

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the September 24, 2002 Meeting**  
**Town Hall, 12 School Street**

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

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

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean T. Sullivan, Community Development Director; Kevin Burns, Road Agent; David Yates, Recreation Director; Frank Carpentino, Fire Chief; Toni Weller, Library Director; Library Trustees: Mary Ann Knowles, Arlene Creeden, Lenny Smith and Jane Bowles; Julia Twaddle, Chairman of the Friends of the Library; Karen McAdam; Jim Battis, Conservation Commission; Thomas Howe, Director of Land Conservation from the Society for the Protection of NH Forests; Ruth Clough, Trustee of Ingersoll Family Trust; Richard Maddox; Jean Serino; Michelle Champion; Linda Kipnes; Cheryl Dulak; Ray Rowell; Stephanie Hooper, Derry News; Anne Lundregan, TEL

4. **PUBLIC INPUT**

**Jean Serino, 118 Robinson Rd. and Linda Kipnes, 23 Nathaniel Dr., re LCHIP Grant for the Nadeau Farm**

Ms. Serino said they were seeking the Selectmen's authorization to sign the application for an LCHIP grant. She asked the Board to take this up under Other Business, unless they wanted to do it at this time. Chairman Cole asked what they would learn that they could take action on and suggested that she come to the next meeting with a detailed plan. Ms. Serino said they were prepared to make their presentation this evening. Selectman Jasper volunteered to bring this up under Other Business for discussion.

5. **CONSENT ITEMS**

Selectman Jasper removed items A, B & C from the Consent Agenda.

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept Consent Items D & E carried 5-0.*

**A. Assessing Items**

- 1) **Veteran's Service Connected Total & Permanent Disability** (12 Gloria Ave, Map 056/Lot 062)

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

- 2) **Application for Disabled Exemption** (105 Highland Street, Map 061/Lot 044)

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

- 3) **Veteran's Tax Credit Applications** (13 Melissa Trail, Map 024/Lot 025/Sublot 076; 306 Fox Run, Map 025/Lot 030/Sublot 306)

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

**B. Sewer Utility Items**

- 1) **Sewer Abatement Requests, Ref. No. S-03-02** (S-UTL-03-03, 5 Sutherland Drive, Map/Lot 30/48/10, \$75 credit; and S-UTL-03-04, 9 Windham Road, Map/Lot 025/207, \$1,140.09).

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant, as recommended by the Sewer Utility Committee, carried unanimously.*

- 2) **Sewer Acceptance Application, Thurstons Landing West, Map 21/Lot 25, Flying Rock Road**

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to accept the sewer, which has been signed off on by the Sewer Consultant, the Road Agent and the Chairman of the Sewer Utility Committee, carried unanimously.*

- 3) **Sewer Acceptance Application for Woodland Heights, Map 17/Lot 8, Sky View Circle**

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept the sewer, which has been signed off on by the*

Sewer Consultant, the Road Agent and the Chairman of the Sewer Utility Committee, carried unanimously.

**C. Licenses and Permits**

- 1) **Request for Signs to be placed on Town-owned Land from November – December 8 by the Hudson Junior Women’s Club to advertise their Craft Fair**

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve, with referral to the Road Agent for proper placement, carried unanimously.*

- 2) **Block Party Permit by Michael Girouard for Saturday, October 19 on Richman Road from 10:00 a.m. to 10:00 p.m., with a rain date of October 20** (Date change from 9/21 approved by BOS on 9/9/02)

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to reconsider carried unanimously.*

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the permit for 10/19, carried unanimously.*

**D. Acceptance of Minutes**

- 1) **Minutes of the BOS Meeting of September 9, 2002**  
 2) **Minutes of the BOS Special Meeting of September 17, 2002**

**E. Committee Announcements**

9/25 7:00 Planning Board in CD Meeting Room  
 9/26 7:30 ZBA in CD Meeting Room  
 10/2 7:00 Planning Board Workshop in CD Meeting Room  
 10/3 5:00 School Board in BOS Meeting Room  
 10/7 5:00 School Board in BOS Meeting Room  
 10/7 7:00 Friends of Hudson’s Natural Resources in CD Meeting Room  
 10/8 7:30 BOS in BOS Meeting Room  
 10/9 7:00 Planning Board in CD Meeting Room  
 10/9 5:00 School Board in BOS Meeting Room  
 10/10 6:30 Recreation Committee @ Rec Center  
 10/10 7:00 Sewer Utility in BOS Meeting Room  
 10/10 7:30 ZBA in CD Meeting Room  
 10/12 Harvest Fest @ Hills House on Derry Road  
 10/14 6:30 School Board in BOS Meeting Room  
 10/14 Columbus Day—Town Hall Closed  
 10/16 Law Lecture Series  
 10/17 7:30 Budget Committee in CD Meeting Room  
 10/18 7:00 CHIPS Fright Night @ Lions Hall  
 10/21 7:30 Library Trustees @ Annex  
 10/21 7:30 Conservation Commission in CD Meeting Room  
 10/22 7:30 BOS in BOS Meeting Room  
 10/23 7:00 Planning Board in CD Meeting Room  
 10/24 7:30 ZBA in CD Meeting Room  
 10/27 Daylight Savings Ends  
 10/28 6:30 School Board in BOS Meeting Room  
 10/30 Law Lecture Series  
 10/30 5:00 School Board in BOS Meeting Room  
 10/31 6:00 – 8:00 p.m. Trick or Treat

**6. OLD BUSINESS**

**A. Public Hearing, relative to the use of the Property located at 49 Ferry Street (Library Annex)**

Chairman Cole opened the Public Hearing at 7:39 p.m. and asked if anyone in the audience wished to speak on this issue.

**Richard Maddox, 323 Fox Run**, said he was one of the people credited and/or blamed for this whole adventure. He has issues with the fact that people who profess they should follow all of the Town rules, ordinances and bylaws and then become blind when they get to the library. The Selectmen profess to follow all Town ordinances and then conveniently say, “Not on this one.” Rules should be followed. The Library Trustees said they couldn’t understand why someone would complain, yet several people have interviewed him for newspaper articles. He could be talked to at any time—he’s not shy. By going through the site plan process, it gives the abutters a chance to bring forth issues and make the Planning Board the bad guys. The Library Trustees store copies of the laws and ordinances. They should be an example to show how the site plan process works. He didn’t believe the State intended for the Library Trustees to use this statute as a shield to hide behind to keep from following the regulations. He suggested that the Board of Selectmen adamantly point out that they will follow their own regulations, including this one. He also suggested sending a letter to the Planning Board, asking

for a waiver of the fees and an expedited run through the process. He asked the Trustees to withdraw this approach and do what they should be doing—following the regulations, showing how it is done, teaching and training the people who use their facility how the laws are supposed to be followed, not simply using a “get-out-of-following-the-rules card.” He probably should have been more forward in explaining the issues to them, but it was in the newspapers. He should be the first one to buy a book on sale at the annex.

- **Leonard Smith, 3 Leslie Street**, said he was proud to be a Library Trustee. He agreed that the law should be followed. RSA 674:54 gives any use of a governmental institutions a right to do this. When he was in the Legislature, he sponsored a bill that tried to do away with 674:54. At the hearing, after several agencies overwhelmingly showed that he was making a mistake, he realized that 674:54 should prevail. Enabling legislation doesn't give the community any right to uphold their zoning laws if it pertains to government use. He wants to follow the law and 674:54 gives the library the right to use the property.

- **Evelyn Brock, 51 Ferry Street**, an abutter to the Ferry Street property, doesn't have any issues with anything that goes on at that property, including book sales. She thinks it is wonderful to see it used and wanted to support the Library's book sales.

There being no more speakers, Chairman Cole closed the Public Hearing at 7:47 p.m.

*Motion by Selectman Jasper, seconded by Selectman Seabury, to allow the Friends of Hills Memorial Library to conduct sanctioned fund-raising activities on property located at 49 Ferry Street, in accordance with RSA 674:54.*

Selectman Jasper said it was unfair of a previous speaker to suggest people within Town government were not following the law. Chapter 674 is the law and what gives the authority to the towns to have bylaws and to make rules and regulations. Town ordinances and regulations do not and cannot take precedence over this chapter of the law. Moreover, this Board has been quite consistent. When there has been actual construction, they have sent the issues to the Planning Board. More often than not, they have sent it to the Planning Board under the auspices of this statute so they could bring forward their concerns, such as with Hills Garrison School. The Firefighters' Memorial went before the Planning Board, but those were construction issues. There is no construction here, nor do any of them want to see any monies expended on any construction for a very temporary situation. This is the appropriate and legal format and all parties involved have acted within the spirit of the law and in the best interest of the community.

Selectman Charbonneau said she's not against the concept, but does have concerns that all of the safety requirements are met. Selectman Jasper said after the Library purchased the property, the Fire Department did a full inspection and a number of items were done to bring the building into compliance. Chairman Cole asked Chief Carpentino if there were any issues he was aware of with regard to this property from Fire Department's perspective. Chief Carpentino said, to the best of his knowledge, they had been taken care of.

Selectman Stewart wondered if the building met the requirements of the American Disabilities Act by being handicapped accessible. Chairman Cole recognized the Chairman of the Library Trustees, Mary Ann Knowles, who said there is access to the building and they've never had any problems with it. Selectman Stewart said she hasn't seen any ramps there. Selectman Seabury said the Library can get away with this type of scenario because of the bookmobile. That was the main purpose of acquiring the bookmobile—the ability for the Library to service people with handicaps. She doesn't feel that this building requires a ramp; they are pushing the envelope a bit on this. If anybody that is handicapped needs a book, Library services provides that. Selectman Stewart said if the Library is having a book sale, and someone handicapped wants to participate, they won't be able to. Selectman Seabury asked about the Fire Department when the handicapped people had to come up and look out the window on the first floor, getting papers passed through the window to them. There was a complaint, but no one seemed to get too upset about that.

Selectman Jasper said ADA does not apply in this situation. They have to make sure that a service that is provided by an agency is accessible to the handicapped. This is a book sale by a private organization. It is not a governmental service they are providing. There is nothing that anyone is missing out on. There is no guarantee any more than the Hudson Historical Society, which is a building owned by the School District. They do not provide services there. There are many other situations where you can't access every place in the building. There may be things going on that not everyone can get to but, unless you are doing new construction or renovations which meet a certain percentage, they are not required to make every building they own accessible. They are only required to make programs and services offered available.

Selectman Charbonneau said she was confused—first it's governmental, and then it's private—and selling books is providing a service. They want to make sure they are doing everything right. What if someone handicapped wants to go in there to buy a book? Mr. Sharon thought that probably the ADA requirements do apply. (Additional remarks not discernable.) He asked Sean Sullivan's opinion on using the Library Annex for book sales, whether or not the Code Enforcement Officer thought ADA needed to be complied with. Mr. Sullivan tended to agree with Mr. Sharon because it is a public facility, but he would have to speak with the Building Inspector before giving a firm answer. He could also get a legal opinion. Chairman Cole wondered if the ADA requirements had to be accomplished up front. Mr. Sharon didn't think so.

(Start Tape 1, Second Side)

*Vote: Motion carried 5-0.*

## **B. Melendy Road Sidewalk**

Chairman Cole recognized Kevin Burns, Road Agent, whose memo stated that he can complete the project this fiscal year for about \$15,200. He provided a small map so everyone would have a visual understanding of the work he was proposing. Lot #1 was the skate

park and Lot #3 was the corner of Thorning Road. The areas he highlighted green would be a 4' paved sidewalk with asphalt curbing and the yellow indicates a 4' paved walkway. Those are access points to the ball park at the school, the Kiwanis Hall and the bridge area on Melendy Road. Unless it is a very bad winter, he believes he can take the funds from various line items.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to direct the Road Agent to install sidewalks on Melendy Road, as outlined in his memo of September 4, 2002.

Selectman Stewart said she'd like to see the sidewalk come out from Memorial Drive. Mr. Burns said he could carry it down to the school, if so directed, but the Highway Safety Committee's recommendation was to bring sidewalks from Thorning to the skate park. Selectman Stewart said there are walkers coming out of the school and, while the Highway Department is already there, they could extend it further. Mr. Burns said there is already a very large 6' shoulder on Thorning Road for the children to walk in and the road is super-elevated. The side where the sidewalk would be is the low side, but they could pave a walkway there. He could do another 4' shoulder like he was doing in the areas marked with yellow on the map.

Mr. Sharon asked how many more feet he was talking about. Mr. Burns said approximately 600. Selectman Charbonneau asked if there was going to be any land taking. Mr. Burns said there was enough right of way. Selectman Jasper asked how many feet it would be from the center line to the edge of the curbing. Mr. Burns said whatever is there now because they are not shrinking the road. Selectman Jasper said there will be no striping or a fog line, an area for bikes to ride. He wondered if the sidewalks would be plowed before school is open on snowy days. Mr. Burns said sidewalks would be done as quickly as possible, but none of them are done before the opening of school. Selectman Jasper said, although he likes sidewalks, he thinks there are a number of safety issues they need to consider. At least now there is some place for walkers in the winter because the shoulders are plowed a little wider in places. Bikers are being put in a very precarious situation. He also has an issue using bituminous curbing, which doesn't hold up, while they require everybody else to put in granite curbing. He's seen areas of curbing that was put in this year for drainage purposes which have been heavily damaged. The curbs are curving all over the place and the plows will just rip them up. Mr. Burns said most of the older sidewalks in Town have asphalt curbing, which is significantly cheaper than granite. He wouldn't have the money in this budget to put in granite.

Selectman Seabury said she, too, worries about the narrow width of the road because kids walk on that road. If the sidewalks aren't plowed, the kids will be forced into the street. With a painted fog line and no curbing, the road would be plowed, and there would still be room for walkers and bikers. Mr. Burns said the Highway Safety Committee felt that a physical obstruction was needed because cars wouldn't stop for a painted line. Regarding plowing, sidewalks are usually cleared within a day. Last winter, kids were walking in the street every day because of snow banks. Selectman Seabury said it would be easier to plow 4' shoulders instead of sidewalks. Mr. Burns agreed, but it's not as safe as having the curb as a barrier.

Selectman Jasper asked the Board to hold a public hearing at their next meeting, as there weren't any landowners present who should be given notice and the opportunity to comment. Mr. Burns could talk about what trees are going to be taken, etc., and he questioned how clear the title was on Melendy Road. With Henry's Corner, they were told that, without clear title, the landowner owns from the center and controls from the edge of pavement. The Town should have the actual physical title to the right of way.

Mr. Burns said he notified the affected abutters by mail and met all of them out at the site. They located the bounds and he discussed with them what trees would be removed and how their land would be impacted, including putting in a retaining wall in front of 16 Melendy Road. He discussed what the project entails, what would be happening and what it would look like when done. One of the abutters started the petition and got the ball rolling. He has already knocked on all of the doors and explained the project to the neighbors who were very pleased. There was no opposition at all. Selectman Stewart asked if 28 has the fence. Mr. Burns said yes; it is on the right of way. The neighbor was willing to pay to have it moved, but Mr. Burns didn't think that would be necessary.

Mr. Sharon clarified that the paved portion of the road wouldn't be narrowed at all. Mr. Burns said it would stay the same size it is now, but would include a 4' sidewalk. Selectman Seabury asked if the Town was working in the right away, didn't they have to formally notify the abutters with a public hearing? Mr. Sharon said they wouldn't have to, but the Road Agent has notified the abutters.

Chairman Cole asked Selectman Stewart if she wanted to formalize an amendment. Selectman Stewart said right now, the kids are walking in the mud/dirt and, as long as the crews are out there, she'd like to see the entire stretch done. Chairman Cole asked Kevin for the cost impact. Mr. Burns said the expense would be minimal—a couple thousand more. The greatest cost is relocating the fire hydrants and trees. Chairman Cole asked if \$17,500 would work. Mr. Burns said it would.

Amendment by Selectman Stewart, seconded by Selectman Charbonneau, to instruct the Road Agent to build the sidewalk from Melendy Road to include a shoulder to extend from Memorial Drive to Melendy in an amount not to exceed \$17,500 for the entire project.

Selectman Charbonneau said there should be some money in a sidewalk fund that could be used. People have donated money for sidewalks, which would reduce the impact to the Highway Department. Mr. Sharon said they'd try to do that. Selectman Stewart thought there was about \$10,000 in that account.

Vote: Amendment carried unanimously.

Selectman Jasper said he has a number of concerns with this, but they need sidewalks out there, so he will reluctantly support the motion.

Vote: Main motion, as amended, carried unanimously.

7. NEW BUSINESSA. Proposal from the Society for the Protection of NH Forests relative to Hudson's participation in the protection of a 44-Acre Portion of a larger Conservation Area involving Londonderry and Windham. (Endorsed by the Conservation Commission on September 18.)

Chairman Cole recognized Jim Battis, Chairman of the Conservation Commission, and Tom Howe, Director of Land Conservation for the Society for the Protection of NH Forests. Also present was Ruth "Sue" Clough, owner of the property and trustee for the Ingersol family.

Mr. Battis said the Society for the Protection of NH Forests came to the Conservation Commission a couple of weeks ago and the members were impressed with the Society's work. That is why the Commission asked to get on the Selectmen's agenda. They'd like the Selectmen to authorize the Conservation Commission to provide the Public Water Supply Protection Land Grant Program with a Statement of Intent to Propose and also to proceed with an LCHIP grant proposal. The Intent is due October 1 for the Water Protection grant and the LCHIP grant proposals are due on the 16<sup>th</sup> of October, so they are under time constraints.

Ms. Clough thanked the Board, who said the Ingersol family has owned the property since 1936. The parcel they are talking about is in the Town of Hudson's northeast corner, partly bound by Griffin Road and Bockes Road and part of a 200-acre piece. The property has been an active tree farm, which has been given numerous awards. In 1972, her parents dedicated some land to the Society in honor of her grandfather. The five "kids" feel that it's time for them to let go of the property. They are working in conjunction with the Society and hope to be able to preserve this piece of property for the enjoyment of the three towns. The land falls in Windham, Londonderry and Hudson, with a 44-acre piece in Hudson. They received endorsement in Windham and Londonderry to seek federal funding and are hoping for Hudson's support.

Mr. Howe thanked the Board for the opportunity to share what they see as a very significant opportunity for protecting a remarkable property, part of which falls within Hudson. He said he was going to be talking from an outline and map the Board received in their packets. He planned to give some background about the organization he works for and talk a little bit about how they manage the land they own. He'd also like to identify what he thinks are the significant features of the property, the proposed outcome of the plan and then how they think it is achievable for realizing that outcome. He'd like to speak to the appraised values of the property and the potential funding sources he thinks are realistic for Hudson to pursue, in concert with the other towns, and then talk about what he thinks the Society can bring to this effort and what they hope to obtain from the Selectmen in terms of their endorsement.

The 101-year old Society is a non-profit, membership-supported organization. Their mission is to promote the responsible use of natural resources throughout the State and land preservation and forestry are key programs. Land conservation is their acquisition of what to date has been 134 preservations throughout New Hampshire, totaling about 32,000 acres. Additionally, their acquisition of the development rights on some 540 tracts of land around the state, totals over 88,000 acres. They've had considerable experience working with many partners, including municipalities, in setting up arrangements that ensure the permanent protection of land, as well as significant benefits of local communities involved.

Their philosophy for land management is for multiple constituents to be able to use the land and they welcome and endorse pedestrian public access to all of the lands they own. They manage the land for forest products. They believe forestry, where appropriate, can be valuable and a continuing tradition in the New Hampshire landscape. They manage the lands for wildlife habitat and allow hunting where it's safe. They maintain all of their ownership on the local property tax rolls at the current use assessment rates. That is a commitment they make to the towns in which they own land. He passed out a flyer, which further explained the Society and its programs.

The conservation features and the significance of the Ingersol Family Trust land are outstanding. It's 205 acres of undeveloped property. He then referred to the map. Londonderry contains the central portion to the north; Windham to the southeast of Beaver Brook, and the southwesterly portion, 44 acres, is in Hudson. He indicated two properties, which have already been protected permanently—Leslie C. Bockes Memorial Forest and Andrew Town Forest. Those two conservation areas abut the proposed Ingersol Family Trust project. The conservation features are outstanding, particularly in terms of public recreational value and scenic value. There are a number of trails and roads that run through the property that provide, in effect, an instant park that could represent a tremendous recreational resource for Hudson, Londonderry and Windham in the immediate area, who really welcome green spaces amidst the intensity of development that Hudson and surrounding towns have experienced. It has important wildlife habitat by virtue of undeveloped land. This property also protects three existing public water supplies. Protection of drinking water supplies is a high priority for the Society and something that triggers the availability of some State funds. This is a highly productive and well managed tree farm. The Society's intention is to carry on that superb tradition of stewardship. The Society would continue to manage the property for its products, use as a demonstration site for educational purposes, show how forestry can and should be done, using best management practices.

One of the most compelling issues is the ability to avoid the cost of community services associated with further subdivision of land. More residential units means more kids in the schools and more traffic on local roads. This is proving to be of paramount issue for communities in this part of the State. On average, residential subdivision properties generally create a net burden on the local tax revenue scenes as opposed to conservation lands, which are a net generator of revenue. The overall project area of about 205 acres would generate an additional 76 individual house lots, 12 of which would be estimated to fall on the Hudson side of the line, with a significant impact on roads and services. The proposed outcome would involve the complete disposition of ownership by the Ingersol Family Trust. A majority of that property value being realized in terms of cash with a minority portion created in terms of charitable

deductions.

(Start Tape 2, Side A)

. . . the non-conservation asset that they would sell for market value. The 32-acre Windham portion of their property is proposed for a direct sale to the Windham Conservation Commission. Windham has fully endorsed the sale and are prepared to move forward with the transaction this fall. Londonderry is proposing to purchase conservation easements on two areas. The 14-acre portion of what the Ingersols owned located between Bockes Road to the northwest and Beaver Brook to the southeast, the Motrin Cottage Lot. The bulk of that would be protected by a conservation easement, sold to the Town of Londonderry. There would be a two-acre portion with an existing house that is there now, all of which would be sold as one single lot by the family for whatever they could get for it, once the conservation easement is in place, preventing any subdivision or development. The other portion of the Londonderry piece of the equation would involve the balance of the Londonderry lands, roughly 115 acres. The central bulk of the property would involve the sale of a conservation easement by the family to Londonderry. The family would then consider the donation of that restricted land to the Society, as partial enlargement of the Bockes Forest to the north. The 44-acre Hudson portion on the southwest side of the family's holding proposed sale of a conservation easement to the Town of Hudson and then the family's consideration of a gift of that restricted land and ownership on to the Society as a further enlargement of the Bockes Forest to the southwest.

The Windham portion is all set to go. The Londonderry Conservation Commission and the Town Council voted last night to fully endorse the project and to authorize their Conservation Commission to pursue negotiations and a grant application to see what can be obtained in the way of funding. Appraisals have been completed on all parts of the project. Londonderry's piece is the largest portion. The 115 acres, plus the 14 acre portion, totals a little over \$2 million in terms of the value of the development rights. The lands are highly developable. Londonderry's portion involves 64 proposed house lots. Hudson's portion, the easement on the 44-acre has been appraised at \$453,000 reflecting its development potential, principally off Griffin Road. The 32-acre Windham parcel has been appraised at \$24,000 because that property has severe access limitations, which creates a complete limitation for any residential or commercial use. They gave a copy of Hudson's portion of the appraisal to Mr. Battis of the Conservation Commission.

The sales prices on the proposed easements have not been negotiated, so he can't say what the cost to the Town will be. In the course of discussing price, he asked the Board to consider some realistic funding sources that the Society will help pursue and obtain. The DES Water Supply Land Grant Program will provide up to 25% of a total project value in an outright grant. They have a deadline of October 1 and, if they don't spend all the money, they will probably have final round February 1. No funding is approved as of July 1, 2003. No one knows what will happen in the next fiscal year. The NH Land and Community Heritage Investment Program represents another realistic funding source and that can provide up to 50% of the total project value. Their final deadline is October 16. He recommended that applications be pursued jointly with Londonderry because the competition is going to be intense and applications submitted by abutting towns earn more points in the process than two separate applications. They think the best choice of funding is to work cooperatively with Londonderry and the Society will help facilitate that in terms of the personnel to make this come together by the date necessary. They think that represents the best way to get the most money to this project—a joint application for each of those funding programs.

What's left in putting the package together is the balance needed from the municipality to make up whatever is left to achieve the negotiated sale price. He can't say what that will be because that will depend on a tentative sales price, discussed with the Ingersol family and what the other grant funding sources will come up with. Those will be key variables for the Town to know what Hudson's actual share might be. He wouldn't expect any closing to occur until next summer or fall. The family exhibited some flexibility, but are looking at something in 2003. The success of the entire project is contingent on the success of each of the components in order to have the family come out whole and also to ensure a conservation outcome for all of the undeveloped land that is involved. They are aware that the Town is considering other conservation possibilities, which they fully acknowledge and respect. They have been in touch with the Trust for Public Lands, who is working with some Conservation Commission members on the Nadeau Farm. They've talked together about the Ingersol project and the Society is committed to making all of the conservation efforts be successful. They will lend their institutional effort to helping the Town succeed in any of the other projects the Town chooses to pursue. They've worked with the Trust for Public Lands on many other projects. The Society can bring their expertise on the technical things, the real estate end of things and direct assistance on submitting the grant applications. That assistance will be at no cost to the Town in terms of the Society's providing direct staffing and personnel to put this together. They commit to providing their best management practices in terms of providing the public recreational use and forestry on the property. They think they have considerable expertise there and they would keep the property on the local tax rolls, consistent with their practices on other reservations.

They are asking the Board to endorse this project conceptually, with the understanding that this is non-binding on the Town and that any proposed agreement must come back to the Board for final approval. This is simply an authorization by the Board to enable their representatives to proceed with discussions with the family to achieve the best outcome for Hudson and to pursue the grant funding applications.

Selectman Charbonneau asked how much money was available from the State and from LCHIP. Mr. Howe said the DES program has \$2.7 million. A portion of that was carried over from the State's prior fiscal year, a use it or lose it arrangement, in terms of what is available through the end of the State's current fiscal year. There is absolutely no commitment by the Legislature or anyone else about funding for this program after that point. In the case of LCHIP, there is \$6 million available and approved by the Legislature for its final funded fiscal year for that program. There is no assurance for funding after the end of June. Given the popularity of the LCHIP, \$6 million state-wide is going to be spread very carefully and there will be intense competition. He believes this will be a very strong application, especially if they can coordinate it with the other two towns involved and the Society indicated as a partner. Those kinds of projects score very well. (Selectman Charbonneau's remarks about percentages were not discernable.) Mr. Howe said theoretically, she was correct but, practically speaking, he didn't think they should count on that because of the competitiveness. Sometimes they have

partially funded programs. If they are submitting a joint application involving with Londonderry, they may bump into certain caps for maximum grant award, so it may be a lesser amount than the total theoretical percentage available than if Hudson were to submit a separate application. Strategically, Hudson will do best submitting a joint effort and maximizing the prospect for getting a healthy chunk, even though it may not hit the full percentages that are indicated. Selectman Charbonneau asked what the least percentage was, in order for them to determine how much money they'd need to go after at town level. Mr. Howe said it is going to be directly related to the competition and the best application. There are some other details about how DES looks at the percentage of the overall parcel that is within a contribution zone, so there are a number of variables involved. The Society's objective is to commit to helping the Town present the best possible case for the maximum possible funding.

Selectman Charbonneau asked, if the Selectmen have the right to back out if they don't get the funding they expected. Mr. Howe said absolutely. They were seeking the ability for the Commission to proceed with discussions with the family and the submission of grant applications, without any financial or legal obligation on the part of the Town. If an application is submitted and the equation doesn't work out at the end and it's too much for the Town to consider, the Town has no obligation to proceed with the project. They will help the Town to explore any and all avenues, if they can come up with any other possible solutions or funding sources. This is not binding on the part of the Town. Selectman Charbonneau asked about federal money. Mr. Howe said one of the potential funding sources could be the Land and Water Conservation Fund, but it is less realistic than the other two. The amount of money that has been available over the past couple of years has been such a small amount spread so thinly that he was reluctant to promote it. Selectman Charbonneau said, through Senator Gregg, the north country received a certain amount of money, but it's also very, very important for the southern tier, too, which has been kind of forgotten. If there was any way to approach that, combined with the other, that should be looked at. Mr. Howe said absolutely and the Society would be glad to pursue this further. The success of the entire project will hinge on the success of each component, so they are highly motivated to do their best to help achieve the best outcome possible, at the least possible cost, with good results. It's a remarkable to have three towns cooperating and coordinating for the protection of one common area that is built into all three areas that will create a 304 acre block of land. He thinks it will catch the attention of people, including the funders, who will recognize how unusual that is. Selectman Charbonneau thought all three towns working together would be more effective and felt it was very critical for this part of the State because only the land up north is being protected. Mr. Howe said that was a key interest in diving into this project from the beginning. They recognized the unusual opportunity in the context of the incredible development pressures and actual development experienced in this area. The Society wants to help the Town try to make a difference.

Selectman Seabury said they should move forward, as she is a firm believer in purchasing land for the benefit of the Town and residents. Chairman Cole asked what she wants to move forward on. Selectman Seabury said for the Conservation Commission to work with the Society. Mr. Battis said they could do that, if that is what the Town wishes. Chairman Cole asked what another way would be. Mr. Battis said perhaps a member of the Board of Selectmen would want to be associated with it. Chairman Cole wanted to make sure the motion was properly framed. He asked what the Conservation Commission would recommend to the Board of Selectmen. Mr. Battis said the Commission didn't discuss this aspect. The members would be quite happy to work with the Society and then they would come back to the Selectmen with their results. If the Selectmen delegates the authority to the Commission, they could probably act a little faster.

Chairman Cole said he feels like he just showed up at his office and his boss told him he was in charge of a project for the last six months and he was a year behind, and he didn't know that. He heard the Society say over and over that they were going to help the Town—when he walked in this evening, he didn't know there was anything they needed help with.

*Motion by Selectman Seabury, seconded by Selectman Stewart, that the Conservation Commission work with the Society for the Protection of New Hampshire Forests in the participation of obtaining grants to work on the protection toward a key 44-acre portion of a larger conservation area involving the towns of Hudson, Londonderry and Windham, carried unanimously.*

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

(Start of Tape 2, Second Side)

**B. Public Hearing pursuant to RSA 31:95-b, relative to the acceptance of a donation of \$1,000 to the Recreation Dept. by SAM's Club for the Skate Park, and pursuant to RSA 31:95-e, relative to the acceptance of a donation from Nashua Subaru for the use of a 2003 Polaris Ranger by the Fire Dept.**

Chairman Cole opened the Public Hearing at 9:10 p.m. and asked if anyone in the audience wished to speak. There was no response, so he closed the hearing at 9:11 p.m.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the donations, with the Board of Selectmen's gratitude.*

Selectman Jasper wanted to know where the trailer would be stored. Chief Carpentino said several locations are being considered--behind the Central Fire Station or at the Burns Hill Station. It is pretty compact and will be stored inside. It will be set up, depending on the activity—brush fires in the summer and fall and for off-road rescues in winter. He has talked with the Public Works Director about using some garage space at the Skate Park to store the old command trailer.

*Vote: Motion carried unanimously.*

**C. Discussion of Multiple-Incident Field Exercise to test/evaluate the Emergency Management Plan**

Chairman Cole recognized Fire Chief Carpentino, who said this exercise is planned for October 30, a culmination of a year's training between the Town and the School. Classes have been held once a month for the past seven or eight months, with training provided by Town employees and the State Office of Emergency Management. The School Department has a main plan and then a site specific plan for each school. This would allow them to take the appropriate actions to identify, to respond and to handle a situation involving one of their facilities, as well as working jointly with the other Town agencies—police, fire, public works and the EOC, if it was to be opened up. It helps the Police Department work towards their accreditation. It allows them to exercise their negotiating skills, working with special operations units. For a long time, the schools have been unintentionally left out and they have a large population during the day that they are responsible for. Working with the SAU Superintendent, School Administrators and the Federal and State Government, the School has put together a plan on how to take protective actions at their facilities. Also included is how to interact with the Police and Fire Departments and how to work their system into the local governing system. Everyone is excited about this first exercise.

Chief Carpentino said they also want to evaluate the training to identify any weak areas. Once that is determined, they can work on that for next year's exercise. Each side can educate the other regarding new techniques. The exercise will be held on Wednesday, October 30 starting at 9:00 a.m., with a 30-minute pre-briefing from 8:00-8:30 to talk to the key participants about safety and that real emergencies will take precedence over the exercise, what to do if someone does get hurt and how to go about calling off the drill. There is a deadline for ending the drill at 11:30 a.m. They'd don't want to disrupt the school system or tie up Town departments for an entire day. This exercise is being evaluated by the State OEM and they have another commitment at a Seacoast community later in the day. The exercise will take place at the Lowell Road/Wason Road corridor, maybe Pelham Road/Burns Hill area. They tried to find an area with a School and Town facility that could be utilized, yet not interrupt the main infrastructure of the Town or disrupt businesses, allowing them to operate during the day with minimum impact. They will be doing extensive advertising through the local media, local newspapers, cable T.V., and the crews on duty will deliver letters to every mailbox in that area, letting people know what's going on. Letters will also be going home with students. They are coordinating with the area Mutual Aid Departments to provide coverage for the Town during the time frame of the drill. It will be a three-phased exercise, with three prime organizations participating: the School, the Police and the Fire Departments. In each phase, each organization plays a primary or support role. Phase One is going to be the School Department's primary role, the second phase, the Fire Department and the third phase, the Police Department, with the other two agencies providing backup. Lunch will be provided for everyone and the evaluators from OEM will give a verbal critique. Hudson is lucky that the State Office of Health and Human Services, within the last several months has passed (not discernable) \$8 million on emergency preparedness and community planning dealing with terrorism. OEM called when they heard about the drill and asked if their oversight committee could observe Hudson's drill. This is the first town to be observed by the oversight committee.

Chairman Cole asked what the requirements and expectation for the Board of Selectmen on the 30<sup>th</sup> were. Chief Carpentino said it would be a support role through resource allocation, forming proclamations to the State to declare a state of emergency or for assistance-administrative, not operational.

**D. Request from Hudson Litchfield News to waive the fee for the use of Lions Hall on November 29, 2002 following Santa's Annual Arrival at the Town Common**

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve carried unanimously.*

**8. OTHER BUSINESS**

**A. Applying for LCHIP Grant for the Nadeau Farm Land (from Public Input)**

*Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board of Selectmen endorse the filing of an LCHIP application for the possible purchase of the Nadeau Farm.*

Chairman Cole asked that Jean Serino, et al, come forward. Ms. Serino introduced committee members--Michelle Champion, Linda Kipnes, Jim Battis, Curt Laffin and Cheryl Dulak—and said they were looking to do an LCHIP grant and they need the Selectmen's permission, as the governing body.

Michelle Champion of the Conservation Commission said she has been working with the Trust for Public Land on gathering information for the application. The deadline for submittal is October 16. The Trust will be providing technical assistance and doing the application. The committee has been meeting to answer their questions for the application. They have also been working with NRPC to get maps that are required. (Remarks by Ms. Serino were not discernable.)

Selectman Charbonneau asked what percentage the Town would have to contribute towards the grant. Ms. Champion said it was a 50% match. Selectman Charbonneau asked if they apply for this grant and the one just presented, how would it affect them. Ms. Champion said, obviously, they would be competing for the \$6 million that was available. She didn't know how LCHIP was going to allocate the funds. Last year, the Milford Conservation Commission submitted two applications and got both of them. It's a matter of putting forth the strongest application. Mr. Howe has already spoken with the Trust for Public Lands and they are trying to work together so the proposals aren't competing. Selectman Charbonneau asked if the Nadeaus have come up with a figure yet. Ms. Serino said Julie will be speaking with them in the next week or two. It looks hopeful. The figure will be based on the appraisal. Selectman Charbonneau said there could be more than one figure, depending on whether it was residential, agriculture, commercial or industrial, or any part thereof. Ms. Serino said it is zoned general, so it could be any of them. Ms. Champion said that's something the people from the Trust can help with because they do an appraisal for full value and then one with a conservation easement on it. That's their area of expertise and that

will help them decide what to do with the property. Selectman Charbonneau's understanding was the Town would be under no obligation to go forward with this. Ms. Serino said if the people do not vote for the bond, the money goes back to LCHIP. If they get a \$500,000 grant from LCHIP and maybe something from the American Farm Lands Trust, the bond may be \$2.5 million; the bond people like bigger bonds. Selectman Charbonneau agreed. Selectman Jasper said a bond has to pass by a 60% vote.

Chairman Cole asked when the grants would be decided, or when the Town would get word on it. Ms. Serino did not know. Mr. Howe said probably no sooner than November, as they take a good four to six weeks to deliberate. Chairman Cole asked what the maximum amount the Town could anticipate was. Mr. Howe said either \$500,000 or 50% of the total project value, whichever is lesser. Chairman Cole asked what other efforts this committee has in the works with regard to making up any difference between the actual price and the grant money and if bonding was the only course of action they were looking at. Ms. Serino said the Trust told them there are private donations and other grants.

Mr. Sharon asked Ms. Serino what the anticipated end use of this property was. Ms. Serino said they like the idea of leaving it as a dairy farm, having people farm it and leasing it to them. Then they were talking about investing the money they were getting from leasing it to offset the price.

(Start Tape 3, Side A)

**B. Contracting with CLD for Services of Cynthia May as Planner in the Community Development Dept.**

*Motion by Selectman Stewart, seconded by Selectman Jasper, to authorize the Director of Community Development to enter into an agreement with CLD for Town Planner Services, as put forth in CLD's 18 Sep 02 letter and the Director of Community Development's 19 Sep 02 memo carried unanimously.*

**C. Co-Basketball Directors**

Motion by Selectman Jasper, seconded by Selectman Stewart, to reconsider the vote taken on September 9, 2002 to hire David Yates for a fee of \$3,200 as the 2002/2003 Basketball Director, carried unanimously.

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire David Yates and Robert Wesson for a fee of \$1,600 each as 2002/2003 Co-Basketball Directors carried unanimously.*

**D. Town Planner and Town Engineer**

Selectman Charbonneau asked if the Town has advertised for a Planner. Mr. Sharon said yes, that Mr. Sullivan and he were developing and comparing short lists from 14 applicants, with interviews scheduled within the next couple of weeks for four or five candidates. Selectman Charbonneau asked about the status of hiring an Engineer. Mr. Sharon said they have conducted interviews with three candidates and Mr. Sullivan is doing some background checking and will get back in touch with at least one. (Remarks not discernable.) He anticipates a recommendation by (not discernable).

**9. REMARKS BY THE SELECTMEN**

**Ann Seabury** said on Saturday, Selectmen Jasper and Charbonneau and she went to the Mayor's Round Table in Nashua to listen to their water woes. Paul was also there. Then they all showed up at Reverend Howe's gathering, which was to recognize his 20 years of service. On Monday night, she went to the Library Trustees meeting, but is having a hard time making the Benson's meeting. She is going to call Curt Laffin to see if the meetings can be moved back to 4:00 because of time conflicts with her other meeting commitments. She wasn't able to make the last meeting, but perhaps Selectman Jasper can update them because his bride is on the committee and takes the minutes.

**Teresa Stewart** said the Budget Committee met last Thursday. Donna O'Hanian resigned, so the committee will be advertising for the vacancy. She encouraged people to sign up.

**Rhona Charbonneau** said everything was fine in Town; the phone hasn't been ringing.

**Shawn Jasper** didn't have any remarks about Town business, but a little history lesson. He has been a history buff since he was 10 years old and recently got very active in his genealogy. He always thought his Town roots only went back 85, 86 years and takes pride in the service his grandparents and parents have given to the Town. He acquired a book on the history of Dunstable, printed in Nashua in 1846. Dunstable was a huge community that stretched from the Pepperell-Groton area across the Merrimack into Pelham, down into Massachusetts, covering Tyngsboro, Dracut and up through Litchfield. That was petitioned by a group of people primarily from Chelmsford to start a new plantation. In September of 1673, they petitioned the Massachusetts General Court to have a new plantation and among those petitioners was a direct ancestor of his, Robert Parish. That petition was granted in October of 1673 and Robert Parish and his family moved into Dunstable. Among the proprietors of Dunstable was someone who didn't live there, but also is a direct ancestor of his, Governor Dudley and his wife, Ann Bradstreet, who was known as the first poetess of America. Robert Parish was chosen to be on the Board of Selectmen in Dunstable in 1682 and later served as a representative to the General Court. In 1710, Robert Parish, his wife and oldest daughter was killed during an Indian raid. Their two youngest daughters hid in an empty barrel in the cellar and, thereby, escaped. In 1733, Dunstable began to break up and Nottingham was born. In 1733, on the very first Board of Selectmen, he found another one of his ancestors, John Butler, who later ended up in Pelham when Nottingham split. He is proud to find that over 300 years after the first of his ancestors sat on the governing board that covered this territory, here he is.

**William P. Cole** said that tomorrow he and the Town Administrator will meet with DOT Commissioner Carol Murray for an update regarding

the transfer of the Benson property. He will inform the Board of the meeting results.

**10. ADJOURNMENT**

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to adjourn at 9:47 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**