

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the November 12, 2002 Meeting**

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Stewart.

Chairman Cole said on Sunday, the Town of Hudson lost a treasure with the passing of Lenny Smith. On behalf of the Board, and the entire community, he extended sympathy and condolences to the family. Lenny's span of service to the Town, the State and the Country covered seven decades--as a member of the Army Corps of Engineers in WWII, as a volunteer Fire Fighter in Hudson for 25 years, as a member of the State Legislature for 22 years, as a member of the Hudson Planning Board since 1980 and service on countless other boards, committees, groups, etc. His career, his service and his dedication to his community are unequalled. Chairman Cole asked everyone to join him in a moment of silence for an American patriot, a dedicated public servant and a good friend. He then asked if the Selectmen wished to say any words.

Selectman Stewart extended her sympathies to the Smith family, saying Lenny's dedication to the community will live on for many years. Hudson was always close to his heart and his passing is a great loss. She learned a lot from him on the Planning Board. They didn't always agree, but they agreed to disagree and he will be missed.

Selectman Jasper extended his condolences, saying Hudson has lost its most civic-minded person to ever serve the Town. Lenny's name is in every Town Report for the past 50 years. The community has lost a true friend.

Selectman Charbonneau extended her sympathy to the family. She and Lenny had their ups and downs, but he was a hard worker, a compassionate man, a great leader and she respected him. They worked together on Lowell Road, 102, Benson's, the High School and many other things. He had a lot of knowledge and he will be missed.

Selectman Seabury said it was a sad day to lose such a valued member. She considered Lenny a good friend and she admired the wonderful things he did for the community. He had a lot of historical knowledge that was valuable, but he was also a very considerate person. She told a story about when she was first elected to office, she had a party to celebrate, but there was a huge snowstorm. However, Lenny and his wife braved the weather to attend.

3. **ATTENDANCE**

**Board of 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; Steve Malizia, Finance Director; Kevin Burns, Road Agent; Sean T. Sullivan, Director of Community Development; Frank Carpentino, Fire Chief; Shawn Murray, Assistant Fire Chief; Jim Michaud, Assessor; Toni Weller, Library Director; Library Trustees: Mary Ann Knowles, Chairman; Arlene Creeden, Jane Bowles; Richard Maynard, Maynard & Paquette; Mike Juliano, Hudson United Soccer Club; Jim Battis, Conservation Commission; Tom Sommers, Interim Engineer and Sewer Utility Consultant; Lucille Boucher; Ray Rowell; Rich Maddox; Howard Dilworth, Jr; Ben Dibble; Ryan Warren, Life Scout; Rich Maddox; Len, HLN; Ann, TEL

4. **PUBLIC INPUT**

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

5. **NOMINATIONS AND APPOINTMENTS**

**Benson's Committee** (2 Vacancies)

**Duane King, 23 B Rangers Drive** said he remembers Benson's as a child and is saddened that the property has just sat there idle. They now have an opportunity to rehabilitate some of the buildings and open up the land to the public. He'd like to serve on the committee to help with the effort.

Chairman Cole said he spoke with the Acting Chairman of the Benson's Committee last night, Esther McGraw. She supports and encourages Mr. King's appointment.

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to waive normal procedures and appoint Mr. King to the Benson's Committee this evening, so he can attend tomorrow's meeting at 4:30, carried unanimously.*

**Catherine Piotrowski** was unable to be present because of work. Chairman Cole asked if Ms. Piotrowski could make the Selectmen's next meeting. Priscilla said the candidate might be able to make the meeting on the 26<sup>th</sup>, if she can make the necessary arrangements at work. Chairman Cole hoped she'd be able to be present at the Board's next meeting. In the meantime, the Benson's Committee will have a chance to look at the application and give the Selectmen a recommendation.

6. **CONSENT ITEMS**

Selectman Jasper removed Items 6 A-C from the Consent Agenda.

Motion to accept Consent Item 6 D, as indicated on the agenda, by Selectman Charbonneau, seconded by Selectman Seabury, carried unanimously.

**A. Assessing Items**

- 1) **Application for Abatement** (32 Westchester Ct., Map 023/Lot 017/Sublot 4-20)

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

- 2) **Veteran's Credit and Application for Abatement** (20 Beechwood Road, Map 035/Lot 030; 12 Schaefer Circle, Map 003/Lot 003/Sublot 007; 39 Adam Drive, Map 028/Lot 014/Sublot 024)

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

- 3) **Application for Abatement** (3 Dugout Road, Map 031/Lot 096/Sublot 002)

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

- 4) **Applications for Abatement** (67 Schaefer Circle, Map 003/Lot 003/Sublot 069; 220 Webster Street, Map 023/Lot 011/Sublot 001; 95 Highland Street, Map 061/Lot 048)

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

- 5) **Application for Disability Exemption and Abatement** (259B Webster Street, Map 028/Lot 022/Sublot 001)

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

- 6) **Applications for Abatement** (11 McKinney Drive, Map 2/Lot 2-23; 176 Highland Street, Map 25/Lot 25-1)

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

- 7) **Current Use Lien Release** (MacCann Subdivision, Map 27/Lots 4, 4-1, 4-3, 4-4, 4-5, 4-6 & 4-7)

Selectman Jasper noted that 6-A-7, 27/4, #13 should be \$6,000 not \$60,000.

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

- 8) **Current Use Lien Release** (Reeds Brook Village Condo Site, Map 23/Lot 25-1)

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

**B. Licenses and Permits**

**Hawker Peddler request by Weir Tree Farms to sell Christmas Trees at the Hudson Mall on Route 102, from December 1 to December 20, 2002.**

Selectman Stewart thought sales started at this site around Thanksgiving. Community Development Director Sean Sullivan said the date was questioned when the application was filled out, but the applicant indicated they were going to start selling on December 1<sup>st</sup>.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve, as recommended by the Director, Community Development and Chief of Police, carried unanimously.

**C. Acceptance of Minutes**

**Minutes of the Meeting of the Board of Selectmen on October 22, 2002**

Selectman Jasper noted that the Minutes didn't contain all of the pages, so this item was deferred until November 26, 2002.

**D. Committee Announcements**

11/13 4:30 Benson's Committee in BOS Meeting Room  
 11/13 7:00 Planning Board in CD Meeting Room  
 11/14 6:30 Recreation Committee at Rec Center  
 11/14 7:00 Sewer Utility in BOS Meeting Room  
 11/14 7:30 ZBA in CD Meeting Room  
 11/18 7:30 Library Trustees at Annex  
 11/18 7:30 Conservation Commission in CD Meeting Room  
 11/19 7:00 Budget Committee in CD Meeting Room  
 11/20-22 NHMA Conference at Center of NH, Manchester  
 11/21 7:30 ZBA in CD Meeting Room  
 11/25 6:30 School Board in BOS Meeting Room  
 11/26 7:30 BOS in BOS Meeting Room  
 11/26 7:00 Trustees of the Trust Funds  
 11/28-29 Thanksgiving Holiday—Town Hall Closed  
 11/30 9:00 a.m. Budget Committee in CD Meeting Room  
 12/02 7:00 Budget Committee in CD Meeting Room  
 12/02 7:00 Friends of Hudson's Natural Resources in BOS Meeting Room  
 12/04 7:00 Planning Board in CD Meeting Room  
 12/04 7:30 Joint BOS/Budget/SAU at SAU  
 12/05 7:00 Budget Committee in CD Meeting Room  
 12/09 6:30 School Board in BOS Meeting Room  
 12/10 7:30 BOS in BOS Meeting Room  
 12/11 7:00 Planning Board in CD Meeting Room  
 12/11 Last day to accept zoning petitions.  
 12/12 6:30 Recreation Committee at Rec Center  
 12/12 7:00 Budget Committee in CD Meeting Room  
 12/12 7:00 Sewer Utility Committee in BOS Meeting Room  
 12/14 9:00 a.m. Budget Committee in CD Meeting Room  
 12/16 6:30 School Board in BOS Meeting Room  
 12/16 7:30 Conservation Commission in CD Meeting Room  
 12/16 7:30 Library Trustees at the Annex  
 12/17 7:00 Budget Committee in CD Meeting Room  
 12/19 7:30 ZBA in CD Meeting Room  
 12/23 7:30 BOS in BOS Meeting Room  
 12/25 Christmas Holiday—Town Hall Closed  
 12/30 7:00 Budget Committee in CD Meeting Room  
 01/01 2003 New Year's Day—Town Hall Closed

**8. New Business/Item B. Request to use Lions Hall on December 13 by prospective Eagle Scout to conduct a Blood Drive in conjunction with the American Red Cross**

Chairman Cole asked the Board to take up Item 8-B at this time, regarding the request by Life Scout Ryan Warren. As a courtesy to Mr. Ryan, who wanted to get home to do his homework, the Board agreed.

Chairman Cole recognized Ryan Warren, a Life Scout in Troop 21. For his Eagle Scout project, he wants to do a blood drive in conjunction with the American Red Cross. This is a leadership project to fulfill the requirements that he needs for the Eagle Scout badge. He'd like to use Lions Hall on December 13, from 12:30 to 9:00, to conduct the blood drive, and he requested that the Board waive the fee for rental of the hall.

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the request to use the Lion's Hall and waive rental fee for a blood drive on December 13<sup>th</sup> in support of Life Scout Ryan Warren's Eagle Scout project; blood drive to be conducted in conjunction with the American Red Cross, carried unanimously.

**7. OLD BUSINESS****A. Benson's Historic Structures Report**

Chairman Cole said when the Board voted to award the contract for the Historic Structures Report, they indicated a not later than date of 1 April 03. The vendor has requested an extension of that date.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to reconsider the motion taken on October 22, 2002 carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to award the Historic Structures Report contract to Lisa Sasser, at a cost not to exceed \$28,000; report to be completed and submitted to the Board of Selectmen NLT April 30, 2003; report to be prepared in coordination with the Town of Hudson and NRPC, as appropriate.

Selectman Jasper said Article 3 of the contract states that Betsy Hahn of NRPC is the Project Manager and the contact is between the Consultant, the Town of Hudson and other parties working on the project. The Board did not agree to hire NRPC, so that shouldn't be in

the contract. Chairman Cole said NRPC wasn't hired; they are doing the work gratis. As far as the Board is concerned, he is the point of contact.

- Vote: Motion carried unanimously.

## **B. Soccer Field Plans for Freedom Fields**

Chairman Cole recognized Mike Juliano, President of Hudson United Soccer Club, and Richard Maynard an Engineer with Maynard and Paquette.

Mr. Maynard said he was present to take the Board through the project that Hudson United Soccer has undertaken, to construct two playing fields on the originally proposed circumferential land that the Town reacquired from the State. Pointing to the plans, he indicated where the football field was, Alvirne High School, Hills Garrison School, the existing entrance way, the two proposed fields, a graveled 48-car parking lot and another 10-12 car parking lot. He also indicated where the 50' right-of-way was when and if the Town builds the road from 102 to Webster Street. He pointed out where the porta-potties would be located, as well as a concession stand, an equipment shed, an irrigation well and a memorial. All of those structures are either on wheels or concrete blocks that can be removed at any time. They also have a kick board, or practice area, which will have advertising on it. Also proposed are 50 A-frames that are used for advertising and can be taken down at any time. The Club would like to name the fields Freedom Fields and include a war memorial. He had a picture of one from another town that he showed to the Selectmen.

The fields are proposed to be lit. The original information he received was unacceptable because there was a lot of potential spillover on the areas to the north and south, so some of the lighting had to be reconfigured. The current information he just received showed the lights at the standard 70' high, which are the same as at the football field. He thinks six light poles each with five to seven lights, would result in lighting levels below (further remarks not discernable) which contains all of the lighting on Town property. It does not spill over to the residential areas to the south or the north. For the record, Mr. Maynard is 1/50<sup>th</sup> owner of the abutting properties.

(Start Tape 1, Second Side)

It started out with his father and is called the Hudson Five. There are no current plans to develop the land, but some day it will be because it is a residential zone. They are going to the Planning Board tomorrow night under RSA 674:54. The Planning Board's role is advisory and then the Board of Selectmen can decide what they want to do.

Selectman Jasper asked if, when the fields were sited, standards were met with reference to the curvature of the road. Mr. Maynard said yes, and there is plenty of room if they need to make minor adjustments. The straighter you make curves, the faster cars will go. It is a 125' radius.

Selectman Charbonneau asked a question that was not discernable. Mr. Maynard said there are 240' from the ball fields to the nearest house on Rayes Drive. Selectman Charbonneau asked if it was buffered. Mr. Maynard said it is all heavily wooded, but that's not permanent because that's future house lots.

Mr. Maynard said there is a problem with ATV's going across the ball fields. When the club has the money, they would like to put up a 4' chain length fence to prevent vandalism. Selectman Charbonneau thought a group of people from Rayes Drive were in about a development that is going in there. Mr. Maynard said there is a problem on Rayes Drive that hasn't been worked out. There is a right of way cul-de-sac at the end of Rayes Drive that goes through a house. Until the owner and the buyer get together and authorize him to come to the Selectmen, nothing can be done. His solution is for the Selectmen to trade a T-turnaround so the Town vehicles can turn around and give away that circle. Selectman Charbonneau thought the development was for 55 and older. Mr. Maynard said that's not in this area. The nearest elderly is the Derry Lane projects that Edgestone Properties are doing.

Chairman Cole asked if the chain link fence was going to be on the plan going before the Planning Board. Mr. Maynard said yes, it is noted on the plan, to be done when they get the money--sometime in the future.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to acknowledge receipt of site plans supporting Hudson United Soccer Club's Freedom Fields, and forward to the Planning Board with Board of Selectmen's positive recommendation, in accordance with RSA 674:54, carried unanimously.

- Chairman Cole said he has requested, and Hudson United Soccer Club has agreed to prepare and forward a contract to BOS concerning the 15 year grant of use and to indicate a start date for the 15-year clock to start. He asked when the Board might have that contract. Mr. Juliano said within a week. He then thanked the Board, Richard Maynard and Shawn Sullivan.

## **C. Warrant Articles**

### **1) Planning Board Expendable Trust Fund**

Motion by Selectman Stewart, seconded by Selectman Jasper, to forward to the warrant.

Selectman Seabury asked if this could be explained again. Chairman Cole said this is money that already exists that the Planning Board has accumulated over the years from various sources and designates the Board of Selectmen as the agents to expend and authorizes the Board to make expenditures of principal and interest for the purpose of allocating all funds. Selectman Seabury asked if anything would be added to this fund. Chairman Cole said not to this particular vehicle.

Selectman Seabury asked if the Planning Board could no longer collect monies from developers, as they did before. Mr. Sharon said any new monies will go into a designated account, set up by the Finance Director. (Further remarks not discernable.) Selectman Seabury asked if the Planning Board could hire a consultant to do a study. Mr. Sharon said the way the article is constructed the Planning Board would ask the Selectmen to withdraw monies to allow for the expenditure.

Selectman Seabury said it would be dangerous for the Planning Board to have to include things in their budget because those items can be cut. That board has certain obligations to fulfill. She feels that the Planning Board and Board of Selectmen should have the flexibility to use CAP fees. Mr. Sharon said this wouldn't put them in the budget process; it would allow for the proper tracking of those expenditures, with an appropriation.

Selectman Jasper asked the Finance Director where the \$83,009 has been residing. Mr. Malizia said it's in one account. Several years ago, an attorney from John Ratigan's firm did a study and found the money in multiple small accounts. Selectman Jasper asked, from the exercise that was done that identified this amount of money, if they determined what the money had been designated for. Mr. Malizia said no. If they did, they would have given it back. There was no way to track it or return it. Selectman Jasper said he was in favor of the article but, recalled the history of the money put aside for the animal shelter, and the difficulty they had extracting it, even when it was to be used for the purpose for which it was put there. The verbiage, "To make expenditures of principal and interest for the purpose of allocating all funds in accordance with, or as nearly as may be, the intention for which the funds in the Residual Agency Fee Accounts were originally collected." gives him heartburn. If they don't know why the funds were collected, how can they ask the Trustees to withdraw the money for the original purpose intended, if they don't know what that purpose was. He thinks the language should be changed. They don't need to know how it was collected. When the money is deposited, they can say, "Here are the purposes for which it may be expended." Selectman Seabury agreed with Selectman Jasper.

Chairman Cole suggested withdrawing the motion and deferring this to their next meeting. In the interim, Selectman Jasper could provide wording to the rest of the Board in the areas where he has a concern. Selectman Jasper was in agreement with tabling this, but thought the Town Planner would have to provide the wording as to what purposes would be proper to use the money for. Chairman Cole asked if his concern was that somebody will say a portion of the money is being used for something other than they intended. Selectman Jasper said the verbiage in the article says they can only spend the money for purposes, or as near there possible, as originally intended. If you don't know what you collected the money for, you're not going to be able to convince the Trustees that you are now using it for that purpose. In order to get the money from the Trustees to build the animal shelter, they had to go to court. He didn't want them to create another such situation. Chairman Cole said they could remove the offensive language and list items the money could be used for that falls under the umbrella of Planning Board activities, such as consultant or legal fees. When several Selectmen said no legal fees, Chairman Cole said the article was written to bring things under the Selectmen's authority. Selectman Jasper said he wouldn't be comfortable including legal fees because that's something that's normally budgeted. Chairman Cole said this could be reworded and brought back for their next meeting and, if it's still not acceptable to the majority of the Board, it can be amended at that time. Selectman Charbonneau asked if the \$83,000 was under the control of the Trustees now. Mr. Sharon said no.

Mr. Sharon suggested removing the phrase, "in accordance with, or as nearly as may be, the intention for which the funds in the Residual Agency Fee Accounts were originally collected." Selectman Jasper said that may work, but he didn't want to do this on the fly.

Selectman Stewart withdrew her motion and Selectman Jasper withdrew his second.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to table this item until November 26, 2002, pending new verbiage, carried unanimously.*

## **2) Benson's Article (\$253,000)**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to forward to the warrant.*

The Town Administrator said he understood the intent, but if they put in that extensive amount of money that most voters will vote against it. Selectman Jasper said he may be right, if the Selectmen don't do their job in selling the article. Given the condition of the buildings at Benson's, \$253,000 isn't a lot of money. If they do only \$50,000 a year, they will never open the place. This money came in from a piece of property that they had taken by tax deed and sold it back; it's not coming from the property tax rate. If people are not committed to this project, it isn't going to happen. This is a long-term project that is going to cost a great deal of money to develop over a period of time. Mr. Sharon said the project isn't going to get done at \$253,000 at a time, either. At some point, it's going to require some other vehicle. Selectman Jasper said when they get beyond stabilization, they will probably need to look at a bond, but they are not there yet, but any amount less than \$253,000 isn't going to get them any place very quickly.

Selectman Stewart wondered if the article could say that this article doesn't have any impact on the tax rate. Mr. Sharon said they could do that, but people might not notice that when voting. Selectman Charbonneau said they have to campaign for this article to pass. They have to do a good job of explaining repeatedly that this won't have an impact on the tax rate. If the buildings deteriorate any further, they will have bigger problems. This is found money and there are a lot of people out there interested in Benson's.

Chairman Cole spoke about justification for \$253,000. To date, they've contracted for a Historic Structures Report, which includes the Haselton Barn, railroad station and the office building. Into FY 2004, they have the relocation of the train station on the CIP, estimated at \$58,000. There is the project to secure the Haselton Barn, estimated at \$100,000. They have a LCHIP trails grant out there, but the Town has to front the money, so they are looking at potentially \$25,000.

(Start Tape 2, Side A)

There is also construction of a parking area and work on the north field and south field, which came in at approximately \$75,000. All of that is in excess of \$253,000 so he feels confident that that is sufficient justification when he talks to the article.

*Vote: Motion carried unanimously.*

3) **Ingersol Land Article**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to forward to the warrant.*

Chairman Cole recognized James Battis, Chairman of the Conservation Commission, who said he has been working with the Society for the Preservation of New Hampshire Forests on the grant application for this property. He was present to discuss the proper figure to insert in the article. A spreadsheet was distributed which outlined the options. Mr. Sharon said the article in the Board's packet appropriates what had been in the Land Use Tax Fund, or \$124,000. The article he just passed out has blanks that will allow for the gross appropriation to be inserted.

Mr. Battis said the total value of the project, which includes Hudson, Windham and Londonderry, is \$2,350,000. Hudson's share is \$470,000 based on 20% of the land involved in the project. In negotiating the price with the Ingersol Family Trust, they have basically given the Town \$97,285, which is 21%, so the final negotiated selling price for the conservation easement, which is what is being purchased, is \$372,715. The Commission is in the process of submitting two grants—the LCHIP Grant for \$500,000 of which \$100,000 will be the Town's share, and the DES Water Supply Protection Grant for \$380,113 of which \$76,023 would be the Town's portion. If the Town is awarded 100% of the requests, the total portion from the Town would be \$176,023. The Society people feel confident the Town will get 100% of the DES grant. The LCHIP grant is more competitive, but they have a strong application and expect to get something.

On his spreadsheet, he provided three options: worst case, best case and most likely outcome. On all three, he assumed the Town would receive 100% from the DES grant and then zero, 50% and 100% with the LCHIP grant. In the assumed worse case scenario, the warrant article amount would be \$176,692.50; in the case of 50% of the LCHIP grant, the balance would be \$122,692.50; if the Town got everything, the article amount would be \$72,692.50. The most likely outcome is assuming the 50% LCHIP grant, or the second option.

Mr. Sharon said all of the numbers that Mr. Battis outlined represents new taxation or monies coming from surplus. Selectman Jasper said tonight, the Board released \$144,100 in current use, so it need not come from taxation or surplus. Mr. Battis said the only case where they would have to seek other funds would be in the case where they got zero from LCHIP, which he thinks is unlikely, and there are other potential sources of funds. There is about \$60,000 in conservation funds, which could be used to supplement that.

Selectman Jasper asked when the grant awards were going to be made. Mr. Battis said the DES is February 1 and the LCHIP is February 14. Selectman Jasper said that puts it before the final Town Meeting vote and it would appear that they will have \$268,000 available. He suggested putting the gross amount (\$372,715) in the warrant article and then add, "of which, not more than \$268,000 of said sum to be withdrawn from..." and that would give them the flexibility to go up to that amount. Money could still come in from the Conservation Fund, if there is a gap. Mr. Sharon said there will be money added to that fund from the Nadeau Farm.

Chairman Cole asked the Town Administrator to 'fill in the blanks.' Mr. Sharon read, "To see if the Town will vote to raise and appropriate the sum of \$372,715 of which not more than \$268,000 of said sum to be withdrawn from the Land Use Change Tax Fund, and everything else reading as it is." Chairman Cole asked where the difference between the 372 and 268 was coming from. Selectman Jasper said the LCHIP and DES grants. Chairman Cole asked what the Town's obligation was, if this passes. Selectman Jasper said none if they don't come up with 372 between the 268 and other grants. Chairman Cole wanted to make sure the Board knows they are not under obligation to go forward with this. Selectman Jasper said they'd be obligated up to the \$268,000.

*Selectman Jasper said he'd offer that as an amendment to the original motion, seconded by Selectman Stewart. Amendment carried unanimously.*

*Vote on amended motion carried unanimously.*

4) **Installation of an Enclosed Drainage System of Greeley Street**

Road Agent Kevin Burns said when they were going through the budget process, he thought funding for this would be paid by the monies left over from the street sweeper and pickup truck being paid off. However, the Finance Director said those lines had been zeroed out. Since this was a project he had been directed to include in the budget, he wanted to know if the warrant article was the appropriate vehicle, i.e., "To see if the Town of Hudson will vote to raise and appropriate the sum of \$50,000

for the construction of an enclosed drainage system on Greeley Street.”

Chairman Cole said when this came before the Selectmen, the Board supported Option B. He thought the Town was going to split the cost with the developer. Mr. Sharon said the article includes the developer’s contribution. They have to appropriate the total amount. Selectman Jasper said the wording should be altered to reflect \$25,000 of this will come from developer contribution to the project. That needs to be in there so people know the article is only \$25,000.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to table to November 26, 2002 and direct the Road Agent and Town Administrator to rework the wording of carried unanimously.*

#### 5) **Revised Elderly Exemptions**

Assessor Jim Michaud said the Selectmen asked him to come up with revised Elderly Exemption and Disabled Exemption warrant articles. He only revised the income and asset limitations. The last time these were revised was in 1997. The last time they revised the actual amounts of the exemptions was during the reval in 1991. In the present reval, residents have recognized an average increase in the range of 50% for family homes. He did a survey to find out what other towns have done for their exemption increases and he also looked at what the proportionate increase in exemption needs to be to maintain the same amount of exemption proportion under the new assessed value. There is an increase in the age category 65 to 75, from \$45,000 to \$73,000; 75 – 80 years, \$60,000 to \$90,000; and 80 years and older, from \$75,000 \$115,000.

Selectman Charbonneau said in order to qualify, a person must own the real estate and wondered if that included jointly with husbands, wives, sons or daughters. Mr. Michaud said if a man is 65 and his wife is 64, and her name only is on the deed, because they are married, they are both considered owners of the property. Another scenario is a 65-year old man, who owns the property with his 25-year old son. If the elderly applicant’s income falls under the limits of assets and income, then the property would qualify for an elderly exemption. They would not count the son’s income and assets. That is the way the law is written and that has been the determination of DRA. A son or daughter’s name on the deed is a way of estate planning; you don’t have to do a will.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to forward an article to the warrant in the amount of \$75,000-- age 6-74; \$90,000--75-79 and \$115,000 exemption for 80 and older.*

Selectman Jasper asked if in order for a person to qualify, they must reside in the property that is exempt. Mr. Michaud said that was correct. Selectman Jasper said the point on whether or not someone else’s name is on the deed is moot. All they are doing is avoiding going through the probate process and having a will. Estate planning is the only value. Anybody else could still live with them. They have to reside in the property and that’s the primary thing.

Chairman Cole said he had passed out a spread sheet that he asked the Assessor to put together. The Board hadn’t express any desire to make changes in the net income levels that currently exist--\$22,000 for single; combined, \$29,000. Mr. Michaud said the last time they adjusted the income and assets was in 1997 to 22 and 29. He went to the Social Security web site and downloaded the statistics dealing with COLA given to Social Security recipients since 1997. He compounded the \$22,000 and the \$29,000 by those adjustments and arrived at \$24,281 for single and \$32,007 for married. The second area he looked at was Consumer Price Index for Boston/Nashua from the Bureau of Labor web site and that gave him a higher figure. The third level is the area average.

(Start Tape 2, Second Side)

Mr. Sharon asked why Mr. Michaud dropped Pelham in the area averages. Mr. Michaud said the last time Pelham revised their income limits was 1997 and he wanted to use only recent activity. Mr. Sharon asked if it would have made a difference if he dropped the lowest and the highest. Mr. Michaud said he didn’t calculate it out that way.

*Amendment by Selectman Jasper, seconded by Selectman Stewart, to revise the proposed article for Elderly Tax Exemption with regard to the net income levels currently in effect from \$22,000 to \$26,000 and \$29,000 to \$34,000 carried unanimously.*

*Vote to send the amended article to the warrant carried unanimously.*

#### 6) **Revised Totally & Permanently Disabled Exemptions**

Assessor Jim Michaud said at the 1997 Town Meeting, the voters proposed to keep the exemption level and match the first level age category for the elderly. He sees no reason to change that rationale and proposed that it be raised from \$45,000 to \$73,000. He asked if it should match the previous article and amend \$73,000 to \$75,000 to be consistent.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to send an article to the warrant to raise the exemption for the Totally and Permanently Disabled to \$75,000 and the income levels to \$26,000 and \$34,000 carried unanimously.*

*Motion by Selectman Jasper, seconded by Selectman Stewart, for a recess at 9:15 carried unanimously.* The meeting was gaveled back to order at 9:25 p.m.

#### 7) **Wage and Benefits Increase for Employees of Hills Memorial Library**

Mary Ann Knowles, Chairman of the Library Board of Trustees, said this was a request for a 3.5% across the board raise, for a total of \$17,635 for the 25 employees of the Library, which would provide a COLA increase and modest additional increase. This is less than the 4% increase approved by the voters last year. The voters did not pass a petitioned article that would have provided for additional comparability increases. The salaries of the key professional employees are significantly below the average range for area communities. This year, the Trustees have made every effort to keep salaries at a level that is fiscally responsible, but they also have a responsibility to their dedicated, hard-working staff to request a modest increase in recognition of their efforts and a demonstration of the Trustees' continued commitment to seek parity that will bring them in line with surrounding communities.

*Motion by Selectman Stewart, seconded by Selectman Jasper to forward the article to the warrant.*

- *Amendment by Selectman Charbonneau, seconded by Selectman Seabury, to reduce the increase from 3.5% to 2.5%.*

- Selectman Charbonneau said she just went through this at the County, and all they would give their employees was 2.5%. Selectman Jasper said it's not that simple because it is 3.5% plus some other unknown, so they have to arrive at a dollar amount. Chairman Cole asked for that figure from the Trustees. Ms. Creeden's remarks were not discernable. Chairman Cole clarified that the 3.5% was cost of living plus something else to get to the \$17,635. Ms. Knowles said they took last year's total and added 3.5%. Chairman Cole asked if the 3.5% equaled the \$17,635 and that includes benefits. Ms. Knowles said it did. Selectman Jasper said the Board used 3% when they did non-union increases. They shouldn't go below that for the other non-union personnel.

*Vote: Amendment carried 3-2.* Selectmen Cole and Jasper voted in opposition.

- Selectman Jasper offered an amendment to put in a 3% increase. There was no second.

Selectman Stewart asked what the dollar figure was for a 2.5% increase. The Finance Director said a rough estimate was approximately \$12,600. Chairman Cole asked the Finance Director to fine tune that number, if the article, as amended, passes.

*Vote: Article, as amended, was forwarded to the warrant by a vote of 3-2.* Selectmen Cole and Jasper were opposed.

**8) Library Expansion Capital Reserve Fund (\$30,000) (Library Fund Balance)**

Mary Ann Knowles said this request was to authorize the use/transfer of the June 30, 2003 Library Fund surplus in an amount not to exceed \$30,000 to be placed in the existing Library Extension Capital Reserve Fund. The authorization to earmark surplus Library funds for the expansion of Hills Memorial Library is reasonable and responsible, without adding a burden to the taxpayers.

*Motion by Selectman Seabury, seconded by Selectman Jasper, to forward to the warrant carried unanimously.*

**9) Library Expansion Capital Reserve Fund (\$20,000) (Town General Fund Balance)**

Mary Ann Knowles said this request was to authorize the use/transfer of the June 30, 2003 General Fund surplus in an amount not to exceed \$20,000 to be placed in the existing Library Extension Capital Reserve Fund. They are very grateful to the Board of Selectmen for recommending \$50,000 for this purpose last year and are asking for a more modest amount this year, but feel that it is important for the Town to maintain some amount of funding for the Library's future in this manner. It does not entail an added tax burden to the voters.

*Motion by Selectman Seabury, seconded by Selectman Charbonneau, to forward to warrant carried unanimously.*

**10) Filling Vacancies in Library Board of Trustees**

Mary Ann Knowles said this article requests that the Library Trustees be authorized by the voters to fill vacancies on that Board that occur between Town elections. RSA 669:75 provides enabling legislation. Since no other method has been approved by the voters, this has fallen to the Board of Selectmen by default. Approval of this article would provide another appropriate method by giving the Trustees authorization to make appointments when necessary. They would appreciate the right to do so, as exercised by the other elected boards in Hudson. Such authorization would relieve the Board of Selectmen from this chore and place it in the hands of those who are most aware of the qualifications and responsibilities that the decisions require.

*Motion by Selectman Seabury, seconded by Selectman Stewart, to forward to warrant carried unanimously.*

**8. NEW BUSINESS**

**A. Extension of Townwide Paving Contract (Highway Department)**

Road Agent Kevin Burns said Brox is the current paving contractor. They were the low bidder this year, and have been for five or six years, and are offering to extend their current prices into the next fiscal year. Mr. Burns recommended approval, as prices don't go down and they do good work. This would lock the price in for next year. The contract is on a fiscal year.



Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the extension of the current Townwide Paving Contract with Brox Industries to carry over to FY 2004 in an amount not to exceed \$350,000 carried unanimously.

**B. Request to use Lions Hall on December 13 by prospective Eagle Scout to conduct a Blood Drive in conjunction with the American Red Cross** (Approved earlier, prior to Old Business.)

**C. Letter from Tom Sommers, Interim Town Engineer, to discuss Storm Water Drainage Issues for the Route 102-Derry Road project**

Tom Sommers, Interim Town Engineer/Sewer Consultant, said the State DOT, who is doing the design on the 102 improvements, spoke to him about some changes they wanted to make. They originally asked to put the drainage down Cumming Street but, because of all of the utilities in that street, it is too difficult. They suggested going through the Public Service right of way, which goes in the same direction, but further north, providing a detention/retention system with an outlet drainage pipe along Baker Street, which will then tie back into Cumming Street or Dow Street. After discussing it with Public Works, it was agreed that this was reasonable. If approved, they will send a letter to DOT saying the Town is in agreement.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the recommendations for storm water drainage for the Route 102/Derry Road Project, as proposed in the memo from Tom Sommers dated September 13, 2002 carried unanimously.

**D. Request by Deputy Fire Chief for Waiver of current Promotional Process**

Chief Carpentino said Deputy Rodgers sent a memo to the Board, asking for some latitude in doing some testing. They always used the NH Fire Standards and Training for their testing, but it has become cost-prohibitive. They looked into different programs that are available. It would consist of a written test. The company is insured against any dispute by any of the candidates for the position. The testing will take place in mid-January. Their policy is to give employees 30 days notice. By the time they narrow down a company and develop a test, it will probably be another 30 days.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve request by the Fire Chief as contained in his 31 October 2002 memo to the Board carried unanimously.

**E. Request by Fire Department to seek assistance from the State re. Street Mapping**

Assistant Chief Shawn Murray said they were requesting the Board of Selectmen to draft a letter, asking the NH Bureau of Emergency Communication (which is 9-1-1) to conduct street mapping for the Town. The Bureau will use a specialized van with GIS satellite mapping equipment, will map all of the Town streets, including buildings, water supply, fire hydrants and any other important landmarks, which are then transferred into a computerized map for emergency response personnel. This system is compatible with the Town's GIS. Sean Sullivan agrees that it will be helpful. The information can be transferred to the system that is being developed. The cost to the Town is fuel for the van and lunch for the technician.

Mr. Sharon asked if this involved any changes in addresses. He mentioned the E-911 master street address guide. Assistant Chief Murray said they were not asking for any changes in addresses.

Motion by Selectman Stewart, seconded by Selectman Jasper, to direct the Fire Chief to prepare a letter for Board of Selectmen signature to the State requesting assistance in the mapping of Hudson streets utilizing the Bureau of Emergency Communication's global positioning process and data carried unanimously.

**F. Public Hearing on Street Acceptances: Gabrielle Drive and Extension to Melba Drive**

Chairman Cole opened the public hearing at 9:47 p.m. and asked if anyone in the audience wished to speak. There was no response. He closed the hearing at 9:48 p.m.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to accept Gabrielle Drive as a Town road, as recommended by Town staff, carried unanimously.

(Start Tape 3, Side A)

Selectman Jasper said this is a street right off the end of Melba Drive. They are simply accepting an extension to Melba Drive and the name of the road is not Melba Drive Extension.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to accept the extension to Melba Drive as a Town road, as recommended by Town staff, carried unanimously.

**G. Public Hearing/Acceptance of a Donation of \$615 to the Recreation Dept. from Flash Photo Sports**

Chairman Cole opened the public hearing at 9:50 p.m. and asked if anyone wished to speak. There was no response, so he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept the donation, with the Board's appreciation, carried

unanimously.

**H. Meeting Schedule for 2003**

Motion by Selectman Stewart, seconded by Selectman Charbonneau.

Selectman Jasper said there isn't any primary in September 2003. Chairman Cole said everyone could make a pen and ink change to September 9 from the 8th. Selectman Jasper said he finds it disturbing that they don't meet more often when there are three weeks between meetings. Selectman Charbonneau agreed.

Vote: Motion carried 3-2. Selectmen Charbonneau and Jasper were opposed.

**9. OTHER BUSINESS**

**A. Noise Ordinance**

Selectman Jasper asked about the amendment to the dirt bike issue. Mr. Sharon said that would be on the next agenda.

**B. Benson's Property Transfer**

Chairman Cole said, as a point of information regarding the Benson's transfer, he anticipates that it be on the Governor's Council agenda. With that in mind, he met with Executive Councilor Ray Wieczorek and brought him up to speed with regard to the project. They spent about an hour together, so Mr. Wieczorek had a good understanding of the project, what the Board's views are and he will support it. However, the Chairman isn't sure how all of that will translate in the final analysis.

Selectman Jasper asked, if this goes to the Governor and Council with a set price and, if that is approved, what position that leaves the Town in, if it is a done deal from the State's prospective. Chairman Cole said whatever the State offers, he didn't think anyone on the Board would have a problem telling the State that the Selectmen don't 'enjoy' their offer, but he can't say how that will work out in the bureaucratic process. The proposed price that the State has indicated in the past is in the paperwork that will go before the Governor's Council. The question is if the Governor's Council can or will change the price. He can't answer that. The State is in the process of putting together the draft deed, with regard to the covenants, etc.

**10. REMARKS BY THE SELECTMEN**

**Selectman Charbonneau** said the Hills House is absolutely gorgeous. The person who did the decorations did a fantastic job; it's beautiful. She thanked the voters for re-electing her as County Commissioner. She will do her best to keep the County tax down.

**Selectman Jasper** said the Historical Society is hosting a Gala Event at the Hills House on December 6. Tickets are \$35 a person, which includes refreshments and valet parking. This is the first time the house has been decorated on the inside for Christmas. On December 7 & 8, the house will be open for tours at \$5 each and \$1 for children, who must be accompanied by an adult. This is different than anything they've done before and should be very enjoyable. He thanked Alida Weergang, Joan Tate, Rhona Charbonneau and Esther McGraw for all of their work. He then thanked the voters for sending him back to the Legislature for his fifth term, although his first term was back in 1984. He looks forward to representing the Town in Concord.

**11. NONPUBLIC SESSION**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues; (b) the hiring of employees; (c) the reputation of an individual carried 5-0 by roll call vote.

Nonpublic Session was entered into at 10:00 p.m. and was terminated at 10:50 p.m.

**Votes taken up in Open Session:**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire John Cashell as Town Planner, effective 8 December 2002 at a salary of \$52,125.00, per Supervisors' Collective Bargaining Agreement carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Stewart to grant the Fire Chief approval to remove the wording on the following Fire Department position descriptions under the heading of Request for Waiver: Captain and Lieutenant, and replace it with the following: Employees may substitute three years of full-time Fire Department experience for one year of education regarding the requirement for a college degree. (The remainder of the position descriptions should remain the same.) carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to grant approval to the Fire Chief to place members of the Fire Department in the capacity of Temporary/Acting Fire Captain and Fire Lieutenant until these positions can be filled permanently and to allow the Fire Chief to conduct the testing and hiring process for the positions of Fire Captain and Fire Lieutenant, carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Reginald Burt hired as a Fire Fighter/EMI-I, effective December 1, 2002, at \$12.57 per hour, in accordance with the IAFF 3154 Collective Bargaining Agreement, carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Erich Weeks hired as a Fire Fighter/Paramedic, effective December 1, 2002, at \$13.09 per hour, in accordance with the IAFF 3154 Collective Bargaining Agreement, carried unanimously.

**12. ADJOURNMENT**

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to adjourn at 10:55 p.m. 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**