

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the December 23, 2002 Meeting**

**AGENDA**

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

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

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Atty. Steve Buckley; Jim Michaud, Assessor; Sean T. Sullivan, Director of Community Development; Shawn Murray, Assistant Fire Chief; Police Captain Ray Mello; Fire Lieutenants Todd Hansen and Dave Morin; Ray Rowell; Rich Maddox; Conservation Commission members Jim Battis, Linda Kipnes and Michelle Champion; Benson's Committee members Keith Bowen, Esther McGraw, and Duane King; Brad Seabury; Suellen Seabury and Emily; Jean Serino; Patrick Tate; Sandra Rumbaugh; Michael Pitre; Ann Lundregan, TEL

4. **PUBLIC INPUT**

- A. **J. Bradford Seabury, 4 Meadow Drive, Re: Committee Appointments**

Mr. Seabury said he was in support of the reappointment of the three members of the Zoning Board and he encouraged the Board to appoint Marilyn McGrath to sit as an alternate on the ZBA as a replacement to Jeff Rider, who resigned. He also encouraged the Board to appoint Mr. Rider to the vacancy on the Planning Board left by Mr. Smith. The Board of Selectmen has expressed a strong concern to choose candidates to fill the positions who would attend the meetings. However, when they were interviewing the candidates two weeks ago, no Selectman asked any candidate if they were aware of the time requirements of the boards to which they were applying, or if they were committed to attending all of the meetings. The people he was supporting all have very good attendance records. Regarding Selectmen who were not in favor of alternates, NH RSA 673:6 says that five alternates may be appointed to the Zoning and Planning Boards. Town Code 143:2 says that the ZBA in Hudson consists of five regular members and five alternates. He believe that translates to "will" and not "may." A decision can be made legally by a quorum of the membership, but the NH Office of State Planning and the NHMA say this is a bad idea—and he agrees. The issue is one of fairness to the applicant. The applicant must get three positive votes in order to obtain a variance, a special exception or to win an appeal of the Zoning Administrator's decision. It is easier to get three votes if there are five people voting. For that reason, 143:3 stipulates that if the Zoning Board, for whatever reason, cannot get five people sitting at the table, they will offer the applicant the option of being heard that evening with less than five, or waiting to the next meeting, with the hope that there will be more members present. The ZBA is losing two members this month. Attorney Laurie Perreault is moving out of Town and Jeff Rider's engineering work and family life doesn't leave him enough time to be a member of both the Planning Board and ZBA. Those two individuals, and the three who are up for reappointment, constitute half of the ZBA and a 50% turnover would cause a serious loss of experience. Decisions made by the ZBA are based on the facts of the case, the Zoning Ordinance, RSA's and case law. It takes a long time to develop the familiarity needed to make a ruling. An alternate's position is considered to be a training opportunity. It gives them a chance to attend the Law Lectures and to listen to the discussions of the regular members. He outlined the attributes of the candidates he was supporting.

- B. **Suellen Quinlan, 133 Fox Hollow Drive, Re: Committee Appointments**

Ms. Quinlan spoke in favor of reappointment of her fellow Planning Board members, primarily Marilyn McGrath, who is the Board's "conscience." Her primary motivations are the betterment of the Town. She is always concerned about the impact a development will have on all citizens. The Planning Board is strong-minded and they let their opinions be known. However, Ms. McGrath is not swayed by opinions and she votes what she believes is in the best interest of all concerned. She was also advocating the appointment of Ms. McGrath to the ZBA, as the Planning Board realizes the benefit of a person sitting on both boards. It is a good thing to have someone act as a liaison between the two boards in order to share information and to clarify any misunderstanding that was provided at a previous meeting. The benefit is enormous. Ms. McGrath has an incredible memory and eye for detail. She is dedicated, meticulous and raises the bar. Mr. Barnes has been a benefit, with his background experience, having served on the Conservation Commission. His pithy questions regarding, for instance, drainage issues, keeps developers on their toes. She couldn't say enough in support of Mr. Rider, who is an engineer, who can interpret plans and who has an incredible wealth of experience advising other Planning Boards. Attendance for Mr. Forman has become an issue, but she cautioned the Board to look at a person's contribution, not just their attendance record. Gone are the days when most boards will have a quorum. Boards are comprised of citizens who are trying to balance their personal, professional and civic obligations. If that isn't taken into consideration, there may be less volunteerism.

**C. Jean Serino, 118 Robinson Road, Re: Nadeau Farm Land**

Ms. Serino thanked Selectmen Jasper and Seabury, Michelle Champion, Patrick Tate and Curt Laffin, all of whom worked very hard to try to get the Nadeau land. She also thanked the Selectmen for allowing them to go forward with applying for the LCHIP grant, which they got in just under the wire. She believes Emery Nadeau was willing to go along with the Town, but the Land Trust let them down when they chose to believe the attorney for the Nadeau's, who said the Town would never buy the land. They wanted to have a professional poll done, but it would have been very costly and would have taken a couple of months. The Nadeau's received a good offer for 51 acres of land (the part with the house and the barn), which carried a deadline, so they accepted it. She believes the Town is ready to put up the money to purchase land. Historically, when a piece of lovely land has come up for sale—such as the Nadeau property—the Town has not been willing to pay what a developer would pay for that land. The people selling this land will have to live off the money they invest from selling the land. No one, including herself, should be asked to do that with their pension. She proposed that the next time a beautiful piece of land comes up for sale that the Town buy it instead of letting it go to a developer, who will have to go through hell on the Planning Board, who will then sue the Town, and win, and the Town will lose twice. Having gone through hell herself as a member of the Planning Board, they make it very difficult for a developer, and the Town has yet to win a lawsuit. People should be paid fair market value for their land. The Nadeau's got \$1 million for 50 acres and there's 100 acres left. She planned to write a warrant article, asking the Town to buy that land for \$3 million. It's gorgeous land, full of wildlife.

**C. Jim Battis, 6 Potter Road, Re: Land Use Change Tax Fund**

Mr. Battis, Chairman of the Conservation Commission, said they intend to submit a petitioned article, altering the way the Land Use Change Funds are used before they expire, putting the money into the Conservation Fund, rather than the General Fund. That way, the money will be available to purchase land.

(Start Tape 1, Second Side)

Chairman Cole asked if anyone else in the audience wished to address the Board. There was no response.

**5. NOMINATIONS AND APPOINTMENTS**

Chairman Cole said he sent out an e-mail last Monday, proposing a procedure with regard to the appointments, especially with regard to the Conservation Commission, Recreation Committee, Planning Board and ZBA, since there were many applicants, but a limited number of openings. Included in the agenda packets was a voting matrix. He was subsequently informed, since they adhere strictly to Robert's Rules, that in the past, the Board voted on the applicants one at a time. He asked the Board to take up the appointments to the Conservation Commission first because an applicant wanted to get to her daughter's basketball game.

**A. Conservation Commission (2 Members and 1 Alternate, Terms to expire 12/31/05)**

**Linda Walkley-Kipnes** (Current Alternate) (Interviewed on 12/10)

**David Haig**, interviewed on 12/10, removed his name from consideration to this committee in anticipation of appointment to the Solid Waste Study Committee.

**Eugene Harris** was not present.

**Sandra Rumbaugh**, 39 Beechwood Road, said she was prepared to answer questions. Selectman Jasper asked what she expected to contribute to the committee, her philosophy of conservation and her availability to attend meetings. Ms. Rumbaugh understands that the committee does a lot of work regarding the wetlands and drainage. She believes the Commission needs to go further because it's about education, communication and stewardship, which is what she'd like to add to the Board. She has lived in Town for 19 years and has seen a lot of changes, so it's time for her to get involved. Her passion is conservation, so this is where she wants to focus her energies. Regarding availability, she is involved in Girl Scouts.

**Richard Parkinson** (Interviewed on 12/10)

**Karl Bond** (Interviewed on 12/10)

**Patrick Tate**, 8A Gillis Street, a current member, was asking to be re-appointed. He is very interested in wildlife and when land is developed, their habitat—wetlands—is taken away from them. In much of the country, otters are being depleted because of the loss of and pollution of the wetlands. However, in Hudson, there are otters in all of the significant wetlands.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to appoint Linda Kipnes as a member to the Conservation Commission, term to expire 12/31/05, carried 5-0 by roll call vote.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to appoint Patrick Tate as a member to the Conservation Commission, term to expire 12/31/05, carried 5-0 by roll call vote.

Motion by Selectman Stewart, seconded by Selectman Jasper, to appoint Sandra Rumbaugh as an Alternate to the Conservation Commission, term to expire 12/31/05, carried 5-0 by roll call vote.

The Recorder pointed out that with Ms. Kipnes moving up to a member from alternate, that opened up an alternate's seat. Selectman Seabury moved to appoint Richard Parkinson, seconded by Selectman Charbonneau, with a term to expire 12/31/05, which carried unanimously. This action, however, was later negated when it was determined that an alternate's seat was not, in fact, open because Ms. Kipnes' term as alternate expired at the end of 2002, and that seat was filled by Sandra Rumbaugh. Selectman Jasper moved to reconsider the vote, seconded by Selectman Charbonneau, which carried. Selectmen Seabury and Stewart withdrew their motion and second to appoint Mr. Parkinson as alternate.

**B. Building Board of Appeals (3 Members, 2 Terms to expire 12/31/05; 1 Term to expire 12/31/03)**

**Michael Pitre**, is a six-year resident, married, with three young children. He is a soccer and baseball coach. His wife is a Cub Scout den leader. He works for Harvey Industries, and is familiar with the building industry. He was in agreement with Mr. Seabury's remarks about the benefits of people committed to attend meetings and the importance of members' historical knowledge.

**Vincent Russo** was interviewed on December 10.

Selectman Jasper placed in nomination the names of Michael Pitre and Vincent Russo, seconded by Selectman Stewart.

Michael Petri received five votes. Chairman Cole stated that he was appointed to the Building Board of Appeals, with a term to expire 12/31/05.

Vincent Russo received five votes. Chairman Cole stated that he was appointed to the Building Board of Appeals, with a term to expire 12/31/05.

**B. Cable Committee (2 Members, Terms to expire 12/31/05)**

Selectman Jasper placed in nomination the names Denise Babcock and Stephen Boucher, seconded by Selectman Charbonneau.

Denise Babcock (Current Member) received five votes. Chairman Cole stated that she was appointed to the Cable Committee, with a term to expire 12/31/05.

Stephen Boucher (Current Member) received five votes. Chairman Cole stated that she was appointed to the Cable Committee, with a term to expire 12/31/05.

**D. Nashua Regional Planning Commission (1 Member and 1 Alternate, Terms to expire 12/31/06)**

There were no applicants.

**E. Planning Board (3 Members, two Terms to expire 12/31/05 and one Term to expire 12/31/04; 1 Alternate, Term to expire 12/31/05)**

**James Barnes** (Current Alternate) (Interviewed on 12/10)

**David Forman** (Current Member) (Interviewed on 12/10)

**Marilyn McGrath** (Current Member) (Interviewed on 12/10)

**William Tate** (Current Alternate)

**Jeff Rider** (Current Alternate)

**Eugene Harris** was not present.

**Vincent Russo** (Interviewed on 12/10)

**Karl Bond** (Interviewed on 12/10)

**Martin Coronis** was not present.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to nominate Jim Barnes as a member, with a term to expire 12/31/05, carried 5-0.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to appoint Marilyn McGrath as a member, with a term to expire 12/31/05, carried 4-1. Selectman Jasper was opposed.

Motion by Selectman Seabury, seconded by Selectman Stewart, to appoint Jeff Rider as a member of the Planning Board, with a term to expire 12/31/04, carried 5-0.

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Motion by Selectman Charbonneau, seconded by Selectman Stewart, to appoint David Forman as an alternate to the Planning Board, with a term to expire 12/31/05 carried 4-1. Selectman Seabury was opposed.

(Start Tape 2, Side A)

Motion by Selectman Jasper, seconded by Selectman Stewart, to appoint Bill Tate as an alternate to the Planning Board, with a term to expire 12/31/04, carried 5-0.

Motion by Selectman Seabury, seconded by Selectman Stewart, to appoint Eugene Harris as an alternate to the Planning Board, with a term to expire 12/31/03, failed by a vote of 2-3. In favor were Selectmen Seabury and Stewart. Opposed were Selectmen Cole, Jasper and Charbonneau.

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Motion by Selectman Jasper, seconded by Selectman Charbonneau, to appoint Vincent Russo as an alternate to the Planning Board, with a term to expire 12/31/03, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Stewart, to recess at 8:30 p.m. carried unanimously. The meeting reconvened at 8:45 p.m.

**F. Recreation Committee (2 Members, Terms to expire 12/31/05)**

**Keith Bowen** (Current Member) said he'd like to serve on the Recreation Committee for another 3-year term. He has served for four years on the committee, two years as a Recreation Director, and for two years as Assistant Director under Sherri Hamilton. He has written two grants for the committee, one for the basketball courts at Greeley Court and one for the skate park. He has also worked with Hudson United Soccer in writing the grant for the fields at Hills Garrison School. He is committed to making sure the Hudson children have a positive environment in which they can participate. His motivation for seeking grants is to keep from impacting the tax rate and still provide recreational opportunities.

**Jeremy Griffus** (Interviewed on 12/10)

**Eugene Harris** was not present.

**Richard Parkinson** (Interviewed on 12/10)

Motion by Selectman Jasper, seconded by Selectman Stewart, to place in nomination the names of Keith Bowen and Jeremy Griffus.

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Keith Bowen was appointed as a member to the Recreation Committee, with a term to expire 12/31/05, by a vote of 5-0.

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Jeremy Griffus was appointed as a member to the Recreation Committee, with a term to expire 12/31/05, by a vote of 5-0.

**G. Sewer Utility Committee (1 Member and 1 Alternate, Terms to expire 12/31/05)**

**Doris Ducharme** (Current Member)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to nominate Doris Ducharme as member to the Sewer Utility Committee, term to expire 12/31/05, carried unanimously.

**H. Solid Waste Study Committee (2 Members, Terms to expire 12/31/05)**

**Coleman Kelly** (Current Member) hoped to be reappointed to SWSCOM. This is an important issue to the Town, as solid waste collection and recycling is the single largest line item in the Town budget. The contract will be coming up for renewal and there are a number of issues to deal with. He has already met with the Road Agent about calling a meeting after the first of the year.

**David Haig** (Interviewed on 12/10)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to place in nomination the names of Coleman Kelly and David Haig.

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Coleman Kelly was appointed to the SWSCOM, with a term to expire 12/31/05, by a vote of 5-0.

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David Haig was appointed to the SWSCOM, with a term to expire 12/31/05, by a vote of 5-0.

**I. Zoning Board of Adjustment (2 Members, Terms to expire 12/31/05; 3 Alternates, two Terms to expire 12/31/05 and one Term to**

expire 12/31/04)

**Leo Fauvel** (Current Member) (Interviewed on 12/10)

**Tammy McNulty** (Current Alternate) (Interviewed on 12/10)

**Jim Pacocha** (Current Member) (Interviewed on 12/10)

**David Haig** (Interviewed on 12/10) withdrew his name from consideration.

**Marilyn McGrath** (Interviewed on 12/10)

**Debra Mackey** (Interviewed on 12/10)

**Michael Pitre** was interviewed under Building Board of Appeals.

**Karl Bond** (Interviewed on 12/10)

Motion by Selectman Seabury, seconded by Selectman Jasper, to reappoint Leo Fauvel and Jim Pacocha to the ZBA, with terms to expire 12/31/05.

Leo Fauvel was appointed to the ZBA, with a term to expire 12/31/05 by a vote of 4-1. Selectman Charbonneau voted in opposition.

Jim Pacocha was appointed to the ZBA, with a term to expire 12/31/05 by a vote of 5-0.

Motion by Selectman Stewart, seconded by Selectman Jasper, to appoint Tammy McNulty and Michael Pitre to the ZBA as alternates, terms to expire 12/31/05.

Tammy McNulty was appointed as an alternate to the ZBA, with a term to expire 12/31/05, by a vote of 5-0.

Michael Pitre was appointed as an alternate to the ZBA, with a term to expire 12/31/05, by a vote of 4-1. Selectman Seabury voted in opposition.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to appoint Marilyn McGrath as an alternate to the ZBA, with a term to expire 12/31/04.

Selectman Jasper said, for the record, while he voted against Marilyn McGrath for the Planning Board, he feels it is important for people to be on both boards and will, therefore, support this appointment.

Marilyn McGrath was appointed as alternate to the ZBA, with a term to expire 12/31/04, by a vote of 5-0.

## 6. CONSENT ITEMS

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to receive the Consent Items A-E, with appropriate recommendations, carried unanimously.

### A. Assessing Items

- 1) **Veterans' Tax Credit Applications** (31 Lexington Court; 19 Andrews Street) Recommendation by Assessor to Grant.
- 2) **Supplemental Tax Bill** (39 Boyd Road) Recommendation by Assessor to sign.
- 3) **Abatement Application 2002** (34 Westchester Court) Recommendation by Assessor to Grant.
- 4) **Application for Abatement** (41 Lexington Court) Recommendation by Assessor to Grant.
- 5) **Abatement Application 2002** (109 Barbara Lane) Recommendation by Assessor to Grant.
- 6) **Abatement Application 2002** (46 Riviera Road) Recommendation by Assessor to Grant.
- 7) **Abatement Application 2002** (13 Water Street) Recommendation by Assessor to Grant.
- 8) **Veterans' Credit and Application for Abatement** (79 Barbara Lane) Recommendation by Assessor to Grant.
- 9) **Application for Abatement** (33 Cedar Street) Recommendation by Assessor to Grant.
- 10) **Applications for Abatement** (7 Abbott Street, 47 Adelaide Street, 3 Alpha Street, 4 Bay Street, 24 Belknap Road, 11 Blackstone Street, 9 Burns Hill Road, 9 Cedar Street, 19 Cedar Street, 101 Central Street, 107 Central Street, 122 Central Street, 204 Central Street, 10 Charbonneau Street, 17 Derry Lane, 153 Old Derry Road, 3 Edgar Court, 25 Federal Street, 87

Ferry Street, 15 Frenette Street, 13 George Street, 6 Dumont Road, 18 Grand Avenue, 21 Greeley Street, 22 Madison Drive, 105 Highland Street, 3 Iris Path, 11 Kenyon Street, 21 Lowell Road, 52 Belknap Road, 37 Musquash Road, 3 Cutler Road, 27 Oliver Drive, 9 Power Street, 20 Reba Avenue, 1 Ricky Drive, 4 Ridgecrest Drive, 17 Ridgecrest Drive, 1 Rita Avenue, 52 River Road, 88 Dracut Road, 16 Summer Street, 18 Sunland Drive, 14 Sullivan Road, 9 Travers Street, 4 Travers Street, 267 Webster Street, 3 Forest Circle, 277 Webster Street, 17 Lawrence Road, 26 Oliver Drive, 633 Fox Hollow Drive, 2 Waubeeka Springs Road, 120 Central Street, 6 Logan Court, 31 Roosevelt Avenue, 18 Joel Path, 56 Lawrence Road)  
Recommendation by Assessor to Grant.

**B. Sewer Utility Items**

- 1) **Request for Sewer Abatement, as outlined on S-03-05** (S-UTL-03-07, 22 Hampshire Drive) Recommendation by Sewer Committee to deny.
- 2) **Requests for Sewer Abatements, as outlined on S-03-06** (S-UTL-03-09, 23 Executive Drive; S-UTL-03-11, 9 Megan Drive; S-UTL-03-12, 49 Derry Road) Recommendation by Sewer Committee to grant.

**C. Licenses and Permits**

**Request for a Hawker/Peddler’s Permit by Michael Spinelli to sell Hot Dogs, Chips and soda at various locations around Town.** Recommendation by Town staff to grant.

**D. Acceptance of Minutes**

- 1) **Minutes of the BOS Meeting of November 26, 2002**
- 2) **Minutes of the BOS Meeting of December 10, 2002**

**E. Committee Announcements**

- 12/25 Christmas Holiday—Town Hall Closed
- 12/30 7:00 Budget Committee in CD Meeting Room
- 01/01 New Year’s Day—Town Hall Closed
- 01/02 7:00 Budget Committee in CD Meeting Room
- 01/06 7:00 Budget Committee in CD Meeting Room
- 01/06 7:00 Friends of Hudson’s Natural Resources in BOS Meeting Room
- 01/08 7:00 Budget Committee at SAU
- 01/08 7:00 Planning Board in CD Meeting Room
- 01/09 6:30 Recreation Committee at Rec Center
- 01/09 7:00 Sewer Utility Committee in BOS Meeting Room
- 01/09 7:30 ZBA in CD Meeting Room
- 01/11 Saturday, 8 – 2, Christmas Tree Disposal at West Road Landfill
- 01/13 6:30 School Board in BOS Meeting Room
- 01/14 Last Day to submit Petitioned Warrant Articles
- 01/14 7:00 Trustees of the Trust Funds
- 01/14 7:30 BOS in BOS Meeting Room
- 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

**7. OLD BUSINESS**

**A. Public Hearing on the Acquisition of the Benson Property (from November 26, 2002)**

Chairman Cole stated that the transfer was approved by the Governor's Council in mid-November. The price for the property has been set by the State at \$188,000. The State is in the process of putting together a Quit Claim Deed, which the Board had hoped to have by now. His understanding is that the deed is still being reviewed by the AG's Office. DOT anticipates to get it back not later than mid-January. Last Friday, he spoke with Commissioner Carol Murray, and asked if should could intercede with the AG's Office to speed it up. She assured Chairman Cole she'd make every effort to do that, but he didn't know how that would translate time-wise. Other than the price, covenants and easements, the only other item that should probably be in the deed is the total clean-up of the solid waste and asbestos in the area, which the State has committed to doing.

He then opened the public hearing at 9:04 p.m. and asked if anyone in the audience wished to speak. There was no response, so he closed the hearing.

Selectman Jasper asked if the Selectmen were going to hold another public hearing, after they have all of the information. Chairman Cole replied that that was a possibility, but not a certainty.

**B. Noise Ordinance** (from November 26, 2002)

Chairman Cole recognized Sean Sullivan, Director of Community Development, who said the Selectmen had asked the consultant and staff to take a detailed look at the Noise Ordinance and propose revisions, with the hope that that would be done for the next Town Meeting. However, the consultant, Anthony Hoover of Cavanaugh-Tocci, was out of the country. Upon his arrival back a couple of weeks ago, they discussed it and the consultant wanted to re-familiarize himself with the matter—i.e., back to the drawing board. Mr. Hoover will be available to assist the Town after the holidays, so it appears unlikely that a revision will be done in time for the '03 Town Meeting, but they will make every effort to do so.

Selectman Jasper said this has been an on-going problem for a long time, going as far back as Spring. He had brought it up again and thought the Board had sent it off with clear direction of what was expected back, which didn't happen. He wasn't trying to place the blame, but thought the residents of that area were being poorly served. There was ample time to get something done. Something should have been proposed and he didn't think there was a valid excuse for not having done so. Nothing can be done for another year and those residents shouldn't have to go through that. He apologized to the residents for his part in failing to act. Mr. Sullivan didn't want to leave the impression that nothing was going to be done, that code enforcement efforts will continue. They intend to work with the Police Department to enforce the existing language in the Noise Ordinance.

Selectman Charbonneau thought there was some legislation in Concord in a study committee related to this issue that could affect Hudson. Mr. Sharon said that bill would preempt local regulations for certain off-road recreational vehicles and would allow for recreational vehicles to be used on any State road and certain other quasi-public lands, without any local control. He thinks the local Legislative Delegation needs to keep a close eye on it. Selectman Charbonneau said that's why she was bringing it up. There is a lot of open space in the north country, but in the southern tier, it is very congested. Mr. Sharon said if it is properly handled, it can be forestalled. The way it is now, it will affect urban areas, including Nashua.

Chairman Cole said his understanding of the ordinance revisions is for Mr. Sullivan to possibly come back with something for this Town Meeting, with the premise of changing the ordinance to lower the acceptable decibel levels. He talked about potential unanticipated consequences for the rest of the Town because, as sympathetic as they are to one particular area, the entire Town has to live with the product.

(Start Tape 2, Second Side)

**C. Proposed Warrant Articles (Assessing)—Elderly, Disabled, Blind Exemptions**

Assessor Jim Michaud said the attorney advised that at least one hearing needs to be held, following the deliberative session, or two, if they wished. He visited the Hudson Seniors last Thursday, and attendance was very good. In view of that, he doesn't think a second public hearing is necessary.

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to set a public hearing for the three exemptions for February 11, 2003, during the Board's regularly scheduled meeting, carried unanimously.*

**8. NEW BUSINESS**

**A. Public Hearing on Ordinance 02-04 Amending Chapter 261 of the Code, re. "Pawnbrokers and Secondhand Dealers."**

Capt. Ray Mello said when a secondhand dealer takes in property, it can be turned around and resold in seven days. For every transaction made, a record is created. The Police Department gets those records and run each item through the National crime computers and into the Town's system to determine if any of the items are stolen. Under the present ordinance, they can't get all of the searches done within the time limits. They are asking for a turn-around time of 21 days. Selectman Jasper asked how often they come across items that have been stolen. Capt. Mello said quite often.

Chairman Cole opened the Public Hearing at 9:19 p.m. and asked if anyone in the audience wished to speak. There was no response, so he closed the hearing.

*Motion by Selectman Jasper, seconded by selectman Stewart, to adopt Ordinance 02-04, which amends Chapter 261 of the Code, 7-G, as recommended by the Chief of Police, carried unanimously.*

**B. Receipt of \$350 Donation from So. NH Radio Control Club to the Recreation Committee**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to receive the donation, with the Board's appreciation, carried unanimously.*

**C. Request from Verizon for licensing of pole(s) and/or buried wire/conduit (9AAGYM)**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the application provided 1) Dig Safe is contacted and a project number assigned prior to commencement of any digging and 2) any work proposed within 50' of a wetland area shall require issuance of a Wetland Special Exception from the Zoning Board of Adjustment, as recommended by the Director of Community Development, as outlined in his memo dated December 11, 2002 carried unanimously.*

**D. Donation of Land, 52 Dracut Road**

Chairman Cole recognized the Town Administrator, who said this item was circulated through department heads for comment. The land is essentially unbuildable, and there doesn't seem to be any particular reason to put it under Town ownership.

Selectman Seabury said the Assessor had pointed out that the Town owned this land at one time, and then it was sold. He also thought the Conservation Commission might be interested in its acquisition. She will never say a lot is unbuildable. People come up with very ingenious methods of developing property and she can't believe that 2.73 acres is all wetlands. Therefore, she was in favor of accepting the property. Mr. Sharon asked Mr. Sullivan if he was aware of the wetlands on the site. Mr. Sullivan said his memo dealt with the zoning and the wetlands delineation wasn't included.

Selectman Jasper tended to agree with Selectman Seabury. It may be in the Town's best interest to take it. Ultimately, if this land has no value, they are going to stop paying taxes on it. The Town will then have to go through the expense of taking it and having the deed done. This way, they have the expense of giving it to the Town. It could then be divided up and sold to the neighbors.

Chairman Cole agreed with the premise of accepting the land but, having jogged in that area for 20 years, nothing could be built in that area. Mr. Michaud recommended doing a site walk to determine if there are any hazardous things on the land that they wouldn't want to own. Selectman Jasper said it should be done tomorrow because it is going to snow on Wednesday. Chairman Cole thought they would need a public hearing in order to accept this, so it wouldn't be done overnight. In the meantime, the site can be checked.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to send this to a public hearing on January 14, 2003 and for staff to do a site walk prior to the hearing, carried unanimously.*

**9. OTHER BUSINESS**

There was no Other Business.

**10. REMARKS BY THE SELECTMEN**

**Selectman Shawn N. Jasper** said he didn't pull anything off the Consent Agenda to make a point. In the past, he found issues with the Minutes and Current Use penalties. Tonight, for the first time since he's been sitting on the Board with her, Selectman Charbonneau voted for a Hawker-Peddler's permit for someone to sell hot dogs. Too many things get overlooked with a Consent Agenda. He then read a statement:

Lt. Morin states that we didn't find all the sickness in the Fire Department from the mid-90's and the disease is back. It is obvious



he is referring to the unfortunate controversy from 1995 which led to the Chief of the Department resigning. His inference is that I was responsible for that situation. It is unfortunate that we can't move beyond this sad chapter of our history. The truth is that the then and present Vice President of the Firefighters Union came to me with an issue which he felt was a violation of Town Code. The information which allowed the Board to take action was also supplied by members of the Union. I was not seated when action was taken by the Board. If there was an agenda, whose was it? What is the agenda today? Having an agenda is necessary; every meeting has an agenda. Without an agenda, we would fail to move forward. My agenda has always been to keep taxes low and, at the same time, provide the necessary services to keep our Town running and safe. Unions have agendas, as well. Generally, theirs is to have as many people in their union as possible, to have their members receive the highest pay and best benefits and to have the best possible working conditions. There is nothing wrong with that agenda. Workers need to have advocates. I have been an advocate for higher pay and better conditions on more than one occasion, but it is convenient for Lt. Morin to overlook those facts now. The agenda today is to protect and increase a budget which provides for over \$13,000 in overtime for every Captain, Lieutenant and Firefighter. Who's at the top of the list? Lt. Morin, at over \$29,000 last year. Lt. Morin speaks to outside interference. Do you understand that statement? Elected officials are seen as outside interference. Should the Fire Department be an entity unto itself? It is interference if we attempt to run the day to day operations of the department. To oversee policies and budgets is our sworn duty. It should scare you, as it does me, to think that questions about overtime and funeral policies could prevent day to day operations from being completed, as claimed by Lt. Morin. Lt. Morin is not telling the truth if he is suggesting that I wish to limit the hours of operation or close the Burns Hill Fire Station. I have suggested that we place an ambulance at the Burns Hill Station and not cover man for man. When we had six men per shift, we would drop back to five. Is it unreasonable now that we have eight per shift to drop back to seven? Lt. Morin simply isn't telling the truth when he states that at the December 10<sup>th</sup> Selectmen's meeting it was suggested that we respond with less men per apparatus. That was not said. Nor is he being honest when he says the best one was when it was asked if "the police handle calls with one man, why can't the Fire Department?" No one asked that question, or anything close to it. What happened in a995 was ultimately about honesty, so perhaps the lack of honesty is the disease in the Hudson Fire Department. Same clown, different circus? You be the judge. Unfortunately, there is nothing funny about the situation. Until the Board of Selectmen demands complete honesty from all employees of the Town and until everyone is held accountable for their actions in accordance with Town policies, the circus will go on.

**Selectman Ann Seabury** wished everyone a happy and safe holiday.

**Selectman Terry Stewart** is still trying to find out who to thank for her invitation to the White House Gala in Washington, DC, which is the reason she wasn't at the December 10 Selectmen's meeting. It was an honor to represent Hudson and the State of New Hampshire. She thanked a good friend for allowing her to try out a Segway last night. It was easy to ride and a lot of fun. She wished everyone a Merry Christmas and Happy New Year.

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**Selectman Rhona Charbonneau** wished everyone happy holidays and Happy New Year. She, too, will be going to Washington on the 6<sup>th</sup> for John Sununu's swearing in, with a dinner at the Library of Congress. She believes Senator-elect Sununu will do a lot for the Town, including a grant for the Benson's property. The land in the southern tier is slowly disappearing, so they need grants to preserve it. If it can be done in the north country, it can be done in the southern section, too.

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**Chairman Cole** wished his fellow Board members a Merry Christmas and a Happy New Year and all of the residents and employees best and warmest wishes.

## 11. **NONPUBLIC SESSION**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues; (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person (e) re legal issues carried 5-0 by roll call vote.*

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Nonpublic Session was entered into at 9:38 p.m. and was terminated at 10:38 p.m.

(Start Tape 3, Side A)

*Motion by Selectman Stewart, seconded by Selectman Jasper, that the Board of Selectmen finds that Shepherd's Hill has met the requirement of substantial completion under the bankruptcy agreement entitling Shepherd's Hill to a total of 400 dwelling units carried 4-1. Selectman Charbonneau was opposed.*

*Motion by Selectman Stewart, seconded by Selectman Jasper, to grant an abatement for property identified as Map 0051/Lot 0054/Sublot 0000, as recommended by the Assessor, carried unanimously.*

*Motion by Selectman Stewart, seconded by Selectman Seabury, to promote Acting Lieutenant Everett Chaput to the position of Lieutenant, effective 12/29/02, starting at \$18.54 per hour as per the current collective bargaining agreement, carried unanimously.*

## 12. **ADJOURNMENT**

Motion to adjourn at 10:41 p.m. by Selectman Stewart, seconded by Selectman Jasper, carried unanimously.

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

**HUDSON BOARD OF SELECTMEN**

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**William P. Cole, Chairman**

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**Rhona Charbonneau**

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**Shawn N. Jasper**

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**Ann Seabury**

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**Teresa Stewart**