusion and stagnation. He thinks the Road Agent is liaison to the committee. The Rec Committee doesn't mention the Rec Director as a member, but he is always there to advise. That would be appropriate in this case, as well. He didn't think that needed to be formalized, as long as it was understood. The committee, as they go along, may feel their charge needs to be changed, but this gives them a starting point. This needs to get off the ground.

Chairman Maddox wondered if they should change the terms to one for one year term, two for two year terms and one for a three year term, to get it into the cycle of three years. Selectman Massey asked if Selectmen Jasper would be interested in two two-year terms, two three-year terms and the two year terms would, when they roll over in 2008, be three year terms from that point on, so it would be consistent with all the other appointments in Town. Selectman Jasper didn't have a problem with that. Selectman Massey said two positions would be three years, with the clear understanding that the two-year appointments would roll over at

their renewal to three year terms. He then said that wouldn't work, so he withdrew that recommendation, saying the only way it would work would be with three staggered terms. Selectman Jasper thought with a four person committee, it would just be easier to go two and two. Selectman Massey said he would support that. Selectman Jasper said neither one of them would be two full two-year terms to start with, and he also thought that would be easier to keep track of for record keeping purposes. Selectman Nadeau thought the expiration dates should be 2007 and 2008. Otherwise, the applicants would have to reapply shortly after they were appointed. Selectman Jasper agreed to the change.

*Vote: Motion carried 5-0.*

## 8. NEW BUSINESS

### A. Request for authorization to post Conservation Signage on Town Conservation Property

Bob Haefner, Vice-Chair of the Conservation Commission, said they would like to erect three wooden 28" x 44" signs at Musquash Pond, the Ingersol property and the Town forest. There is a kiosk at Musquash Pond, but you can't see it very well from the road. The sign would be located so it can be seen from the road, but within the allowable limits. The sign for the Ingersol property will be located on Griffin Road, also set back 25'. There is a narrow opening for the property there. They will also put a sign at the Town forest, which most people don't even know is there, so this will call attention to it. The Board of Selectmen, some time in the past, did approve the layout for the signs, but it was before his time. The high school will make the tongue-in-groove signs for the cost of the materials only. The wording—the name of the land—will be routed out and then painted, mounted on pressure treated 4 x 4's, and installed by the Highway Department, agreed to by Road Agent Kevin Burns.

Selectman Massey said each of the signs has a logo on the bottom right corner to denote the conservation area which he thought was a nice touch. The Town forest and Ingersol property have a tree and Musquash Pond has a lily pad. The Recorder indicated that the Selectmen had approved that on July 14, 1998.

Mr. Haefner said the signs will also indicate that no ATV's are allowed on the conservation land. Selectman Massey suggested that the wording should be No Motorized Vehicles, which wouldn't limit it to just ATV's. Selectman Jasper agreed. Chairman Maddox said that wording should be on separate signage, off to the side, so it wouldn't take away from the positive, welcoming nature of the conservation signs. Mr. Haefner thought the commission would be agreeable to that. Selectman Jasper agreed that Chairman Maddox raised a valid point and agreed with him, adding there should be numerous No Motorized Vehicles signs posted at each trailhead because there are many trails throughout the properties.

*Motion by Selectman MacLean, seconded by Selectman Massey, to place three 44" x 28" wood signs, as requested by the Conservation Commission, at the Ingersol property; Musquash conservation area in South Hudson; and Hudson Town forest on Kimball Hill Road, carried 5-0.*

### B. Acceptance of Donations:

#### 1) \$2,500 from Wal-Mart, with \$1,500 for the Fire Department's special projects and \$1,000 for the Fire Explorer Program and equipment.

*Motion by Selectman MacLean, seconded by Selectman Nadeau, to accept the donation, with the Board's thanks.*

Selectman Jasper said he will vote for the motion because he didn't want to send the wrong message to Wal-Mart, but he'd like to know what the special projects are. Chairman Maddox asked the Fire Department's liaison, Selectman Nadeau, to get that information for the Board. He then said he would be voting against this motion, since there are issues on that site that are going through Code Enforcement. He didn't want to vote in favor of accepting money from Wal-Mart, even though he thought these were good programs.

*Vote: Motion carried 4-1.* Chairman Maddox voted in opposition.

#### 2) \$1,250 from SAM's Club for the Police Department's COPS Card Program

*Motion by Selectman MacLean, seconded by Selectman Nadeau, to accept the donation, with the Board's thanks.*

Police Lt. Bill Avery clarified that this was for the trading card program and said this was the first donation for the project that costs \$5,000. In the past, they've received donations from Mr. Sousa and the Legion. They need more donations before this program is up and running.

*Vote: Motion carried 5-0.*

#### 3) From Hudson Nottingham West Lions Club, \$300 to the Fire Department and \$300 to the Police Department for their respective safety programs.

*Motion by Selectman Nadeau, seconded by Selectman MacLean, to accept the donation, with the Board's thanks, carried 5-0.*

C. **Request by the Police Dept. for authorization to hold their semi-annual Blood Drive at the Hudson Community Center on March 20, 2007 and to waive the fee for use of the center.**

Lt. Bill Avery said they were a little ahead on this one, and quipped they would like to reserve the center out as far as 2020!

*Motion by Selectman Jasper, seconded by Selectman Nadeau, to approve the request, carried 5-0.*

D. **Use of Benson's Property for new Library**

Chairman Maddox recognized Library Director Toni Weller and Library Trustee Arlene Creeden, since Chairman John Knowles had left. Selectman Jasper said the Board already heard the presentation from Mr. Knowles, and rather than have a discussion, the Board could ask questions at this time, if anyone had any. Selectman MacLean said the argument that John Knowles made was logical and made a lot of sense. For the Board to deny the Trustees the 102 site, at this stage of the game, would not be right. If they really wanted to use the Benson's site—and were willing to wait the 10 to 20 years to get it—that would be fine. A bird in the hand is better than two in the bush, and they practically got their hands on a bird, although it might have a broken wing, by now, so she supported the 102 site.

Selectman Jasper said, at this point, they really do need to move forward with the 102 site. The State hasn't been very quick in getting back to the Town in setting up a meeting date with the attorneys, so he plans to make a follow-up call. He met about a month ago with Nancy Mayville and was promised that these meetings would take place. With that in mind, locating a library there becomes problematic, but there are a couple misconceptions. He didn't think they would be tied into the red barn's footprint, per se. That's not where the conversation with Nancy Mayville led him. In their preliminary discussions there was an area right behind the old barn where there had been a lot of buildings, that could probably be available for parking. There are legitimate concerns about construction costs and timing. They need to move forward with the 102 site, see what the Trustees come up with, and then what the Town wants to do about it. Who knows? They may be revisiting this again next year.

Chairman Maddox said the Master Plan for Benson's, which had been done after the barn burned down, and they said the footprint would probably not have to be followed, if a facility was located at that site, so it wouldn't be a 4,000 sq. ft. vertical building going straight up until you ran out of money. He agrees the Library needs to move forward, so he will vote in favor of the 102 site, but he's not very much in favor of it. There was a suggestion to put a performing arts center at 102. Locating the library at Benson's would give people a reason to go there.

(Start Tape 2-A)

Chairman Maddox said the Board has already given the Trustees the authority to use the 102 site, so he wished them luck.

Selectman Jasper felt very strongly that the existing library needs to remain as a historical library building, and if that means it is only open a couple nights or a weekend now and then, that needs to happen. He didn't think that building was suitable for anything else. The Historical Society has most, if not all, of the original Greeley Library tucked away. It would make an ideal site for genealogical research and to expand the collections in that area. He hoped the Trustees consider that; he thinks it could be staffed at reduced hours with one person at a very reasonable cost. To try to do anything else with that building would get the Town in an uproar. Ms. Weller said they love that old building, too, and talked about using it as a genealogy/history library, doing exactly what Selectman Jasper suggested, keeping it open one or two mornings and/or nights. They hadn't come up with a real plan, but they had talked about doing something along those lines.

Chairman Maddox saw no sense in keeping an old building open because the cost would be substantial—easily, \$150,000 to maintain and staff, but that discussion is a long way away. Ms. Creeden thought they might find someone to help; they could rent out part of it. Chairman Maddox said they have their dreams, and he has his!

9. **OTHER BUSINESS/REMARKS BY THE SELECTMEN**

A. **Selectman Nadeau** read some items provided by the Fire Department:

- 1) Firefighter Pat Robertson graduated from the NH Fire Academy Officer Program.
- 2) They are in the process of completing the RFP's for the new ambulance and will be sent out to the vendors shortly.
- 3) The boat is in need of some repairs and rewiring.
- 4) The fire engine is in its final stages of completion and will have its final inspection on May 8. They hope to have it by the week of May 15.
- 5) There was a team effort of the Fire Department, Police Department and two nurses on Dracut Road last week. A person was driving down Dracut Road, went into cardiac arrest, and was revived by a team effort of the police officers with the defibrillator and two nurses, who were performing CPR on the person. The person is doing well at this time. Selectman Nadeau thanked the Fire Department, Police Department and two nurses for their help on Dracut Road.

B. **Selectman Jasper**

- 1) **Fire Department Boat** – Selectman Jasper said he was familiar with the issue with the boat, having served on the Budget Committee. There was a \$30,000 request for a new boat, which was turned down. He thought it would be appropriate for this Board, at their next workshop, to meet with the Fire Chief and go over the actual utility of that boat. What has that boat actually accomplished in its life cycle? How often is it utilized? Is this something that the Board of

Selectmen feel is appropriate to continue to have? What are the other alternatives? They need to look at all the issues. He is not making any judgements in advance. This repair is \$5,000 so he'd like the Fire Chief, or his representative, at the workshop so they can have that discussion and become educated on the matter.

Selectman Nadeau asked if there was anything else any Board member wanted from the Fire Department at the workshop. Selectman Jasper didn't know if there was an agenda for the next workshop, but he had questions he'd like to ask of the Fire Department, concerns about not having an ambulance at Burns Hill and, if they could make that happen—ambulance vs. forestry—and how that plays into using fire trucks as a taxi service to cover the ambulance. Chairman Maddox said for the next workshop, Kevin Burns in on the "hot seat." If they want to talk about the boat on May 2, that's OK, since it may be needed pretty soon with warm weather here. Other than that, they should give the Fire Department more notice so they can plan better.

- 2) **Property at 8 Pine Road (School/Town Project)** – Selectman Jasper said he and Selectman Nadeau met with Mr. LaForest last night at the property. He has a number of concerns about what is happening there. There was a house there at one time that the Town took by tax deed. It was burned down by the Fire Department and the lot was cleaned up. He believes he was on the Board when that taking occurred. At the time, the Board kept the property. Although there are no motions, the more he thinks about this, the more he recalls the discussion which, essentially, was that it was not a buildable lot which, in part, was why the house ultimately came down. The original Mr. LaForest—not the one they are talking about; this is his brother, who owns the property abutting it, which is all very confusing—it was a larger piece of family property, going back several generations—and the brother had a permit to build a relatively small house that would fit in it. He then added two illegal additions, which put him into the wetlands. He couldn't get variances and, eventually, lost the property. The original piece of property that this was subdivided from had 338' of frontage, more or less. Very clearly, this lot had 150' of frontage taken off of that. It doesn't seem to measure up to 338'. The Town is going one way measuring it, and the problem he has, because the road and the property curves, when they had the plot plan done, Mr. Granger did it for them, but he did it as if the Town actually owned 50' of land out there and on the old roads, they don't. What the courts have said is that if the Town doesn't have a deed, the property owner owns to the center line of the road. One problem is that Mr. Granger assumed 25 feet back to start the property line going to the back lot. There is a clear iron pipe there which would indicate the back of the lot, but they've gone beyond that because they started from the wrong place in the front. Because the road curves, if you move back in on the curve, 150' stretches out further. He calculates a discrepancy of about nine feet. Mr. LaForest did find two pins in the road, which would indicate there were iron pipes there, which were paved over. He didn't dig them up which Selectmen Jasper agreed were the approximate locations. One clearly is in the right spot, right in the center of the brook, the culvert, which is what the deed and everything indicates. The other one is only 120' away from that, but they do have a discrepancy on the lot line. That being said, if he takes where he thinks the 150' is and he takes the original subdivision which shows 77' off his house, and he measures out 77' and then line it up, it's just about perfect. Selectman Jasper is confident that they are taking about nine or 10' too much, although Mr. LaForest thinks the Town is taking 20-odd feet of his property. Selectman Jasper said that gets into side setback issues, which pushes things more into the wetlands. It is very inappropriate for a town to say we believe that there should be a 50' setback from the wetlands, and then turn around and change it to 35' so they can include a garage in order to get more money in the process. He didn't think the Town should ask for a variance for that, when there is no compelling reason, and the only reason is to maximize the value of the lot. Then they are just like everybody else, and if that's what they believe, then move the setbacks from the wetlands to 35'. Even if they take the garage off, if you take the nine feet off the side, you push the house back into the wetlands again, and he's not sure how that impacts the septic. That's one whole set of problems. He does remember that whole lot as being very wet and that the back yard tended to flood. At some point, based on the tree growth, it has obviously been filled. Mr. LaForest contents that when the Town razed the house, they cleaned up the lot and actually filled in the back yard, right up to the brook. Very clearly, at some point—10, 15 years—there has been fill material brought in right up to the edge of the brook. Shame on the Town, if they did do that. That shouldn't have happened and that impacts a lot of other things. He thinks the Highway Department would have the answer to that question, if they were involved in doing any of that, 10-11 years ago. There are some issues here that they need to address, but in any case, he is opposed to using the variance. That's not appropriate for them to be doing. As a Board member when they took the land, they never intended for that to be built on. With that being said, it would be possible for a house being built on there and he wouldn't be opposed to that if they do everything correctly and not try to take nine or 10 feet of someone else's property.

Selectman Nadeau said he walked the site the other night. If they got rid of the garage and just put the house in, he didn't have a problem. The rest of the houses in the neighborhood didn't have a garage. Putting in a small house there would fit in the area fine. Selectman Jasper asked if Selectmen Nadeau felt the lot line should be resolved first. Selectman Nadeau said the lot line issue should be resolved first, and Mr. LaForest is having the property surveyed. When the survey comes in, they can see what can be done. The site was wet because it has been raining for the last three days. He didn't think it was a wetlands like everyone else has said.

Chairman Maddox asked if it was a lot of record. Selectman Jasper said there was no question of that. His question is where the actual lot lines are. He thinks they are in the wrong place, based on the physical evidence that he saw and he has concerns that if there was actually fill done up to the brook by the Town. They would ask anybody else to take that away. He didn't think this Town should be going after people for filling in the wetlands area if they do it themselves, but he didn't know if that happened, but something happened recently. There was a sump pump sitting on the edge that was obviously old material and the brush that grew up, maybe it was more than 10, 15 years. He can't tell, but

obviously, they are not talking about this area being filled in 25-30 years ago. They need to make sure they are doing the same things they require of anybody else in Town.

Selectman Massey said he spoke with Mr. LaForest on the phone. He made a motion that if Mr. LaForest's licensed land surveyor's plot plan shows that the Town's plot plan is wrong, the Town reimburse Mr. LaForest. He is only doing this because he was told that the Town has a certified plot plan. If the Town's land surveyor made an error, the abutter shouldn't have to pay for that error. If it turns out that the Town's plot plan is wrong, the Town reimburse Mr. LaForest for the cost of his land survey. Selectman Jasper seconded the motion, saying this brings another issue to light, which is that if anyone puts on an addition or puts in a pool, the Town requires that lot to be resurveyed. From his discussions with Steve, it doesn't seem that an actual, certified survey was done. They did a plot plan and his thoughts are reinforced because of the fact he started from 25' from the center of the road, which you can't do, then take 25' of the property from the guy behind you. They need to figure out what they actually had done. Mr. LaForest is having it done; it has been flagged already, so he's waiting for his surveyor to come back. When the Town does something like that, they need to do exactly what they require of other people.

Selectman MacLean understood that the lot lines had been taken care of, that the attorneys have looked at everything. When the Board voted for the house to be built on this lot, there was no garage involved. She was always surprised that the garage just appeared. She wondered if this would be an issue if there never was a garage involved and they just went ahead with the house. Chairman Maddox said it's a case of finding things out after the fact. The garage only exacerbated the issue of the lot lines. Selectman Jasper said if the side lot line is wrong and he is right that it is nine or 10 feet, then it moves the house nine or 10 feet towards the wetlands, even without a garage. A corner of it already is in the wetlands setback, but this puts nine or 10 feet of the house right into the setback.

Selectman Nadeau didn't know what else Mr. LaForest was having surveyed, as he owns more property behind that area, so he didn't know if the amount he was talking about included having all his property surveyed, or just the small section out front. Selectman Jasper said it's a triangular lot. The side lot line is common when it gets in the back, so he really has to have his whole lot surveyed. Selectman Nadeau said Mr. LaForest also talked about the back houses. Selectman Jasper said Mr. LaForest thought, at one time, he could build one house out there and it left a 50' right of way. He admitted that that land is too wet. It's not a large parcel of acreage in total, but it's something they have to look at when they get to that point. You can't have just half of your lot surveyed. The Town should have had the whole thing surveyed and certified, and then if Mr. LaForest disagreed with the Town's certified survey, the Town would have had to fight it out. At that point, he still would have been entitled to be reimbursed, if the Town was wrong. They are a long ways from solving this problem.

Selectman MacLean said this has grown to be quite the boondoggle. She heard on the news that other towns, who have high school programs like this, have donated their homes to the flood victims in the western part of New Hampshire. Maybe the school could consider that for the next couple of houses that are being built.

Selectman Massey said, so there is no misunderstanding, his motion would not be to carte blanche whatever bill Mr. LaForest presents to the Town. He wants to be on record that his motion is if the Town's plot plan proves to have been wrong, that the Town would entertain a reimbursement to Mr. LaForest, but they'd certainly look at what he is asking to be reimbursed and they would make a judgement at the time the bill is submitted as to how much of that bill they think is appropriate, given the circumstances. This is not a motion ahead of time for whatever bill Mr. LaForest presents. It's simply to make it clear that he thinks that given what has been discussed tonight relative to the issue, that they be on record that there may be some redress, that there should be some redress for Mr. LaForest.

Chairman Maddox was glad for that clarification because he wondered how they going to define a reasonable dollar figure and what the definition of 'significantly different' would be. He was wondering if this was a little premature and perhaps there should just be a consensus on this. Selectman Massey withdrew his motion; Selectman Jasper withdrew his second. Chairman Maddox asked Priscilla to make this a follow-up item. He then asked for a motion that the Town Administrator conduct an investigation, along with the Conservation Commission and Highway Department, when that lot was flattened, cleared, filled in, etc. Selectman Jasper so moved, but there was no second.

Selectman Massey thought a consensus would be sufficient. Chairman Maddox confirmed that there was a consensus, so they will leave it at that.

- 3) **Exxon on Lowell Road, across from PMA** – Selectman Jasper said right now, this was a rather large lot. The people want to come in and subdivide it, but not say what is going on on the back lot. They actually created an L-shaped lot around it, and now there are squeezing things on there and because of how they want to place their buildings, they want the driveway 'here' and 'here.' That should be a Master Plan site. To subdivide that property and create an odd lot is going to create problems in the future when somebody else comes in, who didn't create that problem, and is going to claim a hardship because of the lot. If they want the Exxon station there, it ought to be put there appropriately, according to the dictates of the Planning Board for traffic patterns and everything else and then if they have land left over that they can subdivide and put something else on, that's for another day. This is very bad planning.

Chairman Maddox said the Planning Board has asked to meet with the Board, so he'd like to invite them to the Board's May 2<sup>nd</sup> workshop and talk with them after the discussion with the Highway Department, probably around 8:00. The

Planning Board is seeing more and more of those creative plans come before them—the challenges of difficult properties. The Planning Board has many questions on that site. Why would they put one shared driveway on Lowell Road and one at the intersection at the light, not knowing what that other larger parcel of about 5-1/2 acres will be, with two of them taken up for Mobile on the Run. There are definitely a lot of questions with regard to traffic and siting. The common driveway on Lowell Road is on the other parcel. The Planning Board is seeing a lot of interesting plans.

Selectman Jasper didn't have a problem with a right hand turn out of there, but with a right turn in after going through the lights, he could envision a lot of rear end collisions there. You go through the lights down Lowell Road, then 50' later, someone brakes to turn in, and you're not paying attention because you just took off from the lights, there is an accident. This just seems like bad planning. They got a lot that's too big for what they want so they should tell the Town what they want on there, additionally. Otherwise, in the long run, they will just end up with a mess. Whoever comes in will blame the Town, saying they created the odd lot.

C. **Selectman MacLean** said she would never lose sleep wondering if anything bad will happen via the Planning Board because they will leave no stone unturned. They won't let anybody do anything they think is the least bit wrong.

- 1) **Bulk Electric Rate** – Selectman MacLean was very glad to be at the Budget Committee meeting last week. As the liaison, she wanted to pass along a couple of concerns they had. They were wondering if there could be some discussion between the school and the Town about combining the usage in order to secure a better electric rate from PSNH—a bulk delivery, or something. She will ask Steve about this when he gets back.
- 2) **\$25,000 from Contingency for Green Meadow Project** – Selectman MacLean understands the \$25,000 which the Selectman used as a retainer for VHB came from Contingency. To date, no money has been expended. The Budget Committee wondered if the Selectmen plan to reimburse the contingency fund on July 1, since the money budgeted for such activity was technically not available until the 07 budget. She had originally thought that the \$25,000 was a direct result of a Town Meeting vote, so she supported it, but the \$25,000 was separate from the budgeted amount of \$100,000. Come July 1, if no money has been expended yet, there may not be a need to encumber that and they start fresh with the \$100,000 that the people voted for. Chairman Maddox asked if the Budget Committee was looking for an answer. Selectman MacLean didn't think so. They were wondering if on July 1, if nothing had been expended from that \$25,000, that it might come up for discussion again.
- 3) **Speed Trailers** – Selectman MacLean passed a couple speed trailers this week and wondered if anyone but her was aware that if you go a little too fast, those numbers flash in red. Selectman Jasper didn't know that, saying he's never gone that fast. Selectman MacLean believes the trailers are doing what they were intended to do—inform people of their actual speed in relation to the limit.
- 4) **Street Sweeping** – Selectman MacLean was happy to see her neighborhood's streets getting a good cleaning. She thanked the Highway Department for their good work with street sweeping.

(Start Tape 2-B)

D. **Selectman Massey**

- 1) **Incident on Dracut Road** – Selectman Massey said on March 23, thanks to the quick action and thinking on the part of two Hudson police officers, a motorist on 111, near the Windham town line who had a heart attack, was revived through the use of the defibrillator. He publicly acknowledged the quick thinking and actions on the part of Officer Jim Stys and Officer Dan Dolan. The lady was taken to the hospital and is subsequently recovering. As a result of their actions, they are going to be awarded the Life Saving Medal from the Police Department.
- 2) **Local Government Center Board** – Selectman Massey said in January, the Board accepted his request to be on the Local Government Center's General Government Revenue and Intergovernmental Relations Sub-committee. The committee is meeting this Friday, from 9:30 – 12:00 in Concord. The main items they are going to be talking about is municipal participation in retirement issues, the cable franchise legislation and the right to know cost and specificity required. (He'll make copies for everyone.) The three of them are to have the municipalities have a seat on the NH Retirement System Board. The Cable Franchise legislation is to make it possible for local control, given the fact that the United States Congress is going to try to regionalize it. On the right to know cost, it's to amend RSA 91-A to allow the actual cost of providing the retrieving, reviewing and reproduction of documents for local municipalities. He will report on May 9 the results.

Selectman Jasper proposed that the Board's representative not support any efforts to have towns be able to charge for the actual cost of retrieval of documents. It's a terrible idea. They need to make sure people have the access to documents and the actual right to know. Many of the Town's documents are stored off-site. If they get into a situation where they are able to charge people, they are taking away people's right to know. People pay for government through their taxes. He has no problem charging for copying fees, but this is nothing more than an attempt to make it unaffordable for people to be able to know what has happened and what has gone on. The word 'retrieval' immediately clicked because they could be talking about mileage and hours to go off-site. The right to know and the access of information is one of the fundamental things they need to protect as government officials. If they have to bear a cost to do that, so be it.



Selectman Massey asked what the direction of the Board was. Chairman Maddox said he would go half way between charging and free. They have to consider what is reasonable. If someone wanted to see all of the records of the Town Assessor for the years 1991 through 1997, that would be very expensive. There needs to be some balance. He doesn't know what all of the requests are, but people go into Community Development and ask for a very broad amount of information, which takes up staff time, trying to accomplish that task. If someone wanted to see only one document, but asked for everything on the subject, that would have to be considered. Selectman Jasper didn't disagree, but he thinks there are already some protection in the law that would give them the ability to say why they can't provide it. Perhaps some safeguards to make sure people had a need for information, with some on-going dispute, or something. Someone could come in and say they wanted to see every record on file, and that was unreasonable. But if someone has a specific problem they are fighting government on, and they want to be able to see, the Town ought to provide that to them.

Selectman Massey said that was one of the things they were addressing—the required specificity and identifying documents sought, rather than allowing general requests for documents. For example, “I want all your e-mails for the month of June,” when all you were looking for was on the subject matter ‘X..’ Rather than having to retrieve 20 boxes of stuff, you'd be looking only for one or two things. Selectman Jasper didn't have a problem with that.

Selectman Nadeau didn't have an opinion either way. Selectman MacLean said this committee couldn't tell Hudson they have to charge this, or they can't charge that. They are just discussing this and making up guidelines. Selectman Massey agreed. They are not telling Hudson what they have to charge. This was simply making a recommendation to the general court for enabling legislation. Selectman MacLean didn't think this was an issue right now. Selectman Jasper said it is because they are developing the Municipal Association's policy for the next legislative session. They put out a bulletin with their priorities. They then go out and get legislators to sponsor this and say what towns are in favor of this. He was trying to make sure they come up with a policy that is reasonable because he's seen some that haven't been, in his opinion. The Legislature has ultimately decided they are not reasonable, either. They need to find a balance. There are cases where someone wants to keep people busy full time retrieving documents. It's one thing to say, “Here's a book, look through it yourself,” and to say, “We've got 50 boxes off-site.” If someone identifies a problem they have and identifies the information they need to solve the problem, the job of government is to provide the document. Selectman MacLean said she'd like to hear what they come up with.

Chairman Maddox said, hopefully, the Town will start storing their documents electronically. That's a project for the Community Development in the next year so they can do a lot of this faster, rather than going off-site. The Board's consensus to Selectman Massey is they don't want to have a big cost; they want to have some guidelines to be able to charge if it is excessive. He asked if everyone agreed. There were several replies in the affirmative.

E. **Chairman Maddox** referenced the incident on Route 111, that involved Police Officers Dolan and Stys. When he talked to the Chief of Police, as part of his liaison tour, the Chief said he was looking at the cost of the defibrillators in the cruisers and less than two hours later, this call came through. The Selectmen looks at the cost of things on the bills they sign and the budget items, but to this person and their family, this item was a worthwhile expenditure. Sometimes they have to consider the personal side and not just the numbers. Kudos to both of those Officers, who will be awarded Life Saving Medals for that. Great job!

2) **Economic Development Conference** (Chairman Maddox read the following into the record.)  
The Board of Selectmen and Greater Hudson Chamber of Commerce are sponsoring an Economic Development Conference on May 13 from 8:00 a.m. to 1:00 p.m. at the Will Palmer Voc-Tech Center at Alvirne HS. The theme of this conference is Doing Business in Hudson--the Good, the Bad, and the Future. There will be four presentations from representatives of local, State, and regional governments and from a Voc-Tech educator. Alvirne students will provide tours of the Center. The bakery, bank, store, and floral offices will be open. This conference is open to the public and all are invited. The registration fee is just \$5.00. To register, call Julie in the Community Development Dept, 886-6005, 8:00-4:30. Thank you and we look forward to seeing you on May 13.

3) **Route 102 Road Improvements** (removal of contaminated soil)  
Chairman Maddox said several meetings ago, the Board voted to authorize night work on Route 102 that was supposed to take five days. Unfortunately, it has taken much longer. He has learned that this work will probably run into next week. He didn't know if anyone has received any phone calls on this, but he received one at home. As the authorization was rushed through at the last minute, he had forgotten that there were residential properties abutting the work area. Most of them had thought only about Lucky Duck Car Wash and Pizza Hut, but there are houses across the street that are being impacted. If it goes much beyond Wednesday of next week, the DOT needs to come back in to ask for another permit. This was supposed to be a five day project that is now up to some larger number. He asked for guidance from the Board on how to handle this.

Selectman Jasper said if they were given five days, it should be five days, unless they come back to ask for an extension. Five days is one thing to ask people to put up with something, but 10-15 days of having someone work in front of your house all night long is awful. Selectman MacLean said this work has to get done. If they come back in for a permit, is the Board going to say no? The Board should just tell them to hurry up and get the work done. Chairman Maddox agreed with Selectman Jasper. They were given five days. The Town asked them to try to mitigate the noise, etc., but they are finding more asbestos, which is no surprise in Hudson. But asking these residents to suffer night after night, not knowing when it will end, is not reasonable.

Selectman Massey said the Board is meeting next Tuesday night. If they don't have assurances the noise will stop on Wednesday, then on Tuesday night, the Board votes to rescind any further night work. Chairman Maddox said they've already bypassed what they asked for, i.e., five nights in March, and here they are still continuing at the end of April. He asked if the consensus was that if, on Tuesday night, they do not have a definite plan for ending this and/or mitigating the noise, the Board will revoke their ability to work at night on 102.

Selectman Massey said he was under the impression, as late as yesterday, that Friday the 28<sup>th</sup> was the last day they were going to be working. He is hearing now that they will be going into next week, so he would definitely want to change it to day work. Chairman Maddox said or they could come up with some other mitigation. They might be able to do something for these residents, yet continue to work at night. At some point, the Board has to say it's unacceptable to continue night work indefinitely. Selectman Jasper said he was very concerned. If giving them five nights is meaningless, and they can go on for 10, 15 or 20, why are they involved at all? They've already gone on well beyond what was authorized. He was puzzled by that. They got the Board's permission for a finite period of time, but weren't able to accomplish it. If they didn't come back for authorization for more time, something is wrong with the process. It shouldn't have happened, and it shouldn't be allowed to continue tonight. There are people that live out there. He didn't know how they were being impacted because no one has called him—and please don't call him tonight—but this isn't the right way to do things. Traffic may be a concern, but they could be told they can only work from 5 p.m. to 11 p.m. for maybe six weeks instead of three weeks. That may be more acceptable. He'd rather hear from the residents coming to a meeting to tell them what works. He can't imagine that this is a quiet operation. Are these people able to get any sleep at all? He has no idea, so he is uncomfortable saying it's OK to do this for another week, another seven days, or anything. He is very upset that it has gone on beyond the five nights without discussions.

Chairman Maddox said the first thing they want to know, from the Town Administrator, is the process that exists today for night work in Hudson—what the procedure is. This item came in at the very last minute and was in front of the Lucky Duck Car Wash, so none of them really thought about the other side of the street, where there are residences. Shame on them, but it was on the table that night, and the Board tried to accommodate the DOT for a project that was going to help Hudson, so they OK'd five nights and didn't think it was a big deal. At the time, he didn't even think about the houses across the street, but there are residents there, and the Board needs to address this. He was hearing wait until Tuesday. They have until the end of this week, then they have to come back in.

Selectman Nadeau felt that they should come in and be allowed to work only from 5 to 11. He drove by around midnight the other night, and the place was lit up. The big excavator was working and the guys in white suits were running around, while trucks were going in and out of there. He imagined that it would be tough to be sleeping with all of that equipment running. They need to take a look at that.

Selectman MacLean said it was fine if the Board wanted them to come in with a status report, but they are doing a job and they need to finish it. The Board can't just tell them to stop their work. They have to finish the job, but she can understand asking them to come in to explain what their plan is.

Chairman Maddox said he'd go half-way again, and allow them to work through the end of this week. They don't work on Friday, so it's only three more nights. They will make it clear that's the end of night work until they come with a plan to mitigate for the residents. Selectmen Massey and Nadeau said they'd accept that. (Microphone malfunction for the remainder of this item and the next two items.)

4) **Master Plan Copying Costs**

The consensus of the Board was that nearly \$2,000 should not be expended on having the Master Plan copied. People can access the NRPC's site to view the Master Plan, or print specific pages, for themselves.

5) **American Legion's Fundraiser**

Motion by Selectman Nadeau, seconded by Selectman Jasper, to approve the request by the American Legion for a fundraiser at SAM's Club on April 29 & 30 and May 14 & 15, 2006, carried 5-0.

10. **NONPUBLIC SESSION**

Motion by Selectman to enter Nonpublic Session pursuant to 91-A:3 II, the hiring of a public employee, failed, 2-3. Selectmen Massey and MacLean voted in favor.

φMotion by Selectman Jasper, seconded by Selectman MacLean, to hire Cindy Holton as 2006 Ladies League Softball Director for the fee of \$500; Dave Yates as the Men's League Softball Director for a fee of \$500; and Paul Durham as Teen Basketball League Director for a fee of \$600, effective April 26, 2006, carried 5-0.

φMotion by Selectman Jasper, seconded by Selectman Nadeau, to hire the following 2006 Summer Counselors In Training, effective June 1, 2006, at \$6.50 per hour: Matthew Barry, Matt Brownrigg, Lauren Chesnulevich, Courtney Collishaw and Kerri Wesson, carried 5-0.

φMotion by Selectman Jasper, seconded by Selectman MacLean, to hire Shawn O'Donoghue as the 2006 Summer Program Director effective June 1, 2006 for the fee of \$5,200, carried 5-0.

∅Motion by Selectman Jasper, seconded by Selectman MacLean, to hire the 2006 Summer Staff, effective May 27, 2006, as follows: Jaci Bergeron, Derek Lee, Ralph Carpentier, Kim Malley, Leslie Desrosiers, Michele Martineau, Frank Girginis, Michael Morin, Sean Sendall, Sarah Jardim, Krista Stott, Debra Smith and Kaitlin Laquerre at 9.25 per hour; Brooke Hunter and Katelyn Ives at 8.75 per hour; and Jenna Lambert and Thomas Scurini at 8.25 per hour, carried 5-0.

∅Motion by Selectman Jasper, seconded by Selectman MacLean, to hire the following Substitute Counselors and Robinson Pond Weekend Gate Personnel, who will only be used for gate-keeping and on an on-call basis to keep the Summer Staff at full strength: Rachel Bailey, Paul Durham and Thomas Tollefson at 9.25 per hour; Leo Bernard at 8.75 per hour; and Lauren Peterson, Quinn Sendall, Mollie Buttrick and Keith Thibault at 8.25 per hour, carried 5-0.

∅Motion by Selectman Jasper, seconded by Selectman Nadeau, to hire Alison Shupe and Lisa Terwilliger as 2006 Tennis Instructors for \$12.50 per hour and Kevin Terwilliger as Substitute Tennis Instructor at \$10.50 per hour, effective June 1, 2006, carried 5-0.

**11. ADJOURNMENT**

Motion by Selectman MacLean, seconded by Selectman Nadeau, to adjourn at 9:15 p.m. carried 5-0.

Recorded and transcribed by Priscilla Boisvert  
Executive Assistant

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
Richard J. Maddox, Chairman

\_\_\_\_\_  
Shawn N. Jasper, Vice-Chairman

\_\_\_\_\_  
Kathleen R. MacLean, Selectman

\_\_\_\_\_  
Kenneth J. Massey, Selectman

\_\_\_\_\_  
Benjamin J. Nadeau, Selectman