

HUDSON, NH BOARD OF SELECTMEN
Minutes of the January 14, 2003 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE** led by Selectman Rhona Charbonneau.
3. **ATTENDANCE**

Selectmen: William P. Cole, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury and Teresa Stewart

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Andrew Singelakis, NRPC Executive Director; Ray Rowell; David Bouchard; Leo Bernard; Rich Maddox; David Forman; Marilyn McGrath; Jim Battis; Michelle Champion; Linda Kipnes; Jean Serino; Len Lathrop, HLN; Anne Lundregan, TEL; Anne Pramas, SUN

4. **PUBLIC INPUT**

Marilyn McGrath, 81 River Road, Re. Leonard Smith Memorial – Ms. McGrath listed Mr. Smith's many accomplishments, activities, groups and committees he was associated with and served on for many years as a Hudson resident, friend and servant to the community, including his years as a call fire fighter and the fact that he helped design and build the Central Fire Station. She thought it would be a fitting and appropriate tribute to his memory to rename the station on Library and School Streets *The Leonard A. Smith Fire Station* and asked the Board to consider doing that and agreed to serve on any board to make that a reality. Chairman Cole said suggestions for a memorial would come before the Board at their February 11th meeting.

David Forman, 12 Watersedge Drive, Re. Planning Board – Mr. Forman was disappointed that the Board of Selectmen, on December 23, 2002, appointed an alternate to a member's position on the Planning Board and appointed him, who was a member, to an alternate's seat. He asked for an explanation of that rationale. Chairman Cole said they would take it up under Other Business.

Jean Serino, 118 Robinson Rd & Michelle Champion, 7 Chiswick Rd--Petition to Purchase Nadeau Land --Ms. Serino and Ms. Champion were present to promote their petitioned article, which asks the voters if they are in favor of purchasing the remaining 148 acres of the Nadeau Farm land for \$3 million and if they would be in favor of holding a Special Town Meeting to vote on it. If the vote is positive, they will proceed with opening negotiations with Mr. Nadeau. Selectman Jasper said a Special Town Meeting can be held only in case of an emergency or if there are no expenditure of funds. Ms. Serino said Hollis has that question on their warrant. Mr. Sharon said it would require a court order, so it would be up to them to decide what constitutes an emergency.

Jim Battis, 6 Potter Road – Jim Battis and Michelle Champion of the Conservation Commission spoke in favor of a couple of articles, i.e., to restore the LCHIP grant program (Land & Community Heritage Investment Program) and to place the revenues and all future payments collected from the Land Use Change Tax Fund into the Conservation Fund, which relates to the article relative to the purchase of the Ingersoll property.

(Start Tape 1, Second Side)

Mr. Battis said the Town did receive the grant for the watershed protection for the Ingersoll property in the sum of \$71,527 and they made it through the first round for the LCHIP grant.

5. **CONSENT ITEMS**

Selectman Jasper removed consent items A, 1 through 5 to take up separately. *Motion by Selectman Charbonneau, seconded by Selectman Stewart, to receive the Consent Items, A-6 & 7, B & C, with appropriate recommendations, as noted, carried unanimously.*

A. Assessing Items

- 1) **Current Use Lien Partial Releases w/recommendation to approve.** (Kimball Heights II Subdivision, Map 27/Lots 22-1 through 22-10, Eagle Trace LLC)

Selectman Jasper asked what the amount was. Mr. Sharon said \$91,730.

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

- 2) **Application for Current Use w/recommendation to grant.** (153 Wason Road, Map 018/Lot 005/Sublot 003)

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

- unanimously.*
- 3) **Application for Blind Exemption w/recommendation to grant.** (13 Dugout Rd, Map 031/Lot 083)
- Motion by Selectman Jasper, seconded by Selectman Stewart, to grant, as recommended by the Assessor, carried unanimously.*
- 4) **Application for Veteran’s Tax Credit w/recommendation to grant.** (22 Westchester Court, Map 023/Lot 017/Sublot 4-15)
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- Motion by Selectman Jasper, seconded by Selectman Seabury, to grant, as recommended by the Assessor, carried unanimously.*
- 5) **Application for Abatement and Veteran’s Tax Credit w/recommendation to grant.** (39 Sullivan Road, Map 032/Lot 066)
- Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant, as recommended by the Assessor, carried unanimously.*
- 6) **Application for Abatement w/recommendation to grant.** (153 Wason Road, Map 018/Lot 005/Sublot 003)
- 7) **Applications for Abatement, w/recommendation to grant.** (120 Dracut Road; 23 Rena Avenue; 17 A Holly Lane; 69 Wason Road; 6 Burns Hill Road; 7 Woodridge Drive; 56 Pelham Road; 201 Central Street; 40 Bush Hill Road; 267 Webster Street; 48 B Lund Drive; 25 Cottonwood Drive; 22 Radcliffe Drive; 4 Hemlock Street; 10 County Road; 8 Clark Street; 37 A Street; 5 Bay Street; 19 Oakwood Street; 74 Central Street; 26 Adelaide Street; 99 Webster Street; 6 Grigas Street; 20 Highland Street; 88 Ferry Street; 10 Ridge Avenue; 49 Adelaide Street; 13 Dugout Road; 5 Clark Street; 148 Highland Street; 1 Blackstone Street; 11 Greeley Street; 9 Beaver Path; 27 Krystal Drive; 2 Evergreen Drive)

B. Acceptance of Minutes

Selectmen’s Minutes of the December 23, 2002 Meeting

C. Committee Announcements

- 01/15 5:00 Benson’s Committee Meeting in BOS Meeting Room
- 01/16 7:00 Public Hearing on Town Budget at Library Street School
- 01/20 Martin Luther King, Jr. Day—Town Hall Closed
- 01/22 First Day to File for Candidacy
- 01/22 7:00 Planning Board in CD Meeting Room
- 01/23 7:30 ZBA in CD Meeting Room
- 01/27 Last Day to Post the Warrant
- 01/27 6:30 School Board in BOS Meeting Room
- 01/27 7:30 Conservation Commission in CD Meeting Room
- 01/28 7:30 BOS in BOS Meeting Room
- 01/31 Last Day to File for Candidacy
- 02/01 9:00 Town Meeting at Lions Hall
- 02/08 School District Meeting at Lions Hall

6. OLD BUSINESS

A. Public Hearing on the acceptance of a parcel of land of 2.73 acres, Map 5/Lot 78-1, 52 Dracut Road.

Chairman Cole opened the Public Hearing at 8:10 p.m. Jean Serino asked where the parcel was located, which Chairman Cole explained. He closed the hearing at 8:12 p.m.

Motion by Selectman Seabury, seconded by Selectman Jasper, to accept the offer carried unanimously.

B. Warrant Articles

- 1. Town Clerk/Tax Collector’s Salary Increase
- 2. Non-Union Salary Increases
- 3. Wage and Benefit Increases for Library Employees
- 4. Operating Budget

5. Assessment Technician
6. Part-Time Assessing Aide
7. Two Police Officers
8. Part-Time Police Department Operations Clerk (20 hours)
9. Part-Time Police Department Support Services Clerk (29 hours)
10. Part-Time Welfare Officer (10 hours)
11. Part-Time Water Utility Clerk
12. Roadside Tractor/Mower w/19' Boom
13. Replacement Ambulance (No tax impact)
14. Replacement SCBA's
15. Greeley Street Drainage Construction (Town's portion, \$25,000)
16. Elderly Exemptions (75,000; 90,000; 115,000/26,000; 34,000)
17. Totally & Permanently Disabled Exemptions (same figures as Elderly)
18. Blind Exemptions (Assessed value to \$75,000)
19. Benson Property Development (No tax impact.)
20. Ingersoll Family Trust Land
21. Planning Board Expendable Trust Fund
22. Library Expansion Capital Reserve Fund (Library Fund Balance)
23. Library Expansion Capital Reserve Fund (Town Fund Balance)
24. Discontinuance of Alvirne Land Capital Reserve
25. ~~Filling Vacancies on the Library Board of Trustees~~

C. Review of the Articles

Motion by Selectman Jasper, seconded by Selectman Stewart, to remove #12 from the Warrant failed by a vote of 2-3.
Selectmen Jasper and Stewart voted in the negative.

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Motion by Selectman Jasper, seconded by Selectman Stewart, to remove "Filling Vacancies on Library Board of Trustees," as recommended by the Town Attorney, carried unanimously.

D. Designation of Selectmen to speak on Articles at Town Meeting

BOS/Budget Committee:

Operating Budget

Chairman Cole:

Non-Union Salary Increases
Two Police Officers
Part-Time Police Department Operations Clerk
Part-Time Police Department Support Services Clerk
Part-Time Welfare Officer
Replacement Ambulance
Replacement SCBA's
Benson Property Development

Selectman Charbonneau:

Part-Time Water Utility Clerk
Assessment Technician
Part-time Assessing Aide
Elderly Exemptions
Totally & Permanently Disabled Exemptions
Blind Exemptions
Discontinuance of Alvirne Land Capital Reserve

Selectman Jasper:

Roadside Tractor/Mower w/19' Boom
Ingersoll Family Trust Land
Greeley Street Drainage Construction

Selectman Seabury:

Town Clerk/Tax Collector's Salary Increase

Selectman Stewart:

Planning Board Expendable Trust Fund

E. Petitioned Articles' Recommendation Designation

"The Health Care for New Hampshire" Resolution

Motion by Selectman Jasper, seconded by Selectman Seabury, to forward to the Warrant without a recommendation carried unanimously.

Requesting Legislature to Restore the LCHIP Grant Program

Motion by Selectman Jasper, seconded by Selectman Stewart, to forward to the Warrant with the Board's recommendation carried unanimously.

To Place 100% of Revenues from Land Use Change Tax Fund into the Conservation Fund

Motion by Selectman Stewart, seconded by Selectman Seabury, to recommend failed 2-3 by roll call vote. In favor were Selectmen Charbonneau and Seabury. Selectmen Cole, Jasper and Stewart were opposed. This article will be on the Warrant as not recommended by the BOS.

Purchase of Nadeau Farm Land/Hold Special Town Meeting

The motion by Selectman Seabury to recommend did not garner a second.

Motion by Selectman Jasper, seconded by Selectman Stewart, to forward to the Warrant without a recommendation carried 4-1 by roll call vote. In favor were Selectmen Cole, Jasper, Seabury and Stewart. Selectman Charbonneau was opposed.

F. Sequencing of Articles on the Warrant

The Board approved the sequencing of articles, as presented. (See Item 6-B, 1-24)

Motion by Selectman Stewart, seconded by Selectman Jasper, for a recess at 9:00 p.m. carried unanimously. The meeting reconvened at 9:10 p.m.

7. NEW BUSINESS

A. NRPC Verbal Report re. Regional Water Authority

Chairman Cole recognized Andrew Singelakis, Executive Director of the Nashua Regional Planning Commission, said the polls closed about an hour ago in Nashua on the question of whether or not Nashua would move toward acquiring the entire Pennichuck Corporation. If the voters vote it down, then what he is going to say is moot because they won't be moving towards public ownership. It is a complicated system, covering about 20 communities that are a part of three different service arms-- Pennichuck, Pennichuck East and Pittsfield Water. One of the biggest issues facing Nashua is the extent of the acquisition. At first, the city wanted to purchase just the core system, which is Nashua and some of the surrounding towns that are west of the Merrimack River, but it became apparent that they couldn't do that because it is interdependent and interrelated with one another. In response, several communities became interested in putting together a legally binding assurances that Nashua take the entire system and that, after acquisition, it convey the system over to a regional water district. One of the limiting factors at the present is limitation of State law. They can form a regional water district, but the authority is not in place for a regional water district to issue revenue bonds. House Bill LSR-50 is being introduced that would enable regional water districts to issue revenue bonds, but that has not passed yet.

At the onset, NRPC was working to bring the towns together to see the level of interest in forming a regional water district. New Haven, CT was looking at taking over a privately-owned water company and all the other towns came together to form a regional water district, similar to what is happening here. NRPC put together a draft charter, an ad hoc committee, to do some research. Since that time, the issue has been brought into a more formal setting with Bedford taking the lead in establishing a formal process for developing a charter for the regional water district and establishing a legally binding Purchase and Sales agreement with Nashua. Nashua is interested in diffusing some of the responsibility for the system to a regional authority and due to the fact that their acquisition is going to have to go before the PUC, it will be necessary to have the support of all the affected municipalities when that happens because Nashua is seeking to acquire the system outside of its municipal boundaries.

A Memorandum of Understanding was put together by the Town of Bedford. To date, 14 communities have signed onto it, including all of the communities that abut Hudson. In order to get at the table for those communities to start working on the charter, each of the affected towns must adopt that MOU and put forth a warrant article for the joining of the regional water district. It's too late for Hudson to add a warrant article, but Hudson is different from the other towns in that Hudson has a service contract with Pennichuck and the Town owns their own water system. Hudson could fall through the cracks because the Town doesn't have any customers; Hudson is a single customer in the entire system. If Hudson is interested in pursuing this, being at the table and forming the charter, the big issue is going to be how representation of the district will be divvied out. Right now, people are thinking along the lines of customer-base. So, if Hudson is interested, it's important to get to the table to try to raise that issue. If not, he will try to raise the issue, but he is not a voting member on this committee.

(Start Tape 2, Second Side)

Mr. Sharon said Hudson is unique in that they do have their own system. To some degree, they share some of the same concerns as expressed by Nashua in that were they to become a player in a regional authority that Hudson would need to make sure they had representation commensurate with the population. Amherst and Hollis is very different than Londonderry, Merrimack and Hudson. It may not end up being one customer, one vote, but there needs to be some concern about that. It's probably important for the Town to be part of that discussion, which is probably all the Town needs to do at this point.

Mr. Singelakis said the other towns are putting this issue on the ballot, but if the Board of Selectmen agree on this point, he will advocate to the committee that has just been formed to admit Hudson as an active member. It would be the committee's call, but he didn't see why they would object. There are 20 communities that have a contract with customers and he's not sure how many have service contracts like Hudson, so at the very least, 21 is what they are looking at.

Chairman Cole said the Memorandum of Understanding was to bring together representatives from the communities to begin writing the charter. He didn't understand why Hudson's joining would have to be approved by some committee. Mr. Singelakis said his understanding was that going into it, the idea was to sign the MOU and put it on the ballot, which is what the other 14 towns have done. If Hudson goes ahead with the MOU, it would be the call of the committee, at this point. Chairman Cole asked if the question of representation was on this committee or a district committee. Mr. Singelakis said they are looking at having one representative that would represent the community in forming the charter and, in that process, it would be determined how many representatives each community would have. Chairman Cole said, down the road, the committee would have to deal with the reality that when it comes to a customer-based parameter for representation, Hudson is one customer. Mr. Singelakis said yes.

Chairman Cole said several weeks ago, Nashua's concern was the fact they wanted more than one vote in a regional district, based on population. Mr. Singelakis said that was a misunderstanding on their part, i.e., the committee forming the charter versus the charter itself. Chairman Cole asked if the referendum passes in Nashua, and if Philadelphia pulls out of the deal as was reported in the Telegraph, where that leaves Nashua. Mr. Singelakis thinks at the first step of eminent domain. Chairman Cole asked if the Board was at a flash point for a decision. Mr. Singelakis didn't think the committee would be meeting on the charter during the month of January, and suggested that the Selectmen look at the latest version of the Memorandum of Understanding and agree to it. Chairman Cole suggested that the MOU could be on the Board's agenda for January 28 and they could take appropriate action at that time.

Selectman Jasper asked that the Board receive a copy of that memorandum well before the 28th. Mr. Sharon said he'd have copies distributed.

B. Acceptance of a \$250 Donation to the Fire Department from Vectron Corp.

Motion by Selectman seconded by Selectman to accept the \$250 donation to the Fire Department from Vectron, with the Board's appreciation, carried unanimously.

C. Designation of Selectman to Post the Warrant (NLT 27 Jan 03)

Motion by Selectman seconded by Selectman to designate Chairman Cole as the Selectman to post the Warrant carried unanimously.

D. Fire Department Operations not being done due to Outside Interference

Selectman Jasper expressed grave concerns about some of the remarks made by a Lieutenant in the Fire Department. Chairman Cole asked Selectman Jasper to put his concerns in writing to him and he would take it up with the appropriate personnel.

Selectman Jasper agreed to do that.

8. OTHER BUSINESS

A. Town Operating Budget

Selectman Seabury expressed her concern, and the concern of others who have called her, that following the Budget Committee's actions, there may not be sufficient monies in the budget for the departments to operate. Someone told her that the Budget Committee was running the Town, not the Selectmen. She overheard some Budget Committee members express concerns over the deep cuts made in the Fire Department's budget. She also sympathized with the Library for the cuts that were made there, as well. Selectman Stewart explained that the Library hadn't provided sufficient backup documentation for their request. Selectman Jasper said that adjustments can be made on the floor of Town Meeting and that it wasn't a slash and burn budget. Chairman Cole said the budget that the Selectmen sent to the Budget Committee was a bare-bones budget and if it is lowered by any amount, he is not going to vote for it.

B. Sewer Utility Committee Liaison

Selectman Jasper said he has been unable to attend some of the Sewer meetings, but he is uncomfortable attending because a member of the committee clearly expressed their dislike for him. He agreed to be an absentee liaison and will get a report directly from the Chairman of the committee.

C. Planning Board Appointments

Chairman Cole said he had accepted a number of applications after the deadline, some from individuals who were already on committees. He is usually a stickler for abiding by the rules, but because they are all human and, for whatever reason they had not gotten in their application on time, he accepted them because if someone is willing to volunteer, he's willing to stretch the rules. Mr. Rider's application to become a member was submitted after the deadline at the suggestion of Selectman Seabury, and it was accepted. The fact that Mr. Rider was appointed wasn't a negative comment towards Mr. Forman's past service and it wasn't an aberration of rules. Mr. Forman then read a prepared statement, resigning his position as an alternate from the Planning Board since he was not re-appointed as a member.

Motion to acknowledge Mr. Forman's resignation from the Planning Board by Selectman Seabury, seconded by Selectman Charbonneau, carried unanimously.

D. Letter of Resignation from Town Administrator Paul Sharon

Chairman Cole read the following letter of resignation from the Town Administrator:

This winter's weather, together with the confluence of other events, has motivated Joan and me to finalize our plans for the next stage of our life. Accordingly, and with some regret, I am informing you and the Board of my intent to retire from my position of Town Administrator, and from my career in local government management, effective March 15, 2003. During my tenure here I have had the opportunity to play a significant role in several important issues which have served to benefit the people of the Town of Hudson, the most significant being the acquisition of the Consumers NH Water Company, facilitated to a significant degree by the securing of an upgrade in our bond rating. We have seen a complete turnover in the professional staff positions and I leave secure in the knowledge that the Town has an outstanding cadre of dedicated department heads. I have thoroughly enjoyed our brief relationship and wish you and the Board the very best wishes in the months and years ahead.

9. REMARKS BY THE SELECTMEN

Selectman Charbonneau said she had a good trip to Washington, DC to attend Senator Sununu's swearing in. She had dinner at the Library of Congress, which is a magnificent building, decorated with gorgeous mosaic tile.

- Selectman Jasper congratulated Mr. Sharon and wished him and his wife a long life and good health.

- Chairman Cole echoed Selectman Jasper's remarks, saying there were still a few meetings that Mr. Sharon would be attending.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Stewart, to enter Nonpublic Session pursuant to RSA 91-A:3 II (a) The hiring of any person as a public employee; (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting carried 5-0 by roll call vote.

Nonpublic Session was entered into at 10:00 p.m. and was terminated at 10:38 p.m.

11. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman Jasper, to adjourn at 10:39 p.m. carried unanimously.

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

HUDSON BOARD OF SELECTMEN

William P. Cole, Chairman

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Teresa Stewart